

No. 67843



FILED

8/9/24

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

**Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas**

LAUREN ASHLEY HARRIS
STATE BAR OF TEXAS CARD NO. 24080932,
APPELLANT

V.

**COMMISSION FOR LAWYER DISCIPLINE,
APPELLEE**

*On Appeal from an Evidentiary Panel
For the State Bar of Texas District 14
No. 202000647 [North]*

**APPELLEE'S RESPONSE IN OPPOSITION TO APPELLANT'S 1ST AMENDED MOTION
FOR A COMPLETE & ACCURATE CLERK'S RECORD: CORRECTIONS &
SUPPLEMENT
& UNOPPOSED REQUEST FOR EXTENSION OF TIME TO FILE APPELLANT'S BRIEF**

SEANA WILLING
CHIEF DISCIPLINARY COUNSEL

MICHAEL G. GRAHAM
APPELLATE COUNSEL

ROYCE LEMOINE
DEPUTY COUNSEL FOR
ADMINISTRATION

OFFICE OF THE CHIEF DISCIPLINARY
COUNSEL
COMMISSION FOR LAWYER DISCIPLINE
STATE BAR OF TEXAS
P.O. Box 12487
AUSTIN, TEXAS 78711-2487
Michael.Graham@texasbar.com
T: (512) 427-1350; (877) 953-5535
F: (512) 427-4253

No. 67843

**Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas**

LAUREN ASHLEY HARRIS
STATE BAR OF TEXAS CARD NO. 24080932,
APPELLANT

V.

COMMISSION FOR LAWYER DISCIPLINE,
APPELLEE

*On Appeal from an Evidentiary Panel
For the State Bar of Texas District 14
No. 202000647 [North]*

**APPELLEE’S RESPONSE IN OPPOSITION TO APPELLANT’S 1ST AMENDED MOTION
FOR A COMPLETE & ACCURATE CLERK’S RECORD: CORRECTIONS &
SUPPLEMENT
& UNOPPOSED REQUEST FOR EXTENSION OF TIME TO FILE APPELLANT’S BRIEF**

TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

Pursuant to the Board’s request, Appellee, the Commission for Lawyer Discipline (the “Commission”), files this Response in Opposition to Appellant, Lauren Ashley Harris’s (“Harris” or “Appellant”), Appellant’s 1st Amended Motion for a Complete & Accurate Clerk’s Record: Corrections & Supplement & Unopposed Request for Extension of Time to File Appellant’s Brief (“Appellant’s

Motion”).¹ The Commission requests the Board deny Appellant’s Motion in all respects.

I. Introduction

To the extent Appellant’s Motion is not simply a mechanism to further delay her briefing in this matter, it serves as the culmination of her efforts over approximately the last eighteen months to pollute the appellate record with “evidence” and/or arguments that were not properly or timely offered for the Evidentiary Panel’s consideration. Not merely quixotic, though ultimately harmless attempts to pursue appropriate appellate remedies, Harris’s actions in this regard constitute persistent abuses of both the disciplinary process and the appellate process that the Board should not indulge.

II. Context

A. Harris’s disciplinary proceeding before the Evidentiary Panel

On May 20, 2021, the Commission filed its Evidentiary Petition and Request for Disclosure (the “Petition”) against Harris. [CR 36-38]. That same day, the

¹ At the outset, the Commission only expressed non-opposition to Harris’s second motion for extension of time to file Appellant’s Brief, as Harris did not confer regarding any other request(s) included in Appellant’s Motion. Indeed, Harris’s counsel did not mention the clerk’s record or reporter’s record at all in the conference that did occur. The Commission now opposes **all** relief requested through Appellant’s Motion. Further, Appellant’s Motion is not the proper forum for litigating the merits of any potential appellate issue(s).

Commission sent the Petition to Harris by certified mail, return receipt requested, and by e-mail to lauren@lahlegal.com.²

On or about July 30, 2021, the Commission attempted to serve the Petition on Harris via personal service. [CR 47-54]. On August 26, 2021, the process server filed his Affidavit in Support of Substitute Service, detailing the results of five (5) separate attempts to serve the Petition on Harris at two (2) different locations. [CR 56-57].

