

NO. 67843

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**BEFORE THE BOARD OF DISCIPLINARY APPEALS**

APPOINTED BY  
**THE SUPREME COURT OF TEXAS**



**F I L E D**  
**7/14/25**

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

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

**v.**

**COMMISSION FOR LAWYER DISCIPLINE,**  
*APPELLEE.*

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*On Appeal from Cause No. 202000647 [North]  
Grievance Committee, District 14  
Evidentiary Panel 14-2 of the State Bar of Texas*

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**APPELLANT'S BRIEF**

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## IV. RECORD REFERENCES

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### I. CLERK'S RECORD

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*Provided by reference below; clerk's record: three parts*

- [CR-\*\*\*-\*\*\*]            1) ORIGINAL CLERK'S RECORD  
CDC to BODA June 1, 2023..... (658 pages)
- [SCR-\*\*\*\*-\*\*\*\*]        2) SUPPLEMENTAL CLERK'S RECORD  
CDC to BODA August 4, 2023.....(1133 pages)
- [SSCR-\*\*\*\*\*-\*\*\*\*\*]   3) SECOND SUPPLEMENTAL CLERK'S RECORD  
CDC to BODA February 16, 2024.....(1692 pages)

### II. REPORTER'S RECORD

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*Provided by reference below; Reporter's Record: two hearings, three parts*

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- [RRDT-pg/\*\*-\*\*]        1A) DEFAULT HEARING TRANSCRIPT  
REPORTER'S RECORD  
Filed before BODA May 11, 2023..... 25 PAGES

- [RRE-pg/\*\*-\*\*]        1B) DEFAULT HEARING EXHIBITS  
REPORTER'S RECORD  
Filed before BODA May 11, 2023].....73 PAGES

B. EVH PANEL 14-2 FORMAL BILLS OF EXCEPTION hearing Jan. 26, 2024

- [RRFT-pg/\*\*-\*\*]        2) FBOE HEARING TRANSCRIPT  
REPORTER'S RECORD  
Filed before BODA February 2024.....17 PAGES

## **V. OTHER REFERENCES**

- 
- 1) The State Bar of Texas is herein **"SBOT."**
  - 2) The Board of Disciplinary Appeals is herein **"BODA."**
  - 3) The District Grievance committees are herein **"DGC."**
  - 4) Investigatory Hearing Panels of the DGC are **"IVH" Panels.**
  - 5) Evidentiary Hearing Panels of the DGC are **"EVH" Panels.**
  - 6) Appellant, Lauren Ashley Harris is herein as **"Appellant,"** or **"Respondent."**
  - 7) Appellee, the Commission for Lawyer Discipline, is **"Appellee"** or **"CFLD."**
  - 8) The Office of Chief Disciplinary Counsel is the **"CDC."**
  - 9) Assistant Disciplinary Counsel Laurie Guerra, is herein **"Guerra."**
  - 10) Complainant Lyndon Scott North is herein **"North."**
  - 11) Dist. 14 Grievance Committee Chair/Panel 14-2 Chair, William Travis Biggs: is **"Biggs."**
  - 12) The Texas Rules of Appellate Procedure are **"TRAP."**
  - 13) The Texas Rules of Civil Procedure are **"TRCP."**
  - 14) The Texas Rules of Disciplinary Procedure are **"TRDP."**
  - 15) The Texas Disciplinary Rules of Professional Conduct are **"TDRPC."**
  - 16) The Texas Rules of Evidence are **"TRE."**
  - 17) "Default Judgment of Partially Probated Suspension" is the **"DFJ"** or **"Judgment."**
  - 18) Findings of Fact and Conclusions of Law are **"FOFCOL."**
  - 19) Respondent's Verified Motion for Formal Bills of Exception are **"FBOE."**

## VI. STATEMENT OF THE CASE

<b>Nature of the case:</b>	<p>Arising from a Grievance filed in January 2020 against Appellant by Complainant North, the CDC held an Investigatory Hearing on November 12, 2020 before District Grievance Committee 6, Investigatory Hearing Panel 6-3, resulting in non-sanction: the Grievance Referral Program; however, no agreement was reached. The CDC attorney intentionally instituted evidentiary proceedings before the DGC 14 EVH Panel 14-2, of improper venue, and similarly knew the address of Appellant was incorrect and would not result in proper service. The Panel entered a defective Order for substitute service based on the CDC's misrepresentations and Appellant was never served with process. In granting default, the CDC provided the Panel the wrong legal precedent, and without applying any of the guidelines for sanctions entered a "Default Judgment of Partially Probated Suspension" imposing a surprise, year-long suspension, active six-months/probated six-months, resulting in Appellant's termination from her new position of employment, in the absence of any prior disciplinary history and zero change from Panel 6-3's offer to the date of ruling. Appellant attempted remedy before EVH 14-2 in post-judgment motions to stay, for new trial, requests to the Panel, and more, but the CDC forced attendance at March 24, 2023 hearing without a court reporter, no notice that the Motion/New Trial was also to be heard, excluded all Appellant's exhibits without justification and denied continuance to obtain a court reporter/"remedy" Exhibits -- denying Appellant due process, abusing and ignoring the TRDP, TRCP and TRE, including making a record of the proceeding. Appellant filed notice of appeal with BODA and filed TRAP 33.2 FBOE, obtained appellate relief from BODA which ordered remand of the case the 14-2 Panel to hear the FBOE. While on remand, the CDC/EVH 14-2 further violated the right to a court reporter, necessitating BODA to issue emergency relief and providing Order to CDC/EVH 14-2 for adequately conducting a hearing on the FBOE on the record. Finally holding the FBOE hearing on the record January 26, 2024, it too, similarly resulted in an abuse of discretion by arbitrary denial/rejection of Appellant's TRAP 33.2 FBOE, where the CDC/Panel wholly failed to follow the statute. Appellant seeks reverse and render against DFJ.</p>
<b>Ev. Panel Case No.:</b>	202000647
<b>Ev. Panel:</b>	14-2
<b>Disposition:</b>	<i>"Default Judgment of Partially Probated Suspension"</i>
<b>Parties before BODA:</b>	<b>Appellant:</b> Lauren Ashley Harris <b>Appellee:</b> CFLD, Permanent Committee of the SBOT

## **VII. STATEMENT OF JURISDICTION**

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Pursuant to the State Bar Act, and the Texas Rules of Disciplinary Procedure, the Texas Board of Disciplinary Appeals has exclusive appellate jurisdiction over attorney discipline judgments entered by Panels of the District Grievance Committees of the State Bar of Texas, under the substantial evidence standard of review.<sup>1</sup>

## **VIII. STATEMENT OF APPLICABLE VERSION**

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### *Texas Rules of Disciplinary Procedure*

Pursuant to Rule 1.04 the Texas Rules of Disciplinary Procedure, the version of the Rules applicable to this appeal and utilized herein are the June 2018 Rules/August 2018 Amendments which were in effect at the time the underlying Grievance was instigated: January 15, 2020, seen within the August 28, 2018 Order of the Supreme Court, Misc.

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<sup>1</sup> See TEX. GOV'T CODE ANN. § 81.072(b)(7); TRDP Rules 2.23 and TRDP Rules 7.08(D).

## IX. STATEMENT OF FACTS

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### I. THE UNDERLYING CASE

#### | A. PRE-LITIGATION

In October 2017, Lyndon Scott North (“North”), a Texas resident, was involved in a motor-vehicle accident occurring in the State of Oklahoma [SCR-0432-0436]. For his injuries/damages, North executed an attorney-client agreement on October 16, 2017 with Appellant/The Law Offices of Lauren A. Harris [SCR-0245-0249].<sup>3</sup> On North’s behalf, Appellant proceeded in the personal injury representation,<sup>4</sup> including letters of representation for both:

- 1) Tortfeasor’s Farmers Insurance OK policy: bodily-injury (“BI”) limits of \$25,000.00 [SCR-0444]
- and
- 2) North’s State Farm TX policy:
  - (a) Personal Injury Protection (“PIP”) limits of \$2,500.00,
  - and

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<sup>2</sup> TRDP 1.04.

<sup>3</sup> North did not have an email address, so Appellant created a yahoo email account for Mr. North that date, so she could send him documents and materials relative to the case: [SCR-0039][APP 9].

<sup>4</sup> Police Report [SCR-0333-0337, 0346-0350, 0432-0436], ER records [SCR-0251-0261, 0355-0363], out-of-pocket expenses [SCR-0389-0395].

(b) Uninsured/Underinsured motorist (“UM”) limits of \$30,000.00 [SCR-0263-0264, 0449-0505].<sup>5</sup>

During the course of the representation, North left Texas to stay with his brother in Washington state, with no scheduled return, advising Appellant that it was a remote area, and would only have access to his phone when “in-town” [SCR-0822-0828][APP. 9].

During that time, Appellant made State Farm PIP demand with explicit instructions to send the \$2,500 payment directly to North in Washington [SCR-0822-0828][APP.9].<sup>6</sup> On January 8, 2018, reflecting the location: Lacey, Washington, North faxed Appellant his signed Settlement Statement [SCR-0290-0291,0268,0794,0293][APP. 9]. State Farm communications continued<sup>7</sup> but Appellant’s UM demands were unsuccessful -- thus, Appellant filed suit on North’s behalf.

| **B. LITIGATION, CLIENT CONDUCT & CASE ASSESSMENT**

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<sup>5</sup> On October 18, 2017, the office visit [SCR-0368/0869] revealed North’s intentional misleading of Appellant about his previous injuries/accidents. [SCR-0364-0367,0865-0868] his zero employment/preceding fifteen years; his pain management doctor serving as his PCP; his total disability benefits confirmed by 2008 records/permanent impairment rating. [SCR-0351-0354], which transformed an acute-injury MVA to merely an aggravation of pre-existing injuries matter. Thereafter, North received Medical City of Plano ER, CT scans/head/spine: October 25, 2017/\$27,378.00. [SCR-0276-0277,0369-0383,0446-0447]; November 10, 2017, Appellant paid/Addison Internal Medicine; [SCR-0384]; November 13, 2017, imaging, NorthStar Diagnostic [SCR-0385-0388, 0438-040].

<sup>66</sup> Appellant continued communications to/from State Farm: November 28, 2017 [SCR0331-0332], December 12, 2017 [SCR-0265,0282-0284,0339,0343-0395] including acceptance: Farmer’s BI limits [SCR-0266-0267,0271-0272,0340-0341], securing UM carrier’s consent December 18, 2017 [SCR-0268,0397-0398], North’s execution/Farmer’s Release for \$25,000.00 BI limits December 29, 2017 [SCR0269-0270,0297-0291,0293]; State Farm response December 29, 2017 [SCR-0285-0286,0400-0401]; January 3, 2018, Dr. Kweller’s future medicals [SCR-0405/0442]; State Farm follow-up demand [SCR-0403-0408].,

<sup>7</sup> January 20, 2018 [SCR-0410-0415], January 22, 2018 [SCR-0287-0288,0417-418] and January 25, 2018 [SCR-0278-0280,0420-0422][SCR-0424-0425],

Plaintiff's Original Petition against State Farm was filed February 26, 2018 before the 134<sup>th</sup> District Court of Dallas County, Texas in Cause No. [DC-18-02647](#) [SCR-0306-0321].<sup>8</sup>

Notably, From the outset of the UM suit, Appellant alerted North she would not be able to take the case to trial due to TDRPC Rule 3.04 (*preventing Appellant from being both trial counsel and Stowers witness*) and would be seeking replacement/co-counsel [APP 9][ SCR-0822-0828/0570-0572]. Over the life of the case, Appellant's attempts to obtain replacement/co-counsel were not successful; approximately ten different firms/attorneys had no interest [SCR-0822-0828][APP 9].

Through the course of the UM case, and after the initial treatment attempts, North refused to continue any course of medical treatment, against both medical and legal advice [SCR-0078]. Especially true upon receiving the initial medical provider surgery recommendations and securing an estimated cost for future surgery. [SCR-0300-0304].

Although North sporadically returned to Texas, he would again leave Texas for Washington, with no return date set, and similarly, was only sporadically responding to calls and texts. [SCR-0822-0828][APP. 9] Most critically, Appellant was unable to obtain any availability from North on dates for deposition which was the ongoing request from opposing counsel [APP 9]. North's medical providers similarly could not get a hold of him, and by August 19, 2019 were seeking to close-out his file. [SCR-0078-0079/0579-0580].

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<sup>8</sup> Payment was remitted for service pf process fees by appellant on February 28, 2018 [SCR-0298-0299]; citation was issued March 1, 2018 [SCR-0295]; the return was filed March 14, 2018 [SCR-0295-0297], and Plaintiff's 2<sup>nd</sup> Amended Petition was filed August 18, 2018 [SCR-0498,0996].



North's total amount of UM damages – calculated as the amount of paid or incurred medicals had a TOTAL: **\$34,014.25 [SCR-0368,0384,0388-0395]**.

Less the \$2,500 PIP payment from \$34,014.25: \$31,514.25, reduced by the \$25,000.00 BI payment, as offset **[SCR-0340]** – equated to a total reduction of \$27,378.50, left the total amount of North's contractual damages attributable to the \$30,000 UM limits to the amount of \$4,135.75 as measure for the actual economic damages under the policy, since Mr. North refused to continue treatment [SCR-0403-0408, 0410-0415].<sup>9</sup>

Dealings with North became antagonistic: North was not responding to Appellant and when he did, he would not provide his dates of return for deposition – refusing offered alternatives (*i.e. public library remote video conference*); so, Appellant never provided available dates to opposing counsel for North's deposition **[APP 9]**.

Dealings with defense counsel were antagonistic,<sup>10</sup> even in [agreements](#). Appellant ultimately [complied](#) with opposing counsel's frivolous [special exceptions](#) and [discovery](#) – all, except for her client's available dates for deposition -- which ultimately, proved fatal to the suit. The case was [dismissed](#) on October 14, 2019 as sanction for failure to cooperate in discovery, which was only based on the outstanding deposition of her client, which Appellant could not satisfy without her client's cooperation. **[APP. 9]**.

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<sup>9</sup> Extra-contractual damages would have been based on a bad-faith expert's calculation/report, whom had not yet been retained.

<sup>10</sup> Plaintiff's Motion to Compel was filed April 15, 2019 **[SCR-0306-0321]**.

Appellant secured the assistance of attorney Ben Julius to file post-judgment relief, who requested North's signature as consent to the association of counsel, but North did not return Julius' communications or sign before plenary power expired [APP 9].

On January 15, 2020, Attorney Gerard Livingston orchestrated the Grievance filing before the CDC on North's behalf, made the basis of this appeal. [APP 9][CR-0577, SCR-0822-0828].

## II. THE UNDERLYING GRIEVANCES(S)

### | A. APPELLANT'S ADDRESSES & CDC PRE-LITIGATION CONDUCT

On November 8, 2019, Appellant executed a residential lease agreement with The Advenir, 17671 Addison Road #1603, Dallas, Texas 75287 [CR-0460-0477]. This was Appellant's residential address at the time Livingston submitted North's Grievance to the CDC, January 15, 2020. Appellant's registered mailing/public facing address with the SBOT at that time was 9330 LBJ Freeway Suite 900, Dallas Texas 75243 [SSCR-000520-000536]. CDC Investigator, Elena Wolfe ("Wolfe") granted Appellant extensions for her Grievance Response(s) due dates, as Appellant was communicating with Wolfe across three matters (*Moffat: (dismissed by SDP April 1, 2020 [SCR-0524-0525]) North [SCR-0321-0327] and MacFarland: [SCR-0017-0021] [SCR0518-0522] (dismissed by IVH 6-3 on December*

8, 2020 [SCR-0526]), see timeline [SCR-1036-1038, 1099-1101][APP 9]), all communications by/between CDC/Appellant.<sup>11</sup>

On January 30, 2020, Livingston demanded Appellant's malpractice insurer's information. [SCR-0077][SCR-0243][SCR-0578]. Upon advising Livingston no policy was in place, [SCR-0577], Wolfe thereafter notified Appellant that Livingston no longer represented North. [SCR-0536]. On January 31, 2020, Appellant's email correspondence with Wolfe specifically notated Appellant's residential home address, providing a screen-shot of her power company account information for her townhome located at 17671 Addison Road, Unit 1603, Dallas, Texas 75287. [SCR-0528-0533.]

Further, as Appellant officed with Regus over the years, in multiple locations -- regardless the location or year, Appellant was never physically located in any of her offices -- unless, and only, by appointment. [APP. 9][SSCR-000520-000536].

Wolfe/the CDC were explicitly on notice of this fact, based on the MacFarland's matter, where his perceived complaint about Appellant not being in the office when he showed up without an appointment, then escorted by security from the building, and posting an inflammatory google review about Appellant, and her office address were all part of that record, heard the same mmring by IVH as the North case. [SCR-0016].

On April 1, 2020, Appellant received the Moffat SDP (dismissal) Notice. [SCR-0524-0525].

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<sup>11</sup> Although Appellant submitted the Moffat Response November 2019, on January 21, 2020, Wolfe sought more information--"due" in seven days -- where Appellant was made to keep up with repeated/additional questioning from Wolfe,<sup>11</sup> all, while Appellant was still trying to balance her already overwhelming solo-practitioner caseload. [APP 9][SCR-0029-0030].

Appellant entered into a new residential lease at 892 Union Station Parkway #8106 in May 2020 [CR-0479-0493], and switched her Regus mailing address to 405 State Highway 121 in June 2020 [CR-0494]. *Appellant never had another location or mail service after leaving the 9330 LBJ Freeway office that worked as it was intended/functioned properly.*

The North and MacFarland matters were set for Investigatory Hearing before DGC 6 IVH Panel 6-3 on November 12, 2020 at 9:30am [CR-0505][APP. 9]. Upon responding many months later, October 18, 2020, to the MacFarland google review, Appellant provided both the post and response to the CDC prior to the IVH setting. [APP. 9][SCR-0016].

**B. IVH HEARING NOVEMBER 12, 2020, IVH PANEL 6-3**

On the morning of November 12, 2020, the IVH Panel 6-3 heard the North Grievance first [APP.9]. In that IVH setting, Appellant again specifically related that her work address was not a physical location for her office, but rather a Regus virtual office address [SCR-0517] [APP.9].

Notably, for both settings, Appellant did not receive the “hearing exhibit” emails sent from the CDC until each hearing was over, as the Exhibits for each were never provided to Appellant prior to either hearing: the North ZOOM Panel started at 9:30am, yet the email for the “Exhibits for this morning’s hearing” were not sent to Appellant until 10:06am by Guerra while the *second hearing was already ongoing, and only lasted approximately 25 minutes.* [SCR-0553][APP 9].

Further, in the second matter, the CDC’s Grievance exhibits were similarly not sent to Appellant until the hearing was already underway/nearly concluded [SCR-0551-0552] sent at 11:29am and the other at 11:30 am [SCR-0560-0561] [APP 9], one being “recalled” by the CDC based on the Panel’s ruling:

Upon realizing during questioning that the CDC had never provided Appellant any of the documents on which she was being examined, the Panel Chair *sua-sponte*

struck them from the record, and not only ordered Guerra to cease that line of questioning, but also *sua-sponte* instructed Guerra to cease all/additional TLAP questions, which were not tailored to respect the program’s confidentiality [CR-0280-0340].

**The day following the IVH hearing setting, November 13, 2020,** Appellant reached out to the SBOT membership department via email to order a replacement bar card [CR-0507-0508]. In which, **delivery was specifically requested by Appellant to her residential home address, 892 Union Station Parkway #8106.** [CR-0507-0508].

**On November 20, 2020, Guerra sent Appellant the North post-IVH letter which offered the Grievance Referral Program;**

The GRP refer[s]..lawyers minor misconduct.<sup>12</sup> ..for a dismissal of the underlying complaint., lawyer.. complete[s] a ...program.<sup>13</sup> ..criteria ..requires...the misconduct **not** involve a “breach of fiduciary duties.”<sup>14</sup> The Rules do not explicitly refer ..to fiduciary duty.. ..language no longer in.. annual reports, ...remains ..State Bar Board Policy Manual.<sup>15</sup>

Within the November 20, 2020 correspondence from Guerra, she provided an arbitrary December 7, 2020 deadline to respond. On or after November 21, 2020, based on the direct written notice of her residential address to the SBOT in the November 13, 2020 request, **the SBOT mailed Appellant the replacement bar card to her residential address.**

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<sup>12</sup> TRDP Part XVI; State Bar of Texas, Commission for Lawyer Discipline, *Annual Report, June 1, 2023-May 31, 2024* (Aug. 31, 2024), at 7.

<sup>13</sup> *Id.*

<sup>14</sup> TRDP 16.02(C).

<sup>15</sup> State Bar of Tex. Bd. of Directors Policy Manual, Apr. 2024, Rule 6.09.01(C).

[SSCR-000530]. Notably, the North December 7, 2020 offer “deadline”<sup>16</sup> expired the day before Guerra sent Appellant the MacFarland post-IVH correspondence, December 8, 2020, which reflected the:

District Grievance Committee determined there was not enough evidence to continue the investigation. Accordingly, the Chief Disciplinary Counsel’s office has closed this investigation, dismissed the grievance and will take no further action. [SCR-0025].

In summer 2020, Appellant began errors on misconfigured email filters as to the State Bar of Texas for her [laurne@lahlegal.com](mailto:laurne@lahlegal.com) email address, by accident. They were meant to segregated emails for State Bar Career Center from the CLE and dues as well as president blog updates etc. The filters were meant to make the CDC emails MORE prevalent for notice in Appellant’s inbox, but instead, the emails were grabbed from the incoming mail upon receipt and put into a folder and marked as read.

| C. THE EVIDENTIARY PROCEEDINGS

In spite of providing her home address to the SBOT on November 13, 2020, [CR-0507-0508], and despite the SBOT sending Appellant her bar card to that address on or after November 21, 2020 [SSCR-00530], Appellant did not receive any information related to the continuation of the Evidentiary Proceedings for the cause until February of 2023, upon surprise entry of the DFJ, suspending her right to practice law actively for six months, and “probated” for another six, which resulted in her termination from her from her newly obtained position of employment [CR-0585-0587], among many other

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<sup>16</sup> TRDP Part XVI; State Bar of Texas, Commission for Lawyer Discipline, *Annual Report, June 1, 2022-May 31, 2023*, (Aug. 31, 2023), at 16 (If the lawyer does not fully complete the terms of the agreement...the underlying complaint moves forward through the usual disciplinary process.)

detrimental events and occurrences suffered by Appellant from that date, to now, over a full two years later.

**The Affidavit [SCR0163-0164]** utilized to obtain substituted service from the Panel was notarized **August 25, 2021**, reflects as follows:

“Lauren Harris is no longer with the firm. No forwarding information available. On August 15, 2021 at 3:50 P.M. at 17303 DAVENPORT ROAD, DALLAS, DALLAS COUNTY, TEXAS 75248 - 1 arrived at this residential location and spoke to male who identified himself as the father of Lauren Harris. Male was hostile but confirmed this is the correct address for Lauren Harris and added she is not at home. I left a call back card requesting contact. In the course of my attempts to serve said documents listed above, I've determined that 17303 DAVENPORT ROAD, DALLAS, DALLAS COUNTY, TEXAS 75243 is LAUREN ASHLEY HARRIS usual place of business, usual place of abode, or other place where the Respondent can probably be found. [SCR0163-0164]

While Fennel was allegedly trying to serve Appellant at her parents' house, watching the residence to mark down when her parents turned on and off their lights – in that time period, Appellant was actually back and forth from El Paso, Texas for a then-incarcerated criminal client. The same week Fennel was executing erroneous affidavits, Appellant secured Orders of Felony dismissal from the District Court/ADA, executed August 24, 2021 in two cases [SRC-062-065.]

The later-received SBOT PIA documents reflect that Appellant's online attorney profile changed at least three times from the information that Appellant herself entered, two times to the 17303 address as follows:

On September 8, 2021 (from 405 State Highway 121 Suite A250, Lewisville, Texas 75067 to 17303 Davenport Rd Dallas, Texas 75248. [SSCR-001137; 001150].

Appellant changed it back on October 22, 2021 to 405 State Highway 121 Suite A250, Lewisville, Texas 75067). [SSCR-001138; 001150].

This first time, the address remained the incorrect address, to an address that Appellant specifically noted as confidential and not for public dissemination for forty-four days, (1 month and 14 days)

The second time, a mere seven days after her correction, on October 29, 2021: from 405 State Highway 121 Suite A250, Lewisville, Texas 75067, changed to 17303 Davenport Rd. Dallas, Texas 75248 [SSCR-001138;001149].

On December 12, 2021, Appellant signed up with another virtual mail provider, Excella, for the mailing address of 2701 E. Grauwyler Rd. Building 1 DPT# 1072 Irving, TX US, 75061 [SCR-0072-0073][SCR-0573-0574]. On March 3, 2022, Guerra filed the Motion for Substitute Service before the EVH-14-2 Panel stating that:

According to the membership records of the State Bar of Texas, Respondent's usual place of abode is located at 17303 Davenport Rd., Dallas, Texas 75248... personal service attempts proved unsuccessful.... impractical because Respondent has consistently avoided service of process and does not respond to the process server's personal delivery attempts.[CR-0366-0383][SCR-0159-0180]

That same date, the Panel chair, Biles, executed the Order granting Substitute Service Process. On March 8, 2022, the CDC sent the process server a cover letter for service [SCR-0119-0120]. The Affidavit of Fennel executed March 29, 2022 states that the documents came to hand on March 9, 2022 and that he secured to front door of 17303 [SCR-0117, 0155] on March 16, 2022 at 12:55pm, while Appellant was a residential tenant of 14606 Dallas Parkway #2.1041 Dallas, Texas 75254 [CR-0531-0535]

>Appellant did not see that 17303 Davenport Road was once again, publicly available on the SBOT site, when Appellant did not herself input that address for the publicly facing information nor did she authorize nor consent for same to be changed.

>> Therefore, based on the Excella subscription, Appellant changed the address to 2701 E. Grauwyler Rd. Bld. 1 DPT# 1072 Irving, Texas 75061 on March 16, 2022 at 4:42AM [SSCR-001138;001149]. **WHICH IS**



COMPARED to the CR-0104 date and time of Process Server's alleged posting – related as ON March 16, 2022 at 12:55 P.M. -\*\*\*\*\*

>>> This time, the address remained the incorrect address and publicly available--of Appellant's parents' home which had always specifically noted as confidential and not for public dissemination – since October of 2021, for over one-hundred and thirty-eight days--or over four and a half months

On September 21, 2022, it appears Guerra filed the Motion for Default Judgment/Notice of Default Hearing, which lists the 17303 Davenport Address and the Grauwlyer address. [SCR-0143-0144]. Fennel's Affidavit, **executed October 10, 2022, states that on** October 1, 2022 he securely attached the documents to the 17303 front door. [CR-0177][SCR-0145]. Again, while Fennel was allegedly busy taping things to the residence of Dan and Teresa Harris at their North Dallas home, on October 13, 2022, Appellant was obtaining an Order for Withdrawal in the 265<sup>th</sup> Judicial Dist. Court of Dallas, County Texas for her last active litigation client as a solo-practitioner, **while she lived in her townhome at 7151 Gaston Ave.** [CR-0541-0545] [SRC-0075]

On January 25, 2023, Guerra executed multiple affidavits and documents [SCR-0141-0142], [SCR-0181-0182], [SCR-0139] including the Non-Military Affidavit [SCR-0140], in which Guerra swore that "(Respondent), currently resides in Dallas County, Texas. To the best of my knowledge, Respondent was at the time of the institution of this suit a resident of **Tarrant County, Texas.**" [SCR-0140]. That same date Affidavit Guerra executed her Attorney's Fees, Expenses Invoice/Resume. [SCR-0184-0187].

On January 27, 2023, Guerra went forward before EVH Panel 14-2 on the record [RRDT/RRDE], that same date, Biggs executed the Order Granting Default [APP 3], and

while the executed Panel Hearing Report is not dated for signature, it does list the hearing date as January 27, 2023 [CR-0179-0181][SCR-0189-0191], which resulted in the signed DFJ, executed on February 7, 2023, by Panel Chair of EVH 14-2, Biggs [APP 4].

Notably, on February 7, 2023, the CDC “Panel Clerk” sent Biggs an email with his signed Hearing Report for his reference, along with the proposed draft of the DFJ for signature; he replied with the signed version of the Judgment. “[CR-0185-0203] However, the email has a subject line for Cause Numbers not for this case, the North matter, but instead reflects:

“Case No's. 202005425 and 202005143; Commission for Lawyer Discipline vs. Lauren Ashley Harris” [CR-0185-0203].

| *D. POST-JUDGMENT PROCEEDINGS/PROCEDURAL HISTORY*

Also on February 7, 2023, Guerra sent Notice to the US District Court for the Northern District of Texas, before which Appellant is also admitted to practice; a separate action proceeded before Judge Jane Boyle to show Cause why reciprocal discipline should not have been entered against Appellant [CR-0577-0579]. After making filings and showings of grave injustice and fatal error to the due process rights of Appellant before that tribunal, **the Court did not and has not entered reciprocal discipline; therefore, Appellant never suffered a suspension or any sanction before the Federal Courts for the DFJ entered by the SBOT EXH Panel 14-2 [CR-0577-0579].**

On February 20, 2023, Appellant sent/filed Respondent's Motion to Stay Judgment Motion to Stay Execution of Default Judgment for Partially Probated Suspension Pending Panel Rulings and/or Appeal and Request for Record ("Motion to Stay")**[CR-0205-0222]**.

