

No. 67358



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

**Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas**

ANNETTE R. LOYD

STATE BAR OF TEXAS CARD No. 16731100,

APPELLANT

V.

COMMISSION FOR LAWYER DISCIPLINE,

APPELLEE

*On Appeal from an Evidentiary Panel
For the State Bar of Texas District 7
No. 202103038 [SBOT]*

BRIEF OF APPELLEE

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COMMISSION FOR LAWYER DISCIPLINE,

APPELLEE

*On Appeal from an Evidentiary Panel
For the State Bar of Texas District 7
No. 202103038 [SBOT]*

**BRIEF OF APPELLEE
COMMISSION FOR LAWYER DISCIPLINE**

TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

Appellee, the Commission for Lawyer Discipline, submits this brief in response to the brief filed by Appellant, Annette R. Loyd. For clarity, this brief refers to Appellant as “Loyd” or “Appellant”, and Appellee as “the Commission.” References to the record are labeled CR (clerk’s record), Supp CR (supplemental clerk’s record), RR Vol. 1 (reporter’s record of hearing held November 2, 2022), RR Vol. 2, Ex. __, (reporter’s record exhibits from hearing held November 2, 2022), RR Vol. 3 (reporter’s record of hearing held February 1, 2023), and App. (appendix to

this brief). References to Appellant’s Brief are labeled Apt. Br. References to rules refer to the Texas Disciplinary Rules of Professional Conduct or the Texas Rules of Disciplinary Procedure, as appropriate¹.

¹ *Reprinted in* TEX. GOV’T CODE ANN., tit. 2, subtit. G, app A (West 2022), and TEX. GOV’T CODE ANN., tit. 2, subtit. G, app A-1 (West 2022), respectively.

STATEMENT OF THE CASE

Type of Proceeding: Attorney Discipline

Petitioner/Appellee: The Commission for Lawyer Discipline

Respondent/Appellant: Annette R. Loyd

Evidentiary Panel: 7-1

Judgment: Default Judgment of Active Suspension (36 mos.)
[App. 1] [CR 151-159]

*Violation found (Texas
Disciplinary Rules of
Professional Conduct):*

Rule 8.04(a)(7): A lawyer shall not violate any disciplinary or disability order of judgment.

Rule 8.04(a)(8): A lawyer shall not fail to 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.

STATEMENT OF JURISDICTION

The Board of Disciplinary Appeals has jurisdiction over this appeal from the decision of an evidentiary panel of the State Bar of Texas District 7 Grievance Committee pursuant to Rules 2.23 and 7.08(D) of the Texas Rules of Disciplinary Procedure.

STATEMENT AS TO ORAL ARGUMENT

Appellant has not requested oral argument. Pursuant to Rule 4.06(b) of the Board's Internal Procedural Rules, Appellee believes oral argument is unnecessary in this case as the dispositive issues have been authoritatively decided, the facts and legal arguments are adequately presented in the briefs and record, and/or the Board's decisional process would not be significantly aided by oral argument. However, should the Board direct Appellant to appear and argue, Appellee requests the opportunity to respond.

STATEMENT OF THE ISSUES

- I. The evidentiary panel did not abuse its discretion by denying Appellant's motion for new trial.
 - A) The panel acted within its discretion in rejecting Loyd's explanations for her failure to file a responsive pleading; thus, she did not satisfy the first element of the *Craddock* test.
 - 1) Loyd's reliance on her request for attorney assistance in filing an answer is misplaced, where she did not engage counsel until long after the default occurred.
 - 2) Loyd's purported incorrect belief that a non-timely filed Answer would insulate her from default lacks any credibility.
 - B) Loyd failed to establish any meritorious defense to her violations of TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 8.04(a)(7) or (8), to warrant a new hearing.
 - 1) Loyd failed to establish a meritorious defense to the Commission's allegations she violated the terms of the 2019 Probated Suspension.
 - 2) Loyd failed to establish any defense to the Commission's allegation she failed to timely furnish to the CDC a response or other information as required by the TRDPs.
- II. The record supports the Panel's conclusions that Loyd violated a disciplinary judgment and failed to timely furnish the CDC a response to the Complaint against her, in violation of Rules 8.04(a)(7) & (8).
- III. The Panel acted well within its discretion in denying Appellant's motion for continuance.
- IV. The panel acted well within its discretion in assessing a 3-year Active Suspension.

STATEMENT OF FACTS

On February 14, 2019, an evidentiary panel for the State Bar of Texas District 7 issued a Judgment of Fully Probated Suspension against Appellant, Annette R. Loyd (the “2019 Probated Suspension”). [App. 2] [CR 297-304]. The 2019 Probated Suspension was based on *that* panel’s findings that Loyd had neglected her clients’ legal matter by not responding to a summary judgment motion, failing to respond to the clients’ reasonable requests for information, failing to adequately explain the legal matter to her clients, violating a prior disciplinary judgment, and failing to timely respond to the Office of the Chief Disciplinary Counsel (the “CDC”) regarding the underlying complaint.² The 2019 Probated Suspension placed Loyd on a fully probated suspension for two (2) years, and required her to (amongst other things): (1) pay restitution in the amount of \$1,000.00 to Vernon Bauer, on or before January 1, 2020; (2) pay reasonable and necessary attorney’s fees in the amount of \$3,300.00 to the State Bar of Texas on or before January 1, 2020; (3) pay direct expenses in the amount of \$700.00 to the State Bar of Texas on or before January 1, 2020; and (4) complete six additional hours of Continuing Legal Education (“CLE”) in the area of Law Office Management, on or before January 1, 2020. She was also

² Appellant refers to the 2019 Probated Suspension as a “Default” Judgment of Fully Probated Suspension. [Apt. Br. 1]. However, that judgment does not identify or refer to any instance of default; indeed, it indicates Loyd “appeared in person and announced ready,” and that *that* evidentiary panel considered all “pleadings, evidence, stipulations, and argument,” in determining she had committed professional misconduct, *and* that the panel “heard and considered additional evidence” and “argument” in determining the appropriate sanction. [App. 2].

required to verify her completion of that additional CLE with the CDC. [App. 2] [CR 297-304].

Beginning in April of 2020, the CDC attempted to communicate with Loyd regarding her failure to comply with the above-referenced requirements of her 2019 Probated Suspension. On April 8, 2020, the CDC e-mailed Loyd, notifying her of her failure to meet the requirements of the suspension and requesting compliance. [RR. Vol. 2, Ex. 6a, pdf p. 85]. On January 25, 2021, the CDC again e-mailed Loyd, notifying her she was out of compliance. [RR. Vol. 2, Ex. 6b, pdf pp. 86-87]. On February 2, 2021, the CDC sent Loyd basically the same correspondence, this time by both Certified and regular mail.³ [RR. Vol. 2, Ex. 6c, pdf pp. 88-94]. On February 10, 2021, the CDC e-mailed Loyd one last time, again notifying her she was out of compliance and warning that such non-compliance would be the subject of potential additional discipline if it were not addressed. [RR. Vol. 2, Ex. 6d, pdf pp. 95-100]. The record is devoid of evidence Loyd responded to *any* of these communications from the CDC.

On December 10, 2021, the CDC e-mailed Loyd a Just Cause and Election letter regarding the Complaint predicated on her failures to comply with the 2019

³ The CDC attempted delivery of this correspondence at Loyd's work address and a residential address. U.S. Postal Service online tracking indicated the correspondence to the work address was delivered, but the correspondence to the residential address was returned, unclaimed. [RR. Vol. 2, Ex. 6c, pdf pp. 88-94].

Probated Suspension (the “2022 Complaint”), and advising her she had twenty days from receipt thereof to elect to proceed before an evidentiary panel, or in District Court. [CR 7-10]. On January 12, 2022, the CDC e-mailed, and also sent by Certified and regular mail, a second Just Cause and Election letter. [CR 12-16]. A returned Green Card indicates the second Just Cause notice was received by “A. Loyd” on January 18, 2022. [CR 15]. The record does not include any response from Loyd to either of the aforementioned Just Cause and Election letters.

On February 15, 2022, the CDC sent a request for appointment of an evidentiary panel to the Chairperson of the District 7 Grievance Committee, to hear the case on the 2022 Complaint; Loyd was copied by email. [CR 18-21]. On March 10, 2022, the CDC sent Loyd copies, by email and Certified mail, of: (1) a letter regarding assignment of the evidentiary panel and the Order Assigning Evidentiary Panel; and (2) a letter regarding the Evidentiary Petition and Request for Disclosure filed with the Panel by the Commission for Lawyer Discipline (the “Commission”), along with the Evidentiary Petition. [CR 26-31 and CR 38-45, respectively]. On June 9, 2022, Loyd was personally served with the CDC’s above-referenced March 10th transmittal letter along with the Commission’s Evidentiary Petition and Request for Disclosure (the “Evidentiary Petition”). [CR 48-49].

The Evidentiary Petition alleged Loyd had failed to comply with the requirements of the 2019 Probated Suspension by failing to: (1) pay restitution in

the amount of \$1,000.00 to Vernon Bauer, on or before January 1, 2020; (2) pay attorney's fees in the amount of \$3,300.00 to the State Bar of Texas on or before January 1, 2020; (3) pay direct expenses in the amount of \$700.00 to the State Bar of Texas on or before January 1, 2020; and (4) complete six additional hours of CLE in the area of Law Office Management, in addition to complying with the MCLE requirements of the State Bar of Texas, on or before January 1, 2020, and/or verify her completion of that additional CLE. [App. 3] [CR 33-36]. The Evidentiary Petition further alleged Loyd had failed to timely respond to the 2022 Complaint or to timely assert a privilege or other legal ground for her failure to do so. [App. 3] [CR 33-36].

On August 1, 2022, the CDC e-mailed Loyd a letter notifying her of a change in the makeup of the evidentiary panel. [CR 50-52]. And on September 14, 2022, the CDC sent Loyd copies, by email and Certified mail, of the Commission's Motion for Default Judgment, and Notice of Default Hearing set for November 2, 2022, at 1:30 P.M., via Zoom. [CR 75-97]. The Green Card for that Certified mail indicates that mail was signed for as received by someone at Loyd's business address, though it does not indicate the date of receipt. [CR 78].

Sometime at or after 11:57 A.M., on November 2, 2022, attorney Francisco Hernandez ("Hernandez"), filed an Original Answer on Loyd's behalf.⁴ [CR 99-100

⁴ The Answer was signed by Loyd, *pro se*, but was sent to the CDC by Hernandez.

& 102] [RR Vol. 1, pp. 10-14]. Further, at or after approximately 1:14 P.M., on November 2, 2022, Hernandez filed a Motion for Continuance. [CR 104-107 & 109-111]. Loyd then appeared at the Zoom hearing, with Hernandez as counsel, and after hearing argument the Chair of the evidentiary panel denied Loyd's Motion for Continuance. [RR Vol. 1, pp. 14-18]. The panel found Loyd in default. [RR Vol. 1, pp. 18-31]. The panel then heard additional arguments and evidence as to the appropriate sanction. At the completion of the hearing the panel assessed a three-year active suspension, along with \$1,000.00 plus interest in restitution to Vernon Bauer, \$3,300.00 plus interest to the State Bar for the prior attorney's fees award and \$700.00 plus interest to the State Bar for the prior costs award (both in connection with the 2019 Probated Suspension), and \$1,700.00 to the State Bar for attorney's fees and costs on the instant case. [RR Vol. 1, pp. 31-79].

