

No. 54174



Before the Board of Disciplinary Appeals

**Appointed by
The Supreme Court of Texas**

CARY WILLIAM SCHULMAN,
APPELLANT,

V.

COMMISSION FOR LAWYER DISCIPLINE,
APPELLEE

*On Appeal from the Evidentiary Panel
For the State Bar of Texas District 6-1
No. D0071246131*

**SECOND EMERGENCY MOTION TO STAY SUSPENSION PENDING REVIEW
OF EVIDENTIARY PANEL'S DENIAL OF MOTION TO STAY PENDING
APPEAL**

TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

Appellant, Cary Schulman, movant, respectfully requests that the Board enter a temporary stay of suspension pending the Board's review of the Evidentiary Panel's decision to deny movant a timely filed stay of suspension pending appeal.

I.

The Evidentiary Panel entered a two-year active Judgment of Suspension on or about March 25, 2014. Movant Appealed to this Board, and timely filed a Motion to Stay the Judgement of Suspension Pending Appeal. At the hearing on the motion to stay, one panel member, the public member, did not appear and so the hearing could not go forward. Movant filed an emergency motion with this Board seeking relief from the suspension because the CFLD was initially unwilling to enter a temporary stay until the motion could be heard before the active suspension began. However, after the motion was filed with this Board, the parties entered a temporary order staying the suspension until May 15, 2014 or the evidentiary hearing and ruling of the motion for stay pending appeal. A second hearing was scheduled, and due to the same public panel member's failure to appear, no hearing was held for the second time. Another order temporarily suspending the suspension was agreed and entered (see Ex. 1, the second temporary order). This Order provided for the temporary stay until the earlier of a hearing on the motion for stay pending appeal or June 16, 2014.

On June 3, 2014, a hearing was held wherein movant presented live witness testimony as well as testimony by affidavits. The CFLD did not present any evidence or witnesses and did almost no cross examination. On June 5, 2014, the Evidentiary Panel denied movant's request to stay the suspension pending appeal. Apparently, the suspension takes effect immediately. Movant is appealing and seeking to have this Board review the denial of the stay of

suspension pending appeal which is being contemporaneously filed with this motion.

Movant has clients and cases in a variety of courts and in numerous states including federal courts in Nevada and Washington D.C. Furthermore, movant has client and cases currently on appeal in multiple federal jurisdictions. Additionally, movant has multiple cases in Texas State courts. This legal matters have need for immediate attention and prosecution and movant is required to take no further action on any legal matter as of yesterday. Movant needs to act in an immediate fashion, to ensure that the clients are not harmed and that the cases are being taken care of appropriately. If this Board does not enter a temporary stay pending its opportunity to review the Panel's decision not to grant movant a stay pending the appeal, movant will be required to immediately notify clients and courts of the suspension and therefore, any later review of the matter by this Board will be too late and ineffectual. Therefore, movant request that this Board enter a temporary stay of the suspension until this Board has an opportunity to review the Evidentiary Panel's decision to deny the stay pending appeal.

Movant called the CFLD attorney to seek a temporary stay and avoid the necessity of filing this motion with the Board, however, despite the obvious regency to the matter and despite representations that she would immediately get back with movant. Movant also called the Panel Chair's assistant seeking to have a conference call with the CFLD attorney, VanHamme, however, the Panel

Chair was unavailable. Movant also asked VanHamme if she would be willing to have a conference call with the Panel Chair today so as to avoid having to file motions in this matter with this Board. However, VanHamme refused to do so stating that she would get back with me. She has failed to do so requiring the necessity of this filing this motion on this Friday afternoon.

WHEREFORE, movant prays that this Board grant a temporary stay until it has an opportunity to review the decision of the Evidentiary Panel to deny the Motion to Stay Judgment of Suspension Pending Appeal and for any and all further and other relief to which Movant is justly entitled.

Respectfully Submitted,

SCHULMAN | MATHIAS, PLLC

/s/ Cary Schulman

Cary W. Schulman

Bar No. 00797390

8390 LBJ Freeway,

Suite 500 Dallas, Texas 75243

Phone: (214) 739-0100

Fax: (214) 739-0151

Email: Cary@CWSlegal.com

RESPONDENT PRO SE

Certificate of Service

This is to certify that the above instrument has been served on the Chief Disciplinary Counsel by serving Tana VanHamme, counsel in this matter for the Chief Disciplinary Counsel, by facsimile and email and by email to Sophia Henderson, legal assistant to Tana VanHamme and further, by email to the Panel Chair of District 6 Panel 1, on this 6th day of June, 2014.

\s\ Cary Schulman
Cary W. Schulman
Attorney Pro Se

Certificate of Conference

I conferred with Tana VanHamme, attorney for the CFLD, this morning, who was unable to provide an answer on the substance of this motion and promised to get back with me timely. However, despite her representations to call me back, she failed to do so.

\s\ Cary Schulman
Cary W. Schulman
Attorney Pro Se

NO. D0071246131

COMMISSION FOR LAWYER	§	EVIDENTIARY PANEL
DISCIPLINE	§	
	§	
v.	§	OF DISTRICT 6
	§	
CARY WILLIAM SCHULMAN	§	GRIEVANCE COMMITTEE

AGREED ORDER EXTENDING INTERIM STAY OF JUDGMENT

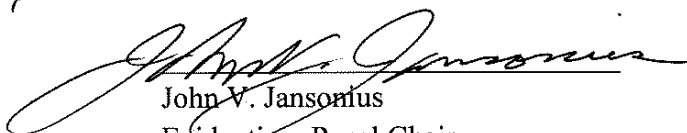
On this day, came for consideration the parties' Agreed Request for Interim Stay of Judgment ("Agreed Request"). Respondent previously filed a Motion to Stay within thirty days of the Evidentiary Panel's entry of the Judgment of Active Suspension in this matter, but the Evidentiary Panel was unable to consider the Motion to Stay before the commencement of Respondent's suspension because a quorum of the panel was not available.

The Evidentiary Panel Chair granted the parties' Agreed Request on April 30, 2014, temporarily staying the Judgment of Active Suspension signed on March 25, 2014, until the earlier of the date that the Panel entered an order on the pending Motion to Stay or May 16, 2014.


The Evidentiary Panel was unable to consider the Motion to Stay on the scheduled hearing date of May 12, 2014 because a quorum of the panel was not available.

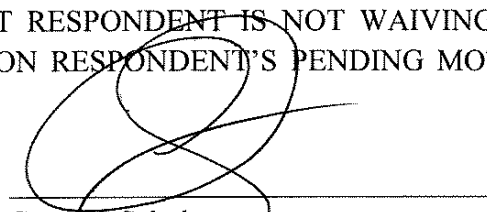
It is, therefore, **ORDERED** that the stay of the Judgment of Active Suspension signed on March 25, 2014, is temporarily extended. This Order shall automatically dissolve on the earlier of the date that the Panel enters an order on the pending Motion to Stay or June 13, 2014.

Signed this 12th day of May, 2014.


 John V. Jansonius
 Evidentiary Panel Chair

AGREED AS TO FORM AND AGREED THAT RESPONDENT IS NOT WAIVING HIS RIGHT TO APPEAL THE PANEL'S RULING ON RESPONDENT'S PENDING MOTION TO STAY:


 Tana K. Van Hamme
 Attorney for Petitioner


 Cary W. Schulman
 Respondent