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

IN THE BOARD OF DISCIPLINARY APPEALS

*Annette R. Loyd,
Appellant*

vs.

*Commission for Lawyer Discipline,
Appellee*

On Appeal from the Chief Disciplinary Counsel
For the State Bar of Texas, Case No. 2021-03038

APPELLANT'S BRIEF

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RECORD REFERENCES

The record in this cause consists of the Clerk's Record (1 volume), the Supplemental Clerk's Record (1 volume), the Reporter's Record (2 volumes), Appellant's written designation requesting additional exhibits and testimony be included in the Reporter's Record pursuant to Rule 4.02(g) of the Board of Disciplinary Appeal's Internal Procedural Rules. The Clerk's Record will be referred to as "CR ____." The Clerk's Supplemental Record will be referred to as "SCR ____." Volume 1 of the Reporter's Record will be referred to as "RRv1 ____." Volume 2 of the Reporter's Record will be referred to as "RRv2 ____." The additional exhibits and testimony included in the Reporter's Record pursuant to Rule 4.02(g) will be referred to as "RRv3 ____."

STATEMENT OF THE CASE

- Nature of the Case: This case is about whether the District 7 Grievance Committee, Evidentiary Panel 7-1 abused its discretion by denying Appellant's Motion for New Trial, denying Appellant's Motion for Continuance, and whether the sanctions imposed on Appellant are appropriate given the circumstances.
- Tribunal: District 7 Grievance Committee, Evidentiary Panel 7-1
- Trial Court Disposition: The District 7 Grievance Committee, Evidentiary Panel 7-1, entered a Default Judgment of Active Suspension against Appellant, which, among other things, prohibits Appellant from practicing law for three years.

JURISDICTION

The Board of Disciplinary Appeals has jurisdiction over this matter pursuant to Rule 2.23 of the Texas Rules of Disciplinary Procedure because this is an appeal from a judgment entered by the District 7 Grievance Committee, Evidentiary Panel 7-1.

ISSUES PRESENTED

- Issue 1:** Whether the District 7 Grievance Committee, Evidentiary Panel 7-1 abused its discretion by denying Appellant's Motion for New Trial?
- Issue 2:** Whether the District 7 Grievance Committee, Evidentiary Panel 7-1 abused its discretion by denying Appellant's Motion for Continuance?
- Issue 3:** Whether there is legally and factually sufficient evidence to support the default judgment finding that Appellant violated the 2019 Judgment?
- Issue 4:** Are the sanctions imposed on Appellant appropriate?

To the Honorable Board of Disciplinary Appeals,

Comes now, Annette R. Loyd, Appellant in the above-styled and numbered matter, and files her Appellant's Brief in this cause. In support of same, Appellant would respectfully show the Board as follows:

STATEMENT OF FACTS

On February 14, 2019, a Default Judgment of Fully Probated Suspension was entered against Appellant (the "2019 Judgment"). *See* RRv2 Exhibit 6. Pursuant to the 2019 Judgment, Appellant was required to pay to the State Bar of Texas one thousand dollars in restitution, three thousand three hundred dollars for reasonable and necessary attorney's fees, and seven hundred dollars for direct expenses. *Id.* In addition, Appellant was required to attend counseling sessions with a licensed mental health professional and complete six additional hours of Continuing Legal Education (CLE) in Law Office Management. *Id.*

On March 5, 2019, in compliance with the 2019 Judgment, Appellant mailed a cashiers' check in the amount of four thousand dollars (representing the \$3,300 for attorney's fees and \$700 for direct expenses) and two five-hundred-dollar money orders (representing the \$1,000 for restitution) to the State Bar of Texas. RRv3 18-22, Exhibit 1.

On March 10, 2022, the Commission for Lawyer Discipline ("Appellee") filed its Evidentiary Petition and Request for Disclosure ("Petition"), alleging that

Appellant engaged in professional misconduct by violating Rules 8.04(a)(7) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct (“TDRPC”). *See* CR 000032. Specifically, Appellee alleged that Appellant failed to comply with the 2019 Judgment by failing to pay the restitution, attorney’s fees, and direct expenses outlined above, and that Appellant failed to complete six additional hours of CLE in Law Office Management. *See id.*

On September 14, 2022, Appellee filed Petitioner’s Motion for Default Judgment against Appellant and its Notice of Default Hearing, which was set for November 2, 2022, at 1:30 p.m. (the “Default Judgment Hearing”). *See* CR 000053; 000072.

On November 2, 2022, Appellant’s counsel, Francisco Hernandez, filed Appellant’s Original Answer to the Petition (“Answer”) and a Request for Continuance of the Default Judgment Hearing (“Motion for Continuance”), wherein Appellant requested a thirty-day continuance of the Default Judgment Hearing. *See* CR 000101; CR 000108.

Although Appellant filed her Answer and her Motion for Continuance before the Default Judgment Hearing, Appellant and Mr. Hernandez still attended the Default Judgment Hearing before the District 7 Grievance Committee, Evidentiary Panel 7-1 (hereinafter, the “Evidentiary Panel”) via Zoom videoconference. *See* RRv1 2.

During the Default Judgment Hearing, Mr. Hernandez explained that he sought a thirty-day continuance because he had just returned from being out of the country and that he had been preparing for a jury trial the same week as the Default Judgment Hearing. RRv1 12-14. In addition, Appellant explained that she had not filed an answer earlier because she believed Mr. Hernandez was handling the matter. *Id.* at 17. Despite Mr. Hernandez and Appellant’s explanations, the Evidentiary Panel denied the Motion for Continuance and disregarded the Answer as untimely. *See* RRv1 18. Accordingly, the Evidentiary Panel proceeded with the Default Judgment Hearing, treating the matter as a no-answer default judgment. *Id.*

On November 18, 2022, the Evidentiary Panel entered the Default Judgment of Active Suspension against Appellant (the “Default Judgment”). *See* CR 000150. According to the Default Judgment, all material allegations in the Petition were deemed true. *Id.* In addition, the Default Judgment ordered that Appellant is suspended from the practice of law for three years, ordered Appellant to surrender her Texas Law License and permanent State Bar card, ordered Appellant to pay reasonable and necessary attorneys’ fees and direct expenses to the State Bar of Texas, and several other related orders regarding Appellant. *Id.*

On December 6, 2022, Appellant filed her Notice of Appeal to the Board of Disciplinary Appeals (“BODA”) pursuant to Rule 2.23 of the Texas Rules of

Disciplinary Procedure (“TRDP”) and Rule 4.01(c) of BODA’s Internal Procedural Rules.

On December 7, 2022, Appellant filed an Emergency Petition to Stay the Default Judgment of Active Suspension, seeking a stay of Appellant’s active suspension during the pendency of her appeal (“Emergency Petition”). *See* CR 000213. On December 14, 2022, Appellee filed its response to the Emergency Petition. *See* CR 000279. After a hearing on January 4, 2023, the Evidentiary Panel issued its order denying the Emergency Petition. *See* CR 000877.

On December 16, 2022, Appellant filed a Motion to Set Aside Default Judgment and for New Trial or, in the alternative, for Reconsideration (“Motion for New Trial”). *See* CR 000537. On December 22, 2022, Appellee filed its response to Appellant’s Motion for New Trial. *See* CR 000813.

On January 6, 2023, Appellant submitted her Request for Findings of Fact and Conclusions of Law regarding the Evidentiary Panel’s decision to deny the Emergency Petition. *See* CR 000887.

On January 19, 2023, Appellee submitted its proposed Findings of Facts and Conclusions of Law. *See* SCR 000008.

On January 20, 2023, the Evidentiary Panel issued its Findings of Facts and Conclusions of Law, which were identical to Appellee’s proposed Findings of Facts and Conclusions of Law submitted one day earlier. *See* SCR 000103.

On February 1, 2023, the Evidentiary Panel held a hearing on Appellant's Motion for New Trial. *See* RRv3 1. That same day, the Evidentiary Panel denied Appellant's Motion for New Trial and entered an order denying Appellant's request to set aside the Default Judgment, for a new trial, and her request for reconsideration. *See* SCR 000122.

On February 7, 2023, the Evidentiary Panel issued its order denying Appellant's Motion for New Trial. *See* SCR 000124.

SUMMARY OF THE ARGUMENTS

The sanctions imposed on Appellant, Annette R. Loyd, are severe and inconsistent with the stated purpose of the attorney discipline process. Moreover, such sanctions are not appropriate, given the facts of this case. Appellant filed her Original Answer and Motion for Continuance before the Default Judgment Hearing, which Appellant and Appellant's counsel attended. The Motion for Continuance and the testimony provided during the Default Judgment Hearing demonstrated that, in the interest of justice, a continuance should have been granted.

In addition, Appellant's Motion for New Trial clearly satisfies the *Craddock* test established by the Supreme Court of Texas. *Craddock v. Sunshine Bus. Lines, Inc.*, 133 S.W.2d 124, 126 (Tex. 1939). First, Appellant's failure to file a timely answer was neither intentional nor the result of Appellant's conscious indifference. Second, Appellant established a meritorious defense to Appellee's allegations of

professional misconduct by demonstrating her compliance with the 2018 Judgment. Finally, granting a new trial and allowing Appellant the opportunity to present her case would not have caused delay or injury to Appellee. Accordingly, Appellant is entitled to a new trial, and the Evidentiary Panel's decision to deny Appellant's Motion for New Trial was a clear abuse of its discretion.

ARGUMENT AND AUTHORITIES

I. The Evidentiary Panel abused its discretion by denying Appellant's Motion for New Trial.

Rule 2.21 of the Texas Rules of Disciplinary Procedure provides the following instructions for post-judgment motions: "Any motion for new hearing or motion to modify the judgment must comport with the provisions of the applicable Texas Rules of Civil Procedure pertaining to motions for new trial or to motions to modify judgments." TEX. R. DISCIPLINARY P. 2.21. Rule 320 of the Texas Rules of Civil Procedure states that "New trials may be granted, and judgment set aside for good cause, on motion or on the court's own motion on such terms as the court shall direct." TEX. R. CIV. P. 320. Further, Rule 324(b) provides that "a point in a motion for new trial is a prerequisite to the following complaints on appeal: (1) A complaint on which evidence must be heard such as.... failure to set aside a judgment by default." *Id.* at 324(b)(1).

While Appellant filed an answer before the Default Judgment Hearing began, the Evidentiary Panel proceeded with the Default Judgment Hearing, treating the

matter as a no-answer default judgment. *See generally* RRv1. To overturn a no-answer default judgment, the Supreme Court of Texas established a three-factor test known as the *Craddock* test. *Craddock v. Sunshine Bus. Lines, Inc.*, 133 S.W.2d 124, 126 (Tex. 1939). “A motion under *Craddock* does not attempt to show an error in the judgment; rather, it seeks to excuse the defaulting party’s failure to answer by showing the *Craddock* elements.” *See In re Marriage of Williams*, 646 S.W.3d 542, 5445 (Tex. 2022). Under the *Craddock* test, a no-answer default judgment should be vacated, and a new trial granted when the defaulting party establishes the following: (1) the failure to answer or to appear was not intentional or the result of conscious indifference but rather was due to a mistake or an accident; (2) the motion for new trial sets up a meritorious defense, and; (3) granting a new trial will not cause delay or other injury to the prevailing party. *In re R.R.*, 209 S.W.3d 112, 115 (Tex. 2006); *see also Craddock*, 133 S.W.2d at 126. When the defaulting party satisfies all three elements of the *Craddock* test, a trial court abuses its discretion if it fails to grant a new trial. *Old Republic Ins. Co. v. Scott*, 873 S.W.2d 381, 382 (Tex. 1994). Here, the Evidentiary Panel abused its discretion by denying Appellant’s Motion for New Trial because Appellant satisfied the requirements of the *Craddock* test. *Id.*

a. Appellant’s failure to file a timely answer was due to an accident or mistake.

The first element of the *Craddock* test requires the defaulting party to show that its failure to answer was due to a mistake or accident and not the result of

conscious indifference. *Craddock*, 133 S.W.2d at 126. Failing to answer or appear intentionally or by conscious indifference means “the defendant knew it was sued but did not care.” *Fidelity & Guar. Inc. Co. v. Drewery Const. Co., Inc.*, 186 S.W.3d 571, 576 (Tex. 2006). “An excuse need not be a good one to suffice.” *Id.* Here, Appellant’s failure to timely answer the Petition was the result of accident or mistake.

Appellant failed to file a timely answer for two reasons. First, as she testified during the Default Judgment Hearing, Appellant suffers from an anxiety and depression disorder, which made it very difficult for her to participate in the disciplinary proceeding against her. *See* RRv1 17 (App. 1). Because of Appellant’s mental health disability, she asked Mr. Hernandez to represent her in her disciplinary proceedings, which included filing an answer on Appellant’s behalf. *Id.* However, an answer was not filed until the day of the Default Judgment Hearing due to Mr. Hernandez being out of the country for several weeks leading up to the hearing and preparing for a jury trial. *Id.*; CR 000102 (App. 2). The timing of filing the Answer was under the control of Mr. Hernandez, not Appellant.

In addition, as evidenced by Appellant’s Affidavit, attached to her Motion for New trial, and the statements of Mr. Hernandez during the Default Judgment Hearing, Appellant was under the mistaken belief that the Texas Rules of Civil Procedure governed the proceedings before the Evidentiary Panel. *See* CR 000409-

10 (App C); *see also* RRv1 13-16 (App. 1). Specifically, Rule 239 states that a “plaintiff may in term time take judgment by default against such defendant *if he has not previously filed an answer...*” TEX. R. CIV. P. 239 (emphasis added); *see also TexPro Constr. Group, LLC v. Davis*, 2015 WL 4984856, at *2 (Tex. App.—Dallas Aug. 19, 2015, no pet.) (mem. op.) (“A default judgment may not be granted when the defendant has an answer on file, even if the answer was filed late”). Accordingly, Appellant believed that Appellee could not take a default judgment against her if she had an answer on file before the Default Judgment Hearing. *See* CR 000409-10 (App. 3); RRv1 13 (App. 1); *cf.* TEX. R. DISCIPLINARY P. 2.17.C (defining default as “[a] failure to file an answer within the time permitted” and requiring an order of default upon a showing of default); *see also In re S.K.A.*, 260 S.W.3d 463 (Tex. 2008) (holding that a no-answer default may not be taken even if the defendant files his answer at the hearing to grant default). Consequently, because Appellant filed her Original Answer and Motion for Continuance prior to the Default Judgment Hearing, she believed that she had avoided the risk of a default order and would have another opportunity to establish that the allegations of professional misconduct outlined in the Petition were false. *See* CR 000409-10 (App. 3); *see also* RRv3 17-18 (App. 4); *see also In re Sandoval*, 619 S.W.3d 716, 721 (Tex. 2021) (noting that an excuse can be reasonable even if it is based on a mistake of law that led to an intentional act).

Appellant's Motion for New Trial, the arguments of Appellant's counsel during the Default Judgment Hearing, and Appellant's testimony during the hearing on her Motion for New Trial demonstrated that Appellant's failure to timely answer was not the result of conscious indifference, but because of accident or mistake. Therefore, Appellant satisfied the first prong of the *Craddock* test.

b. Appellant has a meritorious defense.

The second element of the *Craddock* test requires the movant to set up a 'meritorious defense.' *Craddock*, 133 S.W.2d at 126. For the purposes of Appellant's Motion for New Trial, the Evidentiary Panel was required to accept as true Appellant's factual assertions regarding her meritorious defenses. *Estate of Pollack v. McMurrey*, 858 S.W.2d 388, 392 (Tex. 1993). Furthermore, Appellant's defenses are sufficient if at least a portion of the judgment would not be sustained upon retrial of the case. *Gotcher v. Barnett*, 757 S.W.2d 398, 401 (Tex. App. Houston [14th Dist.] 1988, no writ).

In the Petition, Appellee alleged that Appellant violated TDRPC 8.04(a)(7) and 8.04(a)(8), based solely on allegations that Appellant failed to comply with the Judgment of Fully Probated Suspension entered against her on February 14, 2019. *See* CR 000042-45 (App. 5). Specifically, the Petition alleged that Appellant failed to: (1) pay restitution of \$1,000 to Complainant, Vernon Bauer, on or before January 1, 2020; (2) failed to pay attorney's fees of \$3,300 to the State Bar of Texas on or

before January 1, 2020; (3) failed to pay direct expenses of \$700 to the State Bar of Texas on or before January 1, 2020; and (4) failed to complete six (6) additional hours of Continuing Legal Education (CLE) in Law Office Management on or before January 1, 2020 with a corresponding verification of completion of these additional CLE hours to the State Bar of Texas. *Id.*

As stated in the Motion for New Trial, and contrary to the allegations in the Petition, Appellant timely paid all restitution, attorney's fees, and direct expenses in compliance with the 2019 Judgment. *See* CR 000404-05 (App. 3). In correspondence to the State Bar of Texas and Heather White (the compliance officer assigned to Appellant), Appellant verified that she made all the required payments on March 5, 2019. *See* CR 000412-15 (App. 3). Further, Appellant completed the six (6) additional hours of CLE in Law Office Management by attending the following courses: *Law Practice Management: Get Paid! Have a Life* and *Law Practice Management: Setting up Your Practice*. *See* CR 000417-20 (App. 3). Finally, Appellant informed Heather White's assistant in the compliance monitoring office of the State Bar of Texas that she had completed the required courses. *See* CR 000409-10 (App. 3).

Not only does Appellant's evidence disprove the allegations that she violated TDRPC 8.04(a)(7) or 8.04(a)(8) for failing to comply with the 2019 Default Judgment, but it also establishes a meritorious defense to the claims asserted in the

Petition. Accordingly, Appellant has satisfied the second element of the *Craddock* test.

c. The granting of a new trial would not have resulted in any undue delay or any other injury to Appellee.

The third element of the *Craddock* test is intended to protect the responding party from “the sort of undue delay or injury which disadvantages him in presenting the merits of his case at a new trial, such as loss of witnesses or other valuable evidence upon retrial.” *Jackson v. Mares*, 802 S.W.2d 48, 51 (Tex. App.—Corpus Christi 1990, writ denied). No such delay or injury exists for Appellee in this case.

First, Appellee’s only witness during the Default Judgment Hearing was Heather White, a compliance monitor employed by the State Bar of Texas.¹ See RRv1 4 (App. 1). If the Default Judgment against Appellant were set aside, nothing would prevent Appellee from offering the same testimony and evidence it presented to the Panel in obtaining the Default Judgment at a future hearing. In addition, in accordance with the Default Judgment, Appellant has fully reimbursed Appellee’s attorney’s fees and reasonable expenses incurred in obtaining the Default Judgment.

Accordingly, based on the above, the third element of the *Craddock* test is satisfied because a new trial would not have caused undue delay to Appellee, nor would it have resulted in any other injury to Appellee.

¹ On information and belief, as of the date of filing Appellant’s Brief, Ms. White remains an employee of the State Bar of Texas.

II. The Evidentiary Panel abused its discretion by denying Appellant's Motion for Continuance.

TRDP 2.17.O provides that “[n]o continuance may be granted unless required by the interests of justice.” TEX. R. DISCIPLINARY P. 2.17.O. Prior to the Default Judgment Hearing, Appellant’s counsel filed a Motion for Continuance seeking a thirty-day continuance. *See* CR 000105-06 (App. 6). As outlined in the Motion for Continuance, Appellant’s counsel had just returned from being out of the country and he “was not aware [the Default Judgment] was set for hearing November 2, 2022” *Id.* at 000105. In addition, during the Default Judgment Hearing, Appellant’s counsel explained that he had only recently been retained. *See* RRv1 12-17 (App. 1). Furthermore, Appellant testified that an additional thirty days would allow her to obtain bank records, which were necessary for Appellant to demonstrate her compliance with the 2018 Judgment. *Id.* Accordingly, Appellant’s request for continuance was not sought for the purposes of delay but so that justice may be done.

Based on the above, a continuance of the Default Judgment hearing was necessary in the interests of justice. As such, the Evidentiary Panel’s denial of Appellant’s Motion for Continuance was an abuse of discretion.

III. There is legally and factually insufficient evidence to support the Default Judgment finding that Appellant violated the 2019 Judgment.

As shown above, the evidence is legally and factually insufficient to support the Findings of Fact contained in the November 18, 2022, Default Judgment that

Appellant failed to pay restitution of \$1000 to Complainant, that she failed to pay attorney's fees of \$3,300 and direct expenses of \$700 to the State Bar of Texas, and that she failed to complete six (6) additional hours of CLE in Law Office Management. *See* CR 000152–53 (App. 7). Accordingly, those findings must be set aside and cannot form the basis for the additional sanctions imposed by the Evidentiary Panel in this proceeding. *See In re Marriage of Williams*, 646 S.W.3d 542, 544–45 (Tex. 2022) (holding that a challenge to the sufficiency of the evidence is a legal challenge that survives a default judgment and may be raised on appeal independent of a *Craddock* motion for new trial, which is an equitable challenge to a default judgment); *citing* TEX. R. APP. P. 33.1(d) (providing that in non-jury cases “a complaint regarding the legal or factual insufficiency of the evidence may be made for the first time on appeal in the complaining party’s brief.”).

IV. The Evidentiary Panel’s sanctions against Appellant are excessive and inappropriate based on the default alone.

TRDP 15.01.A provides that the “purpose of lawyer discipline proceedings is to protect the public and the administration of justice from lawyers who have not discharged, will not discharge, or are unlikely to properly discharge their professional duties to clients, the public, the legal system, and the profession.” TEX. R. DISCIPLINARY P. 15.01.A. As it relates to the imposition of sanctions, TRDP 15.02 states that “[i]n imposing a sanction after a finding of Profession Misconduct, the disciplinary tribunal should consider the following factors: (a) the duty violated;

(b) the Respondent's level of culpability; (c) the potential or actual injury caused by the Respondent's misconduct, and; (d) the existence of aggravating or mitigating factors. *Id.* at 15.02.

