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Christine McKeeman,
Exec. Director & General Counsel
& Marvin W. Jones (Chair)
The Board of Disciplinary Appeals (BODA)
Appointed By **The Supreme Court of Texas**
P.O. Box 12426, Austin, TX 78711

Catherine N. Wylie, Chair
Grievance Oversight Committee (GOC)
State Bar of Texas
PO Box 12487, Austin, TX 78711

Linda A. Acevedo, Chief Disciplinary Counsel,
State Bar of Texas
PO Box 12487, Austin, TX 78711-2487

Guy Harrison, Chair
Commission for Lawyer Discipline (CLD)
PO Box 12487, Austin, TX 78711-2487

By Priority Mail December 28th, 2015

RE: CDC's Linda A. Acevedo, BODA's Christine E. McKeeman, BODA's Chair Marvin W. Jones, and GOC Chair, Catherine N. Wylie, and CLD Chair Guy Harrison Have Mocked **The Supreme Court of Texas** by Directing an **Improper Grievance Procedure** That ***Denies*** Texas Complainants and Respondent Attorneys **Due Process of Law**.

Dear Counselor Linda A. Acevedo (#00829825), Counselor Christine E. McKeeman (#16174500), BODA Chair Marvin W. Jones, (#24026950), GOC Chair Catherine Wylie (#24033479), CLD Chair Guy Harrison (#00000077):

I have provided evidence and documentation to the Sunset Advisory Commission for the 2016 Review of the State Bar of Texas that **the State Bar of Texas is a disgrace to The Supreme Court of Texas**. Because of the abysmal failure of the State Bar of Texas in its Duties to: (1.) provide **Due Process of Law** to ***both*** Complainants and Respondent Attorneys in the Grievance Procedure, and (2.) investigate Grievances and enforce Disciplinary Action against unethical Texas attorneys, the Sunset Advisory Commission must petition **The Supreme Court of Texas** to immediately sanction/disbar Officials and Appointees of the State Bar of Texas. For its disrespect of Texans who have been threated unjustly and thwarted by the improprieties of the Attorney Disciplinary Process, the State Bar of Texas must be disabused of all Respect previously accorded by **The Supreme Court of Texas** and curtly removed from the Attorney Disciplinary Process.

I implore **The Supreme Court of Texas** to**:**

- Appoint an independent Inspector General to **review all grievances** that have been dismissed on classification decisions during (*at least*) the last six (6) years and to take over the Grievance Process from the State Bar of Texas; placing investigatory and adjudicatory functions for all Grievances filed by both attorneys and non-attorneys with the Office of the Attorney General.
- Remove the Texas State Bar Membership and Licenses to Practice Law of Texas Officials and Appointees who have participated in willful and/or grossly negligent violations of **The Supreme Court Rules**. In a Report to **The Supreme Court of Texas,** I name the State Bar of Texas Members who have deliberately harmed *tens of thousands of Texans* by their failure follow the exact course of **The Supreme Court of Texas Laws**.

  Those State Bar Directors; General and Assistant Disciplinary Counsels and Commission Chairpersons, which **The Supreme Court of Texas** has injudiciously entrusted with the Texas Attorney Discipline Process are disdainful of Texans' Rights; instead, choosing to **deny** all Texas Complainants' Grievances; and summarily dismissing Grievance Complaints by means of an **Improper Notices Procedure and the Grievance Denial Procedure**.

Improper Notices Procedure and Grievance Denial Procedures

I have fully described in letters to each of you and others within the Texas State Bar, other individuals, agencies, commissions and state offices (e.g., The Sunset Advisory Commission, the Commission for Lawyer Discipline [CLD] and The Texas State House, the Texas Attorney General's and the Marc R. Stanley Law Group); and to **The Supreme Court of Texas** that the Texas State Bar's Office of the Chief Disciplinary Counsel (CDC) and Board of Disciplinary Appeals (BODA) are abjectly administering an **Improper Notices Procedure and Grievance Denial Procedures** with the full knowledge and ***complicity*** of the GOC and the Commission for Lawyer Discipline. The CDC, BODA, GOC and the CLD *disserves* Texas Grievance Complainants by their condescension and insult: arrogantly insinuating that Complainants are not well educated in **Texas Law** and just cannot understand the rules set down by **The Supreme Court of Texas**.

While CDC, BODA, GOC and CLD self-importantly purport that Complainants' Written Grievance*s do* ***not*** *describe* ***Professional Misconduct,*** as it is defined in the **Texas Disciplinary Rules of Professional Conduct (TDRPC)**, they, on the other hand, give **no explanation** of why **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** that a Complainant describes is **not** defined by the **TDRPC** as **Professional Misconduct**. Speciously, CDC, BODA, GOC and the CLD intimates that "*Members have a special privilege*" which "*less important*" Complainants do **not** have: to define **Professional Misconduct** in an unintelligible manner as the CDC, BODA, GOC and the CLD decides conforms to "*Denial Tenets,*" **unwritten exceptions to the classification rules that have no basis under Texas law,** that have become the impetus for their **Grievance Denial Procedures.**

Written Grievances are summarily dismissed by CDC's Assistant Disciplinary Counselors without any consequence to the attorney *who is never even required to read or make any response to the Grievance*. Even more disturbing is the fact that for at least the last six (6) years, the CDC, BODA, GOC and the CLD have provided a "*safe harbor*" for unethical Texas attorneys; concealing the substance and quantity of a huge number of Texans' Written Grievances by improperly classifying the Written Grievances as "inconsequential inquiries," *failing to keep any ongoing records* of the **Professional Misconduct** of attorneys, and actually *encouraging* **Professional Misconduct** in Texas. In many circumstances, Texas attorneys have become an incorrigible and unwieldy group; *often banding together against* Texas Clients and ethical attorneys; and continuing to conduct themselves dishonestly and criminally ***without any fear of disciplinary action***.

The State Bar of Texas is rewarding, rather than disciplining, Texas attorneys who conduct themselves unprofessionally. CDC's and BODA's **Improper Notices Procedure** insult Complainants who write Grievances and document disgraceful **attorney misconduct** by absurdly discounting the Complainant's Grievance, indicating on official stationery, annotated with legends of the State Bar of Texas and **The Supreme Court of Texas**, that described **attorney misconduct** is not **"Barratry, Dishonesty, Fraud (etc.)"** because it does not (in CDC's and BODA's inexplicable determination) fit the **TDRPC'**s definition.

CDC denies the Grievance, classifying it as an "inconsequential inquiry" as soon as it is received, dismissing the Grievance from any further investigation. BODA "rubberstamps" CDC's inquiry classification and falsely indicates the denial and dismissal to be a **final decision with no appeal rights**. The unethical attorneys continue to pay their monetary dues to the State Bar and are rewarded with the continuance of their eligibility to practice law in Texas. The Texas Bar card has become to dishonest attorneys: ***a license to steal, deceive and defraud***, the rights of property or person from Texas Clients, while demanding large sums of money in **Barratry**.

While it is difficult to accept the fact that the State Bar of Texas Officials and Appointees, **for six (6) years or more,** have been conducting an unlawful Grievance Process which disdainfully ***denies*** Complainants' Grievances as "*superficial and unimportant*" ***no matter how serious the Attorney Misconduct described within the Grievance is***, it is impossible to fathom that the State Bar of Texas Officials and Appointees would, in fact, be so obtuse as to send out their condescending, **Improper Standard Denial Notices** and attempt to conduct the **Grievance Denial Procedure** with a Texas attorney, such as Marc R. Stanley, STANLEY LAW GROUP, with the inane expectation that Mr. Stanley *would accept and participate* in the piffle of the State Bar of Texas' inane **Grievance Denial Procedures.** On September 29th, 2014, Mr. Stanley filed a "PETITION FOR ADMINISTRATIVE RELIEF,[i]" (hereafter, "PETITION") with **The Supreme Court of Texas** calling for an end to the nonsense, which I have termed the "**Improper Notices Procedure and Grievance Denial Procedures."**

NO NOTICE, NO RIGHT TO GRIEVE AND NO RIGHT TO APPEAL:

Each Texans' **Right to Due Process** is violated by The Texas State Bars' disrespect of its mandate from **The Supreme Court of Texas** to investigate all Written Grievances; and sanction and/or remove unethical Texas lawyers' licenses to practice Law. Disgracefully, the CDC, BODA, GOC and the CLD have developed a **Grievance Denial Procedure** and practiced (**for at least six [6] years**) a repetition of sending "*standard Denial Notices*" to each Grievance Complainant which give **false information** about a Complainant's Right to Appeal and which lead only to a swift **Denial** of each Written Grievance *without* ***any explanation*** *or investigation*. Thereby, the **Improper Notices Procedure and Grievance Denial Procedures** denies **Due Process of Law** to Grievance Complainants and, in addition, to attorneys whose **professional misconduct** is described and documented by each Complainant in the Denied and Dismissed Written Grievances.

Texas Grievance Complainants, regardless of whether they are attorneys or non-attorneys, receive:
(1) **No Notice** that explains why a Grievance describing a lawyer's unprofessional conduct and the deleterious resulting effect on a Complainant's right or property or person is classified as an "inquiry" ---- and *dismissed with* ***no investigation*** *and of no consequence.* The Texas lawyer, a subject of any Written Complaint, need not ever respond to any of the Written Grievance's allegations of **Professional Misconduct.**
(2) **No Right to Grieve** or disagree with the State Bar of Texas which makes false claims that it has the impunity to have unregulated and unquestionable decision making authority imbued upon it by **The Texas Supreme Court:** to deny the Grievance's investigation and dismiss it as an "inconsequential inquiry."
(3) **No Right to Appeal** when a Complainant who receives **no explanation** of the **Denied** Grievance is not satisfied with the outcome of the **Grievance Denial Procedure**.

Chief Disciplinary Counsel, Linda A. Acevedo, Assistant Disciplinary Counsels, S.M. Beckage and K.W. Morgan, BODA's Exec. Director & General Counsel Christine E McKeeman, GOC Chair Catherine Wylie, CLD Chair Guy Harrison and other Officials and Appointees of the State Bar of Texas, Have Shamefully Avoided Duty per **Chapter 325 of TEX GV. Code** - Texas Sunset Act to Respond to Multiple Written Criticisms of the **Improper Notices Procedure and Grievance Denial Procedures**

Per **The Government Code, Title 2, Subtitle G, Chapter 81, Subchapter A, Section 81.036**,(**Chapter 325 of The Government Code - Texas Sunset Act**), I required each Chief Disciplinary Counsel Acevedo, BODA's Executive Director & General Counsel and GOC Chair to address specific points in a formal, Written Response in to letters and reports that I wrote. I have sent letters and full documentation of the **Improper Notices Procedure and Grievance Denial Procedures** to CLD Chair Guy Harrisons and other Officials and Appointees of the State Bar of Texas. I have received not a single, solitary word in response.

Using the "*standard Denial Notices*," CDC and BODA (*for, at least six [6] years*) have routinely provided **wrong information** on letters to Grievance Complainants, preposterously **denying** that the Grievance (*no matter how inexcusable the alleged violations are*) describes *any* "violation of the **Texas Disciplinary Rules of Professional Conduct (TDRPC)"** and which contemptibly "***close"*** all prospects of disciplinary action against the Respondent Attorney. BODA's "*standard Denial Notices*" (signed by the Exec. Director & General Counsel McKeeman [herself]) and alleged to be "*on behalf of"* THE BOARD OF DISCIPLINARY APPEALS, APPOINTED BY **THE SUPREME COURT OF TEXAS**) are nothing but an reprehensible humiliation to **The Supreme Court of Texas** because the "*standard* ***Denial Notices****" **falsely purport*** such Grievance Denials to be "***final denials****" with* ***no further right to appeal****; thereby,* ***denying*** **Due Process of Law** to the Complainant.

It is alarming and shameful that CDC's Chief Disciplinary Counsel, Linda A Acevedo, and Assistant Disciplinary Counselors, S.M. Beckage and BODA's Exec. Director & General Counsel Christine E. McKeeman are administering an improper **Grievance Denial Procedure** in direct opposition to the clearly stated Regulations provided to the CDC and BODA by **The Supreme Court of Texas**. While explicitly ***declaring falsely*** that BODA is

following "*rules*" provided by **The Supreme Court of Texas**, BODA's Exec. Director & General Counsel McKeeman has the audacity to dishonor **The Supreme Court of Texas** by displaying on BODA's Letterhead "THE BOARD OF DISCIPLINARY APPEALS, APPOINTED BY **THE SUPREME COURT OF TEXAS**" on each "*standard Appeal Denial Notice"* addressed to Grievance Complainants who Appeal CDC's Grievance Denials.

GOC Chair Catherine N. Wylie and CLD Chair Guy Harrison have failed to even superficially address the dishonorable fact that the Texas State Bar's Exec. Director & General Counsel of BODA, Christine E. McKeeman - #16174500; Chief Disciplinary Counsel, Linda A Acevedo - #00829825; Assistant Disciplinary Counselors, S.M. Beckage - #24045467 and K.W. Morgan - #00789969 (and others too numerous to mention here) are routinely **denying thousands of Texas Grievance Complainants** and **Respondent Attorneys Due Process of Law** each year.

I have listed the "*standard Denial Notices*" used by CDC's and BODA's **Improper Notices Procedure and the Grievance Denial Procedure** to deny Grievances and dismiss Grievances as inconsequential on an Appendix.[1] In the following pages, I discuss a few of CDC's and BODA's "*Denial Tenets***"** of the **Grievance Denial Procedures** which CDC and BODA have used to the grave detriment of tens of thousands of Texas Grievance Complainants.

[1] Attached is an Appendix containing examples of the "Standard Denial Notices" used by CDC and BODA which are in complete opposition to **The Supreme Court of Texas'** Mandate to the State Bar that it provide Disciplinary Measures to unethical and unlawful attorneys. In defiance of the **US Constitution**, The State Bar of Texas has failed to provide Grievance Complainants **Due Process of Law** in administration of the Grievance Process for, at least, the last six (6) years.

(1.) The **Improper Notices Procedure and Grievance Denial Procedures** are based on CDC's and BODA's "*Denial Tenets*" which are **in direct conflict with Correct Procedure** dictating CDC's "Intake of a Grievance," in (1.) **TEX GV. Code, Texas Statutes – Section 81.073, CLASSIFICATION OF GRIEVANCES[ii] and** (2.)**TRDP, 2.10. Classification of Inquiries and Complaints.[iii]**

Correct Procedure – on "Intake of Grievance"	CDC's and BODA's "*Denial Tenets*"
The CDC is instructed to review **each** "writing" (i.e., a grievance received from a Complainant) and determine whether that "writing" alleges **professional misconduct** on its face; and classify **each** Grievance Complaint as either an "Inquiry" or a "Complaint," upon receipt.	Per their unjust "*Denial Tenets*," the CDC "*allows*" itself to classify ***each*** Grievance it receives as an "inquiry," dismissing it from further investigation; *no matter how serious the Grievance's allegations* are, for ex., but not limited to: **fraud** and **theft**, or **professional misconduct**, as defined in **TDRPC**.
If the "writing" does not allege **professional misconduct** under the **TDRPC**, the "writing" is classified as an "Inquiry" and dismissed. Notification to Complainant must provide a **full explanation** and instructions of the **Right to Appeal** CDC's Inquiry Classification decision. If the "writing" alleges **professional misconduct** under the Rules, then the "writing" must be classified as a "Complaint" and the Respondent Attorney is required to respond, in writing. A **full explanation** must be provided to both the Complainant and the Respondent Attorney, if **after an investigation**, a "Complaint" is reclassified as an "Inquiry" and dismissed.	Per their unjust "*Denial Tenets*," CDC denies each "writing" and provides a deficient "*standard Denial Notices*" to **each** Complainant of the **Right to Appeal** CDC's determination as an "inconsequential inquiry." CDC denies further investigation of the "writing." BODA *rubberstamps* CDC's misclassification; affirming each of CDC's Inquiry Classifications with **no explanation** to Complainant or **investigation** of the **professional misconduct** of the Respondent Attorney. BODA fails to give any Notice whatsoever of the Grievance Complainant's **Right to Amend a Grievance**. BODA "**denies**, "**dismisses**," "**closes**," and wrongly states on the "*standard Appeal Denial Notice*" that "***there is no Appeal***" of BODA's decision.

a) The CDC falsely insinuates that **The Supreme Court of Texas** gives CDC ultimate decision-making authority and promptly misclassifies **each** Grievance "writing" it receives as an "inquiry," *dismissing it from any investigation*.

Upon receipt of a Texas Complainant's Grievance, CDC's Assistant Disciplinary Counsels (S.M Beckage and K.W. Morgan) ***provide false information to each and every Complainant*** on the State Bar of Texas Letterhead, i.e., a "*standard Denial Notice"* that*:*

- ***Denies* each** Grievances as an "inquiry;" gives ***no explanation*** of why **each** Grievance (as written) does **not** constitute **professional misconduct** as defined under the **TDRPC**, and ***dismisses*** each of the Written Grievances from any further investigation of the alleged **professional misconduct**.

- ***Incomprehensibly claims*** that a Grievance "inquiry classification" with **no further explanation** requires the Complainant, who disagrees with the misclassification, to immediately choose to **Appeal** within thirty (30) days **OR** to **Amend** within twenty (20) days; ***or forgo the Complainant's* Right to Due Process of Law *completely*.**

CDC's Assistant Disciplinary Counsels' S.M Beckage "*standard Denial Notice,*" dated September 4th, 2014,[2] which is cumbrously bureaucratic, misleads a Grievance Complainant: (The **bold-face type** and underlined word and **command** noted on the excerpt below is contained on each "standard Denial Notice" *as emphasis* to **each Denied Grievance Complainant**.)

[2] Attached is a "standard Denial Notice," signed by CDC's Asst. Disciplinary Counsel, S.M. Beckage, dated September 4th, 2014 which gives officious, demanding instructions and incorrect time limitations.

"You may appeal this determination to the Board of Disciplinary Appeals. **Your appeal must be submitted directly to the Board in writing, using the enclosed form, within thirty (30) days of receipt of this notice.**

"Instead of filing an appeal with the Board of Disciplinary Appeals, you may amend your grievance and re-file it with additional information, **within twenty (20) days** of receipt of this notice.

Please note that while you have the option of appealing the dismissal of your grievance **or** amending and re-filing it with additional information, **you may not take both actions simultaneously."**

The officious "*rules*" provided on the "*standard Denial Notice*," are **incorrect instruction** and misleading.

b) No such twenty (20) day time limit (counting from the date receipt of CDC's *"standard Denial Notice"* receipt) for the filing of an **Amendment** is contained in **TEX GV. Code, Texas Statues – Section 81.073, CLASSIFICATION OF GRIEVANCES.** It provides that, within thirty (30) days of CDC's Notice of the "inquiry classification," a Complainant can appeal to BODA.

Noted clearly in **TRDP, 2.10. Classification of Inquiries and Complaints** are specific time limits which are clearly intended to properly give the Complainant the **Right to Due Process** in the Grievance Process**:**

(i) A Complainant who has written a Grievance which has been denied any investigation and summarily dismissed as an "inconsequential inquiry" can Appeal directly to BODA within thirty (30) days of CDC's Notice of Denial.