On March 3, 2022, the Commission filed its Motion for Substitute Service of Process seeking an order allowing for substitute service – that motion was sent to Harris by certified mail, return receipt requested, and 1st Class U.S. mail at the address that had been specified by the process server, as well as by e-mail to lauren@lahlegal.com. [CR 59-98]. That same day, the Chair of the Evidentiary Panel signed an Order on Substitute Service of Process, authorizing service of the Petition and attendant documents on Harris by (amongst other things) leaving a copy of same with a person over the age of sixteen, or by affixing same to the front door, at the address that had been specified by the process server. [CR 100-02]. On March 9, 2022, the process server served the Petition and attendant documents in accordance with the Panel’s order. [CR 104].

² Virtually every notice, pleading, and/or correspondence that has been sent to and/or from Harris during both the Evidentiary Panel proceeding and this appellate proceeding, has been sent via e-mail (apparently successfully) to and/or from the same lauren@lahlegal.com e-mail address.

On September 21, 2022, the Commission filed its Motion for Default Judgment and Notice of Default Hearing, for the hearing to be held on January 27, 2023, and also sent **those** documents to Harris by certified mail, return receipt requested and 1st Class U.S. mail, as well as by e-mail to lauren@lahlegal.com & info@lahlegal.com. [CR 142-75]. On October 1, 2022, the process server also served **those** documents, in the same manner authorized by the Order on Substitute Service of Process. [CR 177].

On January 27, 2023, the Evidentiary Panel held a hearing on the Commission's Motion for Default Judgment. [RR Default/Sanctions, Vol. 1]. That same day, the Panel issued its Order on Motion for Default Judgment, granting same. [CR 183]. Further, after deliberations, the Panel announced its determination as to the appropriate disciplinary sanctions to be levied against Harris. [RR Default/Sanctions, Vol. 1, pp. 17-19]. On February 7, 2023, the Panel issued its Default Judgment of Partially Probated Suspension against Harris, and the Panel Chair forwarded same to Harris by e-mail to lauren@lahlegal.com & info@lahlegal.com. [CR 195-203].

On February 20, 2023, Harris made her first appearance in the disciplinary proceeding, filing Respondent's Motion to Stay Execution of Default Judgment for Partially Probated Suspension Pending Panel Rulings and/or Appeal and Request for

Record.³ [CR 205-23]. That motion indicated that Harris intended to subsequently file motion(s) to set aside/modify the judgment and/or to vacate/or for new trial, “as soon...as possible.” [CR 205, fn. 1]. The Evidentiary Panel denied Harris’s motion for a stay of the judgment. [CR 631-32].

B. Harris’s untimely motion for new trial

Motions for new trial in an evidentiary panel case must comport with the requirements of the applicable Texas Rules of Civil Procedure regarding such motions. TEX. RULES DISCIPLINARY P. R. 2.21. A motion for new trial must be signed by the party or her attorney and shall be filed prior to or within thirty days after the judgment complained of is signed or it is untimely. TEX. R. CIV. P. 320, 329b(a); *see also Allstate Fire and Casualty Insurance Company*, 679 S.W.3d 279, 282-84 (Tex.App. – Fort Worth 2023, no pet.); *Smith v. Comm’n for Lawyer Discipline*, 42 S.W.3d 362, 363 (Tex.App. – Houston [14th Dist.] 2001, no pet.). An electronically filed document transmitted on a Saturday is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday. TEX. R. CIV. P. 21(f)(5)(A); *see also* TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 1.05(a)(2).

³ The signature block for that motion listed Harris’s address as **17303 Davenport Rd., Dallas, Texas 75248** [CR 210] – the very address previously identified by the process server as the address at which Harris could be served, and at which the Evidentiary Panel had authorized substitute service.

Here, because the Evidentiary Panel’s Default Judgment of Partially Probated Suspension was signed on February 7, 2023, a *timely* motion for new trial was due on or before **March 9, 2023**. Harris first e-mailed an unsigned copy of her motion for new trial on **Friday, March 10, 2023**, at 8:38 P.M. [CR 280-309]. Harris subsequently e-mailed her signed Respondent’s Verified Motion to Set Aside/Vacate Default Judgment & For New Trial to both BODA and the evidentiary panel clerk on **Saturday, March 11, 2023**, at 10:19 P.M. [CR 340]. Thus, Harris did not file her motion for new trial until **March 13, 2023**. [CR 311-340].

Harris also purportedly attempted to submit with her untimely motion for new trial (on both such attempts), the 479 pages of exhibits she refers to as “HARRIS 0001-0479” to accompany said motion. [CR 309 & 394-95].⁴ Harris’s motion for new trial and any attachments thereto were untimely.