In cases involving prior disciplinary orders, absent aggravating or mitigating circumstances, and upon application of the factors set out in Rule 15.02, a suspension is generally appropriate when a "Respondent has been reprimanded for the same or similar misconduct and engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession." *Id.* at 15.08.2. However, a public reprimand is generally an appropriate sanction in cases involving disciplinary orders when a respondent attorney "(a) negligently violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession." *Id.* Further, mitigating circumstances may justify a reduction in the degree of discipline to be imposed. Pursuant to Rule 15.09.C.2, examples of mitigating factors include: personal or emotional problems; timely good faith effort to make restitution or to rectify consequences of misconduct; and character or reputation. *Id.* at 15.09.C.2(c), (d), and (g).

Here, the sanctions imposed on Appellant do not serve the purposes of the lawyer discipline process. TEX. R. DISCIPLINARY P. 15.01.A. First and foremost, the findings of Professional Misconduct against Appellant set out in the Default

Judgment, are not based upon the allegations of Appellant's failure to comply with the 2019 Judgment but are limited to her failure to timely submit her Answer to the Evidentiary Petition in the present case, which was the result of Appellant's accident or mistake, not Appellant's intentional conduct. *See* CR 000151–59 (App. 7). Additionally, in the years since the initial grievance was filed against Appellant, Appellant has continued practicing law and dutifully represented her clients without issue. Furthermore, there is no evidence to suggest that Appellant would not continue to properly discharge her professional duties to her clients, the public, the legal system, and the profession.

Moreover, several mitigating circumstances must be considered in determining the appropriate sanction for Appellant. First, during the hearing on Appellant's Motion for New Trial, Appellant and Appellant's mental health counselor, Dr. Harry Klinefelter, testified that Appellant was continuing to receive treatment for her anxiety and depression disorder. Dr. Klinefelter further testified that he felt Appellant had been a willing participant in her mental health counseling and that he had seen an improvement in Appellant over the years he has been treating her. RRv1 at 13-14 (App. 1). In addition, three of Appellant's colleagues who have worked with Appellant in various capacities for over a decade voluntarily provided affidavits in support of Appellant's capabilities as a practicing attorney. *See* CR

000222-29 (App. 8). Finally, Appellant timely complied with all requirements outlined in the Default Judgment. *See* RRv3 23, Exhibit 2 (App. 4).

Based on the information outlined above, it is clear that prohibiting Appellant from practicing law for three years is an excessive sanction that is not appropriate under these circumstances. Depriving Appellant of her livelihood for *three years* is a severe punishment that is inconsistent with facts of this case and with the sanctioning instructions outlined in Chapter 15 of the Texas Rules of Disciplinary Procedure.

PRAYER

For all of these reasons, Appellant Annette R. Loyd respectfully requests that the Board of Disciplinary Appeals reverse and remand the Evidentiary Panel's Default Judgment of Active Suspension and return this matter for further proceedings before the Evidentiary Panel, or in the alternative, that the Board of Disciplinary Appeals enter an order modifying the sanctions against Appellant, and grant such other and further relief at law or equity to which Appellant may be justly entitled.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this Appellant's Brief complies with the typeface and word-count requirements set forth in the Rules of Appellate Procedure. This Brief has been prepared, using Microsoft Word, in 14-point Times New Roman font for the text and 12-point Times New Roman font for any footnotes. This Brief contains 3,970 words, as determined by the word count feature of the word processing program used to prepare this document, excluding those portions of the notice exempted by TEX. R. APP. P. 9.4(i)(1) and BODA Internal Procedural Rule 4.05(d).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel listed below via email on May 1, 2023.

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/s/ Gaines West

GAINES WEST

APPENDIX

- Appendix 1** RRv1, Transcript from Default Judgment Hearing on November 2, 2022
- Appendix 2** CR 000102, Appellant's Original Answer
- Appendix 3** CR 000401-23, Respondent's Motion to Set Aside Default Judgment and for New Trial or, in the alternative, for Reconsideration
- Appendix 4** RRv3, Exhibit 2, December 6, 2022 correspondence from Appellant to Appellee
- Appendix 5** CR 000042-45, Evidentiary Petition and Request for Disclosure
- Appendix 6** CR 000105-07, Appellant's Motion for Continuance
- Appendix 7** CR 000151-59, Default Judgment of Active Suspension
- Appendix 8** CR 000214-29, Respondent's Emergency Petition to Stay Default Judgment of Active Suspension

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REPORTER'S RECORD
VOLUME 1 OF 2 VOLUMES

BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-1
STATE BAR OF TEXAS



FILED
Mar 16 2023

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

COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner

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CASE NO. 202103038
APPEAL NO. 67358

v.

ANNETTE R. LOYD,
Respondent

EVIDENTIARY HEARING/
SANCTIONS HEARING
WEDNESDAY, NOVEMBER 2, 2022
VOLUME 1 OF 2

On the 2nd day of November, 2022, the following proceedings came on to be heard in the above-entitled and -numbered cause before the District 7, Panel 7-1 Grievance Committee, held remotely via videoconferencing.

Proceedings reported stenographically by computerized steno type machine by Amanda J. Leigh, Certified Shorthand Reporter in and for the State of Texas.

1 APPEARANCES:

2

PANEL 7-1:

3 Lisa Kaye Hoppes, Panel Chair

Gerald Pruitt

4 Norma A. Bazan

Antonio Allen

5 Ann M. McDonald

Susan Brown Bulla

6

7 ATTORNEY FOR PETITIONER:

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Fort Worth, Texas 76102

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annette@vaniceklaw.com

16

17 ALSO PRESENT:

Annette R. Loyd Vanicek, Respondent

18 Brittany Paynton, Legal Assistant

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I N D E X

(EVIDENTIARY HEARING)

NOVEMBER 2, 2022

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(SANCTIONS HEARING)

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PETITIONER'S EXHIBITS
(EVIDENTIARY HEARING)

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CFLD 1	Copy of Affidavit of Service, including Service Receipt, 3/10/22 Correspondence, 3/10/22 Email, Copy of Envelope, Copy of Certified Mail Card, Evidentiary Petition and Request for Disclosure	22
CFLD 2	Certificate of Last Known Mailing Address	22
CFLD 3	Non-Military Affidavit, with Attachment A	23
CFLD 4	9/14/2022, Correspondence re Motion for Default Judgment, 9/14/2022 Email, Copy of Envelope, Copy of Certified Mail Card, Petitioner's Motion for Default Judgment Exhibit A: Affidavit of Service, Service Receipt Exhibit B: 5/24/2022 Correspondence, 3/10/2022 Correspondence, 3/10/2022 Email, Copy of Envelope, Copy of Certified Mail Card, Evidentiary Petition and Request for Disclosure, Service Receipt Exhibit C: State Bar Member Listing, Loyd, Annette R., page 1 of 2 and page 2 of 2, Notice of Default Hearing	24

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EXHIBITS	DESCRIPTION	ADMITTED
CFLD 5	State Bar Member Listing, Loyd, Annette R., page 1 of 2 and page 2 of 2	25
CFLD 6	10/14/22 Email, Business Records Affidavit, Judgment of Fully Probated Suspension, Default Judgment of Fully Probated Suspension, Judgment Revoking Probation and Actively Suspending Respondent from the Practice of Law, Default Judgment of Partially Probated Suspension, Agreed Judgment of Active Suspension, Default Judgment of Fully Probated Suspension	35
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CFLD 6b	1/25/2021 Email, 1/25/2021 Email	41
CFLD 6c	2/2/2021 Correspondence, USPS Tracking	43
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PETITIONER'S EXHIBITS
(SANCTIONS HEARING)

EXHIBITS	DESCRIPTION	ADMITTED
CFLD 7	Affidavit Proving Attorney's Fees and Direct Expenses Exhibit A: Attorney's Fees and Expenses Exhibit B: Laurie Guerra CV	52

P R O C E E D I N G S

WEDNESDAY, NOVEMBER 2, 2022

(REPORTER'S NOTE: Quotation marks may be used with inexact quotes. Names not spelled on the record may be spelled phonetically.)

PANEL CHAIR HOPPES: All right. Good afternoon. My name is Lisa Hoppes. I am the chair of the Evidentiary Panel, District 7 Grievance Committee, hearing Case Number 202103038, styled Commission for Lawyer Discipline versus Ms. Annette R. Loyd. I now call this hearing to order.

This panel consists of six members. I am the panel chair, and I'm a lawyer. A quorum is present. The other panel members present are Mr. Gerald Pruitt, who is a lawyer; Ms. Norma Bazan, who is a lawyer; Mr. Antonio Allen, who is a lawyer; Ms. Ann McDonald, who is a public member and not a lawyer; and Ms. Susan Bulla, who is a public member and not a lawyer.

This evidentiary hearing is held to consider petitioner's motion for default judgment against respondent for failing to answer in accordance with the Texas Rule of Disciplinary Procedure 2.17(B). In this proceeding, the Commission for Lawyer Discipline has the burden to prove that a default has occurred.

1 In the default portion of the hearing,
2 testimony on the underlying complaint will not be taken.
3 If a default is established, the facts alleged in the
4 evidentiary petition will be accepted as true, in
5 accordance with the Texas Rule of Disciplinary Procedure
6 2.17(C).

7 If respondent is found to be in default,
8 the panel will then proceed to a hearing on the
9 appropriate sanction to be imposed. The panel may
10 consider any probative, relevant evidence on the issue
11 of sanctions. I will rule as to the admissibility of
12 any evidence and on any objections. The procedures
13 followed by this panel allow examination of witnesses by
14 respondent or respondent's attorney, counsel for the
15 Commission for Lawyer Discipline, and members of this
16 panel.

17 Pursuant to Texas Rule of Disciplinary
18 Procedure 2.16, this hearing is a confidential
19 proceeding. The hearing is being recorded by a
20 certified court reporter. Cameras or tape recorders are
21 not allowed into this room -- or into this Zoom, and the
22 panel will consider its deliberations in private.

23 At this time, I ask anyone present who
24 will give testimony today to rise and be sworn.

25 Can you raise your right hand, please,

1 Ms. Loyd.

2 (Oath administered.)

3 PANEL CHAIR HOPPES: All right.

4 Is the commission ready to proceed?

5 MS. GUERRA: Yes, we are.

6 PANEL CHAIR HOPPES: All right.

7 Ms. Guerra, you may proceed.

8 MS. GUERRA: Thank you.

9 Good morning -- or good afternoon, I
10 should say, to everyone.

11 I want to bring to the panel's attention
12 that just this morning, prior to the start of this
13 hearing, I received several emails that appear to have
14 been sent on behalf of the respondent, regarding this
15 default hearing. I have not heard from the respondent
16 prior to this morning, regarding this answer. I have
17 not received an answer from respondent prior to today,
18 which is why we're here for a default. But at
19 11:06 a.m. today, I received an email from Francisco
20 Hernandez, stating that --

21 (Interruption.)

22 MS. GUERRA: I apologize for that. The
23 phone is right next to my computer screen. At 11 --

24 (Interruption.)

25 MS. GUERRA: Sorry about that, guys.

1 Okay, start again from the beginning.

2 11:06 this morning, I get an email from
3 Francisco Hernandez stating that Annette Loyd might have
4 counsel for today's hearing. This is the first news
5 that I received, as petitioner's counsel, that she is --
6 first of all, that she's even going to appear, and,
7 secondly, that she's going to have counsel.

8 In the email, Mr. Hernandez states that
9 Ms. Loyd might have an attorney by the name of Roland
10 Johnson representing her. Then at 12:05 p.m., which is
11 around noontime today, I received a second email from
12 Francisco Hernandez with attachments that they claim
13 they want to use at today's hearing regarding her --
14 regarding the issue of her noncompliance with the
15 judgment.

16 Then I receive a third email from
17 Francisco today. This is 11:57 a.m. This is an
18 original answer filed on behalf of Annette Loyd. It has
19 Annette Loyd's e-signature on that motion. So that
20 leads me to believe that Ms. Loyd is going to be
21 representing herself at today's hearing.

22 Then I get another email from Francisco
23 Hernandez, at 1:14 p.m. This is the last email. And it
24 is a motion for continuance, signed by Francisco. So it
25 appears that he is going to be representing her.

1 So before we even get started and before
2 any confidential matters are discussed at this hearing,
3 I would ask that respondent make known and make clear
4 who it is that's going to be representing her, if
5 anyone, at this hearing.

6 PANEL CHAIR HOPPES: All right.

7 Ms. Loyd, who is your attorney today?
8 Who is going to be representing you in this matter?

9 MR. HERNANDEZ: If I may interject,
10 Ms. Hoppes, unless you prefer to hear from her first.

11 PANEL CHAIR HOPPES: Well, it's kind of a
12 simple question, who's her lawyer.

13 MS. LOYD: Francisco today.

14 PANEL CHAIR HOPPES: Oh, you're muted, I
15 think, Ms. Loyd.

16 MS. LOYD: I apologize.

17 PANEL CHAIR HOPPES: All right.

18 MS. LOYD: Francisco Hernandez is
19 representing me today.

20 PANEL CHAIR HOPPES: Okay.

21 Mr. Hernandez, is that your
22 understanding, that you're her lawyer going forward?

23 MR. HERNANDEZ: Yes, Ms. Hoppes. I do
24 want to clarify. The first email that I sent this
25 morning was to alert that it was on somebody's radar. I

1 was going in -- in a military (phonetic) defendant trial
2 in CCCA, believe it or not, this week, and I have not
3 been able to call Annette back; and then this came up.

4 Now, I called Mr. Roland Johnson to find
5 out if he could undertake the representation, because,
6 in the original hearing, I was a fact witness on behalf
7 of Annette; and Mr. Johnson has to run his conflicts
8 check, and it was late in the day, so he has not been
9 able to run the conflicts check through his firm. He
10 thought he could let me know this afternoon. And so --
11 you know, if this were to go on, it will most likely be
12 Mr. Johnson substituting for me.

13 In the -- in an abundance of caution, I
14 had a response, an answer due, I guess somewhat akin to
15 these Rules of Civil Procedure, as before a final
16 judgment. If you file an answer before a final
17 judgment's taken, then the answer is accepted. And I
18 can only apologize for the delay. That's, you know,
19 another -- another matter. And, then, I did think that
20 I should at least file my appearance and a motion for
21 continuance in case the matter was not rendered moot by
22 the filing of the answer.

23 I also thought, in an abundance of
24 caution, to at least send Annette's CLE transcript from
25 the State Bar with hours that were relevant to the

1 noncompliance allegation, and we're trying to also run
2 down the copy of the cashier's check that was mailed
3 back in 2020 for the 5,000- -- '19, 2019, for the full
4 \$5,000.00; but until that is done, I did offer to
5 Ms. Guerra that I would personally deliver a firm check
6 for the full \$5,000.00, if that would help things, you
7 know, in the overall picture, obviously for compliance
8 and as a show of good faith.

9 So for purpose of today, yes, I'm
10 representing her. I guess I'll turn it back to you.

11 PANEL CHAIR HOPPES: All right.

12 Ms. Guerra, what -- okay, first of all,
13 the continuance is for the default motion, that we're
14 here on today?

15 MR. HERNANDEZ: Yes.

16 PANEL CHAIR HOPPES: I don't have it.
17 It's not for the underlying --

18 MR. HERNANDEZ: We --

19 PANEL CHAIR HOPPES: -- allegations. Is
20 that correct?

21 MR. HERNANDEZ: We faxed, concurrently
22 with the emailing, to Ms. Guerra.

23 MS. GUERRA: Are you referring to the
24 motion for continuance that you sent at 1:14?

25 MR. HERNANDEZ: Yes.

1 MS. GUERRA: Okay. And you don't dispute
2 that you sent or that Ms. Loyd sent an original answer,
3 for the first time, today, at 11:57 a.m.?

4 MR. HERNANDEZ: Correct. I faxed it. It
5 should be on my number, sure.

6 MS. GUERRA: Well, I received it as an
7 email.

8 MR. HERNANDEZ: Well, but I also faxed it
9 to the State Bar fax.

10 MS. GUERRA: Okay.

11 So, Brittany, if you wouldn't mind
12 forwarding that information to the panel so that they
13 can refer to those emails.

14 MS. PAYNTON: Yes. And to confirm, do
15 you want the continuance and answer?

16 MS. GUERRA: Yes, if those can be
17 forwarded -- actually, just forward -- forward that one,
18 and forward the email from 11:06, as well.

19 And, Madam Panel Chair, if they're asking
20 for a continuance, of course, we would ask that that be
21 denied.

22 PANEL CHAIR HOPPES: I understand. I
23 want to see the -- I want to look at the documents.

24 MR. HERNANDEZ: If I may just -- you
25 know, the -- Ms. Hoppes, you know I'm not a civil

1 lawyer, so I'll ask a dumb question. Do the Rules of
2 Civil Procedure apply, or are there the separate Rules
3 of Disciplinary Procedure?

4 PANEL CHAIR HOPPES: The Rules of Civil
5 Procedure apply.

6 MR. HERNANDEZ: Okay.

7 (Pause in proceedings.)

8 MS. PAYNTON: Okay, panel, there should
9 be one from 11:58, is on its way, and a motion for
10 continuance at 1:19 is headed there.

11 MR. HERNANDEZ: I guess my -- my logic,
12 as ill-founded as it might be, my thought was, if the
13 answer, albeit late, renders the motion for default
14 moot, under the Rules of Civil Procedure, then it may be
15 that the commission defaults back to the original
16 proceeding, in which case, we are asking for additional
17 time to provide proof of compliance, if that makes
18 sense.

19 PANEL CHAIR HOPPES: It makes sense, but
20 I still just -- let me see. It hasn't come through yet.

21 MS. PAYNTON: Has it come through now?

22 PANEL CHAIR HOPPES: Uh-huh, thanks. I'm
23 just -- it just came in. Thank you.

24 (Pause in proceedings.)

25 PANEL CHAIR HOPPES: Ms. Loyd, this has

1 been -- this has been pending for quite some time. What
2 is the -- what took so long for you to respond to this?

3 MS. LOYD: Yes, part of my original
4 compliance issues was to have psychological counseling,
5 due to anxiety and depression disorders. I'm continuing
6 in that counseling. In part of the compliance, there
7 were reports provided by the -- my counselor, throughout
8 the time period of the order. Because I suffer from
9 those two issues, this is a proceeding that's very
10 difficult for me to -- very difficult for me to deal
11 with, and I had -- I had sought help from Mr. Hernandez
12 and thought this was being taken care of; and due to his
13 trial schedule and travel, I believe that did not
14 happen. But I -- I'm prepared to proceed in short
15 order, with only asking for 30 days to obtain banking --
16 banking records regarding that compliance.

17 PANEL CHAIR HOPPES: Ms. Guerra, what's
18 your response to Mr. Hernandez's argument?

19 MS. GUERRA: Oh, I would, first off,
20 start out by saying that the Rules of Disciplinary
21 Procedure apply and, if were silent, then the civil
22 procedural rules would come into play. And the
23 disciplinary rules are very clear. If there is a
24 default action that is required because the respondent
25 failed to timely submit an answer to the evidentiary

1 petition, then we move forward; the petition moves
2 forward and -- or the petitioner moves forward with the
3 case, and a default judgment shall be entered and the
4 facts taken as true.

5 So I understand that Ms. Vanicek right
6 now is attempting to argue the merits of her case, when
7 she refers to her compliance issues; but those are
8 matters that would be taken up during the sanctions
9 portion of a default hearing, should we get to that
10 portion. Before we even get there, we have to go
11 through the initial hurdle, which is the motion for
12 default itself. And, again, where there is no -- where
13 there is no timely answer filed on the record, then we
14 move forward with default, and default -- all the facts
15 alleged in the petition shall be taken as true.

16 So it's our position that petitioner is
17 ready to move forward with default, that the motion for
18 continuance should be denied. Obviously, they're both
19 present, Ms. Vanicek and her new counsel. So it's not
20 that they aren't here to proceed; they both appeared,
21 last-minute. And petitioner is ready to go forward.

22 PANEL CHAIR HOPPES: All right. I'm
23 going to deny the motion for continuance.

24 And, Ms. Guerra, you may proceed.

25 MS. GUERRA: Thank you, Madam Panel

1 Chair.

2 I would refer first to the motion for
3 default and just state, as a matter of record, that as
4 to Case Number 202103038, styled Commission for Lawyer
5 Discipline versus Annette R. Loyd, as respondent,
6 petitioner has filed a motion for default judgment and
7 therein states that on June 9, 2022, Annette R. Loyd was
8 served, via personal service, with an evidentiary
9 petition and request for disclosure in this disciplinary
10 matter. Exhibits A and Exhibit B and C attached to our
11 default motion include a copy of the service receipt by
12 the personal -- by the process server, and it also shows
13 our transmittal letter and our attached evidentiary
14 petition.

15 Pursuant to Rule 2.17(B) of the Texas
16 Rules of Disciplinary Procedure, the respondent is
17 required to file a responsive pleading, either admitting
18 or denying each specific charge of the evidentiary
19 petition, no later than 5:00 p.m. on the first Monday
20 following the expiration of 20 days after the date of
21 service of the evidentiary petition. So in this case,
22 she was served personally on June 9, 2022, so her
23 deadline to respond to the evidentiary petition expired
24 on July 5, 2022. That's because -- it was actually due
25 July 4; but because that was a holiday, she had an extra

1 day, until July 5, 2022.