Accordingly, on November 4, 2022, the evidentiary panel issued its Order on Petitioner's Motion for Default Judgment. [CR 130-131]. And, on November 18, 2022, the panel issued its Default Judgment of Active Suspension. [App. 1] [CR 151-159].

On December 6, 2022, Loyd filed her Notice of Appeal with the Board of Disciplinary Appeals ("BODA"). [CR 212]. On December 7, 2022, Loyd filed an Emergency Petition to Stay Default Judgment of Active Suspension in the panel proceeding. [CR 214-231]. Loyd's request to stay the judgment was denied after a

hearing held on January 4, 2023. [CR 876]. Loyd further requested findings of fact and conclusions of law regarding the evidentiary panel's order denying her request for stay, and the panel issued its Findings of Fact and Conclusions of Law on January 20, 2023. [CR 888 and Supp CR 104-106, respectively].

On December 16, 2022, Loyd filed a Motion to Set Aside Default Judgment and for New Trial or, in the Alternative, for Reconsideration in the panel proceeding. [CR 538-673]. The Commission filed its response to Loyd's motion to set aside the judgment on December 22, 2022. [CR 814-842]. After a hearing held on February 1, 2023, the evidentiary panel issued its Order denying Loyd's Motion to Set Aside Default Judgment and for New Trial or, in the Alternative, for Reconsideration. [RR Vol. 3, pp. 1-62] [Supp CR 123]. This appeal followed.

SUMMARY OF THE ARGUMENT

This case is based on Loyd's failures to comply with terms of the 2019 Probated Suspension, her failure to timely respond to the 2022 Complaint regarding the issues with her compliance with the 2019 Probated Suspension, and the subsequent Default Judgment issued against her related to those failures.

Loyd meets neither the first nor the second element of the *Craddock* test, and the panel acted well within its discretion in denying her motion to set aside its judgment or grant her a new trial. Under the first prong of *Craddock*, when the party opposing the motion for a new trial contests the defaulting party's explanation as to why she failed to timely file a responsive pleading, the matter is left for the trier of fact. Here, the panel had several reasons to disbelieve Loyd's assertion that she incorrectly believed her untimely answer served to render any default proceeding against her moot. Those reasons included Loyd's previous experience with the disciplinary system and the nature of defaults under the Texas Rules of Disciplinary Procedure (the "TRDPs" or "Rules"), and the fact that the cover letter contained with the disciplinary petition specifically advised her of her obligation to file an answer and that a default would be entered if she did not. Similarly, Loyd cannot rely on an error by counsel because she did not retain counsel until long after the default occurred pursuant to the TRDPs.

In addition, Loyd fails to set forth a meritorious defense to both disciplinary violations established by the instant Default Judgment of Active Suspension. Her own allegations and evidence demonstrate she failed to timely comply with the payments due under, or the additional CLE required by, the 2019 Probated Suspension. And she offered no defense in regard to her failure to respond to the 2022 Complaint regarding her violations of the 2019 Probated Suspension. The panel acted well within its discretion in denying Loyd's motion for a new trial, and the Board should affirm.

ARGUMENT

I. The evidentiary panel did not abuse its discretion by denying Appellant's Motion for New Trial.

The evidentiary panel acted well within its discretion in denying Loyd's motion for a new trial. Inquiries into a trial court's (or here, evidentiary panel's) denial of a motion for new trial following default are governed by the long-standing *Craddock* factors. *Craddock v. Sunshine Bus Lines, Inc.*, 133 S.W.2d 124, 126 (Tex. 1939). An evidentiary panel should grant a new trial only if the respondent attorney shows: (1) that the default was neither intentional nor the result of conscious indifference; (2) a meritorious defense; and (3) that a new trial would cause neither delay nor undue prejudice. *Id.*; see also *Fidelity and Guaranty Insurance Co. v. Drewery Construction Co.*, 186 S.W.3d 571, 574 (Tex. 2006). Appellate courts review a trial court's refusal to grant a motion for new trial for abuse of discretion. *DolgenCorp of Texas, Inc. v. Lerma*, 288 S.W.3d 922, 926 (Tex. 2009). When a defaulting party moving for a new trial meets all three elements of the *Craddock* test, then a trial court abuses its discretion if it fails to grant a new trial. *Id.* Here, Loyd fails to establish her entitlement to a new trial under the first and second *Craddock* factors, and the Board should affirm.

A. The panel acted within its discretion in rejecting Loyd's explanations for her failure to timely file a responsive pleading; thus, she did not satisfy the first element of the *Craddock* test.

The panel correctly denied Loyd's motion for new trial as she failed to establish that her failure to timely file an answer was neither intentional nor the result of conscious indifference. In general, courts view this factor with a significant degree of leniency: "Generally, some excuse, although not necessarily a good one, will suffice to show that a defendant's failure to file an answer was not because the defendant did not care." *Sutherland v. Spencer*, 376 S.W.3d 752, 755 (Tex. 2012) (quoting *In re R.R.*, 209 S.W.3d 112, 115 (Tex. 2006)).

This leniency, however, has its limits. A defendant satisfies her burden as to the first *Craddock* element when her factual assertions, if true, negate intentional or consciously indifferent conduct by the defendant **and** those factual assertions are not controverted by the plaintiff. See *Fidelity and Guar. Ins. Co.*, 186 S.W.3d at 576. In determining if the defendant's factual assertions are controverted, the court looks to all the evidence in the record. *In re R.R.*, 209 S.W.3d at 115 (citing *Dir., State Employees Workers' Comp. Div. v. Evans*, 889 S.W.2d 266, 269 (Tex. 1994)). When controverted, the question of whether the defendant's failure to act was intentional or the result of conscious indifference is a fact question to be resolved by the trial court (or here, the evidentiary panel). *Estate of Pollack v. McMurrey*, 858 S.W.2d 388, 391 (Tex. 1993). The trial court "may generally believe all, none, or part of a witness's testimony...[and] can reasonably believe, based on contradictory evidence, that there was intentional or consciously indifferent conduct on the part of

a defendant.” *Lynch v. Lynch*, 540 S.W.3d 107, 122 (Tex.App. – Houston [1st Dist.] 2017, pet. denied) (internal citations omitted).

Attorney disciplinary proceedings before evidentiary panels have specific rules applicable to defaults. Rule 2.17(C) governs defaults in disciplinary proceedings before an evidentiary panel and does not afford discretion when a respondent attorney fails to timely answer:

A failure to file an answer within the time permitted constitutes a default, and all facts alleged in the Evidentiary Petition shall be taken as true for the purposes of the Disciplinary Proceeding. Upon a showing of default, the Evidentiary Panel shall enter an order of default with a finding of Professional Misconduct and shall conduct a hearing to determine the Sanctions to be imposed.

- TEX. RULES DISCIPLINARY P. R. 2.17(C).

Further, the Texas Supreme Court has explained in the Rules themselves that the time requirement imposed by Rule 2.17(C) is *mandatory*. TEX. RULES DISCIPLINARY P. R. 17.05.

Here, Loyd offers two arguments: (1) that she asked a lawyer to represent her, but her answer was not filed until the day of the default hearing because that lawyer was out of the country for several weeks leading up to the hearing; and (2) that she believed the Texas Rules of Civil Procedure foreclosed the Commission from taking a default judgment against her as long as she had an Answer on file prior to the default hearing. [Apt. Br. 8-9]. Neither explanation presents a viable argument.

1. Loyd’s reliance on her request for attorney assistance in filing an answer is misplaced, where she did not engage counsel until long after the default occurred.

Loyd’s argument regarding her reliance on counsel to file an answer on her behalf cannot be squared with the timeline of counsel’s involvement in the case. Loyd was personally served with the disciplinary petition on June 9, 2022. [CR 48]. Per Rule 2.17(B), her answer was due on or before July 5, 2022.⁵ The cover letter served along with the Evidentiary Petition alerted Loyd of her obligation to file an answer and the time in which such pleading must be filed. [CR 38-45 & 48]. During the default hearing, Loyd confirmed she was personally served with the Evidentiary Petition on June 9, 2022. [RR Vol. 1, p. 59]. And she provided no evidence establishing she hired attorney Hernandez to represent her in the underlying disciplinary matter at any time prior to her July 5, 2022, deadline to answer. [RR Vol. 1] [RR Vol. 3] [CR 102, 109-111 & 538-673].

Additionally, during the default hearing the Commission’s trial counsel represented to the court that she had not heard from Loyd or Hernandez prior to *that* day. [RR Vol 1, p. 10]. Further, both Loyd and Hernandez conveyed to the panel that Hernandez was serving as her counsel only for the purpose of the default hearing that day. [RR Vol. 1, pp. 12-14].

⁵ Monday, July 4, 2022, was a holiday.

Even though Hernandez filed an answer on Loyd's behalf on November 2, 2022, the panel was required to enter an order of default, pursuant to Rule 2.17(C), as Loyd's deadline to file her answer was July 5, 2022. Loyd's assertion that "[t]he timing of filing the Answer was under the control of Hernandez, not [Loyd]", is disingenuous at best. If anything, Loyd's failure to hire Hernandez (or any attorney) prior to July 5, 2022, supports the Commission's contention that she acted with conscious indifference with respect to her obligation to timely answer the Evidentiary Petition.⁶ Thus, Loyd cannot rely on any alleged failure by Hernandez to satisfy the first element of the *Craddock* test.

2. Loyd's purported mistaken "belief" that a non-timely filed Answer would insulate her from default lacks any credibility.

Next, Loyd argues that her failure to timely file an answer should be excused because of her "mistaken belief" that her non-timely answer, filed the day of the default hearing, would preempt a default ruling against her pursuant to the Texas

⁶ Loyd also seems to suggest that an "anxiety and depression disorder" contributed to her inability to timely file an answer in her disciplinary proceeding, though she does not assert this issue as a separate ground in support of her argument that her failure to timely answer was not intentional or the result of conscious indifference. [Apt. Br. 8]. Rather, she explained, in self-serving testimony, that her alleged "mental health disability" is what led her to ask Hernandez to represent her. [RR Vol. 1, p. 17]. Nevertheless, Loyd failed to present any medical evidence demonstrating this alleged "mental health disability" had *any* effect on her ability to participate in the disciplinary process. In fact, during the hearing on Loyd's motion to set aside the judgment, she offered the testimony of Dr. Harry F. Klinefelter, III, a psychologist that she was seeing pursuant to the terms of the 2019 Probated Suspension. But when asked by Loyd's counsel whether any mental health issues Loyd might have had affected her abilities to participate in the disciplinary process, Klinefelter answered "No." [RR. Vol. III, p. 13, lines 17-20].

Rules of Civil Procedure. [Apt. Br. 8-9]. The Commission contested this contention, during both the default hearing and the hearing on Loyd's motion for a new trial, and it became a fact question to be resolved by the panel. [RR. Vol. 1, pp. 61-63] [RR. Vol. 3, pp. 25-26]. See *In re R.R., and Estate of Pollack, supra*. Factual determinations by an evidentiary panel are subject to the substantial evidence standard of review. TEX. GOV'T CODE ANN. §81.072(b)(7); TEX. RULES DISCIPLINARY P. R. 2.23.