On March 10, 2023, Guerra filed Petitioner's Response to Respondent's Motion to Stay Execution of Default Judgment for Partially Probated Suspension Pending Panel Rulings and/or Appeal and Request for Record **[CR-0225-0231]**.

That same date **[CR-0280-0308]**, and again on March 11, 2023 Appellant **[CR-0311-0339]** sent the CDC ~~the~~ Respondent's Verified Motion to Set-Aside/Vacate Default Judgment & for New Trial with the Original Exhibit Binder **[CR-0309][CR-0340]** both these pages have the active link to the binder, which currently opens from the original clerk's record to the original exhibits. **[SCR-0216-0240]**.

On March 16, 2023, Guerra filed Petitioner's Response to Respondent's Verified Motion to Set-Aside/Vacate Default Judgment & for New Trial **[CR-0342-0364]**. On March 23, 2023, Appellant filed Respondent's Verified Requests to the Panel **[CR-0413-0424]**; Respondent's Verified Notice of Supplemental Facts **[CR-0357-0410]** and the supplemental Exhibit Binder, HARRIS.0480-0665.

On March 24, 2023, at 9:38am Appellant filed Respondent's Reply to the Petitioner's Response to Respondent's Motion to Stay **[CR-0615-0626]**. That same date, the hearing went forward, over Appellant's objection/cancellation and hearing by submission, but

Guerra stated that she was moving forward with the hearing, so Appellant appeared under duress, without a record, for Appellant's Motion to Stay.

On March 27, 2023, the CDC finally transmitted to Appellant the signed Orders [CR-0639-0640][APP.5/6] from the March 24, 2023 hearing, stating that it appeared Appellant had not been copied [CR-0638] on the communication, *ex-parte*.

On April 27, 2023, Appellant filed Past Due FOFCOL [CR-0633-0637]. *Ex-parte*, the CDC sent Biggs the proposed FOFCOL. On May 2, 2023, Biggs signed both the FOFCOL and sent them only to Guerra and the CDC, stating that he did not have the email address for Respondent, so the CDC would need to "forward it on." [CR-0645-0651], *ex-parte*.

On May 8, 2023, Appellant filed her Notice of Appeal before BODA.[CR0653-0654]. On June 7, 2023, appellant filed the Verified Motion for FBOE [SCR-0507-0512] and attached the Exhibits I-V, containing the Original Exhibit Binder HARRIS.0001-0479, in smaller files [SCR-0004-1004]. On August 1, 2023, Guerra filed Petitioner's response to Respondent's Verified Motion for FBOE [SCR-1070-1076].

On October 25, 2023, Appellant filed Respondent's Verified Motion for Judicial Notice: *State Bar of Texas Open Records Department Release of Records pursuant to the Texas Public Information Act*, [SSCR-000405-000418/001443-001455]; as well as Respondent's Brief to the Panel: *Proper Procedure Under Trap Rule 33.2 Discharging Duties Assigned On Remand Under Boda Mandate Signing & Filing Formal Bills of Exception* [SSCR-000419-

000446/001456-001525] – and the Third Exhibit Binder, *HARRIS.0666-1002*, with Appendix [SSCR-00448-000787].

On October 27, 2023, Appellant filed Respondent's Verified Objection to Notice of Hearing for the October 27, 2023 setting and three proposed Orders on the FBOE before the EVH-14-2 Panel. [SSCR-0800-000806/000813-000819, SSCR-000797-000799].

**Further, that same date, Appellant filed before BODA Appellant's Emergency Motion to Avert Improper Evidentiary Panel 14-2 Hearing on Remand.** Based on those filings, that same date, BODA granted Appellant a Temporary Stay/Cancellation of the October 27, 2023 hearing, where BODA **ordered:**

“that the hearing scheduled for 1:00 p.m. on Friday, October 27, 2023, in Cause No. 202000647, be temporarily stayed pending a response from Appellee, the Commission for Lawyer Discipline, and consideration by the Board. The Board requests a response from Appellee on the motion be filed no later than 5:00 p.m. on Friday, November 3, 2023. Appellant's motion remains pending.”

On November 13, 2023, Appellant filed Respondent's Verified Reply to Petitioner's Response to Respondent's Verified Motion for Formal Bill of Exception Objections & to Deem Matters Agreed: Express, Implied/Implicit Agreement *Panel's Ministerial/Statutory Authority-TRAP 33.2: Must Sign & File Agreed Bills*. [SSCR-000834-000903/000905-000974].

On November 22, 2023, BODA entered formal Order on Appellant's Emergency Motion to Avert Improper Evidentiary Panel 14-2 Hearing on Remand filed by the Appellant, which was granted “in-part” and set forth the requirements for the post-judgment FBOE hearing by the CDC and Appellant. [SSCR-001528-001529].

On December 21, 2023, the CDC filed Petitioner's Response to Respondent's Brief to Panel, and Respondent's Verified Motion for Judicial Notice [SSCR-001546-001583].

That same date, the CDC filed a new Notice of Hearing for the Appellant's FBOE, resetting the hearing to January 26, 2024. [SSCR-001630-001636].

Although requested to be included in the appellate record, missing therefrom is the January 19, 2024 CDC service of the ZOOM INVITE for January 26, 2024 at 1:00 p.m. CASE NO. 202000647 [North] Commission for Lawyer Discipline vs. Lauren Ashley Harris and "2024.01.19 Zoom Protocol Guidelines – EVIDENTIARY."

On January 26, 2024, the hearing was held on the record for the Appellant's FBOE. [RRFT-pgs1-17]

On February 5, 2024, Guerra sent her proposed Order denying the FBOE to the Panel Chair, Amie Peace [SSCR-001648-001650].

On February 7, 2024, EVH 14-2 Panel Chair Amie Peace entered her Order denying Respondent's FBOE, [SSCR-001652-001655/001657-001658] and on February 8, 2024, entered not the Respondent's proposed Orders for FBOE with "Refused" marked-thereon, but instead submitted the Respondent's Motion for FBOE, thereon marked "Refusal 2/8/2024 Amie Peace." [SSCR-001664-001685].

## **X. ARGUMENT & AUTHORITIES**

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### **I. POINTS OF ERROR**

<b><u>ERROR NO. ONE</u></b>
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THE JUDGMENT IS FACIALLY DEFICIENT AS A RETROACTIVE JUDGMENT, BEGINNING BEFORE EXECUTION

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The DFJ is facially deficient because it retroactively imposes an active suspension on a date preceding the judgment's entry, stated to be effective February 1, 2023, but actually executed on February 7, 2023. [APP. 4] Here, by purporting to impose an active suspension starting six-days (6) before the judgment was signed, Biggs impermissibly imposed a retroactive suspension, creating a fundamental error on the face of the judgment. In Texas, a judgment must speak as of its date of signing, not before, so Biggs could not retroactively impose judicial determinations that were not made at the time of executing; reformation *nunc pro tunc* allows a court to correct clerical errors to align the judgment with what was actually rendered.<sup>17</sup>

Similarly, where the CDC's Attorney's Fees and Expenses chart attached to Guerra's Affidavit of Attorney's Fees attempts to bill a 1.5 on April 20, 2020 for "Reviewed case file" at a rate of \$225.00/hour for a total of \$337.50, **improper** when the CDC did not yet "represent" the CFLD based on the fact that the Evidentiary Petition was not even alleged to be filed until May of 2021.<sup>18</sup>

Because the February 7, 2023 judgment purports to impose suspension before its own existence, it is clear the judgment does not conform to what the court could have legally rendered at that time. This procedural defect renders the judgment voidable and demands correction through, at minimum, reformation.

ERROR NO. TWO

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<sup>17</sup> *Daniels v. Commission for Lawyer Discipline*, 142 S.W.3d 565, 573 (Tex. App.—Texarkana 2004, pet. denied).

<sup>18</sup> TRDP 2.14(a) current version October 2024.

**THE DISTRICT 14 GRIEVANCE COMMITTEE WAS THE WRONG VENUE FOR THE EVIDENTIARY PANEL PROCEEDINGS AND IS HARMFUL, REVERSIBLE ERROR**

Any lawsuit prosecuted under a statute prescribing mandatory venue shall be brought in the county prescribed by such statute.<sup>19</sup> **If venue is shown to be improper while on appeal, the case must be reversed -- and reversal is required whether a motion to transfer is erroneously granted or denied.**<sup>20</sup> When a court of improper venue renders judgment, that court commits harmful, reversible error.<sup>21</sup>

Though not statutory, the TDRPC and the TRDP have the same force and effect as statutes, should be treated like statutes, and are interpreted using the usual rules of statutory construction.<sup>22</sup> TRDP Rule 2.11 provides that “venue shall be in the county of Respondent’s principal place of practice.”<sup>23</sup> “Shall” imposes a duty, and is treated as mandatory language, unless the legislative intent directs otherwise.<sup>24</sup> Therefore, TRDP 2.11 is a mandatory venue statute. Section 311.002 of the Code Construction Act applies to codes enacted after 1960 and to rules enacted under a code.<sup>25</sup> Section 81.024 of the government code empowers the Supreme Court of Texas to promulgate rules governing the state bar.<sup>26</sup> The Preamble to the Disciplinary Rules notes that the Disciplinary Rules

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<sup>19</sup> Tex. Civ. Prac. & Rem. Code Ann. § 15.061 (Vernon 1986).

<sup>20</sup> TEX. CIV. PRAC. & REM. CODE ANN. § 15.064(b); *Wilson*, 886 S.W.2d at 261; *Ruiz*, 868 S.W.2d at 758; *In re Masonite Corp.*, 997 S.W.2d 194, 198 (Tex. 1999) (orig. proceeding); *Ford Motor Co. v. Miles*, 967 S.W.2d 377, 382 (Tex. 1998); *Wichita Cty. v. Hart*, 917 S.W.2d 779, 781 (Tex. 1996).

<sup>21</sup> See Tex. Civ. Prac. & Rem. Code Ann. § 15.064(b).

<sup>22</sup> *Powell v. Commission for Lawyer Discipline* (Tex.App.-Hous. (1 Dist.) 2024) 2024 WL 5249169; *Commission for Lawyer Discipline v. Webster* (Tex.App.-El Paso 2023) 676 S.W.3d 687, review granted, reversed 2024 WL 5249494.

<sup>23</sup> TRDP 2.11B.

<sup>24</sup> See TEX. GOV'T CODE ANN. § 311.016(2); *Albertson's, Inc. v. Sinclair*, 984 S.W.2d 958, 961 (Tex. 1999).

<sup>25</sup> TEX. GOV'T CODE ANN. § 311.002.

<sup>26</sup> TEX. GOV'T CODE ANN. § 81.024.



are adopted and promulgated pursuant to that authority.<sup>27</sup> Thus, the Act applies to the TRDP. Therefore, “shall” is mandatory, and venue was proper only in Dallas County before a Dallas Panel.<sup>28</sup>

The May 2020 “Procedural Guide to Panel Proceedings” authored by the CD and provided to the DGCs in the CDC’s training of the Panels for their participation in the attorney discipline system, reflects the following definition::

Address - means the registered address provided by the attorney the subject of a Grievance as shown on the membership rolls maintained by the State Bar on behalf the Clerk of the Supreme Court *at the time of receipt of the Grievance by the Chief Disciplinary Counsel’s Office.*<sup>29</sup>

On January 15, 2020, the date of the CDC’s receipt of the North Grievance, the address provided by Appellant was 9330 LBJ Freeway, Suite 900 Dallas, Texas 75243, reflecting the SBOT dates and time/information and change log of Appellant’s online attorney profile data. **[SSCR000521-000536]**. Further, where the TRDP mandate proper venue in the county of the respondent’s principal place of practice, Appellant’s principal place of practice was at all times relevant to the North Complaint, Dallas County, Texas, and notates same on the face of the Judgment **[APP. 4]**.

Within Respondent’s Verified Request to the Panel and for BODA Appeal **[SCR-0415]**, Appellant raised this venue objection and provided her timeline of addresses, notating that a Dallas Panel was the original panel assigned to this matter, IVH 6-3.

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<sup>27</sup> TRDP Preamble.

<sup>28</sup> See also *McGregor v. Clawson*, 506 S.W.2d 922 (Court of Civil Appeals of Texas, Waco February 21, 1974).

<sup>29</sup> *Emphasis added.* See TRDP 1.06(A); APPENDIX B, 2020 TXCLE-ACAP 9 APP B, 2020 WL 5607163.

[APP 9][CR 45]. IVH Panel 6-3, the “grand jury” equivalent, determined that the allegations of the CDC in the North case were not deserving of a sanction, and instead the non-sanction<sup>30</sup> of the Grievance Referral Program.<sup>31</sup>

Furthermore, civil suits reflect that venue is determined “based on the facts existing at the time the cause of action that is the basis of the suit accrued.”<sup>32</sup> The grievance accrued the date of filing, and all of the alleged complaints within North’s Grievance based on the case in the 134<sup>th</sup> Judicial District Court of Dallas County Texas [APP 9], **Dallas was the only proper location for venue and the DFJ is reversible error.**<sup>33</sup>

A. ERROR NO. 2(A)

FUNDAMENTAL ERROR IS SHOWN ON THE FACE OF THE JUDGMENT,  
EXPRESSLY REBUTTING PROPER VENUE

TRDP Rule 2.11 reflects the mandatory venue provisions for each of the three types of Panel proceedings of the DGCs: Summary Disposition, Investigatory and Evidentiary.<sup>34</sup> Proper venue for an IVH Panel is the county where the alleged misconduct occurred; proper venue for an EVH Panel is the attorney’s principle place of practice.<sup>35</sup>

The “DFJ” reflects on Page 1, Under “JURISDICTION AND VENUE”:

The Evidentiary Panel 14-2, having been duly appointed to hear this complaint by the Chair of the Grievance Committee for State Bar of Texas District 14 finds that it has jurisdiction over the parties and the subject matter of this action and that venue is proper **[in Denton County, Texas] [APP. 4]**

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<sup>30</sup> See APPENDIX B, 2020 TXCLE-ACAP 9 APP B, 2020 WL 5607163, definition of **Sanction** - means any of the following: 1. Disbarment. 2. Resignation in lieu of discipline. 3. Indefinite Disability Suspension. 4. Suspension for a term certain. 5. Probation or suspension.... 6. Interim suspension. 7. Public reprimand. 8. Private reprimand.”

<sup>31</sup><https://www.texasbar.com/Content/NavigationMenu/ForThePublic/ProblemswithanAttorney/GrievanceEthicsInfo1/ReferralProgram.htm>

<sup>32</sup> See Tex. Civ. Prac. & Rem. Code Ann. § 15.006.

<sup>33</sup> See [Tex. Civ. Prac. & Rem. Code Ann. § 15.064\(b\)](#).

<sup>34</sup> TRDP Rule 2.11.

<sup>35</sup> TRDP Rule 2.11(A), TRDP Rule 2.11(C).

Yet, on page 2 under “FINDINGS OF FACT” reflects:

Respondent resides in and maintains her principal place of practice **in Dallas County, Texas [APP.4].**

Based on the mandatory venue provision stating that the EVH Panel venue is proper in the county of Appellant’s principal place of practice, and it acknowledges that Dallas County is Appellant’s principal place of practice, the “Jurisdiction and Venue” provision then reflecting error by the claim that the EVH Panel 14-2 of Denton County was duly appointed, as it was not, and it was error to state that it had jurisdiction over the parties and subject matter, as it did not.

Instead, the judgment facially reflects that the proper venue was Dallas County, not Denton County. This is fundamental error which requires reversal as the EVH Panel 14-2 was not duly appointed, did not have proper jurisdiction of the Appellant or the subject matter of the action and all orders and the judgment were void. Where the FOFCOLs attempt to insert the caveat that Denton County was the principle place of practice for Appellant *at the time the Evidentiary Petition was filed* to explain this facially defective venue issue, further error is below.

The EVH 14-2 Panel, which entered a default, surprise sanction order of suspension from the practice of law, causing her to be terminated from her position of employment and suffer countless moments of shame and anguish in attempting to secure new employment, sits and exists in Denton County **and not in Dallas County, it lacked venue over this matter, and all entries of Orders, especially its ““DFJ” is reversible error: “[o]n**

appeal from the trial on the merits, if venue was improper it shall in no event be harmless error and shall be reversible error.”<sup>36</sup> The Board is duty-bound to reverse the “DFJ” and dismiss this action against Appellant.

**ERROR NO. THREE**

**NEVER SERVED WITH PROCESS, THE EVIDENTIARY PANEL THEREFORE NEVER ACQUIRED PERSONAL JURISDICTION OVER APPELLANT IN THE PROCEEDINGS, THEREFORE, THE “DFJ” IS VOID.**

Appellant challenges the default judgment on direct appeal as the form, substance, and/or manner of service were defective, and therefore violative of due process.<sup>37</sup> Constitutional violations, including violations of the right to due process of law, are reviewed *de novo*.<sup>38</sup>

Notice must be “reasonably calculated, under the circumstances, to apprise interested parties of the pendency of the action and afford them the opportunity to present their objections.”<sup>39</sup> In *Mullane*, the Supreme Court of the United States explained that “when notice is a person’s due, process which is a mere gesture is not due process. **The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it.**”<sup>40</sup>

And thus, notice must be effectuated under standards due diligence, which test is whether the plaintiff:

- (a) acted as an ordinary prudent person would have under the same circumstances, and

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<sup>36</sup> See Tex. Civ. Prac. & Rem. Code Ann. § 15.064(b).

<sup>37</sup> *\$6453.00 v. State*, 63 S.W.3d 533, 535–36 (Tex. App. 2001).

<sup>38</sup> See *McNeill v. Phillips*, 585 S.W.3d 109, 116 (Tex. App.—El Paso 2019, pet. denied).

<sup>39</sup> *Peralta v. Heights Med. Ctr., Inc.*, 485 U.S. 80, 84 (1988) (quoting *Mullane*, 339 U.S. at 314).

<sup>40</sup> *Mullane*, 339 U.S. at 315.

(b) was diligent up until the Defendant was purportedly served<sup>41</sup> **Extended periods of time in which no attempt at service of process are made—which are unexplained—as a matter of law show lack of due diligence.**<sup>42</sup>

No actions of the CDC reflect that it actually sought to provide to Appellant notice of the proceedings – where not once in the *three year period* did the CDC or the process server: 1) call/leave a voicemail message on Appellant’s *office line*; 2) or call or leave a voicemail message on Appellant’s *cell phone number*; 3) or send Appellant a text message to her *cell phone*; 4) or send any notice at all *by fax* to Appellant of any hint of any documents related to the proceedings. .

Here, the CFLD/CDC failed to accomplish service in accordance with constitutional and procedural requirements, and Guerra did not even attempt to cite or use the correct BODA precedents of *Sims* and *Shelton* before the Panel in obtaining the default judgment. At minimum, the CDC failed to comport with the strict requirements for substitute service under the TRCP rules, but additionally, the CDC failed any measure of the reasonable persons standard of due diligence.

Jurisdiction over the defendant must affirmatively appear by a showing of due diligence in service of process, independent of recitals in a default judgment.<sup>43</sup>

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<sup>41</sup> \$6453.00 v. State, 63 S.W.3d 533, 536 (Tex. App. 2001)(applied from standard for due diligence under objection for failure to serve before the expiration of statute of limitations).(citing *Seagraves v. City of McKinney*, 45 S.W.3d 779, 782 (Tex.App. — Dallas 2001, no pet.); *Eichel v. Ullah*, 831 S.W.2d 42, 44 (Tex.App. — El Paso 1992, no writ).

<sup>42</sup> \$6453.00 v. State, 63 S.W.3d 533, 536 (Tex. App. 2001) citing *Butler v. Ross*, 836 S.W.2d 833, 836 (Tex.App. — Houston [1st Dist.] 1992, no writ); *Hansler v. Mainka*, 807 S.W.2d 3, 5 (Tex.App. — Corpus Christi 1991, no writ).

<sup>43</sup> *Barker CATV Const. Inc. V. Ampro, Inc.*, 989 S.W. 2d. 789, 792 (Tex. App.-Houston [1 Dist.] 1999).

Appellant provided her leases for each residential tenancy for the past slew of years to the Panel, as included in the exhibits; reflecting the improper argument of the CDC still fails, as Appellant was never avoiding process [CR-0531-0535,0541-0545]. Although Guerra was in possession of Appellant's actual residential home information, she proceeded to obtain an improper Order for Substituted Service [APP. 2] based on material misrepresentations to the EVH Panel 14-2 and its own agent's deficient Affidavits which failed to strictly comply with TRCP 106(b) or BODA precedent, *Shelton*. Despite this, the CDC sought and obtained from EVH Panel 14-2 the wrongful Order for substitute service [APP 3] and then the "DFJ" against Appellant. [APP 4].

The TRDP reflects that the evidentiary petition must be served in accordance with TRDP Rule 2.09,<sup>44</sup> and 2.09(A) authorizes service by certified mail or "by other means of service permitted by the" TRCP.<sup>45</sup> Service of process under the TRCP are governed under Rules 103-109a.<sup>46</sup> BODA's precedents in *Sims*<sup>47</sup> and *Shelton*<sup>48</sup> reflect the standards required to support a default judgment. Guerra did not advise the Panel about *Sims* or *Shelton* in the motion for substitute service, [CR-0059-0061] nor in the default motion [CR-0110-0112] nor in the default hearing [RRDT-pg1-25], and instead, repeatedly argued through each

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<sup>44</sup> TRDP 2.17(A).

<sup>45</sup> TRDP 2.09(A), TRDP 2.17(A). *See also* APPENDIX B, 2020 TXCLE-ACAP 9 APP B, 2020 WL 5607163.

<sup>46</sup> *See* TRCP Rules 103-109a.

<sup>47</sup> *Sims v. Comm'n for Lawyer Discipline*, Case No. 34229 (Tex. Bd. Disp. App. Aug. 16, 2006).

<sup>48</sup> *Shelton v. Commission for Lawyer Discipline*, Case No. 36059 (Tex. Bd. Disp. App. 2006).

exhibit of empty green slip or improper affidavit corresponding things like: [Appellant] had everything before today” [RRDT Pg12 Lines 1-7]; “just to be thorough,” [RRDT-pg12/23] “we also sent her certified mail...we wanted to make sure she knew of today’s hearing, **in the event that she wanted to be here**” [RRDT Pg11, lines 10-24].

A. **ERROR NO.. 3(A): AS IN SIMS, APPELLANT WAS NOT SERVED BY CERTIFIED MAIL RETURN RECEIPT REQUESTED, REFLECTING THE CDC’S IMPROPER ARGUMENT & WRONG LEGAL PRECEDENT TO THE PANEL**

To prove the default, the CFLD must establish proper service, absence of respondent’s signature on certified mail green card rendered default judgment void for absence of due process.<sup>49</sup>

Guerra specifically argued to the Panel that “**someone did sign the green card**” [RRDT-p12/14-15], as if this fact ratified the ineffective substitute service of process, but:

[i]f the individual who signs the receipt of delivery is not the addressee, service of process is invalid.<sup>50</sup>

As in *Sims*, Appellant participated in the investigatory hearing, but BODA found that even if the record reflected Sims knew of the charges or the evidentiary hearing, proper service was still required to confer jurisdiction -- without proper service, Sims had no obligation to participate in the proceedings.<sup>51</sup> BODA held:

“when the matter continues to a hearing before the tribunal with authority to impose discipline—either a district court or an evidentiary panel of the grievance committee..” the minimum requirements of due process require that “..the respondent attorney must be served with the pleading through which the tribunal

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<sup>49</sup> See, e.g., *Sims v. Commission for Lawyer Discipline*, Case No. 34229, 2006 WL 6242395, at \*3-6 (Tex. Bd. Disp. App.—Aug. 18 2006).

<sup>50</sup> *Asset Protection & Security Services, L.P. v. Armijo*, 570 S.W.3d 377 (Tex. App. El Paso 2019).

<sup>51</sup> *Id.*

acquires personal jurisdiction over the respondent in a manner affording the respondent a fair opportunity to appear and defend the charges against her.”<sup>52</sup>

Not one “green slip,” certified mail return receipt was returned with Appellant’s signature [CR0033-34, 45, 54]. Despite never having served Appellant by certified mail, or at all, Guerra presented the unsigned green slips to the Panel as if these supported the substitute service or counted as notice of the proceedings in a complete 180 from the *Sims* decision I improper argument and wrong precedent.

**B. ERROR NO. 3(B): AS IN SHELTON, APPELLANT WAS NOT SERVED BY:  
SUBSTITUTED SERVICE OF PROCESS, REFLECTING AGAIN, IMPROPER  
ARGUMENT & WRONG PRECEDENT**

BODA’s decision in *Shelton*<sup>53</sup> is directly controlling as to reversal of a default judgment when the affidavit supporting substituted service failed to meet Rule 106(b)’s strict requirements, and as in *Shelton*<sup>54</sup> and the record here affirmatively demonstrates that Appellant was not served in a manner sufficient to confer personal jurisdiction. Moreover, Guerra utilized improper argument, riddled in the hearing transcript of the default setting which put an additional and unnecessary scienter/*mens rea* of intentional avoidance on the default judgment, but without ever having brought forth a rule violation of failure to respond to the CDC.

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<sup>52</sup> *Id.*

<sup>53</sup> *Shelton v. Commission for Lawyer Discipline*, No. 36059 (BODA 2006).

<sup>54</sup> *Shelton v. Commission for Lawyer Discipline*, No. 36059 (BODA 2006),



Texas law requires strict compliance with service rules to support a default judgment, where no presumptions of valid service may be indulged.<sup>55</sup> Service upon Appellant was allegedly attempted several times at the address of 17303 Davenport Rd. Dallas, Texas 75248 and at 405 Highway 121 Bypass Suite 250A Lewisville, Texas 75067, but, at all relevant times that the CDC was allegedly attempting to serve Appellant, it had actual, direct written notice and testimony that:

- 1) Appellant' office was by appointment only, a virtual office leasehold, provided in her Grievance Responses to the CDC and stated explicitly under Oath before the CDC and IVH Panel 6-3 upon Panel questioning in the November 12, 2020 IVH setting [APP 9].

Further, that

- 2) Appellant did not reside at 17303, in fact, it was her parent's house, and she had her own residential home addresses – only emergencies/irregular occurrence(s) would result in same as reiterated to Elena Wolfe on January 31, 2020 [SCR-0027-0034].
- 3) Additionally, the day after the November 12, 2020 IVH setting, Appellant directly corresponded with the Membership Department of the SBOT to obtain a replacement and again **provided her residential home address** and receipt of her address/was confirmed when the SBOT made delivery to same. [CR-0507-0508] [SSCR-000105].

Notice of Appellant's actual addresses, known by the CDC, as principal, was imputed upon the process server, as agent when it comes to liability:

to third-parties, where a principal/agent's own acts and statements would not otherwise constitute evidence against the other, they may nonetheless constitute

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<sup>55</sup> See *Wilson v. Dunn*, 800 S.W.2d at 836; *Primate Construction, Inc. v. Silver*, 884 S.W.2d 151, 152 (Tex. 1994).

such evidence” if ratified or if the principal/agent would be independently liable for the same conduct..<sup>56</sup>

first, the Affidavit must include evidence that establishes the impracticality of personal service upon the party and secondly the affidavit must not be conclusory or otherwise insufficient.<sup>57</sup>

Similar to *Furst*, where a Plaintiff’s affidavit attempting to obtain substitute service on the father of one of the Defendants did not allege sufficient facts to warrant authorizing substituted service on the father of one of the Defendants, here Appellant’s parents were not proper parties to the evidentiary proceeding, and nothing in the process server’s affidavit demonstrated that notice to Appellant’s father was reasonably effective notice as to Appellant.<sup>58</sup>

An affidavit that states no probative facts, but merely conclusory statements is insufficient on its face to be the basis for a valid order for substituted service and failure to comply strictly with Rule 106 of the TRCP render the service of process defective. The affidavit does not provide facts to support why this location was the residence or regular place of abode of Appellant,, and provides no way with any degree of certainty to determine exactly why this was Appellant’s home address in the 'four corners' of that

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<sup>56</sup> *Dreeben v. First Nat. Bank*, 100 Tex. 344, 99 S.W. 850 (1907); *Thompson v. Keys*, 162 S.W. 1196 (Tex. Civ. App. Fort Worth 1913).

<sup>57</sup> See also, *Coronado v. Norman*, 111 S.W. 3<sup>rd</sup> 838 (Tex. App.-Eastland 2003.)

<sup>58</sup> *Furst v. Smith*, 176 S.W.3d 864 (Tex. App. Houston 1st Dist. 2005).

affidavit. An affidavit must positively and unqualifiedly show that it is based on personal knowledge<sup>59</sup> which may be determined whenever an affidavit includes information explaining how the affiant gained that knowledge; an affidavit's failure to demonstrate a basis for personal knowledge renders it incompetent evidence.<sup>60</sup>

As to the Highway 121 address, this location at the alleged time of service was a Regus Virtual Office address, a fact which the *affidavit from the CDC process server makes no mention*, and instead *explicitly mischaracterizes* the information--the Affiant stated he was told that the location was a “firm” and that “Respondent no longer worked there,” reflecting the credibility of the Affiant immediately speculative. [CR-0525] As the process server did not include the fact that many businesses of all varieties were housed in/from the same office address, because Regus would not misrepresent **that it was a law firm**. Nor would Regus assert that any one of their tenants **no longer worked there**, if at all, on terms of confidentiality alone, but at most, would only have stated that Appellant no longer **rented there**. [CR-0525] [CR-0527]

And further, where the Order for Substitute Service [APP 2] explicitly states that “IT IS ORDERED that service of Respondent in this disciplinary proceeding shall be made

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<sup>59</sup> *Grotjohn Precise Connexiones Intern.. S.A. V. JEM Financial. Inc.*, 12 S.W. 3d 859, 866-867 (Tex. App.-Texarkana); *Brownlee v. Brownlee*, 665 S. W. 2d. 111, 112 (Tex. 1984). *In Llopa, Inc. v Nagel*, 956 S.W. 2d, 82, 86. (Tex. App.-San Antonio 1997).

