



BEFORE THE BOARD OF DISCIPLINARY APPEALS

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

IN THE MATTER OF	§	
JAMES MAYER HARRIS, JR.	§	CAUSE NO. 69950
STATE BAR CARD NO. 09065800	§	

**RESPONDENT’S RESPONSE TO PETITIONER’S MOTION TO STRIKE
RESPONDENT’S BRIEF TO PETITIONER’S BRIEF IN SUPPORT OF COMPULSORY
DISCIPLINE OR, IN THE ALTERNATIVE, MOTION FOR LEAVE TO FILE**

TO THE BOARD OF DISCIPLINARY APPEALS:

James Mayer Harris, Jr., Respondent, files his Response to Petitioner’s Motion to Strike Response Brief to Petitioner’s Brief in Support of Compulsory Discipline and respectfully shows the Board as follows:

1. Petitioner and Respondent filed briefs, inter alia, regarding the appropriateness of compulsory discipline 10 days before the hearing. Respondent filed a response pointing out the deficiencies in Petitioner’s brief. Petitioner complains that because Respondent did not seek leave to file the response, the response should be stricken. The motion should be denied because **Petitioner concedes the same arguments may be raised before BODA at the hearing itself**, *see* Motion to Strike, ¶ 5, and has not shown any prejudice from the presentation of the arguments in writing that can be urged orally and that go to subject matter jurisdiction. In the alternative, Respondent prays that the Court construe the response as a motion for leave to file responsive briefing.

2. The Board’s rules do not expressly address filing responses to the other party’s pre-trial briefing. But in any event, as Petitioner notes, Respondent raises arguments in the response regarding the Board’s lack of subject matter jurisdiction because Respondent was not given

deferred adjudication for an Intentional Crime or a Serious Crime.¹ These are in response to Petitioner’s “Brief in Support of Compulsory Discipline.” Pointing out deficiencies in Petitioner’s arguments should be permitted in the interest of efficiency, as subject matter jurisdiction cannot be waived. Further, Respondent has not raised any new evidence regarding these issues. They can be solely determined from the evidence that Petitioner is already well aware of—i.e., the order of deferred adjudication.

3. And in any event, Petitioner concedes that the same arguments may be presented to the Board at the hearing itself. Motion to Strike, ¶ 5. Petitioner has not shown any prejudice from the filing of a responsive brief. If anything, Petitioner has now been given notice of deficiencies in its legal arguments in support of compulsory discipline ahead of the hearing.

4. And finally, given that Petitioner concedes these arguments may be raised at the hearing, it is apparent that it is Petitioner’s motion to strike that is “a waste of the Board’s time and resources,” Motion to Strike, ¶ 5. If the same arguments can be presented to the Board at the hearing, then Petitioner’s motion is really nothing more than a distraction from the substantive issues in the case.

5. Respondent prays the Board deny Petitioner’s Motion to Strike. In the alternative, Respondent prays for leave to file the responsive brief.

¹ Respondent also raises rebuttal arguments in support of suspension and probation, which Petitioner explicitly argued against.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do certify that the foregoing Answer was served on the following via email on this 24th day of October 2024, pursuant to the Texas Rules of Civil Procedure:

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/s/ Robert E. Valdez

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