2 Respondent (sic) did not receive a timely
3 answer from the respondent, nor any counsel on her
4 behalf; and so her failure to timely file a responsive
5 pleading within the time permitted constitutes a default
6 under Rule 2.17(C) of the Texas Rules of Disciplinary
7 Procedure; and in accordance with the rule, all facts
8 alleged in the evidentiary petition shall be taken as
9 true.

10 Those facts include that respondent
11 failed to pay restitution of \$1,000.00 to complainant
12 Vernon Bauer on or before January 1, 2020, as alleged in
13 the petition; the respondent failed to pay attorney's
14 fees of \$3,300.00 to the State Bar of Texas on or before
15 January 1, 2020, again, as alleged in the petition; she
16 failed to pay direct expenses of \$700.00 to the
17 State Bar of Texas on or before January 1, 2020; and she
18 failed to complete six additional hours of continuing
19 legal education and law office management on or before
20 January 1, 2020, which were ordered in addition to the
21 minimum 15 hours of legal education that she's required
22 to take; and failing to verify completion of these
23 additional CLE hours to the State Bar of Texas. As
24 alleged in the petition, she violated rules 8.04(a)(7)
25 and 8.04(a)(8); and so we're moving forward on our

1 petition.

2 In support of the default judgment, I
3 would move to admit CFLD Exhibit Number 1, which is a
4 copy of the affidavit of service, showing that
5 respondent was personally served with the evidentiary
6 petition in this case.

7 And with the panel chair's permission,
8 we'd like to have that entered into evidence.

9 PANEL CHAIR HOPPES: Any objection?

10 MR. HERNANDEZ: Well, Your Honor, no
11 objection as to the affidavit itself. I do want to at
12 least -- I was waiting till it was my turn, but I guess
13 this is a good point -- good time to request that I
14 don't want to waive my objection as to the default. If
15 it is, indeed, governed by the Rules of Civil Procedure,
16 I think Madam Chair knows the rule, that it does render
17 the motion for default moot; but I just want to make
18 sure I don't waive it by not objecting to these
19 exhibits, Your Honor.

20 PANEL CHAIR HOPPES: I understand. I did
21 not -- I don't know -- if I said the civil procedures
22 applied, then I misspoke. I apologize for that. But
23 your objection's noted as to that; you haven't waived
24 it.

25 With no objection to Exhibit 1, Exhibit 1

1 is admitted.

2 (Petitioner's Exhibit 1 admitted.)

3 MS. GUERRA: And, Brittany, if you
4 could -- if you don't mind posting that on the screen
5 one more time, I just want to highlight for the panel
6 that the respondent was personally served, it says here,
7 June 9, 2022, and the address shown -- I just want to
8 highlight that for the panel because this address will
9 appear on subsequent documentation. She was served at
10 4528 West Vickery Boulevard, Suite 202, Fort Worth,
11 Texas, in Tarrant County, 76107.

12 I would also move into evidence CFLD
13 Exhibit Number 2, which is Certificate of Last Known
14 Mailing Address, again, highlighting the address that I
15 just read into the record. This is the address we have
16 on file, as per our State Bar of Texas membership rolls,
17 and that is the address that we use to communicate via
18 mail or personal service to respondent, and that is the
19 address at which she was served with personal service.

20 So I'd move Exhibit 2 into evidence.

21 PANEL CHAIR HOPPES: Any objection?

22 MR. HERNANDEZ: No objection, Your Honor.

23 PANEL CHAIR HOPPES: Exhibit 2 is
24 admitted.

25 (Petitioner's Exhibit 2 admitted.)

1 MS. GUERRA: Next, I would move into
2 evidence CFLD Exhibit Number 3, which is a copy of the
3 non-military affidavit. This affidavit simply states
4 that, to the best of my knowledge, as petitioner's
5 counsel, and through our diligent search for military
6 records, we do not have any reason to believe that the
7 respondent was serving active military service during
8 the pendency of this suit, this cause number, and so
9 that would not be a reason or cause for her to claim
10 that she was nonresponsive. In other words, she can't
11 claim military service was the reason she was unable to
12 timely file her answer.

13 So I would move CFLD Exhibit 3 into
14 evidence.

15 PANEL CHAIR HOPPES: Any objection?

16 MR. HERNANDEZ: No objection.

17 PANEL CHAIR HOPPES: It's admitted.

18 (Petitioner's Exhibit 3 admitted.)

19 MS. GUERRA: Next, I would move into
20 evidence CFLD Exhibit Number 4. This is a copy of the
21 notice of default hearing, along with a copy of the
22 motion for default judgment, that was sent to the
23 respondent.

24 Now, I will first state that the Rules do
25 not require the State Bar or the Commission for Lawyer

1 Discipline to send notice of a default hearing to a
2 respondent. That's pursuant to 2.17(O), the Texas Rules
3 of Disciplinary Procedure. However, we provided notice,
4 nonetheless, and we provided 45 days' notice. So she's
5 had as much time to know that today's hearing was set
6 for -- for hearing on this very issue, of default.

7 The notice of hearing is attached at the
8 end, so if I can get Brittany to scroll to the last two
9 pages of this exhibit.

10 And, I apologize, I know it's showing on
11 the screen, but can we -- can we have a ruling as to
12 whether or not it's admitted?

13 PANEL CHAIR HOPPES: Is there any
14 objection to Number 4?

15 MR. HERNANDEZ: No, Your Honor.

16 PANEL CHAIR HOPPES: Okay. It's
17 admitted.

18 (Petitioner's Exhibit 4 admitted.)

19 MS. GUERRA: Okay. I just wanted to be
20 clear because I'm going to delve into it.

21 The last two pages show the notice of
22 default hearing, and it shows that she was provided with
23 hearing twice over: once by email, as shown there on the
24 certificate of service, on September 14 of this year,
25 and then also by certified mail to the address noted in

1 membership.

2 And next, I would move to admit CFLD
3 Exhibit Number 5, which is a copy of our State Bar of
4 Texas membership rolls. This verifies that this is, in
5 fact, the physical address that we have on file for
6 Ms. Loyd. So I would move that into evidence, as well.

7 PANEL CHAIR HOPPES: Any objection?

8 MR. HERNANDEZ: No objection.

9 PANEL CHAIR HOPPES: It's admitted.

10 (Petitioner's Exhibit 5 admitted.)

11 MS. GUERRA: Okay. And as to
12 petitioner's case, without going into the sanctions, I
13 would just point out to the panel, again, for the
14 record, that Ms. Loyd, by admission this morning, has
15 just today submitted an answer. So she is in default,
16 and we ask that the -- that petitioner's motion for
17 default judgment be granted in this case.

18 I would also ask for bifurcation at this
19 point. If the panel would like to deliberate in
20 private, outside the presence of the parties and outside
21 the presence of the court reporter, so that they may
22 deliberate as to any finding of professional misconduct,
23 then we can resume and move into sanctions, should that
24 be necessary, after deliberations.

25 PANEL CHAIR HOPPES: I'll grant the

1 motion for bifurcation.

2 Is that all for your case-in-chief?

3 MS. GUERRA: Yes. Thank you.

4 PANEL CHAIR HOPPES: Mr. Hernandez, do
5 you have anything you want to present as to the default,
6 today, not the underlying offense?

7 MR. HERNANDEZ: Yeah, Your Honor, we
8 have -- I have emailed to the Bar -- faxed to the Bar
9 and emailed to Ms. Guerra the CLE transcript of the law
10 office management courses that Ms. Loyd took; and I
11 would certainly argue that, even if she may or may not
12 have submitted them to the committee independently, the
13 committee certainly had a constructive knowledge that
14 it's in her CLE transcript, the specific courses that
15 she was to take. Now, why, you know, she didn't get
16 them to you before today, you know, that's -- that was
17 the nature of our -- my request for continuance.

18 And as far as payment of the money, you
19 know, her bank -- well, I guess I could elicit that
20 through Ms. Vanicek; but we'd like to be able to show
21 that the funds were sent to the committee through --
22 with a cashier's check. We have to find the bank
23 records, because the bank has been taken over, and we
24 have to go back, since it was 2019, 2020, to get them
25 from, you know, some phone bank somewhere.

1 PANEL CHAIR HOPPES: Mr. Hernandez, we're
2 here today, though, not on that. We're here today on
3 her default and her failure to answer, under the
4 specific Rules of Disciplinary Procedure --

5 MR. HERNANDEZ: Yes, although on the
6 specific findings on the motion for default --

7 PANEL CHAIR HOPPES: So --

8 MR. HERNANDEZ: -- are the failure to pay
9 and the failure to complete the classes, but -- right?

10 PANEL CHAIR HOPPES: The default is for
11 her not complying with the Rules of Disciplinary
12 Procedure and appropriately answering the requests
13 for --

14 MR. HERNANDEZ: Oh.

15 PANEL CHAIR HOPPES: -- disclosure and
16 the things that she was asked to do. It has nothing to
17 do, today, with the underlying offenses; it's the
18 procedure that she did not do when this was brought --

19 MR. HERNANDEZ: Okay, so there's a
20 separate allegation as to the failure to answer, that
21 we're here on?

22 PANEL CHAIR HOPPES: Yes. We are here on
23 a motion for default, because she failed to comply with
24 timely made and properly served requests by the State
25 Bar of Texas Disciplinary Commission --

1 MR. HERNANDEZ: Okay --

2 PANEL CHAIR HOPPES: -- and they're
3 requesting -- we are going forward on that today.

4 MR. HERNANDEZ: Okay. If I may just have
5 quick access to the motion, just -- I, most certainly,
6 may have it wrong, Your Honor.

7 I did not know that the failure to file
8 the answer was a part of the default, but -- if I may
9 refer you to page 2, subparagraph 3, in the Factual
10 Allegations section, it only alleges the four items, the
11 CLE and the failure to pay the money. I don't believe
12 it alleges the failure to respond as a separate
13 violation of the Rules.

14 (Pause in proceedings.)

15 PANEL CHAIR HOPPES: Is there anything
16 else that you want to present?

17 MR. HERNANDEZ: If I may have a second.

18 (Pause in proceedings.)

19 MR. HERNANDEZ: If I may just call
20 Ms. Loyd.

21 PANEL CHAIR HOPPES: Of course.

22 MS. GUERRA: Your Honor, for the record,
23 I'm just going to submit an objection at this point
24 because, according to the Rules, the facts in the
25 petition -- all of the facts as alleged in the

1 evidentiary petition shall be taken as true under the
2 Rules; and so the need for her to testify on those
3 alleged facts, I would argue, is moot, pursuant to the
4 Rule.

5 PANEL CHAIR HOPPES: I'll sustain the
6 objection.

7 MR. HERNANDEZ: Okay. If I may have, I
8 guess, a running objection on that, Your Honor, like we
9 do on the criminal side?

10 PANEL CHAIR HOPPES: Yes, that's fine.
11 But having sustained the objection, I don't know that
12 there's anything else that....

13 MR. HERNANDEZ: Okay. May I submit an
14 offer of proof, with the same testimony, for appeal
15 purposes, Your Honor?

16 PANEL CHAIR HOPPES: Ms. Guerra, what's
17 your response to that?

18 MS. GUERRA: I would object to that.
19 Everything that we are using to sustain this default --
20 this motion for default judgment is attached to the
21 motion for default judgment, and it's already a matter
22 of the record.

23 PANEL CHAIR HOPPES: I'll sustain the
24 objection.

25 MR. HERNANDEZ: Okay. And from a -- note

1 my objection on the record to the committee's not
2 allowing Ms. Loyd to present her testimony. I just
3 don't want to waive it. Is that noted for the record,
4 Your Honor?

5 PANEL CHAIR HOPPES: It is noted. It's
6 noted for the record, Mr. Hernandez.

7 MR. HERNANDEZ: Thank you.

8 PANEL CHAIR HOPPES: All right. At this
9 time, since I granted the bifurcation, let's go into
10 recess and deliberate.

11 Can we do that, Brittany?

12 MS. PAYNTON: Uh-huh, yes. Give me one
13 second; I'm creating a breakout room for you guys.

14 PANEL CHAIR HOPPES: Okay.

15 MS. PAYNTON: Only the panel members hit
16 the green box.

17 PANEL CHAIR HOPPES: Okay.

18 (Deliberations.)

19 PANEL CHAIR HOPPES: All right, we'll go
20 back on the record, then.

21 All right. The committee has
22 deliberated. Do I have any motions?

23 MR. PRUITT: Move to find default.

24 MS. BULLA: Second.

25 PANEL CHAIR HOPPES: All right. Having

1 heard a motion and a second, I call for a vote.

2 Everyone in favor, please say aye or raise your hand.

3 (Panel members respond aye.)

4 MR. HERNANDEZ: And I'll make, just for
5 the record, that I'm not waiving my prior objections. I
6 apologize, Your Honor, but if I could just have a ruling
7 on the record that my objections are not waived.

8 PANEL CHAIR HOPPES: That's already been
9 ruled on, Mr. Hernandez.

10 All right. Then the committee has found
11 that Ms. Loyd was in default, and the allegations in the
12 motions are sustained.

13 Ms. Guerra.

14 MS. GUERRA: Yes.

15 PANEL CHAIR HOPPES: Do you want to
16 present as to sanctions?

17 MS. GUERRA: Yes, I'm ready to move
18 forward as to sanctions.

19 PANEL CHAIR HOPPES: All right. You can
20 proceed.

21 MS. GUERRA: Thank you.

22 For this portion of the testimony, we
23 will be calling Heather White to testify regarding the
24 complainant's (sic) prior disciplinary history. Heather
25 White is a compliance monitor for the State Bar of

1 Texas. She's available on Zoom on standby; and I would
2 ask, with the panel's permission, that she be sworn in
3 for testimony.

4 PANEL CHAIR HOPPES: All right. Can we
5 bring her in, Brittany?

6 MS. PAYNTON: Yes. I'm getting her on;
7 give me one second.

8 PANEL CHAIR HOPPES: Thank you.

9 (Ms. Heather White joins.)

10 MS. PAYNTON: Ms. White, can you hear us?
11 Yes.

12 MS. WHITE: Can you hear me?

13 MS. PAYNTON: Yes, ma'am.

14 PANEL CHAIR HOPPES: All right. Hi,
15 Ms. White. I'm Lisa Hoppes. I'm the chair of this
16 panel.

17 MS. WHITE: Hello.

18 PANEL CHAIR HOPPES: I'm going to need to
19 get you sworn in. So can you raise your right hand.
20 And can you state your name, please, for the record.

21 MS. WHITE: Heather White.

22 PANEL CHAIR HOPPES: All right.

23 (Oath administered.)

24 PANEL CHAIR HOPPES: All right.

25 Ms. Guerra, you may proceed.

1 MS. GUERRA: Yes, thank you.

2 I would like to turn the panel's
3 attention to CFLD Exhibit 6, which I will be moving into
4 evidence. This is a copy of the business records
5 affidavit with the attached prior disciplinary history
6 of the respondent, with the State Bar.

7 And I would ask that that be moved into
8 evidence.

9 PANEL CHAIR HOPPES: Thank you, Brittany.
10 Is there any objection?

11 (Pause in proceedings.)

12 PANEL CHAIR HOPPES: The business records
13 affidavit.

14 MR. HERNANDEZ: Well, Your Honor, I would
15 object in that it does contain a narrative that -- or
16 more of an opinion, rather than the facts. If it was
17 just a fact of whatever history there is on the
18 State Bar rolls, I would have no objection, except that
19 these contain newly drafted allegations that, through no
20 fault of the State Bar, I have not had a chance to
21 review. But we would object to them on hearsay, and
22 they have opinions that do not have the proper predicate
23 and opinions by someone who's not -- does not have first
24 knowledge.

25 PANEL CHAIR HOPPES: Do you have a

1 response, Ms. Guerra?

2 MS. GUERRA: Yes. I would first like to
3 address the comment that I heard him make on the record.
4 This was provided to the respondent. It was provided
5 via email on October the 14th, 2022, and we do have, as
6 the first page of the exhibit, a copy of that email
7 notification, sent to annette@vaniceklaw.com, which is
8 the email address the State Bar has on file for
9 Ms. Vanicek. So, yes, she was given a copy of this in
10 advance. If Mr. Hernandez has not had a chance to
11 review it, I don't know; but it was timely provided to
12 her, well in advance of this hearing.

13 The business records affidavit simply
14 verifies that the attached judgments are true and
15 correct copies of the judgments that we have on file for
16 Ms. Vanicek, and they outline her prior disciplinary
17 history at the State Bar. And so this does not include
18 any new allegations. I'm not sure what Mr. Hernandez
19 was trying to point to when he was trying to talk about
20 the content of these documents, but they're simply
21 judgments that are on file and that are a matter of
22 record with the State Bar.

23 These typically come in as evidence at
24 the sanctions portion; and so we, again, reurge our
25 initiative to have these as Exhibit 6, on the record.

1 PANEL CHAIR HOPPES: All right. The
2 objection is overruled, and Exhibit Number 6 is entered
3 into evidence, admitted.

4 (Petitioner's Exhibit 6 admitted.)

5 MS. GUERRA: Brittany, if you could
6 please go to the top of this exhibit and -- right there,
7 page 3.

8 HEATHER WHITE,
9 having been duly administered the oath, testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MS. GUERRA:

13 Q Heather, can you hear me?

14 A I can.

15 Q I'm going to go through these judgments one at
16 a time with you. And if you would, please, let the
17 panel know whether or not the respondent is in
18 compliance with any of these judgments; and if she
19 isn't, then I'll give you an opportunity to explain why
20 she is not or how she is not.

21 A Okay.

22 Q Okay.

23 Starting with this first judgment, in
24 Case Number 201505595, this was a judgment of
25 fully probated suspension entered against the

1 respondent. You'll notice on the next page, subpart
2 number 9, it says that respondent owes restitution of
3 \$1,000.00, payable to Vernon Bauer. Subpart number 10,
4 it also mentions that the respondent owes fees and costs
5 of \$3,300.00 to the State Bar -- or, I'm sorry, in fees
6 of \$3,300.00. And then subpart 11 says that respondent
7 owes costs of \$700.00 to the State Bar.

8 Do you see where I pointed that out,
9 Ms. White?

10 A I do.

11 Q Okay.

12 And then on the next page, it shows that
13 the respondent has violated several rules under this
14 judgment: 1.01(b)(1), 1.03(a), 1.03(b), 8.04(a)(7), and
15 8.04(a)(8). Again, this shows failure to respond to a
16 grievance.

17 I ask you about this, Ms. White, because
18 this is the -- this is the judgment about which this
19 current State Bar-initiated grievance was filed. The
20 reason we filed this grievance was because she failed --
21 the allegation is she failed to comply with this
22 specific judgment.

23 So can you tell the panel a little bit
24 more about the -- whether or not Ms. Loyd complied or
25 failed to comply with this judgment and what she was

1 unable to complete in terms of the court-ordered terms
2 of the judgment?

3 A Yes, absolutely.

4 Ms. Loyd remains out of compliance with
5 this judgment. She failed to pay restitution to
6 Mr. Vernon Bauer in the amount of \$1,000.00. That was
7 due January 1, 2020. She failed to pay the attorney's
8 fees, as Laurie mentioned, in the amount of \$3,300.00,
9 to the State Bar of Texas, also due January 1, 2020.
10 And she failed to pay the costs, in the amount of
11 \$700.00, to the State Bar of Texas, due January 1, 2020.

12 She was also required to maintain
13 financial records on each client, including written
14 receipts of funds, written accounting of time billed,
15 client funds applied, and written contacts -- excuse me,
16 contracts with each client. Although the judgment did
17 not require her to submit anything, we still don't know
18 whether she complied with that, because she stopped
19 communicating with our office.

20 And the other remaining term, the law
21 office management consultation, that term is no longer
22 enforced. We stopped requiring respondents to comply
23 with that term.

24 And that is it. So she still remains
25 noncompliant with this judgment.

1 Q Okay.

2 MS. GUERRA: And, Brittany, if you could
3 scroll down to the next page of that exhibit. I just
4 want to highlight for the panel.

5 Under bullet point number 9, it does give
6 the date that these fees were owed, January 1, 2020;
7 bullet point number 10 makes the same point, as to
8 January 1, 2020, being the deadline to pay the fees.

9 Q (BY MS. GUERRA) Can you explain to the panel,
10 Heather, what efforts, if any, you made to try to help
11 the respondent come into compliance with this judgment?

12 A Yes. We made several efforts to get Ms. Loyd
13 into compliance, several attempts to contact her, via
14 email, phone calls, and letters. Specifically, we sent
15 two compliance letters. One was on January 25, 2021.
16 We sent that to her via email. And then we sent her
17 another letter, on February 25, 2021, and I mailed --

18 Q Actually, let me stop you, really quickly,
19 Heather, because I want to focus on the emails that are
20 dealing with this specific judgment.

21 Do you recall sending any email to
22 respondent on April the 8th, 2020?

23 A Yes.

24 Q Okay.

25 MS. GUERRA: And, Brittany, if you could

1 post -- or, I should say, Madam Panel Chair, I'm going
2 to move into evidence CFLD Exhibit 6a, which is a copy
3 of the email.

4 MS. PAYNTON: Laurie, I don't see it in
5 there.

6 MS. GUERRA: It's in the directory.

7 MS. PAYNTON: I know. I don't see it.

8 MS. GUERRA: It should be under -- if you
9 can click under "Heather."

10 MS. PAYNTON: Uh-huh. Oh, okay, I see it
11 now. Okay, this one.

12 MS. GUERRA: Can you scroll down and make
13 sure that one has the label, Brittany? Because it
14 should.

15 MS. PAYNTON: Yeah, yeah --

16 MS. GUERRA: Yes.

17 MS. PAYNTON: -- right there.

18 MS. GUERRA: Yes, that's the one I'm
19 offering into evidence, Madam Panel Chair.

20 PANEL CHAIR HOPPES: All right. 6a is
21 admitted.

22 (Petitioner's Exhibit 6a admitted; refer
23 to page 71 for admission clarification.)