(ii.) If BODA affirms CDC's classification of the original Grievance "writing" as an "inconsequential inquiry," and dismisses it with no further investigation, the Complainant must be notified by BODA and given a twenty (20) day time period to **Amend** the Grievance (one time only) by providing new or additional evidence to the CDC.

(iii.) If the CDC **again** dismisses the Amended Grievance as an "inconsequential inquiry," the Complainant is given the Right to Appeal **again** the dismissal of the **Amended Complaint** as an "inconsequential inquiry" directly to BODA within thirty (30) days.

(2.) The **Improper Notices Procedure and Grievance Denial Procedures** are based on CDC's and BODA's "*Denial Tenets*" which are **in direct conflict with Lawful Procedure,** for providing "**a full explanation**" in (1.) **TEX GV. Code, Texas Statutes – Section 81.072 CLASSIFICATION OF GRIEVANCES,**[iv] and **TRDP, Effective Jan. 1, 2004, 2.10, Classification of Inquires and Complaints.**[v]

Lawful Procedure for providing "**a full explanation**."	CDC's and BODA's "*Denial Tenets*"
Prior to giving Notice of an Inquiry Classification Denial/Dismissal of a Grievance, CDC and BODA must provide a **full explanation to each Complainant** of why the "writing" does not allege **professional misconduct** as defined in the **TDRPC.** CDC's Notice of Inquiry Classification must advise the Complainant, ***specifically,* why the "writing allegations" do not allege professional misconduct as it is defined in the TDRPC**, and of the **Right to Appeal** the Decision of the Inquiry Classification to BODA within thirty (30) days. CDC's Notice of Inquiry Classification must be provided to the Respondent Attorney, in an effort to apprise the attorney of allegations of **professional misconduct** and the potential for disciplinary action. **Prior to providing BODA's Notice** of a Denial of a Grievance based on an Inquiry Classification, BODA must provide a **full explanation** of BODA's decision to affirm the CDC's Inquiry Classification, ***specifically,* why the "writing allegations" do not contend professional misconduct as defined in the TDRPC**. EACH BODA Notice must advise the Complainant of a Right to **Amend** (one-time) the Grievance to add new or additional **within twenty (20) days of BODA's Notice** of affirmation of CDC's Inquiry Classification.	CDC's "*standard Denial Notices*" and BODA's "*standard Appeal Denial Notices*" **state** only the wording that the information alleged in the Grievance, ***as it is written by the Complainant,*** has been examined with ***no other information***. CDC and BODA always affirm that the *"writing,"* does not demonstrate **professional misconduct** as in **TDRPC**. Absurdly, the CDC and BODA provide **no explanation** to the Complainant or Respondent Attorney of why the "writing" does not allege **professional misconduct** as defined in the **TDRPC before** the Grievance's summary dismissal without investigation. CDC's "*standard Denial Notice*" gives ***incorrect information*** that a Complainant can only file an **Amendment** to add new or additional information to a Grievance within twenty (20) days of receipt of CDC's "*standard Denial Notice*." BODA's "*standard Appeal Denial Notice*" provides **no Notice** of the Complainant's **Right to file an Amendment within twenty (20) days** of receipt of BODA's "*standard Appeal Denial Notice*" and wrongly "**denies**, "**dismisses**," "**closes**," and erroneously states that "***there is no Appeal***" of BODA's decision. BODA's "*standard Appeal Denial Notice*" copies to the Respondent Attorney, who is released from Discipline.
If an Inquiry Classification is changed to a Complaint Classification by CDC (**after an Amendment review**) or by BODA (**after an Appeal**), Proper Notice will be sent to Complainant and the Respondent Attorney. **Due Process of Law** is accorded to the Respondent Attorney. A full copy of the Grievance and any A**mendments** must be delivered to the Respondent Attorney who must make written response (that can be provided to the Complainant and the CDC) to the Grievance Complaint within thirty (30) days.	Per their unjust "*Denial Tenets*," CDC and BODA unabashedly shield the Respondent Attorney from *even the potential of Disciplinary Action*. The **Improper Notices Procedure and Grievance Denial Procedures** encourage Texas Attorneys to professional misconduct for they receive not *a single word of discipline* from the State Bar of. CDC and BODA always erroneously classify legitimate complaints against lawyers as "Inquiries" and are not held accountable for injustices by **The Supreme Court of Texas**.

a) CDC's "*standard Denial Notice*" and BODA's "*standard Appeal Denial Notice*" give **no explanation** to Complainants upon dismissal of "inquiry" or a "complaint."

A supercilious "**Denial tenet**" of the **Grievance Denial Procedure** is in evidence in "*standard Denial Notices" of both the CDC and BODA.* The CDC and BODA contend that each can "*determine using its own opinionated misguidance*" (with **no further explanation** or clarification), that if information, *as it is written and contained on Written Grievances* at the time of "intake of the Grievance," does **not** demonstrate **professional misconduct,** per CDC's and BODA's "*prejudiced opinions***"** then, a Grievance can be "**denied**, "**dismissed**," "**closed**," and that "***there is no Appeal***" of BODA's decision.

Absurdly, even when the Complainant has clearly described and documented multiple **TDRPC Violations** in the Written Grievance and cited references from the **TDRPC** within the Written Grievance, it makes no difference to CDC or BODA's decision to **deny** the Grievance, proclaiming the "writing" to be an Inquiry Classification and dismissing it. When CDC and BODA mutually agree that the Grievance does **not** demonstrate **professional misconduct**, then CDC and BODA have given themselves "*authority*" to deny Grievances, based on CDC's and BODA's imprudence, to **deny** and with **no explanation** to the Complainant **or further investigation.**

CDC's and BODA's "*standard Denial Notices*" are in direct opposition to **TEX GV. Code, Texas Statutes – Section 81.072, GENERAL DISCIPLINARY AND DISABILITY PROCEDURES,** giving **no explanation** of why a Complainant's Grievance's many cited violations of the **TDRPC** were ignored and an improper classification as an "inquiry" was made by CDC and affirmed by BODA with no investigation or additional adjudicatory procedures. CDC's Assistant Disciplinary Counsels' S.M Beckage "*standard Denial Notice,*" dated September 4th, 2014, does not classify my Grievance, describing **Barratry**, **Dishonesty, Fraud, Deceit** and **Misrepresentation**, against the Respondent Attorney as a "complaint" but as an "inquiry" and contemptibly postulates:

> "Lawyers licensed in Texas are governed by the Texas Disciplinary Rules of Professional Conduct and may only be disciplined when their conduct is in violation of one or more of the disciplinary rules. After examining your grievance, this office has determined that the information alleged does not demonstrate professional misconduct or an attorney disability. Accordingly, this grievance has been classified as an Inquiry and has been dismissed."

b) The Respondent Attorney was not notified of my Grievance's Classification as an "Inquiry" or its CDC' dismissal. **BODA** provides a carbon copy (cc) to the Respondent Attorney that gives **no explanation.**

The CDC dominates the **Grievance Denial Procedure** by an oppressive assertiveness of the State Bar of Texas, a "trade association for lawyers," of an extreme bias in favor of the Respondent attorney and against the Complainant. When the CDC determines upon CDC's receipt (with **no further explanation** or clarification), that the Grievance is an "inquiry" and dismissed, CDC does not provide any Notice of the Grievance to the attorney, in spite of the fact that **professional misconduct** of that attorney, was described and documented by the Complainant's Grievance. The State Bar of Texas was so little concerned with my Grievance which fully describes and documents Adam Alden Campbell's **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation,** CDC failed to notify the Respondent Attorney Campbell of it.

On October 9th, 2014, when I received Assistant Disciplinary Counsel S.M. Beckage's "*standard Denial Notice*," dated September 4th, 2014, denying my Grievance against Adam Alden Campbell, I knew that the Grievance was never even read by CDC; but just denied as "an inconsequential inquiry" and dismissed; and it would be futile to file an Amendment listing *even more details* of Attorney Campbell's **professional misconduct**. On Oct. 11th, 2014, I filed an appeal[3] with BODA of the classification of my Grievance as an "inquiry."

When BODA's Exec. Director & General Counsel Christine E. McKeeman **denied** my appeal, giving **no explanation** of the denial of my Grievance as an "inconsequential inquiry" or any notice that I have a **Right to file an Amendment** within twenty (20) days of BODA's "*standard Appeal Denial Notice*" per **TRDP, Effective Jan. 1, 2004, 2.10, Classification of Inquires and Complaints** on November 19th, 2014,[4] I determined that I would file an **Amendment**, dated December 8th, 2014,[5] to my original Grievance, dated August 19th, 2014., per (**TRDP), 2.10. Classification of Inquiries and Complaints**, even though there was **no Proper Notice** sent to me from BODA that I can file an **Amendment**.

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[3] Attached is a form and email from BODA, indicating that I properly filed an Appeal of 201405100 – Debbie G. Asbury – AdamAlden Campbell, Bar No. – 24040213/Dismissal Date: 9/2/2014."

[4] Attached is a "standard Appeal Denial Notice" from Christine E. McKeeman, BODA, dated November 19th, 2014 affirming the dismissal of the Grievance, Debbie G. Asbury v. Adam Alden Campbell, 201405100; BODA Case No. 55135.

[5] BODA's November 19th, 2014 "standard Appeal Denial Notice" does not provide me with information describing my Right to file an Amendment. A letter to BODA's Executive Director & General Counsel, dated December 8th, 2014 expressed my notification of my filing of an Amendment **within the 20 day time limit** provided by The **TEXAS RULES OF DISCIPLINARY PROCEDURE, Section 2.10**.

3. The **Improper Notices Procedure and Grievance Denial Procedures** do not discipline attorneys but only serve **to** subject Complainants to open abuse by relegating their Grievances to an unimportant classification; unexplained and dismissed of no consequence to the Respondent Attorney, **in direct conflict with TEX GV. Code 81.072 (d) and (e),**[vi] and **TEX GV. Code, Texas Statues – Section 81.073, CLASSIFICATION OF GRIEVANCES, (3) (4) (5) (6) (7) (8) (9) (10) and (11).**[vii]

Mandatory Provision for Lawyer Discipline	CDC's and BODA's "*Denial Tenets*"
Each attorney is subject to the **TRDP** and **TDRPC**. An Inquiry Classification means that CDC has determined that the "writing" does **not** allege **Professional Misconduct** as defined in the **TDRPC**. CDC must classify any Grievance as a Complaint when allegations describe acts or omissions that violate one or more of the **TDRPC**; for example but not limited to, a lawyer cannot engage in professional misconduct involving **barratry, dishonesty, fraud, deceit or misrepresentation**.	Per their unjust "*Denial Tenets*," the CDC "allows" itself to make arbitrary rules which oppose **The Supreme Court's** mandate that CDC classify Grievances as a "complaints" when the "writing" alleges **attorney misconduct** as it is defined in the **TDRPC**. CDC denies and dismisses each Grievance regularly; even though the "writings" describe serious **barratry, dishonesty, fraud, deceit or misrepresentation**. BODA routinely rubberstamps CDC's erroneous decisions.
It is improper to refer the Complainant to Client-Attorney Assistance Program (CAAPS) until the Complainant has exhausted all avenues of Appeal of the Inquiry Classification/Dismissal of the Grievance. It is inappropriate and emotionally abusive to suggest that a Grievance Complainant endure a face-to-face conference (which is voluntary **and not disciplinary**) with an attorney who the Complainant steadfastly believes has engaged in **professional misconduct** as defined in the **TDRPC**. Each and every written Grievance describing any Texas attorney's engagement in **barratry, dishonesty, fraud, deceit, misrepresentation or any other professional misconduct as it is defined in the TDRPC** must be classified as a "complaint" and investigated. If **professional misconduct** is determined as a result of investigation of a Complaint, swift and appropriate disciplinary action must follow.	CDC's "*standard Denial Notice*" dismissing the "writing" with no consequence to the Respondent attorney is bizarrely sent in each and every Grievance that is "taken into" CDC; *no matter what the "writing" describes and documents*. The "writings" of Complainants describe and document **barratry, dishonesty, fraud, deceit or misrepresentation or any other professional misconduct as it is defined in the TDRPC.** Yet, in each case, CDC's "*standard Denial Notice*" absurdly contends that, ***in lieu of an Appeal***, the Complainant may have CAAPS, "***mediate the dispute***" in a face-to-face conference with the offensive attorney, if he/she will appear ***voluntarily.*** CDC's "*standard Denial Notice*" **falsely states** that a CAAP conference can only apply to "**mediate a dispute**" when there is an attorney-client relationship (i.e. a retainer agreement signed by Complainant-Respondent Attorney).

a) The Client-Attorney Assistance Program (CAAP) is authorized by **The Supreme Court of Texas** to be used whenever a "writing" expresses some improper behavior which may be offensive to the Complainant but cannot be determined by CDC or BODA to be **barratry, dishonesty, fraud, deceit or misrepresentation or any other professional misconduct as it is defined in the TDRPC.**

CDC's "*standard Denial Notice*" implements an arbitrary "rule" for referral of an "inconsequential inquiry," summarily dismisses from any further investigation, to the Client-Attorney Assistance Program (CAAP). CAAP could never be authorized by mandate of **The Supreme Court** to provide Discipline to attorneys who have conducted themselves unethically. CDC's Assistant Disciplinary Counsel S.M. Beckage's "*standard Denial Notices*," provide the incorrect information that, as an option to filing an appeal to BODA of CDC's classification of a Grievance, as an "inconsequential inquiry," that the Grievance Complainant **forgo the Right to Appeal** the unjust Classification. Contemptibly, the Complainant is urged to use CAAP to "*mediate the dispute*;" thereby, abandoning the Appeal and the review of the misclassification by BODA.

CDC's "*standard Denial Notices*" opine that the Complainant can contact CAAP, even though CDC has failed to include **any explanation** of why the Written Grievance does **not** describe **attorney misconduct** as it is defined in the **TDRPC**, and before all options to Appeal the Inquiry Classification have been exhausted.

All of the CDC "*standard Denial Notices*" state:

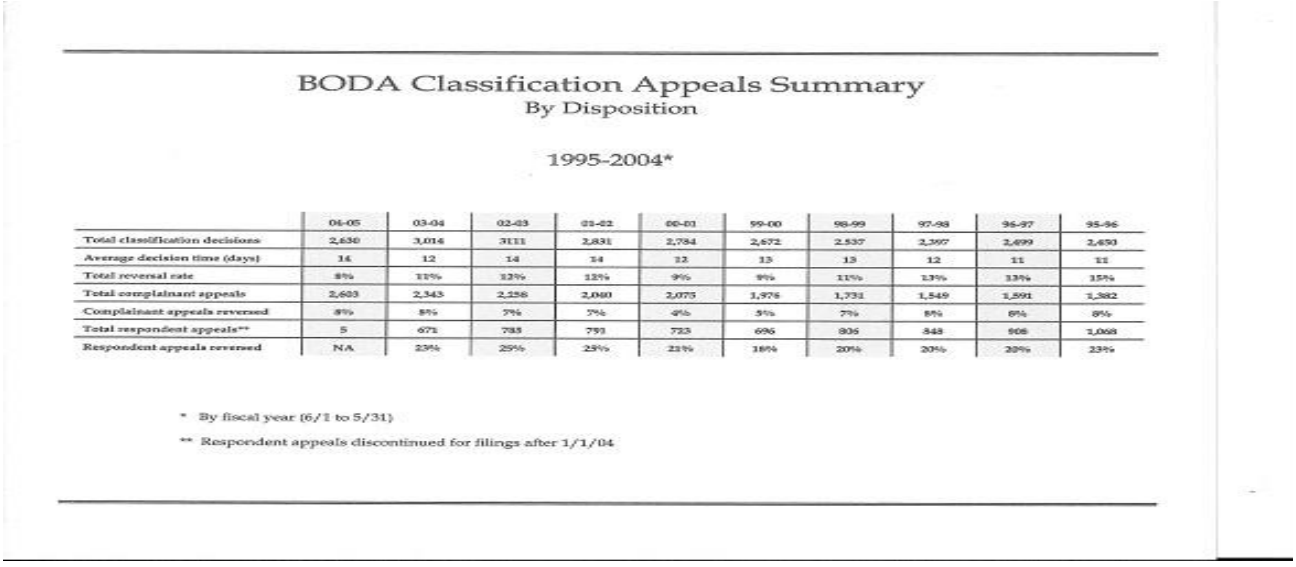
"Pursuant to the State Bar Act, the State Bar of Texas maintains the Client-Advisory Assistance Program (CAAP), which you may have contacted prior to filing your grievance. Accordingly, please be advised that even after a grievances has been dismissed, CAAP can still attempt to assist you through alternative dispute resolution procedures unless the attorney at issue is *deceased, disbarred, suspended or not *your* lawyer*. **CAAP is not a continuation of the attorney disciplinary process, and participation by both you and *your* attorney is voluntary**. Should you wish to pursue that option, CAAP may be reached at 1-800-932-1900."

The wording "* *your* lawyer"* as noted in the print is an error that has evolved over the last six (6) years on the "*standard Denial Notices.*" As a result, **incorrect information** is being widely disseminated by CDC that, in order for a Grievance "writing" to *possibly* be determined as a "Complaint," (*and, therefore, **not** immediately dismissed)* the Grievance requires an "attorney-client relationship." Per the **TDRPC 8.04**[viii] **(a) (3)** "**A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation**") does not require an attorney-client relationship.

Although CDC's Assistant Disciplinary Counsel S.M. Beckage's "*standard Denial Notices"* contain language that appears to severely limit CAAP "*dispute mediation services*," to attorneys that have been retained by the Grievance Complainant, this is nothing but a misnomer and completely opposes **TEX GV. Code 81.072 (d) and (e),** which make it clear that **The Supreme Court of Texas** holds every attorney accountable to the **TDRPC** and **any professional misconduct** is subjected to CDC's investigatory and adjudicatory function for The State Bar. In simple terms, CAAP can apply to any Texas State Bar Card Member, even if the Complainant has not personally retained the attorney for legal services.

b) By falsely declaring that each Grievance at "intake" does not describe Professional Misconduct as defined in the **TDRPC** and sending the **"standard Denial Notice"** only to the Complainant (not the Respondent Attorney), CDC has become an eager advocate for Attorneys who have many Grievances filed against them due to attorney misconduct **involving dishonesty, fraud, deceit, or misrepresentation**.

A better system for garnering Complainants' respect of the State Bar's Grievance Process and for properly disciplining Respondent Attorneys, provided that Respondent Attorneys could appeal the Classification of a an Appeal to BODA. Prior to January 1, 2004,[ix] a Respondent Attorney was allowed to Appeal a Classification finding that a Grievance constituted a Complaint (which required CDC Investigation of a "writing.") A Chart "BODA Classification Appeals Summary By Disposition, 1995 – 2004" indicates that from 1995 – 2004 that:



BODA Classification Appeals Summary
By Disposition

1995-2004*

	04-05	03-04	02-03	01-02	00-01	99-00	98-99	97-98	96-97	95-96
Total classification decisions	2,630	3,014	3111	2,831	2,784	2,672	2,537	2,397	2,499	2,450
Average decision time (days)	14	12	14	14	12	13	13	12	11	11
Total reversal rate	8%	11%	12%	12%	9%	9%	11%	13%	13%	15%
Total complainant appeals	2,603	2,343	2,256	2,040	2,075	1,976	1,731	1,549	1,591	1,382
Complainant appeals reversed	8%	8%	7%	7%	9%	5%	7%	8%	8%	8%
Total respondent appeals**	5	671	783	791	723	696	806	848	908	1,068
Respondent appeals reversed	NA	23%	25%	25%	21%	18%	20%	20%	20%	23%

* By fiscal year (6/1 to 5/31)

** Respondent appeals discontinued for filings after 1/1/04

- Total Classification Decisions ranged between 2,397 and 3,111
- Total Complainants Appeals to BODA ranged between 1382 and 2603, approximately seventy percent of "writings" classified as "inquiries" with no further investigation were appealed to BODA.
- Total Respondent Attorneys Appeals ranged between 671 and 1068, approximately thirty percent of "writings" classified as "complaints" were appealed to BODA.

