

NO. 67843

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]
District 14 Grievance Committee
Evidentiary Panel 14-2 of the State Bar of Texas*

**APPELLANT'S EMERGENCY MOTION TO AVERT IMPROPER
EVIDENTIARY PANEL 14-2 HEARING ON REMAND**

/s/ LAUREN A. HARRIS

TX BAR NO. 24080932

PO BOX #793414

DALLAS, TEXAS 75379

TEL: 469-359-7093

CELL: 469-386-7426

FAX: 469-533-3953

LAUREN@LAHLEGAL.COM

PRO-SE APPELLANT



FILED

Oct 27 2023

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

BEFORE THE BOARD OF DISCIPLINARY APPEALS

APPOINTED BY
THE SUPREME COURT OF TEXAS

LAUREN ASHLEY HARRIS
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COMMISSION FOR LAWYER DISCIPLINE,
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**APPELLANT'S EMERGENCY MOTION TO AVERT IMPROPER
EVIDENTIARY PANEL 14-2 HEARING ON REMAND**

Appellant files this emergency motion for relief, seeking order of this appellate tribunal, the Board of Disciplinary Appeals ("BODA") to prevent another improper hearing from taking place, unilaterally set by the Office of Chief Disciplinary Counsel ("CDC") on this date, October 27, 2023 at 1:00 p.m. by Zoom,¹ before Evidentiary Panel 14-2. Appellant, therefore, respectfully requests a ruling

¹ See Zoom setting notice attached hereto in the appendix, Exhibit "A."

by BODA on this motion as soon as practicable in advance of the October 27, 2023 hearing today at 1:00 p.m. under its "inherent power to control its own docket"²

The Court's issuance of the October 24, 2022 abatement order was unquestionably a proper exercise of that authority to order the Panel to complete a ministerial grant of authority and resolve the formal bills of exception in an ancillary proceeding. Part of BODA's inherent power to control its own appellate docket includes ensuring that the Panel in the underlying proceeding does not violate the rights of the appellate parties to hold more non-recorded hearings that could result in more appeals and original proceedings when BODA has already ruled that the entire cause is abated.

Where, once again, the right to make a record of the hearing has been effectively denied Appellant by the CDC, who did not notify Appellant until yesterday, October 26, 2023 at 4:19 p.m.³ that Appellant was expected to present a court reporter for the setting before the Panel. This setting, as with the last post-judgment hearing on which the necessity of BODA remand is based -- was not requested nor scheduled by Appellant. If allowed to proceed, the setting this date will once again force Appellant to appear under duress at a hearing she did not request nor set -- and present again without a court reporter, and again be denied

² *Vortt Expl. Co. v. EOG Res. Inc.*, No. 11-07-00159-CV, 2009 WL 1522661, at *2 (Tex. App. — Eastland May 29, 2009, no pet.)

³ See CDC email October 26, 2023 at 4:19 p.m. attached hereto in the appendix, Exhibit "B."

the right to make a record of the proceeding for appellate review. Therefore, Appellant seeks emergency order of BODA to issue mandate to the CDC and the Evidentiary Panel 14-2 which cancels the setting today and orders any hearing set before the Panel, and only if a hearing must be set,

(where Appellant is of the position that the matters to be resolved on remand are actually agreed, conceded in Appellant/Portioner's Response of August 4, 2023 under Rule 33.2(c) of the Texas Rules of Appellate Procedure, and therefore the Panel must sign and file the proposed bills #1-#3 as agreed, even if implied/implicit agreement, dispensing with a hearing in its entirety)

same must provide explicit notice as to the responsibility of obtaining a court reporter with sufficient, reasonable notice in advance of the hearing for Appellant to find and obtain a court reporter to appear and record the setting.

A. BACKGROUND

Pursuant to two separate orders of this tribunal, the Board of Disciplinary Appeals ("BODA") -- first by informal order on June 9, 2023 issued from BODA's Deputy Director/Counsel, Matthew J. Greer,⁴ followed by formal BODA Order entered August 15, 2023⁵ -- the briefing deadlines in this cause are abated and BODA remanded this action to Evidentiary Panel 14-2 in order to resolve Appellant's/*Respondent's Verified Motion for Formal Bill of Exceptions* filed June 7, 2023.

The basis for Appellant/Respondent's filing formal bills of exception is

⁴ See June 9, 2023 informal mandate of BODA attached hereto in the appendix, Exhibit "C."

⁵ See August 15, 2023 formal mandate of BODA attached hereto in the appendix, Exhibit "D."

resultant the conduct of the CDC, counsel for Appellee, the Commission for Lawyer Discipline ("CFLD," Petitioner in the underlying action) in preventing Appellant/Respondent from making a record of the March 24, 2023 post-judgment hearing before Evidentiary Panel 14-2

(and even still, the post-judgment filings were resultant from a default judgment, which Evidentiary Petition was never served upon Appellant by the CDC, so Appellant was not afforded the opportunity to present any defense on the merits nor make a record at all prior the post-judgment filings before the Panel).

Where the CDC did not confer and unilaterally set the March 24, 2023 setting on Appellant/Respondent's motion for relief, without request by Appellant, Appellant attempted to cancel the setting prior to the date and time of same, as only seeking ruling by submission on the post-judgment filing of the motion to stay; but, the CDC made the decision to move forward with the hearing over the Appellant's objections, and then failed to provide a court reporter for the setting

(and forced the motion for new trial into the setting without any prior notice at all, as well as excluded the original Exhibit binder HARRIS.0001-0479, and Respondent's Reply to Petitioner's Response, and Respondent's Verified Notice of Supplemental Facts, Respondent's Requests the Panel and the second exhibit binder HARRIS.0480-0665).⁶

Evidentiary Panel 14-2, upon direction of the CDC, denied all Appellant's requested relief in the hearing, which specifically included objection to the lack of a court reporter and oral motion for continuance to obtain a court reporter,

⁶ See Respondent's proposed Orders for Formal Bill of Exception #1-#3 attached hereto in the appendix as Exhibit "E."

among many other issues for which a continuance was warranted. As a result, Appellant/Respondent was denied a record of the proceedings before the Evidentiary Panel and had no recourse but to file the Appellant's/*Respondent's Verified Motion for Formal Bill of Exceptions [S.CR 0506]* in order to preserve the issues therein for BODA's review on appeal, and makes the basis of BODA's current abatement and remand to the Panel for resolution of the *Respondent's Verified Motion for Formal Bill of Exceptions*.

B. HISTORY REPEATS ITSELF

Now, on remand, the CDC **once again** did not confer with Appellant/Respondent and unilaterally set a hearing before Evidentiary Panel 14-2 on the requested relief of Appellant's/*Respondent's Verified Motion for Formal Bill of Exceptions* for this date, October 27, 2023 at 1:00 p.m. via Zoom. The CDC did not notify Appellant until yesterday, October 26, 2023 at 4:19 p.m.⁷ that Appellant was expected to present a court reporter for the setting before the Panel and has again effectively denied Appellant the right to make a record.

Appellant/Respondent is of the position that the Appellee/*Petitioner's Response to Appellant's/Respondent's Verified Motion for Formal Bill of Exceptions*, filed August 4, 2023, [S.CR 1007] only facially purports opposition to the formal bills of exception, but the contents of the Response do not actually

⁷ See CDC email October 26, 2023 at 4:19 p.m. attached hereto in the appendix, Exhibit "B."

present any legal or factual opposition to the matters set forth in the bills.

(In fact, the substance of the Response actually concedes/confirms each item asserted as excluded/each event to have occurred/not-occurred from the March 24, 2023 setting and circumstances surrounding same as proffered by the formal bills of Appellant/Respondent. Truly, Appellee/Petitioner's Response only attempts to add further explanation or additional argument to the positions taken before/at the March 24, 2023 setting, but does not actually provide any contravening argument/evidence at all which opposes any matter of the formal bills of exception.)

As a result, Appellant/Respondent submits that the proper procedure for Formal Bills of Exception set forth under Rule 33.2 of the Texas Rules of Appellate Procedure which dictates the Evidentiary Panel must sign and file the Formal Bills of Exception (proposed Orders for Formal Bills of Exception #1-#3)⁸ under Rule 33.2(c) as agreed by the parties, even if by implied/implicit agreement; no hearing is actually necessary.

However, even if the bills are found disputed, Appellant/Respondent **has not and does not waive the right to court reporter to make a record of any setting before the Evidentiary Panel.** Appellant has formally requested cancellation from the CDC attorney of the October 27, 2023 setting,⁹ and further filed *Respondent's Verified Objection to the Notice of Hearing*¹⁰ set for October 27, 2023 before Evidentiary Panel 14-2; but, based on the history of this case, and the very reason BODA remanded the matter for resolution back to Evidentiary Panel 14-2 now repeating itself, Appellant further seeks emergency relief of BODA in preventing

⁸ See Respondent's proposed Orders for Formal Bill of Exception #1-#3 attached hereto in the appendix as Exhibit "E."