24 Q (BY MS. GUERRA) Heather, is this the email
25 that you sent to Ms. Vanicek to try to get her into

1 compliance with the judgment?

2 A That is correct.

3 Q And in the subject line, it does refer to
4 cause number 201505595, correct?

5 A Yes.

6 Q Tell us a little bit about what you were
7 trying to highlight for Ms. Loyd in this email.

8 A The compliance team was trying to highlight
9 that Ms. Loyd was past due in making payments for
10 restitution and attorney's fees, and so we listed out
11 what was owed and when it was due. And we also
12 mentioned that, at this time, we had not received her
13 verification of completion of her additional required
14 CLEs.

15 Q Okay. So by taking a look at this email, I
16 notice that it's asking her to submit payment for
17 attorney's fees. It's also asking her to submit the
18 restitution to Vernon Bauer, correct?

19 A Yes.

20 Q Okay. And, then, the last paragraph mentions
21 the CLE that she still has yet to comply with, correct?

22 A Correct.

23 Q Okay.

24 Do you recall sending Ms. Loyd another
25 email, on January 25 of 2021, also to try to get her

1 into compliance with this judgment?

2 A Yes.

3 MS. GUERRA: Brittany, if you could pull
4 up CFLD Exhibit B, that I will move into evidence as the
5 email communication referenced.

6 (Pause in proceedings.)

7 MS. GUERRA: And with the Panel Chair's
8 permission, can this exhibit be admitted into evidence?

9 PANEL CHAIR HOPPES: Any objection?

10 MR. HERNANDEZ: No objection.

11 PANEL CHAIR HOPPES: It's admitted.

12 (Petitioner's Exhibit 6b admitted.)

13 (Reporter clarification.)

14 MS. GUERRA: 6b, as in boy.

15 Q (BY MS. GUERRA) Ms. White, at the top of this
16 email, it looks like it was dated January 25, 2021; is
17 that right?

18 A Yes.

19 Q And it references cause number 201505595,
20 correct?

21 A Yes.

22 Q And also at the top right corner, it shows
23 that this email was sent to annette@vaniceklaw.com; is
24 that right?

25 A Correct.

1 Q Can you tell the panel a little bit about the
2 content of this communication and what you were trying
3 to get Ms. Loyd to do at this point?

4 A Yes. We tried to -- or we let Ms. Loyd know
5 that she's out of compliance with that judgment, with
6 the judgment of fully probated suspension, and that she
7 needs to get into compliance with the following items,
8 and that was restitution, attorney's fees, and costs.

9 We also were requiring her to submit her
10 monthly reports for her mental health counseling
11 sessions and submit her MCLE transcript verifying the
12 completion of the additional required CLE.

13 Q Okay. And after you sent this email to
14 Ms. Vanicek, did she come into compliance with the
15 judgment?

16 A No, she did not.

17 Q Did she make any efforts to communicate with
18 you to explain why she wasn't in compliance with the
19 judgment?

20 A No.

21 Q Did you send Ms. Vanicek any subsequent email
22 communication to try to get her into compliance?

23 A Email communication?

24 Q Or any communication, mailed or emailed.

25 A Yes. We sent another letter, which should be

1 next, February 2, 2021.

2 Q Okay.

3 MS. GUERRA: And, Brittany, if you could
4 please pull up CFLD Exhibit 6c, which is a copy of the
5 referenced communication.

6 And I would move that exhibit into
7 evidence.

8 PANEL CHAIR HOPPES: Is there any
9 objection?

10 MR. HERNANDEZ: No, Your Honor.

11 PANEL CHAIR HOPPES: It's admitted.

12 (Petitioner's Exhibit 6c admitted.)

13 Q (BY MS. GUERRA) Is this the February 2, 2021,
14 communication that you just referenced, Ms. White?

15 A Yes, it is.

16 Q And how was this sent to the respondent?

17 A We sent this to Ms. Loyd to two -- we sent it
18 via certified mail and regular mail to two different
19 addresses.

20 Q Uh-huh, okay.

21 And this communication also references
22 specifically case number 201505595?

23 A Correct.

24 Q Okay. And can you explain to the panel, very
25 briefly, what this letter was trying to communicate to

1 Ms. Loyd?

2 A Yes. We let Ms. Loyd know that she's out of
3 compliance with that judgment and that she needs to get
4 into compliance with the following terms, and that
5 included restitution, attorney's fees, costs, and her
6 mental health sessions, as well as the additional
7 required CLE.

8 Q Okay.

9 And it looks like -- because she was late
10 in paying some of these fees and costs, it looks like
11 there's an interest that's added?

12 A Yes, we included interest.

13 Q Okay. So that's why the numbers here for
14 restitution is a little higher than it was in the
15 judgment?

16 A That's correct.

17 Q And interest is also the reason why the
18 number's a little higher as to attorney's fees and costs
19 than it was in the judgment?

20 A Correct.

21 Q Okay.

22 After you sent Ms. Loyd this
23 communication, did you hear from her?

24 A I did not.

25 Q Okay. To your knowledge, did she come into

1 compliance with the judgment after this communication
2 was sent?

3 A No, she did not.

4 Q Do you remember sending Ms. Loyd any
5 additional communication regarding her noncompliance?

6 A I did call her on the -- on February 25, 2021,
7 and left her a message to call me back; but I did not
8 hear back.

9 Q Okay. Do you recall sending any email
10 communications to Ms. Vanicek on February 10, 2021?

11 A On February 10?

12 Q 2021?

13 A Yes.

14 Q Okay.

15 MS. GUERRA: Brittany, if you could pull
16 up CFLD Exhibit 6d.

17 And I would move this exhibit into
18 evidence.

19 PANEL CHAIR HOPPES: Any objection?

20 MR. HERNANDEZ: No, Your Honor, subject
21 to -- you know, I just don't want to waive my
22 objections, but not to the exhibit.

23 PANEL CHAIR HOPPES: All right. It's
24 admitted.

25 (Petitioner's Exhibit 6d admitted.)

1 Q (BY MS. GUERRA) Ms. White, this email is
2 dated February 10, 2021; is that right?

3 A Yes, that's correct.

4 Q And it was sent to annette@vaniceklaw.com,
5 which is respondent's email address on file with the
6 State Bar membership rolls?

7 A Yes, that's correct.

8 Q And the subject line also references, again,
9 the same case number, 201505595?

10 A Yes, that's correct.

11 Q Okay.

12 Now, it looks like, on the very first
13 line of this email, you're indicating to the respondent
14 that your office has received her most recent mental
15 health report, dated December of 2020. Do you see that?

16 A I do.

17 Q But aside from that, were there other issues
18 that she still remained not in compliance with regarding
19 that 201505595 judgment?

20 A Yes. We still have not received her payment
21 for restitution, for her attorney's fees and costs'
22 payment, as well as her MCLE transcript verifying the
23 completion of the additional CLE.

24 Q Okay.

25 And it looks like, the very last line --

1 or I should say -- right above the last line, it does
2 mention that you are going to be referring her
3 noncompliance for additional discipline?

4 A It does.

5 Q Okay. And that additional discipline became
6 the State Bar-initiated grievance that we're here on
7 today, correct?

8 A Correct.

9 Q Is there any additional information that you
10 want to provide the panel regarding this particular
11 judgment?

12 A No, there's not.

13 Q Okay.

14 MS. GUERRA: I would direct the panel's
15 attention back to CLE Exhibit 6, which is the business
16 records affidavit.

17 And I would ask, Brittany, that you
18 scroll to the next judgment in that packet, which is a
19 default judgment of fully probated suspension against
20 the respondent in case number 201706886.

21 Q (BY MS. GUERRA) Ms. White, it looks like this
22 was a default judgment that was entered against the
23 respondent. Do you see that on our screen?

24 A I do.

25 Q Okay.

1 MS. GUERRA: And, Brittany, if you'll
2 scroll to the next page.

3 Q (BY MS. GUERRA) It looks like the respondent
4 was ordered, in this judgment, to pay reasonable
5 attorney's fees and costs of \$750.00.

6 A That is correct.

7 Q And then an additional -- additional expenses
8 to the Bar for \$250.00. And it looks like the rule
9 violations were 1.01(b)(1), 1.03(a), and 8.04(a)(8). Do
10 you see that on page 3?

11 A I do.

12 Q As to this particular judgment, do you know if
13 the respondent was, in fact, compliant with all the
14 terms of the judgment?

15 A She was compliant with the terms of this
16 judgment.

17 Q Okay.

18 MS. GUERRA: And, Brittany, if you can
19 please scroll to the next judgment in the packet.

20 Q (BY MS. GUERRA) This is a judgment revoking
21 probation and actively suspending respondent from the
22 practice of law, Case Number 48710. The next page, it
23 shows that the respondent was found in violation of Rule
24 1.01(b)(2), 1.03(a), and again, 8.04(a)(8). Do you see
25 that, Ms. White?

1 A I do.

2 Q Regarding this judgment, was the respondent in
3 compliance with all terms?

4 A Yes. Yes, she was.

5 Q Okay.

6 MS. GUERRA: Brittany, if you could
7 scroll to the next judgment in the packet.

8 Q (BY MS. GUERRA) This is a default judgment of
9 partially probated suspension, Case Number D0031039672.
10 Looks like under the terms of this judgment, on the next
11 page--I'm sorry, the page after that--she was ordered to
12 pay attorney's fees to the State Bar of \$1,225.00, fees
13 to the State Bar of \$331.97. She was also found in
14 violation of rules 1.01(b) (2), 1.03(a), and 8.04(a) (8).
15 Do you see that, Ms. White?

16 A I do.

17 Q And can you tell the panel if the respondent
18 was found in violation of this particular judgment or if
19 she complied?

20 A She did comply with the terms of this
21 judgment.

22 Q Okay.

23 MS. GUERRA: And, Brittany, if you can go
24 to the next judgment in the packet.

25 Q (BY MS. GUERRA) This is an agreed judgment of

1 active suspension, Case Number D0051143118, agreed
2 judgment of active suspension. On the next page, it
3 shows that she was ordered to pay fees of \$895.00 to the
4 State Bar of Texas. Do you know if she complied with
5 that -- with those terms, Ms. White?

6 A She did -- yes, she did.

7 Q And it looks like that the rule violations
8 found in that case were 8.04(a)(1), 8.04(a)(7), again,
9 8.04(a)(8), and 8.04(a)(11). Did I read that correctly?

10 A Yes.

11 Q Okay.

12 MS. GUERRA: And, Brittany, if you can go
13 to the next judgment in the packet.

14 MS. PAYNTON: Do you have a page number?

15 MS. GUERRA: I do not.

16 MS. PAYNTON: Okay, give me one second.
17 Here it is; I found it.

18 MS. GUERRA: Default judgment.

19 Q (BY MS. GUERRA) This is a default judgment of
20 fully probated suspension, Case Number F0010313527.
21 Three pages in to this document, it looks like she was
22 found in violation of rules 1.01(b)(1), 1.03(a), and
23 again, 8.04(a)(8). Did I read that correctly?

24 A Yes.

25 Q Okay. She was also ordered to pay fees and

1 costs in this case to the State Bar.

2 Do you know if she was in compliance with
3 the terms of this judgment?

4 A Yes.

5 Q And, lastly, Heather, now that I've gone
6 through all of the prior history that was part of the
7 business records affidavit, is there anything, in
8 closing, that you would like to tell the panel regarding
9 the responsiveness that Ms. Loyd showed you, in the
10 compliance department, when trying to get her to comply
11 with the terms of the judgment that she wasn't in
12 compliance with?

13 A Generally speaking, I don't believe that
14 Ms. Loyd had any intent on getting to compliance with
15 the terms of her judgment. I think she did towards the
16 beginning; but towards the end, she did not. We just
17 stopped hearing from her altogether.

18 Q Okay. Did she relate to you why she was
19 having any trouble complying?

20 A She did not.

21 Q Okay.

22 All right. Thank you, Ms. White.

23 MS. GUERRA: I'll pass the witness.

24 MS. WHITE: Thank you.

25 MR. HERNANDEZ: I have no questions for

1 this witness.

2 PANEL CHAIR HOPPES: All right.

3 Ms. Guerra, may she be excused?

4 MS. GUERRA: Yes, ma'am. Thank you.

5 PANEL CHAIR HOPPES: Thank you,

6 Ms. White.

7 (Ms. Heather White disconnects.)

8 PANEL CHAIR HOPPES: Call your next
9 witness.

10 MS. GUERRA: Actually, I just have one
11 more exhibit to present to the panel, and it's as to
12 attorney's fees and direct expenses in this case. If I
13 may, I would like to offer into evidence CFLD Exhibit
14 Number 7.

15 Brittany, if you can scroll down for the
16 panel to see the exhibit number. Thank you.

17 Again, I would move this into evidence.

18 PANEL CHAIR HOPPES: Any objection?

19 MR. HERNANDEZ: No, Your Honor.

20 PANEL CHAIR HOPPES: It's admitted.

21 (Petitioner's Exhibit 7 admitted.)

22 MS. GUERRA: This exhibit shows the -- a
23 total amount of time and costs expended by petitioner in
24 pursuit of this State Bar-initiated grievance. We have
25 spent a total of 5.59 hours preparing for this case, as

1 detailed in Exhibit A attached to this affidavit.

2 Brittany, if you can scroll down to
3 Exhibit A. This shows that the total amount of
4 attorney's fees in this matter are \$1,257.75; the total
5 management, in costs and expenses, are \$485.00; the
6 total amount of attorney's fees, costs and expenses, is
7 \$1,742.75, of which the Bar would be asking for an even
8 \$1,700.00 in attorney's fees, pursuing this grievance,
9 this State Bar-initiated grievance.

10 And just, lastly, for the record --
11 Brittany, if you could scroll to Exhibit B to show that
12 it is attached thereto.

13 Also, if I just may quickly address the
14 panel, what we're asking for, in addition to these
15 attorney's fees and costs -- if the panel wants to
16 entertain the State Bar's recommendation at this time.
17 What we're asking for, given her extensive history,
18 given all of the testimony that you've seen regarding
19 the State Bar's efforts to try to bring her into
20 compliance on the judgment that is the underlying
21 judgment for this grievance, for this default hearing,
22 and taking into account that, in her prior history, she
23 has a history of nonresponsiveness, failing to respond
24 to the grievance; she has prior default judgments. This
25 is a pattern with Ms. Loyd. It is a pattern that is

1 well documented in her business records affidavit. Yet
2 again, she displayed that same behavior as to this case,
3 by failing to submit an answer until the morning of
4 today's hearing. Again, this is the pattern that
5 remains unchanged.

6 And so when -- you know, we take these
7 matters seriously. We review all of the information in
8 front of us. And at this point, the panel -- or the
9 commission is of the opinion that those matters cannot
10 be ignored, and they have -- we hope will be given heavy
11 weight by the panel. I have authority from the
12 commission in this case to seek disbarment of this
13 respondent. We would be asking for restitution in the
14 amount of \$1,000.00, to Vernon Bauer, the original
15 attorney's fees of \$3,300.00, and \$700.00 in costs, with
16 regard to the underlying judgment mentioned in this
17 evidentiary petition for this case, along with the
18 \$1,700.00 associated with the prosecution of this
19 State Bar-initiated grievance. So those are the matters
20 that we're presenting before this panel.

21 And, again, this is a pattern that is
22 well documented with Ms. Loyd. The Bar takes it
23 seriously, and we feel that she has had plenty of
24 opportunity to take corrective action regarding her
25 behavior, along with the State Bar's help. She had a

1 compliance monitor willing to work with her, who made
2 repeated efforts to reach out to her. And Ms. Loyd just
3 continues to noncomply. And this has been going on for
4 years, if you look at the dates of these judgments.

5 So that's what we're asking for in this
6 case. We know it's a big ask, but we also know that we
7 have the judgments to support our recommendation for
8 disbarment.

9 PANEL CHAIR HOPPES: All right. Thank
10 you, Ms. Guerra.

11 Mr. Hernandez, you can proceed.

12 MR. HERNANDEZ: Your Honor, if I may,
13 given that the level of sanctions that the State Bar is
14 requesting, I don't think it's far-fetched to ask or
15 expect a -- at least a continuance, via courtesy, to get
16 our ducks together, because we did not -- could not have
17 imagined they would go for, you know, what they're going
18 for. And I think maybe even a one-week continuance or
19 at the next regularly-scheduled hearing, just to
20 supplement this part. And we don't -- you know, we will
21 not object to any timing, any notice issues. The -- you
22 know, we've tried to kind of hurry it by not objecting
23 to a lot of things that probably don't really matter in
24 the scheme of things. So given the consequences,
25 drastic consequences that are being requested, like to

1 request at least a week or, you know, a week, to the
2 next convenient time for the committee.

3 PANEL CHAIR HOPPES: That request for
4 continuance is denied.

5 Do you have anything that you want to
6 present?

7 MR. HERNANDEZ: I'd like to call
8 Ms. Loyd, please.

9 PANEL CHAIR HOPPES: Okay.

10 ANNETTE R. LOYD VANICEK,
11 having been duly administered the oath, testified as
12 follows:

13 DIRECT IN NARRATIVE

14 MS. LOYD: With the committee's
15 permission, I would like to, by narration, explain that
16 I have complied with the terms of the order.

17 Linzy Hill, who was the assistant to
18 Heather White, instructed me to just make sure my CLE
19 was reported to the MCLE committees. I did all of that
20 in the two years of the judgment that was entered in
21 2019. I completed the law practice management courses
22 that both Heather and Linzy had sent me to complete
23 or -- they had given me a number of those, and I
24 completed those hours.

25 With respect to the total of \$5,000.00

1 that was ordered to be paid, the \$1,000.00 to Mr. Bauer
2 and to the Bar for 4,000.00, I sent a cashier's check to
3 the State Bar offices in Austin. It was all lumped
4 together. It was not a separate -- it was not separate
5 checks. It was one cashier's check for \$5,000.00. That
6 was sent from my bank, which is now Veritex Community
7 Bank. I have requested they provide me information as
8 to the status of that cashier's check, because I did
9 not -- after it was -- the cash was withdrawn from my
10 account; I couldn't track it for that purpose. But I
11 did, in fact, pay that \$5,000.00 in March of 2019 and
12 sent that in while I was coordinating to get the CLE and
13 also a counselor, as required by that judgment.

14 I did comply with the counseling required
15 by the counselor, was Dr. Klinefelter; and those reports
16 were sent directly by him in compliance with the order.

17 I have not ignored the Bar. I understood
18 that sending the cashier's check was sufficient to pay
19 the \$5,000.00; and I have continued with the mental
20 health counselor, Dr. Klinefelter, in addressing the
21 issues I have, as well.

22 I have not ignored the Bar. I understood
23 that the CLE transcripts submitted in my birth month
24 were sufficient for the monitor to obtain to show that I
25 had done those classes, and I had sent in the cashier's

1 check payable to the State Bar shortly after the
2 proceedings in February of 2019.

3 I am recognizing the committee has
4 incurred additional attorney's fees and would be willing
5 to satisfy those costs, as well. If I misunderstood
6 where the reporting requirements were and the payment,
7 I -- I understood that that was what was required, to
8 make sure they were in the MCLE transcript.

9 I would ask the committee to consider not
10 only have I complied in the past and satisfied those, I
11 have done so with the most recent proceedings, in 2019.
12 I did comply with a small order in -- that was pending
13 at the same time as the 2019 order, the one, I believe,
14 was dated December 2018; and I understood that this
15 was -- that I had done what I needed to do at the end of
16 the two-year probated period.

17 I would ask the committee consider a
18 lesser sanction than what is requested by the Bar. I --
19 Fran, I don't know -- I don't think --

20 MR. HERNANDEZ: I think they -- they get
21 it.

22 MS. LOYD: Okay.

23 MR. HERNANDEZ: Thank you, Your Honor.

24 PANEL CHAIR HOPPES: Ms. Guerra, do you
25 have any questions of this witness?

1 MS. GUERRA: Yes, ma'am, just a few.

2 PANEL CHAIR HOPPES: Okay. You may
3 proceed.

4 CROSS-EXAMINATION

5 BY MS. GUERRA:

6 Q Ms. Loyd, when you say that you have proof of
7 payments -- first of all, you have had notice of this
8 evidentiary petition since June 9 of 2022, correct, when
9 you were personally served with the evidentiary
10 petition?

11 A Yes.

12 Q And since that time, you have not tendered to
13 anyone at the Bar any of these -- any of these checks
14 that you claim to have in your possession, correct?

15 A I don't have the checks. I --

16 Q Copy of the checks.

17 A -- withdrew \$5,000.00 to buy a cashier's check
18 payable to the State Bar, and that was done in March of
19 2019.

20 Q Okay. Ms. --

21 A I sent that in with a copy of the order,
22 showing the total amount. And I have asked my bank for
23 a copy of that check. It was a cashier's check drawn on
24 Veritex Bank.

25 Q Okay, let me stop you right there, because you

1 did not submit an answer to that evidentiary petition
2 and did not provide us with any copies of any of these
3 checks that you say you've now ordered from the bank.
4 Isn't that right?

5 A I do not have them from the bank. Their
6 system was changed in June of 2019, so the research
7 department is obtaining those records from that time
8 period before they switched over to a different system.

9 Q So bottom line, you don't have any copies of
10 those checks to present at this hearing today, correct?

11 A I do not have a copy of that. I have only --
12 could provide a bank statement, if I -- if I could put
13 my hands on it, showing a \$5,000.00 withdrawal.