Of note is the fact that ninety-eight (98) percent of Classification Decisions were appealed to BODA in 2004-2005 because it indicates that nearly all of the Total CDC Classification Decisions for that fiscal year were "inquiries" with no further investigation. The Total Respondent Appeals in 2004-2005 were less than a quarter of one percent because there were virtually no CDC Classification Decisions of "complaints" for that portion of fiscal year 2004-2005 when attorneys were still allowed to Appeal to BODA when disagreeing with CDC's "intake" Classifications.

Since 2005, the State Bar of Texas' disciplinary system has become widely disrespected by Grievance Complaints and well-known to be of no value in providing Discipline to Attorneys, even though many Grievance "writings" have been reviewed by CDC but, contemptibly, discarded or dismissed as "inconsequential inquiries."

c) The CDC's "standard Denial Notices" absurdly recommends that a Complainant who has written a Grievance that has been classified by CDC as "an inconsequential inquiry" with **no explanation** and no investigation of the Respondent Attorney, might decide to confront the Respondent Attorney in a face-to-face meeting with the aid of a State Bar of Texas CAAPS Attorney to "***mediate the dispute.***" Incongruously, if the Respondent Attorney decides to voluntarily appear, he/she will evade any Disciplinary Action while the CAAPS Attorney will make attempts to "***mediate a dispute***" caused by the **attorney's professional misconduct** as described and documented in the "writing."

It is difficult to *even imagine* that The State Bar of Texas' Officials and Appointees might have developed a tenet of the **Grievance Denial Procedures** which postulates that, instead of requiring the State Bar of Texas to investigate and discipline attorneys who have conducted themselves unprofessionally, and **in opposition to the TDRPC,** that a Grievance Complainant can be expected to use a "***dispute resolution procedure***" to address the **attorney misconduct** which is described and documented in a Written Grievance.

It is clear that **The Supreme Court of Texas'** intended CAAPS to resolve "*disputes*" still existing after Grievance was initially classified as a "complaint" by CDC; so that the Respondent Attorney was given a copy of the Grievance and compelled to make response within thirty (30) days. Although such Grievances may be later determined as "inconsequential inquiries" **after a full investigation** of the Grievance by CDC and BODA review, and dismissed, no doubt a Complainant may still have animosity for the Respondent Attorney and the Legal Profession, in general. CAAPS, a "***voluntary***" service is meant to provide a meeting of the Complainant and Respondent Attorney so that the Complainant can directly face the attorney to discuss the Grievance; *only after all attempts have been made by CDC and BODA to make* ***an explanation*** *of why the "complaint" was later dismissed as "an inquiry" of no consequence to the Respondent Attorney.*

Due to the **Improper Notices Procedure and Grievance Denial Procedures,** when a CDC misclassification as an "inconsequential inquiry" occurs, the attorney whose misconduct is the focus of the Complainant's Grievance, is *never sent a copy of the Grievance*. It is bizarre that CDC's Assistant Disciplinary Counsel S.M. Beckage asserts that a Grievance Complainant **denied and summarily dismissed** by CDC might be encouraged to "***mediate a dispute*****"** - with the assistance of a CAAPS attorney from The State Bar – while the attorney has *previously demonstrated* such **professional misconduct** that the Complainant already wrote a Grievance against the Respondent Attorney.

From the start of such a preposterous "*dispute resolution procedure*," the CAAP attorney will always agree with CDC that the Respondent Attorney's actions do **not** constitute **professional misconduct**. The ***voluntary*** "*dispute resolution procedure*" is futile in the case that the Grievance alleges **professional misconduct** as it is defined in the **TDRPC** but is misclassified as an "inconsequential inquiry." A complainant will only become more enraged as the CAAPS attorney and the Respondent attorney **will always *dismiss*** all of the "*alleged* ***professional misconduct***" of the Respondent Attorney without ***any explanation*** or further investigation to the Complainant.

Could any Member of the Texas State Bar who managed to pass the Bar Exam be so obtuse as to "*volunteer*" time and effort to attend a CAAP "*dispute resolution mediation*" after the CDC has misclassified the Grievance against the attorney as an "inconsequential inquiry" and, without **any explanation or research**, "*dismissed"* the Grievance from further investigation or potential disciplinary consequence? Can CDC's Assistant Disciplinary Counsel S.M. Beckage honestly claim that Texas attorneys who conduct themselves unprofessionally do not know they are practicing Law dishonestly; or any attorneys accused of **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** want to argue "even *confidentially*" ***with their victim***? Out-raged Grievance Complainants are expected by the disgraceful "*Denial tenet*" of CDC's Assistant Disciplinary Counsel S.M. Beckage to argue with the same attorney they complained about in their Grievance; but – this time - out-of-court, will expect that the Respondent Attorney will supposedly repent his unlawful professional conduct and pay back thousands of dollars the attorney charged in **Barratry** or want to give back money or other property that was **fraudulently** taken from the Grievance Complainant by a band of malpracticing attorneys?

> "The current dysfunctional state of the Texas attorney disciplinary system and its clear violations of this Court's procedural rules governing the attorney disciplinary system in Texas undermine the authority of this Court, the Administration of justice, and the respect of the public for the legal profession in Texas."
> (**Petition for Administrative Relief**, September 29th, 2014, Marc R. Stanley)

I refer to Marc R. Stanley's **Petition** to point out the incongruity of the proposed option on CDC's Assistant Disciplinary Counsel S.M. Beckage's "*standard Denial Notices*," that, instead of appealing the improper classification of the Grievance as an "inconsequential inquiry," a Grievance Complainant might use CAAP to "***mediate the dispute***." On April 30th, 2014, CDC's S.M. Beckage sent a "*standard Denial Notice*"[6] to Marc R. Stanley, Stanley Law Group, in regard to a Grievance he filed against "Attorney J" on April 22nd, 2014. Below I paraphrase the **professional misconduct** of "Attorney J" as described in Mr. Stanley's Grievance:

- "Attorney J" solicited Complainants to invest in real property in 2006 and represented to investors that real property a 40% to 80% return (potentially) over two to three years.
- Complainants purchased the property for $1,170, 654. and owned the property with a limited liability company they formed. They agreed that "Attorney J's" separately owned limited liability company could manage (provide K-1's to Complainants, and collect reimbursements for mowing, insurance, ad valorem taxes, etc.) from 2008 until 2012.
- "Attorney J" led the Complainants to believe he had a buyer but by March 2014, complainants contacted a Texas attorney, Stuart A. Morse, to force "Attorney J" to sell the property by August 15th, 2014 or relinquish the interest "Attorney J's" own limited liability company held in the property.
- Mr. Morse found out through public records that "Attorney J" had sold the property in 2009 to another entity that was controlled by "Attorney J" and others; Complainants no longer held title to the property. In 2009, "Attorney J" had secured a bank loan using the property as collateral. In 2011, "Attorney J's entity" sold the property to yet *another* entity.
- "Attorney J" admitted to Marc R. Stanley that he **defrauded** the Complainants in a scheme of **fraud**, **dishonesty, deceit, and misrepresentation** and would "*report himself*" to The State Bar of Texas.

In a Grievance, Mr. Stanley fully described and documented the gross scheme, and the fact that "Attorney J" had admitted to **fraud, dishonesty, deceit, and misrepresentation.** If I did not see (with my own eyes) CDC's Assistant Disciplinary Counsel S.M. Beckage's "*standard Denial Notice,*" addressed to Mr. Stanley, I am certain I would never have believed that CDC would possibly classify such a Grievance as an "*inconsequential*

[6] Attached is a "standard Denial Notice" from CDC's Assistant Disciplinary Counsel, S.M. Beckage, dated April 30th, 2014 RE: 201402288 – Marc R. Stanley – Name Redacted (which contains seven (7) short, identical paragraphs to the "standard Denial Notice" I received in Re: Adam Alden Campbell).

inquiry" to be **dismissed** (and without ever even providing a copy of the Grievance to "Attorney J.)" Even more absurd is that CDC's Assistant Disciplinary Counsel S.M. Beckage's "*standard Denial Notice,*" suggests to Mr. Stanley that he accept the misclassification and forgo an Appeal of it to BODA so that he could go to a "***mediated dispute procedure***" with a CAAPS attorney from The State Bar of Texas and face "Attorney J" to demand the $**1,170,654 PLUS!** back from "Attorney J" through CAAPS! (*It is a true depiction of the humiliating injustices caused by the* **Notices Procedure and Grievance Denial Procedures.*)***

By CDC's "standard Denial Notice" dated April 30th, 2014, the Office of the Chief Disciplinary Counsel wrote to Petitioner Marc R. Stanley:

> "*after examining your grievance, this office has determined that the information alleged does demonstrate professional misconduct or an attorney disability." According, this grievance has been classified as an Inquiry and has been dismissed."*

The State Bar dismissed this complaint without conducting any inquiry at all and never requested any of the supporting documentation, referenced in the Petitioner's report!

Less than two weeks after receiving the "standard Denial Notice" which Petitioner Marc R. Stanley described as "*astonishing*" in the Petition, on May 12th, 2014, Petitioner filed a "classification appeal" with the Texas Supreme Court's BODA and asked the Board to review and reverse the clearly erroneous classification and dismissal decision. Instead of promptly reviewing and reversing the Chief Disciplinary Counsel, BODA affirmed the State Bar's dismissal by a letter dated July 7th, 2014.[7]

[7] Attached is a "*standard Appeal Denial Notice*," sent to Marc R. Stanley, signed by BODA's Executive Director & General Counsel, Christine E. McKeeman, dated July 7th, 2014, which affirms CDC's decision to dismiss Marc R. Stanley's Grievance as an "inconsequential inquiry" and **"*denies", "completes," "closes"* the Grievance and states "*there is no Appeal from the Board's decision.*"** The BODA letter: RE: 201402288 – Marc R. Stanley – Name Redacted has three (3) short paragraphs and is identical to the "standard BODA Denial Notice" I received in Re: Adam Alden Campbell.

4. The **Improper Notices Procedure and Grievance Denial Procedures** promulgate improper action to deny Complainants' Grievances, by applying *unwritten exceptions* to the classification rules that have no basis under Texas law**; in direct conflict with the Constitutional Right to Due Process of Law.**

Mandatory Provision for Grievance Amendments	CDC's and BODA's "*Denial Tenets*"
CDC and BODA are charged with reviewing the Complainant's "writing" and applying Classification Rules for Inquiries and Complaints **without any exceptions to those Rules**. The Classification process is meant to be a "give-and-take" procedure. If any new or additional information can be applied to the "writing" by an **Amendment**, the Complainant must be given the Right to do so **before** there is a final decision to deny the Grievance as an Inquiry of no consequence to the Respondent Attorney. The Classification process is meant to provide the State Bar with documentation for administration of **compulsory disciplinary measures** against lawyers.	CDC asserts that if the Complainant chooses to file an Appeal with BODA, per CDC's **Grievance Denial Procedure**, the Complainant *loses the Right to file an Amendment.* CDC has misinterpreted **TDRPC** and, therefore, promulgates an **"unwritten exception"** to the Classification Rules. BODA's "*standard Appeal Denial Notice*" provides **no Notice** of the Complainant's **Right to file an Amendment** within 20 days of receipt of BODA's Denial and wrongly "**denies**, "**dismisses**," "**closes**," and erroneously states that "***there is no Appeal***. For, at least the last six years, CDC and BODA have administered an inexcusable **Grievance Denial Procedure** which emboldens **Attorney Misconduct**.

a. CDC's Assistant Disciplinary Counsel Beckage and, BODA's Executive Director & General Counsel, Christine E. McKeeman have not ever put words on a "*standard Denial Notice*" that can deny the Grievance per CDC's and BODA's **Grievance Denial Procedure**, in the circumstance that a Complainant properly submits an **Amendment** within the 20 day time limit provided in the **TRDP, 2.10. Classification of Inquiries and Complaints**.

By filing my December 8th, 2014 Amendment to my Grievance against Adam Alden Campbell, originally filed on August 19th, 2014, I broke the monotonous, repetitious sequence of CDC and BODA's **Improper Notice Procedure**. However, BODA's Christine E. McKeeman failed to respond in any way; but, Assistant Disciplinary Counsel, S.M. Beckage demonstrated CDC's defiance of **TDRPC** and **TRDP** in her resolute refusal to read, review or classify the **Amendment**.

By the date, December 8th, 2014 of the Amendment, BODA's Exec. Director & General Counsel Christine E. McKeeman, using the November 19th, 2014 "standard Appeal Denial Notice" had already "**denied**, "**dismissed**," "**closed**," my Grievance and commanded that "***there is no Appeal***" of BODA's decision. In the "*standard Denial Notice*" dated December 29th, 2014,[8] Assistant Disciplinary Counsel Beckage states her denial of my "Grievance with no mention of the **Amendment** filed December 8th, 2014."

> "The Office of the Chief Disciplinary Counsel of the State Bar of Texas has examined your grievance concerning the above-referenced individual and determined that these allegations have been previously considered and dismissed by The Board of Disciplinary Appeals, Accordingly, this grievance has been dismissed as an Inquiry."

Assistant Disciplinary Counsel S.M. Beckage made a determination per the "*Denial Tenets*" of the **Grievance Denial Procedure** that CDC *need not review* my December 8th, 2014 Amendment ***because it was not filed within twenty (20) days of CDC's receipt of the September 4th, 2014 CDC letter***. Such an unauthorized, unwritten "*Denial Tenet*" is in compete opposition to **TRDP**, **Section 2.10.**

b. CDC's Assistant Disciplinary Counsel Beckage and, BODA's Executive Director & General Counsel, Christine E. McKeeman determined that my Appeal of their "*standard Denial Notice*" dated December 29th, 2014, compelled

[8] Attached is a "shortened standard Denial Notice," signed by CDC's Asst. Disciplinary Counsel, S.M. Beckage, dated December 29th, 2014 which *refuses CDC's review of the Amendment*; that was **irrevocably denied** ("***denied", "complete," "closed"* and "*there is no Appeal from the Board's decision*")** by BODA on **November 19th, 2014**

CDC to send me a two (2) sentence Notice dated January 22nd, 2015[9] that BODA would **again** review that classification decision regarding "Debbie G. Asbury – Adam Alden Campbell." (No mention was made of the November 19th, 2014 "*standard Appeal Denial Notice*" which had already "**denied**, "**dismissed**," "**closed**," my Grievance and commanded that "***there is no Appeal***" of BODA's decision.)

On January 20th, 2015, I provided a nineteen (19) page letter[10] to BODA's Executive Director & General Counsel, Christine E. McKeeman describing the **Improper Denial Notices Procedure and the Grievance Denial Procedure** administered by CDC and BODA and demanding retraction of the **irrevocably denied Grievance** dated August 19th, 2014 regarding Adam Alden Campbell (which was "***denied", "complete," "closed"* and "*there is no Appeal from the Board's decision*")** by BODA on November 19th, 2014 so that CDC's Assistant Disciplinary Counsel Beckage would review the **Amendment** that I filed on December 8th, 2014. BODA's Executive Director & General Counsel, Christine E. McKeeman, never replied in any manner.

In February, 2015, I received a "*standard BODA Appeal Denial*, regarding Adam Alden Campbell; *very oddly it was dated February 13th, 2014.*[11] Once again, BODA's Executive Director & General Counsel Christine E. McKeeman asserted that "the appeal should not be granted as the conduct described does not allege a violation of the Texas Rules of Disciplinary Conduct" and dismissed the Grievance as inconsequential. The appeal is "***denied", "complete," "closed"* and "*there is no Appeal from the Board's decision*."**

The State Bar of Texas' CDC and BODA **improper Notices Procedure and Grievance Denial Procedures** is an awkward and humiliating finger of blame pointing procedure which only serves to proliferate **attorney misconduct**; disgracing **The Supreme Court of Texas:**

CDC points the blame back at BODA after ***failing to classify a Grievance or an Amended Grievance as a "Complaint***" even though the Grievance and Amendment fully describes and documents **Professional Misconduct** as defined in the **TDRPC**. CDC refuses to provide any FURTHER EXPLANATION of why the prospective Respondent Attorney's unprofessional conduct does not constitute **Professional Misconduct** as defined in the **TDRPC** and, speciously, declines review of ***ANY*** Amended Grievances, in direct opposition to the dictates of the **TRDP**, **Section 2.10.** Without reviewing ***ANY*** Amended Grievance, CDC rejects Amendments with **NO FURTHER EXPLANATION**, indicating that allegations of the Amended Grievance have *previously been reviewed and rejected by BODA.* Therefore, CDC makes an ***invalid and unauthorized assessment*** that BODA ***need not reconsider*** the Amendment apart from the Grievance before CDC again rejects the Grievance and Grievance Amendment as an "*inquiry*."

> "*….these allegations have been previously considered and dismissed by The Board of Disciplinary Appeals. Accordingly, this grievance has been dismissed as an Inquiry.*"

BODA points the blame at the CDC in the ***false and unauthorized standard Grievance Rejection and Denial Notice form letter*** with **NO FURTHER EXPLANATION OR APPEAL RIGHTS**):

> "*After reviewing the grievance as filed with the State Bar Chief Disciplinary Counsel of the State Bar of Texas and no other information, the Board has determined that your appeal should not be granted as*

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[9] Attached is a letter from the CDC's Assistant Disciplinary Counsel, S.M. Beckage, January 22nd, 2015, which repeats the transfer of the original Grievance filed August 19th, 2014 back to BODA for a second review of the efficacy of CDC's original denial of my Grievance as an "*inquiry*" and its dismissal.

[10] Attached is a letter dated January 20th, 2015 that I wrote to BODA's Executive Director & General Counsel, Christine E. McKeeman demanding retraction of the **irrevocably denied Grievance** dated August 19th, 2014 regarding Adam Alden Campbell (which was "***denied", "complete," "closed"* and "*there is no Appeal from the Board's decision*")** by BODA on November 19th, 2014. It has never been responded to.

[11] BODA's Exec. Director & General Counsel McKeeman apparently back-dated the improper "Appeal **Denial Notice** to a the prior year (February 13th, **2014**)" because the first part of the **Denial Notice** states: "Dear Ms. Asbury" **On February 12th, 2015**, the Board of Disciplinary Appeals appointed by the Supreme Court of Texas considered your appeal from the dismissal…the Board affirms the dismissal….. "***denied," "complete," …"closed," … "there is no Appeal from the Board's decision."***

the conduct described does not allege a violation of the Texas Disciplinary Rules of Professional Conduct. Therefore, the Board affirms the dismissal of the grievance by the Office of the Chief Disciplinary Counsel.