⁹ See Appellant email to CDC of October 27, 2023 attached hereto in the appendix, Exhibit "F."

¹⁰ See *Respondent's Verified Objection to the Notice of Hearing*¹⁰ attached hereto in the appendix, Exhibit "G."

Respondent from once again presenting under duress for a hearing which denies a record, and from the necessity of filing another formal bill of exception/further time on remand before the Panel.

Therefore, the failure of the CDC to confer at any point prior to yesterday, October 26, 2023 at 4:19 p.m. with Appellant about the setting, where for the first time the CDC asserted that Appellant/Respondent was expected to provide a court reporter for the October 27, 2023 setting at 1:00 p.m. in, and therefore failed to provide reasonable notice of the obligation to obtain a court reporter, and the history of this action, these parties, this Panel, necessitates the Appellant's filing of this emergency motion for relief from yet another hearing in which she will be forced to appear under duress, be denied the right to make a record of the proceeding, and forced to file another motion for formal bills of exception.

Appellant therefore prays for emergency relief/order from BODA which prevents the improper hearing set for this date, October 27, 2023 at 1:00 p.m. by Zoom,¹¹ from taking place, and Appellant therefore respectfully requests a ruling on this motion as soon as practicable in advance of the October 27, 2023 hearing today at 1:00 p.m. which directs the CDC and the Evidentiary Panel 14-2 to cancel the setting today, and orders any hearing set before the Panel, only if a hearing must be set, must provide explicit notice as to the responsibility of obtaining a

¹¹ See Zoom setting notice attached hereto in the appendix, Exhibit "A."

court reporter with sufficient, reasonable notice in advance of the hearing for Appellant to find and obtain a court reporter to appear and record the setting. Appellant requests any further relief to which BODA finds her entitled, general or special in law or in equity.

/s/ LAUREN A. HARRIS

TX BAR NO. 24080932

PO BOX #793414

DALLAS, TEXAS 75379

TEL: 469-359-7093

CELL: 469-386-7426

FAX: 469-533-3953

LAUREN@LAHLEGAL.COM

PRO-SE APPELLANT

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing Appellant's Emergency Motion has been served by electronic transmission on Appellee, the Commission for Lawyer Discipline, through its appellate counsel, the Office of the Chief Disciplinary Counsel, and filed with the Board of Disciplinary Appeals on this day, the 27th day of October, 2023, as follows:

VIA E-MAIL:

MICHAEL G. GRAHAM
APPELLATE COUNSEL
OFFICE OF THE CHIEF DISCIPLINARY COUNSEL
STATE BAR OF TEXAS
P.O. BOX 1248
AUSTIN, TEXAS 78711-2487
MICHAEL.GRAHAM@TEXASBAR.COM
FOR APPELLEE COMMISSION FOR LAWYER DISCIPLINE

VIA E-MAIL:

THE BOARD OF DISCIPLINARY
APPEALS
P.O. BOX 12426,
AUSTIN TX 78711
FAX: (512) 427-4130
FILING@TXBODA.ORG

CERTIFICATE OF CONFERENCE

I certify that the undersigned contemporaneously transmitted an email to opposing counsel in this appellate action regarding the contents of this motion and attached a copy thereto of this motion while filing same with BODA, to Mr. Michael Graham, and while filing prior to a response, Appellant is currently unaware if Appellee [is/is opposed] to this motion.

/s//Lauren Harris

Lauren 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.

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

**APPENDIX TO APPELLANT’S EMERGENCY MOTION TO AVERT
IMPROPER EVIDENTIARY PANEL 14-2 HEARING ON REMAND**

- APPENDIX NO. 1.....EXHIBIT A.....Zoom setting notice for October 27, 2023 1:00 p.m.
- APPENDIX NO. 2.....EXHIBIT B.....CDC email October 26, 2023 at 4:19 p.m
- APPENDIX NO. 3.....EXHIBIT CJune 9, 2023 informal mandate of BODA
- APPENDIX NO. 4.....EXHIBIT DAugust 15, 2023 formal mandate of BODA
- APPENDIX NO. 5.....EXHIBIT E....proposed Orders for Formal Bill of Exception #1-#3
- APPENDIX NO. 6.....EXHIBIT F..... Appellant email to CDC on October 27, 2023
- APPENDIX NO. 7..... EXHIBIT G..... *Respondent’s Verified Objection to the Notice
of Hearing* filed October 27, 2023 before
Evidentiary Panel 14-2.

APPENDIX NO. 1
EXHIBIT A

ZOOM INVITE: October 27, 2023 at 1:00 p.m. - File No. 202000647; Commission for Lawyer Discipline vs. Lauren Ashely Harris

BP Brittany Paynton <Brittany.Paynton@TEXASBAR.COM>
Fri, 20 Oct 2023 1:11:04 PM -0500
To "lauren@lahlegal.com" <lauren@lahlegal.com>, "info@lahlegal.com" <info@lahlegal.com>
Cc "Laurie Guerra" <Laurie.Guerra@TEXASBAR.COM>

☑ **1 Attachment(s)** • [Download as Zip](#)



Zoom Protocol Guidelines -pdf
54.4 KB • 🔗



PLEASE READ THE ATTACHED GUIDELINES BEFORE JOINING THE MEETING

Greetings,

Brittany Paynton is inviting you to a State Bar of Texas Zoom Video meeting.

Meeting Information: Friday, October 27, 2023 at 1:00 p.m. (C.S.T.)

[Join Meeting](#)

Meeting URL: <https://texasbar.zoom.us/j/81729467193?pwd=5IMMtssOG7whS5dgx7xqSTppVXbuoG.1>
Meeting ID: 817 2946 7193
Password: 830065

Telephone Audio or Audio-Only

Dial: US: +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or

888 788 0099 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282
(Toll Free) or 877 853 5247 (Toll Free)

Meeting ID: 817 2946 7193

Phone one-tap: US: +13462487799,,81729467193# or +16694449171,,81729467193#

[International numbers](#)

About the Videoconference:

You may join the video conference from your computer even if you do not have a webcam. To be heard in the conference, you must either have a microphone and choose computer audio, or you must call the designated audio conference bridge.

Quick Tips:

- Mute your microphone/webcam at any time using the buttons in the lower left.
- Choose "Gallery View" from the upper right for a grid view of all the participants.
- Toggle between "full screen" mode and "window" mode in the upper right.
- If your webcam faces a window or bright light, you may be difficult to see.
- To make one participant's video window the largest, click the "... " in the upper right of their window and choose "pin video"

APPENDIX NO. 2
EXHIBIT B

RE: Case No. 202000647 - Commission for Lawyer Discipline v. Lauren Ashley Harris

LG Laurie Guerra <Laurie.Guerra@TEXASBAR.COM>

Thu, 26 Oct 2023 4:19:18 PM -0500 •

To "lauren@lahlegal.com" <lauren@lahlegal.com>

Cc "Brittany Paynton" <Brittany.Paynton@TEXASBAR.COM>

Hello, Ms. Harris,

In response to your question, yesterday, regarding a court reporter for tomorrow's hearing on October 27, 2023, you may hire a court reporter, if you so choose, since you are the proponent of the Bill of Exception. My office has not requested a court reporter, but will be recording the hearing via Zoom videoconference.

Sincerely,

Laurie Guerra
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
14651 Dallas Parkway, Suite 925
Dallas, TX 75254
972-383-2900- Office
972-383-2935-Fax
laurie.guerra@texasbar.com

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From: Lauren Harris <lauren@lahlegal.com>

Sent: Wednesday, October 25, 2023 5:59 PM

To: Laurie Guerra <Laurie.Guerra@TEXASBAR.COM>

Cc: Brittany Paynton <Brittany.Paynton@TEXASBAR.COM>; travis <travis@dentontitle.com>; filing <filing@txboda.org>

Subject: RE: Case No. 202000647 - Commission for Lawyer Discipline v. Lauren Ashley Harris

Importance: High

Ms. Guerra, Panel Chair, and by way of status update/copy, to BODA:

pursuant to the June 9, 2023 and August 15, 2023 BODA Orders remanding this cause before the Panel, and as directed to keep BODA informed:

Please find below a dropbox link to a shared file including the following items which I submit for filing before the Evidentiary Panel:

- 1. Respondent's Verified Motion for Judicial Notice** and
 - a. Exhibit Binder #3, HARRIS.0666-1002, as well as

2. Respondent's Brief to the Panel -- Procedure under TRAP 33.2

<https://www.dropbox.com/scl/fo/b4h91m465no8tvvgki332m/h?rlkey=09dqfmeruzzz9tpv9usmhuezg&dl=0>

Ms. Guerra, as you scheduled the hearing for Friday without conferring, are your offices providing a court reporter?

My position -- *which will be better illustrated subsequent to my completion/upload of the proposed orders for the formal bills of exception to this shared folder for your review* -- is that no controversy exists/no actual opposition to the matters of Respondent's bills of exception has been presented by the Petitioner's Response.