The focus under the substantial-evidence standard is whether the record provides some reasonable basis for the action taken by an administrative body. *City of El Paso v. Pub. Util. Comm'n of Tex.*, 883 S.W.2d 179, 185 (Tex. 1994). The reviewing tribunal "must determine whether the evidence as a whole is such that reasonable minds could have reached the conclusion the [administrative body] must have reached in order to take the disputed action." *Id.* at 186, citing *Texas State Bd. of Dental Examiners v. Sizemore*, 759 S.W.2d 114, 116 (Tex. 1988), *cert. denied*, 490 U.S. 1080 (1989). Moreover, the "findings, inferences, conclusions, and decisions of [the administrative body] are presumed to be supported by substantial evidence," and the party challenging the decision bears the burden of proving otherwise. *Id.* (citations omitted).

"Substantial evidence requires only more than a mere scintilla, and 'the evidence on the record actually may preponderate against the decision of [the

administrative body] and nonetheless amount to substantial evidence.’’ *R.R. Comm’n of Tex. v. Torch Operating Co.*, 912 S.W.2d 790, 792 (Tex. 1995), citing *Texas Health Facilities Comm’n v. Charter Medical – Dallas, Inc.*, 665 S.W.2d 446, 452 (Tex. 1984); *see also Wilson v. Comm’n for Lawyer Discipline*, BODA Case No. 46432, 2011 WL 683809, at *2 (January 30, 2011). In determining whether there is substantial evidence to support the findings and conclusions of the administrative body, the reviewing court may not substitute its judgment for that of the administrative body and must consider only the record upon which the decision is based. *R.R. Comm’n of Tex.*, 912 S.W.2d at 792; *Tex. State Bd. of Dental Exam’rs*, 759 S.W.2d at 116. The ultimate question is not whether the panel’s decision is correct, but only whether the record demonstrates a reasonable basis for its decision. *City of El Paso*, 883 S.W.2d at 185.

Here, there was ample evidence for the panel to disbelieve Loyd’s explanation that she thought her non-timely filed Answer would prevent the Commission from obtaining a default judgment in the underlying disciplinary proceeding. At the hearing on her motion to set aside the default judgment, Loyd testified she had previously been defaulted in disciplinary proceeding(s) for failure to timely file an answer, and that she was aware that the TRDPs provide for such a default. [RR Vol.

III, p. 26]. Further, during the sanctions portion of the default hearing⁷, the Commission admitted its Exhibit 6, consisting of six, prior disciplinary judgments against Loyd, three (3) of which were entered against her by default. [RR Vol. 1, 33-35] [RR. Vol. 2, Ex. 6, pdf pp. 45-84]. Indeed, one of *those* default judgments expressly noted that Loyd had “[a]ppared pro se, and filed an untimely Answer” on the date of *that* default hearing, December 12, 2018. [RR. Vol. 2, Ex. 6, pdf p. 53] [CR 815-816]. This undercuts the notion that Loyd could have mistakenly believed that her untimely answer would prevent a default against her.

Moreover, the cover letters served along with the evidentiary panel appointment and Evidentiary Petition specifically informed Loyd of her obligation to *timely* file an answer, and the consequence if she failed to do so, by expressly pointing her to Rule 2.17(B). [CR 26-31, 38-45 & 47-48]. And, while a mistake of law *can* serve to demonstrate a lack of intent or conscious indifference, not all alleged mistakes of law *will*; rather, courts consider “the knowledge and acts of the particular defendant to determine whether a failure to answer was not intentional or the result of conscious indifference,” but due to mistake or accident. *In re Sandoval*, 619 S.W.3d 716, 721 (Tex. 2021) (citing *In re R.R.*, 209 S.W.3d at 115). Here, there

⁷ Loyd participated in the sanctions hearing, by and through counsel, as well as provided testimony. [RR Vol. 1].

was ample evidence for the panel to find Loyd's explanation for her failure to timely file an answer in this respect, was not credible.

B. Loyd failed to establish any meritorious defense to her violations of TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 8.04(a)(7) or (8), to warrant a new hearing.

Loyd also cannot satisfy the second prong of the *Craddock* test because her motion for a new trial did not set up a meritorious defense as to **either** of the alleged disciplinary violations. "The motion must allege facts which in law would constitute a defense to the cause of action asserted by the plaintiff and must be supported by affidavits or other evidence proving prima facie that the defendant has such meritorious defense." *Estate of Pollack*, 858 S.W.2d at 392. Setting up a meritorious defense does not require proof "in the accepted sense." *Dolgencorp of Tex.*, 288 S.W.3d at 927–28. Rather, the motion sets up a meritorious defense if it alleges facts which in law would constitute a defense to the plaintiff's cause(s) of action and is supported by affidavits or other evidence providing prima facie proof that the defendant has such a defense. *Id.* If proven, a meritorious defense would cause a different—although not necessarily opposite—result on retrial. *Comanche Nation v. Fox*, 128 S.W.3d 745, 751 (Tex.App. – Austin 2004, no pet.).

And, while controverting evidence should generally not be considered when a defendant has set up a meritorious defense to the plaintiff's cause(s) of action, the standard **does** allow the party who recovered the default judgment to "establish the

lack of legal sufficiency supporting the defaulting party’s claimed defenses...” *Gotcher v. Barnett*, 757 S.W.2d 398, 403 (Tex.App. – Houston [14th Dist.] 1988, no writ); *see also, Dolgencorp of Tex.*, 288 S.W.3d at 927–28, “[t]he motion [for new trial] sets up a meritorious defense if it alleges facts *which in law* would constitute a defense to the plaintiff’s cause of action...” (emphasis added) (citing *Ivy v. Carrell*, 407 S.W.2d 212, 214 (Tex. 1966)).

1. Loyd failed to establish a meritorious defense to the Commission’s allegations she violated the terms of the 2019 Probated Suspension.

The Commission alleged that Loyd violated Rule 8.04(a)(7) of the Texas Disciplinary Rules of Professional Conduct (the “TDRPCs”) by: (1) failing to pay restitution of \$1,000 to Vernon Bauer, on or before January 1, 2020; (2) failing to pay attorney’s fees of \$3,300 to the State Bar on or before January 1, 2020; (3) failing to pay direct expenses of \$700 to the State Bar on or before January 1, 2020; and (4) failing to complete six additional hours of CLE in Law Office Management on or before January 1, 2020. [CR 34] [App. 3] [App. 2].

Here, as a defense to the Commission’s Rule 8.04(a)(7) allegations, Loyd essentially offers her self-serving statements denying she failed to timely pay the amounts required, or that she failed to timely complete the required CLE and verify the completion of same. [Apt. Br. 10-12]. With respect to the restitution, attorney’s fees, and direct expenses, the 2019 Probated Suspension required Loyd to pay those amounts on or before January 1, 2020. Loyd’s defense is legally insufficient as to

these failures, as it does not allege any *actual* payment(s) by Loyd were *actually* received by the Bar. In fact, during the hearing on her motion to set aside the judgment, Loyd testified she did not provide any evidence that any payments she had allegedly timely made were successfully delivered to the Bar. [RR. Vol. III, pp. 28-30]. Moreover, Loyd also testified she *belatedly* paid at least the attorney's fees and direct expenses associated with the 2019 Probated Suspension, on or about December 6, 2022; well after the deadline imposed by the 2019 Probated Suspension. [RR. Vol. III, pp. 23-24 & 61-62].

Further, with respect to the requirement of timely completing six additional hours of CLE in Law Office Management, Loyd again offers her self-serving statement that she “completed the six (6) additional hours”, as evidenced by the MCLE transcript she provided. [Apt. Br. 11]. But the transcript provided by Loyd demonstrates, to the contrary, that she only completed two classes in Law Practice Management, totaling 4.75 hours, and that even *those* classes were not timely completed, as they were not taken until nearly a month after the deadline. [CR 417-420].

In sum, Loyd is not alleging that she *actually* made *timely* payments to the State Bar as required by the 2019 Probated Suspension, or that she *timely* completed any of the additional CLE she was required to complete. Rather, she has alleged (at best) only that she *attempted* to send payments to the State Bar in a timely fashion,

and that she *partially* completed the additional CLE she was required to complete – and that, untimely. As a result, Loyd’s assertions do not set up meritorious defenses to her violations of the 2019 Probated Suspension established by the Default Judgment of Active Suspension.

- 2. Loyd failed to establish any defense to the Commission’s allegation she failed to timely furnish to the CDC a response or other information as required by the TRDPs.**

The Commission’s Evidentiary Petition also alleged Loyd violated TDRPC 8.04(a)(8) by failing to timely respond to the 2022 Complaint regarding her failure to comply with the 2019 Probated Suspension. [CR 34-35] [App. 3]. As is set forth more fully below in response to her arguments regarding the propriety of the evidentiary panel’s sanction decision in the underlying matter, that failure by Loyd is part of a persistent pattern of such failures on her part over many years.

Loyd mistakenly conflates the Commission’s Rule 8.04(a)(8) allegations with its Rule 8.04(a)(7) allegations, stating they are predicated “solely on allegations that [Loyd] failed to comply with,” the 2019 Probated Suspension. [Apt. Br. 10-12] [CR 404-405]. But, as is made clear by: (1) the Evidentiary Petition; (2) the Commission’s Motion for Default Judgment; and (3) the evidentiary panel’s Default Judgment of Active Suspension, the Rule 8.04(a)(8) violation arises from Loyd’s failure to timely respond to the 2022 Complaint related to her failures to comply

with the 2019 Probated Suspension, which was first sent to her on June 7, 2021. [App. 3] [CR 34-35]; [CR 54-56]; [App. 1] [CR 152-153].

A respondent attorney who is given notice of a Complaint is required to deliver a response to the allegations in such Complaint to the CDC within thirty days after receipt of such notice. TEX. RULES DISCIPLINARY P. R. 2.10(B). Here, notice of the 2022 Complaint was sent to Loyd via email on June 7, 2021, and September 14, 2021, and via certified mail served on September 16, 2021, but she failed to respond in accordance with the Rules. [App. 3] [CR 34]; [App. 1] [CR 152-153]. Loyd has set up no defense to this violation, meritorious or otherwise. Having failed to set up a meritorious defense to **either** disciplinary violation set forth in the Evidentiary Petition, Loyd cannot meet the second prong of the *Craddock* test, and the panel acted well within its discretion in denying her motion for a new trial.

II. The record supports the panel’s conclusions that Loyd violated a disciplinary judgment and failed to timely furnish the CDC a response to the Complaint against her, in violation of TDRPC 8.04(a)(7) & (8).

In her brief, Loyd seems to argue that the evidentiary panel’s findings of fact related to her default “must be set aside,” simply because she has announced a challenge to the legal and factual sufficiency of the evidence. [Apt. Br. 13-14 (citing *In re Marriage of Williams*, 646 S.W.3d 542, 544-45 (Tex. 2022) and TEX. R. APP. P. 33.1(d))]. Of course, neither *Williams* nor TEX. R. APP. P. 33.1(d) remotely suggests that a sufficiency challenge of a default judgment works essentially by *fiat*

in this manner. Rather, read together in the context of a typical civil default judgment, *Williams* and TEX. R. APP. P. 33.1(d) simply explain that a defendant challenging a default judgment *may* do so both by making a *Craddock* challenge and by challenging the legal and/or factual sufficiency of the judgment actually rendered.