<sup>60</sup> *Trostle v. Combs*, 104 S.W. 3d 206, 214 (Tex. App-Austin 2003).

by leaving a true and correct copy of the following documents with anyone over sixteen years of age at Respondent's usual place of abode at 17303 Davenport Rd., Dallas, Texas 75248-1367" without showing that no one over 16 was present at the time of service the

[b]urden was on [the CDC] to affirmatively show that no one over age 16 was present at the time of service... by posting on door...absent an affirmative showing that no one over age 16 was present.<sup>61</sup>

Strict compliance with the rules governing service of process must be affirmatively shown.<sup>62</sup> The CDC has failed to offer any legally sufficient proof that it complied with the service requirements necessary to support the Order granting substitute service [APP. 2] nor the Order on motion for Default, [APP. 3] nor the "DFJ. [APP 4]. As a result, the default judgment entered against Appellant is void.

#### **ERROR NO. FOUR**

##### **APPELLANT'S CONSTITUTIONAL RIGHT TO DUE PROCESS OF LAW WAS VIOLATED**

Failure to give notice to a party of a trial setting violates the due process requirements of the United States Constitution.<sup>63</sup> It is also grounds for reversal of a default judgment.<sup>64</sup> A person who is not notified of a trial setting and consequently suffers a default judgment need not establish a meritorious defense to be entitled to a new trial.<sup>65</sup>

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<sup>61</sup> TRCP106. *Pro-Fire & Sprinkler, L.L.C. v. Law Company, Inc.*, 637 S.W.3d 843 (Tex. App. Dallas 2021).

<sup>62</sup> *Uvalde Country Club v. Martin Linen Supply*, 690 S.W. 2d 884, 885 (1985).

<sup>63</sup> *Hanners v. State Bar of Tex.*, 860 S.W.2d 903, 907 (Tex. App.—Dallas 1993, writ diss'd) (citing *Lopez v. Lopez*, 757 S.W.2d 721, 723 (Tex.1988)) (citing *Peralta v. Heights Medical Ctr., Inc.*, 485 U.S. 80, 84, 108 S.Ct. 896, 899, 99 L.Ed.2d 75 (1988)).

<sup>64</sup> *Hanners v. State Bar of Tex.*, 860 S.W.2d 903, 907 (Tex. App.—Dallas 1993, writ diss'd)(citing *Trevino v. Gonzalez*, 749 S.W.2d 221, 223 (Tex.App.—San Antonio 1988, writ denied)).

<sup>65</sup> *Hanners v. State Bar of Tex.*, 860 S.W.2d 903, 907 (Tex. App.—Dallas 1993, writ diss'd)(citing *Lopez*, 757 S.W.2d at 723 (citing *Peralta*, 485 U.S. at 85, 108 S.Ct. at 899)).

Courts have held that it is “the established law of this State that it is imperative and essential that the record affirmatively show a strict compliance with the provided mode of service.”<sup>66</sup> Specifically, “that a failure to comply with the requirements of Rule 107 renders a default judgment invalid.”<sup>67</sup>

**A disciplinary judgment rendered without constitutionally sufficient service of process and without an opportunity to be heard is void and must be reversed, without any requirement for the aggrieved party to show harm.**<sup>68</sup> Appellate courts owe no deference when fundamental constitutional rights are violated.<sup>69</sup> An Appellate court’s jurisdiction in an appeal from a void order is limited to only determining that the order or judgment underlying the appeal is void, and making appropriate orders based on that determination.<sup>70</sup>

**Appellant was never avoiding service, but Guerra was certainly avoiding actual notice to Appellant.** Because Appellant was never properly served with the Evidentiary Petition, was given no notice of the adjudicatory proceeding, and was denied any meaningful opportunity to be heard, the DFJ is void as a matter of law. The only proper remedy is reversal and rendition, vacating the DFJ and all associated sanctions. Appellant

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<sup>66</sup> *McKanna v. Edgar*, 388 S.W.2d 927, 929 (Tex. 1965).

<sup>67</sup> *Hubicki v. Festina*, 226 S.W.3d 405, 408 (Tex. 2007) (per curiam).

<sup>68</sup> See *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80, 84–87 (1988); *Wilson v. Dunn*, 800 S.W.2d 833, 836 (Tex. 1990).

<sup>69</sup> See *O’Quinn v. State Bar of Texas*, 763 S.W.2d 397 (Tex. 1988).

<sup>70</sup> *Matter of M.K.*, 514 S.W.3d 369 (Tex. App. Fort Worth 2017).

maintains that there is but one result required under law: the February 7, 2023 “DFJ” rendered against her by the EVH 14-2 Panel be vacated for failure to comply with even the basic rudiments of service of process, notice/opportunity to be heard, fundamental fairness, and notions of fair play and justice.

**ERROR NO. SIX**

**EVH 14-2 ABUSED ITS DISCRETION WHEN IT DID NOT APPLY OR CONSIDER THE TRDP GUIDELINES– (INSTEAD, IT IMPROPERLY CONSIDERED EXTRA-RECORD EX-PARTE EVIDENCE)**

Although a disciplinary tribunal has broad discretion to determine the consequences of professional misconduct,<sup>71</sup> and sanctions will only be reversed upon a showing of abuse of discretion<sup>72</sup> -- the judgment of a tribunal in a disciplinary proceeding -- may be so light or heavy as to amount to an abuse of discretion.<sup>73</sup> Generally, a tribunal abuses its discretion when it acts in an unreasonable and arbitrary manner or acts without reference to any guiding rules and principles.<sup>74</sup>

Instead of applying the guidelines at all, Guerra led the Panel on forum shopping and intentional *ex-parte* dissemination of the other Grievances before 14-2, stacking that one panel to stoke the bias and prejudice against Appellant, evidenced by at least the title of the email which transmitted the suspension judgment, being the different cause

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<sup>71</sup> See, e.g., *State Bar of Texas v. Kilpatrick*, 874 S.W.2d 656, 659 (Tex. 1994); *Olsen v. Commission for Lawyer Discipline*, 347 S.W.3d 876, 888 (Tex. App.—Dallas 2011, pet. denied); *Rosas v. Commission for Lawyer Discipline*, 335 S.W.3d 311, 320 (Tex. App.—San Antonio 2010, no pet.); *Butler v. Commission for Lawyer Discipline*, 928 S.W.2d 659, 666 (Tex. App.—Corpus Christi 1996, no writ); *Minnick v. State Bar of Texas*, 790 S.W.2d 87, 92 (Tex. App.—Austin 1990), writ denied.

<sup>72</sup> *Rosas*, 335 S.W.3d 311, 320.

<sup>73</sup> *State Bar of Texas v. Kilpatrick*, 874 S.W.2d 656, 659 (Tex. 1994); *Olsen v. Commission for Lawyer Discipline*, 347 S.W.3d 876, 888 (Tex. App.—Dallas 2011, pet. denied).

<sup>74</sup> *Furr’s Supermarkets, Inc. v. Bethune*, 53 S.W.3d 375, 379 (Tex. 2001); *Olsen v. Commission for Lawyer Discipline*, 347 S.W.3d 876, 888 (Tex. App.—Dallas 2011, pet. denied); *Landerman v. State Bar of Texas*, 247 S.W.3d 426, 433 (Tex. App.—Dallas 2008, pet. denied); *Rodgers v. Commission for Lawyer Discipline*, 151 S.W.3d 602, 618 (Tex. App.—Fort Worth 2004, pet. denied); *Eureste v. Commission For Lawyer Discipline*, 76 S.W.3d 184, 202 (Tex. App.—Houston [14th Dist.] 2002, no pet.).

number for Appellant,, similarly prosecuted by Guerra in her continued prosecutorial misconduct “Case Nos. 202005143, 202005425.”[CR-0185, 0203].

A lawyer is forbidden to seek to influence a tribunal concerning a pending matter by means that are prohibited by law or by applicable rules of practice or procedure.<sup>75</sup>

The email title **which** makes clear the *ex-parte* extra-record consideration, otherwise not explained for how the Panel reached the sanctions, but depicting **the bias which actually fueled the inexplicably heavy result**, so heavy as to be an abuse of direction, made explicitly as result of the *ex-parte* communications.

**ERROR NO. SEVEN**

**MARCH 24, 2023 POST-JUDGMENT HEARING: THE PANEL: ABUSED DISCRETION, ACTED ARBITRARILY AND CAPRICIOUSLY, AND VIOLATED APPELLANT’S DUE PROCESS RIGHTS**

If considering in combination all factors that went into the events of the March 24, 2023 hearing, then no measure of justice or good faith can be seen from the CDC nor EVH Panel 14-2, exacted against Appellant, only to her detriment. Under a totality of the circumstances, Appellant was afforded no equity in the proceedings, and each standard from which BODA must review the events of that date must reflect a decision on each point of error finding that the Panel abused its discretion and/or did not have a rational

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<sup>75</sup> Tex. R. Prof. Conduct, Rule 3.05(a).

basis and/or substantial evidence to rule as it did, and for each and every instance, decidedly against Appellee and for Appellant.

aError No. 7(A):

*EVH 14-2 & THE CDC VIOLATED APPELLANT'S DUE PROCESS RIGHTS WHERE THE ONLY HEARING SET FOR MARCH 24, 2023 WAS THE MOTION TO STAY & APPELLANT WAS NEVER PROVIDED ANY NOTICE THAT THE MOTION FOR NEW TRIAL WAS ALSO GOING FORWARD THAT DAY AND TIME, FORCING APPELLANT TO ARGUE THAT MOTION BY SURPRISE AND AMBUSH*

The only hearing even contemplated was the Motion to Stay, on which Appellant sought ruling by submission, but CDC attorney forced attendance under duress.

The May 2020 Panel Procedural Guide authored by the CDC and provided to the DGC in the CDC training of the Panels provides:

The State Bar Act provides that the rules must “(10) authorize[e] all parties to an attorney disciplinary hearing, to be present at all hearings at which testimony is taken and requiring notice of those hearings to be given...”<sup>76</sup> A party is entitled to reasonable notice of [hearings] to comport with due process under the United States Constitution.<sup>77</sup>

On February 20, 2023, Appellant filed Respondent's Motion to Stay Execution of the DFJ before the Panel and copied BODA.[SCR-001553-001570] The “Clerk” provided “notice of the setting” merely three days later, February 23, 2023 and the Motion for New Trial was not filed until March 10, 2023. Therefore, the setting, made fifteen days before

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<sup>76</sup> TEX. GOV'T CODE ANN. § 81.072(b)(910) (West).

<sup>77</sup> *Long v. Comm'n for Law. Discipline*, No. 14-11-00059-CV, 2012 WL 5333654, at \*3 (Tex. App. Oct. 30, 2012), citing *See Boateng v. Trailblazer Health Enters.*, 171 S.W.3d 481, 492 (Tex.App.-Houston [14th Dist.] 2005, pet. denied); see also *PNS Stores, Inc., v. Rivera*, No. 10-1028, S.W.3d, 2012 WL 3800817, at \*3 (Tex. Aug.31, 2012) (citing *Peralta v. Heights Med. Ctr., Inc.*, 485 U.S. 80, 84, 108 S.Ct. 896, 99 L.Ed.2d 75 (1988)); *In re Marriage of Parker*, 20 S.W.3d 812, 818-19 (Tex.App.-Texarkana 2000, no pet.).



the Motion for New Trial was filed, **was not** for the Motion for New Trial. No rational basis exists to say that Appellant had notice of a setting for the Motion for New Trial, where Guerra has again misapplied the law to her benefit, but presented same to the Panel as if it is controlling.

Settings do not somehow grow to account for more filings without explicit notice from a party or by statute, and hearings do not magically “anticipate” additional motions when set, no matter how Guerra has attempted to misrepresent the legal standard or facts within her Response to Appellant’s Brief to Panel and Motion for Judicial Notice, filed December 21, 2023. Further, the actual email notice of the setting, the ZOOM notice within the body of the email, made zero reference to what the hearing was for **[SCR-1064]** not even the Motion to Stay, for which it was actually set, let alone the Motion for New Trial. BUT most critically, the ZOOM attachment for evidentiary panel proceedings delivered with the March 23, 2023 Zoom notice **[CR-1063] Zoom Protocol Guidelines-EVIDENTIARY.pdf**] state explicitly that the proceedings are described under rule 2.17 of the TRDP, which then explicitly reflect that the CDC was responsible for the Court Reporter

Within Guerra’s Response to Appellant’s Brief to Panel and Motion for Judicial Notice, filed December 21, 2023, Guerra states that when the Panel Clerk reached out to Appellant regarding the hearing -- *(which was unilaterally set without request, or conference)*

– that because Appellant mentioned that a motion for new trial was to be filed imminently, it was somehow known that this hearing would encompass both:

[o]n February 23, 2023, the Evidentiary Clerk emailed Respondent to advise that because the Panel regularly meets only once a month, the next available hearing date on Respondent's motion would be March 24, 2023, at 1:00pm. The Clerk advised that a hearing would be scheduled for that date. See EXHIBIT 2. This hearing would serve to address all issues raised by Respondent, including matters related to the stay, setting aside/modifying/vacating the judgment, and new trial.

. Petitioner was present at hearing. Respondent failed to appear and did not file a continuance. [SSCR-001556-001552] compare [APP 7][APP 8].

Not only are all the assertions that the CDC somehow provided notice via telepathy beyond the scope of zealous advocacy, but most notably, Guerra's assertion that RESPONDENT FAILED TO APPEAR: this is an intentional misrepresentation, and where Appellant already pointed this out to the Panel and to Guerra in the pleadings in the underlying cause (Respondent's Verified Reply [SSCR-000834-000851]) **and no corrective action was even contemplated, let alone completed**, the bad faith of the CDC is so prevalent, it's cavalier.

| A. ERROR NO. 7(B):

CDC – I.E. THE PANEL REFUSED TO ALLOW APPELLANT TO ADMIT/ENTER INTO THE RECORD THE PREVIOUSLY SERVED FIRST EXHIBIT BINDER, NO BASIS FOR THE OBJECTION WHICH WAS FILED/SENT TO THE CDC "CLERK" ON MARCH 10 AND 11TH, 2023, WITHOUT CLEAR NOTICE OF DEFICIENCY, NOR INSTRUCTIONS OR PARAMETERS FOR CURE AND NO BASIS FOR THE EXCLUSION AS THE LINK IS STILL WORKING VIA CR-1052 & CR-1053.

The Texas Rules of Civil Procedure reflect under Rule 21(f)(11) the process to cure a deficiency in electronic filings to the Clerk of the Courts, and this was not followed, nor referenced at all; in fact, no guiding principles whatsoever were explained for the arbitrary

and flippant refusal to include Appellant's first Exhibit volume into the record:

The clerk may not refuse to file a document that fails to conform with this rule, but the clerk may identify the error to be corrected and state a deadline for the party to resubmit the document in a conforming format.<sup>78</sup>

Appellant emailed her original exhibit binder HARRIS.0001-0479 to the CDC on March 10, 2023 and March 11, 2023, (*although mistitled/incorrect title, HARRIS.0001-0219 2023.03.10 HARRIS*).

The decision to exclude the evidence of the 1<sup>st</sup> Exhibit Binder was not explained in any way that made sense by evidentiary objection, not even by technical failures --- and where thought to be arbitrary and capricious, without any reasoning at all – it is now known to actually be malicious, as seen below, where the link works to this day, **and was only provided back in this form via the record compiled by the CDC**. Within the email which originally housed the transmission, **[CR-1052 & CR-1053]** -- the link is STILL available, where that email was sent to the Panel Clerk, Panel Chair and Guerra in March of 2023 and – to this date, one can click the link, and the exhibit binder has just become available for opening – without any issue whatsoever; see **[CR-1052 & CR-1053]**. *the link populates on mouse-over as follows:*

<https://zmdownload.zoho.com/download?sign=170cb47f11a4bb8ecbb368f0505e1f3561b2874e20b655ca46394f1db6330db8&digest=0801122916bce9717dbec57fcea93e91000058f9519ecca0818db8acf768eae17abf92f94a65521b84d55716aa%2364769127>

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<sup>78</sup> TRCP 21(f)(11).

The Panel abused its discretion, as it made the ruling to exclude the evidence without any legal reasoning provided and on the assertion it was not submitted properly by Appellant, although clearly, not true, and even if it was somehow the case for the CDC not accessing the document -- it never provided Appellant with a clear statement of/understanding of the deficiency or path to re-file, instructions to cure, or time frame for re-submission -- and abused any discretion it was allowed in supporting the exclusion without any guiding principles. Appellant prays for equitable relief from BODA for this and all other wrongs suffered by Appellant herein, including findings against the CDC.

| **B. ERROR NO. 7(C):**

**THE CDC UNILATERALLY SCHEDULED AND SET THE MARCH 24, 2023 HEARING, THEN, OVER APPELLANT'S OBJECTION & REQUEST FOR RULING BY SUBMISSION ON THE MOTION TO STAY, GUERA INSISTED IT WAS GOING FORWARD -- MAKING IT THE CDC/CFLD'S HEARING -- BUT GUERRA DID NOT PROVIDE A COURT REPORTER & DENIED REQUEST FOR A COURT REPORTER**

Court reporters are not required to transcribe court proceedings unless a party requests it.<sup>79</sup> Where Appellant did request same, it was denied and then overruled where seeking a continuance to obtain a court reporter to make a record of the proceedings. Appellant's objection to lack of court reporter, and Appellant's motion to continue to obtain a Court reporter/cure any alleged defects in Exhibit filing is abuse of discretion. "When the appellant, through no fault of his own, is unable to obtain a reporter's record,

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<sup>79</sup> TEX. GOV'T CODE ANN. § 52.046(a).

the appellate court may reverse the judgment.”<sup>80</sup> A court may consider matters that are fundamentally erroneous even in the absence of a report’s record.<sup>81</sup>

. **The trial court abused its discretion because of the state of the record.**<sup>82</sup> Here, in these Panel proceedings, the hearing transcript was not omitted from the appellate record, but simply does not exist, because the CFLD/CDC and EVH 14-2 Panel prevented Appellant from a court reporter, which under TRDP 2.17 the CDC was intended to provide. Since there was repeated attempts by Appellant to rectify the lack of a court reporter and attempt to place the contents for appeal before BODA, the court **should not** presume that the omitted portion of the [reporter’s record] supports the trial court’s judgment.<sup>83</sup> The denial of the reporter was an abuse of discretion where not based on any principles of law, evidence, technology nor common sense and was in no event harmless error based on all steps taken to rectify.

| **C. D. ERROR NO. 7(D):**

| **THE PANEL ABUSED DISCRETION WHEN IT DENIED APPELLANT’S ORAL MOTION FOR CONTINUANCE**

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<sup>80</sup> See *Smith v. Smith*, 544 S.W.2d 121, 123 (Tex. 1976) (granting a new trial to the petitioner based on his "inability to procure a statement of facts" or reporter's record).

<sup>81</sup> **Emphasis added.** *Lane*, 243 S.W.2d at 684-85.

<sup>82</sup> See, e.g., *Ward v. Cornyn*, 700S.W.2d 281, 282 (Tex.App. — San Antonio 1985, orig. proceeding)).

<sup>83</sup> *Christiansen v. Prezelski*, 782 S.W.2d 842, 843 (Tex. 1990).

TRDP 2.17.O provides that “[n]o continuance may be granted unless required by the interests of justice.”<sup>84</sup> TRCP 251 applies in lawyer disciplinary proceedings, and the grant<sup>85</sup> or denial<sup>86</sup> of a motion for continuance is reviewed for an abuse of discretion.<sup>87</sup>

Although TRCP 21 requires service of a motion at least three days before a hearing,, Rule 21 specifically excepts pleadings and motions “presented during a hearing or trial” therefore the requirement for a written and verified motion for continuance is not applicable and is waived when made orally in the course of the proceeding, here, based on facts that only became known by virtue of the setting. The information presented to the Panel at the time of the request: which was unfair surprise,, prejudice and lack of notice, all principles which required redress,<sup>88</sup> yet instead the denial was an abrogation of Appellant’s right to procedural due process.

Test for determining whether denial of continuance is abuse of discretion is not mechanical; rather, case's individual circumstances must be examined to determine when the denial is so arbitrary<sup>89</sup> as to violate due process,<sup>90</sup> and the reviewing court must consider the circumstances presented to the trial judge at the time when the request is denied<sup>91</sup> “on a

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<sup>84</sup> TRDP 2.17.O.

<sup>85</sup> *In re C.P.V.Y.*, 315 S.W.3d 260 (Tex. App. Beaumont 2010);

<sup>86</sup> *Wilborn v. Life Ambulance Services, Inc.*, 163 S.W.3d 271 (Tex. App. El Paso 2005).

<sup>87</sup> *Matter of Marriage of Ramsey and Echols*, 487 S.W.3d 762 (Tex. App. Waco 2016), reh’g overruled, (May 4, 2016) and review denied, (Dec. 2, 2016)

<sup>88</sup> TRCP 21.

<sup>89</sup> *In Interest of S.M.H.*, 523 S.W.3d 783 (Tex. App. Houston 14th Dist. 2017);

<sup>90</sup> *McAleer v. McAleer*, 394 S.W.3d 613 (Tex. App. Houston 1st Dist. 2012); *In re C.P.V.Y.*, 315 S.W.3d 260 (Tex. App. Beaumont 2010);

<sup>91</sup> *Guerrero-Ramirez v. Texas State Bd. of Medical Examiners*, 867 S.W.2d 911 (Tex. App. Austin 1993). *See also In re Stern*, 321 S.W.3d 828 (Tex. App. Houston 1st Dist. 2010);).

case-by-case basis”<sup>92</sup> by examination of the entire record<sup>93</sup> including evidence introduced on the hearing of a motion for a new trial.<sup>94</sup> The reviewing court does not substitute its judgment for that of the trial court, but instead determines whether the decision was so arbitrary and unreasonable as to amount to a clear and prejudicial error of law.<sup>95</sup> <sup>96</sup>

Appellant has met the requirements for preserving any constitutional point of error by the filing of the FBOE at minimum, and testimony on the record from the FBOE hearing. For all the reasons that Appellant presented the oral motion to continue: already presenting at the hearing under duress, without a court reporter, ambush by second motion and exclusion of her exhibits -- providing ample evidence of unfair surprise, prejudice, lack of notice and seeking only to cure -- its denial. without any given reasons nor findings was arbitrary and an abuse of discretion “violative of the constitutional right” of Appellant. The Panel is therefore shown to have committed significant error,<sup>97</sup> and was in no event harmless.

#### ERROR NO. EIGHT

THE EVH-14-2 PANEL ABUSED ITS DISCRETION WHEN IT DENIED APPELLANT’S MOTION TO STAY THE JUDGMENT, APPELLANT MET HER BURDEN OF PROVING THAT HER INTERIM PRACTICE WAS NOT A DANGER TO ANY CLIENTS OR THE PUBLIC

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<sup>92</sup> *BMC Software Belgium, N.V. v. Marchand*, 83 S.W.3d 789 (Tex. 2002); *Coats v. Ruiz*, 198 S.W.3d 863 (Tex. App. Dallas 2006); see also *Guzman v. City of Bellville*, 640 S.W.3d 352 (Tex. App. Houston 14th Dist. 2022).

<sup>93</sup> *Roob v. Von Bereghasy*, 866 S.W.2d 765 (Tex. App. Houston 1st Dist. 1993), writ denied, (Mar. 9, 1994).

<sup>94</sup> *Texas Emp. Ins. Association v. Yother*, 306 S.W.2d 730 (Tex. Civ. App. Fort Worth 1957), writ refused n.r.e.

<sup>95</sup> *Kinder Morgan Production Company, LLC v. Scurry County Appraisal District*, 637 S.W.3d 893 (Tex. App. Eastland 2021), rule 53.7(f) motion granted, (Feb. 11, 2022).

<sup>96</sup> *Sims v. Sims*, 623 S.W.3d 47 (Tex. App. El Paso 2021).

<sup>97</sup> *Ungar v. Sarafite*, 376 U.S. 575, 589-590 (1964).

Pursuant to TDRP 2.24, when a Respondent attorney has received a suspension, they have 30 days from entry of judgment to petition the Evidentiary Panel to stay a judgment of suspension, and the

Respondent carries the burden of proof by preponderance of the competent evidence to establish that the Respondent's continued practice of law does not pose a continuing threat to the welfare of clients or to the public. An order of suspension must be stayed during the pendency of any appeals therefrom if the Evidentiary Panel finds that the Respondent has met that burden of proof.<sup>98</sup>

On a motion to stay a judgment of suspension, the Appellant was to prove, by preponderance of the evidence, "that the [Attorney's] continued practice of law does not pose a continuing threat to the welfare of [Attorney's] clients or to the public."<sup>99</sup> Where the rules do not appear to expressly contemplate an appeal from an order denying a motion to stay, the substantial-evidence standard of review under Rule 2.24 is generally applicable in a disciplinary appeal, and per the CDC in *Scarborough*,<sup>100</sup> it should govern here. Under same, the Panel's findings are presumed to be supported by substantial evidence, and the Appellant challenging the findings bears the burden of proving otherwise<sup>101</sup> – by a showing that the record does not provides any reasonable basis for the body's findings, and denial.<sup>102</sup> But even if it is instead, the standard is an abuse of

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<sup>98</sup> TRDP 2.24.

<sup>99</sup> TRDP. 2.25.

<sup>100</sup> See Brief of Appellee, BODA Cause No. 56375.

<sup>101</sup> *City of El Paso v. Pub. Util. Comm'n of Tex.*, 883 S.W.2d 179, 185 (Tex. 1994).

<sup>102</sup> *City of El Paso v. Pub. Util. Comm'n of Tex.*, 883 S.W.2d 179, 185 (Tex. 1994); *Granek v. Texas State Bd. Of Med. Examiners*, 172 S.W.3d 761, 778 (Tex. App. Austin 2005, pet. denied).



discretion, where the Panel did not apply any rules, did not provide any findings of fact applicable to the standard, and did not have evidence it used to support its decision nor make the decision based on any principals, instead arbitrarily denying same.

Here, the record is devoid of any evidence that Appellant's continued practice of law would have posed any threat, let alone a continuing threat to the welfare of clients or to the public. First, the allegations in this case –although never heard by the EVH Panel based on the default, and all allegations merely taken as true – but even still, are only those of a failure to communicate with the client and did not keep up with discovery responses from opposing counsel -- not crimes of dishonesty or financial gain or any allegation of the moral turpitude variety or any that allege actual injury which would reflect that Appellant was ever a danger to clients or the public.

Second, the alleged harm, although there was none, and --as seen in the GRP eligibility criteria-- Appellant's conduct did not result in any substantial injury to the client, but even still, literally occurred in 2019, and the case dismissal, which could be viewed as injury objectively, could not here because the client would not provide dates to Appellant to give to opposing counsel for deposition.

. She satisfied her burden, and thus, should have had the judgment stayed pending the outcome of this appeal, for which BODA is implored to find error.

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**ERROR NO. NINE**

**THE EVH-14-2 PANEL ABUSED ITS DISCRETION WHEN IT DENIED APPELLANT'S MOTION FOR NEW TRIAL:**

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Denial of a motion for new trial is reviewed for abuse of discretion.<sup>103</sup> The Panel abused its discretion when it denied Appellant's motion for new trial: improperly applying the law -- and improperly excluding the evidence Appellant was entitled to introduce, demonstrating why the default should have been set-aside.

The ***Craddock Factors***: the court set forth three requirements that a defendant must satisfy to set aside a default judgment and obtain a new trial **when properly served**: (1) the failure to file an answer or appear at a hearing was not intentional or the result of conscious indifference, but was a mistake or accident; [(2) *a meritorious defense*; and (3) *a new trial will not result in delay or prejudice to the plaintiff*.]<sup>104</sup> **The first element is the only inquiry required for the new trial threshold when the service at issue was not properly executed by the rules, as here.**

Rule 320 of the Texas Rules of Civil Procedure states that “[n]ew trials may be granted, and judgment set aside for good cause, on motion or on the court’s own motion on such terms as the court shall direct.<sup>105</sup> Further, Rule 324(b) provides that “a point in a motion for new trial is a prerequisite to the following complaints on appeal: (1) A complaint on which evidence must be heard such as.... failure to set aside a judgment by default.”<sup>106</sup>

A motion for new trial following a defective default judgment does not have to meet the Craddock requirements and should not be confused with a motion for new trial after a proper default judgment....when “the record fails to show a valid issuance and service of citation to the defendant, or a voluntary appearance prior to rendition of the default judgment, the judgment must be reversed” without the defendant having to “excuse his failure to appear, and set up a meritorious defense.”<sup>107</sup>

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<sup>103</sup> *Waffle House, Inc. v. Williams*, 313 S.W.3d 796, 813 (Tex. 2010).