It appears that the Response merely re-asserts the Petitioner's positions from the hearing, or offers additional insight into the reasoning behind each position of the Petitioner related to the matters of Respondent's bills/as to the exclusion of evidence or occurrence/non-occurrence of an event. But, as it appears to me, the Response does not dispute that the items on which the bills seek to make a record, (being excluded or events having occurred/not occurred) are only confirmed by the Response, which did not present any facts or law in contravention to (not) have actually been excluded, or where no actual legal or factual opposition appears to be raised to any event/occurrence or non-occurrence as set forth in each matter for the bills of exception.

My understanding of these proceedings is that Petitioner already prevailed in the substance of the March 24, 2023 hearing -- we are not re-litigating the content of the motions, but instead this process is merely to make a record of the substance of the hearing and the make the record reflect what happened before the Panel/get into the the record the items excluded, offers of proof attempted, and conduct/objections as to preserve error, where without a court reporter and without any record, BODA cannot properly review the post-judgment matters on appeal.

Where TRAP Rule 33.2 provides that the Evidentiary Panel must sign and enter formal bills of exception when the parties agree, I have taken the position that the Response, even if facially listed as opposed, actually provides implied/implicit agreement to the matters of the Respondent's motion/formal bills; where without direct dispute of the facts or the law, there is not a justiciable controversy in the parties' positions for entering the bills. As such, my proposed orders seek to have the Panel review the matters to deem each as agreed. I will upload the proposed orders, and then check with you regarding your position(s) after they are on file and you have a chance to review.

In addition to the proposed orders, I have additional uploads/filings I will make to this shared folder and will provide follow-up notifications by email for those items, too. Please let me know about the court reporter and if we can limit the issues in the bills by actual agreement before implied agreement, if any, after review of the orders/filings.

Sincerely,

Lauren A. Harris

Texas Bar: 24080932
Mailing: PO Box 793414
Dallas, Texas 75379

Office: 469) 359-7093

Fax: 469) 533-3953

www.LAHLegal.com

---- On Thu, 28 Sep 2023 14:30:30 -0500 **Brittany Paynton**
<Brittany.Paynton@TEXASBAR.COM> wrote ---

Good Afternoon,

Thank you for everyone's responses. The hearing has been scheduled for **October 27, 2023, at 1:00 p.m.** via zoom. Please watch for the zoom invite a week prior.

Thank you!

Brittany Paynton
Office of the Chief Disciplinary Counsel
State Bar of Texas
14651 Dallas Parkway, Suite 925
Dallas, TX 75254
972-383-2900- Office
972-383-2912 - Direct Dial
972-383-2935-Fax
Brittany.Paynton@texasbar.com

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From: Amie Peace <amie@peacefamilylaw.com>

Sent: Thursday, September 28, 2023 2:11 PM

To: Jane Gekhman <jane@jmglegaltx.com>; Brittany Paynton

<Brittany.Paynton@TEXASBAR.COM>; Marion Wilson

<marion@peacefamilylaw.com>; Matt Forman <matt@thelocalcircuit.com>;

Daphne Zollinger <daphne@daphnerealestate.net>

Cc: lauren@lahlegal.com; Laurie Guerra <Laurie.Guerra@TEXASBAR.COM>

Subject: RE: Case No. 202000647 - Commission for Lawyer Discipline v. Lauren Ashley Harris

I will be there.

Amie S. Peace

Attorney at Law

Peace & Associates, PLLC

3212 Long Prairie Road, Ste. 200

Flower Mound, Texas 75022

Email: amie@peacefamilylaw.com

Please copy my paralegal on all emails

Telephone (940) 591-6006

Fax (940) 241-0404



PEACE & ASSOCIATES
PLLC



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From: Jane Gekhman <jane@jmglegaltx.com>

Sent: Wednesday, September 27, 2023 3:18 PM

To: Brittany Paynton <Brittany.Paynton@TEXASBAR.COM>; Amie Peace <amie@peacefamilylaw.com>; Marion Wilson <marion@peacefamilylaw.com>; Matt Forman <matt@thelocalcircuit.com>; Daphne Zollinger <daphne@daphnerealestate.net>

Cc: lauren@lahlegal.com; Laurie Guerra <Laurie.Guerra@TEXASBAR.COM>

Subject: RE: Case No. 20200647 - Commission for Lawyer Discipline v. Lauren Ashley Harris

Notice: External Sender

I am able to attend 10-27-23.

Thanks,
Jane

From: Brittany Paynton <Brittany.Paynton@TEXASBAR.COM>

Sent: Wednesday, September 27, 2023 3:14 PM

To: amie@peacefamilylaw.com; Peace (LA) <marion@peacefamilylaw.com>; Jane Gekhman <jane@jmglegaltx.com>; Matt Forman <matt@thelocalcircuit.com>; Daphne Zollinger <daphne@daphnerealestate.net>

Cc: lauren@lahlegal.com; Laurie Guerra <Laurie.Guerra@TEXASBAR.COM>

Subject: Case No. 202000647 - Commission for Lawyer Discipline v. Lauren Ashley Harris

Dear Panel Members,

If you recall, you attended an evidentiary hearing styled *Commission for Lawyer Discipline v. Lauren Ashley Harris, Case No. 20200647*, on January 27, 2023. A judgment was entered on February 7, 2023.

Respondent has filed *Respondent's Verified Motion for Formal Bill of Exceptions*, along with 6 different Indexes. Petitioner has filed a response. Also, since Respondent has filed an appeal, BODA has issued an Order informing the parties that BODA will wait until the evidentiary panel has ruled on the Bill of Exception, before BODA moves forward with appellate matters. I have created a link: [202000647 - Hearing](#) with this material.

Your next meeting date will be **October 27, 2023**. Petitioner respectfully requests that the Bill of Exception matter be added to your docket. We will need all four of you in attendance, as you are part of the original panel who heard this case at trial.

Brittany Paynton
Office of the Chief Disciplinary Counsel
State Bar of Texas
14651 Dallas Parkway, Suite 925
Dallas, TX 75254
972-383-2900- Office
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APPENDIX NO. 3
EXHIBIT C

RE: Cause 202000647 before EV Panel 14-2

TF TXBODA Filing <filing@txboda.org>

Fri, 09 Jun 2023 3:34:20 PM -0500 •

To "lauren@lahlegal.com" <lauren@lahlegal.com>, "Laurie Guerra" <Laurie.Guerra@TEXASBAR.COM>, "travis" <travis@dentontitle.com>, "CassidyOrozco" <Cassidy.Orozco@texasbar.com>

Cc "Lauren Baisdon" <Lauren.Baisdon@TEXASBAR.COM>, "Michael Graham" <Michael.Graham@TEXASBAR.COM>, "Matthew Greer" <Matthew.Greer@TEXASBAR.COM>, "Jenny Hodgkins" <Jenny.Hodgkins@TEXASBAR.COM>, "Jackie Truitt" <Jackie.Truitt@TEXASBAR.COM>

Tags

All,

The Board is in receipt of Respondent's Verified Motion for Formal Bill of Exception along with five volumes of exhibits, which indicates that this matter was filed before the Evidentiary Panel. The Board requests that the parties keep the Board apprised as to the resolution of this matter and inform us of any supplements or changes to the appellate record. The Board will establish briefing deadlines following resolution of Respondent's Formal Bill of Exceptions.

Thank you,

Matthew J. Greer

Deputy Director / Counsel

The Board of Disciplinary Appeals

P.O. Box 12426

Austin, TX 78711

Phone: (512) 427.1578

Fax: (512) 427.4130

Matthew.Greer@TexasBar.com

From: Lauren Harris <lauren@lahlegal.com>

Sent: Wednesday, June 7, 2023 5:09 PM

To: Laurie Guerra <Laurie.Guerra@TEXASBAR.COM>; travis <travis@dentontitle.com>; CassidyOrozco <Cassidy.Orozco@texasbar.com>

Cc: TXBODA Filing <filing@txboda.org>

Subject: Re: Cause 202000647 before EV Panel 14-2

I received the attached undeliverable messages, and therefore made all documents (volumes I-V and the motion) available from a dropbox share:

<https://www.dropbox.com/sh/g84p2n2s5db3eqa/AACYETuBj536Vk9-peoUMkGVa?dl=0>

Sincerely,

Lauren A. Harris

----- On Wed, 07 Jun 2023 16:58:43 -0500 **Lauren Harris** <lauren@lahlegal.com> wrote ---

It appears IV was missing from the last transmission, attached.

Sincerely,

Lauren A. Harris

----- On Wed, 07 Jun 2023 16:56:17 -0500 **Lauren Harris** <lauren@lahlegal.com> wrote ---

Office of the Chief Disciplinary Counsel and Panel Chair (*by way of copy to BODA*),

Please see Respondent's Verified Motion for Formal Bill of Exception attached hereto, the proposed Order will follow. Also, Exhibit binder I-V, separately made into smaller volumes than the original filing of March 10, 2023 are attached.