The appeal is complete, and the Board's file for this matter is closed. The Board's decision not to grant the appeal is final, and there is no appeal from the Board's decision."

GOC Chairperson Wylie insisted unabashedly to me in our brief twenty-five (25) minutes, including several GOC Members that GOC need not take the GOC's time to listen to individual complaints involving attorney-client issues of Grievances. Apparently GOC perceives from their lofty position away from the stark reality of multitudes of improperly dismissed Grievances that convey shocking **Barratry** and **Professional Misconduct**, that, if GOC cannot "*see or hear*" about the shocking **Barratry** and **Professional Misconduct** displayed in multitudes of individual Grievances, "dismissed as *inquiries*" and **never investigated**, that GOC need not attend to the unpleasant GOC **Duty** to report to **The Supreme Court of Texas**, the, perhaps, ***hundreds of thousands of*** **unethical and unprofessional attorneys** who have been hidden for a *very long period of time* by GOC, The Commission for Attorney Discipline, and the State Bar of Texas from very much needed disciplinary action.

(5) BODA's Exec. Director & General Counsel McKeeman and GOC Chair Wylie's **Improper Notices Procedure and Grievance Denial Procedures** shield Texas attorneys from any compulsory discipline by its' deliberate misclassification of Complainants' Grievances as Inquiries**;** and its' unlawful dismissal of Complainants' "writings" with *no explanation* and *no investigation*, **in direct conflict with the BODA Internal Procedural Rules (IPR),**[x] **TRDP**, **7.11 Judicial Review,**[xi] **and TEX GV. Code, Texas Statutes – Section 81.073, CLASSIFICATION OF GRIEVANCES, (3) (4) (5) (6) (7) (8) (9) (10) and (11).**

Compulsory Disciplinary Measures in **IPR** and **TRDP**	CDC's and BODA's "*Denial Tenets*" in Noncompliance
The **TRDP** provides standards and procedures for processing Grievances against attorneys and determining compulsory discipline. Investigatory and adjudicatory functions described in **IPR** and **TRDP** call for a proper Classification of each "writing" involving **barratry, fraud, deceit, or misrepresentation** to be a "Complaint." The Respondent Attorney is provided the "writing" and given thirty (30) days to respond. BODA's **final decision**, made in accordance with the **TRDP,** cannot be appealed to **The Supreme Court**. Therefore, any **final decision** can be made by BODA to dismiss a Grievance as an Inquiry, a Classification that is of no disciplinary consequence to the Respondent Attorney, both the Complainant and the Respondent Attorney must be provided **a full explanation** of the Grievance's Dismissal. Ongoing records must be compiled to report numbers of inquiries and complaints filed that do not constitute professional misconduct. Truthful accounts of the Attorney Disciplinary Procedure are provided in Reports to **The Supreme Court of Texas**. CDC and BODA are instructed to use GOC and CLD to assure **Due Process of Law** to both Complainants and Respondent Attorneys in the Grievance Process.	CDC asserts that each Grievance, no matter that the Respondent Attorney has engaged in **barratry, fraud, deceit, or misrepresentation**, is classified as an "Inconsequential Inquiry" and makes no further investigation. Each improper "inquiry classification" is referred to CAAP; CDC instructs the Grievance Complainant (without attorney representation and in a Confidential meeting) to "***settle a dispute***" involving **barratry, fraud, deceit, or misrepresentation** with the Respondent Attorney (if that attorney ***volunteers*** to appear)! When the Complainant appeals the wrongful Inquiry Classification, BODA rubberstamps each wrongful Inquiry Classification decision and sends a Notice to the Respondent Attorney that indicates that a Grievance was filed against the attorney ***but dismissed because no offense*** **of the TDRPC was committed.** No Disciplinary Action is ever taken against the Attorney. Misusing the authority of **The Supreme Court of Texas**, BODA contemptibly commands that such wrongful Inquiry Classifications ***are conclusive and cannot be appealed to*** **The Supreme Court of Texas**.

a. For at least the last six (6) years, CDC, BODA, GOC and CLD have concealed the **professional misconduct** of Texas attorneys from any Disciplinary Action by denying and dismissing Grievance "writings" without any investigation of allegations of **barratry, fraud, deceit, or misrepresentation.**

No statistical information can be found to indicate how many Grievance "writings" are received at "intake" by CDC and classified as "inconsequential inquiries" and dismissed; or in other cases returned unread and unclassified to the Complainant with no Classification due to unlawful "*Denial Tenets*" of the **Improper Notices Procedure and Grievance Denial Procedures.**

Information from BODA's website (http://www.txboda.org/), indicates that since 1992, BODA has:

> "heard and decided over 56,000 disciplinary matters including grievance screening decisions (classification appeals) by the State Bar of Texas Chief Disciplinary Counsel's Office, appeals from District Grievance Committee evidentiary panels, petitions to revoke probated license suspensions, compulsory discipline cases, reciprocal discipline cases, and disability cases."

Analysis of statistical information available from http://www.txboda.org can lead to the following deductions:

i. Since 1991, potentially **more than 1,960,000 "writings**" have been misclassified by CDC at "intake" by CDC's procedure of unlawfully denying "writings" describing **professional misconduct** without ***specifying,*** **why the "writing allegations"** do **not** contend **professional misconduct** as defined in the **TDRPC**.

If, as many as, 56,000 "writings" represent thirty-five percent of all "writings" appealed to BODA since 1991, then, it can be deduced that, **as many as, 1,960,000 "writings" received at "CDC's intake"** have been misclassified as "inquiries;" or never classified by CDC; refused, unread and returned to the Complainant with no further record of alleged **attorney misconduct** recorded.

If BODA reversed eight (8) percent of the approximately 56,000 appealed "writings" that were sent from CDC as Inquiry Classifications, less than 4,480 Complainants and Respondent Attorneys were provided with an Investigation by CDC. **Since 1991, as many as 51,520 "writings" were never investigated by CDC but denied, *complete, closed decisions and given no Appeal Rights*.**

Among the ninety-two (92) percent of all Complainants "writings**"** which were never investigated by CDC but BODA **denied, *completed, closed decisions and gave Complainants no Appeal Rights*** since 1991 were**:**[12]

- "Debbie G. Asbury v. Carter Barron Casteel," S0100922707; BODA Case No. 45638, "Debbie G. Asbury v. Acie Craig McAda," S0100922703; BODA Case No. 45637, "Debbie G. Asbury v. John T. Dierksen," S0100922702; BODA Case No. 45636, Debbie G. Asbury v. Jonathan H. Hull," S0100922700; BODA Case No. 45634, "Debbie G. Asbury v. Gary L. Steel," S0100922701; BODA Case No. 45635, each dated December 27th, 2009,[xii] in which I fully described and documented a gross scheme involving **fraud, dishonesty, deceit, and misrepresentation** and constituting **Professional Misconduct**, as defined by **TDRPC**. (Christine E. McKeeman, BODA's Exec Director & General Counsel is so careless in her position that each of these "standard Appeal Denial Notices" begin with "Dear Mr. Asbury:".)
- "Jayson E. Eoff v. Jeffrey Mark Bragg", D0110938834; BODA Case No. 45878 dated February 11, 2010[13].

ii. "The Report 2014, THE BOARD of DISCIPLINARY APPEALS, APPOINTED BY THE SUPREME COURT OF TEXAS" indicates[xiii] (http://txboda.org/sites/default/files/PDFs/Report2014.pdf) six (6) or less of the 7,394 Grievances filed and classified by CDC in 2014 resulted in a Disciplinary Judgment against the Respondent Atty.

Per the 2014 BODA Report, 7,394 Grievances were filed and classified by CDC, with **5,827 determined to be dismissed and never investigated.** 1,959 Appeals to BODA were made**; only 174 "writings" previously dismissed as "inconsequential inquiries" and dismissed at CDC's "intake" were reversed.**

Less than eight (8) percent (only 144) of 1959 Total Appeals to BODA were sent back to CDC for investigation. In 2014, ninety-two (92) percent of all Complainants "writings**" were never investigated by CDC but BODA denied, *completed, closed decisions and gave Complainants no Appeal Rights*.**

Per the 2014 BODA Report, **only six (6) of Complainants' Grievances of the 5,827** dismissed by CDC at "intake," resulted in a Disciplinary Judgment after a Reversal of the Classification. Per the 2014 BODA Report, 174 of the 5,827 "writings" were *investigated by CDC and BODA; while 168 were dismissed or still pending in 2014*.

Among the ninety-two (92) percent of all Complainants "writings**" which were never investigated by CDC but BODA denied, *completed, closed decisions and gave Complainants no Appeal Rights*** in 2014, were**:**

- Marc R. Stanley – (name redacted), April 30th, 2014, in which Mr. Stanley fully described and documented a gross scheme, constituting **Professional Misconduct**, as defined by **TDRPC**, and the fact that "Attorney J" had admitted to **fraud, dishonesty, deceit, and misrepresentation.**
- Debbie G. Asbury v. Carter Barron Castel," 201306919: BODA Case No. 53544, "Debbie G. Asbury v. John T. Dierksen, 201306923; BODA Case No. 53547, "Debbie G. Asbury v. Jonathan H. Hull, 201306924; BODA Case No. 53548, "Debbie G. Asbury v. Acie Craig McAda 201306921: BODA Case No. 53546, each dated February

[12] Attached are "Debbie G. Asbury v. Carter Barron Casteel," S0100922707; BODA Case No. 45638, "Debbie G. Asbury v. Acie Craig McAda," S0100922703; BODA Case No. 45637, "Debbie G. Asbury v. John T. Dierksen," S0100922702; BODA Case No. 45636, Debbie G. Asbury v. Jonathan H. Hull," S0100922700; BODA Case No. 45634, "Debbie G. Asbury v. Gary L. Steel," S0100922701; BODA Case No. 45635, each dated December 27th, 2009,

[13] Attached is "Jayson E. Eoff v. Jeffrey Mark Bragg", D0110938834; BODA Case No. 45878 dated February 11, 2010

13th, 2014; in which I fully described and documented a gross scheme involving **fraud, dishonesty, deceit, and misrepresentation** and constituting **Professional Misconduct**, as defined by **TDRPC**.[14]

iii. "The Report 2015, THE BOARD of DISCIPLINARY APPEALS, APPOINTED BY THE SUPREME COURT OF TEXAS" indicates[xiv] (http://txboda.org/sites/default/files/PDFs/Report2015_0.pdf) that five (5) or less of the 7,071 Grievances filed and classified by CDC in 2015 resulted in a Disciplinary Judgment against the Respondent Atty.

Per the 2015 BODA Report, 7,071 Grievances were filed and classified by CDC, with **5,576 determined to be dismissed and never investigated.** 1,996 Appeals to BODA were made**; only 228 "writings" previously dismissed as "inconsequential inquiries" and dismissed at CDC's "intake" were reversed.**
Approximately eleven (11) percent (only 228) of 1,996 Total Appeals to BODA were sent back to CDC for investigation. In 2015, eighty-nine (89) percent of all Complainants "writings" **were never investigated by CDC but BODA denied*, completed, closed decisions and gave Complainants no Appeal Rights*.**
Per the 2015 BODA Report, **only five (5) of Complainants' Grievances of the 1,996** dismissed by CDC at "intake," resulted in a Disciplinary Judgment after a Reversal of the Classification. Per the 2015 BODA Report, 272 of the 5,576 Grievance "writings" were *investigated by CDC and BODA; while 267 were dismissed or still pending in 2015.*

Among the eighty-nine (92) percent of all Complainants "writings**" were never investigated by CDC but BODA denied*, completed, closed decisions and gave Complainants no Appeal Rights*** in 2015, were**:**

- Debbie G. Asbury –Adam Alden Campbell, dated November 19th, 2014, in which I described and documented Adam Alden Campbell's offenses which constitute **Professional Misconduct**, as defined by **TDRPC**, for example; but not limited to: **Barratry, Terminating Representation** and **Malicious Representation**. I received BODA's "Disposition of Appeal Notice, Debbie G. Asbury v. Adam Alden Campbell, 201407486; BODA Case No. 55572," in February, 2015 but it was carelessly dated February 13th, 2014 by Christine E. McKeeman, Exec. Director & General Counsel of BODA.
- "Debbie G. Asbury v. Christine E. McKeeman, 201306925: BODA Case No. 53549, signed by Gayle Vickers, Deputy Director/Counsel, BODA dated February 13th, 2014, in which I describe Christine E. McKeeman's offenses which constitute **Professional Misconduct**, as defined by **TDRPC,** for example but not limited to: **fraud, dishonesty, deceit and misrepresentation.**

b. I**n direct conflict with the BODA Internal Procedural Rules (IPR), TRDP**, **7.11 Judicial Review, and TEX GV. Code, Texas Statutes – Section 81.073, CLASSIFICATION OF GRIEVANCES, (3) (4) (5) (6) (7) (8) (9) (10) and (11),** CDC, BODA, GOC and CLD avoid Compulsory Disciplinary Measures in **IPR** and **TRDP,** and concentrate all of their efforts on defending Texas attorneys against the "writings" of Complainants which describe and document transgressions which constitute **Professional Misconduct**, as defined by **TDRPC,** for example but not limited to: **fraud, dishonesty, deceit and misrepresentation.**

CDC's, BODA's, GOC's and CLD's only motive is to conceal the **attorney misconduct** from Attorney Disciplinary Procedure; rather than to investigate and provide sanction or disbarment as commanded by **The Supreme Court of Texas.** In direct opposition to standards and procedures for processing grievances against attorneys, CDC's and BODA's **Improper Notices Procedure and Grievance Denial Procedures,** deny Complainants' valid Grievances any investigation and dismiss Respondent Attorneys from any compulsory disciplinary measures.

CDC and BODA are willfully deceitful to GOC and CLD in order to conceal the fact that there is a systematic failure within the State Bar of Texas so that the CDC "intake staff attorneys" are routinely dismissing

[14] Attached are Debbie G. Asbury v. Carter Barron Castel," 201306919: BODA Case No. 53544, "Debbie G. Asbury v. John T. Dierksen, 201306923; BODA Case No. 53547, "Debbie G. Asbury v. Jonathan H. Hull, 201306924; BODA Case No. 53548, "Debbie G. Asbury v. Acie Craig McAda 201306921: BODA Case No. 53546, each signed by Christine E. McKeeman and dated February 13th, 2014. Also attached at footnote 18 is "Debbie G. Asbury v. Christine E. McKeeman, 201306925: BODA Case No. 53549, signed by Gayle Vickers, Deputy Director/Counsel, BODA dated February 13th, 2014

grievances that should proceed further in the Grievance process. Therefore, attorneys who consistently practice unlawfully and unprofessionally are never disciplined; nor are there any ongoing records kept of rampant **attorney misconduct**.

BODA, GOC and CLD Reports to **The Supreme Court of Texas** are compilations of deliberate lies, withholding the truth that the State Bar of Texas' **Attorney Disciplinary Procedure** has failed to such a humiliating level that it is a mockery of justice. Contemptibly, CDC, BODA, GOC and CLD will defend a Texas State Bar Card holding member against any Grievance filed by a Complainant, unless the crime committed is brought to the full attention of the Media.

> "At present, in Texas, the State Bar has a dramatic conflict of interest. It acts as a trade association for our profession, advocating our interests---but then it purports to conduct discipline of its own members. Based on the Complainants' experience, and evidently based on the experience of other Texans, the present system is not working. The Bar is flouting this Court's Rules because no one is watching and the Bar apparently believes that the Court is indifferent or distracted by multiple other responsibilities." (**Petition for Administrative Relief**, September 29th, 2014, Marc R. Stanley)

i. Exec. Director & General Counsel McKeeman's "*standard Appeal Denial Notice*," gives her incorrect, puerile misinterpretation of the **TRDP,** effective January 1st, 2004, **7.11 Judicial Review**; on ***each BODA letter***, on which Exec. Director & General Counsel McKeeman (who claims to have the "*authority*" of **THE SUPREME COURT OF TEXAS**), falsely indicates:

> "*After reviewing the grievance as filed with the State Bar Chief Disciplinary Counsel of the State Bar of Texas and no other information, the Board has determined that your appeal should not be granted as the conduct described does not allege a violation of the Texas Disciplinary Rules of Professional Conduct. Therefore, the Board affirms the dismissal of the grievance by the Office of the Chief Disciplinary Counsel.*
>
> *The appeal is complete, and the Board's file for this matter is closed. The Board's decision not to grant the appeal is final, and there is no appeal from the Board's decision."*

No such "***denied, complete, closed decision with no appeal*"** can be made **legitimately** by BODA's Exec. Director & General Counsel McKeeman's, who is imposing an "*authority*" which any Official of The State Bar of Texas or Appointee of **The Supreme Court of Texas** could never possibly have: ***to deny*** **Due Process of Law to Grievance Complainants.**

While giving the Complainant incorrect verbiage on the "*standard Appeal Denial Notice*" that "there is ***no appeal from the Board's decision***," Exec. Director & General Counsel is contemptibly "*quoting out of context*" from content of the **TRDP**, **7.11 Judicial Review,** which states: (the **boldface print** is my own in an effort to denote the origin of the incongruity of BODA's Exec. Director & General Counsel McKeeman's "*standard Appeal Denial Notice*"):

> **7.11 Judicial Review:** An appeal from a determination of the Board of Disciplinary Appeals shall be to the Supreme Court. Within fourteen days after receipt of notice of a final determination by the Board of Disciplinary Appeals, the party appealing must file a notice of appeal directly with the Clerk of the Supreme Court. The record must be filed within sixty days after the Board of Disciplinary Appeals' determination. The appealing party's brief is due thirty days after the record is filed, and the responding party's brief must be filed within thirty days thereafter. Except as herein expressly provided, the appeal must be made pursuant to the then applicable Texas Rules of Appellate Procedure. Oral argument may be granted on motion. The case shall be reviewed under the substantial evidence rule. The Court may affirm a decision on the Board of Disciplinary Appeals by order without written opinion. **Determinations by the Board of Disciplinary Appeals that a statement constitutes an Inquiry or transferring cases are conclusive, and may not be appealed to the Supreme Court.**

It is alarming that Exec. Director & General Counsel McKeeman has extrapolated from **TRDP, 7.11** the basis for the denial and dismissal tenet of the "*standard Appeal Denial Notice*" which she has used to **FINALLY**

deny as "*inconsequential inquiries*", and proclaimed to be ***complete, closed decisions with no appeal*** for tens of thousands of Grievances! Most assuredly, no ethical State Bar of Texas Member would misinterpret **TRDP, 7.11** to be a denial and dismissal tenet for BODA's improper **Denial Notice and Grievance Denial Procedure**.