On March 23, 2023, Harris filed Respondent’s Verified Notice of Supplemental Facts along with an additional 180 pages of exhibits she refers to as “HARRIS 0480-0665,” and Respondent’s Requests to the Panel. [CR 397-613]. Those pleadings, and attachments thereto, served essentially as supplements to her motion for new trial and were likewise, untimely.

⁴ The panel clerk twice notified Harris that such exhibits were not submitted in a format that could be accessed. [Supp CR 1011-12 & 1051-54].

Notwithstanding the tardiness of Harris’s motion for new trial (or her associated pleadings and exhibits), the Evidentiary Panel held a hearing on same on March 24, 2023, and denied the motion. [CR 628]. As the panel ultimately denied a new trial, Harris’s untimely motion was a nullity:

“To summarize the purpose of an untimely motion or amended motion for new trial: ‘If the trial court ignores the tardy motion, it is ineffectual for any purpose. The court, however, may look to the motion for guidance in the exercise of its inherent power and acting before its plenary power has expired, may grant a new trial; **but if the court denies a new trial, the belated motion is a nullity and supplies no basis for consideration upon appeal of grounds which were required to be set forth in a timely motion.**’”

--*Moritz v. Preiss*, 121 S.W.3d 715, 720 (Tex. 2003) (emphasis added) (citing *Kalteyer v. Sneed*, 837 S.W.2d 848, 851 (Tex.App. – Austin 1992, no writ)).

That is, Harris’s untimely motion for new trial, her associated pleadings, and/or any “evidence” attached thereto were a nullity and cannot be considered on appellate review.⁵ Moreover, to the extent Harris intends to challenge the Evidentiary Panel’s denial of her untimely motion for new trial, Appellant’s Motion is not the proper forum for litigating the merits of any such potential appellate issue(s). If Harris

⁵ *Id.*; see also *Hewitt v. Gan*, No. 05-18-00913-CV, 2019 WL 2402984, at *2 (Tex.App. – Dallas June 7, 2019, no pet.) (mem. op.); *Texas Farmers Ins. Co. v. Clack*, No. 04-17-00348-CV, 2018 WL 2024664, at *3, fn. 2 (Tex.App. – San Antonio May 2, 2018, pet. denied) (mem. op.); *Kyle v. Zepeda*, No. 01-11-00388-CV, 2013 WL 2246030, at *5 (Tex.App. – Houston [1st Dist.] May 21, 2013, no pet.) (mem. op.); *Texas MRG, Inc. v. Schunicht*, No. 10-04-00029-CV, 2005 WL 1703617, at *2 (Tex.App. – Waco July 20, 2005, no pet.) (mem. op.).

believes she has any appellate argument(s) in this respect, valid or otherwise, it is well past time she made them in briefing.

C. Harris's improper bills of exceptions

Harris filed her Notice of Appeal on May 8, 2023.⁶ [CR 653-56]. On June 7, 2023, Harris filed Respondent's Verified Motion for Formal Bill of Exception. [Supp CR 507-1003]. Harris again sought through her "bills of exceptions" to introduce into the record her above-described "HARRIS 0001-0665" exhibits, which were part of her untimely motion for new trial. She also sought through those "bills of exceptions" to introduce into the record: (i) the transcript(s) and/or audio/video recording(s) from November 20, 2020, pre-litigation, investigatory hearings held with respect to both the Complaint that led to the instant disciplinary proceeding and a *separate* Complaint⁷; and (ii) the transcript and/or oral/video recording of the Evidentiary Panel's hearing on her untimely motion for new trial. [Id.].

Additionally, on October 25, 2023, Harris filed Respondent's Verified Motion for Judicial Notice, along with an attendant appendix seeking to introduce into the record **for the first time**, additional exhibits labeled "HARRIS 0666-0954," [2nd

⁶ The Commission sought dismissal of Harris's appeal for want of appellate jurisdiction, arguing that Harris's untimely motion for new trial did not serve to extend the deadline for Harris to file her notice of appeal. The Board denied the Commission's motion on August 15, 2023.

⁷ Members and staff of the CDC and Commission are required to maintain proceedings before an Investigatory Hearing Panel as "strictly confidential" and "any record may be released only for use in a disciplinary matter." TEX. RULES DISCIPLINARY P.R. 2.12(F) & 2.16. To that end, this Response generally addresses matters already first raised by Appellant's Motion only, and only to the extent necessary to provide the Commission's response to same.

Supp CR 405-17 & 448-787]. Those exhibits were not offered by Harris at either the January 2023 hearing on the Commission’s motion for default judgment or the March 2023 hearing on her untimely motion for new trial.