Sincerely,

Lauren A. Harris

APPENDIX NO. 4
EXHIBIT D



BEFORE THE BOARD OF DISCIPLINARY APPEALS
Appointed By
THE SUPREME COURT OF TEXAS

LAUREN ASHLEY HARRIS
State Bar of Texas Card No. 24080932

v.

**COMMISSION FOR
LAWYER DISCIPLINE**

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CAUSE NO. 67843

**ORDER DENYING APPELLEE'S
MOTION TO DISMISS FOR WANT OF JURISDICTION**

On this day, the Board considered the Motion to Dismiss for Want of Jurisdiction filed by the Appellee, the Commission for Lawyer Discipline, in the above-numbered and captioned evidentiary appeal. The Board also considered the request that the Board abate ruling on the Motion to Dismiss, which the Appellant, Lauren Ashley Harris, asserted in her Motion to Correct and Supplement the Reporter's Record.

After considering the pleadings filed by the parties, as well as the record in this case, the Board **DENIES** the Appellant's request to abate ruling and **DENIES** Appellee's Motion to Dismiss for Want of Jurisdiction. The Board will set a briefing schedule after the Evidentiary Panel rules on Appellant's Verified Motion for Formal Bill of Exception.

Appellant's Motion to Correct and Supplement the Reporter's Record remains pending, with the exception of the request to abate ruling on Appellee's Motion to Dismiss. The Board **ORDERS** the parties to notify the Board of the disposition of the Verified Motion for Formal Bill of Exception and any supplements or changes to the appellate record.

SIGNED this 15th day of August 2023.

A handwritten signature in blue ink, appearing to read "Kevin H.", with a long horizontal line extending to the right.

CHAIR PRESIDING

Board members Michael Gross, Bill Ogden, and David Iglesias dissent.

Board members Jennifer Caughey and Arthur D'Andrea did not participate in this decision.

APPENDIX NO. 5
EXHIBIT E

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

COMMISSION FOR LAWYER DISCIPLINE,

Petitioner,

v.

LAUREN ASHLEY HARRIS,

Respondent.

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CASE NO. 202000647 [North]

ORDER: RESPONDENT’S VERIFIED MOTION FOR FORMAL BILL OF EXCEPTION

PURSUANT TO TEX. R. APP. P. 33.2

FORMAL BILL OF EXCEPTION #1

On this day, THE DISTRICT 14 GRIEVANCE COMMITTEE, Evidentiary Panel 14-2 of THE STATE BAR OF TEXAS, BY AND THROUGH ITS PANEL CHAIR, having reviewed *Respondent’s Verified Motion for Formal Bill of Exception*, the mandates of the Board of Disciplinary Appeals, the Response of Petitioner, the arguments of counsel and the documents and information on file before the Panel, **THEREFORE FINDS THAT AS TO:**

RESPONDENT'S FORMAL BILL OF EXCEPTION #1:

RESPONDENT MADE REQUEST UPON THE OFFICE OF THE CHIEF DISCIPLINARY COUNSEL FOR THE TRANSCRIPTS FROM THE TWO INVESTIGATORY HEARINGS CONDUCTED ON NOVEMBER 12, 2020, HELD BEFORE THE DISTRICT 6 GRIEVANCE COMMITTEE, INVESTIGATORY HEARING PANEL 6-3 IN CAUSE NO.S 202000486 AND 202000647. THE OFFICE OF THE CHIEF DISCIPLINARY COUNSEL DENIED THE REQUESTS.

THEREFORE, THE TRANSCRIPTS WERE EXCLUDED FROM EVIDENCE BY ORDERS OF THIS EVIDENTIARY PANEL 14-2 ENTERED MARCH 24, 2023 IN THIS CAUSE 202000647 BEFORE DISTRICT 14 GRIEVANCE COMMITTEE EVIDENTIARY PANEL 14-2, AFTER THE MARCH 24, 2023 POST-JUDGMENT HEARING HELD BY ZOOM.

_____ *the Panel finds that the parties have agreed as to Formal Bill of Exception #1 and as such, the Panel hereby finds Formal Bill of Exception #1 to be correct, approves and signs Formal Bill of Exception #1, and instructs the Clerk of the Panel to file the signed Bill of Exception #1 as part of the record in this cause.*

_____ *the Panel hereby finds that the Formal Bill of Exception #1 shall be entered as agreed under implied agreement of the parties, where no justiciable controversy is found opposing the contents of Formal Bill of Exception #1. Therefore, the Panel finds the bill to be correct, approves and signs the Formal Bill of Exception #1, and instructs the Clerk of the Panel to file the signed Bill of Exception #1 as part of the record in this cause.*

_____ *the Panel finds that the parties have partially agreed as to Formal Bill of Exception #1 and as such the Panel hereby finds and further instructs as follows:*

_____ *the Panel hereby finds that specific changes to the Bill of Exception #1 must be made and hereby provides specific instruction to follow in correcting of Exception #1 prior to the Panels signature and filing:*

_____ *the Panel refuses to approve Formal Bill of Exception #1.*

SIGNED on this _____ day of _____, 2023

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

COMMISSION FOR LAWYER DISCIPLINE,

Petitioner,

v.

LAUREN ASHLEY HARRIS,

Respondent.

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CASE NO. 20200647 [North]

ORDER: RESPONDENT’S VERIFIED MOTION FOR FORMAL BILL OF EXCEPTION
PURSUANT TO TEX. R. APP. P. 33.2
FORMAL BILL OF EXCEPTION #2

On this day, THE DISTRICT 14 GRIEVANCE COMMITTEE, Evidentiary Panel 14-2 of THE STATE BAR OF TEXAS, BY AND THROUGH ITS PANEL CHAIR, having reviewed *Respondent’s Verified Motion for Formal Bill of Exception*, the mandates of the Board of Disciplinary Appeals, the Response of Petitioner, the arguments of counsel and the documents and information on file before the Panel, **THEREFORE FINDS THAT AS TO:**

RESPONDENT’S FORMAL BILL OF EXCEPTION #2:

RESPONDENT EMAILED HER ORIGINAL EXHIBIT BINDER *HARRIS.0001-0479* TO THE OFFICE OF CHIEF DISCIPLINARY COUNSEL ON MARCH 10, 2023 AND MARCH 11, 2023. RESPONDENT DID NOT RESUBMIT EXHIBIT BINDER *HARRIS.0001-0479* BEFORE THE MARCH 24, 2023 HEARING HELD IN THIS CAUSE.

THEREFORE, THE RESPONDENT’S ORIGINAL EXHIBIT BINDER *HARRIS.0001-0479* WAS EXCLUDED FROM EVIDENCE IN THIS CAUSE 20200647 BY ORDERS OF DISTRICT 14 GRIEVANCE COMMITTEE EVIDENTIARY PANEL 14-2, ENTERED AFTER THE MARCH 24, 2023 POST-JUDGMENT HEARING HELD BY ZOOM.

RESPONDENT SUBMITTED FIVE VOLUMES OF EXHIBITS WITH *RESPONDENT’S VERIFIED MOTION FOR FORMAL BILLS OF EXCEPTION*, FILED ON JUNE 7, 2023, CONTAINING THE ORIGINAL EXHIBIT BINDER *HARRIS.0001-0479*, THEREFORE *HARRIS.0001-0479* IS INCLUDED IN THE RECORD FOR BODA REVIEW.

- _____ *the Panel finds that the parties have agreed as to Formal Bill of Exception #2 and as such, the Panel hereby finds Formal Bill of Exception #2 to be correct, approves and signs Formal Bill of Exception #2, and instructs the Clerk of the Panel to file the signed Bill of Exception #2 as part of the record in this cause.*
- _____ *the Panel hereby finds that the Formal Bill of Exception #2 shall be entered as agreed under implied agreement of the parties, where no justiciable controversy is found opposing the contents of Formal Bill of Exception #2. Therefore, the Panel finds the bill to be correct, approves and signs the Formal Bill of Exception #2, and instructs the Clerk of the Panel to file the signed Bill of Exception #2 as part of the record in this cause.*
- _____ *the Panel finds that the parties have partially agreed as to Formal Bill of Exception #2 and as such the Panel hereby finds and further instructs as follows:*
- _____ *the Panel hereby finds that specific changes to the Bill of Exception #2 must be made and hereby provides specific instruction to follow in correcting of Exception #2 prior to the Panels signature and filing:*
- _____ *the Panel refuses to approve Formal Bill of Exception # 2.*

SIGNED on this _____ day of _____, 2023

PANEL CHAIR Evidentiary Panel 14-2

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

COMMISSION FOR LAWYER DISCIPLINE,

Petitioner,

v.

LAUREN ASHLEY HARRIS,

Respondent.