What **TRDP, 7.11** means is: Grievances which have merely been classified as "*an inquiry and not investigated" and "dismissed*;" and which have never been classified by CDC as a "complaint" and, therefore, never been read, discussed and ***rebutted by the Respondent Attorney***, cannot be appealed to **The Supreme Court of Texas**. (*It would, indeed, be absurd to send reams (tens of thousands per year) of uninvestigated Grievances to* ***The Supreme Court of Texas*** to review*; especially because The State Bar of Texas fails to provide* **Due Process of Law** *to Texas Grievance Complainants and improperly dismisses Grievances* ***without any explanation*** *as required by* **TEX GV. Code, Texas Statues – Section 81.072, GENERAL DISCIPLINARY AND DISABILITY PROCEDURES,** *or a Right to file an Amendment to the Grievance per* **TEXAS RULES OF DISCIPLINARY PROCEDURE**, **Section 2.10)**.

ii. BODA, GOC and CLD Reports since 2005 tout that CDC and BODA processes huge numbers of "Classifications;" but pathetically fail to note that Complainant's "*writings*" are all classified as "*inconsequential inquiries*" and dismissed without even any notice to the attorney who is the subject of the "writing" and without any disciplinary sanction at all to the Respondent Attorney.

For more than six (6) years, the CDC, BODA, GOC and CLD have been completely out of the administrative control of **The Supreme Court of Texas**. As a result, the State Bar of Texas has ignored the Rules and the Disciplinary Mandate is meaningless to Texas attorneys. I have fully discussed the Grievances I have filed against attorneys in Comal County with a number of attorneys who I have respect for. Each of those attorneys have indicated that they will gladly take my cases against these attorneys who are clearly guilty of misconduct per the definitions of the **TDRPC**; but only ***AFTER*** *THE STATE BAR OF TEXAS GRIEVANCE PROCESS* investigates my Grievances. I can fully appreciate that each of these attorney with integrity do not wish to have to argue with the State Bar of Texas, which all Texas attorneys pay dues to in order to maintain their licenses to practice law over whether or NOT an attorney requires disbarment for **Professional Misconduct**.

It is especially perplexing that **The Supreme Court of Texas** has showed so little interest so far in helping Texans from having to "**be our own attorneys**" and "**arguing our own cases**" against unprofessional and unlawful attorneys who are joining together in bands to commit **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** against us**.** While we are filing our multitudes of Grievances, the State Bar of Texas is dismissing each one ***as inconsequential*** no matter how succinctly we define **Professional Misconduct** as it is defined in the **TDRPC**. Despicably, the same attorneys are able continue undisciplined and unhindered by large numbers of Grievances filed against them and to fully disregard Texans Grievances which do not affect them in anyway because CDC, BODA, GOC and CLD only take pride in how quickly our Grievances can be dismissed with ***no consequence at all*** to the Respondent Attorney.

Per the **TEX GV. Code, Texas Statues – Section 81.072, GENERAL DISCIPLINARY AND DISABILITY, TITLE 2. JUDICIAL BRANCH, SUBTITLE G. ATTORNEYS, CHAPTER 81. STATE BAR, SUBCHAPTER A. GENERAL PROVISIONS.**

> (o) Whenever a grievance is either dismissed as an inquiry or dismissed as a complaint in accordance with the Texas Rules of Disciplinary Procedure and that dismissal has become final, the respondent attorney may thereafter deny that a grievance was pursued and may file a motion with the tribunal seeking expunction of all records on the matter, other than statistical or identifying information maintained by the chief disciplinary counsel pertaining to the grievance.

Each month that **The Supreme Court of Texas** delays the long overdue process of removing and replacing appointees and State Bar officials who have participated in willful and/or grossly negligent violations of the **Supreme Court of Texas Rules**, It is exacerbating the problem of the multitudes of dishonorable attorneys who have gone far too long in Texas without any Disciplinary Control; for example, but not limited to: disciplining, suspending, disbarring, and accepting resignations of attorneys. It is most urgent and necessary to appoint an independent inspector general to conduct a comprehensive review of all grievances that have been dismissed on classification decisions, during, at least, the last six (6) years.

6. The **Improper Notices Procedure and Grievance Denial Procedures** are based on CDC's and BODA's absurdly unlawful "*Denial Tenets*" which are in full opposition to the **State Bar Act, §81.011 (a) of the Government Code,**[xv] **BODA's Internal Procedural Rules (IPR) (February 19th, 2015)**,[xvi] **Section 81.072, GENERAL DISCIPLINARY AND DISABILITY PROCEDURES** and **TRDP**, **7.11 Judicial Review.**

The State Bar's **Improper Notices Procedure and Grievance Denial Procedures** are fabrications, consisting solely of tenets of indiscretion, as though The State Bar Officials and **THE SUPREME COURT OF TEXAS** Appointees are endowed by a higher governmental body than **THE SUPREME COURT OF TEXAS** to formulate *their own Disciplinary Program*, disrespectful of the Rights accorded to Grievance Complainants; and which shields the State Bar of Texas Members' **professional misconduct**, **barring Discipline to Texas attorneys**.

Due Process of Law/Proper Right to Amendments	CDC's and BODA's **Disgraceful Noncompliance**
TRDP 2.10 states: "The Chief Disciplinary Counsel shall within thirty days examine each Grievance received to determine whether it constitutes an Inquiry or a Complaint. If the Grievance is determined to constitute an Inquiry, the Chief Disciplinary Counsel shall notify the Complainant and Respondent of the dismissal."	CDC's "*standard Denial Notice*" gives **no explanation** of why CDC refutes that the Grievance "*writing*" allegations do constitute **professional misconduct** as defined in the **TDRPC**. Nor, is CDC's "*standard Denial Notice*" provided to the Respondent attorney, as it is assumed by CDC that the attorney will not appeal an "inquiry's dismissal."
TDRPC 81.072 states a Complainant must be given a **full explanation** on dismissal of an inquiry or a complaint. **IPR, Section 3: Classification** Appeals states in **Rule 3.01 Notice of Right to Appeal** "(a) If a grievance filed by the Complainant under **TRDP 2.10** is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in **TRDP 2.10** or another applicable rule." **TRDP 2.10** states: **"**If the BODA affirms the classification as an Inquiry, the Complainant will be so notified and may within twenty days amend the Grievance one time only by providing new or additional evidence." The Complainant may appeal a decision by the CDC to dismiss the amended Grievance as an Inquiry to the BODA. No further amendments or appeals will be accepted." BODA is a statewide independent adjudicatory body of 12 attorneys appointed by **The Supreme Court of Texas** to promote consistency in interpretation and application of the **TDRPC** and **TRDP**. In order to provide consistent interpretation/application of Rules, BODA must provide **Due Process** to **"**writings," including **PROPER NOTICE, RIGHT TO GRIEVE AND RIGHT TO APPEAL** to each the Complainant **before a FINAL DECISION to DENY/DISMISS** as an "inquiry;" because as **TRDP**, **7.11 Judicial Review** clearly states: Determinations by the Board of Disciplinary Appeals that a statement constitutes an Inquiry or transferring cases are conclusive, and may not be appealed to the Supreme Court.	A non-attorney, office manager, BODA's Jackie Truitt, Exec. Assistant, controls the BODA docket, makes meeting arrangements, telephone inquiries and ***has primary responsibility*** for classification appeals from intake through disposition. Exec. Assistant Truitt *steadfastly refuses* any new/additional information from **any Complainant** and *actually warns* Respondent Attorney on her "*standard BODA Review Form*" **in bold writing NOT TO RESPOND** *to her and misspells "Disciplinary."* **BODA's** *"standard Appeal Denial Notice***"** gives **no explanation** of why CDC and BODA agree that the "*writing"* allegations do not constitute **professional misconduct** as defined in the **TDRPC**. There is **NO Notice** of Complainants' **Rights to file Amendments within 20 days after receipt of BODA's Denial.** **Anonymous** BODA Members agree each Grievance "*writing*" as an "*inconsequential inquiry*." In disgraceful noncompliance, BODA denies **Due Process of Law**, indicating: *After reviewing the grievance as filed with the CDC and no other information, the Board has determined that your appeal should not be granted as the conduct described does not allege a violation of the **TDRPC**. Therefore, the Board affirms the dismissal of the grievance by the CDC.* *The appeal is complete, and the Board's file for this matter is closed. The Board's decision not to grant the appeal is final, and there is no appeal from the Board's decision."* All proceedings of BODA's Jackie Truitt "*secret meetings*" are kept ***entirely Confidential.***

"Under the **State Bar Act, §81.011 (a) of the Government Code,** this Court has a mandatory duty: "The Supreme Court of Texas, on behalf of the judicial department, shall exercise administrative control over the state bar…" Further the Court "shall establish minimum standards and procedures" for attorney discipline, including "classification of all grievances" and a "full explanation to each complainant on dismissal of an inquiry or a complaint…" This Court has promulgated such rules, but the Office of the Chief Disciplinary Counsel and the Board of Disciplinary Appeals apparently are ignoring the Rules. Petitioner respectfully submits that if the Chief Disciplinary Counsel is allowed to continue to ignore the Rules, the Court's efforts to meet those statutory mandates will be severely compromised---if not rendered completely meaningless. The result will be continued erosion of trust in the Bar by lawyers and the public.

(**Petition for Petition for Administrative Relief**, September 29th, 2014, Marc R. Stanley)

a. Removal the Texas State Bar Membership and Licenses to Practice Law of Texas Officials and Appointees of the State Bar of Texas have participated in willful and/or grossly negligent violations of **The Supreme Court Rules** is mandatory because State Bar of Texas Members have deliberately harmed *tens of thousands of Texans* by their failure follow the exact course of **The Supreme Court of Texas Laws**.

It is clear that Assistant Disciplinary Counselors: S.M. Beckage, K.W. Morgan, David Nowlin, Laura Popps of CDC, and Linda A. Acevedo, Chief Disciplinary Counsel, BODA's Exec. Director & General Counsel McKeeman, GOC Chair Wylie and CLD Chair Guy Harrison each have the full knowledge that BODA has, for at least the last six (6) years, ***denied," "completed," "closed,"*** **Complainants' Grievances, and gave improper notice that "*there is no Appeal from the Board's decision*"** by willfully failing to:

- Provide Complainants with **Due Process of Law**; i.e. falsely alleging that BODA *has the authority of* **The Supreme Court of Texas** to **finally deny** a Grievance "writing" without **any explanation** or further investigation, and
- Advise Complainants of their Right to file an Amendment within twenty (20) days of Receipt of BODA's "*standard Appeal Denial Notice*."

b. On December 16th, 2013, I received a "*standard Denial Notice*" from CDC, re: 201306925-Debbie G. Asbury – Chris McKeeman,[15] which denied and dismissed my Grievance "writing." The officious "*rules*" provided on CDC's "*standard Denial Notice*," are **incorrect instruction** and misleading and provided to **each Denied Grievance Complainant**.

> "You may appeal this determination to the Board of Disciplinary Appeals. **Your appeal must be submitted directly to the Board in writing, using the enclosed form, within thirty (30) days of receipt of this notice.**
>
> **"**Instead of filing an appeal with the Board of Disciplinary Appeals, you may amend your grievance and re-file it with additional information, **within twenty (20) days** of receipt of this notice.
>
> Please note that while you have the option of appealing the dismissal of your grievance **or** amending and re-filing it with additional information, **you may not take both actions simultaneously."**

c. On December 23rd, 2013, I appealed CDC's denial of my Grievance "writing" on a form[16] sent to me in a "Denial Package" on December 16th, 2013. On December 23rd, 2013 I also emailed BODA a letter, RE: Appeal of Dismissal

[15] Attached is CDC's "standard Denial Notice," dated December 16th, 2013, re: 201306925-Debbie G. Asbury – Chris McKeeman signed by Assistant Disciplinary Counsel, David Nowlin which provides that I can EITHER "Appeal to BODA" within 30 days OR Amend my Grievance "writing" within 20 days of December 16th, 2013.

[16] Attached are an email and letter that I sent to BODA on 12/23/2013 in order to Appeal the Inquiry Classification of my Grievance, "201306925, "Debbie G. Asbury – Chris McKeeman"

of Grievance, Re: 20136935-Debbie G. Asbury – Chris McKeeman – Dismissal Date 12/6/2013/Dismissal Letter dated 12/16/2013:

"Dear Board of Disciplinary Appeals:

The purpose of the Letter and Attached Documentation is two-fold:

1) I have been unable to determine what BODA's purpose is-if NOT to review **fraudulent** actions, misrepresentation, and malpractice of Texas Attorneys – as I have been subjected to in Comal County, TX. Therefore, I insist that the Office of the Chief Disciplinary Counsel has refused to read the Grievance which I sent for Review. Had the Grievance been read, there would be NO DOUBT that Christine McKeeman has demonstrated professional misconduct over the last four years in failing to ever assemble a Judicial Panel to properly deal with Grievances which I have repeatedly sent.

Am I to assume that the State Bar of Texas has determined that it is justified in ignoring my Grievance and, thereby, also ignoring the fact of the **fraudulent and federal misconduct**?.....

Most importantly, because BODA (under the direction of Chris McKeeman) has failed to reprimand those involved in the overt fraud, I fear many more Comal County Citizens have been subjected to the malpractice and barratry of these attorneys and judge, in the same manner as I have become their victim. To date, none of the attorneys or the Judge, have been contacted by BODA and are unaware I have filed Grievances fully describing that they have:

- Overtly Violated **The Truth in Lending Act**, and
- Dishonored **HOUSING AND URBAN DEVELOPMENT (HUD) Provisions**, particularly, those **FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) REGULATIONS**……"

I have **NOT** ever received any reply from BODA. On January 16th, 2014, I received a two sentence notice[17] from CDC's Assistant Disciplinary Counsel, David Nowlin, indicating that CDC had received my Appeal to BODA within the thirty (30) day time limit.

d. On February 13th, 2014, I received BODA's "*standard Appeal Denial Notice*"[18] signed by BODA's Deputy Director/Counsel Gayle Vickers and copied to BODA's Christine E. McKeeman and Laura Popps of CDC which ***denied," "completed," "closed,"* my Grievance, and gave improper notice that "*there is no Appeal from the Board's decision*."**

BODA's "*standard Appeal Denial Notice*" provides **no Notice** of the Complainant's **Right to file an Amendment** within 20 days of receipt of BODA's Denial and wrongly "**denies**, "**dismisses**," "**closes**," and erroneously states that "***there is no Appeal***. For*, at least the last six years*, CDC and BODA have administered an inexcusable **Grievance Denial Procedure** which only serves to embolden **Attorney Misconduct**.

e. Maureen E. Ray, Special Administrative Counsel in CDC, was apparently obligated to write a letter dated March 17th, 2014;[19] which embodies all of the contempt (as I have experienced over the last six, [6] years) that CDC, BODA, GOC and CLD have for the statutory mandate of **The Supreme Court Rules.** Special Administrative Counsel Maureen E. Ray gives **no explanation** of the Inquiry Classification and abrupt dismissal but absurdly restates CDC's and BODA's contention that my well described/documented Grievance "writing" against Christine E. McKeeman, Executive Director and General Counsel of BODA describe NO VIOLATIONS OF THE **TDRPC.**

"As you were notified, your complaint was dismissed during classification on December 6 of last year. Your grievance was dismissed because it was deemed not to contain facts alleging a violation of the ***Texas Disciplinary Rules of Professional Conduct (TDRPC)."***

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[17] Attached is a January 16th, 2014, two sentence notice from CDC's Assistant Disciplinary Counsel, David Nowlin, indicating that CDC had received my Appeal to BODA within the thirty (30) day time limit.

[18] Attached is BODA's Deputy Director Gayle Vickers' "Disposition of Appeal Notice, Debbie G. Asbury v. Christine E. McKeeman, dated February 13th, 2014.

[19] Attached is a March 17th, 2014 letter from Maureen E. Ray, Special Administrative Counsel, CDC, RE: #20136925 Debbie Asbury – Chris McKeeman.

Even more incongruous is the fact that Special Administrative Counsel, Maureen E. Ray's one page letter proclaims opposition to **TDRPC 81.072** (which states a Complainant must be given a **full explanation** on dismissal of an inquiry or a complaint). I was shocked and alarmed at the manner in which Special Administrative Counsel, Maureen E. Ray disdainfully explained that it was just "*NOT Chris McKeeman's job to investigate a complainant's claims."* In the third paragraph she writes:

> *"From my review of materials from the file, I can tell you that nowhere in the **TDRPC** or the rules pertaining to the Board of Disciplinary Appeals (BODA) is there a requirement that the Executive Director of BODA contact respondent attorneys to investigate a complainant's claims. Accordingly, your assertions along these lines failed to amount to a possible violation of any applicable rules."*

In Special Administrative Counsel, Maureen E. Ray's skewed argument, apparently meant to be in defense of BODA; it is obvious that she believes it is most important to set deadlines for Amendments for the sole purpose of denying a complaint's "*writing*." BODA's February 13th, 2014 "*standard Denial Notice*, "Re: Disposition of Appeal Notice, Debbie G. Asbury v. Christine E. McKeeman, signed by BODA's Deputy Director Gayle Vickers **DOES NOT** provide **any explanation** of why CDC and BODA agree that the "writing" allegations do not constitute **professional misconduct** as defined in the **TDRPC**. Nor, are there instructions of **Right to file an Amendment** within 20 days after receipt of BODA's Denial. Yet, on March 17th, 2014, Special Administrative Counsel, Maureen E. Ray blindly writes in the short fourth paragraph her observation that I did not file a "timely" (within 20 days of February 13th, 2014) Amendment:

> "*As you were notified, you had twenty days from your receipt of BODA's denial notice to amend your grievance and refile. I do not show you did this. Accordingly, this matter has been closed."*

Special Administrative Counsel, Maureen E. Ray no longer works for The State Bar of Texas. By Order of **The Supreme Court of Texas**, Maureen E. Ray's license to practice law in the State of Texas and bar card number were canceled on April 10th, 2015. However, Maureen E. Ray's multitude of unprofessional and inaccurate decisions which wrongfully deny investigation of Grievances against Texas attorneys remain as an embarrassment to the State Bar of Texas. It is time for **The Supreme Court of Texas** to fully remove the Texas Grievance Process from the State Bar of Texas and demand a "revisiting" of the many wrongful decisions made by CDC and BODA over, at least, the last six (6) years.