<sup>104</sup> *Craddock v. Sunshine Bus Lines, Inc.*, 134 Tex. 388, 133 S.W.2d 124, 126 (1939).

<sup>105</sup> TRCP 320.

<sup>106</sup> TRCP 324(b)(1).

<sup>107</sup> *See Dan Edge Motors, Inc. v. Scott*, 657 S.W.2d 822, 824 (Tex. App.—Texarkana 1983, no writ).

“[W]hen a default judgment is attacked by motion for new trial[,]” the parties may introduce evidence such as “affidavits, depositions, testimony, and exhibits” that demonstrate why the default judgment should be set aside.<sup>108</sup>

Appellant filed/mailed notice of the Sims and Shelton case holdings with her Motion for New Trial, and the original Exhibit Binder the first time on March 10, 2023, and then again on March 11, 2023. Those links, still present within the CDC’s original emails were re-produced back to Appellant and BODA from the CDC **in the Clerk’s record. To date, currently available for download in the emails, produced by the CDC and reflecting the links work now, and therefore, worked then, too; illustrating that there was no reason to exclude the exhibit binder and the CDC’s assertions about the file not opening were false.**

Yet, Guerra improperly provided the standard under *Craddock* to the Panel for proper service of process cases, **not for improper service**, and informed the EVH Panel 14-2 it must only consider the evidence as they heard it, which was solely based on **the default hearing**, not on the March 24, 2023 setting. If the Panel even applied any law, it was the wrong law. However, based on the FOFCOL filed for the Motion for New Trial, it is unclear what was applied where no factual findings explaining the ruling were actually made, but based on the erroneous exclusion of the exhibit binder and its contents – which

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<sup>108</sup> *Fid. & Guar. Ins. Co. v. Drewery Constr. Co.*, 186 S.W.3d 571, 573–74 (Tex. 2006) (per curiam) (citing *Gold v. Gold*, 145 S.W.3d 212, 214 (Tex. 2004) (per curiam)).

Biggs advised Appellant was denied and she could not introduce at the March 24, 2023 hearing because it was “late filed,” being wholly without any legal basis.

Appellant established that the failure to timely file an answer was neither intentional nor the result of conscious indifference, as she was never served. In general, courts view this factor with a significant degree of leniency: a defendant satisfies her burden as to the first *Craddock* element when 1) her factual assertions, if true, negate intentional or consciously indifferent conduct by the defendant *and* 2) those factual assertions are not controverted by the plaintiff.<sup>109</sup>

***the Texas Lawyer's Creed provision: a lawyer will not take advantage, by causing any default or dismissal to be rendered, when the lawyer knows the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.***<sup>110</sup>

In determining if the defendant's factual assertions are controverted, the court looks to all the evidence in the record.<sup>111</sup> **Here, Guerra did not swear to or verify her response, or in any filing, and she did not bring forth any evidence that controverted Appellant's plethora of information regarding her mailing addresses, her physical residence or the email filter misconfiguration, all verified and brought under Declaration of Appellant.**

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<sup>109</sup> See *Fidelity and Guar. Ins. Co.*, 186 S.W.3d at 576.

<sup>110</sup> See Tex. Lawyer's Creed—A Mandate for Professionalism, § III Lawyer to Lawyer, ¶ 11, reprinted in Texas Rules of Court 736 (West 2018).

<sup>111</sup> *In re R.R.*, 209 S.W.3d at 115 (citing *Dir., State Employees Workers' Comp. Div. v. Evans*, 889 S.W.2d 266, 269 (Tex. 1994)).

The CDC prevailed without any justification as no legal citation or application of the non-evidence it did not raise to the law it did not cite to support the legal or factual outcome of the hearing –brought in bad faith without notice and without any meaningful opportunity to be heard in continued violations of Appellant’s right to due process by denial of the relief in. a clear abuse of discretion for ruling on this error from BODA.

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**ERROR NO. TEN**

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**THE EVIDENCE DOES NOT SUPPORT THE EVH 14-2 PANEL’S FOFCOLS ARE SO CONCLUSORY, THEY’RE FRIVOLOUS.**

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When conducting a legal sufficiency review of a finding on which the appellant did not bear the burden of proof at trial, the Court uses the "no evidence" standard.

When conducting a factual sufficiency review, we consider all the evidence in a neutral light.<sup>112</sup> If the appellant challenges a finding on which she did not have the burden of proof at trial, we reverse only if the supporting evidence is so weak that the finding is clearly wrong and manifestly unjust.<sup>113</sup>

We review de novo a trial court's conclusions of law.<sup>114</sup> An appellant may not challenge a trial court's conclusions of law for factual insufficiency; however, we may

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<sup>112</sup> *Dow Chem. Co. V. Francis*, 46 S.W.3d 237, 242 (Tex. 2001) (per curiam); *Woods v. Kenner*, 501 S.W.3d 185, 196 (Tex. App.—Houston [1st Dist.] 2016, no pet.).

<sup>113</sup> *Reliant Energy Servs., Inc. V. Cotton Valley Compression, L.L. C.*, 336 S.W.3d 764, 782 (Tex. App.—Houston [1st Dist.] 2011, no pet.).

<sup>114</sup> *HTS Servs.*, 190 S.W.3d at 111.

review the trial court's legal conclusions drawn from the facts to determine their correctness.<sup>115</sup> We will uphold conclusions of law on appeal if the judgment can be sustained on any legal theory supported by the evidence.<sup>116</sup>

Under the TRCP 297-299, the non-prevailing party must timely request findings of fact and conclusions of law or all findings necessary to the court's judgment, **if supported by the record**, will be implied.<sup>117</sup>

Complaint regarding the legal or factual insufficiency of evidence—including a complaint that the damages found by the court are excessive or inadequate—may be made for the first time on appeal in the complaining party's brief<sup>118</sup> (*challenges to the legal or factual sufficiency of the evidence in a nonjury case could be raised for the first time on appeal.*<sup>119</sup>)

When no FOFCOL are issued, it will force an Appellant to challenge sufficiency of **each ground, disadvantaged without findings of fact**. When the FOFCOL **do not make any specific factual findings relative to the motion or relief at issue**, it is a nullity, **and equates to a failure to enter**, which is exactly what happened here: no relevant or meaningful facts are contained in the FOFCOL, merely improperly characterized propositions of law regurgitated in both sections, which are to be reviewed de novo by BODA herein. The FOFCOL do not include ANY facts as to the Panel's reasons for rendering judgment and its orders, defeating the inherent purpose of Rules 296 and 297,

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<sup>115</sup> See *BMC Software Belg., N.V. v. Marchand*, 83 S.W.3d 789 794 (Tex. 2002).

<sup>116</sup> *HTS Servs.*, 190 S.W.3d at 111 see *BMC Software*, 83 S.W.3d at 794 ("If the reviewing court determines a conclusion of law is erroneous, but the trial court rendered the proper judgment, the erroneous conclusion of law does not require reversal.")

<sup>117</sup> TRCP 297-299; *Vickery v. Commission for Lawyer Discipline*, 5 S.W.3d 241, 251 (Tex. App.—Houston [14th Dist.] 1999, pet. denied); *Commission for Lawyer Discipline v. Texas Attorney*, No. 55619, 2015 WL 5130876, at \*2 (Tex. Bd. Disc. App.—Aug. 27 2015).

<sup>118</sup> TRAP 33.1(d).

<sup>119</sup> *Quinn v. Nafta Traders, Inc.*, 360 S.W.3d 713 (Tex. App. Dallas 2012).

which is to narrow the basis of the judgment to the relevant portion of the multiple claims and defenses and reducing the number of contentions that the Appellant must brief.<sup>120</sup>

The entire purpose of FOFCOL is frustrated if the FOFCOL do not make findings of fact which explain the ruling of the Panel as applied to the law of the matter on which the ruling was made, nor do they narrow down the contentions that Appellant must raise in this appeal. In fact, the content of the FOFCOL demonstrates that Guerra does not comprehend FOFCOL, as a concept, and furthermore, does not/did not comprehend the FBOE proceeding, either. This is supported by the complete failure to make any legal analysis or citation, throughout the EVH case in any filing, and where none of the Petitioner's filings were sworn or made under declaration or affidavit (*but for servicemen's and attorney's fees*), nor attached relevant evidence or proof of any of Petitioner's positions, combined with quality of the Petitioner's filings in this action.

Failure to adequately research is a breach of the standards of maintaining competence in matters for which an attorney has knowledge -- or becomes -- knowledgeable for standards of competence owed to clients, and to the courts. Guerra's lack effort in attempting to complete correctly any of the matters, in drafting, research citation, or proper procedure made in the proceedings before the EVH Panel 14-2, where the content of each and every filing were both factually and legally deficient -- are tantamount to Petitioner's counsel failing to appear.

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<sup>120</sup> See *Liberty Mut. Fire Ins. v. Laca*, 243 S.W.3d 791, 794 (Tex. App. — El Paso 2007, no pet.).

Guerra was in possession of information after submission of Appellant's evidence and testimony in the IVH 6-3 setting which totally negated the charges in total, but at minimum eradicated the 1.03() violation in failure to communicate

The Panel was required, but failed, to make specific findings on the material issues raised by Appellant. Its refusal to do so is not harmless—it undermines the law's requirement that judicial decisions be reasoned, reviewable, and just. Instead, the Panel issued a procedurally defective denial, illustrated by a conclusory FOFCOL devoid of record support, further demonstrating that the judgment should be reversed.

Both the FOFCOL for the Motion to Stay and the Motion for New Trial are identical from numbers 1-7, and 11, and therefore the challenged numbers from both, 4-7 and 11 are set forth together below.

4. Respondent's principal place of practice was Denton County, Texas, at time of filing the Evidentiary Petition. This Court has jurisdiction over the parties and subject matter of this case, and venue is appropriate in Denton County, Texas.

**No. 4 is purported as finding of fact, only the first sentence of this finding is factual, yet, incorrect, and therefore challenged by Appellant. Respondent's principal place of practice was Dallas County at the time the Grievance was filed, and still Dallas County at the time the Petition was filed. This also assumes an incorrect conclusion of law as the practice location is not ascertained at the time of the Petition. The second sentence is a conclusion of law and is also incorrect on the record.**

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5. The Evidentiary Panel finds that Respondent was properly served with the Evidentiary Petition. Respondent was required to file a responsive pleading to the Evidentiary Petition, pursuant to Rule 2.17B of the Texas Rules of Disciplinary Procedure. Respondent failed to timely file a responsive pleading to the Evidentiary Petition.

**No. 5 is challenged for sufficiently of the evidence as well as it being mixed law and fact, with improper legal conclusions and therefore incorrect factual findings.**

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6. The Evidentiary Panel finds that Respondent was properly served with notice of default hearing; though, notice was not required, as per Rule 2.17O. Respondent failed to appear at default hearing.

**No. 6 is challenged for sufficiently of the evidence as well as it being mixed law and fact, with improper legal conclusions and therefore incorrect factual findings.**

**Appellant does not challenge that she failed to appear at the default hearing, as she was not provided notice of same, as she was never properly served with the Evidentiary Petition, even if she had received the notice, she was not legally required to appear.**

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7. The Evidentiary Panel finds that the Default Judgment of Partially Probated Suspension, entered on February 7, 2023, for twelve-month partially probated suspension, and which includes a six-month active suspension period from the practice of law, imposed upon Respondent in this disciplinary matter for violating Rules 1.01(b)(1) and 1.03(a) of the Texas Disciplinary Rules of Professional Conduct, was properly entered with an appropriate sanction.

**No. 7 is challenged for sufficiently of the evidence as being properly entered, and for an appropriate sanction where mixed law and fact, and the facts are based on an improper legal conclusion.**

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**A. FOFCOL MOTION TO STAY**

- The FOFCOL for the Motion to Stay numbers 8 and 10 present as follows, where 9 and 12 are classified in the wrong column, being factual, but otherwise accurate. [APP. 7]:

8. The Evidentiary Panel finds that Respondent failed to meet her burden under Rule 2.24 of the Texas Rules of Disciplinary Procedure, which prescribes that “Respondent carries the burden of proof by preponderance of the evidence to establish by competent evidence that the Respondent’s continued practice of law does not pose a continuing threat to the welfare of Respondent’s clients or to the public”.

**No. 8 is a conclusion of law and is challenged as Appellant more than reflected she was not a danger to the public or any clients, as she had none, was not dealing with clients at all in her new job and no longer held herself out to the public. Those exhibits to the Motion to Stay were attached and therefore no exclusion of that evidence even took place.**

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10. The Evidentiary Panel concludes that Respondent has failed to meet her burden of proof by preponderance of the evidence, under Rule 2.24 of the Texas Rules of Disciplinary Procedure, and has failed to show that her continued practice of law as an attorney would not pose a continuing threat to the welfare of her clients or to the public.

**No. 10 is duplicate of number 8, and the same challenge above brought here as set forth fully herein, except the proper classification.**

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The EVH 14-2 Panel’s denial of Respondent’s Motion to Stay Execution of the DFJ in itself reflects a procedural posture, not an adjudication, but the accompanying FOFCOL contains no meaningful factual application, whatsoever. The order simply reiterates that Respondent “failed to meet her burden under Rule 2.24,” without referencing the extensive arguments and record that were before the Panel. This refusal to consider the actual evidence before it, especially in the context of a motion to stay that raised separate legal questions, constitutes arbitrary and capricious action. The Panel did not address Respondent’s request for preservation of the record, did not evaluate the harm from

immediate suspension, and did not offer any balancing of public risk versus procedural fairness. The conclusion that Respondent poses a “continuing threat to the public” is declared without explanation or evidence, and Appellant’s other requests for relief were all denied pursuant to the Orders’ stipulation for same, if not granted but never referenced the evidentiary objections Respondent raised, and never addressed the denial of exhibits, venue objections, lack of Panel voting records, or additional Panel hearing reports, or absence of notice—all issues squarely presented. Because the Panel included no elements of those issues in its findings, Rule 299 expressly prohibits any presumption that they were resolved in support of the judgment.

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**B. FOFCOL MOTION FOR NEW TRIAL**

- The FOFCOL for the Motion to Set-Aside Vacate the Default Judgment and for New Trial numbers 8,10 and 11 present as follows, where 9 and 12 are classified in the wrong column, being factual, but are otherwise accurate.[APP. 8]

8. The Evidentiary Panel finds that Respondent fails to satisfy the conditions required under *Craddock v. Sunshine Bus Lines*, 133 S.W.2d 124 (Tex. 1939) to set aside the default judgment, by: 1) failing to show that Respondent’s failure to file a timely Answer was not intentional or the result of conscious indifference but due to mistake or accident, 2) failing to set up a meritorious defense in the motion for new trial, and 3) failing to show that the granting of her motion would cause no delay or otherwise work an injury to the Petitioner.

**No. 8 is challenged as it is a legal conclusion for the wrong standard of law, as**

**Appellant was no serve default; not a valid service case.**

10. The Evidentiary Panel concludes that Respondent has failed to satisfy the conditions required under *Craddock v. Sunshine Bus Lines*, 133 S.W.2d 124 (Tex. 1939) to set aside the default judgment, by: 1) failing to show that Respondent’s failure to file a timely Answer was not intentional or the result of conscious indifference but due to mistake or accident, 2) failing to set up a meritorious defense in the motion for new trial, and 3) failing to show that the granting of her motion would cause no delay or otherwise work an injury to the Petitioner.

**No. 10. Is a repeat of number 8 and therefrom the same challenge, but for the correct categorization is brought as if set forth fully herein.**

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11. The Evidentiary Panel concludes that the Default Judgment of Partially Probated Suspension, entered on February 7, 2023, was properly entered with an appropriate sanction and that this default judgment is not set aside nor vacated but will remain in effect in accordance with the terms of said judgment, and the request for new trial is denied.

**No. 11 is mixed fact and law and default judgment is not stayed but will remain in effect in accordance with the terms of said judgment is factual where**

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Respondent presented a timely, well-grounded motion that challenged the lack of proper service, the entry of a default judgment without due process, the improper escalation of the recommended sanction, and the serious prejudicial impact of imposing an active suspension without a hearing or notice. Respondent attempted to file all relevant documents so the record could be preserved and reviewed. None of these requests were granted and summarily denied by blanket assertion in the Orders stated as to all other relief not granted. The Panel's response was to cut and paste its prior language from the default order – ruling outside of the scope of the motions and requests before the Panel in the post-judgment proceedings and declare, in essence, “denied.”

The record contains no admissible proof of service at Respondent's correct address, and Respondent consistently and specifically disputed service, both in writing and through sworn assertions. The Panel made no evidentiary finding supporting its conclusion that service was proper, nor did it address the procedural timeline that confirms Respondent acted promptly after learning of the DFJ [APP 8].

The Panel's repeated claim that Respondent "failed to appear" at the default hearing is not a finding of fact—it is a self-serving assertion deployed to justify a default judgment that was procedurally flawed from inception. [APP 8]. To declare that she "failed to appear," and use that as the basis to deny relief, is not a neutral finding—it is an adversarial position that lacks legal or factual foundation, and merely states the *Craddock* elements, where not nuanced nor distinguished from Appellant's argument that two kinds of defaults exist and only one requires all three *Craddock* elements. Here, under improper service of process failure of the Panel to acquire personal jurisdiction over Appellant in the proceedings. [APP 8]. [APP 6]. [APP 4, 6, 8].. **Rule 299 provides that:**

"The judgment may not be supported upon appeal by a presumed finding upon any ground of recovery or defense, no element of which has been included in the findings of fact."<sup>121</sup>

Ultimately, under any standard of review, but especially de novo review, neither of the FOFCOL can withstand any scrutiny and where the Panel was required, but failed, to make specific findings on the material issues raised by Appellant, its refusal to do so is not harmless—it undermines the law's requirement that judicial decisions be reasoned, reviewable, and just. Instead, the Panel issued a procedurally defective FOFCOL, so

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<sup>121</sup> TRCP 299.



conclusory/devoid of record support, further demonstrating that the judgment should be reversed.

**ERROR NO. ELEVEN**

**THE EVIDENCE DOES NOT SUPPORT THE EVH 14-2 PANEL'S DENIAL/"REFUSAL" OF APPELLANT'S FBOE; WHETHER FROM LACK OF CARE OR COMPREHENSION, REGARDLESS, THE ORDERS ENTERED ARE ILLOGICAL. THE EVH 14-2 PANEL'S DENIAL/REFUSAL ON THE APPELLANT'S FBOE ARE INSTEAD SUBJECT TO BODA'S REVIEW TO DISCERN THE TRUTH THEREOF.**

Appellant demonstrated by 1) her filing on June 7, 2023 of the verified motion for FBOE covering the events of the March 24, 2023 hearing date, and 2) her testimony on January 26, 2024 in the hearing on the record for the FBOE– and the objection to the Petitioner's lack of affidavit, verification, or legal citation or any case law, in combination with its misrepresentations made in the Petitioner's filings, including repeated arguments already made moot by the BODA ruling of August 15, 2023 for timeliness of Appellant's filings before BODA, essentially lack of substantive reason for the blanket opposition to the FBOE, and the Petitioner's lack of testimony or evidence that supported the Panels' "refusal" of the FBOE and the entrance of the Order denying the Proposed bills as prepared by the CDC and entered by the panel instead of the Appellant's actual "bills" being three "proposed orders" and the motion for FBOE was actually refused by the Panel Chair.

The PIA release of appellant's online profile data *conclusively shows that* Section three of Petitioner's Response to FBOE is wholly without merit (among all of Petitioner's filing related to address of the Respondent as reflected on the SBOT website/the attorney profile) because the address on her SBOT **attorney profile changed by system identifier "NCOA," not by the login/access or action of Appellant, at all.**

The panel's ruling, on Appellant's Verified Motion for Formal Bills of Exception under TRAP 33.2(c)(2), reflected that the Panel did not read the statute, Appellant's Motion, and did not see nor care about Appellant's proposed orders, the Brief, or anything at all that was occurring in the hearing on January 26, 2024. The chair called it a "bill of review" [RRFT-pg12/21-24].

The Verified Motion for FBOE was brought by Appellant to enter matters into the record which had been excluded from the EVH Panel proceedings and denied Appellant by the CFLD/CDC/Guerra and the EVH 14-2 Pane Chair Biggs -- predominately resultant from the events and actions occurring in/around the March 24, 2023 post-judgment hearing. Appellant made multiple requests to agree and simplify the FBOE process with Petitioner's counsel. But those attempts and Appellant's explanations failed to illustrate that the FBOE proceedings were no longer combative or adjudicatory so much as administrative, being merely to preserve the appellate record. [SSCR-000018-000019].

The Petitioner/CDC either did not grasp its simplicity – where no re-adjudication of the facts was necessary, merely the Panel's agreement that the items Appellant asserted were missing from the record were in fact, missing from the record, and the events that occurred – occurred. Without any logic or justification that, even to date, can be seen in the filings/positions of the parties, and truly, without any actual dispute that each item was excluded, or event **did** occur or **did not** occur, merely reflecting the Petitioner as blanket “opposed” to the requests for relief, without it appears, even comprehending the relief requested. Trying to provide additional reasons for the exclusion or denial was outside the scope of what the FBOE needed from the Petitioner or the Panel, yet, the result apparently needed to reflect that Petitioner “won.” T

If harm exists based on the trial court's failure to issue [findings] [a formal bill of

exception]], then the appropriate remedy is to abate the appeal and direct the trial court to correct its error pursuant to TRAP 44.4.<sup>122</sup> But, there is “no need for abatement when record shows no factual dispute and reasons for ruling are clear from the record,”<sup>123</sup> as the “test for harm looks to whether the reasons for the trial court’s ruling are obvious from the record.”<sup>124</sup>

Even after receipt of this information, Guerra filed the Response in opposition to the FBOE, which the November 13, 2023 Reply of Respondent [SSCR-001456] moved to strike the moot portions of the Response, as BODA had already made ruling, denying the Appellee’s Plea to the Jurisdiction.

The CDC had actual or constrictive knowledge/notice of the falsity based upon the contents of the SBOT's public records release data for the SBOT website portal, and on explicit notice as of the date the Respondent’s Verified Motion for Judicial Notice was filed, October 23, 2023, before the Panel containing the SBOT public records information.

Therein, establishing conclusively that the SBOT improperly changed the Respondent's registered address on the SBOT website without notice to/nor Respondent's authorization/consent based upon its USPS NCOA agreement – but where the changes to Respondent's address were in violation of the NCOA agreement/the Privacy Act of 1974, the State Bar Act Sec. 81.115(e) the State Bar Policy Manual Rule 9.04(C):

**"[n]o State Bar Officer, member of the Board, or employee will disclose or distribute confidential information" and the Texas Government Code, Texas Public information Act ("PIA") Section 552.1176..**

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<sup>122</sup> See *Acad. Corp. v. Interior Buildout & Turnkey Constr., Inc.*, 21 S.W.3d 732, 739 n.1 (Tex. App.-Houston [14th Dist.] 2000, no pet.); TRAP 44.4.

<sup>123</sup> See *Lubbock Cty Cent. Appraisal Dist. v. Contrarez*, 102 S.W.3d 424, 426 (Tex. App.—Amarillo 2003, no pet.)

<sup>124</sup> *Sheldon Pollack Corp. v. Pioneer Concrete of Tex., Inc.*, 765 S.W.2d 843, 845 (Tex. App.—Dallas 1989, writ denied).



Petitioner's initial response, served on August 4, 2023, was conclusory and lacked any substantive legal arguments; the absence of factual or legal opposition implies agreement on the proposed orders FBOE #1, #2, and #3.

Appellant raised multiple objections to the Petitioner's Response, where the Petitioner's claims were frivolous and unsupported by competent evidence; the objections included the lack of legal citations, no personal knowledge, or lack of affidavit or verification of any of the matters set forth, where the conclusory assertions constituted no evidence. Appellant objected to the misrepresentation of documentary evidence by Petitioner, where the Exhibit "J" document does not support the contentions of the CDC attorney, at all. [CR-1063, one must double-click on the Attachments: Zoom Protocol Guidelines-EVIDENTIARY.pdf]. Appellant set forth:

Years of litigation have been buried into this suit, to the detriment of Appellant, where all actions of the Panel, at the direction of the CDC, were arbitrary, capricious, even malicious. The CDC conduct and the EVH0-14-2 Panel in the proceedings require BODA reversal.

**ERROR NO. TWELVE**

**THE EVIDENCE WAS LEGALLY AND FACTUALLY INSUFFICIENT TO SUPPORT THE SANCTIONS UNDER THE "DEFJ" BASED ON THE RECORD AS A WHOLE**

As appeals from evidentiary panels are conducted under the substantial evidence standard,<sup>125</sup> BODA shall reverse the evidentiary panel's decisions when "not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole."<sup>126</sup>

The EVH 14-2 Panel's DFJ states, "having found Respondent has committed Professional Misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Partially Probated Suspension." [APP 3][CR 1225].

Regardless of the label, the abuse of power against Appellant in this attorney discipline system reflects improper, bad-faith panel forum-shopping. The totality of the record reflects the impropriety of all orders entered herein against Appellant. Each, a result of Guerra's intentional creation of bias and panel-stacking against Appellant in these proceedings, of improper venue, citing the wrong law to the Panel, providing improper argument, failing wholly at candor to the tribunal, all which resulted in the unlawful taking of Appellant's valuable property rights, her license to practice law -- without due course of law, and to suffer, and continue to suffer, immense professional

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<sup>125</sup> [TRDP 2.24](#); see § 81.072(b)(7).

<sup>126</sup> TEX. GOV'T CODE ANN. § 2001.174.

reputational harm.

## **XI. CONCLUSION & PRAYER FOR RELIEF**

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**BODA HAS THE AUTHORITY TO RENDER THE APPROPRIATE SANCTION FOR THE APPELLANT ATTORNEY.<sup>127</sup>**

**APPELLANT SEEKS RELIEF FROM BODA IN A JUDGMENT WHICH SHALL REVERSE AND VACATE THE “DEFAULT JUDGMENT OF PARTIALLY PROBATED SUSPENSION” AND RENDER A DISMISSAL<sup>128</sup> BECAUSE MERELY REMANDING FOR NEW TRIAL IS NO LONGER AN EQUITABLE RESULT. APPELLANT HAS ALREADY:**

**A) SERVED AN ACTIVE SUSPENSION FROM THE PRACTICE OF LAW FOR SIX MONTHS, AND ANOTHER SIX MONTHS OF “PROBATED SUSPENSION,”**

**B) SUFFERED THE HUMILIATING TERMINATION FROM THE--THEN NEWLY ACHIEVED-- HIGHEST PAYING POSITION OF EMPLOYMENT OF APPELLANT’S CAREER TO DATE (WHICH TOOK TWO YEARS & THREE INTERVIEWS TO OBTAIN)**

**C) UNDERWENT AND CONTINUES TO UNDERGO EACH AND EVERY INSTANCE OF RIDICULE, DEGRADATION, EMBARRASSMENT AND SHAME RESULTING FROM THE PERMANENT ENTRY OF DISCIPLINARY SANCTION ON APPELLANT’S PROFESSIONAL HISTORY IN ALL INTERVIEWS, ATTEMPTS, EXPLANATIONS AND OPPORTUNITIES LOST FOR OVER THE LAST TWO YEARS.**

Trial counsel Guerra of the CDC wrongfully prosecuted Appellant in every step of the underlying proceedings, including the IVH Panels, and especially within the EVH Panel proceedings. Guerra intentionally brought the action before a DGC of the wrong

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<sup>127</sup> **Emphasis added.** *CFLD v. Texas Attorney*, No. 55619, 2015 WL 5130876, at \*2 (Tex. Bd. Disp. App.—Aug. 27 2015) (“neither party had requested remand”); BODA IPR 4.07(a)(3).

<sup>128</sup> TEX. GOV’T CODE ANN. § 81.0751(b)(3).

venue. Guerra charged Appellant with TDRPC rule violations in the Evidentiary Petition while already in possession of exculpatory evidence pre-IVH/from IVH which fully negated misconduct as to both rules Appellant was alleged to have violated.<sup>129</sup> Guerra wholly failed to abide by any standards of due diligence in service of process by intentionally utilizing an address that was not Appellant's regular place of abode, and thereafter; asserting the wrong legal standard -- against BODA precedent -- before the tribunal to acquire a wrongful default judgment. The EVH 14-2 Panel abused its discretion and entered Orders that were not only arbitrary and capricious, but reflect lack of impartiality/bias, especially when viewing the record as a whole.

Most notably, though is the imposed sanction, so heavy, without any guiding principles or application of the mandatory guidelines whatsoever in making the determination, that although Appellant had no prior history and where the original IVH Panel 6-3 had not referred a sanction at all, but merely the GRP, by definition excluded from sanctions under the TRDP. The DFJ was wrongfully obtained and void. At minimum, these proceedings are rife with reversible error, and blatant in the violations of Appellant's constitutionally protected rights, including due process protection under the

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<sup>129</sup> *Galindo v. State* 535 S.W.2d 923 (Civ.App. 1976)(Proceeding before grievance committee is not an adversary process; the aim of committee's inquiry is to collect and assemble facts and information that will enable committee to take such future action as it may deem expedient for public welfare.)

law. At every juncture, since 2019, fundamentally inequitable and only to Appellants' detriment.