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CASE NO. 202000647 [North]

ORDER: RESPONDENT’S VERIFIED MOTION FOR FORMAL BILL OF EXCEPTION
PURSUANT TO TEX. R. APP. P. 33.2
FORMAL BILL OF EXCEPTION #3

On this day, THE DISTRICT 14 GRIEVANCE COMMITTEE, Evidentiary Panel 14-2 of THE STATE BAR OF TEXAS, BY AND THROUGH ITS PANEL CHAIR, having reviewed *Respondent’s Verified Motion for Formal Bill of Exception*, the mandates of the Board of Disciplinary Appeals, the Response of Petitioner, the arguments of counsel and the documents and information on file before the Panel, **THEREFORE FINDS THAT AS TO:**

RESPONDENT’S FORMAL BILL OF EXCEPTION #3:

THE OFFICE OF CHIEF DISCIPLINARY COUNSEL SCHEDULED THE MARCH 24, 2023 HEARING HELD IN THIS CAUSE. RESPONDENT OBJECTED TO THE SETTING BEFORE THE HEARING, BUT APPEARED AT THE SETTING. NEITHER PETITIONER NOR RESPONDENT SCHEDULED A COURT REPORTER. RESPONDENT OBJECTED IN THE SETTING AND REQUESTED A CONTINUANCE FOR OBTAINING A COURT REPORTER, AS TO LACK OF NOTICE FOR THE SETTING CONTAINING TWO MOTIONS: BOTH *RESPONDENT’S MOTION TO STAY* AND *RESPONDENT’S MOTION TO SET/ASIDE VACATE/FOR NEW TRIAL*, THE EXCLUSION OF THE ORIGINAL EXHIBIT BINDER *HARRIS.0001-0479* AND ATTEMPTED TO OFFER THE ORIGINAL EXHIBIT BINDER *HARRIS.0001-0479*, THE SECOND EXHIBIT BINDER *HARRIS.048-0665*, AS WELL AS *RESPONDENT’S REPLY TO PETITIONER’S RESPONSE TO RESPONDENT’S MOTION TO STAY*, *RESPONDENT’S VERIFIED MOTION OF SUPPLEMENTAL FACTS* AND *RESPONDENT’S VERIFIED REQUESTS TO THE PANEL*.

THE PANEL DENIED ALL RESPONDENT’S REQUESTS. THEREFORE, THE ORIGINAL EXHIBIT BINDER *HARRIS.0001-0479* THE SECOND EXHIBIT BINDER *HARRIS.048-0665*, *RESPONDENT’S REPLY TO PETITIONER’S RESPONSE TO RESPONDENT’S MOTION TO STAY*, *RESPONDENT’S VERIFIED MOTION OF SUPPLEMENTAL FACTS* AND *RESPONDENT’S VERIFIED REQUESTS TO THE PANEL* WERE EXCLUDED FROM EVIDENCE/CONSIDERATION BY ORDERS ENTERED MARCH 24, 2023 IN THIS CAUSE 202000647 BEFORE DISTRICT 14 GRIEVANCE COMMITTEE EVIDENTIARY PANEL 14-2, AFTER THE MARCH 24, 2023 POST-JUDGMENT HEARING HELD BY ZOOM.

_____ *the Panel finds that the parties have agreed as to Formal Bill of Exception #3 and as such, the Panel hereby finds Formal Bill of Exception #3 to be correct, approves and signs Formal Bill of Exception #3, and instructs the Clerk of the Panel to file the signed Bill of Exception #3 as part of the record in this cause.*

_____ *the Panel hereby finds that the Formal Bill of Exception #3 shall be entered as agreed under implied agreement of the parties, where no justiciable controversy is found opposing the contents of Formal Bill of Exception #3. Therefore, the Panel finds the bill to be correct, approves and signs the Formal Bill of Exception #3, and instructs the Clerk of the Panel to file the signed Bill of Exception #3 as part of the record in this cause.*

_____ *the Panel finds that the parties have partially agreed as to Formal Bill of Exception #3 and as such the Panel hereby finds and further instructs as follows:*

_____ *the Panel hereby finds that specific changes to the Bill of Exception #3 must be made and hereby provides specific instruction to follow in correcting of Exception #3 prior to the Panels signature and filing:*

_____ *the Panel refuses to approve Formal Bill of Exception # 3.*

SIGNED on this ____ day of _____, 2023

APPENDIX NO. 6
EXHIBIT F

RE: Case No. 202000647 - Commission for Lawyer Discipline v. Lauren Ashley Harris



Me <lauren@lahlegal.com>

Fri, 27 Oct 2023 1:15:27 AM -0500 •

To "Laurie Guerra" <Laurie.Guerra@TEXASBAR.COM>

Cc "Brittany Paynton" <Brittany.Paynton@TEXASBAR.COM>, "filing" <filing@txboda.org>, "travis" <travis@dentontitle.com>

Reading 1 / 8

Ms. Guerra, Panel Chair and by way of copy to BODA,

I have not, and do not waive my right to a court reporter to make a record for appellate review.

As your offices scheduled the hearing, did not confer with me about the setting at any point prior to yesterday, and therefore did not notify me until 4:19 p.m. yesterday, the day before the hearing, that I am expected to provide a court reporter -- for a hearing that you set -- I hereby formally object to the setting and formally seek cancellation/reschedule.

To that end, I have uploaded additional materials to the dropbox folder:

<https://www.dropbox.com/scl/fo/b4h91m465no8tvgki332m/h?rlkey=09dqfmeruzzz9tpv9usmhuezg&dl=0>

These documents are therefore submitted for filing before the Evidentiary Panel this date, and include:

the proposed **Order for Bill of Exception #1**
the proposed **Order for Bill of Exception #2**
the proposed **Order for Bill of Exception #3** and
Respondent's Verified Objection to Notice of Hearing for the October 27, 2023
setting.

The above-referenced Objection seeks your offices' confirmation that the hearing has been removed from the docket. The Objection is filed before the Evidentiary Panel, but as I have unfortunately experienced this occurrence, almost exactly, before in the events leading up to the March 24, 2023 setting -- from which such lack of a court reporter necessitated the entire basis of this action on remand for formal bills of exception -- I will proceed in drafting similar relief before BODA to be filed in a request for emergency relief before the 1:00 p.m. hearing.

Where the proposed orders are now in the dropbox folder/available for your review, please advise if you also see the contents to reflect the parties' ultimate agreement as to the issues therein. I sincerely do not think that Petitioner's Response holds any factual or legal opposition to the matters presented by the formal bills, as reflected in the contents of the proposed orders.

Should you: cancel/reschedule the setting, please let me know.

Or, should you find that you agree to the proposed orders as written/seek correction to the orders so as to reach agreement for entry of the bills, this of course dispenses with the need for a hearing, and will happily curtail my efforts in drafting relief before BODA for the setting at 1:00p.m.

Either way, I await your review of the above and response.

Sincerely,

Lauren A. Harris

Texas Bar: 24080932
Mailing: PO Box 793414
Dallas, Texas 75379
Office: 469) 359-7093
Fax: 469) 533-3953
www.LAHLegal.com

---- On Thu, 26 Oct 2023 16:19:12 -0500 **Laurie Guerra**
<Laurie.Guerra@TEXASBAR.COM> wrote ---



APPENDIX 7,
EXHIBIT G

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

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

CASE NO. 202000647 [North]

RESPONDENT'S VERIFIED OBJECTION TO NOTICE OF HEARING
SCHEDULED 1:00 P.M. OCTOBER 27, 2023

TO THE DISTRICT 14 GRIEVANCE COMMITTEE, EVIDENTIARY PANEL 14-2:

COMES NOW Respondent Lauren A. Harris, and files this her formal objection to the Notice of Hearing unilaterally set by counsel for the Petitioner, the Office of Chief Disciplinary Counsel, scheduled by Zoom videoconference at 1:00 p.m. on October 27, 2023 before the Evidentiary Panel 14-2 and in support thereof, will show as follows:

A. BACKGROUND: APPELLATE MANDATE & CDC CONDUCT

1. This proceeding is formally on appeal in Cause No. 67843 before the appellate court of exclusive jurisdiction,¹ the Board of Disciplinary Appeals ("BODA"). By BODA appellate mandates of June 9, 2023 and August 15, 2023,² the appellate briefing deadlines were abated before BODA, and this cause was ordered on remand back to this Evidentiary Panel 14-2 for the limited scope and purpose of resolving the *Respondent's Verified Motion for Formal Bill of Exceptions*, filed June 7, 2023.

2. Petitioner filed its *Response to Respondent's Verified Motion for Formal Bill of Exceptions* on August 4, 2023. Thereafter, without conferring with Respondent about the proceeding, the scheduling of a hearing, or otherwise, counsel for Petitioner, the Office of the Chief Disciplinary Counsel ("CDC") set a hearing *for Respondent's motion* at 1:00 p.m. on October 27, 2023 by Zoom before this Panel.