7. Under the injurious auspices of Marvin W. Jones, BODA's Chair for 2014-2015, CDC's Chief Acevedo, BODA's Exec. Director & General Counsel McKeeman, GOC Chair Wylie and CLD Chair Harrison have compiled "BODA'S REPORT FOR 2015" which describes a *new* "***PROCEDURE FOR AN APPEAL FROM A GRIEVANCE DISMISSAL***"[xvii] in which *they have fully embraced* the **Improper Notices Procedure and Grievance Denial Procedures.**

Statutory Mandates Provide Complainants with **Due Process of Law** & Right to Grieve by Amendments	BODA's Chair Marvin W. Jones' "*new rules*" are a baffling discomfiture , opposing Statutory Mandates.
TRDP 2.10 states: "The Chief Disciplinary Counsel shall within thirty days examine each Grievance received to determine whether it constitutes an Inquiry or a Complaint. If the Grievance is determined to constitute an Inquiry, the Chief Disciplinary Counsel shall notify the Complainant and Respondent of the dismissal." **IPR, Section 3:01 Notice of Right to Appeal** requires that rules of **TRDP 2.01** or other applicable rules apply, including a **full explanation** of why the CDC finds no violation of the **TDRPC -** to both the Complainant and Respondent Attorney of the dismissal of the Grievance "writing" as an inquiry. **TRDP 2.10** states: **"**If BODA affirms the classification as an Inquiry, the Complainant will be so notified and may within twenty days amend the Grievance one time only by providing new or additional evidence." "The Complainant may appeal a decision by the CDC to dismiss the amended Complaint as an Inquiry to the Board of Disciplinary Appeals. No further amendments or appeals will be accepted." **TX GV Code, Section 81.072 (o)** provides that when dismissal of a Grievance is **FINAL**, the Respondent Attorney may thereafter deny that a grievance was pursued and may file a motion with the tribunal seeking expunction of all records on the matter.	CDC denies each Grievance "writing" *CDC stating CDC deems "writing" alleges no facts constituting a violation of the* ***TDRPC*** **with no explanation**. **No copy of the "*standard Denial Notice*" is sent to the Respondent Attorney**. When Complainant Appeals within the 30 day time limit, BODA always concurs with CDC, sending a "*standard Denial Notice*" to the Complainant and Respondent attorney that "writing" shows "no violation of the **TDRPC" but no explanation**. BODA's "*standard Appeal Notice*" falsely indicates that the Grievance "writing" is "***denied," "completed," "closed,"*** **and gives improper notice that the BODA determination is FINAL and that "*there is no Appeal from the Board's decision*."** BODA's "*new rules" fully disregard* the Statutory Mandates in **TRDP 2.10** which require BODA give **20 days** after a Complainant's receipt of BODA's "*standard Denial Notice*" for an Amendment and, in addition a **30 day** time limit to Appeal the Denial of an Amendment to a "writing" **before a FINAL Inquiry Classification Denial and Dismissal.** BODA's Chair Jones proudly displays his **43 day** Timeline for a Classification Appeal which is achieved by **his repeal of each Complainant's Right to file an Amendment and an Appeal.** After 43 days of a Complainant's BODA Appeal, a Respondent Attorney can disavow any Grievance ever filed against the atty.

In BODA's Chair Jones' own bureaucratic words in the 2015 Report (page 6):

"BODA considers only information available to the CDC at screening and does not review any additional information sent to either CDC or to BODA. If a complainant sends new information to BODA, staff returns the documents and explains that the complainant may refile the grievance with the CDC to have additional information considered."

When a Complainant's Appeal is rejected by BODA before the **FINAL DECISION** to "***deny" "complete," …"close," … "there is no Appeal from the Board's decision,"*** the Complainant is required to "*refile the Original Grievance writing.*" BODA's unlawful abandonment of the statutory mandates to provide for Amendments and Amendment Appeals places an overwhelming, unlawful burden on Complainants and only serves to misinform **The Supreme Court of Texas** that BODA is properly processing classification appeals within 43 days.

In BODA's Report for 2015, Marvin W. Jones (Chair 2014 – 2015), acknowledges "*new rules*" which contemptibly eliminate the **Supreme Court of Texas'** mandates that CDC and BODA provide **Due Process of Law** to both Complainants and Respondent Attorneys in the Grievance Process. In direct opposition to **The Supreme Court of Texas'** efforts to assure that a fair and just Grievance Process to lawyers and the public and that Disciplinary Measures are undertaken as appropriate, BODA's Chair Jones completely disregards the **IPR, TRDP**

2.10 and other rules. Disgracefully assuming an authority that would never be provided to BODA by **The Supreme Court of Texas**, Chair Jones has unofficially repealed the Right of Grievance Complainants to make Amendments to "writings" **before a BODA determination becomes FINAL**.

a. If a Complainant reads and applies **TRDP, Section 2.10**, filing an Amendment within 20 days of receipt of BODA's "*standard Appeal Denial Notice*," CDC will not read, or reclassify the Grievance Amendment because ""*these allegations have been previously considered and dismissed by The Board of Disciplinary Appeals."*

In opposition to Regulations **(TEX GV. Code, Texas Statues – Section 81.073, CLASSIFICATION OF GRIEVANCES**) from **The Supreme Court of Texas**, CDC's Assistant Disciplinary Counsel, S.M. Beckage, (in a letter dated December 29th, 2014) refused to review and investigate the Amended Grievance that I filed with CDC on December 8th, 2014 within the twenty (20) day time limit from my receipt of the November 19th, 2014 Grievance "*standard Appeal Denial Notice*" signed by BODA's Exec. Director & General Counsel Christine E. McKeeman. Although the Right to file an Amendment is conspicuously missing from BODA's Denial Notice, those twenty (20) days for filing an amendment to a Grievance with the CDC are accorded to me by **TEXAS RULES OF DISCIPLINARY PROCEDURE**, **Section 2.10**.

In complete dishonor to **The Supreme Court of Texas**, **TX GV. Code** and **TEXAS RULES OF DISCIPLINARY PROCEDURE**, **Section 2.10,** CDC's Assistant Disciplinary Counsel's reason for CDC's failure because: "*these allegations have been previously considered and dismissed by The Board of Disciplinary Appeals. Accordingly, this grievance has been dismissed as an Inquiry."*

In contempt of **The Supreme Court of Texas'** statutory mandates that I receive a **full explanation** of why the CDC and BODA concur that my "writing" does not allege **attorney misconduct** as it is defined in the **TDRPC,** BODA has sent me 2 identical (except for the dates), **"standard Appeal Denial Notices" (on 11/19/2014 and 2/12/2015)** that falsely proclaims that BODA Board can **FINALLY** "***deny" "complete," …"close," … "there is no Appeal from the Board's decision*"** without giving me **any explanation** of why my very carefully written, detailed, and documented Grievance against Adam Alden Campbell does **not** "allege **attorney misconduct** as it is defined in the **TDRPC**" in CDC's and BODA's unexplained and inexplicable viewpoint. Adam Alden Campbell continues to disavow that I filed any Grievance against him to this date and all records on the matters of the Respondent Attorney's **Barratry, Terminating Representation** and **Malicious Representation** are expunged.

b. BODA's "*new rule*" to abandon the processing of BODA Appeals by BODA's unofficial repealing a Complainant's Right to file an Amendment and an Amendment Appeal, is a disgraceful humiliation to the **Supreme Court of Texas** statutory mandates and solely aimed at discouraging Complainants from filing Grievances.

Contemptibly, BODA's Chair boasts in BODA's 2015 Report that it is so easy for a Complainant to sign a one page form for an Appeal of an Inquiry Classification to BODA (page 6):

> *"BODA provides a one-page form written in English and Spanish that CDC includes with the notice letter to complainants explaining the grievance was dismissed. The Complainant has only to signed the form and send it to BODA by email, regular mail or FAX."*

Missing from BODA's 2015 Report is the most relevant fact that BODA's "**standard Appeal Denial Notice**" gives **no explanation** why carefully written, detailed, and documented Grievance "*writings*" do **not** "allege **attorney misconduct** as it is defined in the **TDRPC**." Upon reading (astonishingly) that CDC does not consider conduct involving **dishonesty, fraud, deceit or misrepresentation**" not to be defined as **attorney misconduct** in the **TDRPC**, no doubt each Complainant will provide new and/or additional information along with the one-page BODA Appeal Form. Reprehensibly, instead of **requiring CDC to help the Complainant file an Amendment to the Grievance "writing" with the new or additional information**, BODA's "new rules" allow BODA to **abort the Appeal** (*releasing it from the 43 day timeline for a classification appeal*) and instruct the Complainant to "*refile*" the Original Grievance Writing to include the new and/or additional information (adding it once again as a "writing" to CDC's "intake" count).

8. Marvin W. Jones, BODA's Chair for 2014-2015, CDC's Chief Acevedo, BODA's Exec. Director & General Counsel McKeeman, GOC Chair Wylie and CLD Chair Guy Harrison improvised unofficial "*new rules*" that conceal Professional Misconduct of Texas attorneys by denying, dismissing and disallowing Complainants **NOTICE, RIGHT TO GRIEVE AND RIGHT TO APPEAL** the unfair Inquiry Classification.

CDC's duty is to read, record and classify each Grievance "at intake," and send Proper Notices.	Unlawful "*refiled writings*" call for "***Abandonment of Grievances Due to Multiple Grievances."***
Grievance "Writings" are classified by CDC as either an Inquiry or Complaint **within 30 days** of receipt. **CDC nor BODA have authority of The Supreme Court to refuse to Classify Grievances.** An Inquiry Classification can be appealed to BODA **within 30 days** of CDC's proper Denial Notice which must include a **full explanation** of why CDC found no violations of the **TDRPC** in the "writing." **TRDP 2.10** provides that if BODA affirms CDC's classification as an Inquiry, the Complainant will be so notified and may within twenty days amend the Grievance **one time only by providing new or additional evidence."** **Within 30 days**, the Complainant may appeal a decision by the CDC to dismiss the amended Complaint as an Inquiry to the Board of Disciplinary Appeals. No further amendments or appeals will be accepted." **TX GV Code, Section 81.023** provides that CDC shall classify each grievance on receipt as: (1) **a complaint**, if the grievance alleges conduct that, if true, **constitutes professional misconduct** or disability cognizable under **TDRPC**. **TEX GV. CODE ANN.; Texas Statutes – Section 81.075** indicates that CDC shall review and investigate each grievance classified as a complaint to determine whether there is **just cause**, as defined by **TRDP.**	Complainants receive CDC's "*standard Denial Notices*" with **no explanation** of the abrupt denial and dismissal of the "writing." Under unlawful "*new rules,*" ***BODA abandons the Grievance "writing" Appeal making no determination of the "writing."*** *BODA* staff returns the documents to the complainants, instructing each to ***"refile"*** the grievance with CDC but this nothing but a façade which will result in **shielding the Respondent Attorney from any effects** that the Original Grievance "writing" will have on attorney, in spite of its' demonstrated, described and documented **professional misconduct,** as it is defined in the **TRDP**. If any grievance is "*refiled*," **CDC sends the entire Grievance "writing" and all documents back to the Complainant, refusing to read, record or make any Classification Decision of Inquiry or Complaint.** CDC sends a "*standard Multiple Grievances Notice*" indicating that Grievance Classification is not read, or recorded but refused because the Complainant has previously filed a Grievance against an attorney and, therefore, is "*not allowed to file another Grievance*" against an attorney. Farcically, the unlawful "*Multiple Grievances*" notice is only provided to the Complainant and does not bear any attorney name. **No record is kept of the attorneys who have had "Multiple Grievances" filed against them.**

Respondent Attorneys are provided a copy of BODA's "*standard Appeal Denial Notices*" which ***FINALLY*** closes the Complainant's Appeal; completely absolving the Respondent Attorney from *any investigation, discipline or fear of sanction in any future Grievance*. Under the "*new rules*," CDC and BODA provide an Improper Notice, "*Multiple Grievances*," by which CDC purports to have *unregulated authority to send back* a Grievance "writing," unread, unclassified and with **no record kept of the Grievance** on the Respondent Attorney's Record. ***The only purpose of the "Multiple Grievance" Procedure is to conceal attorney misconduct so that Respondent Attorney can disavow any Grievance ever filed against the attorney per*** **TX GV Code, Section 81.072 (o)**.[xviii]

To date, two (2) Grievances that I have written against Barron Casteel (July 31st, 2014) and Carter Casteel (June 6th, 2015) have not been classified; CDC's Assistant Disciplinary Counselors, S.M. Beckage and K.W. Morgan have refused to read, classify or maintain any record of the Grievances against these attorneys in an obvious effort to shield the attorneys from much needed and necessary Discipline. It is disturbing that CDC, can misinterpret **The TEXAS RULES OF DISCIPLINARY PROCEDURE** (Including Amendments Effective January 15, 2014), **Section 2.10** to mean that a Complainant can be allowed only one Grievance due to an attorney's **Misconduct** in a Complainant's lifetime.

Per CDC's inconceivable MULTIPLE GRIEVANCES *notion*, CDC will reject future Grievances, depicting **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** while Barron Casteel can file MULTIPLE LAWSUITS against me, the Complainant with a stigma of MULTIPLE GRIEVANCES, with no recourse from the CDC**.**

There can be no doubt, whatsoever, that GOV Chair Wylie; S.M. Beckage and K.W. Morgan of CDC, and Linda A. Acevedo, Chief Disciplinary Counsel, in conjunction with "unofficial *new rules*" depicted by BODA's Chair Marvin W. Jones, are very obviously concealing the Grievances against Barron Casteel and Carter Casteel; failing to record them in anyway or make any classification of those Grievances. Clearly, GOV Chair Wylie, is responsible for conspicuously hiding the **Barratry, Malpractice, and Professional Misconduct** of the two attorneys (Barron Casteel and Carter Casteel) who require immediate sanction and, most likely, disbarment. In fact, neither Barron Casteel's nor Carter Casteel's name is recorded on the Grievance Rejection form, "Multiple Grievances" letter at all or in any place!

a. On August 5th, 2014, CDC sent me an unsigned Denial Letter, RE: MULTIPLE GRIEVANCES[20] and returned my entire 100 page plus Grievance "writing," inclusive of full documentation of **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** of Barron Casteel**.** While no attorney's name was indicated on the **"MULTIPLE GRIEVANCES"** Notice**,** I assumed CDC had wrongly determined that the July 31st, 2014 Grievance I filed against Barron Casteel was not a new "writing" but that I had meant it as "an Amendment" to a prior Grievance I had filed against Barron Casteel in 2009 due to an earlier Lawsuit Barron Casteel filed against me in 2007.

It is entirely inappropriate CDC to insinuate that any principle forbidding the filing of "MULTIPLE GRIEVANCES" by a Complainant would be promulgated in accordance with **TRDP Rule 2.10**. By returning my Grievance dated July 30th, 2014, unread and unclassified, CDC denied my Right to **Due Process**. By CDC's rejection of my Grievance "writing" failing to keep any record of it, CDC is dissolutely using the Improper "*MULTIPLE GRIEVANCES*" Notice procedure to shield Barron Casteel from very much needed disciplinary action.

CDC's dismissal of my Grievances filed against Barron Casteel regarding a Lawsuit he filed against me in 2007 has enabled Barron Casteel to engage in **Barratry** and **Misconduct** in his Law Practice, for at least, the past six (6) years. I did not accept CDC's ban against "MULTIPLE GRIEVANCES" that will have the insufferable effect of allowing Barron Casteel to go without Discipline for continued **Barratry, Dishonesty**, **Fraud**, **Deceit** and **Misrepresentation** in his Law Practice.

I challenged CDC's contention that CDC can lawfully refuse to classify my Grievance dated July 30th, 2014 against Barron Casteel, in accordance with **TEX GV. CODE, Section 81.073** and; thereby, deprive me of my Constitutional Right to **Due Process.** *I have never received any response whatsoever from CDC, GOC, or CLD.*

b. On September 8th, 2014, CDC sent me ANOTHER unsigned Denial Letter, RE: MULTIPLE GRIEVANCES[21] and returned my entire 100 page plus Grievance "writing," inclusive of full documentation of **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** of Barron Casteel. I had returned the entire July 31st 100 page plus Grievance "writing," inclusive of full documentation of **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** of Barron Casteel**.** But AGAIN, CDC refused to read, record or keep any record of it.

c. On November 12th, 2014, CDC's Assistant Disciplinary Counsel sent me a Letter, RE: RE: MULTIPLE GRIEVANCES[22] and returned my entire 100 page plus Grievance "writing," inclusive of full documentation of **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** of Barron Casteel. I had AGAIN returned the entire July 31st 100 page plus Grievance "writing," inclusive of full documentation of **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** of Barron Casteel**.** But AGAIN, CDC refused to read, record or keep any record of the "writing."

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[20] Attached find an unsigned letter from CDC on The State Bar of Texas Letterhead, dated August 5th, 2014 that bears my name but no attorney's name whatsoever. It indicates that my entire Grievance was returned to me, unread, unclassified and rejected by CDC with NO APPEAL RIGHTS.

[21] Attached find an unsigned letter from CDC on The State Bar of Texas Letterhead, dated September 8th, 2014 that bears my name but no attorney's name whatsoever. It indicates that my entire Grievance was AGAIN returned to me, unread, unclassified and rejected by CDC with NO APPEAL RIGHTS.

[22] Attached is a letter, "RE: MULTIPLE GRIEVANCES" signed by CDC's Assistant Disciplinary Counsel, S.M. Beckage, dated November 12th, 2014, that bears my name but no attorney's name whatsoever. It indicates that my entire Grievance was AGAIN returned to me, unread, unclassified and rejected by CDC with NO APPEAL RIGHTS.

d. On December 22nd, 2014, CDC's Assistant Disciplinary Counsel sent me a Letter, RE: RE: MULTIPLE GRIEVANCES[23] and returned my entire 100 page plus Grievance "writing," inclusive of full documentation of **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** of Barron Casteel. I had AGAIN returned the entire July 31st 100 page plus Grievance "writing," inclusive of full documentation of **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** of Barron Casteel**.** But AGAIN, CDC refused to read, record or keep any record of the "writing."

e. On June 22nd, 2015, CDC's Assistant Disciplinary Counsel K.W. Morgan sent me a Letter, RE: MULTIPLE GRIEVANCES,[24] and returned my entire 108 page plus Grievance writing," sent to The State Bar of Texas on June 8th, 2015, inclusive of full documentation of **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** of Carter Casteel . I returned the entire July 31st 100 page plus Grievance "writing," inclusive of full documentation of **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** of Barron Casteel**.** But, CDC refused to read, record or keep any record of the Grievance "writing" against Carter Casteel, dated June 8th, 2015.

I have never (before June 8th, 2015) filed any Grievance against Carter Casteel; I must assume that the fact that I have sent more than ten (10) Grievances to CDC over the last six (6) years means that I am annoying CDC with my "writings" against various attorneys. CDC must have developed the "MULTIPLE GRIEVANCES" letter for those lwho demand that the State Bar of Texas be required to comply with statutory mandates of The Supreme Court of Texas.

I sent the Carter Casteel Grievance, dated June 8th, 2015 back to CDC with a letter dated July 7th, 2015 to K.W. Morgan,[25] insisting that CDC must review and classify the Grievance "writing" against Carter Casteel. To date, I have not yet received ANOTHER "MULTIPLE GRIEVANCES" Letter. *I have never received any response whatsoever from CDC, GOC, or CLD.*

[23] Attached is a letter, "RE: MULTIPLE GRIEVANCES" signed by CDC's Assistant Disciplinary Counsel, S.M. Beckage, dated December 22nd, 2014, that bears my name but no attorney's name whatsoever. It indicates that my entire Grievance was AGAIN returned to me, unread, unclassified and rejected by CDC with NO APPEAL RIGHTS.

[24] Attached is a letter, "RE: MULTIPLE GRIEVANCES" signed by CDC's Assistant Disciplinary Counsel, K.W. Morgan, dated December 22nd, 2014, that bears my name but no attorney's name whatsoever. It indicates that my entire Grievance was AGAIN returned to me, unread, unclassified and rejected by CDC with NO APPEAL RIGHTS.

[25] Attached is a letter, "Re: Grievance ---Carter Casteel---Casteel & Casteel, Pllc Attys---Priority Mailed July 7th, 2015.