Appellate remedy is sought in BODA's review for reverse, render and grant Appellant: disgorgement of the \$2,700 fee remitted under void orders, the issuance of Snapback Letters/Exculpatory Letters, expunction of Appellant's SBOT online attorney profile, and for fees and costs where these proceedings have caused Appellant to incur (non-*pro-se*) attorney's fees in the amount of at least **\$5,587.00, [APP.10]** and additional fees/costs which at least total: **\$1,014.59**, (*which includes \$350.00/Court Reporter FBOE Hearing [APP. 11]; \$415.00/Court Reporter Default [SCR-0081] [SCR-0582]; and \$249.59/Fee for SBOT PIA requests to the SBOT {SSCR-000474-000485}*).

**WHEREFORE, PREMISES CONSIDERED**, for the foregoing reasons, Appellant, Lauren Ashley Harris, prays that BODA issue its appellate mandate to reverse and render in this case by either, or in combination:

- A. rendering judgment which reverses the "DFJ" executed February 7, 2023 by the of Denton County, Texas District 14 Grievance Committee, Evidentiary Panel 14-2 of the State Bar of Texas, finding same was of improper venue, vacate the "DFJ," dismiss this action against Appellant; and/or
- B. that BODA hold that the "DFJ" is void, void on its face, void at the time of issuance, and thereby vacating the disciplinary sanction of the active six-month and probated six-moth suspension periods Appellant underwent from 2023-2024. Instead, vacating the "DFJ" and dismissing this action against Appellant; and/or
- C. that BODA reverse the Denton County EVH Panel 14-2's "DFJ" for lack of substantial evidence, and/or all post-judgment rulings and Orders of the EVH Panel 14-2 were arbitrary, capricious and/or an abuse of discretion,

- D. All, such errors being harmful and requiring reversal-- in no event harmless, for which no other relief but to vacate, dismiss and issue judgment in favor of Appellant will be adequate to address the rendition of error, including:
- a. the disgorgement and return to Appellant of the \$2,700.00 remitted to the CDC for attorney's fees;
  - b. an order directing the CDC to issue a formal Letters of Retraction for the disciplinary judgment and suspension, which fully and completely exonerates Appellant *from the humiliation and stigma created by the CDC's intentional actions in these proceedings, which amounted to an abuse of process and official oppression all made only to annoy, harass, injure and embarrass Appellant*, addressed specifically to
    - i. Justice Jane Boyle of the United States District Court for the Northern District of Texas;
    - ii. the employer with whom the CDC's actions caused Appellant's humiliating termination from her position of employment in 2023, (*which name and address Appellant shall confidentially provide to BODA outside of this Brief*); and,
    - iii. to "Whom it May concern," which Appellant can distribute to those whom the CDC's unlawful actions created or caused Appellant to suffer humiliation, embarrassment and shame, in profound injury to her professional reputation, especially in the context of former, prospective or failed employers, and/or recruiters;
  - c. enter an Order instructing the appropriate State Bar of Texas contact to fully and finally remove the improper listing of a disciplinary sanction from Appellant's State Bar of Texas online attorney profile, and
  - d. render Appellant an award at minimum, of the [non-pro-se] attorney's fees Appellant incurred to employ counsel at great personal expense and hardship in the amount of at least **\$5,655.84 and costs of at least \$1,014.59.**

**Appellant prays for all further relief, general, special, in law or in equity, to**

**which she shows herself justly entitled.**

Respectfully submitted,

/s/ **LAUREN A. HARRIS**

**LAUREN A. HARRIS**

**TX BAR NO. 24080932**

**2610 LAKEHILL LN. #10B**

**CARROLLTON, TEXAS 75006**

**TEL: 469-359-7093**

CELL: 469-386-7426

FAX: 469-533-3953

[LAURENLAHLEGAL@GMAIL.COM](mailto:LAURENLAHLEGAL@GMAIL.COM)

PRO-SE APPELLANT

## **XII. CERTIFICATE OF COMPLIANCE**

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Pursuant to the Board of Disciplinary Appeals Internal Procedural Rules, foregoing brief on the merits contains 14,775 words as permitted by the Board's Internal Procedural Rule 4.05(d),; Appellant relies on the word count of the computer program used to prepare this brief.

/s/ Lauren A. Harris

Lauren A. Harris

## **XIII. CERTIFICATE OF SERVICE**

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This is to certify that the above and foregoing brief of Appellant has been served on BODA and Michael Graham, appellate counsel for the CDC on this date, the 11th of July 2025, in accordance with the TRAP, BODA IPR, and the TRCP:

Office of the Chief Disciplinary Counsel

Michael Graham

Appellate Counsel

[michael.graham@texasbar.com](mailto:michael.graham@texasbar.com)

/s/ Lauren A. Harris

Lauren A. Harris

**BEFORE THE BOARD OF DISCIPLINARY APPEALS**

*APPOINTED BY*  
**THE SUPREME COURT OF TEXAS**

---

**LAUREN ASHLEY HARRIS**

*STATE BAR OF TEXAS NO. 24080932,*

*APPELLANT,*

**v.**

**COMMISSION FOR LAWYER DISCIPLINE,**  
*APPELLEE.*

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*On Appeal from Cause No. 202000647 [North]  
Grievance Committee, District 14  
Evidentiary Panel 14-2 of the State Bar of Texas*

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**XIV. APPENDIX**

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**1) ORDER ASSIGNING EVIDENTIARY PANEL**

ENTERED MARCH 29, 2021 BY COMMITTEE CHAIR WILLIAM TRAVIS BIGGS  
DIST. 14 GRIEVANCE COMMITTEE OF THE STATE BAR OF TEXAS

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**2) ORDER FOR SUBSTITUTE SERVICE**

ENTERED MARCH 3, 2022 BY PANEL CHAIR DAVID BILES  
EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS

---

**3) ORDER ON MOTION FOR DEFAULT JUDGMENT**

ENTERED JANUARY 27, 2023 BY PANEL CHAIR TRAVIS BIGGS  
EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS

---

**4) DEFAULT JUDGMENT OF PARTIALLY PROBATED SUSPENSION**

ENTERED FEBRUARY 7, 2023 BY PANEL CHAIR TRAVIS BIGGS  
EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS

---

**5) ORDER DENYING RESPONDENT'S MOTION TO STAY EXECUTION OF  
DEFAULT JUDGMENT OF PARTIALLY PROBATED SUSPENSION PENDING  
PANEL RULINGS AND/OR APPEAL & REQUEST FOR RECORD**

ENTERED MARCH 24, 2023 BY PANEL CHAIR TRAVIS BIGGS



**6) ORDER DENYING RESPONDENT'S VERIFIED MOTION TO SET-ASIDE/VACATE DEFAULT JUDGMENT OF PARTIALLY PROBATED SUSPENSION AND/OR FOR NEW TRIAL**

ENTERED MARCH 24, 2023 BY PANEL CHAIR TRAVIS BIGGS

EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS

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**7) FINDINGS OF FACT AND CONCLUSIONS OF LAW AS TO RESPONDENT'S MOTION TO STAY EXECUTION OF DEFAULT JUDGMENT OF PARTIALLY PROBATED SUSPENSION ORDE PENDING PANEL RULINGS AND/OR APPEAL & REQUEST FOR RECORD**

ENTERED MAY 2, 2023 BY PANEL CHAIR TRAVIS BIGGS

EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS

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**8) FINDINGS OF FACT AND CONCLUSIONS OF LAW AS TO RESPONDENT'S VERIFIED MOTION TO SET-ASIDE/VACATE DEFAULT JUDGMENT OF PARTIALLY PROBATED SUSPENSION AND/OR FOR NEW TRIAL**

ENTERED MAY 2, 2023 BY PANEL CHAIR TRAVIS BIGGS

EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS

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**9) CAUSE NO. 202000647 (NORTH); CFLD V. LAUREN ASHLEY HARRIS; BEFORE DISTRICT 6 GRIEVANCE COMMITTEE, INVESTIGATORY HEARING PANEL 6-3 -- EXCERPTS OF RECORDING, ZOOM HEARING NOVEMBER 12, 2020 SETTING**

MP4 FILE PROVIDED BY CDC ATTORNEY CARVELL, APRIL 9, 2025

TOTAL DURATION: 25M:05s

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**10) INVOICES CARPENTER & ASSOCIATES, FORMER APPELLANT COUNSEL**

JUNE 2024-FEBRUARY 2025

ATTORNEYS' FEES TOTAL \$5,655.84

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**11) LEIGH & ASSOCIATES COURT REPORTER RECEIPTS**

PAYMENT PAYMENT FEBRUARY 17, 2024 FOR \$350.00

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**12) ORDER DENYING RESPONDENT'S VERIFIED MOTION FOR FORMAL BILL OF EXCEPTION**

ENTERED FEBRUARY 7 2024 BY PANEL CHAIR AMIE PEACE

EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS

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**13) "REFUSED" VERIFIED MOTION FOR FORMAL BILL OF EXCEPTION**

FEBRUARY 8, 2024 DATE PANEL CHAIR AMIE PEACE MARKED "REFUSED"

EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS

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**BEFORE THE BOARD OF DISCIPLINARY APPEALS**

*APPOINTED BY*  
**THE SUPREME COURT OF TEXAS**

---

**LAUREN ASHLEY HARRIS**

STATE BAR OF TEXAS NO. 24080932,  
*APPELLANT,*

**v.**

**COMMISSION FOR LAWYER DISCIPLINE,**  
*APPELLEE.*

---

*On Appeal from Cause No. 202000647 [North]  
Grievance Committee, District 14  
Evidentiary Panel 14-2 of the State Bar of Texas*

---

**XIII. APPENDIX**

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ENTERED MARCH 29, 2021 BY COMMITTEE CHAIR WILLIAM TRAVIS BIGGS  
DIST. 14 GRIEVANCE COMMITTEE OF THE STATE BAR OF TEXAS
  - 2) **ORDER FOR SUBSTITUTE SERVICE**  
ENTERED MARCH 3, 2022 BY PANEL CHAIR DAVID BILES  
EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS
  - 3) **ORDER ON MOTION FOR DEFAULT JUDGMENT**  
ENTERED JANUARY 27, 2023 BY PANEL CHAIR TRAVIS BIGGS  
EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS
  - 4) **DEFAULT JUDGMENT OF PARTIALLY PROBATED SUSPENSION**  
ENTERED FEBRUARY 7, 2023 BY PANEL CHAIR TRAVIS BIGGS  
EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS
-

- 5) ORDER DENYING RESPONDENT'S MOTION TO STAY EXECUTION OF DEFAULT JUDGMENT OF PARTIALLY PROBATED SUSPENSION PENDING PANEL RULINGS AND/OR APPEAL & REQUEST FOR RECORD  
ENTERED MARCH 24, 2023 BY PANEL CHAIR TRAVIS BIGGS  
EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS
- 
- 6) ORDER DENYING RESPONDENT'S VERIFIED MOTION TO SET-ASIDE/VACATE DEFAULT JUDGMENT OF PARTIALLY PROBATED SUSPENSION AND/OR FOR NEW TRIAL  
ENTERED MARCH 24, 2023 BY PANEL CHAIR TRAVIS BIGGS  
EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS
- 
- 7) FINDINGS OF FACT AND CONCLUSIONS OF LAW AS TO RESPONDENT'S MOTION TO STAY EXECUTION OF DEFAULT JUDGMENT OF PARTIALLY PROBATED SUSPENSION ORDE PENDING PANEL RULINGS AND/OR APPEAL & REQUEST FOR RECORD  
ENTERED MAY 2, 2023 BY PANEL CHAIR TRAVIS BIGGS  
EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS
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- 8) FINDINGS OF FACT AND CONCLUSIONS OF LAW AS TO RESPONDENT'S VERIFIED MOTION TO SET-ASIDE/VACATE DEFAULT JUDGMENT OF PARTIALLY PROBATED SUSPENSION AND/OR FOR NEW TRIAL  
ENTERED MAY 2, 2023 BY PANEL CHAIR TRAVIS BIGGS  
EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS
- 
- 9) CAUSE NO. 202000647 (NORTH); CFLD v. LAUREN ASHLEY HARRIS; BEFORE DISTRICT 6 GRIEVANCE COMMITTEE, INVESTIGATORY HEARING PANEL 6-3 -- EXCERPTS OF RECORDING, ZOOM HEARING NOVEMBER 12, 2020 SETTING  
MP4 FILE PROVIDED BY CDC ATTORNEY CARVELL, APRIL 9, 2025  
TOTAL DURATION: 25M:05s
- 
- 10) INVOICES CARPENTER & ASSOCIATES, FORMER APPELLANT COUNSEL  
JUNE 2024-FEBRUARY 2025  
ATTORNEYS' FEES TOTAL \$5,655.84
- 
- 11) LEIGH & ASSOCIATES COURT REPORTER RECEIPTS  
PAYMENT PAYMENT FEBRUARY 17, 2024 FOR \$350.00
- 
- 12) ORDER DENYING RESPONDENT'S VERIFIED MOTION FOR FORMAL BILL OF EXCEPTION  
ENTERED FEBRUARY 7 2024 BY PANEL CHAIR AMIE PEACE  
EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS
- 
- 13) "REFUSED" VERIFIED MOTION FOR FORMAL BILL OF EXCEPTION  
FEBRUARY 8, 2024 DATE PANEL CHAIR AMIE PEACE MARKED "REFUSED"  
EVIDENTIARY PANEL 14-2 OF DENTON COUNTY, TEXAS
-

# APPENDIX #1

**BEFORE THE DISTRICT 14 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL \_\_\_\_\_  
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner**

**V.**

**LAUREN ASHLEY HARRIS,  
Respondent**

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**CASE NO. 202000647**

**ORDER ASSIGNING EVIDENTIARY PANEL**

Pursuant to Rule 2.17 of the TEXAS RULES OF DISCIPLINARY PROCEDURE, this pending evidentiary proceeding shall be assigned to a panel of the District 14 Grievance Committee as follows:

**IT IS ORDERED** this Evidentiary proceeding shall be assigned to **Evidentiary Panel 14- 2** as indicated on the attached roster.

SIGNED this the 29 day of March, 2021.



William "Travis" Travis Biggs  
District 14 Grievance Committee Chair

# APPENDIX #2

**BEFORE THE DISTRICT 14 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 14-2  
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner**

**V.**

**LAUREN ASHLEY HARRIS,  
Respondent**

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**CASE NO. 202000647 [North]**

**ORDER ON SUBSTITUTE SERVICE OF PROCESS**

On this date, the Chair of the Evidentiary Panel 14-2 considered Petitioner's Motion for Substitute Service of Process and finds that Petitioner's attempts to serve LAUREN ASHLEY HARRIS ("Respondent") have been unsuccessful and that the substitute service requested in Petitioner's motion will be reasonably effective to give Respondent notice of the suit, and further finds that the Motion should be **GRANTED**, as set forth below.

**IT IS ORDERED** that service of Respondent in this disciplinary proceeding shall be made by leaving a true and correct copy of the following documents with anyone over sixteen years of age at Respondent's usual place of abode at 17303 Davenport Rd., Dallas, Texas 75248-1367, or by affixing the documents to the front door of said address, or in any other manner, including electronically by e-mail to lauren@lahlegal.com, or other email or technology, and that this method of service fulfills the requirements of service to Respondent and will be reasonably effective to give Respondent notice:

1. Letter to Respondent, dated July 30, 2021, enclosing Updated list of the 2021-2022 District 14 panel members;
2. Letter to Respondent, dated May 20, 2021, with file-marked Evidentiary Petition and Request for Disclosure;
3. Letter to Respondent, dated March 29, 2021, with Order Assigning Evidentiary Panel and original Evidentiary Panel Appointment; and
4. Any subsequent pleadings and other documents pertaining to this matter.

SIGNED on the 3<sup>rd</sup> day of March, 2022.

  
**David W. Biles  
Chair, Evidentiary Panel 14-2**

# APPENDIX #3





# APPENDIX #4



### **Professional Misconduct**

The Evidentiary Panel, having deemed all facts as alleged in the Evidentiary Petition true, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.

### **Findings of Fact**

The Evidentiary Panel, having considered the allegations as deemed true, the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
2. Respondent resides in and maintains her principal place of practice in Dallas County, Texas.
3. Complainant, Lyndon North (North), hired Respondent on or about October 16, 2017, to represent him in a personal injury case.
4. In representing North, Respondent neglected the legal matter entrusted to her by failing to perform work on the case.
5. Respondent failed to promptly comply with reasonable requests from North for information about North's personal injury matter.
6. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorneys' fees associated with this Disciplinary Proceeding in the amount of One Thousand Nine Hundred Dollars (\$1,900.00).
7. The Chief Disciplinary Counsel of the State Bar of Texas has incurred direct expenses associated with this Disciplinary Proceeding in the amount of Eight Hundred Dollars (\$800.00).

### **Conclusions of Law**

The Evidentiary Panel concludes that, based upon the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: Rules 1.01(b)(1) and 1.03(a).

### **Sanction**

The Evidentiary Panel, having found Respondent has committed Professional Misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Partially Probated Suspension.

Accordingly, it is **ORDERED, ADJUDGED and DECREED** that Respondent be suspended from the practice of law for a period of twelve (12) months, beginning February 1, 2023 and ending February 1, 2024. Respondent shall be actively suspended from the practice of law for a period of six (6) months beginning February 1, 2023 and ending July 31, 2023. The six (6) months period of probated suspension shall begin on August 1, 2023 and shall end on February 1, 2024.

### **Terms of Active Suspension**

It is further **ORDERED** that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, Respondent shall be prohibited from practicing law in Texas; holding herself out as an attorney at law; performing any legal services for others; accepting any fee directly or indirectly for legal services; appearing as counsel or in any representative capacity in any proceeding in any Texas or Federal court or before any administrative body; or holding herself out to others or using her name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further **ORDERED** that, or before February 1, 2023, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further **ORDERED** Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

It is further **ORDERED** Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) on or before February 1, 2023, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein. If it is Respondent's assertion that at the time of suspension he possessed no current clients and/or Respondent was not in possession of any files, papers, monies or other property belonging to clients, Respondent shall submit an affidavit attesting that, at the time of suspension, Respondent had no current clients and did not possess any files, papers monies and other property belonging to clients.

It is further **ORDERED** Respondent shall, on or before February 1, 2023, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing.

It is further **ORDERED** Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), on or before February 1, 2023, an affidavit stating Respondent has

notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in Court. If it is Respondent's assertion that at the time of suspension he was not currently listed as counsel or co-counsel in any matter pending before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice of any court or tribunal, Respondent shall submit an affidavit attesting to the absence of any such pending matter before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice.

It is further **ORDERED** that, on or before February 1, 2023, Respondent shall surrender his law license and permanent State Bar Card to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), to be forwarded to the Supreme Court of Texas.

#### **Terms of Probation**

It is further **ORDERED** that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
5. Respondent shall comply with Minimum Continuing Legal Education requirements.

6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.
8. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 512-427-1334 and Special Programs Coordinator at 512-427-1343, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

#### **Probation Revocation**

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.22 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals ("BODA") and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.



### **Attorney's Fees and Expenses**

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorney's fees to the State Bar of Texas in the amount of One Thousand Nine Hundred Dollars (\$1,900.00). The payment shall be due and payable on or before August 1, 2023, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further **ORDERED** Respondent shall pay all direct expenses to the State Bar of Texas in the amount of Eight Hundred Dollars (\$800.00). The payment shall be due and payable on or before August 1, 2023 and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further **ORDERED** that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(FF) of the Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the State Bar of Texas shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

It is further **ORDERED** that Respondent shall remain actively suspended from the practice of law as set out above until such time as Respondent has completely paid attorney's fees in the amount of One Thousand Nine Hundred Dollars (\$1,900.00) and

direct expenses in the amount of Eight Hundred Dollars (\$800.00) to the State Bar of Texas.

**Publication**

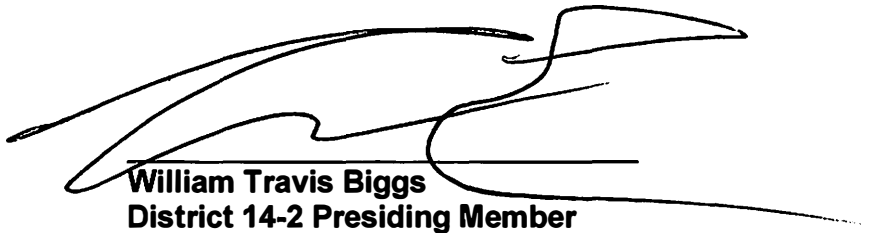
This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

**Other Relief**

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 7 day of February, 2023.

**EVIDENTIARY PANEL 14-2  
DISTRICT NO. 14  
STATE BAR OF TEXAS**

  
**William Travis Biggs  
District 14-2 Presiding Member**

# APPENDIX #5

BEFORE THE DISTRICT 14 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 14-2  
STATE BAR OF TEXAS

COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner

V.

LAUREN ASHLEY HARRIS,  
Respondent

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CASE NO. 202000647 [North]

**ORDER ON RESPONDENT'S MOTION TO STAY EXECUTION OF  
DEFAULT JUDGMENT FOR PARTIALLY PROBATED SUSPENSION PENDING  
PANEL RULINGS AND/OR APPEAL AND REQUEST FOR RECORD**

ON THIS DAY came to be considered the *Respondent's Motion to Stay Execution of Default Judgment for Partially Probated Suspension Pending Panel Rulings and/or Appeal and Request for Record* filed in the above-styled and numbered cause. After consideration of any and all evidence and argument submitted, the Panel is of the opinion that Respondent's motion should be and is hereby:

  X   **DENIED**  
       **GRANTED**

It is so ORDERED. All such other relief requested is hereby DENIED.

SIGNED on the 24 day of March, 2023.



William Travis Biggs  
Evidentiary Panel Chair, Panel 14-2

# APPENDIX #6

BEFORE THE DISTRICT 14 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 14-2  
STATE BAR OF TEXAS

COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner

V.

LAUREN ASHLEY HARRIS,  
Respondent

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CASE NO. 202000647 [North]

**ORDER ON RESPONDENT'S VERIFIED MOTION TO SET ASIDE/VACATE  
DEFAULT JUDGMENT & FOR NEW TRIAL**

ON THIS DAY came to be considered the *Respondent's Verified Motion to Set Aside/Vacate Default Judgment & for New Trial* filed in the above-styled and numbered cause. After consideration of any and all evidence and argument submitted, the Panel is of the opinion that Respondent's motion should be and is hereby:

      X       **DENIED**  
           **GRANTED**

It is so ORDERED. All such other relief requested is hereby DENIED.

SIGNED on the 24 day of March, 2023.



William Travis Biggs  
Evidentiary Panel Chair, Panel 14-2

# APPENDIX #7



**BEFORE THE DISTRICT 14 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 14-2  
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner**

**V.**

**LAUREN ASHLEY HARRIS,  
Respondent**

§  
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**CASE NO. 202000647 [North]**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

On March 24, 2023, the Evidentiary Panel conducted a hearing regarding *Respondent's Motion to Stay Execution of Default Judgment for Partially Probated Suspension Pending Panel Rulings and/or Appeal and Request for Record*. Petitioner appeared through counsel. Respondent appeared pro se. The Panel entered an Order on that date, denying the motion.

The Evidentiary Panel, upon consideration of the motion and of any and all evidence submitted, makes the following findings of fact and conclusions of law, and does so in writing in response to Respondent's request for same, and in support of the Order, shows as follows:

**A. Findings of Fact**

1. Petitioner is the Commission for Lawyer Discipline ("Petitioner").
2. Respondent is Lauren Ashley Harris, Texas Bar Number **24080932** ("Respondent")
3. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
4. Respondent's principal place of practice was Denton County, Texas, at time of filing the Evidentiary Petition. This Court has jurisdiction over the parties and subject matter of this case, and venue is appropriate in Denton County, Texas.
5. The Evidentiary Panel finds that Respondent was properly served with the Evidentiary Petition. Respondent was required to file a responsive pleading to the Evidentiary Petition,



pursuant to Rule 2.17B of the Texas Rules of Disciplinary Procedure. Respondent failed to timely file a responsive pleading to the Evidentiary Petition.

6. The Evidentiary Panel finds that Respondent was properly served with notice of default hearing; though, notice was not required, as per Rule 2.17O. Respondent failed to appear at default hearing.
7. The Evidentiary Panel finds that the Default Judgment of Partially Probated Suspension, entered on February 7, 2023, for twelve-month partially probated suspension, and which includes a six-month active suspension period from the practice of law, imposed upon Respondent in this disciplinary matter for violating Rules 1.01(b)(1) and 1.03(a) of the Texas Disciplinary Rules of Professional Conduct, was properly entered with an appropriate sanction.
8. The Evidentiary Panel finds that Respondent failed to meet her burden under Rule 2.24 of the Texas Rules of Disciplinary Procedure, which prescribes that "Respondent carries the burden of proof by preponderance of the evidence to establish by competent evidence that the Respondent's continued practice of law does not pose a continuing threat to the welfare of Respondent's clients or to the public".

#### **B. Conclusions of Law**

9. Upon hearing on March 24, 2023, regarding *Respondent's Motion to Stay Execution of Default Judgment for Partially Probated Suspension Pending Panel Rulings and/or Appeal and Request for Record*, the Evidentiary Panel denied Respondent's motion.
10. The Evidentiary Panel concludes that Respondent has failed to meet her burden of proof by preponderance of the evidence, under Rule 2.24 of the Texas Rules of Disciplinary Procedure, and has failed to show that her continued practice of law as an attorney would not pose a continuing threat to the welfare of her clients or to the public.
11. The Evidentiary Panel concludes that the Default Judgment of Partially Probated Suspension, entered on February 7, 2023, was properly entered with an appropriate sanction and that this default judgment is not stayed but will remain in effect in accordance with the terms of said judgment.
12. The *Order on Respondent's Motion to Stay Execution of Default Judgment for Partially Probated Suspension Pending Panel Rulings and/or Appeal and Request for Record*, was signed by the Panel Chair and was entered on March 24, 2023, and denied Respondent's motion.

SIGNED this 2 day of May, 2023.

  
William Travis Biggs  
Evidentiary Panel Chair, Panel 14-2

# APPENDIX #8



**BEFORE THE DISTRICT 14 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 14-2  
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner**

**V.**

**LAUREN ASHLEY HARRIS,  
Respondent**

§  
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**CASE NO. 202000647 [North]**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

On March 24, 2023, the Evidentiary Panel conducted a hearing regarding *Respondent's Verified Motion to Set Aside/Vacate Default Judgment & For New Trial*. Petitioner appeared through counsel of record. Respondent, Lauren Ashley Harris, appeared pro se. The Panel entered an Order on that date, denying the motion.

The Evidentiary Panel, upon consideration of the motion and of any and all evidence submitted, makes the following findings of fact and conclusions of law, and does so in writing in response to Respondent's request for same, and in support of the Order, shows as follows:

**A. Findings of Fact**

1. Petitioner is the Commission for Lawyer Discipline ("Petitioner").
2. Respondent is Lauren Ashley Harris, Texas Bar Number **24080932** ("Respondent")
3. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
4. Respondent's principal place of practice was Denton County, Texas, at time of filing the Evidentiary Petition. This Court has jurisdiction over the parties and subject matter of this case, and venue is appropriate in Denton County, Texas.
5. The Evidentiary Panel finds that Respondent was properly served with the Evidentiary Petition. Respondent was required to file a responsive pleading to the Evidentiary Petition, pursuant to Rule 2.17B of the Texas Rules of Disciplinary Procedure. Respondent failed to timely file a responsive pleading to the Evidentiary Petition.

6. The Evidentiary Panel finds that Respondent was properly served with notice of default hearing; though, notice was not required, as per Rule 2.17O. Respondent failed to appear at default hearing.
7. The Evidentiary Panel finds that the Default Judgment of Partially Probated Suspension, entered on February 7, 2023, for twelve-month partially probated suspension, and which includes a six-month active suspension period from the practice of law, imposed upon Respondent in this disciplinary matter for violating Rules 1.01(b)(1) and 1.03(a) of the Texas Disciplinary Rules of Professional Conduct, was properly entered with an appropriate sanction.
8. The Evidentiary Panel finds that Respondent fails to satisfy the conditions required under *Craddock v. Sunshine Bus Lines*, 133 S.W.2d 124 (Tex. 1939) to set aside the default judgment, by: 1) failing to show that Respondent's failure to file a timely Answer was not intentional or the result of conscious indifference but due to mistake or accident, 2) failing to set up a meritorious defense in the motion for new trial, and 3) failing to show that the granting of her motion would cause no delay or otherwise work an injury to the Petitioner.

#### **B. Conclusions of Law**

9. Upon hearing on March 24, 2023, regarding *Respondent's Verified Motion to Set Aside/Vacate Default Judgment & For New Trial*, the Evidentiary Panel denied Respondent's motion.
10. The Evidentiary Panel concludes that Respondent has failed to satisfy the conditions required under *Craddock v. Sunshine Bus Lines*, 133 S.W.2d 124 (Tex. 1939) to set aside the default judgment, by: 1) failing to show that Respondent's failure to file a timely Answer was not intentional or the result of conscious indifference but due to mistake or accident, 2) failing to set up a meritorious defense in the motion for new trial, and 3) failing to show that the granting of her motion would cause no delay or otherwise work an injury to the Petitioner.
11. The Evidentiary Panel concludes that the Default Judgment of Partially Probated Suspension, entered on February 7, 2023, was properly entered with an appropriate sanction and that this default judgment is not set aside nor vacated but will remain in effect in accordance with the terms of said judgment, and the request for new trial is denied.
12. The *Order on Respondent's Verified Motion to Set Aside/Vacate Default Judgment & For New Trial*, was signed by the Panel Chair and was entered on March 24, 2023, and denied Respondent's motion.