3. However, not until one day prior to the hearing scheduled -- on October 26, 2023 at 4:12 p.m., did counsel for Petitioner notify Respondent that Respondent was expected to present a court reporter for the hearing, or else waive formal record of the setting -- *besides the*

¹ See TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 1.02 *General Powers of BODA* ("[u]nder TRDP 7.08, BODA has and may exercise all the powers of ...an appellate court... in hearing and determining disciplinary proceedings.") and See TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 1.03 *Additional Rules in Disciplinary Matters* ("[e]xcept as varied by these rules and to the extent applicable, the TRCP, TRAP, and TRE apply to all disciplinary matters before BODA...").

² See *HARRIS.0666-0667* and *HARRIS.0676-0677*.

CDC's intention to capture the setting by Zoom recording;³ but where to date, the CDC has denied all Respondent's requests for the previous Zoom recordings of Respondent:

- A. first denying Respondent production of both the November 12, 2020 District 6 Grievance Committee Investigatory Panel 6-3 hearings held in Cause No.s 202000486 and 202000647;⁴
and most recently,
- B. denying Respondent's requests for production in this Cause No., 202000647, captured of the post-judgment setting of March 24, 2023 before this District 14 Grievance Committee Evidentiary Panel 14-2.⁵

4. These mandates of BODA of June 9, 2023 and August 15, 2023 are made in accordance with the BODA Internal Procedure Rules ("IPR"), which reflect, in Rule 4.07(b) *Decision and Judgment, Mandate*: "[i]n every appeal, the BODA Clerk must issue a mandate in accordance with BODA's judgment and send it to the evidentiary panel and to all the parties."⁶

One might say that whereas the appellate court's judgment is the official record of the [traditional] appellate court's decision **and informs the public of that decision**, the mandate constitutes *the official command that the lower court act in accordance with that decision. The mandate thus executes the decision...*⁷

The mandate is a document issued by the appellate court and delivered to the trial court, serving both as an official notice of the appellate court's action and as a command to duly execute the appellate court's judgment.⁸ The rules require the appellate court clerk to issue a mandate "in accordance with the judgment" and send it to the clerk of the court to whom it is directed.⁹ **No standardized form is prescribed.** The clerk typically drafts the mandate document...¹⁰

In principle, **the trial court's orders carrying out the mandate are purely ministerial; the trial court has no authority to rule that the mandate cannot be enforced** by lawful means.¹¹ Indeed, the trial court *not only has no discretion* to modify or interpret the mandate but indeed has **no jurisdiction** to do so.¹²

...when a case is remanded for new trial, a trial court's **authority is strictly limited to retrying solely those issues that the mandate specifies.**¹³ Sometimes, however, a limitation on the scope of the remand may properly be gleaned from the court of appeals' decision.¹⁴

³ See email from CDC attorney Guerra to Respondent attached hereto.

⁴ See *Respondent's Verified Motion for Formal Bills of Exception*, Bill of Exception #1, and *Petitioner's Response to Respondent's Verified Motion for Formal Bills of Exception* Section 3(a), confirming the refusal/denied request to produce transcripts.

⁵ See *Respondent's Notice of Appeal to BODA filed May 8, 2023*, and *Petitioner's Response to Respondent's Verified Motion for Formal Bills of Exception* Section 5(e) "Petitioner did not otherwise record the hearing."

⁶ See TEX. BD. DISCIPLINARY APP. INTERNAL PROC. R. 4.07(b).

⁷ (*Emphasis added*); see https://www.foley.com/-/media/files/insights/publications/2003/11/it-aint-over-til-its-over-the-appellate-mandate-in/files/it-aint-over-til-its-over-the-appellate-mandate-in/fileattachment/005182_sobehaus_it_aint_over.pdf

⁸ See *Id.* citing e.g., *Lewelling v. Bosworth*, 840 S.W.2d 640 (Tex. App.-Dallas 1992, no writ).

⁹ See *Id.* citing Tex. R. APP. P. 18.1.

¹⁰ (*Emphasis added*); See *Id.* citing TEX. R. App. P. 18.4 (lower court clerk must file the mandate); see TEX. GOV'T CODE ANN. § 51.303 (Vernon 1998) (giving district clerk duty to keep records of all proceedings).

¹¹ (*Emphasis added*); See *Id.* citing *Schliemann v. Garcia*, 685 S.W.2d 690, 692 (Tex. App.-San Antonio 1984, no writ).

¹² (*Emphasis added*). See *Harris County Children's Protective Servs. v. Olvera*, 971 S.W.2d 172, 175-176 (Tex. App.-Houston [14th Dist.] 1998, writ denied); *Dallas County v. Sweitzer*, 971 S.W.2d 629,631 (Tex. App.-Dallas 1998, no writ) ("Our mandate compelled the trial court only to execute that mandate. The trial court had no jurisdiction to award any additional relief..").

¹³ (*Emphasis added*); See *Id.*, citing *Kahn v. Seely*, 37 S.W.3d 86, 88 (Tex. App.-San Antonio 2000, no pet.); *Hudson v. Wakefield*, 711 S.W.2d 628, 630(Tex. 1986); *Martin v. Credit Protection Ass'n, Inc.*, 824 S.W.2d 254, 256-257 (Tex. App.-Dallas 1992, writ dismissed w.o.j.);

¹⁴ See *Id.* citing *University of Texas System v. Harry*, 948 S.W.2d 481, 483 (Tex. App.-E1 Paso 1997, no writ).

5. Regarding jurisdiction and trial court compliance with the appellate mandate, appeals courts have clearly stated:

[t]he district court has no jurisdiction to review, interpret, or enforce our mandate; it must observe and carry it out.¹⁵ Its orders carrying out the mandate are ministerial.¹⁶ Our mandate commanded the ...Judicial District Court to observe our judgment "and in all things have it duly recognized, obeyed, and executed." The trial court's modified order failed to carry out our mandate. Rather, it was an unwarranted interference with its proper execution.¹⁷

6. Appellate courts have harshly dealt with trial courts who make rulings in contravention to the authority thereof; where such violations occur, appellate courts find:

clear and unjustified interference with the enforcement of our mandate. Unless it is shown that the judgment is void or that execution is somehow improper for another reason, the district court has no authority to rule that our mandate may not be enforced by execution or by any other lawful means. We anticipate that *[the trial court judge]* will immediately vacate his ...order ...will vacate his abatement contained in that order of any and all proceedings instituted to execute the judgment of this Court, and will refrain from interfering with any other lawful execution proceedings until our judgment and mandate are fully executed.¹⁸

B. FORMAL OBJECTION TO SETTING

7. **Respondent has not, and does not, waive the right to a court reporter for any setting before the Panel and objects to the continued acts and practices of the CDC which aim to prevent the preservation of the record in this cause for appellate review.**

8. Where a District Court¹⁹ has an "official court reporter"²⁰ -- assigned to carry out duties²¹ which include attending sessions of the court and taking "full shorthand notes of oral testimony offered before the court, including objections made to the admissibility of evidence, court rulings and remarks on the objections, and exceptions to the rulings;"²² and to "furnish a transcript of the reported evidence or other proceedings, in whole or in part"²³ -- the lack of same in these evidentiary panel proceedings under the Texas Rules of Disciplinary Procedure, and the unbridled abuses of the CDC in its treatment of Respondent in this process amounts to unequivocal failure of due process.

¹⁵ See *Schliemann v. Garcia*, 685 S.W.2d 690, 692 (Tex. App. 1984), citing *Myers v. Myers*, [515 S.W.2d 334, 335](#) (Tex.Civ.App. — Houston [1st Dist.] 1974, writ dismissed).

¹⁶ *Id.*

¹⁷ (*Emphasis added.*) *Id.*

¹⁸ See *Id.* at 693.

¹⁹ See Tex. Gov't Code Ann. § 52.041(a).

²⁰ See Tex. Gov't Code Ann. § 52.001(a)(3).

²¹ See Tex. Gov't Code Ann. § 52.046(a).

²² See *Id.* at § 52.046(a)(1) and (2).

²³ See *Id.* at § 52.046(a)(5).

9. Although under the Texas Rules of Disciplinary Procedure, Rule 2.17(N), *Record of the Hearing*, where the duty to obtain a court reporter for evidentiary hearings before the District Grievance Committees **is held by the Petitioner/the CDC**: "[a] verbatim record of the proceedings will be made by a certified shorthand reporter in a manner prescribed by the Board of Disciplinary Appeals,"²⁴ it is clear the Petitioner/its counsel do not consider this duty to provide a court reporter applicable to any other hearings held before the Evidentiary Panels -- based on the CDC's positions as to a court reporter in the post-judgment hearing of March 24, 2023, and now again in the CDC's day-before-the-setting notice to Respondent that no court reporter was to be provided, even while **the CDC was the party who unilaterally schedule the setting.**²⁵

10. The lack of continued assignment of proper procedure under the disciplinary rules as they now stand for post-evidentiary hearing appearances before the Panel such as the instant matter on remand -- combined with the CDC's problematic, inequitable and non-communicative positions/failure to fairly notice/schedule and effectuate hearings before the Panel -- have now repeatedly resulted in lack of fair notice to Respondent in this adjudicatory process. The acts of the CDC from the circumstances surrounding the March 24, 2023 setting and now to date in this October 27, 2023 setting are a clear pattern of abuse of office. As this action is only and explicitly before this Panel on remand from BODA's exclusive authority, **due to the very same acts of the CDC in the original post-judgment hearing**, but where the same scenario is arising once more for the instant setting -- this is yet another clear and unjustified interference with this Panel's proper acts in **carrying out the mandate of BODA, from which this Panel's authority is purely ministerial; to allow the CDC to once again prevent a record of the proceedings is unconscionable.**

11. Under the Texas Rules of Civil Procedure, objections under Rule 21d,
APPEARANCES AT COURT PROCEEDINGS:

(d) Objection. A party may object to any method of appearance, stating good cause for the objection.

