

FILED
By: _____
SEP 28 2012
Board of Disciplinary Appeals
appointed by the
Supreme Court of Texas
EVIDENTIARY PANEL

NO. D0020936831

**COMMISSION FOR LAWYER
DISCIPLINE,**

Petitioner,

v.

MAX LEON TEPPER,

Respondent.

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OF DISTRICT 6

GRIEVANCE COMMITTEE

RESPONDENT'S NOTICE OF APPEAL

TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

COMES NOW, Respondent **MAX LEON TEPPER**, (Texas Bar Number 24033377 and hereafter "Respondent,") and gives notice of his appeal and would respectfully show unto the Board the following:

1. Under Rule 25.1 of the Texas Rules of Appellate Procedure, Max L. Tepper, the Respondent in the above proceeding, files this notice of appeal to the Board of Disciplinary Appeals, appointed by the Supreme Court of Texas, in Austin, Texas.
2. Respondent desires to appeal from that portion of the judgment rendered against Respondent by the Evidentiary Panel of the District 6 Grievance Committee, on August 8, 2012, as follows:
 - a) that finds Respondent committed professional misconduct as defined by Rule 1.06(V) of the Texas Rules of Disciplinary Procedure.
 - b) that finds Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.

- c) that finds 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 \$16,394.63.
- d) that concludes the following Texas Disciplinary Rule of Professional Conduct has been violated: 8.04(a)(3).
- e) that finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Partially Probated Suspension.
- f) that concludes Respondent shall pay reasonable and necessary attorney's fees to the State Bar of Texas in the amount of Five Thousand 00/100 Dollars (\$5,000.00) in the event Respondent appeals to the Board of Disciplinary Appeals and the judgment is affirmed.
- g) that concludes Respondent shall pay reasonable and necessary attorney's fees to the State Bar of Texas in the amount of Three Thousand 00/100 Dollars (\$3,000.00) in the event Respondent appeals to the Supreme Court of Texas and the judgment is affirmed.

3. Respondent desires to appeal from the written Order denying Respondent's Motion to Modify the Judgment, dated the 11th of September, 2012, however withheld from Respondent until the following 20th of September, 2012.

4. Respondent desires to appeal from the written Order denying Respondent's Motion to Stay Judgment of Partially Probated Suspension, if any, signed on or after the 11th day of September, 2012.¹

¹ At the time of filing this Notice of Appeal, Respondent's Motion to Stay Judgment of Partially Probated Suspension was heard by the Panel, via submission, on the 11th day of September, 2012, however, no notice of the Panel's decision on Respondent's motion has been provided to Respondent, nor has Respondent been copied on any

5. Respondent desires to appeal from the written Order denying Respondent's Special Exceptions to Petitioner's First Amended Evidentiary Complaint, on March 6, 2010.

Respondent desires to appeal from the written Order denying Respondent's denying Respondent's Motion for Summary Judgment on Respondent's claims, on July, 12, 2010.

6. Respondent desires to appeal from the written Order quashing Respondent's Request for issuance of a trial subpoena, on March 28, 2012.

7. Respondent desires to appeal from the oral Order denying Respondent's motion for directed verdict, on July 11, 2012, and the written Order denying Respondent's Motion for Directed Verdict, on August 2, 2012.

8. Respondent desires to appeal from the oral Order denying Respondent's Objection to Candace Donnell's testimony offered Petitioner on April 5, 2012, and the oral Order denying Respondent's Motion to Strike Candace Donnell's testimony on July 11, 2012.

9. Respondent desires to appeal from the oral Order denying Respondent's Objection to the affidavit of Romano Thomas offered Petitioner on April 5, 2012.

10. Respondent desires to appeal from the written Order denying Respondent's Motion to Dismiss and for Discovery Sanctions, or alternatively, Motion for New Final Hearing, if any, signed on or after September 25, 2012.

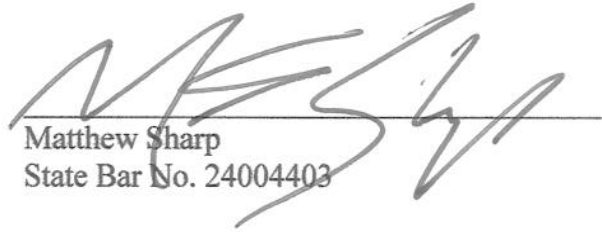
Dated this 24th day of September, 2012.

written order to that effect. As the Panel withheld its Order denying Respondent's Motion to Modify the Judgment, also heard by the Panel via submission on the same date, September 11, 2012, for a period of nine days following the date of hearing, Respondent believes the Panel has likely already ruled on Respondent's Motion to Stay Judgment of Partially Probated Suspension and denied Respondent's request to stay the judgment during the pendency of any appeal from the final Judgment, but like the Order denying Respondent's Motion to Modify Judgment, has also withheld the written Order in an attempt to further prejudice the rights of Respondent during his appeal therefrom.

Respectfully submitted,

MATTHEW SHARP, ATTORNEY AT LAW

By:


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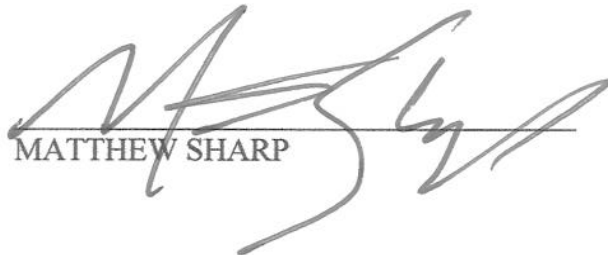
ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded to all counsel of record, via certified mail, on the 24th day of September, 2012.

Via certified mail

Ms. Susan Morgan Farris
Office of the Chief Disciplinary Counsel
14651 Dallas Parkway, Suite 925
Dallas, Texas, 75254


MATTHEW SHARP