14 Q And you heard Ms. White testify as to your
15 noncompliance on one of these judgments, and you did not
16 bother to cross-examine her to see if those payments
17 had, in fact, been submitted. Correct?

18 A I -- I didn't cross-examine her myself, no.

19 Q Okay.

20 And lastly, Ms. Loyd, I would add that
21 what you're arguing, you're arguing that the restitution
22 to Mr. Bauer and that the attorney's fees and costs
23 totaling \$4,000.00 in the underlying judgment that
24 served -- that was the judgment you violated, and that's
25 why we filed this State Bar-initiated grievance, you

1 understand that those facts, about whether you paid or
2 not, the facts as listed in the petition, are to be
3 taken as true; the facts that I've alleged in my
4 petition are to be taken as true. They already have
5 been found true, pursuant to the Rules of Disciplinary
6 Procedure. So what you're trying to do is say that you
7 are -- you're going against what this panel has already
8 found in their -- at the first portion of this hearing.

9 Do you understand how this process works?

10 A I under -- I understood that by filing an
11 answer, that the motion for default would not be --
12 would be moot.

13 Q That's not what the rule says, Ms. Loyd. Have
14 you had a chance to look at the Rules of Disciplinary
15 Procedure?

16 A I did not understand that was the rule in
17 these proceedings.

18 Q Ma'am, this is not the first default judgment
19 you've had -- or this is not the first default hearing
20 you've had against you, correct?

21 A No, it is not.

22 Q But your testimony to this panel is that you
23 don't understand how defaults work?

24 A I did not understand that I would not be
25 permitted to explain my compliance issues. I believed

1 the answer would have sufficed to show that I was
2 attempting to provide that evidence to the committee.

3 Q Okay. But bottom line, you don't have any
4 exhibits to show the panel today, in your defense,
5 correct?

6 A Other than the transcripts for the CLE that
7 were emailed to you.

8 Q I don't know what transcripts you are
9 referring to. Would those have been sent to me today?

10 A Yes.

11 Q Okay, the day of hearing.

12 And if you sent them to me, then that
13 means you have them in your possession. Correct?

14 A I believe Mr. Hernandez sent them to you.

15 Q Okay. But they have not been presented as
16 part of this hearing, correct?

17 A I would -- I would either have to bring them
18 up --

19 MR. HERNANDEZ: Yeah, put them up.

20 MS. LOYD: Okay.

21 Q (BY MS. GUERRA) Well, this is my
22 cross-examination; so if he wants to redirect and
23 introduce items, I would like to know what exactly he's
24 going to introduce before we get there. I'm simply
25 saying, Ms. Loyd, that you've had ample time to prepare

1 for this hearing, ample time to hire counsel. You had
2 ample time to submit an answer. And yet, it wasn't
3 until this morning that you decided to file an answer in
4 this case. Correct?

5 A The answer was submitted today. I had
6 contacted counsel previously about representing me here.

7 Q Okay.

8 MS. GUERRA: All right. Nothing further,
9 Ms. Panel Chair.

10 PANEL CHAIR HOPPES: All right.

11 Mr. Hernandez, call your next witness.

12 MR. HERNANDEZ: Your Honor, I would just
13 like the committee to take judicial notice of her -- of
14 Ms. Loyd's Texas Bar CLE, which is what we emailed the
15 Bar, yes, late, but, arguably, at least it's been on
16 record constructively, for their knowledge, since 2019,
17 and each year she has taken the CLE. So it's not like
18 it can be invented. It comes from their own website.

19 But whenever you're ready for argument,
20 Your Honor.

21 PANEL CHAIR HOPPES: All right.

22 Council members, do you have any
23 questions -- committee members?

24 MR. ALLEN: I have a question. I'd like
25 to know from Ms. Loyd -- she mentioned earlier that part

1 of the issue here were some mental health issues she was
2 having, and I'd like to know what help Ms. Loyd is
3 seeking to address those mental health issues, and if
4 that help she's seeking, does she believe it's going to
5 resolve the issues that she's had in the past?

6 MS. LOYD: May I answer? I'm hearing an
7 echo, so.

8 I have been counseling with
9 Dr. Klinefelter. His first name -- nickname is Hap. He
10 is a counselor here in Fort Worth. And initially, when
11 I was directed to seek counseling, through the judgment
12 that was entered in 2019, the diagnosis was depression
13 and anxiety. I have improved on the depression issues
14 and am no longer on that medication, but I am struggling
15 and continue to seek counseling for anxiety issues,
16 similar to the -- similar to addressing these types of
17 confrontations; and I have found Dr. Klinefelter to be
18 helpful in allowing me to work through those issues.
19 It -- I -- without addressing family-related issues,
20 that the anxiety issues are still part of why I seek
21 that counseling.

22 MR. ALLEN: And, ma'am, I think you
23 talked earlier about your inability to respond to the
24 request for information that was filed. Can you explain
25 how your mental health issues prevented you from being

1 able to respond, you know, certainly in terms of when
2 this petition -- when it was filed by the State Bar and
3 then, subsequently, when the -- when you had notice of
4 the default? And I believe that there had been, like,
5 45 -- at least 45 days from the time you were given
6 notice. Can you explain how your issues prevented you
7 from being able to make a response?

8 MR. HERNANDEZ: May I be allowed to
9 answer that question? Or I can wait till argument, but
10 it goes right to the heart of what the committee member
11 asked.

12 PANEL CHAIR HOPPES: Well, let her answer
13 the question, and you can make argument.

14 MR. HERNANDEZ: Okay.

15 PANEL CHAIR HOPPES: You can answer,
16 Ms. Loyd.

17 MS. LOYD: Okay.

18 Mr. Allen, the anxiety issues I have make
19 it somewhat difficult for me to focus on what is
20 required, particularly when -- when these confrontations
21 occur; and I have believed I was in compliance. So I
22 had contacted some attorneys to represent me in these
23 last -- since I received the information regarding the
24 affidavit, and I struggle, as -- I don't know if you can
25 tell or not. I struggle with the -- with -- again,

1 attempting to focus on these -- these proceedings. I am
2 addressing them, as I thought I had addressed in the
3 judgment of compliance, and I had periodically spoken to
4 a Linzy Hill, in Ms. White's office, as well.

5 So I don't know if I've completely
6 answered your question. If I haven't, please let me
7 know if there's a remaining part to be addressed.

8 (Pause in proceedings.)

9 PANEL CHAIR HOPPES: All right.

10 Panel members?

11 MR. PRUITT: I have a question,
12 Panel Chair, or a couple, actually.

13 Ms. Loyd, so I understand that you have
14 problems dealing with, I guess, engaging on these
15 issues; but do you agree that you received emails back
16 in 2020 from the State Bar saying that your -- that this
17 money was due and that they needed your MCLE compliance?

18 MS. LOYD: I recall receiving an email
19 asking for a CLE and for the mental health reports. I
20 spoke with either Linzy or somebody named Daesha
21 (phonetic) and understood that my CLE reporting, which
22 was due in January, because that's my birth month, was
23 available and they -- that would be all I would need
24 to --

25 PANEL CHAIR HOPPES: Ms. Loyd. Ms. Loyd,

1 I'm just going to interrupt you and ask that you listen
2 to the question that he's asking you and answer that
3 question.

4 MR. PRUITT: You got the emails about not
5 making the payments, or did you not?

6 MS. LOYD: I did receive them and
7 responded by what I thought was appropriate, a phone
8 call.

9 MR. PRUITT: And then did you receive
10 later the email that included the letter from counsel
11 for the commission, a year later, basically saying the
12 same thing, that you had not paid the restitution, nor
13 the costs, nor the attorney's fees?

14 MS. LOYD: I do not recall receiving that
15 because that was -- I believe that was a time period
16 where we had a freeze, and there was disruption at my
17 office at that point. I don't remember receiving those
18 letters.

19 MR. PRUITT: Now, one of the prior
20 default judgments that you received, as I recall, from
21 the document that was put into evidence--I think it may
22 be 6c--you filed an answer in that default on the same
23 day as the default hearing, as well. Do you recall
24 doing that, or was that done by counsel for you?

25 MS. LOYD: I don't recall doing that.

1 In -- I do not recall that, no, I'm sorry.

2 MR. PRUITT: Could we pull that up again,
3 Laurie. And, I'm sorry, I don't have the specific
4 number. I think it's -- I think it's 6b, but I could be
5 wrong. Probably am wrong.

6 (Pause in proceedings.)

7 MS. GUERRA: I'm sorry, sir, were you
8 referring to a specific email that we can pull up for
9 you --

10 MR. PRUITT: No, it's the judgment --
11 it's one of the judgments that you put into evidence
12 with the business records affidavit.

13 PANEL CHAIR HOPPES: Business records
14 affidavit.

15 MS. GUERRA: Okay. That would be CFLD
16 Exhibit 6.

17 MR. PRUITT: Okay.

18 MS. GUERRA: And let me see if I can get
19 Brittany back online.

20 MR. PRUITT: And it's the default in
21 which she filed an answer the day of the hearing.

22 MS. GUERRA: Okay.

23 MS. PAYNTON: I got it. Just what year
24 of it? Which one is it?

25 MS. GUERRA: It's one of the default

1 hearings, so --

2 MS. PAYNTON: Okay. Let me see. Let's
3 just start, this one.

4 Here's this one.

5 (Pause in proceedings.)

6 MR. PRUITT: I don't believe that's the
7 one.

8 MS. PAYNTON: Okay. Let's just go....
9 Here's this one.

10 MR. PRUITT: Okay.

11 (Pause in proceedings.)

12 MR. PRUITT: You're -- I think it's
13 pretty early. It's in the state recitation at the very
14 beginning of the one that I'm talking about. Going to
15 be on the first page --

16 MS. PAYNTON: Okay.

17 MR. PRUITT: -- of the default.

18 MS. PAYNTON: Right here. It's right
19 here. "Respondent appeared pro se, and filed an
20 untimely Answer on date of said hearing."

21 MR. PRUITT: Okay. Well --

22 MS. LOYD: I can explain that one, as
23 well.

24 MR. PRUITT: Okay. Please do.

25 MS. LOYD: Initially in this matter, we

1 had a committee meeting, or there was a panel, and the
2 public member had either coronary arrest or stroke
3 during the proceedings. I had filed an answer in the
4 initial committee meeting; and because of the public
5 member being removed by ambulance, it was rescheduled
6 for the February date. And I believe the answer had
7 already been on file for quite some time before the
8 February proceeding.

9 The initial panel -- the initial panel
10 that was convened with the public member having a health
11 issue, I believe the answer was filed prior to that
12 hearing. May not have been -- I don't recall exactly
13 the timing of it, but I know that the panel was convened
14 with an answer on file and then, because of the public
15 member health, it was reset to February; and my answer
16 had been on file at that time for the February
17 proceeding.

18 MR. PRUITT: Okay.

19 I have only one last question, and that's
20 just can you tell us, generally, the nature of your
21 current law practice?

22 MS. LOYD: I'm sorry? I didn't hear you.

23 MR. PRUITT: What's the nature of your
24 current law practice? What are you -- what are you
25 doing as a lawyer currently?

1 MS. LOYD: I do a general practice with
2 real estate and just a general civil practice. I do
3 eviction hearings and -- and title issues in the real
4 estate matters.

5 MR. PRUITT: I thank you.

6 That's all my questions.

7 PANEL CHAIR HOPPES: All right.

8 (Reporter clarification.)

9 PANEL CHAIR HOPPES: Mr. Hernandez, do
10 you recall Exhibit 6a?

11 MR. HERNANDEZ: I do not.

12 PANEL CHAIR HOPPES: Brittany, what was
13 that?

14 MS. PAYNTON: It is the email -- hold on
15 one second. I have it right here. It's going to be the
16 first email that was sent to compliance. It's right
17 here.

18 MR. HERNANDEZ: I don't believe there was
19 an objection at all.

20 PANEL CHAIR HOPPES: All right. Having
21 no objection, it's admitted.

22 All right, Mr. Hernandez, do you have any
23 other evidence or witnesses you want to present before
24 we go to argument?

25 MR. HERNANDEZ: I do not.

1 PANEL CHAIR HOPPES: All right.

2 All right, Ms. Guerra.

3 MS. GUERRA: The only thing I would --
4 and I won't belabor this--I know we have another
5 hearing--but the only point I'd like to clarify, it
6 seems to me, if I may ask the respondent just a few
7 additional questions regarding this payment that she
8 said she submitted?

9 PANEL CHAIR HOPPES: Yes. Go ahead.

10 RE-CROSS-EXAMINATION

11 BY MS. GUERRA:

12 Q Ms. Loyd, you mentioned that you had submitted
13 a payment. You've provided no proof thereof, but you
14 claim that you have. It's my understanding -- and
15 please correct me if I misunderstood you, but it's my
16 understanding that you claim you sent all of the fees
17 and the restitution as one lump-sum check? Was that
18 your testimony?

19 A Yes, for a total of \$5,000.00.

20 Q And you're aware that the judgment that
21 ordered you to pay those fees and restitution
22 specifically tells you in writing, in the judgment, that
23 you are to submit separate checks: a restitution check
24 made payable to Vernon Bauer and a separate check for
25 attorney's fees and costs to the State Bar of Texas.

1 And those checks -- or that money, I should say, needs
2 to be submitted in the form of a money order or
3 cashier's check. Did you understand that instruction in
4 the judgment?

5 A I recall it was to be a cashier's check. I
6 did not recall that it had to be separate checks.

7 Q Okay. But that was, nonetheless, the
8 instruction written and ordered in the judgment, to
9 provide separate checks, correct?

10 A If that's what the judgment says, yes. I just
11 recall that it was a cashier's check that was required.

12 Q Thank you.

13 MS. GUERRA: That's all I needed to
14 clarify, Ms. Panel Chair. Thank you.

15 PANEL CHAIR HOPPES: All right. Do you
16 have any other argument other than what you've already
17 told us?

18 MS. GUERRA: No, ma'am. I would just ask
19 the panel to take into consideration, again, her deep
20 history for defaults, not complying to the State Bar,
21 not responding to grievances, filing answers at the last
22 minute, and just in general, not complying with what
23 she's ordered by panel -- by panels to comply with, and
24 to please take that into consideration with our request
25 for disbarment.

1 PANEL CHAIR HOPPES: All right. Thank
2 you.

3 Mr. Hernandez, argument?

4 MR. HERNANDEZ: Yes.

5 Committee, let's -- you know, kind of,
6 let's think about this. I remember--and I know we can't
7 comment on it--but when Reagan Wynn got sanctioned by
8 the Bar, and I was so shocked because he -- you know, I
9 had such admiration for him and his legal abilities,
10 we're talking about a powerhouse. I mean, I've been
11 around some incredibly talented lawyers in 32 years and
12 the -- at Skadden Arps, at AT&T, here in Tarrant County;
13 but I would still put my child's life into somebody like
14 Reagan Wynn's hands. So to me, it just put a new
15 perspective or understanding what depression really is.

16 I don't mind telling you that I routinely
17 refer cases to Annette. I don't mind telling you that I
18 will stick up for her anytime. I will sign on her case
19 anytime. What's bizarre here is, out of all of the
20 behavior you guys have heard, about disregarding
21 deadlines, about anxiety, about disregard, it is the
22 polar opposite of the way I see her conduct and handle
23 cases with clients that I refer to her. In fact, she is
24 so slow and methodical and thought-through that she
25 gives me anxiety, to sit there and listen through the

1 whole explanation. Annette is the kind of lawyer whose
2 therapy is practicing law. That's her therapy. That's
3 what keeps her sane, because -- to see how she handles
4 her own deal, as you've seen, you wonder what in the
5 world is going on, because it -- this depression, it
6 paralyzes you, from what I understand. I have no idea.
7 But to inflict a death penalty on somebody, I don't mind
8 telling you, whose skills are regarded as high as Reagan
9 Wynn, in her respective field, you know, we can't just
10 do capital -- you know, capital punishment. We at least
11 got to look at it.

12 I would say let's put this off a little
13 bit, do some -- you know, have the Bar pick a
14 psychologist that can give us a straight assessment,
15 whether it's behavior or whether it is paralyzing her
16 personal life, as we all do as lawyers, for the benefit
17 of our clients. That's the burden that we carry. And
18 then to be afflicted with depression, I have no idea
19 what it is. But I tell you who could give us a good
20 assessment -- Madam Chair, who's the one in Arlington
21 that all the family judges appoint to? I mean, she
22 tells it like it is. What's her name? She's, like,
23 parental counseling stuff in divorces.

24 PANEL CHAIR HOPPES: I just don't think
25 it's appropriate in my role as panel chair to pipe in on

1 that. Okay?

2 MR. HERNANDEZ: Yeah, fair enough.

3 I'm --

4 PANEL CHAIR HOPPES: And this is
5 argument, as well, you know; this is not testimony.

6 MR. HERNANDEZ: Yeah. What it gets to --
7 you know, what I'm arguing we should do is let's get a
8 study done on Annette before we inflict a capital
9 punishment, and see if, you know, treatment does affect
10 it; and maybe, you know, an anonymous audit of some of
11 her existing clients, because, again, what we don't want
12 happening is Annette messing up somebody's lives because
13 of a case she took. I think it's the opposite. She
14 lets these cases ruin her life. But I see no flaw in
15 her legal work. So kind of -- maybe a suggestion out of
16 the box.

17 PANEL CHAIR HOPPES: All right, anything
18 else?

19 (Pause in proceedings.)

20 PANEL CHAIR HOPPES: All right. Then
21 we're going to adjourn to deliberate.

22 And, Brittany or Ms. Guerra, would you
23 notify the respondent in writing of our decision?

24 MS. PAYNTON: I was just going to let you
25 know, we -- it is on record today after you deliberate.

1 So we have the court reporter, and she puts it on
2 record, what y'all decide.

3 PANEL CHAIR HOPPES: Okay, wonderful.
4 That's what I wanted to know.

5 Okay. Can you send us to breakout,
6 please?

7 MS. PAYNTON: Yes, ma'am. Just the panel
8 hit the button.

9 (Deliberations.)

10 PANEL CHAIR HOPPES: All right. Back on
11 the record.

12 MR. PRUITT: I have a motion to make,
13 after having deliberated. I move that we give the
14 respondent a three-year active suspension beginning
15 immediately, \$1,000.00-plus-interest payment to
16 Mr. Bauer, \$3,300.00 plus interest for the prior
17 attorney-fee award, \$700.00 plus interest on the prior
18 cost award, and \$1,700.00 on the current attorney's fees
19 and costs.

20 PANEL CHAIR HOPPES: Do we have a second?

21 MS. BULLA: Second.

22 PANEL CHAIR HOPPES: Okay. All in favor,
23 say aye or raise hand, please.

24 (Panel members respond aye.)

25 PANEL CHAIR HOPPES: Ann, you're muted

1 and you're off your video. We can't see you or hear
2 you.

3 MS. MCDONALD: Aye.

4 PANEL CHAIR HOPPE: All right.

5 MS. MCDONALD: Did you get that?

6 PANEL CHAIR HOPPE: I got it.

7 All right. The motion carries, and that
8 will be the panel's ruling.

9 MR. HERNANDEZ: Thank you. May we be
10 excused?

11 PANEL CHAIR HOPPE: Yes, you may. Thank
12 you.

13 MS. GUERRA: Actually, I'm sorry --

14 PANEL CHAIR HOPPE: That's all right.

15 MS. GUERRA: I just want to make sure
16 that I've got this clear for purposes of the judgment
17 that will be entered in this case. When you say a
18 thousand plus interest, I'm referring to the
19 already-admitted Exhibit 6b, which refers to restitution
20 made payable to Vernon Bauer in the amount of \$1,050.00.
21 Is that the number that the panel contemplated when they
22 included interest?

23 PANEL CHAIR HOPPE: Yes.

24 MS. GUERRA: Okay. So it'll be 1,050.00.

25 And, then, as far as attorney's fees with

1 interest, that total, according to 6b, was 3,465.00.

2 PANEL CHAIR HOPPES: Yes.

3 MS. GUERRA: Okay, that's the one --
4 that's what the panel contemplated?

5 PANEL CHAIR HOPPES: Yes.

6 MS. GUERRA: And then the costs were
7 735.00, also including interest.

8 PANEL CHAIR HOPPES: That is correct.

9 MS. GUERRA: And then the seventeen --
10 and those amounts were as to the underlying case, Case
11 Number 201505595, which served as the basis for this
12 State Bar-initiated grievance. And then as to this
13 State Bar-initiated grievance, there's \$1,700.00 in
14 attorney's fees and costs made payable to the State Bar.

15 PANEL CHAIR HOPPES: Thank you.

16 MS. GUERRA: Thank you. I just wanted to
17 make sure I clarified that for the record. Appreciate
18 it.

19 PANEL CHAIR HOPPES: All right.

20 MR. PRUITT: That's correct.

21 PANEL CHAIR HOPPES: All right. Thank
22 you all.

23 (Proceedings concluded.)

24

25

1 STATE OF TEXAS)

2 COUNTY OF DALLAS)

3 I, AMANDA J. LEIGH, Certified Shorthand Reporter in
4 and for the State of Texas, do hereby certify that the
5 foregoing contains a true and correct transcription, to
6 the best of my ability, of all portions of evidence and
7 other proceedings requested in writing by Respondent to
8 be included in this Reporter's Record, in the
9 above-styled and -numbered cases, all of which were
10 reported by me.

11 I further certify that this Reporter's Record of
12 the proceedings truly and correctly reflects the
13 exhibits, if any, admitted, tendered in an offer of
14 proof, or offered into evidence.

15 I further certify I am neither financially
16 interested in the action nor a relative or employee of
17 any attorney or any party to this action.