Generally, a formal bill of exceptions is used to “complain on appeal about a matter that would not otherwise appear in the record...” *Sparks v. Booth*, 232 S.W.3d 853, 870 (Tex.App. – Dallas 2007, no pet.) (quoting TEX. R. APP. P. 33.2). To preserve error regarding the exclusion of evidence through a bill of exceptions, the complaining party must: (1) attempt to introduce the evidence during the evidentiary portion of proceedings; (2) if an objection is offered, specify the purpose(s) for which the evidence is offered and explain why it is admissible; (3) obtain a ruling from the trial court; and (4) if the trial court excludes the evidence, make a record through a bill of exceptions of the evidence offered. *Id.*; *see also In re K.O.*, 488 S.W.3d 829, 834 (Tex.App. – Texarkana 2016, pet. denied); *Clamon v. Delong*, 477 S.W.3d 823, 826-27 (Tex.App. – Fort Worth 2015, no pet.).

Bills of exception are not an avenue for a party to pollute the appellate record with evidence (documentary or otherwise) that was not timely offered or considered by a trial court. Harris’s attempts to do just that have been improper from their inception and such items are also not properly part of the appellate record.

On February 7, 2024, the Evidentiary Panel entered its Order refusing Harris’s bills of exceptions. [2nd Supp CR 1657-58]. In accordance with same, the Panel Chair

returned Harris's bills of exceptions with the Panel's refusal noted, on February 8, 2024. [2nd Supp CR 1669-78].

To the extent Harris intends to challenge the Evidentiary Panel's refusal of her bills of exceptions, Appellant's Motion is not the proper forum for litigating the merits of any such potential appellate issue(s). Once again, if Harris believes she has any appellate argument(s) in this respect, valid or otherwise, she should set them forth in briefing.

III. Analysis

This is an appeal from a **default judgment**. Harris's first appearance in the disciplinary proceeding was to file a motion to stay that judgment, which was ultimately denied. Harris then filed her untimely motion for new trial, which was also denied, rendering that untimely motion and the hearing thereon a nullity.

An appeal from a no-answer default judgment is typically a straightforward inquiry into whether the appellant met the *Craddock* factors establishing entitlement to a new trial and/or whether the trial court abused its discretion in failing to grant a new trial; though failure to timely file a motion for new trial **does** impact the issues a party preserves for appellate review. *Craddock v. Sunshine Bus Lines, Inc.*, 133 S.W.2d 124, 126 (Tex. 1939); TEX. R. CIV. P. 324(b). However, Harris's post-judgment actions in this disciplinary proceeding, both before the Panel and on

appeal, have been squarely aimed at improperly obscuring any such straightforward inquiry.

A. The Clerk's Record

The clerk's record in this matter *should* encompass simply: (1) the pleadings filed and/or evidence admitted by the Evidentiary Panel from the filing of the Commission's Petition through any **timely** motion for new trial; and/or (2) any other appropriate post-judgment pleadings. That record now stands at approximately **3,483** pages spanning the Clerk's Record, the Supplemental Clerk's Record filed August 2, 2023, and the 2nd Supplemental Clerk's Record filed February 16, 2024. The majority of those documents relate to Harris's untimely motion for new trial and her improper requests for bills of exceptions.

With respect to potential supplementation of the clerk's record, BODA's internal rules provide, "If anything **material** to either party is omitted from the clerk's record...BODA may, on written motion of a party or on its own motion, direct a supplemental record to be certified and transmitted by the clerk for the evidentiary panel..." TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 4.03(d) (emphasis added). Appellant's Motion does not specifically identify any particular document(s) she alleges is/are missing from the clerk's record. Instead, it lists in conclusory fashion thirty-five (35) categories of what can best be described as: (1) complaints about the form of the clerk's record as filed; (2) post-judgment, appellate

discovery requests seeking (at least) “communications,” “e-mails,” “phone calls/logs messages or texts,” and/or “records”; and (3) legal questions and/or assertions regarding disciplinary rules, policies and/or procedures. [Appellant’s Motion, pp. 6-8]. Further, Appellant’s Motion does not provide any legal and/or factual rationale explaining how any particular item allegedly missing from the clerk’s record is “material” to her appeal of the default judgment against her, as required by BODA IPR 4.03(d).

