

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

**DONALD G. MacPHAIL**  
*State Bar of Texas Card No. 00788757*  
v.

**COMMISSION FOR  
LAWYER DISCIPLINE OF THE  
STATE BAR OF TEXAS**

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**CAUSE NO. 49517**

**ORDER DISMISSING APPEAL FOR WANT OF PROSECUTION**

On this day came on to be heard the Board of Disciplinary Appeals' own motion to dismiss the appeal filed by Donald G. MacPhail for want of prosecution. After reviewing the papers filed in the matter, the Board finds that the Appellant filed the notice of appeal of the judgment of disbarment signed on August 9, 2011 by the District 14-5 evidentiary panel in case no. D0071040718 on November 7, 2011. The clerk's record and the reporter's record from the evidentiary hearing were due to be filed on or before December 7, 2011. The Office of the Chief Disciplinary Counsel of the State Bar of Texas ("CDC") filed the clerk's record with the Board on December 8, 2011. The reporter's record has not been filed. The Appellant's brief was due on January 7, 2012. On April 2, 2012 an Order to Show Cause was issued by the Board of Disciplinary Appeals wherein the Appellant was ordered to respond and show cause as to why the cause should not be dismissed. Appellant responded and requested an extension of time to file the reporter's record and brief. His request was granted and the reporter's record was due on June 6, 2012 and the brief was due on June 21, 2012. Neither the reporter's record nor the Appellant's brief was filed. This Board issued a second Order to Show Cause to Appellant on August 6, 2012, giving Appellant 30 days to respond and show cause as to why this appeal should not be dismissed for want of prosecution. The Appellant responded on September 10, 2012 and requested 45 days to file the reporter's record and his brief. His request was granted

and the reporter's record and his brief were due on or before November 1, 2012. Neither the reporter's record nor the Appellant's brief has been filed. The Order on Appellant's Response to Second Order to Show Cause further stated that if the Appellant failed to file his brief by November 1, 2012, the appeal would be dismissed without further notice.

**IT IS THEREFORE ORDERED** that this appeal is hereby **DISMISSED** for want of prosecution with prejudice to refile.

SIGNED this 9<sup>th</sup> day of November 2012.



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**CHAIRMAN PRESIDING**