9. Under the "*authority*" of Marvin W. Jones, BODA's Chair for 2014-2015, "BODA'S REPORT FOR 2015" describes a *new* "***PROCEDURE FOR AN APPEAL FROM A GRIEVANCE DISMISSAL.***"

Per Statute, Complainant can submit new/additional evidence **BEFORE Appeal's FINAL DENIAL/DISMISSAL**	BODA desperate for a way *to* ***FINALLY DENY****/ DISMISS "writings" with* ***NO explanation/investigation****.*
TX GV Code, Section 81.023 provides that CDC shall classify each grievance on receipt as: (1) **a complaint**, if the "writing" alleges conduct that, if true, **constitutes professional misconduct** under **TDRPC**. **TRDP 1.06 Definitions:** "**Complaint**" means those written matters received by CDC that, either on the face thereof or upon screening or preliminary investigation, allege **Professional Misconduct** cognizable under these rules or the **TDRPC**. **TEX GV. CODE, Section 81.075** indicates that CDC **shall review and investigate** each grievance classified as a **complaint** to determine whether there is **just cause**, as defined by **TDRPC** or **TRDP**. **TRDP 1.06. Definitions**: **U**. "Just Cause" means such cause as is found to exist **upon a reasonable inquiry that would induce a reasonably intelligent and prudent person to believe that an attorney has committed an act of Professional Misconduct** requiring that a Disciplinary Sanction be imposed…. **TRDP: 2.10. Classification of Inquiries & Complaints**: CDC shall within 30 days examine each Grievance received to determine whether it constitutes an Inquiry or a Complaint. If the Grievance is determined to constitute an Inquiry, the CDC shall notify the Complainant & Respondent of the dismissal. Complainant may, within 30 days from notification of the dismissal, appeal the determination to the BODA. If BODA affirms the classification as an Inquiry, the Complainant will be notified and may **within 20 days amend** the Grievance one time only by providing new or additional evidence. Complainant may **appeal** a decision by the CDC to dismiss the **amended Complaint** as an Inquiry to BODA. No further amendments or appeals will be accepted. **TRDP**: **2.12. Investigation & Determination of Just Cause:** No more than sixty days after the date by which the Respondent Attorney must file a written response to the **Complaint** as set forth in **Rule 2.10**, the CDC shall investigate the Complaint and determine whether there is "Just Cause." **TX GV CODE 81.073(b) (eff. 9/1/2003)** eliminated the Respondent Attorney's Right to appeal the initial classification screening to BODA for grievances filed on or after 1/1/2004. Attorney misconduct is only discoverable by CDC's investigation as a "Complaint."	CDC dismisses each "*writing*;" no matter that **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** are presented therein. The State Bar dismisses each "*writing*" without conducting *any investigation at all; never requesting any supporting documentation* that is referenced in the "*writing*." BODA disobeys the **statutory mandate** for Amendments/Amendment Appeals and r*ubberstamps* each CDC DENIAL/DISMISSAL; **giving improper notice that "*there is no Appeal from the Board's decision*."** Prior to voluntarily resigning her law license and Bar Card, CDC's Maureen Ray, Special Administrative Counsel, had the task of "*explaining*" why **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** were **not** considered a **violation of the TDRPC. "***Explanations*" *were a humiliation to the State Bar*. Subsequent to Ray's resignation**,** BODA's Jackie Truitt, whose Texas State Bar Card number (if any) is unavailable, sends out "*standard Notices of Appeal Received*" to the Complainants and Respondent Attorneys, indicating that 3 BODA Members will meet in a "(*secret) conference*;" **no hearing is held** - to review the "writing" *with no other information*. Respondent Atty is warned "***not send additional information concerning the grievance."*** After the "*secret conference*," BODA **FINALLY** "***denies," "completes," "closes,"* and gives improper notice that "*there is no Appeal from the Board's decision*." *Without* ***any explanation***, investigation, Right to Amend, and again Appeal BODA's obviously wrong "*determinations,*" a Complainant is sent a BODA Notice and **each "inquiry classification"** becomes **FINAL** without the Texas State Bar ever conducting **any investigation** based on the "*writing,*" and ***never providing any explanation*** to the Complainant why **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** are not a **violation of the TDRPC.** BODA returns a fraction of all "writings" are to CDC for "*an investigation*" of a "*Complaint*." If CDC re-determines the "*Complaint*" to be "an Inquiry," the Complainant has **NO APPEAL RIGHTS**, but the Respondent Attorney can APPEAL the Initial classification Dismissal[xix] so that it does not affect the Attorney's Disciplinary Record with the State Bar.

a. Subsequent to the voluntary withdrawal of CDC's Special Administrative Counsel Maureen E. Ray, the CDC has inanely continued to deny each Grievance "writing" at "intake," without any investigation of the "writing." CDC sends a "*standard Denial Notice*" **without any explanation** of why **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** described in the "writing" fail to constitute professional misconduct as defined in **TDRPC.**

> ……."By letter dated April 30th, 2014, the Chief Disciplinary Counsel's Office wrote to Petitioner and announced that "[a]fter examining your grievance, **this office has determined that the information alleged does not demonstrate professional misconduct or an attorney disability**. Accordingly, this grievance has been classified as an Inquiry and has been dismissed. (Emphasis added). The State Bar dismissed this complain without conducting any inquiry at all and never requested any of the supporting documentation, referenced in his report, from Petitioner. (If the Chief Disciplinary Counsel's Office conducted a "preliminary investigation" prior to its classification decision, that investigation did not include contacting Complainants, asking to review their documents, or any other discernable action. The State Bar has never claimed that it conducted a preliminary investigation in explaining its summary dismissal.)
>
> September 29th, 2014, "PETITION FOR ADMINISTRATIVE RELIEF," Marc R. Stanley, page 6

Instead of promptly reviewing and reversing the Chief Disciplinary Counsel's classification and Dismissal of Petitioner Marc R. Stanley's Grievance' Appeal to BODA, less than two (2) weeks later, BODA's dismissal letter dated July 7th, 2014 stated BODA's concurrence to CDC's "*standard Denial Letter*." BODA agreed that the "writing" by Marc R. Stanley did not allege did ***NOT*** demonstrate **professional misconduct.** BODA's "*standard Appeal Denial letter,*" dismissed Marc R. Stanley's Grievance "writing" with no contact with the Petitioner or investigation of the gross scheme involving **fraud, dishonesty, deceit, and misrepresentation** and constituting **Professional Misconduct**, as defined by **TDRPC**. Disgracefully, Petitioner Stanley's Grievance "writing" was discarded as inconsequential to the Respondent Attorney; who could, thereafter, disavow that any Grievance was ever filed against him. BODA's "*standard Appeal Denial Notice"* announced the Grievance "writing" as "***denied", "completed," "closed"* and "*there is no Appeal from the Board's decision*."**

i. On July 23rd, 2014, a letter[26] to CDC's Maureen E. Ray, Special Administrative Counsel expressed Marc R. Stanley's incredulousness that his Grievance "writing" had been FINALLY "***denied", "completed," "closed"* and "*there is no Appeal from the Board's decision*"** by the **Improper Notices Procedure and Grievance Denial Procedures.** In Mr. Stanley's letter of July 23rd, 2014, Page 2, he asks"

"…..I have the following questions:

1. Are fraud, theft and dishonest conduct not cognizable under Rule 8.04(a)(3), Texas Disciplinary Rules of Professional Conduct? **Rule 8.04(a) states that "[a] lawyer shall not commit a serious crime or commit any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." Rule 8.04(a)(3) states that [a] lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation."**
2. Why does the Chief Disciplinary Counsel's Office take the position in its dismissal notice to me that I did not allege professional misconduct, if I factually alleged fraud, theft and dishonest conduct by a Texas lawyer?
3. Is the Chief Disciplinary Counsel's Office applying a standard for reviewing grievances that is other than that provided by Texas law (i.e., the Texas Rules of Disciplinary Procedure)? For example, is the Chief Disciplinary Counsel taking the position that it gets to "guess" about the ultimate outcome of a grievance rather than follow the procedural rules under Texas law? If so under whose authority has that important policy decision been made?

[26] Attached is a letter, dated July 23rd, 2014, RE: Inquiring Regarding Classification Decision in 201402288; Marc R. Stanley – (redacted) to CDC's Maureen E. Ray, Special Administrative Counsel.

4. To what extent are the attorneys in your office who screen grievances instructed not to follow the plain classification requirements of the Texas Rules of Disciplinary Procedure?
5. **Isn't it embarrassing for the State Bar to take the position that a lawyer who concedes he committed fraud and theft should not have a grievance against him classified as a "complaint" because fraud and theft do not constitute professional misconduct?"**

On August 13th, 2014 , Maureen E. Ray made an unprofessional response[27] to the Grievance filed by a Board Certified – Civil Trial Lawyer, Texas Board of Legal Specialization, Marc R. Stanley. Maureen E. Ray, Special Administrative Counsel, Office of the Chief Disciplinary Counsel, agreed that the State Bar of Texas was correct in dismissing a Grievance against a Texas attorney who conceded that he committed **fraud** and theft because he had not (yet) been convicted of any crime relating to the Grievance.

CDC's Special Administrative Counsel Ray's own words in an August 13th, 2014 letter, RE: #201402288 Marc Stanley --- (redacted) were:

"…I can tell you that…your assertions…stem …from a possible breach of contract, which would be more appropriately pursued in a civil court and not the attorney discipline system. It also does not appear that Mr. (redacted) has been convicted of a crime related to your assertions."

On August 18th, 2014, in a letter responding to CDC's Maureen E. Ray, Special Administrative Counsel absurd comments of August 13th, 2014 (above), Marc R. Stanley expressed disbelief that his Grievance "writing," describing and documenting a Respondent Lawyer's **dishonesty, fraud, deceit and misrepresentation** had been **FINALLY** "***denied", "completed," "closed"*** **and "*there is no Appeal from the Board's decision*"** by the **Improper Notices Procedure and Grievance Denial Procedures.**

As though he thought for an instant that CDC's Maureen E. Ray, Special Administrative Counsel could be so ingenuous that she may never have noticed it in the **TDRPC**, Mr. Stanley presents a frank discussion of the plain language of **TDRPC**, **Rule 8.04(a)(3).**

"Compare the language with the plain language of Rule 8.04(a)(3), Texas Disciplinary Rules of Professional Conduct, which I helpfully cited to your office in my original complain:

Rule 8.04(a)(3): "A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation."

I see nowhere in this simple prohibition, or elsewhere in Rule 8.04, where an "attorney-client relationship" is required for a violation. That is not true of some other disciplinary rule that state, as a prerequisite, language such as "in representing a client, a lawyer shall not…" See, for example, Rules 4.01, 4.02, 4.03, and 4.04, Texas Disciplinary Rules of Professional Conduct, all of which contain that prerequisite. Since Rule 8.04 does not contain that language, where exactly are you finding your "**must arise from an attorney-client relationship"** exception? Are you applying that exception to the other provisions of Rule 8.04 as well, including those that prohibit barratry, obstruction of justice, violations of a disciplinary order or judgment, or even failing to file a response to a grievance?

Further, where exactly are you finding a **"if a civil remedy exists"** exception to allegations to professional conduct? I was under the impression that disciplinary proceedings were "civil remedies" as well. So, I am puzzled that you apparently believe that if a clear allegation of professional misconduct can be dealt with civilly, the State Bar lacks jurisdiction, or interest, in pursuing those allegations under the Texas Disciplinary Rules of Professional Conduct. I assume that the facts underlying many violations of the disciplinary rules could also result in civil liability for a Texas attorney, but this is the first time that I have heard the Bar won't even investigate a matter if a complainant also

[27] Attached is a letter from CDC's Maureen E. Ray, Special Administrative Counsel, dated August 13th, 2014, Re: #20140228 Marc Stanley – (redacted) which indicates CDC dismissed the Grievance on April 30th, 2014 and BODA, "an independent adjudicatory body" affirmed the dismissal. Inanely, CDC's Maureen E. Ray, Special Administrative Counsel observed that the Respondent Attorney had not yet been convicted of a crime related to the **Professional Misconduct** described in the Grievance.

has a civil remedy in the courts against a lawyer. Again, could you please identify that exception within any of the rules governing the grievance system?

Finally, please let me know if the file that you reviewed reflects <u>any</u> evidence that a "preliminary investigation" (as allowed under Rule 1.06 G) occurred before my complaint was dismissed at the initial classification stage. I assume that, if such occurred, you would have noted that in your August 13th letter to me; however, I would very much appreciate absolute clarity on that point. Further, if you find any evidence of that, please identify what "preliminary investigation" occurred and what undisputable facts were found by your staff that led it to conclude that the allegations did not warrant classification a "complaint" under the Rules. Since I was not contacted by your staff, I am curious as to how any "preliminary investigation" could occur without contacting the complainant---or anyone else connected with the allegations.

If the Bar is creating exceptions to the Rules promulgated by the Texas Supreme Court, where are those exceptions written down and who created those exceptions? Does the Court know what is being done in its name? Wouldn't the Bar be interested in knowing whether these allegations are true in order to determine whether this lawyer is defrauding and/or stealing from his clients in other matters?

I appreciate your prompt attention to my further inquiry as your letter obviously raised more questions than it answered…"

"Ms. Ray's non-explanations are a problem because they fail to comply with the Bar's legal obligation, under the Texas Government Code, to provide "full explanations" to complainants; however, the larger systemic problem is that others within the Office of the Chief Disciplinary Counsel are apparently routinely dismissing grievances that should proceed further in the process--and then Ms. Ray is stuck with trying to provide some rationalization about why the intake staff is misfiring. To say that Ms. Ray is the problem is to ignore the fact that she is presumably not making the original classification errors--if those are errors, rather than policy. "
Marc R. Stanley's "Petition for Administrative Relief" dated September 29th, 2014, page 12

Leaving no doubt in Marc R. Stanley's mind that CDC's Maureen E. Ray, Special Administrative Counsel knew well that the State Bar of Texas is perpetrating **unlawful exceptions** improvised by feckless State Bar Officials and Appointees**; ,** i.e., concealing a Respondent Lawyer's **dishonesty, fraud, deceit and misrepresentation; and condoning attorney fraud and stealing from Clients,** the brazen Maureen E. Ray, Special Administrative Counsel, responded in only one week to Mr. Stanley's August 18th, 2014 letter. Her insolent response, dated August 25th, 2014,[28] implies and conveys a condescending viewpoint that I have noticed which pervasively infests contenders of the **Improper Notices Procedure and Grievance Denial Procedures.** Obviously**,** Counselor Ray's superiority due to her employment for Linda Acevedo, Chief Disciplinary Counsel, gives her "*an authority"* to make laconic, inane remarks to respected attorneys within the State Bar Membership.

"Re: #201402288 Marc Stanley --- (redacted)
Dear Mr. Stanley:

Thank you for your August 18 letter, responding to mine of August 13.

I regret that you are not satisfied with my assessment of why your grievance was dismissed, but I have nothing further to add to the information in my previous letter. I note again that the dismissal was affirmed by the Board of Disciplinary Appeals.

Yours very truly,
Maureen E. Ray,
Special Administrative Counsel

[28] Attached is a letter from CDC's Maureen E. Ray, Special Administrative Counsel, dated August 25th, 2014, Re: #201402288 Marc Stanley – (redacted) which indicates that the CDC has no further information after receiving the August 18th, 2014 letter he wrote. Unapologetically, CDC's Maureen E. Ray has NOTHING more to say in defense of CDC's absurd dismissal of the Complainant's Grievance. Again the finger of blame points at BODA, which "***denied," "completed," "closed,"* the "writing," and gave improper notice that "*there is no Appeal from the Board's decision*."**

cc: Linda Acevedo"

ii. CDC's Special Administrative Counsel Maureen E. Ray's unintelligent communications to Marc R. Stanley, (which I am grateful for because Counselor Rays' foolishness motivated him to write the **Petition**), were widespread in Texas. I, and no doubt, *thousands of other wrongfully denied Grievance Complainants* received impertinent "*retorts*" from her.

On March 17, 2014,[29] I received an alarming letter from Maureen E. Ray, Special Administrative Counsel, Office of the Chief Disciplinary Counsel, RE: #20136925 Debbie Asbury – Chris McKeeman which gives hearty approval for Christine McKeeman's continued, disgraceful failure to provide my Grievances which fully document **misconduct, malpractice, barratry, and fraud** to BODA because (in Ms. Ray's peculiar viewpoint) there is no requirement in the State Bar rules that Christine E. McKeeman do so.

On December 27th, 2009, I received five (5) of BODA's "*standard Appeal Denial Notices*" signed by Exec. Director & General Counsel, Christine E. McKeeman. I have been certain since that day when I first read that BODA Grievance concurred with CDC's Denial of my Grievance "*writings*" and dismissed them as "an inconsequential inquiries," without **any explanation** to me (the Complainant) or further investigation of the Grievance; and a summary "*Grievance dismissal*" notification without any Provision of **Due Process of Law** to the Respondent Attorney, that NO SUCH GRIEVANCE PROCESS RULES WOULD EVER HAVE PROMULAGED FROM **The Supreme Court of Texa**s.

The Grievances I filed against four (4) Comal County attorneys and Judge Gary L. Steel, each dated December 27th, 2009, documented a gross scheme involving **fraud, dishonesty, deceit, and misrepresentation** and constituting **Professional Misconduct**, as defined by **TDRPC.**

- "Debbie G. Asbury v. Carter Barron Casteel," S0100922707; BODA Case No. 45638,
- "Debbie G. Asbury v. Acie Craig McAda," S0100922703; BODA Case No. 45637,
- "Debbie G. Asbury v. John T. Dierksen," S0100922702; BODA Case No. 45636,
- "Debbie G. Asbury v. Jonathan H. Hull," S0100922700; BODA Case No. 45634,
- "Debbie G. Asbury v. Gary L. Steel," S0100922701; BODA Case No. 45635

In 2013, I compiled a Grievance in which I described Christine E. McKeeman's offenses which constitute **Professional Misconduct**, as defined by **TDRPC,** for example but not limited to: **fraud, dishonesty, deceit and misrepresentation.** I received a "*standard Appeal Denial Notice*" Debbie G. Asbury v. Christine E. McKeeman, 201306925: BODA Case No. 53549, signed by Gayle Vickers, Deputy Director/Counsel, BODA dated November 19, 2014, without **any explanation or investigation.**

I have written comprehensive Reports to CDC, BODA, GOC, CLD and various other agencies and **THE SUPREME COURT OF TEXAS**, but, to date, I have never received any response to my letters fully describing and documenting the ***Improper Notices Procedure and Grievance Denial Procedures***. On April 11th, 2014, I provided a report[30] to the Consumer Financial Protection Bureau (CFPB) detailing the failures I had experienced, to that date, describing the Texas State Bars' abject non-compliance with the statutory mandates provided by **The Supreme Court of Texa**s. I will briefly summarize the report which depicts effrontery of the gross scheme, conducted against me by the Comal County attorneys and judge, involving **fraud, dishonesty, deceit, and misrepresentation** and constituting **Professional Misconduct**, as defined by **TDRPC.**

> "….Clearly, it was the fault of the 274th District Judge, Gary L. Steel, that the **fraud** was never revealed in a Fair Jury Trial. Disgracefully, by failing to sanction Judge Gary L. Steel, The State Bar of Texas has

[29] Attached is a letter from CDC's Maureen E. Ray, Special Administrative Counsel, dated March 17th, 2014, Re: #20136925 Debbie G. Asbury --- Chris McKeeman which indicates that the reason I was denied an Amendment is because I missed a BODA deadline "to file an Amendment." Yet, BODA never gave any Notice of my Right to Amend my Grievance. BODA, instead, "***denied," "completed," "closed,"* my Grievances, and gave improper notice that "*there is no Appeal from the Board's decision*." Absurdly, CDC's Maureen E. Ray notes in the same letter that there is ***NO REQUIREMENT*** "Chris McKeeman, Executive Director of BODA," need contact respondent attorneys to investigate a complainant's claim."