In *Williams*, a divorce case in which the division of the community estate was at issue, the defaulting party's *sufficiency* challenge had to do with whether the trial court had received sufficient evidence to render a just and fair judgment as to that property division. The Texas Supreme Court reversed the Texarkana Court of Appeals' *procedural* decision that the defaulting party had waived her sufficiency challenge and remanded for further proceedings. But in doing so, the Court noted an important facet of the *Williams* default in the context of that divorce case: "In a suit for divorce, the pleadings are not deemed admitted by the defendant's failure to appear, so the plaintiff must present sufficient evidence to support the material allegations in the petition." *Id.*, at 545 (citing TEX. FAM. CODE §6.701). In that respect, *Williams* is clearly distinguishable from this attorney disciplinary case.

As is set forth at length above, attorney disciplinary proceedings before evidentiary panels have specific rules applicable to defaults, and a failure to timely answer leads to all facts alleged in the evidentiary petition being taken as true for the purposes of the disciplinary proceeding. *See I(A), above*; TEX. RULES DISCIPLINARY

P. R. 2.17(C).⁸ Here, the Commission alleged in its Evidentiary Petition that Loyd: (1) violated TDRPC 8.04(a)(7) by failing to comply with her 2019 Probated Suspension in several respects; and (2) violated TDRPC 8.04(a)(8) by failing to respond to the 2022 Complaint arising therefrom. [CR 33-36]. When presented with indisputable proof of Loyd’s failure to timely answer the Evidentiary Petition, the panel correctly found her in default. [CR 54-70 & 130-131] [RR Vol. 1, pp. 8-31] [RR. Vol. 2, Exs. 1-5, pdf pp. 4-42]. The facts alleged in the Evidentiary Petition, taken as true for the purposes of the Disciplinary Proceeding as a result of Loyd’s failure to timely answer the petition, supplied substantial evidence both legally and factually sufficient to support the panel’s Default Judgment of Active Suspension in this matter.

III. The panel acted well within its discretion in denying Appellant’s motion for continuance.

In an attorney disciplinary proceeding, “[a] hearing for default may be set at any time not less than ten days after the answer date without further notice to the Respondent.” TEX. RULES DISCIPLINARY P. R. 2.17(O). Here, the default hearing was set nearly four (4) months after the answer date. *See I(A)(1), above*. Loyd was given well over a month’s notice of the default hearing, by e-mail and certified mail,

⁸ Indeed, even in a typical civil case involving a no-answer default, the defaulting defendant admits (by her default) all facts properly pled in the petition, excepting any amount for unliquidated damages. *Dolgencorp of Tex.*, 288 S.W.3d at 930.

when no such notice was even required. [CR 72-73 & 75-97]. Yet neither Loyd, nor her purported trial counsel, Hernandez, contacted or made any attempt to contact the CDC or the evidentiary panel, prior to (at best) 2-3 hours in advance of the default hearing. [RR Vol. 1, pp. 11-16]. And Loyd's motion for continuance was submitted, at the earliest, approximately 15 minutes prior to the default hearing. [CR 104-107].

Further, the motion for continuance was arguably not properly sworn or verified, as Hernandez's attached affidavit merely attested that the facts stated therein were "to the best of [Hernandez's] information and belief...true and correct," and not that the statements were based on his personal knowledge. *See e.g., Bray v. Miller*, 397 S.W.2d 103, 106 (Tex.Civ.App. – Dallas 1965 no writ,); *Nutter v. Abate Cotton Harvesting Co.*, 430 S.W.2d 366, 368 (Tex.Civ.App. – El Paso 1968, writ ref'd n.r.e.; *Ex parte Blackmon*, 529 S.W.2d 570, 572 (Tex.App. – Houston [1st Dist.] 1975, orig. proceeding); *Gonzales v. Proctor & Gamble Mfg. Co.*, 655 S.W.2d 243, 244 (Tex.App. – Corpus Christi 1983, no writ); *Hawthorne v. Guenther*, 917 S.W.2d 924, 929-30 (Tex.App. – Beaumont 1996, writ denied). Where a continuance movant fails to properly comply with the affidavit requirement, "[r]eviewing courts generally presume the trial court did not abuse its discretion by denying the motion." *J.G. v. Texas Dep't of Fam. & Protective Servs.*, 592 S.W.3d 515, 521 (Tex.App. – Austin 2019, no pet.) (citing *Villegas v. Carter*, 711 S.W.2d 624, 626 (Tex. 1986), and *Zeifman v. Nowlin*, 322 S.W.3d 804, 812 (Tex.App. – Austin 2010, no pet.)).

Moreover, the granting or denial of a continuance is generally within the sound discretion of the trial court (here, the evidentiary panel) and will not be disturbed absent a clear abuse of discretion demonstrated on the record. *Villegas*, 711 S.W.2d at 626. Here, Loyd offers no authority in support of her assertion that the panel abused its discretion by denying her request for a continuance. Rather, she simply declares it to be so. [Apt. Br. 13.] But her self-serving declaration that a continuance was “necessary in the interests of justice” fails to demonstrate any such abuse.

IV. The panel acted well within its discretion in assessing a 3-year Active Suspension.

Finally, Loyd argues the panel abused its discretion by imposing a three-year active suspension as a result of her violations of the TDRPCs. [Apt. Br. 14-17]. But again, her arguments in this respect are nothing more than her own declaration that the panel abused its discretion, without reference to any authority supporting said declaration, and accompanied by misrepresentations of the record, where the record is referenced at all. Loyd’s requested relief includes, alternatively, a request that the Board modify the sanction issued by the panel, though she offers no specific suggestion as to what she believes an appropriate sanction would be. That request should be rejected.

Evidentiary panels are afforded discretion in assessing sanctions. The Board reviews the sanction imposed for professional misconduct for abuse of

discretion. *McIntyre v. Commission for Lawyer Discipline*, 169 S.W.3d 803, 807 (Tex. App.—Dallas 2005, no pet.). Trial courts (and, as in this case, evidentiary panels) have broad discretion to impose discipline, but a sanction may be so light or heavy as to constitute an abuse of discretion. *Molina v. Commission for Lawyer Discipline of The State Bar of Texas*, BODA No. 35426, 2006 WL 6242393, at *4 (March 31, 2006) (citing *State Bar of Texas v. Kilpatrick*, 874 S.W.2d 656, 659 (Tex. 1994)). A court abuses its discretion when it acts in an unreasonable and arbitrary manner, without reference to any guiding principles. *McIntyre*, 169 S.W.3d at 807. The court or evidentiary panel must consider the factors set out in the Texas Rules of Disciplinary Procedure. *Eureste v. Comm'n for Lawyer Discipline*, 75 S.W.3d 184, 202 (Tex. App.—Houston [14th Dist.] 2002, no pet.). The fact that an appellate court might impose a sanction different from that imposed by the trial court does not show an abuse of discretion. *Love v. State Bar of Texas*, 982 S.W.2d 939, 944 (Tex. App.—Houston [14th Dist.] 2002, no pet.).

Part 15 of the TRDPs provides guidelines to consider in determining appropriate sanctions for professional misconduct, though those guidelines, “[d]o not limit the authority of a district grievance committee...to make a finding or issue a decision.” TEX. RULES DISCIPLINARY P. R. 15.01(B). General factors to be considered include the duty violated, the respondent attorney’s level of culpability,

the potential or actual injury caused by the misconduct, and the existence of aggravating or mitigating factors. TEX. RULES DISCIPLINARY P. R. 15.02.

More specifically, Rules 15.07(1-4) and 15.08(1-4) set forth guidelines for determining appropriate sanctions in circumstances involving an attorney failing to respond to a disciplinary agency, and circumstances involving an attorney violating the terms of a prior disciplinary order, respectively, that span the gamut from private reprimand to disbarment. TEX. RULES DISCIPLINARY P. R. 15.07(1-4) and 15.08(1-4). Additionally, Rule 15.09 provides aggravating and mitigating factors the panel may consider in deciding an appropriate sanction once professional misconduct is established, including a respondent's prior disciplinary record. TEX. RULES DISCIPLINARY P. R. 15.09(A-C).

Here, Loyd inexplicably asserts that the findings of professional misconduct against her in the Default Judgment of Active Suspension were "limited to her failure to timely submit her Answer..." [Apt. Br. 15-16]. But the judgment clearly and concisely sets forth the factual allegations made in the Commission's Evidentiary Petition, which were deemed true due to Loyd's default. Those deemed facts include facts regarding her failure to comply with the 2019 Probated Suspension, the several ways in which she failed to comply with the 2019 Probated Suspension, and her failure to respond to the 2022 Complaint against her regarding lack of compliance with the 2019 Probated Suspension. [App. 1] [CR 151-159].

Further, the panel was presented evidence of Loyd's extensive disciplinary history, which is rife with persistent findings of failures to do work as hired by her clients, failure to communicate with her clients, failure to respond to disciplinary complaints, failure to comply with the terms of disciplinary judgments, and defaults in disciplinary proceedings:

- 1) *Default Judgment of Fully Probated Suspension (1 yr.)*; issued 8/17/04; Complainant – former client; violations of TDRPC 1.01(b)(1) (neglecting legal matter entrusted to lawyer), 1.03(a) (failure to communicate with client), and 8.04(a)(8) (failure to timely respond to a disciplinary complaint). [App. 4] [CR 331-336] [RR. Vol. 2, Ex. 6, pdf. pp. 79-84].
- 2) *Default Judgment of Partially Probated Suspension (37 mos., 1 mo. active)*; issued 3/23/11; Complainant – former client; violations of TDRPC 1.01(b)(2) (frequently failing to carry out obligations to client), 1.03(a) (failure to communicate with client), and 8.04(a)(8) (failure to timely respond to a disciplinary complaint). [App. 4] [CR 317-324] [RR. Vol. 2, Ex. 6, pdf. pp. 65-72].
- 3) *Judgment Revoking Probation and Actively Suspending Respondent from the Practice of Law (revoking probation from (2), above, 36 mos. active)*; issued 7/6/11; violations of terms of disciplinary judgment from (2), above. [App. 4] [CR 312-316] [RR. Vol. 2, Ex. 6, pdf. pp. 60-64].
- 4) *Agreed Judgment of Active Suspension (1 yr.)*⁹; issued 9/13/12; violations of TDRPC 8.04(a)(1) (violating the disciplinary rules), 8.04(a)(7) (violating a disciplinary judgment), 8.04(a)(8) (failure to timely respond to a disciplinary complaint), and 8.04(a)(11) (improperly engaging in the practice of law when inactive). [App. 4] [CR 325-330] [RR. Vol. 2, Ex. 6, pdf. pp. 73-78].

⁹ By its terms, this suspension ran concurrently with the active suspension arising from the prior *Judgment Revoking Probation and Actively Suspending Respondent from the Practice of Law*, issued on 7/6/11.

- 5) *Default Judgment of Fully Probated Suspension (1 yr.)*; issued 1/16/19; Complainant – former client; violations of TDRPC 1.01(b)(1) (neglecting legal matter entrusted to lawyer), 1.03(a) (failure to communicate with client), and 8.04(a)(8) (failure to timely respond to a disciplinary complaint). [App. 4] [CR 305-311] [RR. Vol. 2, Ex. 6, pdf. pp. 53-59].
- 6) *Judgment of Fully Probated Suspension (2 yrs.)*; issued 2/14/19; Complainant – former client; violations of TDRPC 1.01(b)(1) (neglecting legal matter entrusted to lawyer), 1.03(a) (failure to communicate with client), 1.03(b) (failure to explain legal matter to client), 8.04(a)(7) (violating a disciplinary judgment), and 8.04(a)(8) (failure to timely respond to a disciplinary complaint). [App. 4] [CR 297-304] [RR. Vol. 2, Ex. 6, pdf. pp. 45-52].