SIGNED this 2 day of May, 2023.

  
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William Travis Biggs  
Evidentiary Panel Chair, Panel 14-2

# APPENDIX #9

**DISTRICT 6 GRIEVANCE COMMITTEE, INVESTIGATORY PANEL 6-3**  
**OF THE STATE BAR OF TEXAS**

CFLD

v

CAUSE NO.: 202000647/NORTH

LAUREN ASHLEY HARRIS

SBN: 24080932

**NOVEMBER 12, 2020 INVESTIGATORY HEARING**

*by ZOOM*

*Transcript Excerpts*

**EXCERPT 1**

00:00:03.180 --> 00:00:03.620	CDC STAFF:	Okay
00:00:03.620 --> 00:00:04.380		I've started recording
00:00:04.500 --> 00:00:04.580		Ms.
00:00:04.580 --> 00:00:04.860		Dusler.
00:00:05.480 --> 00:00:05.720	PANEL CHAIR:	All right
00:00:05.720 --> 00:00:06.020		perfect.
00:00:07.020 --> 00:00:07.780		And we're
00:00:07.900 --> 00:00:08.359		by the way
00:00:08.359 --> 00:00:09.040		before we do this
00:00:09.040 --> 00:00:10.880		we're on North first?
00:00:11.620 --> 00:00:11.880	LAURIE GUERRA:	Yes.
00:00:12.500 --> 00:00:12.740	PANEL CHAIR:	Okay
00:00:13.240 --> 00:00:13.600		all right.
00:00:13.760 --> 00:00:14.300		Good morning
00:00:14.300 --> 00:00:15.280		my name is Susan Dusler.
00:00:15.400 --> 00:00:17.200		I'm the chair of this investigatory panel of
00:00:17.200 --> 00:00:18.580		the District Six Grievance Committee.
00:00:19.240 --> 00:00:23.200		Case number 202000647.
00:00:23.700 --> 00:00:25.700		This is an investigatory hearing on a grievance
00:00:25.700 --> 00:00:28.560		filed by Lyndon North against Lauren Ashley Harris.
00:00:29.080 --> 00:00:30.360		And I call this to order.
00:00:30.360 --> 00:00:32.960		The panel is gonna consist of four members today.
00:00:33.420 --> 00:00:34.740		I'm the panel chair and I'm a lawyer
00:00:34.920 --> 00:00:35.740		a quorum is present.
00:00:36.000 --> 00:00:38.220		The other panel members are Lindsey Hedrick
00:00:38.340 --> 00:00:38.900		who's an attorney
00:00:39.920 --> 00:00:41.720		Andrew Gould is an attorney
00:00:41.940 --> 00:00:42.500		Bill Perryman
00:00:42.500 --> 00:00:43.880		who's a public member and not a lawyer.
00:00:45.240 --> 00:00:47.740		For the chief disciplinary counsel's office



00:00:47.840 --> 00:00:49.580		we have Laurie Guerra
00:00:49.720 --> 00:00:52.440		who's the attorney and investigator Elena Wolf.
00:00:52.720 --> 00:00:54.620		We also have two other people present from
00:00:54.620 --> 00:00:55.540		the CDC's office.
00:00:55.980 --> 00:00:57.880		One is a facilitator and one is in training.
00:00:57.880 --> 00:00:58.760		Um
00:00:59.000 --> 00:01:01.080		and then I believe we also have Lauren Harris
00:01:01.080 --> 00:01:01.480		um
00:01:01.480 --> 00:01:02.140		who is here
00:01:02.140 --> 00:01:02.820		um
00:01:02.820 --> 00:01:04.500		as the respondent and she's representing herself.
00:01:04.500 --> 00:01:04.980		Is that correct?
00:01:04.980 --> 00:01:05.140		Ms.
00:01:05.260 --> 00:01:05.300		Harris?
00:01:06.420 --> 00:01:06.700	LAUREN HARRIS:	That's correct.
00:01:07.340 --> 00:01:07.560	PANEL CHAIR:	Okay.
00:01:07.860 --> 00:01:08.239		Um
00:01:08.239 --> 00:01:10.200		we're here to investigate allegations of professional
00:01:10.200 --> 00:01:10.720		misconduct.
00:01:10.720 --> 00:01:12.980		The panel has received and read all of the
00:01:12.980 --> 00:01:14.560		materials that have been submitted by the complainant
00:01:14.560 --> 00:01:15.180		and respondent.
00:01:15.280 --> 00:01:18.200		This is informal and non-adversarial and testimony
00:01:18.200 --> 00:01:19.260		will be taken under oath
00:01:19.360 --> 00:01:20.700		but the proceeding is being recorded.
00:01:21.140 --> 00:01:23.020		Other than the CDC's recording device
00:01:23.240 --> 00:01:25.460		no cameras or tape recorders are allowed into this room.
00:01:26.020 --> 00:01:28.880		Pursuant to 2.12f of the Texas Rules of Disciplinary
00:01:28.880 --> 00:01:29.460		Procedure
00:01:30.560 --> 00:01:32.540		this hearing is strictly confidential and recording
00:01:32.540 --> 00:01:35.340		can only be released for use in future disciplinary
00:01:35.340 --> 00:01:35.700		matters.
00:01:36.060 --> 00:01:38.000		All participants have to ask to conduct themselves
00:01:38.000 --> 00:01:39.660		with respect as if you're in a court of law.
00:01:39.900 --> 00:01:41.620		If you become adversarial or disruptive
00:01:41.740 --> 00:01:43.120		you will be excused from the hearing.
00:01:43.580 --> 00:01:44.700		At the conclusion of this hearing
00:01:44.700 --> 00:01:46.380		all witnesses will be dismissed and the panel
00:01:46.380 --> 00:01:46.900		will deliberate.
00:01:47.420 --> 00:01:48.840		If the panel believes there's enough credible
00:01:48.840 --> 00:01:50.820		evidence to support a finding of professional conduct.
00:01:51.560 --> 00:01:53.140		The panel will recommend a sanction ranging
00:01:53.140 --> 00:01:54.720		from private reprimand to disbarment.
00:01:55.340 --> 00:01:56.960		The respondent will be contacted in writing
00:01:56.960 --> 00:01:58.700		from the office of the chief disciplinary counsel

00:01:58.700 --> 00:01:59.760		after the deliberations.
00:02:00.200 --> 00:02:00.700		At this time
00:02:00.700 --> 00:02:03.500		I ask anyone present to give testimony to
00:02:04.120 --> 00:02:06.280		raise their right hand and be sworn in.
		(Lauren Harris raises her right hand).
00:02:08.900 --> 00:02:09.199		Ms.
00:02:09.280 --> 00:02:09.539		Harris
00:02:09.660 --> 00:02:11.600		do you swear or affirm to tell the whole truth
00:02:11.600 --> 00:02:12.900		and nothing but the truth to help you God?
00:02:13.940 --> 00:02:14.199	LAUREN HARRIS:	I do.
00:02:14.199 --> 00:02:15.139	PANEL CHAIR:	Okay
00:02:15.320 --> 00:02:16.940		and do I have your agreement that neither you
00:02:16.940 --> 00:02:19.460		nor anyone acting on your behalf other than
00:02:19.460 --> 00:02:21.400		the chief disciplinary counsel's office will
00:02:21.400 --> 00:02:22.820		not record any part of this proceeding?
00:02:23.800 --> 00:02:24.360	LAUREN HARRIS: .	Absolutely

#### EXCERPT 2:

00:07:24.550 --> 00:07:25.350	LAUREN HARRIS:	So Mr.
00:07:25.450 --> 00:07:26.890		North was in Washington State
00:07:27.010 --> 00:07:28.870		and he did not have a working cell phone for
00:07:28.870 --> 00:07:31.250		most of that time he would go into town occasionally
00:07:31.250 --> 00:07:32.130		and try to call me.
00:07:33.030 --> 00:07:34.350		And that would be hit or miss.
00:07:34.790 --> 00:07:37.070		I was unable to communicate with him for several months
00:07:37.450 --> 00:07:39.350		and the emails and I
00:07:39.530 --> 00:07:41.170		and the text messages that were transpired
00:07:41.170 --> 00:07:43.750		between us were all submitted as exhibits.
00:07:47.649 --> 00:07:48.649	PANEL CHAIR:	Did You--
	LAUREN HARRIS:	He was -- I'm sorry
	PANEL CHAIR:	No go ahead.
00:07:50.070 --> 00:07:51.810	LAUREN HARRIS:	He was informed that his case was dismissed
00:07:51.930 --> 00:07:53.090		but after I got co-counsel
00:07:53.270 --> 00:07:55.030		so the co-counsel and him corresponded for
00:07:55.030 --> 00:07:55.890		the last month of that
00:07:56.230 --> 00:07:58.150		and I had drafted the new trial document so
00:07:58.150 --> 00:07:59.330		that co-counsel could file it.

#### EXCERPT 3:

00:09:38.890 --> 00:09:40.910	LAUREN HARRIS:	I also shouldn't have been on the case because
00:09:40.910 --> 00:09:43.890		of rule 3.04 attorney as witness because
00:09:43.890 --> 00:09:45.410		it's a second tier suit.
00:09:45.830 --> 00:09:47.450		The underlying suit of every single demand
00:09:47.450 --> 00:09:49.190		letter between me and the insurance company
00:09:49.190 --> 00:09:50.830		was me being the witness.



00:09:50.830 --> 00:09:53.110	I will be the one that has to testify as to
00:09:53.110 --> 00:09:55.570	the bad faith conduct of the insurer because
00:09:55.570 --> 00:09:56.310	we're suing him directly.
00:09:57.210 --> 00:09:59.330	And so I had told Mr.
00:09:59.330 --> 00:10:01.650	North that I could not proceed on the case
00:10:01.650 --> 00:10:02.410	from the outset.
00:10:02.750 --> 00:10:03.710	They needed to get another attorney.
00:10:04.090 --> 00:10:05.330	I tried to get co-counsel many
00:10:05.470 --> 00:10:06.930	many times during the course of the case.
00:10:07.350 --> 00:10:08.190	And then at the very end
00:10:08.190 --> 00:10:09.550	I convinced Mr.
00:10:09.550 --> 00:10:11.750	Julius to take it just to make sure that the
00:10:11.750 --> 00:10:13.810	documents were filed on time for a motion for
00:10:13.810 --> 00:10:14.230	a new trial.
00:10:14.930 --> 00:10:15.090	Mr.
00:10:15.090 --> 00:10:16.170	North did not respond to Mr.
00:10:16.290 --> 00:10:16.570	Julius
00:10:16.830 --> 00:10:17.710	and therefore
00:10:17.710 --> 00:10:18.390	they were not filed.

EXCERPT 4:		
00:11:15.790 --> 00:11:18.690	<b>LAURIE GUERRA:</b>	I think that when you were representing this
00:11:18.690 --> 00:11:19.870		complainant
00:11:19.870 --> 00:11:22.030		you were dealing with two different insurance companies
00:11:22.250 --> 00:11:22.470		correct?
00:11:22.690 --> 00:11:24.150		Farmers Insurance and State Farm?
00:11:24.690 --> 00:11:25.210	<b>LAUREN HARRIS:</b>	Correct.
00:11:25.970 --> 00:11:29.090	<b>LAURIE GUERRA:</b>	And Farmers Insurance represented the alleged
00:11:29.090 --> 00:11:29.790		drunk driver
00:11:30.170 --> 00:11:31.950		and then State Farm represented the
00:11:31.950 --> 00:11:34.310		was covering the complainant
00:11:34.310 --> 00:11:34.950		is what I should say?
00:11:36.090 --> 00:11:36.210	<b>LAUREN HARRIS:</b>	Yes.
00:11:36.890 --> 00:11:37.130	<b>LAURIE GUERRA:</b>	Okay.
00:11:37.410 --> 00:11:37.670	<b>LAUREN HARRIS:</b>	That's correct.
00:11:38.390 --> 00:11:38.910	<b>LAURIE GUERRA:</b>	So when I'm
00:11:39.110 --> 00:11:39.290		when I
00:11:39.790 --> 00:11:41.770		there is an exhibit that shows that you sent
00:11:41.770 --> 00:11:45.350		an invoice to the complainant and that he signed it.
00:11:45.450 --> 00:11:47.830		I believe it's bait stamp page number 76.
00:11:49.090 --> 00:11:49.450		Um
00:11:49.770 --> 00:11:51.750		that was dealing with farmers insurance
00:11:51.970 --> 00:11:53.010	<b>LAUREN HARRIS:</b>	Correct.
00:11:53.250 --> 00:11:54.390		The only settlement that occurred.

**EXCERPT 5:**

00:13:06.430 --> 00:13:09.050	<b>LAURIE GUERRA:</b>	did you do anything after the dismissal to contact the court or the complainant about the dismissal.
00:13:09.050 --> 00:13:11.650		
00:13:12.250 --> 00:13:12.770		
00:13:13.370 --> 00:13:16.810	<b>LAUREN HARRIS:</b>	So we had 30 days to request a new trial or to set aside the default judgment. And I made sure to draft those documents and had them in the hands of co-counsel. And he was waiting on permission. He had to have consent from the client. He cannot proceed without it, and he did not receive it.
00:13:16.810 --> 00:13:18.490		
00:13:19.150 --> 00:13:21.650		
00:13:21.650 --> 00:13:23.050		
00:13:23.450 --> 00:13:24.870		
00:13:25.150 --> 00:13:26.530		
00:13:26.650 --> 00:13:28.390		
00:13:28.890 --> 00:13:30.330		
00:13:30.330 --> 00:13:30.710	<b>LAURIE GUERRA:</b>	Okay.
00:13:31.330 --> 00:13:32.210	<b>PANEL CHAIR:</b>	Who's your co-counsel?
00:13:32.210 --> 00:13:35.910	<b>LAUREN HARRIS:</b>	His name was Ben Julius and he did me-- --did me a favor by taking it because many attorneys would not.
00:13:35.910 --> 00:13:38.190		
00:13:38.190 --> 00:13:38.610		
00:13:41.940 --> 00:13:42.040	<b>PANEL CHAIR:</b>	Okay.
00:13:49.040 --> 00:13:51.480	<b>PERRYMAN:</b>	Was Mr. North aware that you were handing the case off to Mr. Julius.
00:13:51.480 --> 00:13:52.840		
00:13:54.160 --> 00:13:56.060	<b>LAUREN HARRIS:</b>	Mr. North was aware that I was attempting to hand the case to anyone I possibly could and he also said that he was seeking counsel on his own but never received any.
00:13:56.060 --> 00:13:57.840		
00:13:57.840 --> 00:13:59.940		
00:13:59.940 --> 00:14:01.520		
00:14:02.260 --> 00:14:03.040	<b>PERRYMAN:</b>	And there was there was never any communication between Mr Julius and Mr North.
00:14:03.220 --> 00:14:05.900		
00:14:05.900 --> 00:14:08.220		
00:14:08.220 --> 00:14:08.460	<b>LAUREN HARRIS:</b>	No, there was multiple communications between them.
00:14:08.460 --> 00:14:10.560		
00:14:11.160 --> 00:14:11.400	<b>PERRYMAN:</b>	OK but he could not get a signed agreement to represent Mr. North
00:14:11.580 --> 00:14:17.580		
00:14:17.580 --> 00:14:18.000		
00:14:19.080 --> 00:14:19.620	<b>LAUREN HARRIS:</b>	The consent the final consent-- Yes sir. Yes.
00:14:19.780 --> 00:14:20.040		
00:14:20.620 --> 00:14:20.960		
00:14:21.200 --> 00:14:21.380		
00:14:21.480 --> 00:14:21.840	<b>PERRYMAN:</b>	OK.
00:14:25.860 --> 00:14:27.320	<b>ATTORNEY GOULD:</b>	How long have you been practicing Miss Harris?
00:14:27.580 --> 00:14:27.980		
00:14:29.200 --> 00:14:32.240	<b>LAUREN HARRIS:</b>	I was licensed in May of 2012.
00:14:33.520 --> 00:14:35.060	<b>ATTORNEY GOULD:</b>	And have you always had your own firm?
00:14:35.720 --> 00:14:36.320	<b>LAUREN HARRIS:</b>	No I started my own firm in April 2016. 16.
00:14:36.780 --> 00:14:39.000		
00:14:39.000 --> 00:14:39.120		
00:14:41.460 --> 00:14:44.900	<b>PANEL CHAIR:</b>	Where were you before that a firm or in-house somewhere?

00:14:45.840 --> 00:14:47.540	<b>LAUREN HARRIS:</b>	I was at many firms.
00:14:47.640 --> 00:14:48.900		The last one that I was at as an associate
00:14:48.900 --> 00:14:50.320		attorney was called Cutler Smith.
00:14:50.580 --> 00:14:52.580		It's a construction litigation law firm that
00:14:52.580 --> 00:14:53.780		mostly did insurance defense.
00:14:54.460 --> 00:14:55.460		Before that it was
00:14:56.780 --> 00:14:58.820		well I think they changed the name now
00:14:58.940 --> 00:15:00.880		but when I was there it was Atkerson
00:15:01.060 --> 00:15:01.820		Hauder and Bezney
00:15:02.000 --> 00:15:05.060		which was a commercial general liability policy
00:15:05.060 --> 00:15:05.880		of insurance--
00:15:06.080 --> 00:15:06.960		--basically insurance defense.
00:15:18.950 --> 00:15:20.930	<b>PANEL CHAIR:</b>	Does anyone else have any Any other questions for Ms.
00:15:20.930 --> 00:15:21.230		Harris?
00:15:22.910 --> 00:15:23.910	<b>ELENA WOLFE:</b>	Why could Mr.
00:15:24.010 --> 00:15:26.010		Julius so easily communicate with the client
00:15:26.010 --> 00:15:27.630		and you couldn't?
00:15:27.630 --> 00:15:29.530	<b>LAUREN HARRIS:</b>	He was calling him every day after he
00:15:29.750 --> 00:15:29.990		I guess
00:15:29.990 --> 00:15:30.870		got back into town.
00:15:31.690 --> 00:15:33.910		I was not made aware when he came back into
00:15:33.910 --> 00:15:35.310		town even though I asked him for deposition
00:15:35.310 --> 00:15:36.170		dates many times.
00:15:39.850 --> 00:15:41.310	<b>ELENA WOLFE:</b>	And did he have an email address?
00:15:43.250 --> 00:15:43.650	<b>LAUREN HARRIS:</b>	Mr.
00:15:43.650 --> 00:15:45.770		North is incapable almost of doing text messages.
00:15:47.350 --> 00:15:48.330	<b>LAUREN HARRIS:</b>	He has one --
	<b>ELENA WOLFE:</b>	Would you say that's the reason?
00:15:49.390 --> 00:15:52.530	<b>LAUREN HARRIS:</b>	--I did set him up an email address when we first started.
00:15:52.530 --> 00:15:54.290		So he had a yahoo email address that I would
00:15:54.290 --> 00:15:56.270		send things to, I do not think that he checked it.
00:15:58.860 --> 00:16:00.960	<b>PANEL CHAIR:</b>	Would you say that he was a difficult client?
00:16:03.020 --> 00:16:03.460	<b>LAUREN HARRIS:</b>	Yes

#### EXCERPT 6:

00:16:36.310 --> 00:16:37.270	<b>LAURIE GUERRA:</b>	Just lastly
00:16:37.410 --> 00:16:39.850		is there anything that you want the panel to know about
00:16:40.710 --> 00:16:42.910		anything that you might consider a mitigating
00:16:42.910 --> 00:16:43.430		circumstance
00:16:43.650 --> 00:16:45.910		anything going on that impaired your ability
00:16:45.910 --> 00:16:47.350		to practice law during that period?
00:16:47.730 --> 00:16:49.670	<b>LAUREN HARRIS:</b>	Yes--
	<b>LAURIE GUERRA:</b>	Or was it just a work issue?
00:16:50.470 --> 00:16:50.950	<b>LAUREN HARRIS:</b>	Well
00:16:51.330 --> 00:16:51.710		I

00:16:52.290 --> 00:16:53.690		overall
00:16:54.150 --> 00:16:56.130		I have had a difficulty with my docket.
00:16:57.190 --> 00:16:58.270		As a solo practitioner
00:16:58.650 --> 00:17:00.770		I was too many contingency cases and not enough
00:17:00.770 --> 00:17:02.830		retainer cases to keep you afloat and I have
00:17:02.830 --> 00:17:05.710		not entered into any litigation financing companies'
00:17:05.710 --> 00:17:08.310		Agreements, I think that they-- no offense to
00:17:08.310 --> 00:17:10.109		anyone-- I think that so far they've been--
00:17:10.750 --> 00:17:13.470		--not of the caliber of people I wanted to get
00:17:13.470 --> 00:17:16.369		into business with, and I have been overextended.
00:17:16.849 --> 00:17:18.670		I've been slowly but surely trying to get my
00:17:18.670 --> 00:17:19.530		docket shaved down
00:17:19.630 --> 00:17:20.510		but it's been very difficult.
00:17:21.190 --> 00:17:21.589		Also
00:17:21.589 --> 00:17:22.329		during that time
00:17:22.329 --> 00:17:23.210		I had a very
00:17:23.349 --> 00:17:24.170		um
00:17:24.690 --> 00:17:25.069		I was
00:17:25.250 --> 00:17:26.470		I don't know what the word would be.
00:17:26.470 --> 00:17:27.470		I was hacked.
00:17:27.869 --> 00:17:31.410		All of my documents were deleted and I recovered
00:17:31.410 --> 00:17:32.190		as much as I could.
00:17:32.630 --> 00:17:35.010		The only case I think that I filed something
00:17:35.010 --> 00:17:36.670		in to make sure that the judge was aware
00:17:37.490 --> 00:17:39.670		was this case as a matter of fact.

EXCERPT 7:		
00:18:20.050 --> 00:18:20.830	PANEL CHAIR:	What was hacked
00:18:21.270 --> 00:18:21.790		specifically?
00:18:23.530 --> 00:18:24.470	LAUREN HARRIS:	So I have a Mac --
	PANEL CHAIR:	The email--
00:18:24.470 --> 00:18:25.950	PANEL CHAIR:	Your email or the practice management system
00:18:25.950 --> 00:18:26.490		that you had.
00:18:27.470 --> 00:18:27.650	LAUREN HARRIS:	Oh
00:18:27.650 --> 00:18:27.750		no
00:18:27.750 --> 00:18:29.670		I didn't have a practice management system at that time.
00:18:29.950 --> 00:18:30.210		In fact--
00:18:30.310 --> 00:18:30.510		I was--
00:18:30.630 --> 00:18:32.190	PANEL CHAIR:	So your whole computer was hacked?
00:18:33.050 --> 00:18:33.410	LAUREN HARRIS:	Yes
00:18:33.510 --> 00:18:34.330		which was everything
00:18:34.450 --> 00:18:35.330		because I had one Mac.

EXCERPT 8:		
00:19:49.740 --> 00:19:50.920	ATTORNEY GOULD:	Do you have any staff?

00:19:51.880 --> 00:19:52.680	LAUREN HARRIS:	I do not.
00:19:53.460 --> 00:19:54.780	ATTORNEY GOULD:	Do you have an office?
00:19:56.500 --> 00:19:57.460		Where do you office?
00:19:58.360 --> 00:19:59.800	LAUREN HARRIS:	I have a Regus office,
00:20:00.000 --> 00:20:02.480		so it's a mailing address, where I can get a
00:20:02.480 --> 00:20:04.240		rental office if I need to.
00:20:04.240 --> 00:20:06.440	PANEL CHAIR:	You would meet clients in there, kind of like on an executive suite type basis?
00:20:06.440 --> 00:20:07.940		
00:20:08.860 --> 00:20:09.060	LAUREN HARRIS:	Yes,
00:20:09.060 --> 00:20:11.220		if I need to -- or do my depositions or mediations
00:20:11.220 --> 00:20:12.020		there, if necessary.

#### EXCERPT 9:

00:20:37.850 --> 00:20:40.490	ATTORNEY GOULD:	You partner with any other firms to try to sort of get backup or assistance on cases or not Not really?
00:20:40.490 --> 00:20:43.390		
00:20:43.650 --> 00:20:44.170		
00:20:44.630 --> 00:20:48.650	LAUREN HARRIS:	I took my entire docket that year to over 10 firms and either I did not think it was the best interest of the client the cases that the attorneys wanted to take but wouldn't assist me with the other cases excuse me or they weren't interested at all because the cases weren't ones that were high enough damages for them to take and I had already taken on the case early.
00:20:48.850 --> 00:20:50.970		
00:20:50.970 --> 00:20:51.890		
00:20:51.990 --> 00:20:54.830		
00:20:54.830 --> 00:20:56.570		
00:20:57.570 --> 00:20:59.030		
00:20:59.450 --> 00:21:04.090		
00:21:04.090 --> 00:21:05.910		
00:21:05.910 --> 00:21:07.590		
00:21:07.590 --> 00:21:08.170		
00:21:08.890 --> 00:21:09.670	PANEL CHAIR:	Do you have a mentor?
00:21:12.210 --> 00:21:13.230	LAUREN HARRIS:	Not in personal injury not currently. I've had some assistance with I've had very nice people I've met but I've never had an actual mentor no.
00:21:13.370 --> 00:21:14.270		
00:21:14.550 --> 00:21:16.810		
00:21:17.070 --> 00:21:18.470		
00:21:18.470 --> 00:21:20.310		
00:21:20.470 --> 00:21:20.530		
00:21:23.730 --> 00:21:24.470	PANEL CHAIR:	Are you a --
	LAUREN HARRIS:	I did learn a lot.
00:21:24.470 --> 00:21:27.310	PANEL CHAIR:	-- Are you a member of TTLA or DTLA?
00:21:28.810 --> 00:21:29.210	LAUREN HARRIS:	No I'm not.
00:21:29.310 --> 00:21:29.650		
00:21:32.970 --> 00:21:34.550	ATTORNEY GOULD:	And the seven pending cases are they all personal injury contingency cases or any hourly commercial disputes?
00:21:34.650 --> 00:21:37.030		
00:21:37.030 --> 00:21:39.770		
00:21:41.470 --> 00:21:41.650	LAUREN HARRIS:	Well the pre-litigation-- --so you're talking about the litigation cases?
00:21:41.650 --> 00:21:42.530		
00:21:42.730 --> 00:21:43.970		

00:21:45.190 --> 00:21:45.590		No
00:21:45.590 --> 00:21:47.290		I think every single one of them is contingency
00:21:47.290 --> 00:21:48.830		but I'd have to go check and make sure.
00:21:49.230 --> 00:21:51.350		I do have now some retainer cases
00:21:51.470 --> 00:21:52.210		but they're pre-litigation.
00:21:54.490 --> 00:21:54.650	PANEL CHAIR:	Okay
00:21:54.650 --> 00:21:54.850		Mark--
00:21:54.850 --> 00:21:55.230	ATTORNEY GOULD:	(unintelligible)
	PANEL CHAIR,	Lauren are you in --
00:21:55.610 --> 00:21:55.950	PANEL CHAIR:.	Go ahead
00:21:55.950 --> 00:21:56.590	ATTORNEY GOULD:	Well
00:21:56.590 --> 00:21:57.110		I was going to say
00:21:57.110 --> 00:21:57.670		what is your
00:21:58.530 --> 00:21:59.870		what would you like to be doing?
00:22:00.090 --> 00:22:01.570		Would you rather be doing what you're calling
00:22:01.570 --> 00:22:02.230		the retainer
00:22:02.430 --> 00:22:02.870		I guess
00:22:03.130 --> 00:22:04.330		what we'd call hourly
00:22:05.050 --> 00:22:07.490		commercial disputes or what would be your preference
00:22:07.490 --> 00:22:09.010		or your blend of cases?
00:22:09.530 --> 00:22:11.350	LAUREN HARRIS:	I think it needs to be an even blend so that
00:22:11.350 --> 00:22:15.570		I can make enough money to continue to front
00:22:15.570 --> 00:22:17.890		all the expenses for the very costly medical
00:22:17.890 --> 00:22:20.230		malpractice and personal injury cases
00:22:20.350 --> 00:22:21.450		especially since I pay for all the experts
00:22:21.450 --> 00:22:22.050		out of my own pocket.