18 WITNESS MY OFFICIAL HAND this 10th day of November,
19 2022.

20 /s/ Amanda J. Leigh

21 _____
22 AMANDA J. LEIGH, CSR
23 Texas CSR No. 3791
24 Expiration Date: January 31, 2023
25

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Appendix 2



No. 2021-03038

COMMISSION FOR LAWYER DISCIPLINE	}	District 7 Grievance Committee
	}	
v.	}	Evidentiary Panel 7-1
	}	
ANNETTE LOYD	}	State Bar of Texas

ORIGINAL ANSWER OF ANNETTE LOYD

TO THE STATE BAR OF TEXAS:

I.

General Denial. Annette Loyd, Respondent denies generally every allegation in the Complaint and demands strict proof by a preponderance of the credible evidence.

For these reasons, Respondent requests the suit be dismissed, and any other and further relief, to which Respondent may be justly entitled.

Respectfully submitted,

/s/ Annette Loyd
 Annette Loyd
 State Bar No. 16731100
 4528 W. Vickery Boulevard, Suite 202
 Fort Worth, Texas 76107
 Telephone: (817)769-2724
 Telecopier: (817) 769-2703
 annette@vaniceklaw.com

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel on this 2nd day of November, 2022:

Laurie Guerra
 Attorney for Commission
 14651 Dallas Parkway Suite 925
 Dallas TX 75254

/s/ Annette Loyd
 Annette Loyd

Appendix 3

**BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-1
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner,**

v.

**ANNETTE R. LOYD,
Respondent.**

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CASE NO. 202103038

**RESPONDENT’S MOTION TO SET ASIDE DEFAULT JUDGMENT AND
FOR NEW TRIAL OR, IN THE ALTERNATIVE, FOR RECONSIDERATION**

TO THE HONORABLE EVIDENTIARY PANEL:

COMES NOW Respondent, ANNETTE R. LOYD (“Respondent”) and files this Motion to Set Aside Default Judgment and for New Trial or, in the alternative, for Reconsideration (the “Motion”) pursuant to Rule 2.21 of the Texas Rules of Disciplinary Procedure (“TRDP”) and the Texas Rules of Civil Procedure, and in support thereof, Respondent would respectfully show the Evidentiary Panel the following:

I. BACKGROUND

1. On March 10, 2022, the Commission for Lawyer Discipline (“Petitioner”) filed its Evidentiary Petition and Request for Disclosure (“Petition”), alleging that Respondent violated Rules 8.04(a)(7) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct (“TDRPC”). Specifically, Petitioner alleged that Respondent failed to comply with a Judgment of Fully Probated Suspension entered against her on February 14, 2019.

2. On September 14, 2022, Petitioner filed a Motion for Default Judgment against Respondent. A hearing on Petitioner’s Motion for Default Judgment was set for November 2, 2022, at 1:30 p.m.

3. On November 2, 2022, Respondent filed her Original Answer and Request for Continuance, requesting a thirty-day continuance of the Default Judgment Hearing. Although Respondent had filed an answer and sought the continuance, Respondent and Respondent's counsel still attended the hearing on Petitioner's Motion for Default Judgment via Zoom videoconference (the "Default Judgment Hearing").

4. At the Default Judgment Hearing, the Evidentiary Panel denied the Motion for Continuance and moved forward with the Default Judgment without considering my Original Answer.

5. On November 18, 2022, the Evidentiary Panel entered the Default Judgment of Active Suspension against Respondent (the "Default Judgment"). According to the Default Judgment, all material allegations in the Petition were deemed true. In addition, the Default Judgment ordered that Respondent is suspended from the practice of law for three years, ordered Respondent to surrender her Texas Law License and permanent State Bar card, ordered Respondent to pay reasonable and necessary attorneys' fees and direct expenses to the Bar, and made several other related orders regarding Respondent.

6. On December 7, 2022, Respondent filed an Emergency Petition to Stay Default Judgment of Active Suspension.

II. ARGUMENTS AND AUTHORITIES

7. While Respondent filed an answer before the Default Judgment Hearing, the Evidentiary Panel proceeded with the Default Judgment Hearing, treating the matter as a no-answer default judgment. To overturn a no-answer default judgment, the Supreme Court of Texas has established a three-factor test. *Craddock v. Sunshine Bus. Lines, Inc.*, 133 S.W.2d 124, 126 (Tex. 1939). Under the *Craddock* test, a no-answer default judgment should be vacated, and a new

trial granted when the defaulting party establishes the following: (1) the failure to answer or to appear was not intentional or the result of conscious indifference but rather was due to a mistake or an accident; (2) the motion for a new trial sets up a meritorious defense; and (3) granting a new trial will not cause delay or other injury to the prevailing party. *In re R.R.*, 209 S.W.3d 112, 115 (Tex. 2006); *Craddock*, 133 S.W.2d at 126. When the defaulting party satisfies all three elements of the *Craddock* test, a trial court abuses its discretion if it fails to grant a new trial. *Old Republic Ins. Co. v. Scott*, 873 S.W.2d 381, 382 (Tex. 1994).

A. RESPONDENT’S FAILURE TO ANSWER WAS DUE TO AN ACCIDENT OR MISTAKE.

8. The first element of the *Craddock* test requires the defaulting party to show that its failure to answer was due to mistake or accident, and not the result of conscious indifference. *Craddock*, 133 S.W.2d at 126. Failing to answer or appear intentionally or by conscious indifference means “that the defendant knew it was sued but did not care.” *Fidelity & Guar. Inc. Co. v. Drewery Const. Co., Inc.*, 186 S.W.3d 571, 576 (Tex. 2006). “An excuse need not be a good one to suffice.” *Id.* Here, Respondent’s failure to timely answer the Petition was the result of an accident or mistake.

9. As evidenced by Respondent’s Affidavit¹ and the statements of her attorney, Francisco Hernandez, Respondent mistakenly believed that the Texas Rules of Civil Procedure governed the proceedings before the Evidentiary Panel.² Specifically, Respondent believed that Petitioner could not take a default judgment against Respondent if she had an answer on file before the Default Judgment Hearing. *Id.*; see also *In re S.K.A.*, 260 S.W.3d 463 (Tex. 2008) (no-answer default may not be taken even if the defendant files his or her answer at the hearing to grant

¹ Attached hereto as Exhibit A is a true and correct copy of the Affidavit of Annette R. Loyd Vanicek.

² Attached hereto as Exhibit B is a true and correct copy of the Default Judgment Hearing transcript, pg. 12-13, lines 23-8.

default). Consequently, once Respondent filed her Original Answer and Motion for Continuance prior to the Default Judgment Hearing, she believed that she would have another opportunity to establish that the allegations alleged by Petitioner were false.³

10. Respondent's conduct demonstrates that her failure to file a timely answer was not the result of conscious indifference, but because of accident or mistake. Therefore, the first prong of the *Craddock* test is satisfied by Respondent.

B. RESPONDENT HAS A MERITORIOUS DEFENSE.

11. The second element of the *Craddock* test requires Respondent to set up a meritorious defense. *Craddock*, 133 S.W.2d at 126. For the purposes of this Motion, Respondent's factual assertions regarding meritorious defenses must be accepted as true. *Estate of Pollack v. McMurrey*, 858 S.W.2d 388, 392 (Tex. 1993). Furthermore, Respondent's defenses are sufficient if at least a portion of the judgment would not be sustained upon retrial of the case. *Gotcher v. Barnett*, 757 S.W.2d 398, 401 (Tex. App. Houston [14th Dist.] 1988, no writ).

12. The Petition alleged that Respondent violated TDRPC 8.04(a)(7) and 8.04(a)(8), based solely on allegations that Respondent failed to comply with a Judgment of Fully Probated Suspension entered against her on February 14, 2019. Specifically, Petitioner alleged that Respondent failed to: (1) pay restitution of \$1,000 to Complainant, Vernon Bauer, on or before January 1, 2020; (2) failed to pay attorney's fees of \$3,300 to the State Bar of Texas on or before January 1, 2020; (3) failed to pay direct expenses of \$700 to the State Bar of Texas on or before January 1, 2020; and (4) failed to complete six (6) additional hours of Continuing Legal Education (CLE) in Law Office Management on or before January 1, 2020 with a corresponding verification of completion of these additional CLE hours to the State Bar of Texas.

³ Attached hereto as Exhibit C is a true and correct copy of Respondent's Original Answer and Motion for Continuance.

13. Contrary to the allegations in the Petition, Respondent timely paid all restitution, attorney's fees, and direct expenses in compliance with the Default Judgment of Fully Probated Suspension. In correspondence to the State Bar of Texas and Heather White (Respondent's assigned compliance monitor), Respondent verified that she made all the required payments on March 5, 2019.⁴ Further, Respondent completed the six (6) additional hours of Continuing Legal Education in Law Office Management. Specifically, Respondent attended the following courses: *Law Practice Management: Get Paid! Have a Life* and *Law Practice Management: Setting up Your Practice*.⁵ In addition, Respondent informed Heather White's assistant that she had completed the required courses. *See* Exhibit A.

14. Not only does Respondent's evidence disprove the allegations that she violated TDRPC 8.04(a)(7) or 8.04(a)(8) for failing to comply with the Default Judgment of Fully Probated Suspension, it establishes a meritorious defense to the claims asserted in the Petition. Accordingly, Respondent has satisfied the second element of the *Craddock* test.

C. A NEW TRIAL WILL NOT RESULT IN AN UNDUE DELAY OR ANY OTHER INJURY TO PETITIONER.

15. The third element of the *Craddock* test is intended to protect Petitioner from "the sort of undue delay or injury which disadvantages him in presenting the merits of his case at a new trial, such as loss of witnesses or other valuable evidence upon retrial." *Jackson v. Mares*, 802 S.W.2d 48, 51 (Tex. App.—Corpus Christi 1990, writ denied). No such delay or injury exists in this case.

16. First, Petitioner's only witness during the Default Judgment Hearing was Heather White, a compliance monitor for the State Bar of Texas. *See* Exhibit B at pg. 4. If the Default

⁴ Attached hereto as Exhibit D is a true and correct copy of Respondent's letter to Heather White, dated 03.05.2019.

⁵ Attached hereto as Exhibit E is a true and correct copy of Respondent's MCLE Transcript.

Judgment is set aside, nothing would prevent Petitioner from offering the same testimony and evidence it presented to the Panel in obtaining the Default Judgment, at a future hearing. In addition, in accordance with the Default Judgment, Respondent has reimbursed Petitioner's attorney's fees and reasonable expenses incurred in obtaining the Default Judgment.⁶

17. Accordingly, the third element of the *Craddock* test is satisfied because a new trial will not cause undue delay to Petitioner, nor will it result in any other injury to Petitioner.

III. MOTION FOR RECONSIDERATION

18. In the event that Respondent's Motion to Set Aside Default Judgment and for New Trial is denied, Respondent asks the Evidentiary Panel to reconsider the sanctions imposed on Respondent in the Default Judgment of Active Suspension. Based on the information outlined above, Respondent has evidence showing that she did comply with the underlying Default Judgment of Fully Probated Suspension. As such, an active three-year suspension is not a proportional sanction for the (false) allegations made against Respondent. For these reasons, and in the interest of fairness and justice, Respondent asks the Evidentiary Panel to reconsider the sanctions imposed on Respondent in the Default Judgment of Active Suspension.

IV. CONCLUSION

This Motion to set aside Default Judgment and for New Trial should be granted because Respondent has satisfied all of the elements of the *Craddock* test. Respondent's failure to timely file an answer was a mistake, Respondent has set forth meritorious defenses to all of the claims in the Petition, and no harm or delay will come to Petitioner as a result of granting this Motion. Accordingly, in the interest of fairness and justice Respondent asks the Evidentiary Panel to grant a new trial so that Respondent may argue the merits of its case.

⁶ Attached hereto as Exhibit F is a true and correct copy of Respondent's letter to the State Bar of Texas, dated December 6, 2022.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Respondent prays that the Evidentiary Panel will set aside the judgment in this matter and will grant Respondent a new trial for the grounds specified herein, and for such other and further relief that Respondent may be awarded at law or in equity.

Respectfully submitted,

WEST, WEBB, ALLBRITTON & GENTRY, P.C.
1515 Emerald Plaza
College Station, Texas 77845-1515
Telephone: (979) 694-7000
Facsimile: (979) 694-8000

By: /s/ Gaines West
GAINES WEST
State Bar No. 21197500
Email: gaines.west@westwebb.law
Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel listed below via email on December 16, 2022.

Laurie Guerra
Assistant Disciplinary Counsel
14651 Dallas Parkway, Suite 925
Dallas, Texas 75254
Attorney for Petitioner

Via Email: laurie.guerra@texasbar.com

Michael G. Graham
Appellate Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Via Email: michael.graham@texasbar.com

/s/ Gaines West
GAINES WEST

EXHIBIT A

**BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-1
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner,** §
§
§
§
v. §
§
ANNETTE R. LOYD, §
Respondent. §

CASE NO. 202103038

AFFIDAVIT OF ANNETTE LOYD VANICEK

STATE OF TEXAS §
§
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared Annette Loyd Vanicek, who is personally known to me and who, after being duly sworn according to law on her oath deposed and said:

“My name is Annette Loyd Vanicek. I am over the age of eighteen, of sound mind, and have never been convicted of a felony. I am competent to testify to the matters stated herein. I am personally acquainted with the facts stated herein and affirm the following is true and correct.

I am the Respondent in this matter. I have read Respondent’s Motion to Set Aside Default Judgment and for New Trial or, in the alternative, for Reconsideration (“Motion”) and affirm that all factual statements contained therein are based upon my personal knowledge and are true and correct.

I asked Francisco Hernandez to represent me at the hearing on the Commission for Lawyer Discipline’s (“Petitioner”) Motion for Default Judgment. At that time, I mistakenly believed that proceedings before an Evidentiary Panel were governed by the Texas Rules of Civil Procedure. Accordingly, based on my civil litigation experience and my conversations with Mr. Hernandez, I believed that Petitioner could not take a default judgment against me if I had an answer on file before the Default Judgment Hearing.

My conduct demonstrates that my failure to file an answer within the time proscribed by Rule 2.17 of the Texas Rules of Disciplinary Procedure was not the result of conscious indifference, but because of accident or mistake. I did not ignore the Evidentiary Petition or the Default Judgment. I did not understand the timeline in which I needed to file an answer, but made sure to file an answer prior to the Default Judgment Hearing.

The Evidentiary Petition (“Petition”) alleged that I violated Rules 8.04(a)(7) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct based solely on allegations that I failed to comply with a Judgment of Fully Probated Suspension entered against me on February 14, 2019 (the “Probated Judgment”). However, contrary to the allegations, I did comply with the Probated Judgment.


On March 5, 2019, I sent a letter to my compliance officer, Heather White, with a cashier’s check for the repayment of attorney’s fees and direct expenses and two money orders for my restitution payment to Vernon Bauer. A true and correct copy of the letter I sent to Ms. White on March 5, 2019, is attached hereto as Exhibit 1 and attached to the Motion as Exhibit D.

In addition, I completed the additional six hours of Continuing Legal Education (CLE) in Law Practice Management. A true and correct copy of my MCLE Transcript is attached hereto as Exhibit 2 and attached to the Motion as Exhibit E. Further, in March of 2019, I had multiple phone calls with Ms. White’s assistant, Linzy Hill, regarding my CLE requirements. During one phone call, Ms. Hill informed me I did not need to submit written verification that I had completed my CLE requirement because the State Bar could access my CLE transcript online.

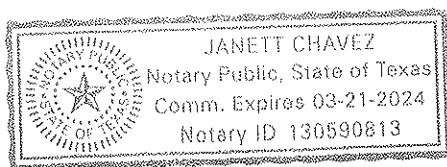
On December 6, 2022, I paid all restitution, attorney’s fees, and direct expenses in compliance with the Default Judgment of Active Suspension. Accordingly, I have reimbursed Petitioner’s attorney’s fees and reasonable expenses incurred in obtaining the Default Judgment. A true and correct copy of my letter to the State Bar of Texas with the cashier’s checks enclosed is attached hereto as Exhibit 3 and attached to the Motion as Exhibit F.

Accordingly, I am asking the Evidentiary Panel to set aside the Default Judgment and grant a new trial so that I may have the opportunity to argue the merits of this case.”

Further affiant sayeth not.


Annette Loyd Vanicek, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on this 14th day of December 2022, to certify which witness my hand and official seal of office.



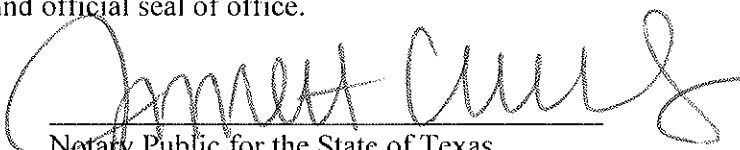

Notary Public for the State of Texas

EXHIBIT 1

Annette Loyd
4528 W. Vickery Boulevard Suite 202
Fort Worth, TX 76107
Telephone (817) 769 2724
Fax (817) 769-2703

March 5, 2019

Via Certified Mail
State Bar of Texas
Attn: Heather White
Office of Chief Disciplinary Counsel
P O Box 12487
Austin, TX 78711-2487

RE: 2015-05595; CFLD v. Loyd

Dear Ms. White:

Enclosed are the following:

- 1) One (1) cashiers' check in the amount of \$4,000.00 (representing payment of \$3,300.00 plus \$700.00 in costs assessed in an order dated February 14, 2019); and
- 2) Two (2) money orders, each in the amount of \$500.00 payable to Vernon Bauer (representing payment of \$1,000.00 assessed in an order dated February 14, 2019).

These are submitted to you pursuant to a Judgment entered February 14, 2019, by the District 7 Grievance Committee, Evidentiary Panel 7-2.

Please note that the Grievance Committee order directing these payments was sent to me on February 20, 2019, mailed to me a day later and received by me on February 25, 2019. I was not permitted any opportunity to review the form and language of the order prior to its entry. Delivery of the Judgment did not allow thirty (30) days or reasonable time to make such payments or investigate the requirements contained in the order.

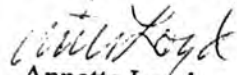
As you are aware, the counselor with whom I visit, Dr. Klinefelter, has already contacted your office about sessions I have attended in mental health counseling. I understand that he reports directly to your office with the form you have specifically provided to him for such reports. I continue to consult Dr. Klinefelter regarding anxiety and depression.

Finally, I have found no published information or resources about "law office management consultants" or, if they exist, those approved by your office to consult as stated in

the order by the Grievance Panel. I have also not found any law office management consultant programs your office has approved or a listing of such persons implementing such programs.

Please send me a list of such qualified person(s) as soon as possible. My email is annette@vaniceklaw.com.

Respectfully,



Annette Loyd

av
enclosures



Notice to Customer
The purchase of an Instantly Fund will be required before this check will be replaced or refunded in the event it is lost, misplaced or stolen within 90 days of purchase.

CASHIER'S CHECK

03/05/2019

Remitter: ***ANNETTE R LOYD***

\$4,000.00

** Four Thousand and 00/100*****

STATE BAR OF TEXAS

PAY TO THE ORDER OF

Jasmine De... ABM
AUTHORIZED SIGNATURE



⑆090358⑆ ⑆111024865⑆ 9000019⑆

Valid Money Order includes: 1. Heat sensitive, red stop sign AND 2. Contains a True Watermark hold up to light to view.

MoneyGram. INTERNATIONAL MONEY ORDER 75-1618 919

03/05/2019

To Validate: Touch the stop sign, then watch it fade and reappear

MONEY ORDER NUMBER: R108116168413
CALL 1-800-542-3590 TO VERIFY

PAY TO THE ORDER OF: / PAGAR A LA ORDEN DE: Vernon Bauer
IMPORTANT - SEE BACK BEFORE CASHING

PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
PURCHASER, BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

ADDRESS: / DIRECCIÓN: _____

Payable Through Citizens Alliance Bank Clara City, MN
ISSUER/DRAWER: MONEYGRAM PAYMENT SYSTEMS, INC.

10811616841
MONEY ORDER
PAY EXACTLY ~~\$\$\$5000.00~~
FIVE HUNDRED *** DOLLARS 00 CENTS

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Valid Money Order includes: 1. Heat sensitive, red stop sign AND 2. Contains a True Watermark hold up to light to view.

MoneyGram. INTERNATIONAL MONEY ORDER 75-1618 919

03/05/2019

To Validate: Touch the stop sign, then watch it fade and reappear

MONEY ORDER NUMBER: R108116168402
CALL 1-800-542-3590 TO VERIFY

PAY TO THE ORDER OF: / PAGAR A LA ORDEN DE: Vernon Bauer
IMPORTANT - SEE BACK BEFORE CASHING

PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
PURCHASER, BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

ADDRESS: / DIRECCIÓN: _____

Payable Through Citizens Alliance Bank Clara City, MN
ISSUER/DRAWER: MONEYGRAM PAYMENT SYSTEMS, INC.