Loyd implies that the panel did not consider any mitigating circumstances she may have presented, but the record does not support that implication. [Apt. Br. pp. 16-17]. The Commission sought disbarment in this case. [RR. Vol. 1, pp. 52-55]. The evidence presented would arguably support such a sanction under these circumstances. Notwithstanding that request and the evidence presented by the Commission, the panel also considered the argument and evidence presented by Loyd and ultimately arrived at the three-year Active Suspension at issue. [CR 151-159].

Further, Loyd offers no authority for the proposition that her subsequent compliance with the terms of the instant Default Judgment of Active Suspension (some of which amounts to, again, nothing more than *belated* compliance with terms from the 2019 Probated Suspension) should somehow serve as grounds for modification of the instant judgment. [Apt. Br. 17]. In truth, her compliance here

offers no such support; it simply demonstrates the exceedingly rare occasion on which Loyd has not **wholly failed** to treat a disciplinary judgment issued against her with the due attention and sober reflection any attorney should.

The panel's sanction of a three-year Active Suspension is supported by ample evidence demonstrating Loyd's failures to timely comply with the 2019 Probated Suspension and her failure to respond to the 2022 Complaint, especially in light of the pattern of misconduct and disregard for the import of the attorney disciplinary process she has exhibited over several years and several disciplinary judgments. The panel acted within its discretion in issuing a three-year Active Suspension and the Board should affirm that sanction without modification.

CONCLUSION AND PRAYER

For these reasons, the Commission prays that the Board affirm the judgment of the District 7-1 Evidentiary Panel of the State Bar of Texas.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF COMPLIANCE

Pursuant to the Board of Disciplinary Appeals Internal Procedural Rules, the foregoing brief on the merits contains approximately 7,326 words (total for all sections of brief that are required to be counted), which is less than the total words permitted by the Board's Internal Procedural Rules. Counsel relies on the word count of the computer program used to prepare this petition.



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CERTIFICATE OF SERVICE

This is to certify that the above and foregoing brief of Appellee, the Commission for Lawyer Discipline has been served on Appellant, Annette R. Loyd, by and through her counsel of record, Mr. Gaines West, West, Webb, Allbritton & Gentry, P.C., 1515 Emerald Plaza, College Station, Texas 77845, by email to Gaines.west@westwebb.law on the 31st day of May, 2023.



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**Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas**

ANNETTE R. LOYD,

APPELLANT

V.

COMMISSION FOR LAWYER DISCIPLINE,

APPELLEE

*On Appeal from an Evidentiary Panel
For the State Bar of Texas District 7
No. 202103038 [SBOT]*

**APPENDIX TO BRIEF OF APPELLEE
COMMISSION FOR LAWYER DISCIPLINE**

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No. 67358

Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas

ANNETTE R. LOYD

APPELLANT

V.

COMMISSION FOR LAWYER DISCIPLINE,
APPELLEE

*On Appeal from an Evidentiary Panel
For the State Bar of Texas District 7
No. 202103038 [SBOT]*

APPENDIX TO BRIEF OF APPELLEE
COMMISSION FOR LAWYER DISCIPLINE

TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

The Commission for Lawyer Discipline attaches the following documents in support of the foregoing brief:

- APP. 1:** Default Judgment of Active Suspension, 11/18/22 [CR 151-159]
- APP. 2:** Judgment of Fully Probated Suspension, 2/14/19 [CR 297-304]
- APP. 3:** Commission's Evidentiary Petition, 3/10/22 [CR 33-36]
- APP. 4:** Loyd's Prior Disciplinary Judgments [CR 296-336]

App. 1

**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

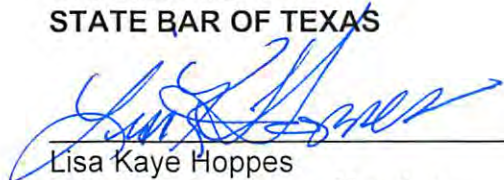
This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

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

App. 2

BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-2
STATE BAR OF TEXAS

COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner

V.

ANNETTE R. LOYD,
Respondent

201505595

CASE NO. 201505595

JUDGMENT OF FULLY PROBATED SUSPENSION

Parties and Appearance

On December 12, 2018, December 21, 2018, and February 4, 2019, came to be heard the above-styled and numbered cause. Petitioner, Commission for Lawyer Discipline, appeared by and through its attorney of record and announced ready. Respondent, **ANNETTE R. LOYD** (Respondent), Texas Bar Number **16731100**, appeared in person and announced ready.

Jurisdiction and Venue

The Evidentiary Panel 7-2, 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.

Professional Misconduct

The Evidentiary Panel, having considered all of the pleadings, evidence, stipulations, and argument, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

The Evidentiary Panel, having considered 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. Complainant Vernon Bauer (Bauer) and Joella Jacobson (Jacobson) hired Respondent to serve as legal counsel regarding a civil matter. Respondent filed suit on behalf of Bauer and Jacobson on August 1, 2014 in a District Court in Tarrant County, Texas.
4. In representing Bauer and Jacobson, Respondent neglected the legal matter entrusted to her by failing to respond to Defendant's Motion for Summary Judgment.
5. Respondent failed to promptly comply with reasonable requests for information from Bauer and Jacobson about their civil matter.
6. Respondent failed to explain the legal matter to the extent reasonably necessary to permit Bauer and Jacobson to make informed decisions regarding the representation.
7. Respondent violated a disciplinary judgment.
8. Respondent failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Respondent did not in good faith timely assert a privilege or other legal ground for failure to do so.
9. Respondent owes restitution in the amount of One Thousand Dollars and No Cents (\$1,000.00) payable to Vernon Bauer.
10. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees associated with this Disciplinary Proceeding in the amount of Three Thousand Three Hundred Dollars and No Cents (\$3,300.00).
11. The Chief Disciplinary Counsel of the State Bar of Texas has incurred direct expenses associated with this Disciplinary Proceeding in the amount of Seven Hundred Dollars and No Cents (\$700.00).

Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: Rules: 1.01(b)(1), 1.03(a), 1.03(b), 8.04(a)(7), and 8.04(a)(8).

Sanction

The Evidentiary Panel, having found that 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 and after having considered the factors in Rule 2.18 of the Texas Rule of Disciplinary Procedure, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Probated Suspension.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREEED** that Respondent be suspended from the practice of law for a period of two (2) years with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on February 4, 2019, and shall end on February 3, 2021.

Terms of Probation

It is further **ORDERED** that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.

5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.
8. Respondent shall pay restitution on or before January 1, 2020, to Vernon Bauer in the amount of One Thousand Dollars and No Cents (\$1,000.00). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Vernon Bauer and delivered 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).
9. Respondent shall pay all reasonable and necessary attorney's fees to the State Bar of Texas in the amount of Three Thousand Three Hundred Dollars and No Cents (\$3,300.00). The payment shall be due and payable on or before January 1, 2020, 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).
10. Respondent shall pay direct expenses to the State Bar of Texas in the amount of Seven Hundred Dollars and No Cents (\$700.00). The payment shall be due and payable on or before January 1, 2020, 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).
11. Respondent shall submit to counseling sessions for the two (2) year duration of this judgment, with a minimum of one (1) session per month, by a mental health professional licensed in Texas as a psychiatrist, a psychologist, a master's level social worker (LCSW), or a licensed professional counselor (LPC). The mental health professional shall provide written monthly reports to the State Bar of Texas verifying Respondent's attendance at the sessions and the general issue(s) addressed during the sessions. The initial report shall be due no later than March 3, 2019, documenting the session(s) that occur(s) during February 2019. Each subsequent report shall be due on the 3rd day of each month, documenting the session(s) that occur(s) during the previous month. The final report will be due no later than February 3, 2021.

12. Respondent shall take all necessary action, including the execution of a valid release of information, to permit any treating mental health professional to provide written or oral reports for the duration of the supervision period.
13. Respondent shall be responsible for all costs and expenses incurred, directly or indirectly, by compliance with these terms and shall pay all such costs and expenses as required by the provider, but in no event later than the final day of the supervision period.
14. Any and all reports and evaluations required by these terms of probation shall be sent to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Suite 200, Austin, TX 78701).
15. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete six (6) additional hours of continuing legal education in the area of Law Office Management. These additional hours of CLE are to be completed on or before January 1, 2020. Within ten (10) days of the completion of these additional CLE hours, Respondent shall verify completion of the course(s) 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).
16. Respondent must maintain financial records on each client, including written receipts of funds, written accounting of time billed, client funds applied, and written contracts with each client.
17. Law Office Management Consultation: No later than March 5, 2019, Respondent shall engage the services of a law office management consultant, approved by the Office of the Chief Disciplinary Counsel, and qualified by training and experience to conduct reviews of law office management systems for solo practitioners. Respondent shall participate in good faith one (1) hour per month for the two (2) year duration of this judgment. The consultant will produce a written report on the adequacy of the systems currently in place to manage Respondent's law practice, to adequately supervise the office staff and to insure effective communication with clients no later than ten (10) days after each consultation. Said reports shall be delivered 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).
18. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special

Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Probation Revocation

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.23 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals (BODA) and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

Restitution, Attorney's Fees and Expenses

It is further **ORDERED** Respondent shall pay restitution on or before January 1, 2020, to Vernon Bauer in amount of One Thousand Dollars and No Cents (\$1,000.00). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Vernon Bauer and delivered 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 Three Hundred Dollars and No Cents (\$3,300.00). The payment shall be due and payable on or before January 1, 2020, shall be made by certified or cashier's check or money order, and made payable to the State Bar of Texas. Respondent shall forward the funds 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 direct expenses to the State Bar of Texas in the amount of Seven Hundred Dollars and No Cents (\$700.00). The payment shall be due and payable on or before January 1, 2020, shall be made by certified or cashier's check or money order, and made payable to the State Bar of Texas. Respondent shall forward the funds 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** 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(Z) 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.

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 14th day of February, 2019.

**EVIDENTIARY PANEL 7-2
DISTRICT NO. 7
STATE BAR OF TEXAS**



CHRIS NICKELSON
District 7, Panel 7-2 Presiding Member

App. 3

**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. §

**ANNETTE R. LOYD,
Respondent** §
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CASE NO. 202103038

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

App. 4

**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

BUSINESS RECORDS AFFIDAVIT

Before me, the undersigned authority, personally appeared Tonya L. Harlan, who, being by me duly sworn, deposed as follows:

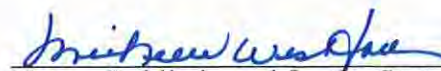
1. My name is Tonya L. Harlan. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.
2. I am employed as Deputy Counsel for Litigation of the State Bar of Texas, Dallas/Fort Worth Regional Office.
3. I am the custodian of disciplinary records of the Dallas/Fort Worth Regional Office of the State Bar of Texas and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities.
4. Attached are forty (40) pages of records. These are the original records or exact duplicates of the original records.
5. It is the regular practice of the State Bar of Texas to make this type of record at or near the time of each act, event, condition, opinion, or diagnosis set forth in the record.
6. It is the regular practice of the State Bar of Texas for this type of record to be made by or from information transmitted by persons with knowledge of the matters set forth in them.
7. It is the regular practice of the State Bar of Texas to keep this type of record in the course of regularly conducted business activity.
8. It is the regular practice of the business activity to make the records.