#### EXCERPT 10:

00:22:47.070 --> 00:22:47.870	ATTORNEY GOULD:	I can't remember
00:22:47.990 --> 00:22:49.370		can we Miss Guerra find out
00:22:49.590 --> 00:22:52.890		do we get past history now or is that not something?
00:22:52.890 --> 00:22:53.090	PANEL CHAIR:	No
00:22:53.410 --> 00:22:55.050		that would be if we find a violation.
00:22:55.830 --> 00:22:56.010	ATTORNEY GOULD:	Okay.
00:22:59.170 --> 00:22:59.570	PANEL CHAIR:	Ms.
00:22:59.570 --> 00:22:59.690		Harris
00:22:59.690 --> 00:23:00.830		is there anything else that you would like
00:23:00.830 --> 00:23:02.350		us to know about this grievance?
00:23:04.330 --> 00:23:04.730	LAUREN HARRIS:	Yes
00:23:04.730 --> 00:23:07.230		the last thing that we'll attribute to this
00:23:07.230 --> 00:23:08.630		grievance and also to the others
00:23:09.190 --> 00:23:12.550		to keep up with clients better because there is just me
00:23:13.110 --> 00:23:16.210		and I can't answer the phone every minute.
00:23:16.410 --> 00:23:19.310		I have also started fabricating--
00:23:19.310 --> 00:23:20.330		--it is not complete yet

00:23:20.630 --> 00:23:23.130		a client portal so that they can go in and
00:23:23.130 --> 00:23:25.070		look in to see every document in their case
00:23:25.070 --> 00:23:26.190		and access at any time.
00:23:26.370 --> 00:23:27.890		I'm working to try and finish it.
00:23:28.510 --> 00:23:29.970		They can also see what I've done
00:23:30.070 --> 00:23:31.350		at what date
00:23:31.450 --> 00:23:32.850		and what I'm working on next.
00:23:33.150 --> 00:23:34.850		They can communicate with me through the app.
00:23:35.890 --> 00:23:36.270		It'll be
00:23:36.430 --> 00:23:38.070		it'll take care of a lot of the complaints
00:23:38.070 --> 00:23:39.830		about communication generally
00:23:39.990 --> 00:23:42.410		especially if they have a different schedule than me
00:23:42.410 --> 00:23:44.590		or if I'm not able to answer the phone when they call.
00:23:46.880 --> 00:23:47.120		Also
00:23:47.220 --> 00:23:48.400		the client file as well.
00:23:48.720 --> 00:23:52.160		I don't have to spend extra time compiling
00:23:52.160 --> 00:23:54.340		it at any given point of a request.
00:23:55.060 --> 00:23:56.280	PANEL CHAIR:	One thing that I would do
00:23:56.380 --> 00:23:57.600		I'm a solo practitioner too
00:23:57.600 --> 00:23:59.080		I have been for 14 years.
00:23:59.800 --> 00:24:02.100		One thing I have is a call log.
00:24:03.400 --> 00:24:04.780		Every call that comes in and out
00:24:05.000 --> 00:24:05.800		I have it written down.
00:24:06.480 --> 00:24:07.200		It can be a
00:24:07.200 --> 00:24:07.520		you know
00:24:08.000 --> 00:24:08.660		a word file.
00:24:08.840 --> 00:24:10.560		We have one per month because the files get
00:24:10.560 --> 00:24:11.440		pretty dang large
00:24:11.580 --> 00:24:11.860		obviously.
00:24:12.620 --> 00:24:14.320		But you need to be able to document some of
00:24:14.320 --> 00:24:15.840		this stuff for you too
00:24:16.020 --> 00:24:16.260		you know
00:24:16.260 --> 00:24:18.040		so that you can go back and quickly search
00:24:18.380 --> 00:24:18.760		you know
00:24:18.760 --> 00:24:19.080		anything.
00:24:19.280 --> 00:24:20.780		So don't just rely on an app or or anything
00:24:20.780 --> 00:24:21.840		like that just in case.
00:24:23.340 --> 00:24:23.940	LAUREN HARRIS:	Right now
00:24:24.140 --> 00:24:25.900		Nextiva was the one I was using.
00:24:26.000 --> 00:24:28.920		I wanted to try and configure an IVR system
00:24:28.920 --> 00:24:31.020		that would take care of clients in a way that
00:24:31.020 --> 00:24:33.700		would assist me with filtering through the
00:24:33.700 --> 00:24:34.860		information as it came in.
00:24:35.780 --> 00:24:37.320		I'll absolutely consider that too.
00:24:37.900 --> 00:24:38.060	PANEL CHAIR:	Okay

00:24:38.740 --> 00:24:40.080		Sophia
00:24:40.900 --> 00:24:43.300		I believe we just put Lauren in the waiting
00:24:43.300 --> 00:24:44.840		room on this one because she has another one
00:24:44.840 --> 00:24:45.640		that we do in a minute.
00:24:45.800 --> 00:24:46.360		Is that right?
00:24:46.520 --> 00:24:47.060	<b>CDC STAFF:</b>	That's correct.
00:24:48.440 --> 00:24:48.880	<b>PANEL CHAIR:</b>	Okay
00:24:48.880 --> 00:24:49.320		Lauren
00:24:49.320 --> 00:24:51.040		can you bear with us while we go ahead and do
00:24:51.040 --> 00:24:51.560		uh
00:24:51.840 --> 00:24:53.340		the deliberations on this
00:24:53.340 --> 00:24:55.500		and then we'll pull you back in for the next
00:24:55.500 --> 00:24:56.220		one in a moment.
00:24:57.040 --> 00:24:57.460	<b>LAUREN HARRIS:</b>	Absolutely.
00:24:57.960 --> 00:24:58.380	<b>PANEL CHAIR:</b>	Okay.



# APPENDIX #10

**CARPENTER & ASSOCIATES, PC**

7920 Belt Line  
Suite 1100  
Dallas, TX 75254  
United States  
972-455-8700

**Lauren A. Harris**

**Balance Forwarded** \$1,686.00  
**Invoice #** to #61828  
**Invoice Date** 61296  
**Payment Terms** July 1, 2024  
**Due Date** Due on Receipt  
July 01, 2024

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**Lauren A. Harris - TBODA Appeal****Time Entries**

Date	EE	Activity	Description	Rate	Hours	Line Total
06/17/2024	JM	Review	Order granting extension in part for Appellant's brief. Put it on the calendar.	\$350.00	0.2	\$70.00
06/17/2024	MW	Calendar	Calendar deadline to file Appellant's Brief in accordance with Order Granting Extension of Time	\$150.00	0.2	\$30.00
<b>Non-billable Time Entries:</b>						
06/17/2024	LH	Review and Approve	Calendar scheduling conflict entry for Brief deadline, have Mel Warren edit same to reflect that 5 pm is due date under BODa rules, not midnight as under TRCP	\$350.00	0.2	\$70.00
06/18/2024	LH	Review and Approve	Updated deadline implementation for calendar scheduling of brief due	\$350.00	0.2	\$70.00

Totals: **0.4** **\$100.00**

**Unpaid Invoice Balance Forward**

Invoice #	Invoice Total	Amount Paid	Due Date	Balance Forward
60778	\$1,580.00	\$0.00	06/16/2024	\$1,580.00

Balance Forward: **\$1,580.00**

**Adjustments**

Item	Applied To	Type	Description	Basis	Percent	Line Total
Addition	Sub-Total	% - Percentage	Administrative Fee Per Retainer	\$100.00	6.0%	\$6.00

Addition Total: **\$6.00**

**Terms & Conditions:**

If there is a reason why you are not paying your bill, we would like to hear from you. If we do not hear from you in the next 30 days we will have to assume that you have no dispute regarding these charges. Please contact our office immediately to make payment.  
Notice: In the contract between the firm and said Client(s) the following is taken:  
[A] retainer will be deposited and maintained in a client trust account in Client's name. The money in the trust account will be applied against attorney fees earned and costs expended. The Firm does charge a \$50.00 fee for returned checks for any reason. In the event the balance in said trust account is depleted or low, the firm will send written notice requesting an additional payment/retainer to be paid in order to continue work on Client's case. Client agrees to immediately make payment to bring the account up to the requested amount. If the payment is not made, Client understands the firm will withdraw as counsel. Client agrees to sign the entry of appearance pro se and the order allowing withdrawal as part of this retainer agreement. If, at any time during the course of the case, Client's balance with the Firm is \$500.00 or more, then the firm will immediately withdraw from client's case.

Time Entry Sub-Total:	\$100.00
<b>Sub-Total:</b>	\$100.00
Balance Forward:	\$1,580.00
Additions:	\$6.00
<b>Total:</b>	\$1,686.00
<b>Amount Paid:</b>	\$0.00

**Balance Due: \$1,686.00**

Balance Forwarded to Invoice #61828

**Payment History**

Activity	Date	Payment Method	Amount	Responsible User	Deposited Into
Balance Forwarded	Jul 15 2024, 5:35 pm	--	\$1,686.00	Josh Carpenter (Attorney)	--

**CARPENTER & ASSOCIATES, PC**

7920 Belt Line  
Suite 1100  
Dallas, TX 75254  
United States  
972-455-8700

**Lauren A. Harris**

**Balance Forwarded** \$1,686.00  
**Invoice #** to #62378  
**Invoice Date** 61828  
**Payment Terms** July 15, 2024  
**Due Date** Due on Receipt  
July 15, 2024

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**Lauren A. Harris - TBODA Appeal****Time Entries**

Date	EE	Activity	Description	Rate	Hours	Line Total
<b>Non-billable Time Entries:</b>						
07/02/2024	LH	Conference	Brief conference with Chris Synder related to docket, file, and based on upcoming Brief due date Jul 13 before the Board of Disciplinary appeals	\$350.00	0.4	\$140.00
07/07/2024	LH	Obtain and Collect	Populate folders Dismissed Grievance Moffat Underlying Case 1) Moffat v. Plug In Realty Pleadings Added 8 Documents	\$350.00	0.5	\$175.00
07/08/2024	LH	Upload	Add 1st set of Pleadings in underlying North Panel Added 20 Documents	\$350.00	0.5	\$175.00
07/08/2024	LH	File Maintenance	review, separate, organize voluminous physical documents; scan into email & file documents received by mail from Office chief Disciplinary Counsel by saving to mycase and rename/place accordingly	\$350.00	2.6	\$910.00

Totals: **0.0** **\$0.00**

**Unpaid Invoice Balance Forward**

Invoice #	Invoice Total	Amount Paid	Due Date	Balance Forward
61296	\$1,686.00	\$0.00	07/01/2024	\$1,686.00

Balance Forward: **\$1,686.00**

**Terms & Conditions:**

If there is a reason why you are not paying your bill, we would like to hear from you. If we do not hear from you in the next 30 days we will have to assume that you have no dispute regarding these charges. Please contact our office immediately to make payment.  
Notice: In the contract between the firm and said Client(s) the following is taken:  
[A] retainer will be deposited and maintained in a client trust account in Client's name. The money in the trust account will be applied against attorney fees earned and costs expended. The Firm does charge a \$50.00 fee for returned checks for any reason. In the event the balance in said trust account is depleted or low, the firm will send written notice requesting an additional payment/retainer to be paid in order to continue work on Client's case. Client agrees to immediately make payment to bring the account up to the requested amount. If the payment is not made, Client understands the firm will withdraw as counsel. Client agrees to sign the entry of appearance pro se and the order allowing withdrawal as part of this retainer agreement. If, at any time during the course of the case, Client's balance with the Firm is \$500.00 or more, then the firm will immediately withdraw from client's case.

Time Entry Sub-Total:	\$0.00
<b>Sub-Total:</b>	\$0.00
Balance Forward:	\$1,686.00
<b>Total:</b>	\$1,686.00
<b>Amount Paid:</b>	\$0.00

<b>Balance Due:</b>	<b>\$1,686.00</b>
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Balance Forwarded to Invoice #62378
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**Payment History**

Activity	Date	Payment Method	Amount	Responsible User	Deposited Into
Balance Forwarded	Aug 1 2024, 10:46 am	--	\$1,686.00	Josh Carpenter (Attorney)	--

**CARPENTER & ASSOCIATES, PC**

7920 Belt Line  
Suite 1100  
Dallas, TX 75254  
United States  
972-455-8700

**Lauren A. Harris**

**Balance** \$2,682.40  
**Forwarded** to #62933  
**Invoice #** 62378  
**Invoice Date** August 1, 2024  
**Payment Terms** Due on Receipt  
**Due Date** August 01, 2024

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**Lauren A. Harris - TBODA Appeal****Time Entries**

Date	EE	Activity	Description	Rate	Hours	Line Total
07/15/2024	CS	Editing	Assisting Kurt in editing appeal filing.	\$350.00	0.4	\$140.00
07/16/2024	CS	Editing	Editing of Lauren's version of the filing and filing the brief through email	\$350.00	1.4	\$490.00
07/16/2024	LH	Continue Drafting	1st amended Motion to sup. correct tht record before boda with chart conference for individual items	\$350.00	0.6	\$210.00
07/22/2024	CH	E-Filing	E-file index of documents that are not included in the Clerk's Record.	\$250.00	0.2	\$50.00
07/31/2024	CH	Calendar	Calendar 14 day deadline for Appellee to respond.	\$250.00	0.2	\$50.00
<b>Non-billable Time Entries:</b>						
07/14/2024	LH	Drafting	Continue drafting Appellant's Motion to Correct and Supplement the Clerk's Record -- -- adding the implicit necessity of additional request/motion for Extension of Time to File Appellant's Brief based on Monday 5pm due date of brief but incomplete record	\$350.00	2.1	\$735.00
07/14/2024	LH	Research	Research standards for motions to supplement the record (both the reporter's record and clerk's record) from the Texas Rules of Appellate Procedure, and the Texas Board of Disciplinary Appeals Internal Procedure rules, adding in additional relavent rules regarding clerk of the (noraml) court standards to show how the Office of the Chief Discipolianry Clusnel has wholly failed by comparison to strictures of impartiality and good faith in adjudicatory proceedings -- opposite of the conflict of interest here	\$350.00	1.1	\$385.00

07/14/2024	LH	case analysis / document review	Continue in-depth review of Clerk's Original, Supplemental and Second Supplemental Record filed by the Office of the Chief disciplinary Counsel before the Board of Disciplinary Appeals in order to compare to the file documents organized and captured by attorney client throughout life of cases	\$350.00	1.4	\$490.00
07/14/2024	LH	Upload	Continue Uploading all case file materials and renaming/organizing in files as setup in MyCase with all pleadings, discovery, communications, underlying disciplinary case file AND underlying actual client case on which complaints were allegedly based, including all timeline inclusion for each instance	\$350.00	1.9	\$665.00
07/15/2024	LH	Continue Drafting	Continue Drafting Appellant's Motion to Correct and Supplement the Clerk's Record and Extension of Time to File Appellant's Brief	\$350.00	1.9	\$665.00
07/15/2024	LH	Filing	this date, a version of the Appellant's Motion to Correct and Supplement the Clerk's Record and Extension of Time to File Appellant's Brief was filed before the board of Disciplinary Appeals by Carpenter & Associates. This reserved the deadline for first filing of a motion to correct the record before the brief was technically due.	\$350.00	0.5	\$175.00
07/15/2024	LH	Document Prep	prepare and organize all comparison documents from attorney/client case file to assess against insufficient record of the "clerk" and the reporter's record, date ordered/chronological timeline started the week prior and continued this date	\$350.00	1.0	\$350.00
07/15/2024	LH	Revisions and Editing	Make major edits and revisions to draft as submitted at 5pm on the Appellant's Motion to Correct and Supplement the Clerk's Record and Extension of Time to File Appellant's Brief through midnight	\$350.00	3.5	\$1,225.00
07/15/2024	LH	Review and Approve	to same for finalizing filing before BODA of Motion to Supplement Clerk's Record	\$350.00	0.3	\$105.00
07/15/2024	LH	Review and Approve	Send J. Mooney both the Index and Chart of Line-item entries for drafting List of Corrections to Clerk's Record and conference on assistance in finalizing same for BODA	\$350.00	0.3	\$105.00
07/16/2024	LH	Revise and Finalize	Revise and edit and finalize version fro Chris Snyder to file -- finished and filed by Chris Snyder this date called Appellant's First Amended Motion to Correct and Supplement the Clerk's Record and Extension of Time to File Appellant's Brief	\$350.00	2.8	\$980.00
07/16/2024	LH	Escalation		\$350.00	0.5	\$175.00
07/16/2024	LH	Court Communication	Receive responsive communication from the Board which enclosed the file-stamped copies of both the Monday before-5pm error ridden draft as well as Tuesday First Amended Appellant's Motion to Correct and Supplement the Clerk's Record and Extension of Time to File Appellant's Brief where officially made/included in the record	\$350.00	0.3	\$105.00

07/18/2024	LH	Court Communication	Receive response from the Board which directs C&A to finalize and tie the line-item list of missing documents from clerks record as discussed paragraph 29 in motion	\$350.00	0.3	\$105.00
07/18/2024	LH	Document Production	Begin final document comparison from all requested corrections and supplements in Motion to correct/supplement record by continuing g to draft extensive line-item list which uses LAH case files in dropbox, icloud, google drive and now mycase to compare to the insufficient record on the original, supplemental and second supplemental record produced by the Office of Chief disciplinary Counsel as "clerk" ***and "prosecutor" and Panel organizer and trainer and zealous advocate**	\$350.00	2.9	\$1,015.00
07/19/2024	LH	Email & Document Preparation	Send chart of record supplement to JNM for shared task assistance	\$350.00	0.2	\$70.00
07/19/2024	LH	Begin drafting	Begin drafting final list for Board of Disciplinary Appeals pursuant to their directions to submit same of all LAH prior notes made post-each clerk's record submission (June 1, 2023: Original Clerks' record; August 23, 2023: Supplemental Clerk's Record and February 16, 2024: Second Supplemental Clerk's Record) and combine into one draft for passes of information to be added of all caveats of information to append, including emails from October 2019-current with SBOT Office of Chief Disc. Counsel, all HARRIS.0001-1002 Exhibits, all post-February 2024 items not included in clerk's record and and the clerk's records themselves	\$350.00	2.0	\$700.00
07/19/2024	LH	Email & Document Preparation	use CloudHQ integration from gmail to export folder into excel spreadsheet for comparison to already drafted and known list of needed emails for List of Corrections to Clerk's Record for BODA	\$350.00	0.8	\$280.00
07/20/2024	LH	Continue Drafting	Continue drafting and editing List of Corrections to Clerk's Record using email export list comparison from October 2019 to current from CloudHQ	\$350.00	1.5	\$525.00
07/20/2024	LH	Continue Drafting	Continue drafting and editing List of Corrections to Clerk's Record using comparison of several and detailed prior correction drafts made by LAH in her files from June 2023 to present both before appeal filed while appearing before the 14-2 Evidentiary Panel post-judgment February 2023 -- and after appeal filed May 8, 2023 before the Board of Disciplinary Appeals -- and after being remanded by BODA back before the Evidentiary Panel from June 9, 2023-February 2024 -- to present	\$350.00	3.1	\$1,085.00
07/21/2024	LH	Continue Drafting	Continue Drafting Respondent's Corrections to the Clerk's Records by pass through of letters 2015-2016 and all emails from October 2019 to present for dismissed Grievances 201602363, 201906965, 202000486, 202101726 NO JUST CAUSE and 202000647 IVH Grievance Referral Program offer	\$350.00	1.6	\$560.00
07/22/2024	LH	Review and Approve	Continue editing Respondent's Corrections to the Clerk's Records by making pass with Exhibit Binder #1 HARRIS.00001-0479, Exhibit Binder #2 HARRIS.0480-0666, and Exhibit Binder #3 HARRIS.0667-1002	\$350.00	1.3	\$455.00



07/22/2024	LH	Review and Approve	Continue Editing Respondent's Corrections to the Clerk's Records with a pass/comparing contents of Dropbox Shared Folder sent to EVH Panel 6-3 on 2020005143 and 2020005425's for Motion for Judicial Notice of Related Case files	\$350.00	0.7	\$245.00
07/22/2024	LH	Review and Approve	Continue Editing Respondent's Corrections to the Clerk's Records with a pass/comparing contents of Original Clerk's Record 0001-0658; Supplemental Clerk's Record 0001-1132, and Second Supplemental Clerk's Record 0001-1686	\$350.00	1.5	\$525.00
07/22/2024	LH	Review Revise and Finalize	Append page numbers 1-34, sanitize document in Adobe removing all metadata, edit last typographical errors and formatting issues and dr	\$350.00	0.6	\$210.00

Totals: **2.8** **\$940.00**

## Unpaid Invoice Balance Forward

Invoice #	Invoice Total	Amount Paid	Due Date	Balance Forward
61828	\$1,686.00	\$0.00	07/15/2024	\$1,686.00

Balance Forward: **\$1,686.00**

## Adjustments

Item	Applied To	Type	Description	Basis	Percent	Line Total
Addition	Sub-Total	% - Percentage	Administrative Fee Per Retainer	\$940.00	6.0%	\$56.40

Addition Total: **\$56.40**

### Terms & Conditions:

If there is a reason why you are not paying your bill, we would like to hear from you. If we do not hear from you in the next 30 days we will have to assume that you have no dispute regarding these charges. Please contact our office immediately to make payment.  
 Notice: In the contract between the firm and said Client(s) the following is taken:  
 [A] retainer will be deposited and maintained in a client trust account in Client's name. The money in the trust account will be applied against attorney fees earned and costs expended. The Firm does charge a \$50.00 fee for returned checks for any reason. In the event the balance in said trust account is depleted or low, the firm will send written notice requesting an additional payment/retainer to be paid in order to continue work on Client's case. Client agrees to immediately make payment to bring the account up to the requested amount. If the payment is not made, Client understands the firm will withdraw as counsel. Client agrees to sign the entry of appearance pro se and the order allowing withdrawal as part of this retainer agreement. If, at any time during the course of the case, Client's balance with the Firm is \$500.00 or more, then the firm will immediately withdraw from client's case.

Time Entry Sub-Total:	\$940.00
<b>Sub-Total:</b>	<b>\$940.00</b>
Balance Forward:	\$1,686.00
Additions:	\$56.40
<b>Total:</b>	<b>\$2,682.40</b>
<b>Amount Paid:</b>	<b>\$0.00</b>

**Balance Due: \$2,682.40**

Balance Forwarded to Invoice #62933

## Payment History

Activity	Date	Payment Method	Amount	Responsible User	Deposited Into
Balance Forwarded	Aug 15 2024, 6:49 pm	--	\$2,682.40	Josh Carpenter (Attorney)	--

**CARPENTER & ASSOCIATES, PC**

7920 Belt Line  
Suite 1100  
Dallas, TX 75254  
United States  
972-455-8700

**Lauren A. Harris**

**Balance Forwarded** \$2,682.40  
**Invoice #** to #63496  
**Invoice #** 62933  
**Invoice Date** August 15, 2024  
**Payment Terms** Due on Receipt  
**Due Date** August 15, 2024

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**Lauren A. Harris - TBODA Appeal****Unpaid Invoice Balance Forward**

Invoice #	Invoice Total	Amount Paid	Due Date	Balance Forward
62378	\$2,682.40	\$0.00	08/01/2024	\$2,682.40

Balance Forward: **\$2,682.40**

**Terms & Conditions:**

If there is a reason why you are not paying your bill, we would like to hear from you. If we do not hear from you in the next 30 days we will have to assume that you have no dispute regarding these charges. Please contact our office immediately to make payment.  
Notice: In the contract between the firm and said Client(s) the following is taken:  
[A] retainer will be deposited and maintained in a client trust account in Client's name. The money in the trust account will be applied against attorney fees earned and costs expended. The Firm does charge a \$50.00 fee for returned checks for any reason. In the event the balance in said trust account is depleted or low, the firm will send written notice requesting an additional payment/retainer to be paid in order to continue work on Client's case. Client agrees to immediately make payment to bring the account up to the requested amount. If the payment is not made, Client understands the firm will withdraw as counsel. Client agrees to sign the entry of appearance pro se and the order allowing withdrawal as part of this retainer agreement. If, at any time during the course of the case, Client's balance with the Firm is \$500.00 or more, then the firm will immediately withdraw from client's case.

**Sub-Total:** \$0.00

Balance Forward: \$2,682.40

**Total:** \$2,682.40

**Amount Paid:** \$0.00

**Balance Due:** **\$2,682.40**

Balance Forwarded to Invoice #63496

**Payment History**

Activity	Date	Payment Method	Amount	Responsible User	Deposited Into
Balance Forwarded	Sep 2 2024, 2:44 pm	--	\$2,682.40	Josh Carpenter (Attorney)	--

7920 Belt Line  
Suite 1100  
Dallas, TX 75254  
United States  
972-455-8700

<b>Balance</b>	\$4,844.80
<b>Forwarded</b>	to #64052
<b>Invoice #</b>	63496
<b>Invoice Date</b>	September 2, 2024
<b>Payment Terms</b>	Due on Receipt
<b>Due Date</b>	September 02, 2024

[illegible]

08/16/2024	LH	Legal Research	Receive and review opposing counsel filing of response in opposition to pro-se, previously filed motion to correct and supplement the reporter's record and C&A filed motion to correct and supplement the clerk's record to plan and prepare to draft time-sensitive Reply on behalf of Client before BODA	\$350.00	0.8	\$280.00
08/16/2024	LH	Receive and Review	Receive and review email from BODA with file-stamped copy of Appellee's Response	\$350.00	0.2	\$70.00
08/20/2024	LH	conference / email	regarding recent events and case posture and send fwd email containing most recent filing/response of the Office of Chief Disciplinary Counsel and file-stamped copy to filing@carplawfirm.com; Sent Email to Ty Hampton + 1	\$350.00	0.6	\$210.00
08/20/2024	LH	email / message	Send link to BODA online docket to Ty Hampton and filing@carplawfirm.com; Sent Email to Ty Hampton + 1	\$350.00	0.2	\$70.00
08/20/2024	LH	Case research	Research for draft of Notice: Change of Address & Designation of Counsel including TRAP, TRDP, TRCP, Tex. Civ. Prac. & Remedies Code and BODA Internal Operating Procedure Rules	\$350.00	0.7	\$245.00
08/21/2024	LH	Case research	Draft and finalize for Ty review and filing the Notice: Change of Address & Designation of Counsel	\$350.00	2.1	\$735.00
08/21/2024	LH	Edit, E-Filing	Send Ty Hampton and staff the draft/word and final draft/pdf of Notice: Change of Address & Designation of Counsel with email instructions on to whom the filing email is to be sent, the subject and body of the filing	\$350.00	0.4	\$140.00
08/21/2024	LH	Review and Approve	Review and approve staff filing of the Notice before BODA	\$350.00	0.2	\$70.00
08/21/2024	LH	Conference / Preparation	pleadings, disciplinary system overview, premise of case(s) -- working backwards from most recent and applicable filings relative to the necessary filing of our Appellants' Reply to Appellees' Response for Motions to Correct and Supplement the Reporters and Clerks' records for the Brief -- that must be drafted as soon as feasibly possible based on late notice of the August 9, 2024 filing by opposing counsel -- and entered prior to BODA issuing its ruling without our Reply	\$350.00	1.8	\$630.00
08/21/2024	LH	case analysis / document review	Receipt of Filestamped copy of Notice of Change of Address and Designation of Lead Counsel	\$350.00	0.2	\$70.00
08/22/2024	LH	Begin drafting	Begin drafting Letter to SBOT Ombudsman Attorney Discipline Letter for investigation of Office of Chief Disciplinary Counsel actions in MacFarland grievance	\$350.00	1.4	\$490.00
08/23/2024	LH	Review and Approve	Register under Attorney Registration for Portal Access to Disciplinary Case filings	\$350.00	0.2	\$70.00
08/23/2024	LH	Review and Approve	Forward to all counsel of firm the link to register attorney access to new SBOT Office of Chief Disc. Counsel portal for attorney disciplinary case filings and lookup	\$350.00	0.4	\$140.00
08/23/2024	LH	Receive	Successful registration email auto-response from portal of SBOT Office of Chief Disciplinary Counsel	\$350.00	0.2	\$70.00
08/23/2024	LH	draft	Begin drafting Reply to Response of Office of Chief Disciplinary Counsel	\$350.00	1.5	\$525.00

08/23/2024	LH	Research	Conduct relevant research into points of contention in Response, how Appellant is entitled to the Record: reporter's and clerk's records requested in motions, referencing materials in Appellate Law Section website paid for and joined by LAH through SBOT MyBarPage	\$350.00	2.1	\$735.00
08/28/2024	LH	Legal Research	Westlaw research (4:57-6:51) on appellate record: past case law to support positions within Reply to Office of Chief Disciplinary Counsel Response to Appellant Motions to Correct the Reporter's and Clerk's Records	\$350.00	1.9	\$665.00
08/28/2024	LH	Receive and Review	BODA's staff counsel, Michael Greer, sending notice to C&A that Reply is due within 10 days	\$350.00	0.2	\$70.00
08/29/2024	LH	Review and Approve	Review and approve staff scheduling conflict check and addition to calendar/accept invitation for deadline to file Reply to Appellees' Response to both Motions re: record due date, Monday September 9, 2024 by 5pm	\$350.00	0.2	\$70.00
08/29/2024	LH	Review and Approve	Conduct research and continue drafting Reply to Response related to duty of SBOT Office of Chief Disc. Counsel to produce record, both for appellate reporter's (Zoom recordings from Nov 12, 2020 IVH Hearing) and full clerk's record	\$350.00	2.3	\$805.00

Totals: **6.8 \$2,040.00**

## Unpaid Invoice Balance Forward

Invoice #	Invoice Total	Amount Paid	Due Date	Balance Forward
62933	\$2,682.40	\$0.00	08/15/2024	\$2,682.40

Balance Forward: **\$2,682.40**

## Adjustments

Item	Applied To	Type	Description	Basis	Percent	Line Total
Addition	Sub-Total	% - Percentage	Administrative Fee Per Retainer	\$2,040.00	6.0%	\$122.40

Addition Total: **\$122.40**

### Terms & Conditions:

If there is a reason why you are not paying your bill, we would like to hear from you. If we do not hear from you in the next 30 days we will have to assume that you have no dispute regarding these charges. Please contact our office immediately to make payment.  
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[A] retainer will be deposited and maintained in a client trust account in Client's name. The money in the trust account will be applied against attorney fees earned and costs expended. The Firm does charge a \$50.00 fee for returned checks for any reason. In the event the balance in said trust account is depleted or low, the firm will send written notice requesting an additional payment/retainer to be paid in order to continue work on Client's case. Client agrees to immediately make payment to bring the account up to the requested amount. If the payment is not made, Client understands the firm will withdraw as counsel. Client agrees to sign the entry of appearance pro se and the order allowing withdrawal as part of this retainer agreement. If, at any time during the course of the case, Client's balance with the Firm is \$500.00 or more, then the firm will immediately withdraw from client's case.