The objection must be made within a reasonable time after the party receives notice of the appearance. The court may, but is not required to, conduct a hearing on the objection. Before proceeding by the objected-to method of appearance, the court must rule on the objection and timely communicate the ruling to the parties in a written order or on the record.

(e) Factors. In determining good cause under this rule, the court should consider factors such as:

(1) case type; (2) court proceeding type; (3) the number of parties and witnesses; (4) the complexity of the legal and factual issues; (5) the type of evidence to be submitted, if any; (6) technological restrictions such as lack of access to or proficiency in necessary technology; (7) travel restrictions such as lack of transportation, distance, or inability to take off work; (8) whether a method of appearance is best suited to provide necessary language access services for a person

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²⁵

with limited English proficiency or accommodations for a person with a disability; and (9) any previous abuse of a method of appearance.²⁶

12. Respondent therefore formally submits Objection to the Notice of Hearing generally, and under Rule 21d, providing good cause for this objection in the unilateral scheduling of hearing on Respondent's requested relief and failure of the Petitioner/its counsel to notify Respondent of the duty to obtain a court reporter *until the day before the setting*.

13. Respondent further submits that the lack of a court reporter for the March 24, 2023 setting is directly at issue -- and makes the basis of the present relief before the Panel in the instant filing of Respondent's Verified Motion for Formal Bill of Exceptions. The Petitioner's previous unilateral scheduling of that March 24, 2023 hearing, on which Respondent sought ruling by submission of Respondent's relief and cancellation of the setting -- was instead forced upon Respondent to attend by Petitioner's counsel, who, over Respondent's objections, moved forward with the setting, reflecting under Texas Rules of Procedure, Rule 21d(e)(9), Petitioner's previous abuse of the method of appearance/in denying Respondent notice and opportunity to present properly at these hearings. **This entire problem is now occurring once again for this October 27, 2023 setting.**

14. Where lack of a court reporter will necessitate Respondent filing yet another Motion for Formal Bills of Exception for any hearing in which a court reporter is not present, this lack of proper procedure and failure to notify Respondent of the requirements for the hearing must be remedied by cancellation or rescheduling:

but where Respondent's position is that the instant Formal Bills of Exception does not require a hearing under Texas Rules of Appellate Procedure 33.2, and the Formal Bills of Exception should be entered as implicitly agreed, where Petitioner's Response does not contain any factual or legal opposition to the matters of the Respondent's Bills.

15. As Respondent has not secured a court reporter for the October 27, 2023 setting with less than a full day's notice that Respondent is expected to obtain same, Respondent therefore, formally files this objection to the October 27, 2023 setting.

16. Furthermore, this objection is brought pursuant to the standard of preserving error for appellate review/BODA where:

on remand, if a party takes issue with the "referring trial court," "that the evidence before the referring court was beyond referring court's scope on appeal" it the party must object/obtain ruling to preserve new complaint for appeal, once resumed.²⁷

²⁶ See Tex. R. Civ. Pro. Rule 25.1(b).

²⁷ *Hebisen v. Clear Creek Independent School Dist.* (App. 14 Dist. 2006) 217 S.W.3d 527, rehearing overruled ([ab]sent a timely objection and ruling by referring trial court, appellate court will not consider a party's argument that evidence before the referring court was beyond referring court's scope on appeal from tax master's recommendation.)'

C. CONCLUSION & PRAYER

WHEREFORE, PREMISES CONSIDERED Respondent therefore files this verified formal objection to the hearing before this Panel, setting scheduled for 1:00 p.m. on October 27, 2023, and seeks the Petitioner's cancellation of the setting. Failing same, Respondent seeks an order of the Evidentiary Panel 14-2 which orders the setting cancelled and removed from the docket of the Evidentiary Panel 14-2 and/or rescheduled with proper notice of the expectations of the parties in obtaining a record for appellate review. Failing that, Respondent shall file an emergency request for relief before BODA prior to the 1:00 p.m. setting. Respondent further requests any and all relief to which she is entitled in law or equity.

Respectfully submitted,

/s/ Lauren A. Harris

Lauren A. Harris

SBN:24080932

PO Box 793414

Dallas, Texas 75379

Telephone: 469-359-7093

Cell: 469-386-7426

Facsimile: 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 Objection to Notice of Hearing. The statements and facts made by the undersigned in the foregoing Motion are true and correct; all assertions are made in good faith and within my personal knowledge. The documents attached hereto as are all electronic originals of the file, image, or document, or exact copies of the originals, all of which I personally received, sent or obtained.

I swear under penalty of perjury that the foregoing is true and correct.

Executed this 27th day of October, 2023 in the State of Texas, County of Dallas.

/s/ Lauren A. Harris

Lauren A. Harris

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Respondent's Verified Objection to Notice of Hearing has been sent to the Panel Chair of the District 14 Grievance Committee Evidentiary Panel 14-2 of the State Bar Of Texas, and Petitioner, the Commission for Lawyer Discipline, through its counsel, the Office of the Chief Disciplinary Counsel as well as by way of copy to the Board of Disciplinary Appeals in compliance with it June 9, 2023 and August 15, 2023 mandates to keep the board informed on this date, October 27, 2023, as follows:

VIA E-mail: 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

Via E-mail: travis@dentontitle.com
COMMITTEE CHAIR
DISTRICT 14 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 14-2
STATE BAR OF TEXAS

VIA E-mail: filing@txboda.org

BODA
P.O. Box 12426,
Austin TX 78711
Fax: (512) 427-4130
Email: (filing@txboda.org)

/s/ Lauren A. Harris

Lauren A. Harris

RE: Case No. 202000647 - Commission for Lawyer Discipline v. Lauren Ashley Harris

LG Laurie Guerra <Laurie.Guerra@TEXASBAR.COM>

Thu, 26 Oct 2023 4:19:18 PM -0500 •

To "lauren@lahlegal.com" <lauren@lahlegal.com>

Cc "Brittany Paynton" <Brittany.Paynton@TEXASBAR.COM>

Hello, Ms. Harris,

In response to your question, yesterday, regarding a court reporter for tomorrow's hearing on October 27, 2023, you may hire a court reporter, if you so choose, since you are the proponent of the Bill of Exception. My office has not requested a court reporter, but will be recording the hearing via Zoom videoconference.

Sincerely,

Laurie Guerra
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
14651 Dallas Parkway, Suite 925
Dallas, TX 75254
972-383-2900- Office
972-383-2935-Fax
laurie.guerra@texasbar.com

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From: Lauren Harris <lauren@lahlegal.com>

Sent: Wednesday, October 25, 2023 5:59 PM

To: Laurie Guerra <Laurie.Guerra@TEXASBAR.COM>

Cc: Brittany Paynton <Brittany.Paynton@TEXASBAR.COM>; travis <travis@dentontitle.com>; filing <filing@txboda.org>

Subject: RE: Case No. 202000647 - Commission for Lawyer Discipline v. Lauren Ashley Harris

Importance: High

Ms. Guerra, Panel Chair, and by way of status update/copy, to BODA:

pursuant to the June 9, 2023 and August 15, 2023 BODA Orders remanding this cause before the Panel, and as directed to keep BODA informed:

Please find below a dropbox link to a shared file including the following items which I submit for filing before the Evidentiary Panel:

- 1. Respondent's Verified Motion for Judicial Notice** and
 - a. Exhibit Binder #3, HARRIS.0666-1002, as well as

2. Respondent's Brief to the Panel -- Procedure under TRAP 33.2

<https://www.dropbox.com/scl/fo/b4h91m465no8tvvgki332m/h?rlkey=09dqfmeruzzz9tpv9usmhuezg&dl=0>

Ms. Guerra, as you scheduled the hearing for Friday without conferring, are your offices providing a court reporter?

My position -- *which will be better illustrated subsequent to my completion/upload of the proposed orders for the formal bills of exception to this shared folder for your review* -- is that no controversy exists/no actual opposition to the matters of Respondent's bills of exception has been presented by the Petitioner's Response.