Tonya L. Harlan
Deputy Counsel for Litigation, Custodian of Records

SWORN TO AND SUBSCRIBED before me on the 22nd day of March, 2022.




Notary Public in and for the State of Texas

BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-2
STATE BAR OF TEXAS

COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner

V.

ANNETTE R. LOYD,
Respondent

201505595

CASE NO. 201505595

JUDGMENT OF FULLY PROBATED SUSPENSION

Parties and Appearance

On December 12, 2018, December 21, 2018, and February 4, 2019, came to be heard the above-styled and numbered cause. Petitioner, Commission for Lawyer Discipline, appeared by and through its attorney of record and announced ready. Respondent, **ANNETTE R. LOYD** (Respondent), Texas Bar Number **16731100**, appeared in person and announced ready.

Jurisdiction and Venue

The Evidentiary Panel 7-2, 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.

Professional Misconduct

The Evidentiary Panel, having considered all of the pleadings, evidence, stipulations, and argument, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

The Evidentiary Panel, having considered 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. Complainant Vernon Bauer (Bauer) and Joella Jacobson (Jacobson) hired Respondent to serve as legal counsel regarding a civil matter. Respondent filed suit on behalf of Bauer and Jacobson on August 1, 2014 in a District Court in Tarrant County, Texas.
4. In representing Bauer and Jacobson, Respondent neglected the legal matter entrusted to her by failing to respond to Defendant's Motion for Summary Judgment.
5. Respondent failed to promptly comply with reasonable requests for information from Bauer and Jacobson about their civil matter.
6. Respondent failed to explain the legal matter to the extent reasonably necessary to permit Bauer and Jacobson to make informed decisions regarding the representation.
7. Respondent violated a disciplinary judgment.
8. Respondent failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Respondent did not in good faith timely assert a privilege or other legal ground for failure to do so.
9. Respondent owes restitution in the amount of One Thousand Dollars and No Cents (\$1,000.00) payable to Vernon Bauer.
10. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees associated with this Disciplinary Proceeding in the amount of Three Thousand Three Hundred Dollars and No Cents (\$3,300.00).
11. The Chief Disciplinary Counsel of the State Bar of Texas has incurred direct expenses associated with this Disciplinary Proceeding in the amount of Seven Hundred Dollars and No Cents (\$700.00).

Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: Rules: 1.01(b)(1), 1.03(a), 1.03(b), 8.04(a)(7), and 8.04(a)(8).

Sanction

The Evidentiary Panel, having found that 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 and after having considered the factors in Rule 2.18 of the Texas Rule of Disciplinary Procedure, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Probated Suspension.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREEED** that Respondent be suspended from the practice of law for a period of two (2) years with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on February 4, 2019, and shall end on February 3, 2021.

Terms of Probation

It is further **ORDERED** that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.

5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.
8. Respondent shall pay restitution on or before January 1, 2020, to Vernon Bauer in the amount of One Thousand Dollars and No Cents (\$1,000.00). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Vernon Bauer and delivered 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).
9. Respondent shall pay all reasonable and necessary attorney's fees to the State Bar of Texas in the amount of Three Thousand Three Hundred Dollars and No Cents (\$3,300.00). The payment shall be due and payable on or before January 1, 2020, 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).
10. Respondent shall pay direct expenses to the State Bar of Texas in the amount of Seven Hundred Dollars and No Cents (\$700.00). The payment shall be due and payable on or before January 1, 2020, 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).
11. Respondent shall submit to counseling sessions for the two (2) year duration of this judgment, with a minimum of one (1) session per month, by a mental health professional licensed in Texas as a psychiatrist, a psychologist, a master's level social worker (LCSW), or a licensed professional counselor (LPC). The mental health professional shall provide written monthly reports to the State Bar of Texas verifying Respondent's attendance at the sessions and the general issue(s) addressed during the sessions. The initial report shall be due no later than March 3, 2019, documenting the session(s) that occur(s) during February 2019. Each subsequent report shall be due on the 3rd day of each month, documenting the session(s) that occur(s) during the previous month. The final report will be due no later than February 3, 2021.

12. Respondent shall take all necessary action, including the execution of a valid release of information, to permit any treating mental health professional to provide written or oral reports for the duration of the supervision period.
13. Respondent shall be responsible for all costs and expenses incurred, directly or indirectly, by compliance with these terms and shall pay all such costs and expenses as required by the provider, but in no event later than the final day of the supervision period.
14. Any and all reports and evaluations required by these terms of probation shall be sent to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Suite 200, Austin, TX 78701).
15. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete six (6) additional hours of continuing legal education in the area of Law Office Management. These additional hours of CLE are to be completed on or before January 1, 2020. Within ten (10) days of the completion of these additional CLE hours, Respondent shall verify completion of the course(s) 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).
16. Respondent must maintain financial records on each client, including written receipts of funds, written accounting of time billed, client funds applied, and written contracts with each client.
17. Law Office Management Consultation: No later than March 5, 2019, Respondent shall engage the services of a law office management consultant, approved by the Office of the Chief Disciplinary Counsel, and qualified by training and experience to conduct reviews of law office management systems for solo practitioners. Respondent shall participate in good faith one (1) hour per month for the two (2) year duration of this judgment. The consultant will produce a written report on the adequacy of the systems currently in place to manage Respondent's law practice, to adequately supervise the office staff and to insure effective communication with clients no later than ten (10) days after each consultation. Said reports shall be delivered 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).
18. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special

Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Probation Revocation

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.23 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals (BODA) and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

Restitution, Attorney's Fees and Expenses

It is further **ORDERED** Respondent shall pay restitution on or before January 1, 2020, to Vernon Bauer in amount of One Thousand Dollars and No Cents (\$1,000.00). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Vernon Bauer and delivered 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 Three Hundred Dollars and No Cents (\$3,300.00). The payment shall be due and payable on or before January 1, 2020, shall be made by certified or cashier's check or money order, and made payable to the State Bar of Texas. Respondent shall forward the funds 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 direct expenses to the State Bar of Texas in the amount of Seven Hundred Dollars and No Cents (\$700.00). The payment shall be due and payable on or before January 1, 2020, shall be made by certified or cashier's check or money order, and made payable to the State Bar of Texas. Respondent shall forward the funds 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** 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(Z) 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.

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 14th day of February, 2019.

**EVIDENTIARY PANEL 7-2
DISTRICT NO. 7
STATE BAR OF TEXAS**



**CHRIS NICKELSON
District 7, Panel 7-2 Presiding Member**

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(W) 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. On February 14, 2017, Complainant, Tommy H. Watley (Watley), hired Respondent to represent him regarding a matter involving his Last Will and Testament.
4. In representing Watley, Respondent neglected the legal matter entrusted to her.
5. Respondent failed to keep Watley reasonably informed about the status of his legal matter and failed to promptly comply with reasonable requests for information from Watley.
6. Respondent failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Respondent did not in good faith timely assert a privilege or other legal ground for failure to do so.
7. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees associated with this Disciplinary Proceeding in the amount of Seven Hundred Fifty Dollars and No Cents (\$750.00).

8. The Chief Disciplinary Counsel of the State Bar of Texas has incurred direct expenses associated with this Disciplinary Proceeding in the amount of Two Hundred Fifty Dollars and No Cents (\$250.00).

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: Rules 1.01(b)(1), 1.03(a), 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 and after having considered the factors in Rule 2.18 of the Texas Rule of Disciplinary Procedure, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Probated Suspension.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREED** that Respondent be suspended from the practice of law for a period of twelve (12) months, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on January 7, 2019, and shall end on January 6, 2020.

Terms of Probation

It is further **ORDERED** that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.

4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
5. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
6. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.
7. Respondent shall pay all reasonable and necessary attorney's fees to the State Bar of Texas in the amount of Seven Hundred Fifty Dollars and No Cents (\$750.00). The payment shall be due and payable on or before February 6, 2019, 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).
8. Respondent shall pay all direct expenses to the State Bar of Texas in the amount of Two Hundred Fifty Dollars and No Cents (\$250.00). The payment shall be due and payable on or before February 6, 2019, 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).
9. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete two (2) additional hours of continuing legal education in the area of Law Practice Management and an additional three (3) hours of continuing legal education in the area of Ethics. These additional hours of CLE are to be completed by January 6, 2020. Within ten (10) days of the completion of these additional CLE hours, Respondent shall verify completion of the course(s) 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).
10. Respondent shall make contact with the Chief Disciplinary Counsel's Office's Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

11. Respondent shall submit to counseling sessions for the twelve (12) month duration of this judgment, with a minimum of one (1) session per month, by a mental health professional licensed in Texas as a psychiatrist, a psychologist, a master's level social worker (LCSW), or a licensed professional counselor (LPC). The mental health professional shall provide written monthly reports to the State Bar of Texas verifying Respondent's attendance at the sessions and the general issue(s) addressed during the sessions. The initial report shall be due no later than February 6, 2019, documenting the session(s) that occur(s) during January 2019. Each subsequent report shall be due on the 6th day of each month, documenting the session(s) that occur(s) during the previous month. The final report will be due no later than January 6, 2020.
12. Respondent shall take all necessary action, including the execution of a valid release of information, to permit any treating mental health professional to provide written or oral reports for the duration of the supervision period.
13. Respondent shall be responsible for all costs and expenses incurred, directly or indirectly, by compliance with these terms and shall pay all such costs and expenses as required by the provider, but in no event later than the final day of the supervision period.
14. Any and all reports and evaluations required by these terms of probation shall be sent to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Suite 200, Austin, TX 78701).

Probation Revocation

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.23 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals (BODA) and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking

probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

Attorney's Fees and Expenses

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorney's fees to the State Bar of Texas in the amount of Seven Hundred Fifty Dollars and No Cents (\$750.00). The payment shall be due and payable on or before February 6, 2019, shall be made by certified or cashier's check or money order, and made payable to the State Bar of Texas. Respondent shall forward the funds 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 direct expenses to the State Bar of Texas in the amount of Two Hundred Fifty Dollars and No Cents (\$250.00). The payment shall be due and payable on or before February 6, 2019, shall be made by certified or cashier's check or money order, and made payable to the State Bar of Texas. Respondent shall forward the funds 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** 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(Z) 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.

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 16th day of ^{January} ~~December~~, 2018, 2019.

**EVIDENTIARY PANEL 7-2
DISTRICT NO. 7
STATE BAR OF TEXAS**



CHRIS NICKELSON
District 7, Panel 7-2 Presiding Member

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF

ANNETTE R. LOYD

STATE BAR CARD NO. 16731100

§
§
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§
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CAUSE NO. 48710

**JUDGMENT REVOKING PROBATION AND ACTIVELY
SUSPENDING RESPONDENT FROM THE PRACTICE OF LAW**

On July 1, 2011, the Board of Disciplinary Appeals heard the Petition for Revocation of Probation filed by the Commission for Lawyer Discipline of the State Bar of Texas against Respondent, Annette R. Loyd, State Bar No. 16731100. Petitioner appeared by counsel from the Office of the Chief Disciplinary Counsel and announced ready. Respondent, Annette R. Loyd, appeared pro se and announced ready. All issues of fact and questions of law were submitted to the Board.