10811616840
MONEY ORDER
PAY EXACTLY ~~\$\$\$5000.00~~
FIVE HUNDRED *** DOLLARS 00 CENTS

98100057630002
127831 064174840

⑆091916187⑆ ⑆108116168402⑆ 90

Annette Loyd
4528 W. Vickery Blvd., #202
Fort Worth, TX 76107

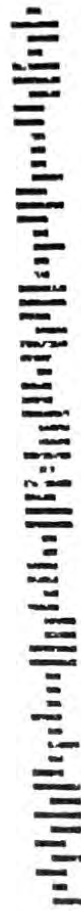
CERTIFIED MAIL



7017 1000 0000 7185 6328



062S0005100165
\$6.80
US POSTAGE
FIRST-CLASS
FROM 76107
MAR 05 2019
stamps
endicia



State Bar of Texas
Office of Chief Disciplinary Counsel
Attn: Heather White
PO Box 12487
Austin TX 78711-2487

EXHIBIT 2

MCLE TRANSCRIPT



STATE BAR OF TEXAS Minimum Continuing Legal Education MCLE Transcript



Annette R. Loyd
4528 W Vickery Blvd Ste 202
Fort Worth, TX 76107-6262 United States

Report Date: 11/02/2022
Barcard: 16731100
Birth Month: 1 - January

MCLE TRANSCRIPT

Compliance ↑	Date Taken ↑	Reporting Date	Course Number (Course #)	Course Title (Course #)	Credit Hours	Ethics Hours	Self Study Hour:
Annette R. Loyd : 2023	1/23/2022	1/24/2022	174127160	Supreme Court Update // Legislative Update // The New Rules	2.75	0.00	0.00
Annette R. Loyd : 2023	1/7/2022	1/10/2022	174122358	Just Ask: How We Must Stop Minding Our Own Business	1.00	1.00	0.00
Annette R. Loyd : 2022	1/18/2022	1/24/2022	174142796	Mineral Transfers: Planning & Drafting Considerations	2.50	1.00	0.00
Annette R. Loyd : 2022	1/18/2022	1/24/2022	174133216	Choosing a Forum as Defendant After Suit Is Filed	2.25	1.00	0.00

Compliance ↑	Date Taken ↑	Reporting Date	Course Number (Course #)	Course Title (Course #)	Credit Hours	Ethics Hours	Self Study Hour:
Annette R. Loyd : 2022	1/5/2022	1/10/2022	174116768	How Lawyers Can Recover from Survival Mode	0.75	0.75	0.00
Annette R. Loyd : 2022	1/4/2022	1/10/2022	174144904	Social Media Evidence	0.50	0.00	0.00
Annette R. Loyd : 2022	1/4/2022	1/10/2022	174115152	Dealing with Claims Arising from Freezes, Power Outages, and	1.00	0.00	0.00
Annette R. Loyd : 2022	1/3/2022	1/3/2022		Other Self-study	0.00	0.00	3.00
Annette R. Loyd : 2021	1/30/2021	2/1/2021	174078165	Part I: Project Management for Lawyers: Planning/Prioritizin	2.75	0.00	0.00
Annette R. Loyd : 2021	1/30/2021	2/1/2021	174078167	Part II: Multitasking Gone Mad: How to Practice Law Effectiv	2.75	0.50	0.00
Annette R. Loyd : 2021	1/30/2021	2/1/2021	174100121	A SBOT Focus on Diversity Listening Session	0.75	0.75	0.00
Annette R. Loyd : 2021	1/25/2021	2/1/2021	174100889	Hemp Issues // Phones/Drones & Automobiles // Tort Claims	2.75	0.25	0.00
Annette R. Loyd : 2021	12/31/2020	12/31/2020		Other Self-study	0.00	0.00	3.00
Annette R. Loyd : 2021	4/27/2020	5/1/2020	174080910	Benefits and Challenges of Invoking Force Majeure Clauses in	1.00	0.00	0.00

Compliance ↑	Date Taken ↑	Reporting Date	Course Number (Course #)	Course Title (Course #)	Credit Hours	Ethics Hours	Self Study Hour:
Annette R. Loyd : 2021	4/17/2020	4/20/2020	174082998	Tax Stimulus Packages for Law Firms in the Wake of COVID19	0.50	0.00	0.00
Annette R. Loyd : 2021	4/3/2020	4/6/2020	174081355	Practicing Law in the Shadow of COVID-19	1.00	1.00	0.00
Annette R. Loyd : 2021	1/27/2020	2/3/2020	174068024	When Civil & Criminal Cases Collide // Legal Sufficiency	2.75	0.00	0.00
Annette R. Loyd : 2021	1/27/2020	2/3/2020	174057109	Business Divorce	1.00	0.00	0.00
Annette R. Loyd : 2021	1/26/2020	1/27/2020	174065538	Using Alternative Fee Arrangements to Make More Money and He	1.00	0.50	0.00
Annette R. Loyd : 2021	1/24/2020	1/27/2020	174060518	What Lawyers Need to Know About Depression and Suicide	0.50	0.50	0.00
Annette R. Loyd : 2020	1/26/2020	1/27/2020	174052683	Ethical Conduct in the Courtroom // Working Alone	2.25	2.25	0.00
Annette R. Loyd : 2020	1/25/2020	1/27/2020	174057084	Law Practice Management: Get Paid! Have a Life // Ethical	2.00	1.25	0.00
Annette R. Loyd : 2020	1/25/2020	1/27/2020	174057081	Annual Meeting 2019: Legislative Update	3.75	0.00	0.00
Annette R. Loyd : 2020	1/24/2020	1/24/2020		Other Self-study	0.00	0.00	3.00

Compliance ↑	Date Taken ↑	Reporting Date	Course Number (Course #)	Course Title (Course #)	Credit Hours	Ethics Hours	Self Study Hour:
Annette R. Loyd : 2020	1/24/2020	1/27/2020	174070190	30 State Bar Benefits in 30 Minutes	0.50	0.50	0.00
Annette R. Loyd : 2020	1/24/2020	1/27/2020	174057128	Law Practice Management: Setting up Your Practice // Solo So	2.75	1.75	0.00
Annette R. Loyd : 2019	1/27/2019	1/28/2019	174025163	Impact of Disaster on Development // Development Outside	2.50	0.00	0.00
Annette R. Loyd : 2019	1/20/2019	1/22/2019	174014059	Conflicts of Interest: Who Is Your Client? // Best Practices	2.00	1.50	0.00
Annette R. Loyd : 2019	1/19/2019	1/22/2019	174027961	Crisis Management for Lawyers // Pros & Cons of Arbitration	2.25	0.25	0.00
Annette R. Loyd : 2019	1/7/2019	1/14/2019	174014844	The Basics of Asserting Claims Under the DTPA	1.50	0.25	0.00
Annette R. Loyd : 2019	1/5/2019	1/7/2019	174022718	Legislative Update 2017: Estate and Trust Law	1.50	0.00	0.00
Annette R. Loyd : 2019	12/31/2018	1/1/2019	174017590	Legal & Ethical Issues with Blockchain (Including Privacy Ta	1.00	0.50	0.00
Annette R. Loyd : 2019	1/28/2018	1/29/2018	174003775	Handling an Auto Accident Case on a Budget // Accident	2.25	0.00	0.00
Annette R. Loyd : 2019	1/27/2018	1/28/2018		Other Self-study	0.00	0.00	3.00

EXHIBIT 3

Annette Loyd

(817) 769-2724

4528 W. Vickery Boulevard, Suite 202
Fort Worth, Texas 76102

(817) 769-2703 Facsimile

December 6, 2022

Via Priority Mail Express

State Bar of Texas

Chief Disciplinary Counsel's Office

P. O. Box 12487

Austin, TX 78711-2487

RE: 2021-03038; CFLD v. Loyd

Dear Representative:

Per Order entered in this proceeding, enclosed are the following payments:

- 1) Cashier Check 111871 to State Bar of Texas for \$3,465.00;
- 2) Cashier Check 111872 to State Bar of Texas for \$735.00; and
- 3) Cashier Check 111873 to State Bar of Texas for \$1,700.00.

Sincerely,



Annette Loyd

cc: Gaines West
 West Webb Albritton & Gentry PC
1515 Emerald Plaza
College Station, TX 77845

ISSUED BY: MONEYGRAM PAYMENTS SYSTEMS, INC.
P.O. BOX 9476 MINNEAPOLIS MN 55480
DRAWEE: BOKF, NA
EUFALUA, OK



VERITEX

COMMUNITY BANK

111873

REMITTER: ANNETTE R LOYD
4528 W VICKERY BLVD STE 202

DATE 12/06/22

49-55
1031

PAY TO THE ORDER OF STATE BAR OF TEXAS

EXACTLY **1,700 AND 00/100 DOLLARS

\$ 1,700.00

DRAWER: VERITEX COMMUNITY BANK N.A.

OFFICIAL CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY OFFICIAL CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE EVENT IT IS LOST, MISPLACED, OR STOLEN.

ANNETTE R LOYD
AUTHORIZED SIGNATURE

⑈0000111873⑈ ⑆103100551⑆0160013323240⑈

ISSUED BY: MONEYGRAM PAYMENTS SYSTEMS, INC.
P.O. BOX 9476 MINNEAPOLIS MN 55480
DRAWEE: BOKF, NA
EUFALUA, OK



VERITEX

COMMUNITY BANK

111872

REMITTER: ANNETTE R LOYD
4528 W VICKERY BLVD STE 202

DATE 12/06/22

49-55
1031

PAY TO THE ORDER OF STATE BAR OF TEXAS

EXACTLY **735 AND 00/100 DOLLARS

\$ 735.00

DRAWER: VERITEX COMMUNITY BANK N.A.

OFFICIAL CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY OFFICIAL CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE EVENT IT IS LOST, MISPLACED, OR STOLEN.

ANNETTE R LOYD
AUTHORIZED SIGNATURE

⑈0000111872⑈ ⑆103100551⑆0160013323240⑈

ISSUED BY: MONEYGRAM PAYMENTS SYSTEMS, INC.
P.O. BOX 9476 MINNEAPOLIS MN 55480
DRAWEE: BOKF, NA
EUFALUA, OK



VERITEX

COMMUNITY BANK

111871

REMITTER: ANNETTE R LOYD
4528 W VICKERY BLVD STE 202

DATE 12/06/22

49-55
1031

PAY TO THE ORDER OF STATE BAR OF TEXAS

EXACTLY **3,465 AND 00/100 DOLLARS

\$ 3,465.00

DRAWER: VERITEX COMMUNITY BANK N.A.

OFFICIAL CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY OFFICIAL CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE EVENT IT IS LOST, MISPLACED, OR STOLEN.

ANNETTE R LOYD
AUTHORIZED SIGNATURE

⑈0000111871⑈ ⑆103100551⑆0160013323240⑈

Appendix 4

Annette Loyd

(817) 769-2724

4528 W. Vickery Boulevard, Suite 202
Fort Worth, Texas 76102

(817) 769-2703 Facsimile

December 6, 2022

Via Priority Mail Express

State Bar of Texas

Chief Disciplinary Counsel's Office

P. O. Box 12487

Austin, TX 78711-2487

RE: 2021-03038; CFLD v. Loyd

Dear Representative:

Per Order entered in this proceeding, enclosed are the following payments:

- 1) Cashier Check 111871 to State Bar of Texas for \$3,465.00;
- 2) Cashier Check 111872 to State Bar of Texas for \$735.00; and
- 3) Cashier Check 111873 to State Bar of Texas for \$1,700.00.

Sincerely,



Annette Loyd

cc: Gaines West
 West Webb Albritton & Gentry PC
1515 Emerald Plaza
College Station, TX 77845

EXHIBIT

2

ISSUED BY: MONEYGRAM PAYMENTS SYSTEMS, INC.
P.O. BOX 9476 MINNEAPOLIS MN 55480
DRAWEE: BOKF, NA
EUFAULA, OK



VERITEXSM

COMMUNITY BANK

111873

REMITTER: ANNETTE R LOYD
4528 W VICKERY BLVD STE 202

DATE 12/06/22

49-55
1031

PAY TO THE
ORDER OF

STATE BAR OF TEXAS

EXACTLY **1,700 AND 00/100 DOLLARS

\$ 1,700.00

DRAWER: VERITEX COMMUNITY BANK N.A.

OFFICIAL CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY
OFFICIAL CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE
EVENT IT IS LOST, MISPLACED, OR STOLEN.

ANNETTE R LOYD
AUTHORIZED SIGNATURE

⑈0000 111873⑈ ⑆103100551⑆0160013323240⑈

ISSUED BY: MONEYGRAM PAYMENTS SYSTEMS, INC.
P.O. BOX 9476 MINNEAPOLIS MN 55480
DRAWEE: BOKF, NA
EUFAULA, OK



VERITEXSM

COMMUNITY BANK

111872

REMITTER: ANNETTE R LOYD
4528 W VICKERY BLVD STE 202

DATE 12/06/22

49-55
1031

PAY TO THE
ORDER OF

STATE BAR OF TEXAS

EXACTLY **735 AND 00/100 DOLLARS

\$ 735.00

DRAWER: VERITEX COMMUNITY BANK N.A.

OFFICIAL CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY
OFFICIAL CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE
EVENT IT IS LOST, MISPLACED, OR STOLEN.

ANNETTE R LOYD
AUTHORIZED SIGNATURE

⑈0000 111872⑈ ⑆103100551⑆0160013323240⑈

ISSUED BY: MONEYGRAM PAYMENTS SYSTEMS, INC.
P.O. BOX 9476 MINNEAPOLIS MN 55480
DRAWEE: BOKF, NA
EUFAULA, OK



VERITEXSM

COMMUNITY BANK

111871

REMITTER: ANNETTE R LOYD
4528 W VICKERY BLVD STE 202

DATE 12/06/22

49-55
1031

PAY TO THE
ORDER OF

STATE BAR OF TEXAS

EXACTLY **3,465 AND 00/100 DOLLARS

\$ 3,465.00

DRAWER: VERITEX COMMUNITY BANK N.A.

OFFICIAL CHECK

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY
OFFICIAL CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE
EVENT IT IS LOST, MISPLACED, OR STOLEN.

ANNETTE R LOYD
AUTHORIZED SIGNATURE

⑈0000 111871⑈ ⑆103100551⑆0160013323240⑈

EXHIBIT
2

Appendix 5

**BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-1
STATE BAR OF TEXAS**



**Dallas Office
Chief Disciplinary Counsel**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner**

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V.

CASE NO. 202103038

**ANNETTE R. LOYD,
Respondent**

EVIDENTIARY PETITION AND REQUEST FOR DISCLOSURE

COMES NOW, the Commission for Lawyer Discipline (Petitioner), and would respectfully show the following:

I. Parties

Petitioner is a committee of the State Bar of Texas. **ANNETTE R. LOYD**, State Bar No. **16731100** (Respondent), is an attorney licensed to practice law in the State of Texas. Respondent may be served with process at 4528 W. Vickery Blvd., Ste 202, Fort Worth, Texas 76107-6262, or wherever she may be found.

II. Jurisdiction & Venue

This Disciplinary Proceeding is brought pursuant to the State Bar Act, TEX. GOV'T. CODE ANN. Sec. 81.001, *et seq.*, the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaint that forms the basis of this Disciplinary Proceeding was filed by the State Bar of Texas on or after June 1, 2018. Venue is proper in Tarrant County, Texas, pursuant to Rule 2.11(C) of the Texas Rules of Disciplinary Procedure, because Tarrant County is the county of Respondent's principal place of practice.

III. Professional Misconduct

The acts and omissions of Respondent as alleged below, constitute professional misconduct.

IV. Factual Allegations

Annette R. Loyd (Respondent), also known as Annette Vanicek, failed to comply with a Judgment of Fully Probated Suspension that was entered against her on February 14, 2019 in case number 201505595, styled Commission for Lawyer Discipline v. Annette R. Loyd, as follows:

Failing to pay restitution of \$1,000 to Complainant, Vernon Bauer, on or before January 1, 2020;

Failing to pay attorney's fees of \$3,300 to the State Bar of Texas on or before January 1, 2020;

Failing to pay direct expenses of \$700 to the State Bar of Texas on or before January 1, 2020; and

Failing to complete six (6) additional hours of Continuing Legal Education (CLE) in Law Office Management on or before January 1, 2020, which were ordered in addition to the Minimum Continuing Legal Education requirements, and failing to verify completion of these additional CLE hours to the State Bar of Texas.

Notice and copy of the complaint was sent to Respondent via email on June 7, 2021 and September 14, 2021. Notice and copy of the complaint was also sent to Respondent via certified mail, return receipt requested, on September 14, 2021, and was served on September 16, 2021. Respondent failed to timely respond to the complaint and failed in good faith to timely assert a privilege or other legal ground for her failure to do so.

V. Disciplinary Rules of Professional Conduct

The conduct described above is in violation of the following Texas Disciplinary Rules of Professional Conduct:

- 8.04(a)(7) A lawyer shall not violate any disciplinary order or judgment.**
- 8.04(a)(8) A lawyer shall not fail to timely furnish to the Chief Disciplinary Counsel's Office or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so.**

VI. Complaint

The complaint that forms the basis of the cause of action set forth above was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by the State Bar of Texas filing a complaint on or about May 19, 2021.

VII. Prayer

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that a judgment of professional misconduct be entered against Respondent and that this Evidentiary Panel impose an appropriate sanction against Respondent as warranted by the facts. Petitioner further prays to recover all reasonable and necessary attorneys' fees and all costs associated with this proceeding. Petitioner further prays for such other and additional relief, general or specific, at law or in equity, to which it may show itself entitled.

VIII. Request for Disclosure

Pursuant to Rule 2.17(D) of the Texas Rules of Disciplinary Procedure, Petitioner requests that Respondent disclose, within fifty (50) days of the service of this request, the following information or material:

1. The correct name of the parties to the Disciplinary Proceeding.

2. In general, the factual bases of Respondent's claims or defenses.
3. The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the disciplinary matter.
4. For any testifying expert, the expert's name, address, and telephone number; subject matter on which the expert will testify, and the general substance of the expert's mental impressions and opinions and a brief summary of the basis of them.
5. Any witness statements.

Respectfully submitted,

Seana Willing
Chief Disciplinary Counsel

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
Telephone: (972) 383-2900
Facsimile: (972) 383-2935
E-Mail: Laurie.Guerra@texasbar.com



Laurie Guerra
State Bar No. 24050696

ATTORNEYS FOR PETITIONER

Appendix 6

COMMISSION FOR LAWYER DISCIPLINE	}	District 7 Grievance Committee
	}	
v.	}	Evidentiary Panel 7-1
	}	
ANNETTE LOYD	}	State Bar of Texas

MOTION FOR CONTINUANCE

TO THE HONORABLE COURT:

NOW COMES, Annette Loyd, Respondent, and files this original answer to Complaint and shows:

I.

Respondent requests a continuance of 30 days to assemble documents relating to this case and compliance with prior sanctions. Respondent has retained undersigned counsel, Francisco Hernandez, who has only recently returned to the United States and was scheduled for jury trial in criminal court in Tarrant County and was not aware this matter was set for hearing November 2, 2022. The undersigned counsel requires approximately 30 days (or less) to respond to discovery and assemble documents regarding Respondent’s compliance with prior sanctions order

II.

This request for continuance is not sought for delay only, but so that justice can be done.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Respondent respectfully requests that this case be continued and reset 30 days together with such other relief to which Respondent may be justly entitled.

Respectfully submitted,

/s/ Francisco Hernandez
Francisco Hernandez
State Bar No. 09515950
800 W. Weatherford Street
Fort Worth, Texas 76102
Telephone: (817)335-2331
Telecopier: (817) 882-8444
Francisco@texasmexicolaw.com


CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument was served on Petitioner's counsel pursuant to *Texas Rules of Civil Procedure* on this 2nd day of November, 2022.

/s/ Francisco Hernandez
Francisco Hernandez

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

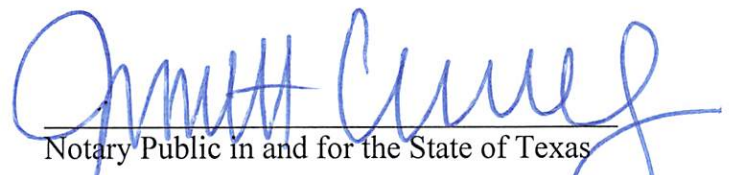
On this day personally appeared Francisco Hernandez who on her oath deposed and said he has read the *Motion for Continuance* and the facts stated therein to the best of his information and belief are true and correct.



Francisco Hernandez

SWORN TO AND SUBSCRIBED TO BEFORE ME on this 2nd day of November, 2022 to certify which witness my hand and seal of office.





Notary Public in and for the State of Texas

Appendix 7

**BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-1
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner**

V.

**ANNETTE R. LOYD,
Respondent**

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CASE NO. 202103038

DEFAULT JUDGMENT OF ACTIVE SUSPENSION

Parties and Appearance

On November 2, 2022, came to be heard the above styled and numbered cause. Petitioner, Commission for Lawyer Discipline (“Petitioner”), appeared by and through its attorney of record and announced ready. Respondent, **ANNETTE R. LOYD**, Texas Bar Number **16731100** (“Respondent”), appeared by and through her attorney of record, Francisco Hernandez. Respondent was duly served with the Evidentiary Petition and with notice of this default and sanctions hearing. Respondent filed an untimely Answer on date of said hearing.

Jurisdiction and Venue

The Evidentiary Panel 7-1, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 7, finds that it has jurisdiction over the parties and the subject matter of this action and that venue is proper.

Default

The Evidentiary Panel finds Respondent was properly served with the Evidentiary Petition and that Respondent failed to timely file a responsive pleading to the Evidentiary Petition as required by Rule 2.17(B) of the Texas Rules of Disciplinary Procedure.

Accordingly, the Evidentiary Panel finds Respondent in default and further finds that all facts alleged in the Evidentiary Petition are deemed true pursuant to Rule 2.17(C) of the Texas Rules of Disciplinary Procedure.