It appears that the Response merely re-asserts the Petitioner's positions from the hearing, or offers additional insight into the reasoning behind each position of the Petitioner related to the matters of Respondent's bills/as to the exclusion of evidence or occurrence/non-occurrence of an event. But, as it appears to me, the Response does not dispute that the items on which the bills seek to make a record, (being excluded or events having occurred/not occurred) are only confirmed by the Response, which did not present any facts or law in contravention to (not) have actually been excluded, or where no actual legal or factual opposition appears to be raised to any event/occurrence or non-occurrence as set forth in each matter for the bills of exception.

My understanding of these proceedings is that Petitioner already prevailed in the substance of the March 24, 2023 hearing -- we are not re-litigating the content of the motions, but instead this process is merely to make a record of the substance of the hearing and the make the record reflect what happened before the Panel/get into the the record the items excluded, offers of proof attempted, and conduct/objections as to preserve error, where without a court reporter and without any record, BODA cannot properly review the post-judgment matters on appeal.

Where TRAP Rule 33.2 provides that the Evidentiary Panel must sign and enter formal bills of exception when the parties agree, I have taken the position that the Response, even if facially listed as opposed, actually provides implied/implicit agreement to the matters of the Respondent's motion/formal bills; where without direct dispute of the facts or the law, there is not a justiciable controversy in the parties' positions for entering the bills. As such, my proposed orders seek to have the Panel review the matters to deem each as agreed. I will upload the proposed orders, and then check with you regarding your position(s) after they are on file and you have a chance to review.

In addition to the proposed orders, I have additional uploads/filings I will make to this shared folder and will provide follow-up notifications by email for those items, too. Please let me know about the court reporter and if we can limit the issues in the bills by actual agreement before implied agreement, if any, after review of the orders/filings.

Sincerely,

Lauren A. Harris

Texas Bar: 24080932
Mailing: PO Box 793414
Dallas, Texas 75379

Office: 469) 359-7093
Fax: 469) 533-3953
www.LAHLegal.com

---- On Thu, 28 Sep 2023 14:30:30 -0500 **Brittany Paynton**
<Brittany.Paynton@TEXASBAR.COM> wrote ---

Good Afternoon,

Thank you for everyone's responses. The hearing has been scheduled for **October 27, 2023, at 1:00 p.m.** via zoom. Please watch for the zoom invite a week prior.

Thank you!

Brittany Paynton
Office of the Chief Disciplinary Counsel
State Bar of Texas
14651 Dallas Parkway, Suite 925
Dallas, TX 75254
972-383-2900- Office
972-383-2912 - Direct Dial
972-383-2935-Fax
Brittany.Paynton@texasbar.com

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From: Amie Peace <amie@peacefamilylaw.com>
Sent: Thursday, September 28, 2023 2:11 PM
To: Jane Gekhman <jane@jmglegaltx.com>; Brittany Paynton <Brittany.Paynton@TEXASBAR.COM>; Marion Wilson <marion@peacefamilylaw.com>; Matt Forman <matt@thelocalcircuit.com>; Daphne Zollinger <daphne@daphnerealestate.net>
Cc: lauren@lahlegal.com; Laurie Guerra <Laurie.Guerra@TEXASBAR.COM>
Subject: RE: Case No. 202000647 - Commission for Lawyer Discipline v. Lauren Ashley Harris

I will be there.

Amie S. Peace

Attorney at Law
Peace & Associates, PLLC
3212 Long Prairie Road, Ste. 200
Flower Mound, Texas 75022
Email: amie@peacefamilylaw.com

Please copy my paralegal on all emails

Telephone (940) 591-6006

Fax (940) 241-0404



PEACE & ASSOCIATES
PLLC



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From: Jane Gekhman <jane@jmglegaltx.com>

Sent: Wednesday, September 27, 2023 3:18 PM

To: Brittany Paynton <Brittany.Paynton@TEXASBAR.COM>; Amie Peace <amie@peacefamilylaw.com>; Marion Wilson <marion@peacefamilylaw.com>; Matt Forman <matt@thelocalcircuit.com>; Daphne Zollinger <daphne@daphnerealestate.net>

Cc: lauren@lahlegal.com; Laurie Guerra <Laurie.Guerra@TEXASBAR.COM>

Subject: RE: Case No. 20200647 - Commission for Lawyer Discipline v. Lauren Ashley Harris

Notice: External Sender

I am able to attend 10-27-23.

Thanks,
Jane

From: Brittany Paynton <Brittany.Paynton@TEXASBAR.COM>

Sent: Wednesday, September 27, 2023 3:14 PM

To: amie@peacefamilylaw.com; Peace (LA) <marion@peacefamilylaw.com>; Jane Gekhman <jane@jmglegaltx.com>; Matt Forman <matt@thelocalcircuit.com>; Daphne Zollinger <daphne@daphnerealestate.net>

Cc: lauren@lahlegal.com; Laurie Guerra <Laurie.Guerra@TEXASBAR.COM>

Subject: Case No. 202000647 - Commission for Lawyer Discipline v. Lauren Ashley Harris

Dear Panel Members,

If you recall, you attended an evidentiary hearing styled *Commission for Lawyer Discipline v. Lauren Ashley Harris, Case No. 20200647*, on January 27, 2023. A judgment was entered on February 7, 2023.

Respondent has filed *Respondent's Verified Motion for Formal Bill of Exceptions*, along with 6 different Indexes. Petitioner has filed a response. Also, since Respondent has filed an appeal, BODA has issued an Order informing the parties that BODA will wait until the evidentiary panel has ruled on the Bill of Exception, before BODA moves forward with appellate matters. I have created a link: [202000647 - Hearing](#) with this material.

Your next meeting date will be **October 27, 2023**. Petitioner respectfully requests that the Bill of Exception matter be added to your docket. We will need all four of you in attendance, as you are part of the original panel who heard this case at trial.

Brittany Paynton
Office of the Chief Disciplinary Counsel
State Bar of Texas
14651 Dallas Parkway, Suite 925
Dallas, TX 75254
972-383-2900- Office
972-383-2912 - Direct Dial
972-383-2935-Fax
Brittany.Paynton@texasbar.com

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RE: Case No. 202000647 - Commission for Lawyer Discipline v. Lauren Ashley Harris



Me <lauren@lahlegal.com>

Fri, 27 Oct 2023 1:15:27 AM -0500 •

To "Laurie Guerra" <Laurie.Guerra@TEXASBAR.COM>

Cc "Brittany Paynton" <Brittany.Paynton@TEXASBAR.COM>, "filing" <filing@txboda.org>, "travis" <travis@dentontitle.com>

Reading 1 / 8

Ms. Guerra, Panel Chair and by way of copy to BODA,

I have not, and do not waive my right to a court reporter to make a record for appellate review.

As your offices scheduled the hearing, did not confer with me about the setting at any point prior to yesterday, and therefore did not notify me until 4:19 p.m. yesterday, the day before the hearing, that I am expected to provide a court reporter -- for a hearing that you set -- I hereby formally object to the setting and formally seek cancellation/reschedule.

To that end, I have uploaded additional materials to the dropbox folder:

<https://www.dropbox.com/scl/fo/b4h91m465no8tvvki332m/h?rlkey=09dqfmeruzzz9tpv9usmhuezg&dl=0>

These documents are therefore submitted for filing before the Evidentiary Panel this date, and include:

the proposed **Order for Bill of Exception #1**
the proposed **Order for Bill of Exception #2**
the proposed **Order for Bill of Exception #3** and
Respondent's Verified Objection to Notice of Hearing for the October 27, 2023
setting.

The above-referenced Objection seeks your offices' confirmation that the hearing has been removed from the docket. The Objection is filed before the Evidentiary Panel, but as I have unfortunately experienced this occurrence, almost exactly, before in the events leading up to the March 24, 2023 setting -- from which such lack of a court reporter necessitated the entire basis of this action on remand for formal bills of exception -- I will proceed in drafting similar relief before BODA to be filed in a request for emergency relief before the 1:00 p.m. hearing.

Where the proposed orders are now in the dropbox folder/available for your review, please advise if you also see the contents to reflect the parties' ultimate agreement as to the issues therein. I sincerely do not think that Petitioner's Response holds any factual or legal opposition to the matters presented by the formal bills, as reflected in the contents of the proposed orders.

Should you: cancel/reschedule the setting, please let me know.

Or, should you find that you agree to the proposed orders as written/seek correction to the orders so as to reach agreement for entry of the bills, this of course dispenses with the need for a hearing, and will happily curtail my efforts in drafting relief before BODA for the setting at 1:00p.m.

Either way, I await your review of the above and response.

Sincerely,

Lauren A. Harris

Texas Bar: 24080932
Mailing: PO Box 793414
Dallas, Texas 75379
Office: 469) 359-7093
Fax: 469) 533-3953
www.LAHLegal.com

---- On Thu, 26 Oct 2023 16:19:12 -0500 **Laurie Guerra**
<Laurie.Guerra@TEXASBAR.COM> wrote ---