Having considered the pleadings, and having heard the evidence and the argument of counsel, the Board finds as follows:

- (1) Respondent, Annette R. Loyd, whose State Bar Card number is 16731100, is currently licensed and authorized by the Supreme Court of Texas to practice law.
- (2) Respondent was personally served with the Petition for Revocation of Probation and hearing notice in this cause by a duly authorized process server on June 15, 2011, in accordance with the Texas Rules of Disciplinary Procedure 2.23 ("TRDP"). The affidavit of service was filed with the Board on June 21, 2011.
- (3) On March 23, 2011, in a case styled, *Commission for Lawyer Discipline, Petitioner, v. Annette R. Loyd, Respondent*, Case No. D0031039673, an Evidentiary Panel of the State Bar of Texas District 7-2 Grievance Committee signed a judgment imposing a thirty-seven month partially probated suspension against Respondent beginning April 1, 2011, and ending April 30,

2014, with one month active suspension starting April 1, 2011, and ending April 30, 2011, and thirty-six months probated suspension beginning May 1, 2011, and ending April 30, 2014.

- (4) The Evidentiary Panel found that Respondent had committed violations of Texas Disciplinary Rules of Professional Conduct 1.01(b)(2), 1.03(a) and 8.04(a)(8).
- (5) Respondent received a copy of the judgment by certified mail on March 28, 2011.
- (6) The judgment clearly prohibited Respondent from practicing law for the period beginning April 1, 2011 and ending April 30, 2011.
- (7) Respondent read and understood the judgment.
- (8) Respondent did not contact the Office of Chief Disciplinary Counsel after receiving the judgment, file any post-judgment motions, appeal the judgment, or otherwise attempt to delay the effect of the sanction imposed.
- (9) Respondent was ordered by the judgment signed March 23, 2011 to notify in writing, on or before April 1, 2011, 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 had any matter pending of the terms of the judgment, the style and cause number of the pending matter(s), and the name, address, and telephone number of the client(s) Respondent was representing.
- (10) The judgment further ordered Respondent to file with the Statewide Compliance Monitor, State Bar of Texas Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701) on or before April 1, 2011, an affidavit stating that she had notified in writing every court or tribunal in which Respondent had any matter pending of the terms of the judgment, the style and cause number of the pending matter(s), and the name, address, and telephone number of the client(s) Respondent was representing.
- (11) In addition to the requirements noted above, the judgment ordered Respondent, as specific requirements of her probation, not to violate any term of the judgment, not to engage in professional misconduct as defined by Rule 1.06(V) of the Texas Rules of Disciplinary Procedure, not to violate any state or federal criminal statutes, to keep the State Bar of Texas membership department notified of current mailing, residence, and business addresses, and telephone numbers, to comply with Minimum Continuing Legal Education requirements, to comply with Interest on Lawyers Trust Account (IOLTA)

requirements, and to promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.

- (12) Respondent knowingly practiced law during the period that her license was actively suspended beginning April 1, 2011 and April 30, 2011 by filing pleadings and/or appearing in court in multiple cases.
- (13) Respondent materially violated the Default Judgment of Partially Probated Suspension by practicing law while her license was suspended, failing to notify Judges and Courts of her suspension, and by failing to file an affidavit with the State Bar of Texas stating that she had notified Judges and Courts of her suspension.
- (14) Respondent, Annette R. Loyd, is the same person as the Annette R. Loyd who is the subject of the Evidentiary Judgment described above.

Based on these undisputed facts, the Board concludes that:

- (1) This Board has exclusive jurisdiction to hear a petition to revoke a probated suspension from the practice of law imposed by an evidentiary panel of the State Bar of Texas grievance committee during the full term of suspension, including and probationary period. TRDP 2.23; *In re State Bar of Texas*, 113 S.W.3d 730,733 (Tex.2003).
- (2) Respondent has materially violated the terms and conditions of the Default Judgment of Partially Probated Suspension signed on March 23, 2011, in Cause No. D0031039672.
- (2) Respondent should be actively suspended from practicing law for the full term of the suspension as originally imposed by the Default Judgment of Partially Probated Suspension without credit for any probationary time served. TRDP 2.23.

It is therefore, ORDERED, ADJUDGED, and DECREED that Respondent, Annette R. Loyd, State Bar No. 16731100, be, and hereby is, actively SUSPENDED from the practice of law in the State of Texas for a period of thirty-six months effective immediately on the date this judgment is signed and ending on July 6, 2014.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Annette R. Loyd, during said suspension is prohibited from practicing law in Texas, holding herself out as an attorney

at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding herself out to others or using her name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED that Respondent, Annette R. Loyd, not later than thirty (30) days shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent, Annette R. Loyd, has any legal matter pending, if any, of her suspension, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also ORDERED to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Annette R. Loyd, shall immediately notify each of her current clients, if any, in writing, of her suspension. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in her possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further ORDERED to file with the Statewide Compliance Monitor, within the same thirty (30) days, an affidavit stating that all current clients have been notified of her suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of her inability to return to said client any file,

paper, money or other property. Respondent is also ORDERED to mail a copy of said affidavit and copies of all notification letters to clients, to the Statewide Compliance Monitor, Office of Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Annette R. Loyd, immediately surrender her Texas law license and permanent State Bar Card to the Office of Chief Disciplinary Counsel, State Bar of Texas, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 6th day of July 2011.



CHAIR PRESIDING

**BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-2
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner**

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V.

CASE NO. D0031039672

**ANNETTE R. LOYD,
Respondent**

DEFAULT JUDGMENT OF PARTIALLY PROBATED SUSPENSION

Parties and Appearance

On March 9, 2011, came to be heard the above-styled and numbered cause. Petitioner, Commission for Lawyer Discipline ("Petitioner"), appeared by and through its attorney of record, William R. Garrett, Assistant Disciplinary Counsel, and announced ready. Respondent, **ANNETTE R. LOYD**, Texas Bar Number **16731100** ("Respondent"), although duly served with the Evidentiary Petition and notice of this default and sanctions hearing, failed to appear.

Jurisdiction and Venue

The Evidentiary Panel 7-2, 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(V) 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. In representing Tommie Whitaker ("Whitaker"), Respondent frequently failed to carry out completely the obligations owed to Whitaker.
4. Respondent failed to keep Whitaker reasonably informed about the status of her civil matter.
5. Respondent failed to promptly comply with reasonable requests for information from Whitaker about her civil matter.
6. Respondent failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure.
7. Respondent did not in good faith timely assert a privilege or other legal ground for failure to do so.
8. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorneys' fees associated with this Disciplinary Proceeding in the

amount of One Thousand Two Hundred Twenty-Five and no/100 Dollars (\$1,225.00).

9. The Chief Disciplinary Counsel of the State Bar of Texas has incurred direct expenses associated with this Disciplinary Proceeding in the amount of Three Hundred Thirty-One and 97/100 Dollars (\$331.97).

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: Rules 1.01(b)(2), 1.03(a) 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 and after having considered the factors in Rule 2.18 of the Texas Rule of Disciplinary Procedure, the Evidentiary Panel finds said findings and conclusions support a judgment of Partially Probated Suspension.

Accordingly, it is **ORDERED, ADJUDGED and DECREED** that Respondent be suspended from the practice of law for a period of thirty-seven (37) months, beginning April 1, 2011, and ending April 30, 2014, provided Respondent complies with the following terms and conditions. Respondent shall be actively suspended from the practice of law for a period of one (1) month, beginning April 1, 2011, and ending April 30, 2011. If Respondent complies with all of the following terms and conditions timely, the thirty-six (36) month period of probated suspension shall begin on May 1, 2011, and shall end on April 30, 2014:

1. Respondent shall pay all reasonable and necessary attorneys' fees to the State Bar of Texas in the amount of One Thousand Two Hundred Twenty-Five and no/100 Dollars (\$1,225.00). The payment shall be due and payable on or before

April 30, 2011, 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).

2. Respondent shall pay all direct expenses to the State Bar of Texas in the amount of Three Hundred Thirty-One and 97/100 Dollars (\$331.97). The payment shall be due and payable on or before April 30, 2011, 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).

Should Respondent fail to comply with all of the above terms and conditions timely, Respondent shall remain actively suspended until the date of compliance or until April 30, 2014, whichever occurs first.

Terms of Active Suspension

It is further **ORDERED** that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, 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 her name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further **ORDERED** that, or before April 1, 2011, Respondent shall notify each of Respondent's current clients 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 April 1, 2011, an affidavit stating all current clients 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.

It is further **ORDERED** Respondent shall, on or before April 1, 2011, 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 April 1, 2011, 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.

It is further **ORDERED** that, on or before April 1, 2011, 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.

Terms of Probation

It is further **ORDERED** that during all periods of suspension, active or probated, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
 2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(V) of the Texas Rules of Disciplinary Procedure.
 3. Respondent shall not violate any state or federal criminal statutes.
 4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
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5. Respondent shall comply with Minimum Continuing Legal Education requirements.
 6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
 7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.
 8. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete nine (9) additional hours of continuing legal education in the area of Ethics, to be completed as follows: three (3) additional hours of CLE are to be completed no later than May 1, 2012; three (3) additional hours of CLE are to be completed no later than May 1, 2013, and three (3) additional hours of CLE are to be completed no later than May 1, 2014. Within ten (10) days of the completion of these additional CLE hours, Respondent shall verify completion of the course 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).

Probation Revocation

Upon determination that Respondent has violated any term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to

revoke probation pursuant to Rule 2.23 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals ("BODA") and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

Attorneys' Fees and Expenses

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorneys' fees to the State Bar of Texas in the amount of One Thousand Two Hundred Twenty-Five and no/100 Dollars (\$1,225.00). The payment shall be due and payable on or before April 30, 2011, 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 Three Hundred Thirty-One and 97/100 Dollars (\$331.97). The

payment shall be due and payable on or before April 30, 2011, 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(Y) 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.

Publication

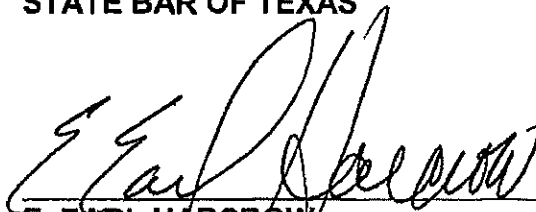
This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 23rd day of March, 2011.

**EVIDENTIARY PANEL 7-2
DISTRICT NO. 7
STATE BAR OF TEXAS**



**E. EARL HARCROW
District 7-2 Presiding Member**

**BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 7-2
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner**

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V.

CASE NO. D0051143118

**ANNETTE R. LOYD,
Respondent**

AGREED JUDGMENT OF ACTIVE SUSPENSION

Parties and Appearance

On this day, came to be heard the above-styled and numbered cause. Petitioner, Commission for Lawyer Discipline ("Petitioner"), and Respondent, **ANNETTE R. LOYD** ("Respondent"), Texas Bar Number **16731100**, announce that an agreement has been reached on all matters including the imposition of an Active Suspension.

