



No. 67358

ANNETTE R. LOYD,
Appellant,

v.

COMMISSION FOR LAWYER
DISCIPLINE,
Appellee.

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IN THE
BOARD OF DISCIPLINARY APPEALS
STATE BAR OF TEXAS

**APPELLANT’S RESPONSE TO APPELLEE’S
MOTION TO STRIKE EXTRA-RECORD EXHIBIT**

TO THE HONORABLE BOARD:

COMES NOW, Annette R. Loyd, Appellant (“Appellant”) in the above styled and numbered matter before the Board of Disciplinary Appeals (the “Board”) and files this Appellant’s Response to Appellee, the Commission for Lawyer Discipline’s (“Appellee”) Motion to Strike Extra-Record Exhibit (the “Motion”) and would show the Board the following:

I.

This matter is set for oral arguments before the Board on July 28, 2023, at 9:00 a.m.

II.

On June 9, 2023, Appellant filed her Supplemental Brief wherein Appellant asserted that she has a Disability, as that term is defined in Rule 1.06(I) of the Texas Rules of Disciplinary Procedure (“TRDP”). Appellant further asserted that the allegations of Professional Misconduct, from which this appeal originated, are the result of Appellant’s Disability. In addition, Appellant attached a copy of a letter Appellant’s counsel sent to Appellee’s counsel on May 10, 2023 (the “Letter”). In the Letter, Appellant’s Counsel notified Appellee’s Disability and requested that Appellee refer Appellant’s matter to a District Disability Committee pursuant to the Texas Rules of Disciplinary Procedure.

III.

On July 14, 2023, Appellee filed its Motion, requesting that the Board strike the Letter. In support of its Motion, Appellee argued that the Letter “was not filed with the evidentiary panel and is not a part of the record before the Board.” It is worth noting that Appellant has made no representations that the Letter was filed with the evidentiary panel nor has Appellant attempted to include the Letter in the Clerk’s Record or the Reporter’s Record. As such, Appellant’s arguments are simultaneously true and irrelevant.

IV.

Contrary to the allegations in Appellee’s Motion, the Board is entitled to consider the Letter as a part of Appellant’s appeal pursuant to Rule 38.1(k)(2) of the Texas Rules of Appellate Procedure. In accordance with Rule 38.1(k)(2), the Letter is pertinent to Appellant’s issues or points presented for review by the Board and should be included in the appellate record.

For the foregoing reasons, the Board should include the Letter in the appellate record and Appellee’s Motion should be denied.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Appellant Annette R. Loyd prays that the Board deny Appellee’s Motion to Strike Extra-Record Exhibit and grant Appellant all such other and further relief, at law or in equity, to which she may be justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was delivered on July 27, 2023, to:

Michael Graham
Office of the Chief Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
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Attorney for Appellee

Via Email: Michael.graham@texasbar.com

/s/ Gaines West _____