After receipt of Appellant’s Motion, the Board requested that Harris supplement her motion with the list of “specifically missing items” referenced in ¶29 therein, identifying those items Harris alleges are missing from the clerk’s record. In response, Harris filed a nearly indecipherable, unenumerated, 34-page chart (“Harris’s Chart”), apparently describing items she believes are not part of the clerk’s record but should be. A review of Harris’s Chart reveals the following⁸:

1. There appear to be approximately **449** total entries (some may represent sub-categories of others, though it is difficult to tell) for items Harris suggests are missing from the clerk’s record regarding the default judgment issued against her.
2. Approximately **96** of the entries appear to pre-date even the filing of the Commission’s Petition in this matter on or about May 20, 2021. *Harris cites no authority requiring documents pre-dating the establishment of the underlying disciplinary suit against her to be included as part of the clerk’s record.*

⁸ Some of the categories included in Harris’s Chart and described herein appear to overlap one another.

3. Approximately **86** of the entries appear to be related to Harris's untimely motion for new trial and/or the exhibits attached thereto as "HARRIS 0001-0665." *As discussed above, Harris's untimely motion for new trial and any exhibits attendant thereto, are a nullity and cannot be considered as grounds for appeal on review. Nevertheless, those documents already appear in the clerk's record as filed.*
4. Approximately **156** of the entries appear to be related to separate grievances against Harris, unrelated to the grievance from which the instant disciplinary proceeding arose. *Harris cites no authority requiring documents from separate and independent grievances against her to be included as part of the clerk's record.*
5. Approximately **81** of the entries appear to be related to Harris's improper bills of exceptions and/or the additional exhibits she eventually filed in relation to same labeled as "HARRIS 0666-1002." *As discussed above, Harris's improper bills of exception and any exhibits attendant thereto, do not constitute documents that were timely offered and admitted (or excluded) for the Evidentiary Panel's consideration and thus cannot be considered as grounds for appeal on review. Nevertheless, those documents already appear in the clerk's record as filed.*
6. Approximately **51** of the entries appear to be related to Harris's appellate filings with the Board in this matter. *Harris cites no authority requiring documents from this appellate proceeding to be included as part of the clerk's record.*
7. Approximately **35** of the entries appear to be related to post-judgment investigations and/or information requests Harris has made, including public information act requests to the State Bar of Texas and freedom of information act requests to the U.S. Postal Service. *Harris cites no authority requiring documents from completely separate and independent grievances against her to be included as part of the clerk's record.*
8. **5** of the entries have to do with federal lawsuits. *Harris cites no authority requiring documents from separate and independent federal lawsuits against her to be included as part of the clerk's record.*

In short, Harris cites no authority that would explain how **any** of the foregoing categories of documents would constitute items that should be part of the appellate record, absent their being offered and admitted in proceedings before the Evidentiary Panel (or offered and excluded, then properly preserved, as discussed above).⁹ Further, Harris fails to explain how any of the foregoing documents are **material** to any issue(s) she would raise on appeal, for the purposes of potential supplementation of the clerk's record per BODA IPR 4.03(d).

B. The Reporter's Record

Appellant's Motion also appears to seek supplementation of the reporter's record, pursuant to her Motion to Correct and Supplement the Reporter's Record (the "Reporter's Record Motion") filed on July 31, 2023. [Appellant's Motion, pp. 11-13]. On August 2, 2023, the Commission filed Appellee's Response in Opposition to Appellant's Motion to Correct & Supplement the Reporter's Record, in response to Appellant's Reporter's Record Motion. The Board has not previously ruled on Appellant's Reporter's Record Motion.

The Commission herein adopts by reference its above-referenced response to Appellant's Reporter's Record Motion, which set forth in pertinent part:

⁹ See also *Vanscot Concrete Co. v. Bailey*, 862 S.W.2d 781, 783 (Tex.App. – Fort Worth 1993), *aff'd*, 894 S.W.2d 757 (Tex. 1995) (documents not introduced into evidence at trial are not part of the record and may not be considered on appeal).

The Reporter’s Record for the January 27, 2023, Evidentiary Hearing in the underlying case was filed with the Board on May 11, 2023, consisting of two volumes (transcript and exhibits). [RR Vol. 1 & 2]. Appellant’s Reporter’s Record Motion appears to request supplementation of the reporter’s record consisting of; (1) “recording/transcription/logs of the November 12, 2020 Zoom hearings for Cause Nos. 202000486 and 202000647”; (2) “recording/logs held by the CDC of the January 27, 2023 hearing”; and (3) “recording/transcription/logs of the March 24, 2023 hearing.” [Appellant’s Reporter’s Record Motion, ¶27].