Professional Misconduct

The Evidentiary Panel, having deemed all facts as alleged in the Evidentiary Petition true, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

The Evidentiary Panel, having considered the allegations as deemed true, the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
2. Respondent resides in and maintains her principal place of practice in Tarrant County, Texas.
3. Annette R. Loyd (Respondent), also known as Annette Vanicek, failed to comply with a Judgment of Fully Probated Suspension that was entered against her on February 14, 2019, in Case Number 201505595, styled *Commission for Lawyer Discipline v. Annette R. Loyd*.
4. Respondent failed to pay restitution of \$1,000 to Complainant, Vernon Bauer, on or before January 1, 2020; failed to pay attorney's fees of \$3,300 to the State Bar of Texas on or before January 1, 2020; failed to pay direct expenses of \$700 to the State Bar of Texas on or before January 1, 2020; and failed to complete six (6) additional hours of Continuing Legal Education (CLE) in Law Office Management on or before January 1, 2020, which were ordered in addition to the Minimum Continuing Legal Education requirements, and failed to verify completion of these additional CLE hours to the State Bar of Texas.
5. Notice and copy of the complaint were sent to Respondent via email on June 7, 2021 and September 14, 2021. Notice and copy of the complaint were also sent to Respondent via certified mail, return receipt requested, on September 14, 2021, and was served on September 16, 2021. Respondent failed to timely

respond to the complaint and failed in good faith to timely assert a privilege or other legal ground for her failure to do so.

6. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees and direct expenses associated with this Disciplinary Proceeding in the amount of One Thousand Seven Hundred Dollars (\$1,700.00).

Conclusions of Law

The Evidentiary Panel concludes that, based upon the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: 8.04(a)(7) and 8.04(a)(8).

Sanction

The Evidentiary Panel, having found Respondent has committed Professional Misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is an Active Suspension.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREEED** that Respondent be shall be actively suspended from the practice of law for a period of Thirty-Six (36) months beginning November 2, 2022 and ending October 31, 2025 with the following terms and conditions:

1. It is further **ORDERED** Respondent shall pay restitution on or before December 7, 2022, to Vernon Bauer in the amount of One Thousand Fifty Dollars (\$1,050.00), which includes interest, in connection with underlying case number 201505595, styled *Commission for Lawyer Discipline v. Annette R. Loyd*. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Vernon Bauer and deliver to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
2. It is further **ORDERED** Respondent shall pay all reasonable and necessary attorney's fees to the State Bar of Texas in the amount of Three Thousand Four

Hundred Sixty-Five Dollars (\$3,465.00), which includes interest, in connection with underlying case number 201505595, styled *Commission for Lawyer Discipline v. Annette R. Loyd*. The payment shall be due and payable on or before January 7, 2023, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

3. It is further **ORDERED** Respondent shall pay all direct expenses to the State Bar of Texas in the amount of Seven Hundred Thirty-Five Dollars (\$735.00), which includes interest, in connection with underlying case number 201505595, styled *Commission for Lawyer Discipline v. Annette R. Loyd*. The payment shall be due and payable on or before February 7, 2023, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

4. It is further **ORDERED** Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of One Thousand Seven Hundred Dollars (\$1,700.00), in connection with the present case. The payment shall be due and payable on or before February 7, 2023, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

Terms of Active Suspension

It is further **ORDERED** that during the term of active suspension ordered herein, Respondent shall be prohibited from practicing law in Texas; holding herself out as an attorney at law; performing any legal services for others; accepting any fee directly or indirectly for legal services; appearing as counsel or in any representative capacity in any proceeding in any Texas or Federal court or before any administrative body; or holding herself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further **ORDERED** that, on or before December 9, 2022, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further **ORDERED** Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

It is further **ORDERED** Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) on or before December 9, 2022, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein. If it is Respondent's assertion that at the time of suspension she possessed no current clients and/or Respondent was not in possession of any files, papers, monies or other property belonging to clients, Respondent shall submit an affidavit attesting that, at the time of suspension, Respondent had no current clients and did not possess any files, papers monies and other property belonging to clients.

It is further **ORDERED** Respondent shall, on or before December 9, 2022, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing.

It is further **ORDERED** Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) on or before December 9, 2022, an affidavit stating Respondent has

notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in Court. If it is Respondent's assertion that at the time of suspension she was not currently listed as counsel or co-counsel in any matter pending before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice of any court or tribunal, Respondent shall submit an affidavit attesting to the absence of any such pending matter before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice.

It is further **ORDERED** that, on or before December 9, 2022, Respondent shall surrender her law license and permanent State Bar Card to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) to be forwarded to the Supreme Court of Texas.

Restitution, Attorney's Fees and Expenses

It is further **ORDERED** Respondent shall pay restitution on or before December 7, 2022, to Vernon Bauer in the amount of One Thousand Fifty Dollars (\$1,050.00), in connection with underlying case number 201505595, styled *Commission for Lawyer Discipline v. Annette R. Loyd*. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Vernon Bauer and deliver to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further **ORDERED** Respondent shall pay all reasonable and necessary

attorney's fees to the State Bar of Texas in the amount of Three Thousand Four Hundred Sixty-Five Dollars (\$3,465.00), in connection with underlying case number 201505595, styled *Commission for Lawyer Discipline v. Annette R. Loyd*. The payment shall be due and payable on or before January 7, 2023, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further **ORDERED** Respondent shall pay all direct expenses to the State Bar of Texas in the amount of Seven Hundred Thirty-Five Dollars (\$735.00), in connection with underlying case number 201505595, styled *Commission for Lawyer Discipline v. Annette R. Loyd*. The payment shall be due and payable on or before February 7, 2023, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of One Thousand Seven Hundred Dollars (\$1,700.00), in connection with the present case. The payment shall be due and payable on or before February 7, 2023, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further **ORDERED** that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(FF) of

the Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the State Bar of Texas shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

It is further **ORDERED** that Respondent shall remain actively suspended from the practice of law as set out above until such time as Respondent has completely paid restitution to Vernon Bauer in the amount of One Thousand Fifty Dollars (\$1,050.00), in connection with underlying case number 201505595, styled *Commission for Lawyer Discipline v. Annette R. Loyd*.

It is further **ORDERED** that Respondent shall remain actively suspended from the practice of law as set out above until such time as Respondent has completely paid all reasonable and necessary attorney's fees to the State Bar of Texas in the amount of Three Thousand Four Hundred Sixty-Five Dollars (\$3,465.00), in connection with underlying case number 201505595, styled *Commission for Lawyer Discipline v. Annette R. Loyd*.

It is further **ORDERED** that Respondent shall remain actively suspended from the practice of law as set out above until such time as Respondent has completely paid all direct expenses to the State Bar of Texas in the amount of Seven Hundred Thirty-Five Dollars (\$735.00), in connection with underlying case number 201505595, styled *Commission for Lawyer Discipline v. Annette R. Loyd*.

It is further **ORDERED** that Respondent shall remain actively suspended from the practice of law as set out above until such time as Respondent has completely paid attorney's fees and direct expenses in the amount of One Thousand Seven Hundred Dollars (\$1,700.00) to the State Bar of Texas, in connection with the present case.

Publication

This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 18th day of November, 2022.

**EVIDENTIARY PANEL 7-1
DISTRICT NO. 7-1
STATE BAR OF TEXAS**



Lisa Kaye Hoppes
District 7 Presiding Member

Appendix 8



**Dallas Office
Chief Disciplinary Counsel**

**BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-1
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner,** §
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v. §
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ANNETTE R. LOYD, §
Respondent. §

CASE NO. 202103038

**RESPONDENT’S EMERGENCY PETITION TO STAY
DEFAULT JUDGMENT OF ACTIVE SUSPENSION**

TO THE HONORABLE EVIDENTIARY PANEL:

COMES NOW Respondent, ANNETTE R. LOYD (“Respondent”) and files this Emergency Petition to Stay Default Judgment of Active Suspension (“Petition”) pursuant to Rule 2.24 of the Texas Disciplinary Rules of Professional Conduct (“TDRPC”), and in support thereof, Respondent would respectfully show the Evidentiary Panel the following:

PROCEDURAL HISTORY

1. On November 18, 2022, the Evidentiary Panel entered the Default Judgment of Active Suspension against Respondent (“Judgment”). Pursuant to the Judgment, the Evidentiary Panel found that Respondent violated Rules 8.04(a)(7) and 8.04(a)(8) of the TDRPC based on Respondent’s failure to comply with a Judgment of Fully Probated Suspension entered against her on February 14, 2019.

2. On December 6, 2022, Respondent timely submitted written notice of her intention to appeal the Judgment to the Board of Disciplinary Appeals.

ARGUMENTS AND AUTHORITIES

3. Rule 2.24 of the Texas Rules of Disciplinary Procedure provides that, within thirty days from the entry of a judgment of suspension, the Respondent may “petition the Evidentiary Panel to stay a judgment of suspension.” *See* Tex. R. Disciplinary Conduct Rule 2.24. An order of suspension must be stayed during the pendency of any appeals therefrom if the Evidentiary Panel finds that the Respondent has shown by a preponderance of the evidence that “Respondent’s continued practice of law does not pose a continuing threat to the welfare of Respondent’s clients or the public.” *Id.* Based on the information outlined below and the evidence attached to this Petition, Respondent has shown by a preponderance of the evidence that her continued practice of law does not pose a continuing threat to the welfare of her clients or the public.

4. As stated in the Judgment, the Evidentiary Panel’s findings against Respondent are based solely on its determination that Respondent failed to comply with the Default Judgment of Fully Probated Suspension issued in February 2019. The Evidentiary Panel’s findings are in no way related to Respondent’s conduct while representing her clients, nor are they related to Respondent’s conduct while practicing law in any other capacity.

5. In the almost four years since the Default Judgment of Fully Probated Suspension was entered against Respondent, she has continued practicing law without issue. *See* Exhibit A.¹ During this time, Respondent has represented approximately eighty clients in various litigation matters, including real estate disputes, construction law, evictions, uncontested probate matters, and collections lawsuits, as well as nonlitigation matters involving the preparation of real estate documents and prelitigation personal injury cases. *Id.* In addition, Respondent has represented clients in the United States District Court and Bankruptcy Court for the Northern District of Texas

¹ Attached hereto as Exhibit A is a true and correct copy of the Affidavit of Annette Loyd Vanicek.

and state appellate courts. *Id.* Further, Respondent has represented clients in administrative matters and participated in proceedings before the State Office of Administrative Hearings and the United States Small Business Administration. *Id.*

6. In addition, Respondent has worked with other attorneys as opposing counsel and co-counsel on various litigation matters without issue. *See* Exhibit B²; Exhibit C³, and Exhibit D⁴. In addition, Respondent often receives referrals from attorneys who trust her to represent clients in litigation matters, including real estate disputes and evictions. *Id.* Respondent has adequately and diligently represented her clients, maintained positive relationships with other attorneys she works with, and there have been no new grievances filed against Respondent. *See* Exhibit A; Exhibit B; Exhibit C, and Exhibit D.

7. Because Respondent has continued to diligently represent her clients for nearly four years since the entry of the Default Judgment of Fully Probated Suspension in February 2019, Respondent's continued practice of law during the pendency of her appeal poses no threat to the welfare of her clients or to the public, and the Evidentiary Panel's findings against Respondent do not indicate otherwise.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Respondent respectfully prays that this Evidentiary Panel grants Respondent's Emergency Petition to Stay Default Judgment of Active Suspension, issues an order staying Respondent's suspension during the pendency of her appeal,

² Attached as Exhibit B is a true and correct copy of the Affidavit of Joyce W. Lindauer.

³ Attached as Exhibit C is a true and correct copy of the Affidavit of Asem Eltiar.

⁴ Attached as Exhibit D is a true and correct copy of the Affidavit of Francisco Hernandez.

and for such other and further relief, at law or in equity, both general and special, to which Respondent may show herself justly entitled to receive.

Respectfully submitted,

WEST, WEBB, ALLBRITTON & GENTRY, P.C.
1515 Emerald Plaza
College Station, Texas 77845-1515
Telephone: (979) 694-7000
Facsimile: (979) 694-8000

By: /s/ Gaines West
GAINES WEST
State Bar No. 21197500
Email: gaines.west@westwebb.law

EXHIBIT A

**BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-1
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner,**

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v.

CASE NO. 202103038

**ANNETTE R. LOYD,
Respondent.**

AFFIDAVIT OF ANNETTE LOYD VANICEK

STATE OF TEXAS

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COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared Annette Loyd Vanicek, who is personally known to me and who, after being duly sworn according to law on her oath deposed and said:

“My name is Annette Loyd Vanicek. I am over the age of eighteen, of sound mind, and have never been convicted of a felony. I am competent to testify to the matters stated herein. I am personally acquainted with the facts stated herein and affirm the following is true and correct.

I am the Respondent in this matter. I have read Respondent’s Emergency Petition to Stay Default Judgment of Active Suspension and affirm that all factual statements contained therein are based upon my personal knowledge and are true and correct.

I have filed a notice of appeal to the Board of Disciplinary Appeals appealing the Default Judgment of Active Suspension (“Judgment”) entered against me.

As stated in the Judgment, the Evidentiary Panel’s findings are based solely on its determination that I failed to comply with the Default Judgment of Fully Probated Suspension entered against me on February 14, 2019. The Evidentiary Panel’s findings are not related to my conduct while representing a client nor are they related my conduct while practicing law in any other capacity.

The Default Judgment of Fully Probated Suspension was entered against me almost four years ago. During this time, I have continued practicing law without issue. I have adequately and diligently represented my clients, and there have been no new grievances filed against me.

Over the past four years, I have represented approximately eighty clients in various litigation matters involving real estate disputes, construction law, evictions, uncontested probate matters, and collections lawsuits, as well as nonlitigation matters involving the preparation of real estate documents and pre-litigation personal injury cases. In addition, I have represented clients in administrative proceedings before the State Office of Administrative Hearings and the United States Small Business Administration. Furthermore, I have occasionally represented clients in the United States District Court and Bankruptcy Court in the Northern District of Texas, and in state appellate courts.

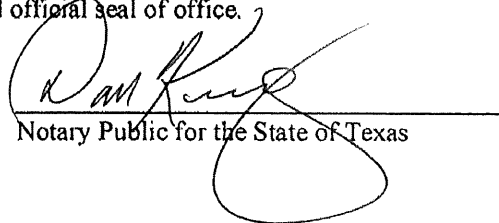
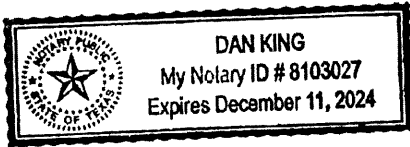
Because I have continued to diligently represent my clients, my continued practice of law does not pose a continuing threat to the welfare of my clients or the public, and the Evidentiary Panel's findings do not indicate otherwise. Accordingly, I request that the judgment of suspension against me be stayed during the pendency of my appeal."

Further affiant sayeth not.



Annette Loyd Vanicek, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on this 5 day of December 2022, to certify which witness my hand and official seal of office.



Notary Public for the State of Texas

EXHIBIT B

**BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-1
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner,**

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v.

CASE NO. 202103038

**ANNETTE R. LOYD,
Respondent.**

AFFIDAVIT OF JOYCE W. LINDAUER

STATE OF TEXAS

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COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared Joyce W. Lindauer, who is personally known to me and who, after being duly sworn according to law on her oath deposed and said:

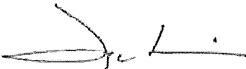
“My name is Joyce W. Lindauer. I am over the age of eighteen, of sound mind, and have never been convicted of a felony. I am competent to testify to the matters stated herein. I am personally acquainted with the facts stated herein and affirm the following is true and correct.

I am an attorney licensed by the State of Texas to practice law. I have been licensed since 1984. My license to practice law has never been suspended or revoked, and I am currently a member in good standing with the State Bar of Texas. I am admitted to practice in the United States Fifth Circuit Court of Appeals, the United States District Court for the Southern, Western, Northern, and Eastern District of Texas, and all state courts. I am employed by Joyce W. Lindauer Attorney, PLLC, located in Dallas and Ennis, Texas.

I have known Annette Loyd Vanicek for about ten years. Ms. Vanicek and I are both practicing attorneys in Tarrant County, Texas. I have referred several eviction cases and small litigation matters to Ms. Vanicek, and Ms. Vanicek has referred bankruptcy matters to me. In addition, I have worked alongside Ms. Vanicek on multiple bankruptcy litigation cases.

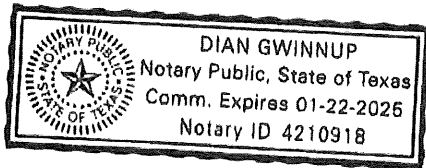
I have witnessed Ms. Vanicek adequately and diligently represent her clients for ten years. Based on my knowledge of Ms. Vanicek and her legal practice, it is my opinion that Ms. Vanicek's continued practice of law does not pose a continuing threat to the welfare of her clients or to the public."

Further affiant sayeth not.



Joyce W. Lindauer, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on this 6th day of December 2022, to certify which witness my hand and official seal of office.





Notary Public for the State of Texas

EXHIBIT C

**BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-1
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner,**

v.

**ANNETTE R. LOYD,
Respondent.**

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CASE NO. 202103038

AFFIDAVIT OF ASEM ELTIAR

STATE OF TEXAS

COUNTY OF Tarrant

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BEFORE ME, the undersigned authority, on this day personally appeared Asem Eltiar, who is personally known to me and who, after being duly sworn according to law on his oath deposed and said:

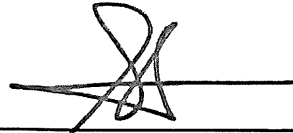
“My name is Asem Eltiar. I am over the age of eighteen, of sound mind, and have never been convicted of a felony. I am competent to testify to the matters stated herein. I am personally acquainted with the facts stated herein and affirm the following is true and correct.

I am an attorney licensed by the State of Texas to practice law. I have been licensed since 1999. My license to practice law has never been suspended or revoked, and I am currently a member in good standing with the State Bar of Texas. I am admitted to practice in the United States District Court for the Northern and Eastern District of Texas, and all state courts. I am a solo practitioner located in Arlington, Texas. My practice primarily consists of real estate law, criminal law, immigration law, and civil litigation.

I have known Annette Loyd Vanicek for at least ten years. Ms. Vanicek and I are both practicing attorneys in the Dallas/Fort Worth area. I have sought Ms. Vanicek’s help on several cases over the years, and I regularly refer clients to her. In addition, Ms. Vanicek has attended multiple hearings on my behalf when I had a conflict.

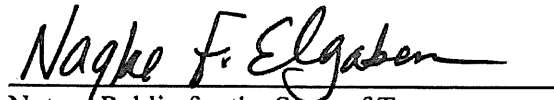
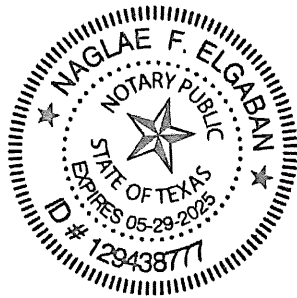
Ms. Vanicek is a trusted colleague, and I have witnessed Ms. Vanicek adequately and diligently represent her clients for over ten years. Based on my knowledge of Ms. Vanicek and her legal practice, it is my opinion that Ms. Vanicek's continued practice of law does not pose a continuing threat to the welfare of her clients or to the public."

Further affiant sayeth not.



Asem Eltiar, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on this 6th day of December 2022, to certify which witness my hand and official seal of office.



Notary Public for the State of Texas

EXHIBIT D

**BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-1
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner,**

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v.

CASE NO. 202103038

**ANNETTE R. LOYD,
Respondent.**

AFFIDAVIT OF FRANCISCO HERNANDEZ

STATE OF TEXAS

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COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared Francisco Hernandez, who is personally known to me and who, after being duly sworn according to law on his oath deposed and said:

“My name is Francisco Hernandez. I am over the age of eighteen, of sound mind, and have never been convicted of a felony. I am competent to testify to the matters stated herein. I am personally acquainted with the facts stated herein and affirm the following is true and correct.

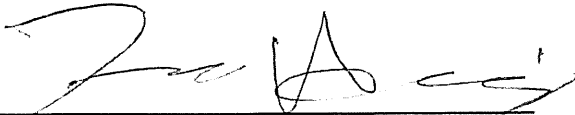
I am an attorney licensed by the State of Texas to practice law. I have been licensed since 1990. My license to practice law has never been suspended or revoked, and I am currently a member in good standing with the State Bar of Texas. I am a Board Certified Criminal Law Specialist, and I am admitted to practice in the United States Supreme Court, the United States Fifth Circuit Court of Appeals, the United States District Court for the Northern District of Texas, and all state courts. I am employed by The Law Office of Francisco Hernandez, located in Fort Worth, Texas.

I have known Annette Loyd Vanicek for twenty-two years. Ms. Vanicek and I are both practicing attorneys in Tarrant County, Texas. I have referred several civil litigation matters to Ms. Vanicek. In addition, I have worked alongside Ms. Vanicek on civil litigation matters, real estate transactions, and business transactions.

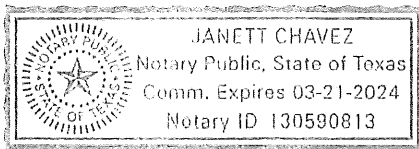
I have witnessed Ms. Vanicek adequately and diligently represent her clients for over two decades, and I have always felt confident working with Ms. Vanicek as her co-counsel. Based on my knowledge of Ms. Vanicek and her legal practice, it

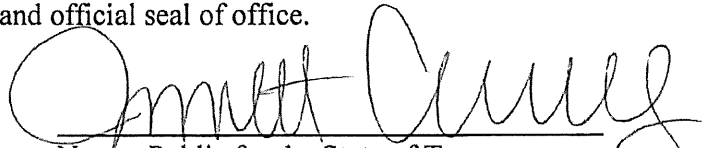
is my opinion that Ms. Vanicek's continued practice of law does not pose a threat to the welfare of her clients or to the public."

Further affiant sayeth not.


Francisco Hernandez, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on this 10th day of December 2022, to certify which witness my hand and official seal of office.




Notary Public for the State of Texas