Jurisdiction and Venue

The Evidentiary Panel 7-2, 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.

Professional Misconduct

The Evidentiary Panel, having considered the pleadings, admissions, stipulations and agreements of the parties, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(V) of the Texas Rules of Disciplinary Procedure.

Findings of Fact

Petitioner and Respondent agree to the following findings of fact. Accordingly, the Evidentiary Panel finds:

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. Respondent violated the Texas Rules of Professional Conduct.
4. Respondent engaged in the practice of law when her right to practice had been suspended.
5. Respondent violated a disciplinary judgment by practicing law while actively suspended.
6. Respondent failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Respondent did not in good faith timely assert a privilege or other legal ground for failure to do so.
7. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorneys' fees and direct expenses associated with this Disciplinary Proceeding in the amount of Eight Hundred Ninety-Five and no/100 Dollars (\$895.00).

Conclusions of Law

Petitioner and Respondent agree that, based on the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated. Accordingly, the Evidentiary Panel concludes that the following Texas Disciplinary Rules of Professional Conduct have been violated: Rules 8.04(a)(1), 8.04(a)(7), 8.04(a)(8) and 8.04(a)(11).

Sanction

It is **AGREED** and **ORDERED** that the sanction of an Active Suspension shall be imposed against Respondent in accordance with the Texas Rules of Disciplinary Procedure.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREED** that Respondent shall be actively suspended from the practice of law for a period of one (1) year, beginning October 1, 2012, and ending September 30, 2013.

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 her 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 October 1, 2012, 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

Street, Austin, TX 78701) on or before October 1, 2012, 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.

It is further **ORDERED** Respondent shall, on or before October 1, 2012, 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 Street, Austin, TX 78701) on or before October 1, 2012, 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.

It is further **ORDERED** that, on or before October 1, 2012, 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 Street, Austin, TX 78701), to be forwarded to the Supreme Court of Texas.

Attorneys' Fees and Expenses

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorneys' fees and direct expenses to the State Bar of Texas in the amount of Eight Hundred Ninety-Five and no/100 Dollars (\$895.00). The payment of attorneys' fees and direct expenses shall be made by certified or cashier's check or money order and made payable to the State Bar of Texas. The payment shall be submitted to the State Bar of Texas, Chief Disciplinary Counsel's Office, 14651 Dallas Parkway, Suite 925, Dallas, Texas 75254, on or before the date this judgment is presented to the Evidentiary Panel for execution.

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(Y) 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.

Publication

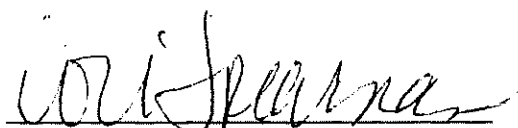
This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

Other Relief

All requested relief not expressly granted herein is expressly DENIED.

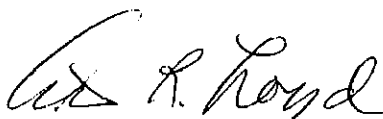
SIGNED this 13 day of Sept., 2012.

**EVIDENTIARY PANEL 7-2
DISTRICT NO. 7
STATE BAR OF TEXAS**

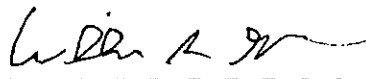


**Lori Spearman
District 7-2 Presiding Member**

AGREED AS TO BOTH FORM AND SUBSTANCE:



**Annette R. Loyd
State Bar No. 16731100
Respondent**



**William R. Garrett
State Bar No. 07700200
Counsel for Petitioner**



**Avery McDaniel
State Bar No. 24000121
Counsel for Respondent**

COMMISSION FOR LAWYER
DISCIPLINE

v.

ANNETTE R. LOYD

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EVIDENTIARY PANEL

OF DISTRICT 07A

GRIEVANCE COMMITTEE

DEFAULT JUDGMENT OF FULLY PROBATED SUSPENSION

On August 3, 2004, came on to be heard the Motion for Default Judgment in the above-styled complaint. The Commission for Lawyer Discipline appeared by and through their attorney, William R. Garrett, Assistant Disciplinary Counsel. The Respondent **ANNETTE R. LOYD**, State Bar Number 16731100 (hereinafter referred to as "Respondent"), although duly and properly notified, failed to appear. Complainant **KAREN REMMERS** did not appear.

An investigatory panel of the Grievance Committee for State Bar District 07A heard the complaint of Karen Remmers and found just cause to believe that the Respondent has committed professional misconduct.

Respondent was served via certified mail, return receipt requested, with an Evidentiary Panel Charge and Chief Disciplinary Counsel's Proposed Hearing Order pursuant to Rule 2.16(A) of the Texas Rules of Disciplinary Procedure. Respondent failed to timely file a Responsive Pleading and Proposed Hearing Order pursuant to Rule 2.16(B) of the Texas Rules of Disciplinary Procedure. Respondent was served via certified mail, return receipt requested, with a Notice of Default and Respondent failed to timely file a verified motion reflecting good cause for failing to timely file a responsive pleading and proposed hearing order. Respondent was served via certified mail, return receipt requested, with a Motion for Default Judgment and Order Setting Hearing Date.

The Evidentiary Panel has conducted a hearing and has found the Respondent in default; therefore, all facts alleged in the charging document are taken as true, pursuant to Rule 2.16(B) of the Texas Rules of Disciplinary Procedure.

JURISDICTION AND VENUE

The Evidentiary Panel finds that Respondent is an attorney licensed to practice law in Texas and further finds that Respondent failed to timely file an election to have the complaint heard in a district court. Therefore, the Evidentiary Panel finds it has jurisdiction over the parties and subject matters of this action, and that venue is proper before the Evidentiary Panel of the District 07A Grievance Committee, Tarrant County, Texas.

PROFESSIONAL MISCONDUCT

The Evidentiary Panel finds that the acts and conduct of Respondent as set forth hereinafter constitute professional misconduct.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Respondent was retained on or about June 8, 2001, to draft a demand letter to a real estate management company on behalf of Complainant Karen Remmers (hereinafter referred to as "Complainant"). Respondent failed to provide any meaningful legal services on Complainant's behalf.

During the representation, Complainant requested the status of the matter on numerous occasions by telephone and by certified mail, but Respondent failed to respond to Complainant's requests.

On or about January 24, 2003, Respondent received notice of this complaint by certified mail, return receipt requested. Respondent was requested to reply, in writing, within thirty (30) days of receipt, but failed to do so and asserted no grounds for her failure to respond.

The foregoing facts support a violation of Rules 1.01(b)(1), 1.03(a) and 8.04(a)(8) of the Texas Disciplinary Rules of Professional Conduct.

FULLY PROBATED SUSPENSION

The Evidentiary Panel has issued a Findings of Fact and Conclusions of Law on file herein, and said findings and conclusions support a Judgment of Fully Probated Suspension and by reason of said findings and conclusions, the Panel is of the opinion that Respondent is guilty of professional misconduct and should be suspended for a period of one (1) year with such suspension being probated for one (1) year.

IT IS THEREFORE AGREED and ORDERED that Respondent be and is hereby suspended from the practice of law for a period of one (1) year with the imposition of such suspension being suspended and Respondent being placed on probation for a period of one (1) year beginning September 1, 2004, and ending August 31, 2005, under the following terms and conditions:

1. Respondent shall not violate any of the provisions of the Texas Disciplinary Rules of Professional Conduct nor any provision of the State Bar Rules.
2. Respondent shall not violate the laws of the United States or any other state other than minor traffic violations.
3. Respondent shall and specifically agrees to maintain a current status regarding membership fees and occupational tax.
4. Respondent shall comply with Interest on Lawyers Trust Account requirements in accordance with Article XI of the State Bar Rules.

5. Respondent shall keep the State Bar membership department notified of her current business and home addresses, and telephone numbers, and shall immediately notify the State Bar membership department and the Chief Disciplinary Counsel's Office of the State Bar of Texas, One Lincoln Centre, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240, of any change in her addresses or phone numbers.
6. Respondent shall not, during the period of probation, violate any term of this judgment.
7. Respondent shall cooperate fully with the Chief Disciplinary Counsel's Office of the State Bar of Texas in their efforts to monitor compliance with this judgment.
8. Respondent shall pay State Bar attorneys' fees in the amount of One Thousand Seven Hundred Five and no/100 Dollars (\$1,705.00). Said attorneys' fees shall be paid no later than August 31, 2005, shall be paid by cashier's check or money order, made payable to the State Bar of Texas and delivered to the Office of the Chief Disciplinary Counsel, State Bar of Texas at One Lincoln Centre, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240.
9. Respondent shall pay costs to the State Bar of Texas in the amount of Three Hundred Nineteen and 68/100 Dollars (\$319.68). Said costs shall be paid no later than August 31, 2005, shall be paid by cashier's check or money order, made payable to the State Bar of Texas and delivered to the Office of the Chief Disciplinary Counsel, State Bar of Texas at One Lincoln Centre, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240.
10. Respondent shall complete eighteen (18) hours of Continuing Legal Education (CLE) in the areas of Law Office Management (ten (10) hours) and Ethics (eight (8) hours) no later than August 31, 2005. Verification of the completion of these courses shall be sent to the Chief Disciplinary Counsel's Office of the State Bar of Texas, at One Lincoln Centre, 5400 LBJ Freeway, Suite 1280, Dallas, Texas 75240, no later than September 5, 2005.

PROBATION REVOCATION

IT IS FURTHER AGREED and ORDERED that upon determination by the Board of Disciplinary Appeals that Respondent has violated any of the terms or conditions of this probation, the Board shall enter an order revoking the probation and imposing the active suspension of the

Respondent from the practice of law for a period of one (1) year, commencing on or after the date of revocation, with no credit given for any period of probation successfully served, upon the following conditions:

1. Any grievance committee of the State Bar of Texas or the Chief Disciplinary Counsel of the State Bar of Texas may apply for revocation to the Board of Disciplinary Appeals, by filing a written motion to revoke probation;
2. A copy of the Motion to Revoke Probation and Notice of Hearing on such Motion shall be delivered to Respondent pursuant to Rule 2.20, Texas Rules of Disciplinary Procedure, at Respondent's last known address on the membership rolls for the Supreme Court of Texas; and
3. The Board shall hear the Motion to Revoke Probation within thirty (30) days of service upon Respondent, and shall determine whether Respondent has violated any of the terms or conditions of probation by a preponderance of the evidence.

IT IS FURTHER AGREED and ORDERED that during any term of active suspension that may be imposed upon Respondent by the Board of Disciplinary Appeals by reason of Respondent's failure to adhere to the terms of this Judgment, 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 court or before any administrative body, or holding herself out to others or using her name, in any manner, in conjunction with the words "attorney at law", "attorney", "counselor at law", or "lawyer".

All attorneys' fees and costs amounts ordered herein are due to the misconduct of the Respondent and are assessed as a part of the sanction in accordance with Rule 1.06(T) of the Texas Rules of Disciplinary Procedure and are intended by the parties to be non-dischargeable in

bankruptcy. Interest shall accrue on the attorneys' fees and costs from the date due as stated in this judgment at the rate of five percent (5%) per annum until paid.

SIGNED this 17th day of August, 2004.

EVIDENTIARY PANEL
DISTRICT NO. 07A
STATE BAR OF TEXAS

BY: 

Luis A. Galindo
Evidentiary Panel Chair