Time Entry Sub-Total:	\$2,040.00
<b>Sub-Total:</b>	\$2,040.00
Balance Forward:	\$2,682.40
Additions:	\$122.40
<b>Total:</b>	\$4,844.80
<b>Amount Paid:</b>	\$0.00

**Balance Due: \$4,844.80**

Balance Forwarded to Invoice #64052

Payment History

Activity	Date	Payment Method	Amount	Responsible User	Deposited Into
Balance Forwarded	Sep 15 2024, 1:09 pm	--	\$4,844.80	Josh Carpenter (Attorney)	--

**CARPENTER & ASSOCIATES, PC**

7920 Belt Line  
Suite 1100  
Dallas, TX 75254  
United States  
972-455-8700

**Lauren A. Harris**

**Balance** \$5,544.40  
**Forwarded** to #65226  
**Invoice #** 64052  
**Invoice Date** September 15, 2024  
**Payment Terms** Due on Receipt  
**Due Date** September 15, 2024

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**Lauren A. Harris - TBODA Appeal****Time Entries**

Date	EE	Activity	Description	Rate	Hours	Line Total
09/09/2024	LH	Drafting, Emailing	Send Ty Hampton working draft of Reply for assistance and confer on outstanding matters for tasks assigned	\$350.00	0.6	\$210.00
09/09/2024	TH	Research	Conducting research to help finish up the reply for to the response to our motions for to correct / supplement the clerk's and reporter's record.	\$300.00	0.8	\$240.00
09/09/2024	TH	Editing	Pulling Record cites and proof reading reply prior to filing at 5:00.	\$300.00	0.7	\$210.00
<b>Non-billable Time Entries:</b>						
09/06/2024	LH	Court Communication	Continue Westlaw research and drafting of Reply to Response of Office of Chief Disciplinary Counsel for Monday Sept 9 due at 5 pm before BODA	\$350.00	2.9	\$1,015.00
09/07/2024	LH	Continue Drafting	Continue drafting of Reply to Response of Office of Chief Disciplinary Counsel for Monday Sept 9 due at 5 pm before BODA	\$350.00	3.2	\$1,120.00
09/08/2024	LH	Legal Research	Continue Westlaw research for assignable error standards in Reply to Response of Office of Chief Disciplinary Counsel for Monday Sept 9 due at 5 pm before BODA	\$350.00	6.0	\$2,100.00

09/09/2024	LH	Continue Drafting	drafting and additional research matter to hone Reply -- began as 164 pages of research filled appellate law down to 32 pages with an exhibit so total 33 page filing which addressed in rebuttal appellant's possible points of error on appeal, as those are the casual and relationship to requested docket materials and clerk's record and reporter's record schema for determining fault and requiring the CDC to verify their unjustified positions of refusal with sworn or verified testimony/oath/affirmation as not even acknowledged. Filed by Ty hampton at 5:00	\$350.00	9.1	\$3,185.00
09/11/2024	LH	Client Email	Receipt of Ty Hampton's transmission correspondence to TX BODA from filing as forward for review	\$350.00	0.3	\$105.00

Totals: **2.1** **\$660.00**

## Unpaid Invoice Balance Forward

Invoice #	Invoice Total	Amount Paid	Due Date	Balance Forward
63496	\$4,844.80	\$0.00	09/02/2024	\$4,844.80

Balance Forward: **\$4,844.80**

## Adjustments

Item	Applied To	Type	Description	Basis	Percent	Line Total
Addition	Sub-Total	% - Percentage	Administrative Fee Per Retainer	\$660.00	6.0%	\$39.60

Addition Total: **\$39.60**

### Terms & Conditions:

If there is a reason why you are not paying your bill, we would like to hear from you. If we do not hear from you in the next 30 days we will have to assume that you have no dispute regarding these charges. Please contact our office immediately to make payment.

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### Notes:

Please remember that we moved locations!! We are still in a temporary office in our new building, but our new suite will be done soon. Our website is also continuing to be updated, as well as our social media! Please check us out!!

Time Entry Sub-Total: \$660.00

**Sub-Total:** \$660.00

Balance Forward: \$4,844.80

Additions: \$39.60

**Total:** \$5,544.40

**Amount Paid:** \$0.00

**Balance Due:** **\$5,544.40**

Balance Forwarded to Invoice #65226

## Payment History

Activity	Date	Payment Method	Amount	Responsible User	Deposited Into
Balance Forwarded	Oct 15 2024, 8:18 pm	--	\$5,544.40	Josh Carpenter (Attorney)	--



**CARPENTER & ASSOCIATES, PC**

7920 Belt Line  
Suite 1100  
Dallas, TX 75254  
United States  
972-455-8700

**Lauren A. Harris**

**Balance** \$5,544.40  
**Invoice #** 65803  
**Invoice Date** November 1, 2024  
**Payment Terms** Due on Receipt  
**Due Date** November 01, 2024

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**Lauren A. Harris - TBODA Appeal****Unpaid Invoice Balance Forward**

Invoice #	Invoice Total	Amount Paid	Due Date	Balance Forward
65226	\$5,544.40	\$0.00	10/15/2024	\$5,544.40

Balance Forward: **\$5,544.40**

**Terms & Conditions:**

If there is a reason why you are not paying your bill, we would like to hear from you. If we do not hear from you in the next 30 days we will have to assume that you have no dispute regarding these charges. Please contact our office immediately to make payment.

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**Sub-Total:** \$0.00

Balance Forward: \$5,544.40

**Total:** \$5,544.40

**Amount Paid:** \$0.00

**Balance Due:** **\$5,544.40**

**CARPENTER & ASSOCIATES, PC**

7920 Belt Line  
Suite 1100  
Dallas, TX 75254  
United States  
972-455-8700

**Lauren A. Harris**

**Balance** \$5,544.40  
**Forwarded** to #66883  
**Invoice #** 66340  
**Invoice Date** November 16, 2024  
**Payment Terms** Due on Receipt  
**Due Date** November 16, 2024

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**Lauren A. Harris - TBODA Appeal****Unpaid Invoice Balance Forward**

Invoice #	Invoice Total	Amount Paid	Due Date	Balance Forward
65803	\$5,544.40	\$0.00	11/01/2024	\$5,544.40

Balance Forward: **\$5,544.40**

**Terms & Conditions:**

If there is a reason why you are not paying your bill, we would like to hear from you. If we do not hear from you in the next 30 days we will have to assume that you have no dispute regarding these charges. Please contact our office immediately to make payment.  
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**Sub-Total:** \$0.00

Balance Forward: \$5,544.40

**Total:** \$5,544.40

**Amount Paid:** \$0.00

**Balance Due:** **\$5,544.40**

Balance Forwarded to Invoice #66883

**Payment History**

Activity	Date	Payment Method	Amount	Responsible User	Deposited Into
Balance Forwarded	Dec 1 2024, 12:50 pm	--	\$5,544.40	Josh Carpenter (Attorney)	--

**CARPENTER & ASSOCIATES, PC**  
7920 Belt Line  
Suite 1100  
Dallas, TX 75254  
United States  
972-455-8700



**Lauren A. Harris**

**Balance** \$5,544.40  
**Forwarded** to #68584  
**Invoice #** 68001  
**Invoice Date** January 1, 2025  
**Payment Terms** Due on Receipt  
**Due Date** January 01, 2025

**Lauren A. Harris - TBODA Appeal**

**Time Entries**

Date	EE	Activity	Description	Rate	Hours	Line Total
<b>Non-billable Time Entries:</b>						
12/20/2024	LH	Opposing Counsel Communications	Receipt of Mukhin Grievance subpoena order and research regarding rights of non-requestor party when records received by requestor but refused to send due to PHI allegation -- quash, compel rules of non party subpoena duces tecum and motions to dismiss for failure to prosecute for Gran Grievance	\$350.00	1.2	\$420.00
Totals:					<b>0.0</b>	<b>\$0.00</b>

**Unpaid Invoice Balance Forward**

Invoice #	Invoice Total	Amount Paid	Due Date	Balance Forward
67434	\$5,544.40	\$0.00	12/15/2024	\$5,544.40
Balance Forward:				<b>\$5,544.40</b>

**Terms & Conditions:**

If there is a reason why you are not paying your bill, we would like to hear from you. If we do not hear from you in the next 30 days we will have to assume that you have no dispute regarding these charges. Please contact our office immediately to make payment.

Notice: In the contract between the firm and said Client(s) the following is taken:  
[A] retainer will be deposited and maintained in a client trust account in Client's name. The money in the trust account will be applied against attorney fees earned and costs expended. The Firm does charge a \$50.00 fee for returned checks for any reason. In the event the balance in said trust account is depleted or low, the firm will send written notice requesting an additional payment/retainer to be paid in order to continue work on Client's case. Client agrees to immediately make payment to bring the account up to the requested amount. If the payment is not made, Client understands the firm will withdraw as counsel. Client agrees to sign the entry of appearance pro se and the order allowing withdrawal as part of this retainer agreement. If, at any time during the course of the case, Client's balance with the Firm is \$500.00 or more, then the firm will immediately withdraw from client's case.

**Notes:**

HAPPY NEW YEAR!!!!

Should you have any questions or concerns about your case, please feel free to make an appointment with Mr. Carpenter. Please do not let yourself become frustrated with your case or the process. We are happy to meet and discuss.

We are also looking forward to the completion of our new office space soon!!

Also, we are still working on updating our website, so any and all suggestions are always welcome!!

Time Entry Sub-Total:	\$0.00
<b>Sub-Total:</b>	\$0.00
Balance Forward:	\$5,544.40
<b>Total:</b>	\$5,544.40
<b>Amount Paid:</b>	\$0.00

**Balance Due: \$5,544.40**

Balance Forwarded to Invoice #68584

**Payment History**

Activity	Date	Payment Method	Amount	Responsible User	Deposited Into
Balance Forwarded	Jan 15 2025, 9:32 pm	--	\$5,544.40	Josh Carpenter (Attorney)	--

**CARPENTER & ASSOCIATES, PC**

7920 Belt Line  
Suite 1100  
Dallas, TX 75254  
United States  
972-455-8700

**Lauren A. Harris**

**Balance** \$5,599.84  
**Forwarded** to #69160  
**Invoice #** 68584  
**Invoice Date** January 15, 2025  
**Payment Terms** Due on Receipt  
**Due Date** January 15, 2025

---

**Lauren A. Harris - TBODA Appeal****Unpaid Invoice Balance Forward**

Invoice #	Invoice Total	Amount Paid	Due Date	Balance Forward
68001	\$5,544.40	\$0.00	01/01/2025	\$5,544.40

Balance Forward: **\$5,544.40**

**Adjustments**

Item	Applied To	Type	Description	Basis	Percent	Line Total
Addition	Balance Forward Total	% - Percentage		\$5,544.40	1.0%	\$55.44

Addition Total: **\$55.44**

**Terms & Conditions:**

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**Sub-Total:** \$0.00

Balance Forward: \$5,544.40

Additions: \$55.44

**Total:** \$5,599.84

**Amount Paid:** \$0.00

**Balance Due:** **\$5,599.84**

Balance Forwarded to Invoice #69160

Payment History

Activity	Date	Payment Method	Amount	Responsible User	Deposited Into
Balance Forwarded	Feb 1 2025, 11:45 am	--	\$5,599.84	Josh Carpenter (Attorney)	--

**CARPENTER & ASSOCIATES, PC**  
7920 Belt Line  
Suite 1100  
Dallas, TX 75254  
United States  
972-455-8700



**Lauren A. Harris**

**Balance Forwarded** \$5,655.84  
**Invoice #** to #69747  
**Invoice Date** 69160  
**Payment Terms** February 1, 2025  
**Due Date** Due on Receipt  
February 01, 2025

**Lauren A. Harris - TBODA Appeal**

**Unpaid Invoice Balance Forward**

Invoice #	Invoice Total	Amount Paid	Due Date	Balance Forward
68584	\$5,599.84	\$0.00	01/15/2025	\$5,599.84
Balance Forward:				<b>\$5,599.84</b>

**Adjustments**

Item	Applied To	Type	Description	Basis	Percent	Line Total
Addition	Balance Forward Total	% - Percentage	Late fee interest per retainer	\$5,599.84	1.0%	\$56.00
Addition Total:						<b>\$56.00</b>

**Terms & Conditions:**

If there is a reason why you are not paying your bill, we would like to hear from you. If we do not hear from you in the next 30 days we will have to assume that you have no dispute regarding these charges. Please contact our office immediately to make payment.  
Notice: In the contract between the firm and said Client(s) the following is taken:  
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**Notes:**

WE ARE OFFICIALLY IN OUR NEW OFFICE SUITE AT 7920 BELT LINE ROAD, SUITE 1100, DALLAS TX. PLEASE FEEL FREE TO COME BY AND SAY HELLO!!  
Also, please welcome new attorneys Zack Luna, Pablo Ramirez and Natalee Geerts!!  
Due to an increase in credit card processing costs, we are unfortunately being forced to start charging credit card processing fees of 4%. We hate it as much as you, but it has become extraordinarily burdensome. Thank you for your understanding.

**Sub-Total:** \$0.00

Balance Forward: \$5,599.84

Additions: \$56.00

**Total:** \$5,655.84**Amount Paid:** \$0.00**Balance Due:** \$5,655.84

Balance Forwarded to Invoice #69747

**Payment History**

Activity	Date	Payment Method	Amount	Responsible User	Deposited Into
Balance Forwarded	Feb 16 2025, 10:36 am	--	\$5,655.84	Josh Carpenter (Attorney)	--



**CARPENTER & ASSOCIATES, PC**

7920 Belt Line  
Suite 1100  
Dallas, TX 75254  
United States  
972-455-8700

**Lauren A. Harris**

**Balance** \$0.00  
**Invoice #** 69747  
**Invoice Date** February 16, 2025  
**Payment Terms** Due on Receipt  
**Due Date** February 16, 2025

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**Lauren A. Harris - TBODA Appeal****Unpaid Invoice Balance Forward**

Invoice #	Invoice Total	Amount Paid	Due Date	Balance Forward
69160	\$5,655.84	\$0.00	02/01/2025	\$5,655.84

Balance Forward: **\$5,655.84**

**Terms & Conditions:**

If there is a reason why you are not paying your bill, we would like to hear from you. If we do not hear from you in the next 30 days we will have to assume that you have no dispute regarding these charges. Please contact our office immediately to make payment.  
Notice: In the contract between the firm and said Client(s) the following is taken:  
[A] retainer will be deposited and maintained in a client trust account in Client's name. The money in the trust account will be applied against attorney fees earned and costs expended. The Firm does charge a \$50.00 fee for returned checks for any reason. In the event the balance in said trust account is depleted or low, the firm will send written notice requesting an additional payment/retainer to be paid in order to continue work on Client's case. Client agrees to immediately make payment to bring the account up to the requested amount. If the payment is not made, Client understands the firm will withdraw as counsel. Client agrees to sign the entry of appearance pro se and the order allowing withdrawal as part of this retainer agreement. If, at any time during the course of the case, Client's balance with the Firm is \$500.00 or more, then the firm will immediately withdraw from client's case.

**Sub-Total:** \$0.00

Balance Forward: \$5,655.84

**Total:** \$5,655.84

**Amount Paid:** \$5,655.84

**Balance Due:** \$0.00

**Payment History**

Activity	Date	Payment Method	Amount	Responsible User	Deposited Into
Payment Received	Feb 19, 2025	Other	\$5,655.84	Amy Shaw (Billing Specialist)	Operating

# APPENDIX #11

## LEIGH AND ASSOCIATES - Transaction Receipt for \$350.00

**do** donotreply@billing-notification.com

Sat, 17 Feb 2024 3:24:38 PM -0600 •

To "lauren" <lauren@lahlegal.com>

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LEIGH AND ASSOCIATES  
911 W LOOP 281 STE. 211  
LONGVIEW, TX 75604  
TEL: (877) 790-3376

Term ID: 001

### Sale - Approved

Date	02/17/24	Time 14:35:30
Method of Payment	MasterCard	
Entry Method	Manual	
Account #	XXXXXXXXXXXX5987	
Order ID	202000647 67843	
Order Description:	24-0126 BOE Transcript of Proceedings	
Approval Code	F08189	
<b>Amount</b>	<b>\$350.00</b>	

THANK YOU FOR YOUR BUSINESS!

Customer Copy

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# APPENDIX #12



Bill of Exception No. 3 – Hearing Setting/Continuance/Set on Two Motions/Reporter

This Evidentiary Panel conducted a hearing on March 24, 2023, regarding Respondent's Verified Motion to Set Aside/Vacate Default Judgment & For New Trial and Respondent's Motion to Stay Execution of Default Judgment for Partially Probated Suspension Pending Panel Rulings and/or Appeal and Request for Record. Findings of Fact and Conclusions of Law were filed May 2, 2023, and were made part of the record in this cause.

Therefore, this Evidentiary Panel orders, adjudges, and decrees that Respondent's Verified Motion for Bill of Exception is refused. The Evidentiary Clerk is ordered to return Respondent's Verified Motion for Bill of Exception to Respondent as REFUSED forthwith.

SIGNED on the 7<sup>th</sup> day of February, 2024.



Amie S. Pierce  
Evidentiary Panel Chair, Panel 14-2

# APPENDIX #13

Refusal 2/8/2024  
Anne Seale

FILED

08/07/2023



Dallas Office  
Chief Disciplinary Counsel

BEFORE THE DISTRICT 14 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 14-2  
STATE BAR OF TEXAS

COMMISSION FOR LAWYER DISCIPLINE, §  
Petitioner, §  
v. §  
LAUREN ASHLEY HARRIS, §  
Respondent. §

CASE NO. 202000647 [North]

RESPONDENT'S VERIFIED MOTION FOR FORMAL BILL OF EXCEPTION

DISTRICT 14 GRIEVANCE COMMITTEE, EVIDENTIARY PANEL 14-2:

COMES NOW, Respondent Lauren Ashley Harris, and pursuant to the Texas Rules of Appellate Procedure 33.2 and Texas Rules of Evidence 103(a), (c), and hereby timely files her Verified Formal Bill of Exceptions within thirty-days of her Notice of Appeal [May 8, 2023]<sup>1</sup> and presents same for the Panel Chair to approve, sign, and file the bill as part of the record in this cause, and in support thereof will show as follows:

I.  
LEGAL STANDARD

1. To preserve a complaint for appellate review, a party must present a timely request, objection, or motion to the trial court that states the specific grounds for the desired ruling.<sup>2</sup> Error is not preserved if the party fails to make the request, objection or motion before the trial court.<sup>3</sup>
2. To complain on appeal, error is preserved of the matters presented before the trial court on the record, but when same would not otherwise appear in the record, a party must file a formal bill of exception.<sup>4</sup> No particular form of words is required in a bill of exception, but the

<sup>1</sup> TEX. R. APP. P. 33.2(e).

<sup>2</sup> TEX. R. APP. P. 33.1(a)(1)(A).

<sup>3</sup> See Bushell v. Dean, 803 S.W.2d 711, 712 (Tex.1991)(op. on reh'g).

<sup>4</sup> TEX. R. APP. P. 33.2.



court's complained of action or ruling and objection to the ruling or action must be stated with sufficient specificity to make the trial court aware of the complaint.<sup>5</sup> The formal bill of exceptions must be presented to the trial court to be approved, signed and filed with the trial clerk, and included in the appellate record.<sup>6</sup>

3. **If the record does not contain a certified transcription of the court reporter which would otherwise reflect the action, ruling or evidence excluded**, then the bill itself must explain and repeat the action, ruling or evidence.<sup>7</sup> If a reporter's record exists and there is a conflict, the bill controls.<sup>8</sup>

## II. RESPONDENT'S FORMAL BILL OF EXCEPTION

4. Respondent made specific offers of proof (informal bills of exception) before the Panel as listed below;<sup>9</sup> for each, Petitioner' counsel objected, Respondent provided rebuttal,<sup>10</sup> and the Panel made an adverse ruling.<sup>11</sup> Therefore, the following formal bills of exception are presented for the Panel's approval and signature to be included in the record for appellate review:

i. Formal Bill of Exception #1: November 12, 2020 Transcripts

a. Offer of proof: Respondent has made formal written requests for the transcripts or audio/video recordings from the two November 20, 2020 Zoom Investigatory Hearings recorded by counsel for the Petitioner, but they have never been provided. Respondent made these

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<sup>5</sup> TEX. R. APP. P. 33.2(a).

<sup>6</sup> TEX. R. APP. P. 33.2(c)(1), (f).

<sup>7</sup> TEX. R. APP. P. 33.2(b). *see Wade v. Comm'n for Lawyer Discipline*, [961 S.W.2d 366, 373](#) (Tex.App.Houston [1st Dist.] 1997, no pet.)(appellant must refer the appellate court to those portions of the record that support his argument).

<sup>8</sup> TEX. R. APP. P. 33.2(d).

<sup>9</sup> *See Acord v. Gen. Motors Corp.*, [669 S.W.2d 111, 116](#) (Tex. 1984); *Hartford*, [369 S.W.2d at 335](#). (A judgment will not be reversed unless the evidence is in fact offered).

<sup>10</sup> *Estate of Veale v. Teledyne Industries, Inc.*, 899 S.W.2d 239, 242 (Tex.App.-Houston [14th Dist.] 1995, writ denied).

<sup>11</sup> *Ulogo v. Villanueva*, [177 S.W.3d 496, 501](#) (Tex.App.-Houston [1st Dist.] 2005, no pet.) *Kaufman v. Comm Lawyer Discipline*, 197 S.W.3d 867, 873-74 (Tex. App. 2006) (to complain on appeal that the trial court erroneously excluded evidence, Kaufman must have offered the evidence during trial and obtained an adverse ruling from the trial court. )

requests to the Chief Disciplinary Counsel for a copy of her disciplinary file and under the Public Information Act to the State Bar of Texas on February 23, 2023 and March 9, 2023 as provided in HARRIS. HARRIS.0627-0628, HARRIS.0641-0643, HARRIS.0648-0649, and HARRIS.0665., as well as in the record of this cause under TRDP 2.12 beginning on February 20, 2023 in *Respondent's Motion to Stay*, again in *Respondent's Motion to Set-Aside/Vacate* filed March 10, 2023, and in *Respondent's Requests for Panel Review* and *Respondent's Notice of Supplemental Facts* both filed March 23, 2023.

**b. Objection:** Petitioner objected at the March 24, 2023 setting that the transcript would be a part of the appellate record/provided the appellate court, and that the other case's transcript would "just confuse the issues."

**c. Rebuttal:** Respondent The transcripts would reflect that Respondent had provided in the MacFarland hearing that her office addresses were explicitly by appointment only and she was never physically located at those locations as they were virtual office addresses. Moreover, that she was located physically in her residence at the time of the Zoom hearings, which was her apartment, not her parent's house, which was never her actual physical location but merely a mailing address.

**d. Adverse Ruling:** The Panel denied all relief not granted by the Orders signed March 24, 2023 (received March 27, 2023 by Respondent).

**ii. Formal Bill of Exception #2: Respondent's Original Exhibit Binder HARRIS.0001-0479<sup>12</sup>**

**a. Offer of proof:** Respondent filed HARRIS.0001-0479 with the Clerk of the Panel by email on March 10, 2023. It was 62MB.

**b. Objection:** Petitioner/Clerk did not advise Respondent that the binder was rejected from inclusion in the record until the March 24, 2023 hearing.

**c. Rebuttal:** Respondent advised the exhibit binder reflected that on January 31, 2020, Respondent had informed the CDC by written admission that the 17303 Davenport Rd. address was not her regular place of abode, it was instead her parents house and porocided her

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<sup>12</sup> Although mis-labeled "HARRIS.0001-0289" in error as attached to the email filing the exhibits with the CDC on March 10, 2023.

current apartment address, 17671 Addison Road. Further, that the office addresses of Respondent were provided as by appointment only in several other written response to the CDC within the exhibits, and that on the date after the November 12, 2020 hearing, the Respondent had provided the residential home apartment address of Respondent to the SBOT membership department for a replacement bar card, who mailed the bar card to her residential apartment address.

d. Adverse Ruling: The Panel refused to allow Respondent to admit the exhibit binder, and denied all relief not granted by the Orders signed March 24, 2023 (received March 27, 2023 by Respondent).

e. Therefore, HARRIS.0001-0479 is re-filed and provided in 5 separate volumes, I-V, and filed contemporaneously hereto.

**iii. Formal Bill of Exception 3: Hearing Setting/Continuance/Set on Two Motions/Reporter**

a. Offer of proof: Respondent did not request the hearing setting for the March 24, 2023 EV Panel by Zoom, which was less than 45 days, the Motion was her Motion to request relief and Respondent explicitly rejected the setting in written communications to the CDC which instead asked for ruling by submission. The CDC did not provide a Court Reopsierter, but as they record all hearings, Respondent has requested the transcript or oral/video recording from the CDC in her Notice of Appeal and will file a supplemental request for same. Respondent was not on notice that the setting was for both the Motion to Stay AND the Motion to Set-Aside, until the hearing began. The hearing went forward regardless, and request for Continuance of at least the Motion to Set-Aside was denied.

b. Objection: Petitioner's counsel stated that it was going forward with the setting in response by email on March 24, 2023 after Respondent's formal request for ruling by submission. Petitioner's counsel's responded to Respondent's objections in the hearing that the setting was "for" Respondent and the continuance was objected to so she "had time" to put her motions on the record. No rebuttal was provided for why or when the Motion to set-Aside was also included for the setting.

c. Rebuttal: Respondent stated objection to the setting before the Panel as it was her Motion to Stay, and she did not request the hearing and I fact had explicitly asked for ruling by

submission; thus, was forced to attend under objection/duress. Respondent advised that she could resubmit the Exhibit binder in a continuance, and advised that the only information received by the CDC about the setting was after filing the Motion to Stay, so the Motion to Set-Aside had not been contemplated even under duress.

d. Adverse Ruling: The Panel refused all objections and request for continuance stating that we were “already there” and denied all relief not granted by the Orders signed March 24, 2023 (received March 27, 2023 by Respondent).

**WHEREFORE PREMISES CONSIDERED,** Respondent Lauren Ashley Harris requests that the Formal Bill of Exception filed hereafter and reflecting the contents of this Motion be approved allowed, signed, and filed with the clerk of this Court as part of the appellate record in this cause and for such other and further relief to which he may be deemed entitled.

Respectfully submitted,

*/s/ Lauren A. Harris*

---

Lauren A. Harris  
Former TX Bar No. 24080932  
5995 Summerside Dr. #793414  
Dallas, Texas 75379  
Tel.: 469-359-7093,  
Cell: 469-386-7426  
Fax: 469-533-3953  
E-mail: Lauren@LAHLegal.com  
Pro-se Respondent

**TEX. CIV. PRAC. & REM. CODE § 132.001**  
**UNSWORN DECLARATION OF LAUREN A. HARRIS**

STATE OF TEXAS

§  
§  
§

COUNTY OF DALLAS

My name is Lauren A. Harris, DOB: 08/07/1986, address: 5995 Summerside Dr. #793414, Dallas, Texas 75379. I am at least 18 years of age and of sound mind. I am personally acquainted with the facts as set forth in the foregoing Respondent's Verified Motion for Formal Bill of Exception. The statements and facts asserted by the undersigned in the foregoing are true and correct; all assertions are made within my personal knowledge, and/or made in good-faith upon information and belief as to the veracity thereof. The documents attached hereto as Exhibits, HARRIS.0001-0479 are the electronic original of the file, image, or document, or exact copies of the originals, all which I personally received, sent or obtained. I swear under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of June, 2023 in the State of Texas, County of Dallas.

s/Lauren A. Harris  
Lauren A. Harris, *Pro-Se* Respondent

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Respondent's Verified Motion for Formal Bill of Exception has been sent to the Panel Chair of Evidentiary Panel 14-2, and Petitioner, the Commission for Lawyer Discipline, through its counsel, the Office of the Chief Disciplinary Counsel, as well as the Board of Disciplinary Appeals on June 7, 2023, as follows:

VIA E-mail: [laurie.guerra@texasbar.com](mailto:laurie.guerra@texasbar.com)  
Laurie Guerra  
Assistant Disciplinary Counsel  
Office of the Chief Disciplinary Counsel  
State Bar of Texas  
The Princeton  
14651 Dallas Parkway, Suite 925  
Dallas, Texas 75254  
[Brittany.Paynton@TEXASBAR.COM](mailto:Brittany.Paynton@TEXASBAR.COM)

VIA E-mail: [filing@txboda.org](mailto:filing@txboda.org)  
BODA  
P.O. Box 12426,  
Austin TX 78711  
Fax: (512) 427-4130  
Email: [filing@txboda.org](mailto:filing@txboda.org)

Via E-mail:  
[travis@dentontitle.com](mailto:travis@dentontitle.com)  
PANEL CHAIR  
DISTRICT 14 GRIEVANCE  
COMMITTEE EVIDENTIARY  
PANEL 14-2

/s/ Lauren A. Harris