



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

LEWIS LEVEY
State Bar of Texas Card No. 12250000

v.

**COMMISSION FOR
LAWYER DISCIPLINE**

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CAUSE NO. 66468

ORDER DENYING APPELLANT’S MOTION TO EXTEND OR DISMISS

On this day, the Board considered the Motion to Extend or Dismiss, in conjunction with the Supplemental Motion to Extend or Dismiss, filed by Appellant Arnold Lewis Levey in the above-captioned and numbered appeal from a judgment of disbarment. Having reviewed the matter, the Board finds as follows:

Appellant filed his notice of appeal on December 6, 2023. On December 7, 2024, the Board notified Appellant that the clerk’s record and reporter’s record from the evidentiary hearing were due to be filed within 120 days from the date of the judgment of disbarment, issued September 8, 2024. The evidentiary panel clerk sent the clerk’s record to BODA on January 8, 2024. On February 15, 2024, BODA’s Executive Director and General Counsel sent a letter stating that the reporter’s record was late, requesting that it be filed within 30 days, and notifying Appellant that failure to file the reporter’s record by that time “may result in the Board dismissing the appeal, affirming the judgment, disregarding late-filed materials, or applying presumptions against the appellant.” On March 18, 2024, Appellant filed a Motion to Extend or Dismiss, seeking either an extension of

time to file the reporter's record and appellant's brief or, alternatively, dismissal of the entire disciplinary proceeding. On April 3, 2024, the Board's Executive Director and General Counsel sent an email communicating the Board's request that Appellant supplement the motion for extension of time to comply with BODA Internal Procedural Rule 4.03(c) by close of business on April 16, 2024. On April 16, 2024, Appellant filed a Supplemental Motion to Extend or Dismiss, stating that Appellant "is in the process of trying to obtain an affidavit from the court reporter pursuant to the requirements of [Rule 4.03(c)], but has not been able to do so" due to health issues and the possibility that Appellant may choose to proceed without the reporter's record.

To date, Appellant still has not filed the reporter's record, nor has he complied with Internal Procedural Rule 4.03(c), which requires that a motion for extension of time to file the reporter's record be accompanied by an affidavit of the court reporter estimating the earliest date when the reporter's record will be available for filing. Pursuant to BODA Internal Procedural Rule 4.03(b)(2), because Appellant has failed to file the reporter's record or provide any evidence that he has requested the reporter's record, paid for it, or made arrangements to pay the court reporter's fee to prepare the record, BODA may proceed to consider and decide all issues that do not require a reporter's record for decision.

Accordingly, the Board **DENIES** Appellant's Motion to Extend or Dismiss, as supplemented, and **ORDERS** that the parties file briefing in accordance with BODA Internal Procedure Rule 4.05, according to the following schedule:

Appellant's brief due: June 14, 2024

Appellee's brief due: The earlier of: (1) July 14, 2024, or (2) 30 days after the Appellant's brief is filed.

Any relief requested and not expressly granted is denied.

SIGNED this 14th day of May 2024.

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

CHAIR PRESIDING