

56016

BEFORE THE EVIDENTIARY PANEL FOR
STATE BAR DISTRICT NO. 09-4 STATE BAR OF TEXAS

COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner

VS.

JOE DANIEL STOKES, III,
Respondent

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201307247

FILED



MAR 31 2015

Board of Disciplinary
Appeals

RESPONDENT'S NOTICE OF APPEAL

Respondent, Joe Daniel Stokes, III respectfully shows the following:

1. The identity of the trial tribunal is the Evidentiary Panel for the State Bar District No. 09-4, State Bar of Texas. This case's trial tribunal number is 201307247. This case's style is Commission for Lawyer Discipline v. Joe Daniel Stokes, III.

2. The date of judgment (**Judgment**) is December 18, 2014. The date of order appealed from (Respondent's Motion for Rehearing and to Modify and Reform Judgment) is March 27, 2015.

3. Respondent desires to appeal the Judgment and ruling on the Motion.

4. This appeal is taken to the Texas Board of Disciplinary Appeals.

5. The party filing this Notice is Respondent Joe Daniel Stokes, III.

6. Respondent is a party affected by the Judgment who did not participate either in person or through counsel in the December 18, 2014 hearing that resulted in the Judgment complained of.

Respectfully submitted,

ARNOLD AND ASSOCIATES
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION
Attorneys for Respondent Joe Daniel Stokes, III
406 Sterzing Street
Austin, Texas 78704-1027
arnlaw@sbcglobal.net
(512) 472-8000
Facsimile (512) 474-7121

By: Jim Arnold Jr
JIM ARNOLD, JR.
State Bar No. 01352500

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument has been properly served
on the other parties herein at their last known addresses as follows:

Judith Gres DeBerry
Attorney for Petitioner
P.O. Box 12487
Austin, TX 78711

SIGNED this 31st day of March, 2015.

Jim Arnold Jr
JIM ARNOLD, JR.

**BEFORE THE EVIDENTIARY PANEL FOR
STATE BAR DISTRICT NO. 09-4 STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner**

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**JOE DANIEL STOKES, III,
Respondent**

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Board of Disciplinary
Appeals

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
STATE BAR OF TEXAS**

**JOE DANIEL STOKES, III,
Petitioner**

VS.

**COMMISSION FOR LAWYER
DISCIPLINE,
Respondent**

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Case No. _____

**PETITIONER'S MOTION TO EXTEND TIME
FOR FILING NOTICE OF APPEAL**

Petitioner, Joe Daniel Stokes, III, Respondent in the underlying case (hereinafter Respondent) respectfully shows the following:

1. The deadline for filing the Respondent's Notice of Appeal (**Notice**) appears to have been March 18, 2015 (i.e. 90 days after Judgment).
2. Facts relied upon by Respondent to reasonably explain the need for extension:
 - a. The Texas Commission for Lawyer Discipline took a default judgment against Respondent on December 18, 2014.
 - b. Respondent timely filed a *pro se* Motion for New Trial which was denied by Order of the trial tribunal (Evidentiary Panel) on February 25, 2015.

- c. On or about March 4, 2015, Respondent engaged current counsel (**Respondent's Counsel**) *pro bono* for assistance on this case.
- d. On March 18, 2015, Respondent's Counsel filed a detailed Motion for Rehearing and to Modify and Reform Judgment (**Respondent's Motion**), which Motion was accompanied by and included detailed affidavits of Respondent and Respondent's recently engaged psychotherapist.
- e. On March 25, 2015, the trial tribunal heard Respondent's Motion.
- f. On March 27, 2015, the trial tribunal entered its signed Order denying Respondent's Motion.
- g. Respondent's Counsel was under the impression that the Notice of Appeal was to be filed within 30 days after entry of the Order however, on the Motion. On reading the Texas Rules of Disciplinary Procedure Sec. 2.24, however, Respondent's Counsel realized that that Rule could be read to require filing on or before March 18, 2015 – a week before trial tribunal hearing on Respondent's Motion. This seemed/seems illogical and judicially dis-economical; inasmuch had Respondent's Motion been granted, there would be no current need to appeal.

3. The identity of the trial tribunal is Evidentiary Panel for State Bar District No. 09-4, State Bar of Texas

4. The date of the trial tribunal Judgment is December 18, 2014. The date of the Order denying Respondent's Motion is March 27, 2015.

5. The case number of the underlying case is 201307247.

6. The style of the present case is Joe Daniel Stokes, III vs. Commission for Lawyer Discipline.

7. The date of perfecting appeal (i.e. filing notice of appeal) was March 31, 2015.

8. The original deadline for filing the Notice of appeal was apparently March 18, 2015.

9. The length of time requested for the extension is 15 days.

10. No prior extensions of time have been granted previously in this case.

11. A true copy of Respondent's Motion is attached to and incorporated in this present Motion.

12. After reasonable attempt to confer with opposing counsel, to the best of Respondent's information this Motion will be opposed.

WHEREFORE, Respondent respectfully prays that the Board of Disciplinary Appeals grant the requested extension. Respondent further prays for general relief.

Respectfully submitted,

ARNOLD AND ASSOCIATES
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION
Attorneys for Respondent Joe Daniel Stokes, III
406 Sterzing Street
Austin, Texas 78704-1027
arnlaw@sbcglobal.net
(512) 472-8000
Facsimile (512) 474-7121

By: Jim Arnold Jr
JIM ARNOLD, JR.
State Bar No. 01352500

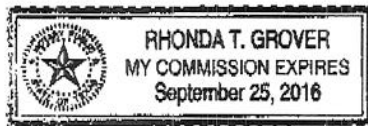
STATE OF TEXAS §
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COUNTY OF TRAVIS §

BEFORE ME today personally appeared Jim Arnold, Jr., who being duly sworn, deposed as follows:

My name is Jim Arnold, Jr. I am the attorney of record for Respondent Joe Daniel Stokes, III in the present case. I have personal knowledge of the facts asserted in the foregoing Motion, those statements of fact are true and correct, and I am fully competent to testify thereto.

Jim Arnold Jr
JIM ARNOLD, JR.

SUBSCRIBED AND SWORN TO before me by the said Jim Arnold, Jr. on this 31st day of March, 2015, to certify which witness my hand and seal of office.



Rhonda T. Grover
Notary Public, State of Texas
(Affix notary stamp at left)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument has been properly served
on the other parties herein at their last known addresses as follows:

Judith Gres DeBerry
Attorney for Petitioner Commission for Lawyer Discipline
P.O. Box 12487
Austin, TX 78711

SIGNED this 31st day of March, 2015.

Jim Arnold Jr
JIM ARNOLD, JR.