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Subject: Motion to Extend or Dismiss BODA #66468
Date: Monday, March 18, 2024 1:24:59 PM

Board of Disciplinary Appeals
P.O. Box 12426
Austin, Texas 78711

Email to: filing@txboda.org

18 March 2024
RE: BODA #66468

Motion to Extend or Dismiss

Now comes the Respondent, Arnold Lewis Levey, and requests that he be given an extension of time to file a record of testimony and thereafter a brief in the appeal of this disbarment proceeding which is pending. Alternatively, I request that this entire action be dismissed.

By way of background, this complaint arose from a situation that began approximately 30 years ago. A claim was asserted involving mineral rights located in Jim Hogg County, Texas. My clients were members of the Gomez family ("Gomez") claiming mineral rights in the property where the surface was owned by the Euler family ("Euler"). We established a trust for named Gomez family members (the "Trust"), myself and Euler. All of the Gomez family named had moved out of state and are now dead and Euler is dead but is survived by a wife who inherited his interest and his rights.

The Gomez family never contacted me for decades until Tony Gomez claimed that he represented certain Gomez heirs, all living out of state, after the lease in question was entered into by Levey with Charro Energy. Tony Gomez, along with his cousin, Gerald King, the person making the bar complaint, asserted a claim even though they had never taken court action or sought anything from the Trust. The claim that Tony Gomez was a trustee of the trust is untrue; his appointment as trustee was made by Marie Haspil, Texas State Bar Assistant Disciplinary Counsel, who had no authority to do so. Levey, who owns 37.5% of the lease and negotiated the lease with Charro Energy, kept the bonus payment, while Mrs. Euler received 25% of the total bonuses paid. None of these other alleged beneficiaries had made themselves known. Legally, the Trust had likely ceased to exist and unless a court finds differently these so-called "heirs" have no rights under the Trust or the law.

The Texas Bar Complaint, which has been handled by Marie Haspil, the Assistant Disciplinary Counsel, has been portrayed as being by default, with her suggestion that Levey has refused to participate in the proceedings. This is far from the situation that has existed and which Marie Haspil has intentionally misrepresented in order to obtain the results that she



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THE BOARD of DISCIPLINARY APPEALS
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desired.

Levey, on November 1, 2021, suffered a serious medical emergency requiring immediate hospitalization, which has been characterized as a brain bleed or commonly referred to as a stroke, which resulted in three hospitalizations in 2021 and 2022, as well as two stays in a rehabilitation hospital. He also spent some time living in an assisted living facility. Even though he is currently in an improved condition, medically, he has suffered some substantial continuing disability which has affected his ability to respond to these proceedings. This includes a reduced attention span and as a result he has not been able to represent himself adequately in this grievance proceeding. These facts were made known to Marie Haspil, who made it clear that she simply didn't care. Neither Marie Haspil nor her investigators made any effort to obtain my medical records and ascertain that I was not in condition to present a proper defense to these charges. In fact, Marie Haspil ignored the letter that I had sent as an answer to the grievance and said I defaulted. It may not have been in the form that she wanted but under Texas law it was an answer. An interesting fact is that nothing in the records indicates that Levey had any medical condition that had any effect on the case and that Marie Haspil was aware of this and its direct relation to any default in the case.

I am not at this point making a claim against Marie Haspil but I have learned certain facts that indicate the existence of gross negligence in her hiring and retention by the Texas Bar. The record will show that the time periods which have been set by law regarding the complaint have not been adhered to and were ignored. Marie Haspil has attempted to get around these deadlines by both filing amended pleadings and falsely claiming that I had agreed to extending deadlines when in fact I had not done so. Marie Haspil has consistently alleged incorrect dates to bolster her contentions. For example, in one document, Marie Haspil showed the bar complaint having been filed at least a year before the oil and gas lease was executed rather than in the year after the lease was executed and the money paid to me. If one believes that this was a simple error, he or she would probably be mistaken. Marie Haspil consistently makes these types of "errors" to create false impressions. She also referred to the Trust as a "family trust" to give the impression that it was a going concern managed by the family, rather than something from 30 years ago that was no longer really functioning and had no acting trustees or even living beneficiaries who could be ascertained.

BODA should reverse the action taken by Marie Haspil and her 10-3 Panel; they should either deem the action taken as null and void or pursue the matter further and obtain evidence concerning what had occurred; that the sanctions imposed be reduced or eliminated; that the parties be directed to seek judicial review of the rights of the parties and determine what, if anything, should be awarded to those claiming to be heirs of the original beneficiaries once their identity be determined. Neither the trust agreement nor the law sets forth the rights of any alleged beneficiaries.

Sincerely,

/s/ Arnold Lewis Levey
Arnold Lewis Levey

Cc: Gerald King, geraldking50@icloud.com

Michael G. Graham, Appellate Counsel, michael.graham@texasbar.com