The Commission objects to each of Appellant’s requests for supplementation of the reporter’s record.

1) As Appellant’s Reporter’s Record Motion alleges, Investigatory Hearings were held in Case Nos. 202000486 and 202000647, involving Appellant as the respondent, on November 12, 2020.¹⁰ First, Case No. 202000486 is not a part of the underlying Evidentiary Panel proceeding in this case at all. [CR 40-43]. Second, investigatory hearings held *prior* to the institution of suit by the Commission (i.e., as part of the pre-suit, “Just Cause” investigation of a disciplinary matter) *in either case* are also not a part of the underlying Evidentiary Panel proceeding in this case. Evidentiary Panel proceedings are initiated by the Commission’s filing of an Evidentiary Petition, *after* Just Cause has been

¹⁰ See fn. 7, *supra*.

determined. TEX. RULES DISCIPLINARY P.R. 2.17. As such, any “recording/transcription/logs” of investigatory hearings that took place prior to the institution of the Evidentiary Panel proceeding in this case, whether regarding the underlying case or any other, separate case, are not part of the appellate record in this matter and should not be included as a supplemental reporter’s record. TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 4.02(a).

2) As noted above, the reporter’s record of the January 27, 2023, Evidentiary Hearing in this matter was previously filed with the Board. The Reporter’s Record consists of two volumes; the first, a transcript of the Evidentiary Hearing, and the second, an exhibit volume. [RR. Vol. 1 & 2]. Appellant provides no authority in support of a request that any record of the January 27, 2023, Evidentiary Hearing other than the Reporter’s Record itself should be made a supplemental part of that Reporter’s Record. TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 4.02(a), (f).

3) Finally, Appellant’s request for “recording/transcription/logs of the March 24, 2023 hearing,” is also without merit. As previously noted, Appellant’s motion for new trial was untimely. As such, no “recording/transcription/logs of the March 24, 2023 hearing,” would supply any basis for consideration on appeal at all and is/are likewise not a proper part of the appellate record. Further, there is no express requirement that any *post-judgment* Evidentiary Panel proceedings be on the

record, or that a hearing be held for any such matters at all. TEX. RULES DISCIPLINARY P. R. 2.21. Finally, no record was taken of the March 24, 2023, hearing. [Supp. CR 1008-1013, specifically, ¶5 of Petitioner’s Response to Respondent’s Bill of Exception].

The inclusions Appellant wishes to make to the Reporter’s Record are not proper under the Texas Rules of Disciplinary Procedure, the Board’s Internal Procedural Rules, or the Texas Rules of Appellate Procedure.

CONCLUSION AND PRAYER

Materials that Harris may **wish** she had presented to the Evidentiary Panel by *timely* answering (or answering at all) the Commission’s Petition prior to a default judgment against her, or by *timely* filing a motion for new trial and properly presenting such materials at *that* time, do not constitute items that must be included in the appellate record. And they certainly do not constitute grounds for consideration on appellate review. E.g., *Moritz*, 121 S.W.3d at 720. Because Harris has not demonstrated that she is entitled to correction and/or supplementation of the appellate record as she requests, the Commission requests that the Board deny Appellant’s Motion in all respects.

RESPECTFULLY SUBMITTED,

SEANA WILLING
CHIEF DISCIPLINARY COUNSEL

ROYCE LEMOINE

DEPUTY COUNSEL FOR ADMINISTRATION

MICHAEL G. GRAHAM
APPELLATE COUNSEL

OFFICE OF THE CHIEF DISCIPLINARY
COUNSEL

STATE BAR OF TEXAS

P.O. Box 12487

AUSTIN, TEXAS 78711

Michael.Graham@texasbar.com

T: (512) 427-1350; (877) 953-5535

F: (512) 427-4253



MICHAEL G. GRAHAM
STATE BAR CARD No. 24113581
ATTORNEY FOR APPELLEE

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing Appellee's Response in Opposition to Appellant's 1st Amended Motion for a Complete & Accurate Clerk's Record: Corrections & Supplement & Unopposed Request for Extension of Time to File Appellant's Brief has been served on Appellant, Lauren Ashley Harris, by and through her counsel of record, Mr. Christopher Snyder, Carpenter & Associates, P.C., 555 Republic Drive, Suite 510, Plano, Texas 75074, by email to chris@carplawfirm.com on the 9th day of August, 2024.



MICHAEL G. GRAHAM
APPELLATE COUNSEL
STATE BAR OF TEXAS