[30] Attached is a report, "URGENT: Enhanced Oversight and Controls Needed to Ensure the TEXAS STATE BAR'S Compliance With Applicable Regulations and Policies," to the Consumer Financial Protection Bureau (CFPB), dated April 11th, 2014.

opened wide the door to more **fraudulent practices** in Texas to be perpetrated by the mortgage broker, attorneys and the Title Insurance Company in conjunction with dishonest homebuyers who *do not qualify legally for mortgage products….*

….In each case that (BODA's Exec. Director & General Counsel), Ms. (Christine E.) McKeeman has responded to my Grievance with a standard dismissal form, the following attorneys, Barron Casteel; (20136919; BODA Case No. 53544), Gary L. Steel, (201306920; BODA Case 53545), Acie Craig McAda, (201306921: BODA Case No. 53546), John T. Dierksen (201306923; BODA Case No. 53547), Jonathan H. Hull (201306924: BODA Case 53548), have gone unsanctioned. In fact, their law firms reward them (*not for legitimate legal service to Texas Citizens) but for their malpractice and barratry*.

I received an unsigned letter, dated February 21, 2014, from the State Commission on Judicial Conduct inauspiciously states ***"As a general rule, a judge's discretionary decisions – even if they are wrong – are not examples of judicial misconduct."*** Seanna Willing, Executive Director of the State Commission on Judicial Conduct sent another letter on March 18th, 2014[31] expressing the same drivel that judges have ***unregulated, broad discretion*** in making rulings. On March 17th, 2014, I received an alarming letter from Maureen E. Ray, Special Administrative Counsel, Office of the Chief Disciplinary Counsel, RE: #20136925 Debbie Asbury – Chris McKeeman which gives hearty approval for Christine E. McKeeman's continued, disgraceful failure to provide my Grievances which fully document **misconduct, barratry, and fraud** to BODA because (*in Ms. Ray's peculiar viewpoint*) *there is no requirement in the State Bar rules that Christine E. McKeeman do so…..*

…..On January 22nd, 2009, 274th Judicial District Judge Gary L. Steel, denied me a Fair Jury Trial, seized my home and placed it in the Jurisdiction of the Comal County Court; thereby violating my **Constitutional Right to Due Process of Law**. If I had been allowed a Fair Trial, the **overt fraud** would have been abruptly aborted. By forcing me to sell my home without a Fair Trial, Judge Steel enabled the Plaintiffs to purchase the property with Multiple Property Defects, fully documented by Physical Property Inspection Reports by Experts and contained in the voluminous files I have in my possession from Michael Morris, an attorney who filed a **Motion for a New Trial**; (also denied by Judge Gary L. Steel). Contained in those voluminous files are conclusive proofs of my earnest contention that I planned to proceed to a Fair Trial so I would not be involved in the **fraudulent scam**….

…..The frivolous Lawsuit noted, not structural foundation deficiencies, but demanded that I must pay Plaintiffs Damages; such as $2,000 a month "*in lost rents*" that they suffered until (*some date in the future that*) I could be convinced to reduce the price of my home substantially and pay for Barron Casteel's legal fees. Yet the Home Sales Contract we had signed on **3/18/2007** was not one that would apply for a sale of property intended as a Rental Property. The frivolous Lawsuit conflicted with the fact that we had executed a Home Sales Contract, when, in fact, the Plaintiffs made application for and were pursuing a low interest, **federally** insured Home Loan – which, **by federal law**, cannot apply to Rental property…..

…..The Plaintiffs believed their allegations of serious structural foundation problems would get them a desired Sales Price Reduction. It was their miscalculation that the frivolous Lawsuit, which demanded, at least, **$100,000…barratry** *in lost rents and attorney fees because I had (in the Plaintiff's viewpoint) breached the Sales Contract by failing to Close on schedule,* would intimidate me to reduce the Sale Contact Price and pay Barron Casteel for the frivolous Lawsuit. They did not ever intend to **Disclose** the structural foundation problems to the Title Company or the Lender. Barron Casteel either did not know or care that Buyers must abide by **Disclosure Laws**, as well as Sellers. Although I explained it to them many times, the Plaintiffs did not care that their failure to Disclose the deficiencies was **a federal crime which could result in fines and possibly imprisonment…**[xx]

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[31] Attached are **an unsigned letter from State Commission on Judicial Conduct** to "Ms. Ashbury" dated February 21, 2014 which states an astonishing opinion that "**As a general rule, a judge's discretionary decisions – even if they are wrong – are not examples of judicial misconduct"** and a letter dated March 18th, 2014, Re: CJC No. 14-0283-DI, from Seanna Willing, Executive Director, State Commission on Judicial Conduct.

John T. Dierksen's (my Defense attorney's) course of action in 2008 after the first **Mediation** failed miserably, was to force the Plaintiffs to do a walk-thru, depicting any repairs that they still required done before they would accept the home's condition as satisfactory. None of the Contractors that I hired would extend any warrantees to the Butts. However, I, as Seller, was satisfied with work my Contractors had done. Much to my chagrin, the Plaintiffs and Barron Casteel did a walk-thru but refused to make a written list of required repairs unless I FIRST agreed to lower the Contract Sales Price substantially, pay all his attorney fees for the frivolous Lawsuit, and **pledge my Confidentiality** in regard to the **obvious fraud**.

In my defense, Johnathan Hull and I sought and were granted approval for a second Mediation (Michael Scanio)….A walk-thru was completed by Kevin Butt but he relayed through Barron Casteel that not a single repair was lacking his approval. (Jasmine Butt was mysteriously missing in the **10/10/2008** walk-thru.) However, just a few days before the Closing Date mandated by the second Mediation, the Plaintiffs demanded yet another walk-thru. As it was outside the scope of the mediated terms, that second walk-thru was denied. ….

…The Plaintiffs and Barron Casteel were *frantic – and proceeded as though there had been no* **Mediated Settlement Agreement**. Contemptibly, my own Defense Attorneys, the Plaintiffs' Attorneys, the Title Company Insurer and the Lender pressured me to join into the **fraudulent scam** rather than do what would be required by honest attorney, i.e., ***require the Plaintiffs and Barron Casteel to produce alleged evidence of my homes serious foundation damage or obtain new expert Foundation Reports (so that I could be protected from Disclosure Problems in my home's sale***).

…..Judge Gary Steel denied my Civil Right to Due Process guaranteed to Americans by **The Fourteenth Amendment (Amendment XIV) to the United States Constitution**. Although I clearly required and requested a new attorney when Judge Steel permitted my Defense Attorneys, Jonathan Hull and John T. Dierksen, to quit without my authorization …and without giving me Proper Notice, he also denied me the opportunity to obtain another attorney to represent me in his Court on the Matter.

……Judge Gary Steel refused to allow me the **Right to a Fair Trial** to expose the **fraudulent scam**. Judge Steel's decision on January 22nd, 2009 was to denigrate me because I "made no sense to him" in the Comal Court when he demanded that I "act as my own attorney" in a Hearing that was clearly discriminatory. When my Defenses Attorneys, Jonathan Hull and John T. Dierksen, had abandoned my defense in late December, 2008, Barron Casteel had secretly changed all the details in the **Summary Judgment** (e.g., that which had absurdly demanded "*lost rents*" as significant damages, etc.). I Had no attorney to protect me; nor had I even seen the extremely detrimental and wrongful changes to the **Summary Judgment** before it was presented on January 22nd, 2009 to the Courtroom.

….It did not matter to Judge Steel that one of the Plaintiffs, Jasmine Butt, had failed to sign the Affidavit pertaining to the makeshift **Summary Judgment** (*which contained only lies*); only Kevin Butt signed as the sole Plaintiff….(Judge Steel decided that I must pay what Barron Casteel falsely wrote that I owed as "damages" in the false **Summary Judgment** while I had no attorney representing me. The deceitfully revised **Summary Judgment** required that I pay ***thousands of dollars in damages*** for undisclosed repairs to my home (when the walk-thru by the **Mediated Settlement** had listed no necessary repairs) and for Barron Casteel's attorney fees for the frivolous Lawsuit (when the second Mediation had called for me to pay only $760 to him)….

…On the day of the forced Closing, March 22, 2009, Acie McAda, attorney for 1st American Title Company, knew well that the Plaintiffs and Barron Casteel had concealed information about the property's serious foundation deficiencies, and the unrepaired "walk-thru" items that were never listed or shown to me, as the Seller, or acknowledged as repaired to my own satisfaction, as the Seller. ….The Wells Fargo Lender understood that there was a long-standing (costly) Lawsuit that had not been settled in a Court Setting but that my home was *inauspiciously removed from my own possession*.

…Michael Morris signed at the Closing with my Power of Attorney but I have not ever given **my pledge to Confidentiality in The Matter of the Fraud** (and I will not do so). Mr. Morris carefully wrote into our Legal Services Contract, that although he noted the Misconduct and Malpractice in the actions of the

attorneys and the Court, he further stated that I must not misconstrue that he would also purse those Matters for me, as well, if **The Motion for a New Trial** failed. Mr. Morris told me that his small firm could not afford to alienate a sitting judge or those named Comal County attorneys who he relied on for his business referrals…

….The voluminous files that I have in my possession **contain** the Expert Foundation Reports that show clearly the Home's Foundation is faulty and requires extensive, costly repairs and recommends they be done before the home can be sold. I was disturbed to find that it had been Jonathan Hull's and John T. Dierksen's unethical decision to "*help*" Barron Casteel and the Plaintiffs by lying to me and concealing those Reports from me, the Title Insurance Company, and the Lender. (When it was clear that I would proceed to Civil Court and those Documents could no longer be kept in secret from me, they abruptly withdrew their "legal services," knowing I would pursue them for malpractice.)

Due to misconduct and malpractice, the Plaintiffs obtained a **fraudulent Federally Insured Home Loan** and possess only a **Deficient Title** to my Property. (The Plaintiff's Property Title Insurance will not protect them in future Lawsuits because it is based on untruths.) ***Judge Gary Steel is clearly as guilty as Barron Casteel, John T. Dierksen, Jonathan Hull and Acie McAda in proceeding with the forced sale of my property through their flagrant violations of Federal Truth in Lending Laws***….

iii. Certainly, Special Administrative Counsel Maureen E. Ray *made thousands of absurd one page "answers*" to Complainants which only served to anger Complainants (like myself) and which moved Marc R. Stanley to submit the **PETITION** to **The Supreme Court of Texas** requiring that:

> "The Supreme Court of Texas, on behalf of judicial department shall exercise administrative control over the state bar…." Further the Court "shall establish minimum standards and procedures" for attorney discipline, including, "classification of all grievances" and a "full explanation to each complainant on dismissal of an inquiry or a complaint…" (Emphasis added by Marc R. Stanley)

Even worse than the fact that the State Bar of Texas' **Improper Notices Procedure and Grievance Denial Procedures** has denied **Due Process of Law** to Complainants for the last twelve (12) years or more, is the fact that it encourages **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation,** enabling unethical and unprofessional attorneys to prosper at the expense of Clients and just lawyers. While many attorneys I have conferred with are embarrassed by the State Bar; they refuse to speak out against unethical lawyers whose professional misconduct is routinely dismissed as inconsequential by the absurd "*standard denial Notices*" and "*standard Appeal Denial Notices*" of CDC and BODA which incredibly contend that **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** are ***not*** **professional misconduct** as it is defined in the **TDRPC!**

When a Complainant, even one so knowledgeable as Marc R. Stanley respectfully appeals to BODA, the only result is the ludicrous "*standard Appeal Denial Notice*" that "***denies," "completes," "closes,"*** **Complainants' Grievances, and gives improper notice that "*there is no Appeal from the Board's decision*."** All Texas Citizens have been put through longstanding punishment by Texas attorneys who *routinely and confidently misconduct themselves* while never fearing any Disciplinary Action.

Had the State Bar of Texas sanctioned and disbarred Barron Casteel, Jonathan Hull, John Dierksen, Acie Craig McAda and Gary L. Steel in 2009 when I first began describing the **gross real estate fraud in Grievances,** thousands of Texans would have been spared the devastating effects of the multiple Lawsuits that these unethical attorneys and corrupt judge, who have banded together and conducted by practicing **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** and ***flagrantly violating Federal Truth in Lending Laws since 2009!*** If I must file my own Petition for Administrative Relief to **The Supreme Court of Texas**, I will do so in order to make certain that ***every single*** Texas State Bar Official and Appointee who has participated in the **Improper Notices Procedure and Grievance Denial Procedures** are investigated, sanctioned and disbarred.

Barron Casteel has been emboldened by State Bar of Texas' **Improper Notices Procedure and Grievance Denial Procedures**; and enabled to routinely practice in noncompliance to **TDRPC** and **TRDP.**

Barron Casteel is so brazenly emboldened by the dysfunctional State Bar of Texas Grievance Process that he filed yet *another absurd Lawsuit against me in 2014*. Although the **fraudulent** Lawsuit did not involve the same lawyers; *it did involve Judge Gary L. Steel* and employed the same well-practiced routine of **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation.**

My spouse, Clement W. Machacek, has repeatedly terminated *Barron Casteel, Carter Casteel and Casteel & Casteel, Pllc Attorneys*), who has a Conflict of Interest with me. Clement

1. presented a termination letter to Barron Casteel **in person in August, 2014**,
2. sent a **Formal Termination Notice on March 23rd, 2015 by Certified, Priority Mail**,
3. sent a **Formal Notice of termination for Breach of Contract, Barratry and Malpractice by Certified, Priority Mail on October 12th, 2015**.[32]

However, Carter Casteel and Barron Casteel have steadfastly refused to terminate Casteel & Casteel, Pllc Attys' contract with Clement. To date, Casteel & Casteel, Pllc Attys have refused to return **$1,900.75** of Clement's remaining Trust Fund Balance from last Invoice, #28562. Contemptibly, on September 16th, 2015, Barron Casteel billed Clement **($1,163.50**)[33] for more "services" with no detail or explanation whatsoever.

Below are a few excerpts from an absurd Lawsuit that Barron Casteel filed against me on June 6th, 2014 "IN THE MATTER OF THE MARRIAGE OF CLEMENT WILLIAM MACHACEK AND DEBORAH WIDMER A/K/A/ DEBBIE ASBURY, NO. C2012-0973B, FIRST AMENDED PETITION FOR DIVORCE." A discussion of the similar ***Professional Misconduct*** demonstrated by Barron Casteel in the Lawsuit (Kevin & Jasmine Butt v. Debbie G. Asbury – Cause #C2007-047A in Comal County, 274th Judicial District, Judge Gary Steel) *conducted by Barron Casteel* from 5/1/2007 through 3/22/2009, reveals the pattern of **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** which Barron Casteel abuses Texas Clients and public citizens with --- which the State Bar of Texas *has steadfastly refused to recognize as* ***Professional Misconduct*** *worthy of disbarment.*

iv. I have compiled Grievances against each Barron Casteel (July 31st, 2014) and Carter Casteel (June 8th, 2015) but contemptibly the State Bar of Texas (CDC, BODA, GOC or CLD) ***has refused to read, or classify*** (as an Inquiry or Complaint) either Grievance and disgracefully intends to continue to protect the two unethical and unprofessional attorneys from much deserved investigation and disbarment ***by disavowing that any Grievances have ever been filed against Barron Casteel and Carter Casteel.***

The allegations in my Grievance "*writings*" against Barron Casteel and Carter Casteel raise some very serious questions concerning whether the Comal County attorneys have violated the fundamental rules that apply to all Texas lawyers, including but not limited to:

- Disciplinary Rules 1.01, --- which prohibits a lawyer from fabrications and absurd falsehoods, or other conduct which exhibits incompetence, carelessness, or that the lawyer lacks fundamental skills.
- Disciplinary Rules 1.02 (c) --- which prohibit lawyer from failing to disclose the legal consequences of any proposed course of conduct with a client and requires the lawyer to make a good faith effort to determine the validity, scope, meaning or application of the law.
- Disciplinary Rules 1.03 --- which prohibit a lawyer from withholding information to the client so that the client can participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued. A lawyer may not withhold information to serve the lawyer's own interest or convenience
- Disciplinary Rules 1.04 Fees --- which prohibit a lawyer from charging unconscionable fees in Barratry.

[32] Attached is Clement W. Machacek's and my letter to Barron Casteel, Carter Casteel and all others employed by Casteel & Casteel, Pllc Attys," **Your Bill, dated September 16th, 2015 -- NO C2012-0973 -- June 6, 2014**," Priority Mailed Oct. 12, 2015.

[33] Attached is an undocumented bill from Casteel & Casteel, P.L.L.C., dated September 16th, 2015 which indicates a "previous balance" of $1,163.50. Clement has demanded to know what was charged on the noted Inv. #33344 but has received no response whatsoever from Barron Casteel and Carter Casteel.

- Disciplinary Rule 1.05 Confidentiality of Information --- which prohibit an attorney from using Confidentiality Rules to protect a client's information where the client seeks or uses the services of the lawyer to aid in the commission of a crime or fraud.
- Disciplinary Rules 1.06 Conflict of Interest --- which prohibit lawyers to allow subjective interests or need for income to overpower the attorney's integrity.
- Disciplinary Rules 1.15 (a) --- which prohibits a lawyer from accepting the Representation of a Client and demands the lawyer withdraw if the lawyer's physical, mental or psychological condition materially impairs the lawyers fitness to represent the client; or the lawyer is discharged, with or without good cause.
- Disciplinary Rules 2.01 --- prohibits an attorney from failing to render candid advice or unprofessional judgment based on the attorney's bias.
- Disciplinary Rules 3.01 --- which prohibit an attorney from bringing or defending a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous. The lawyer advocate has a duty to use legal procedure for the fullest benefit of the client's cause, but also a duty not to abuse legal procedure.
- Disciplinary Rules 3.02 --- which prohibit a lawyer from the filing of frivolous or knowingly false pleadings, motions or other papers with the court or the assertion in an adjudicatory proceeding of a knowingly false claim or defense. A filing or assertion is frivolous if it is made primarily for the purpose of harassing or maliciously injuring a person.
- Disciplinary Rules 3.03 (a) (1) & (2) --- which prohibit a lawyer from knowingly:
  (1) making a false statement of material fact or law to a tribunal;
  (2) failing to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act;
- Disciplinary Rules 3.03 (a) (3) (4) & (5) --- which prohibit a lawyer from knowingly:
  (3) in an *ex parte* proceeding, failing to disclose to the tribunal an unprivileged fact which the lawyer reasonably believes should be known by that entity for it to make an informed decision;
  (4) failing to disclose to the tribunal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
  (5) offer or use evidence that the lawyer knows to be false.
- Disciplinary Rule 3.03, Comments 1 & 2 prohibits a lawyer from affirmative misrepresentation by failing to make a disclosure to the tribunal or making improper misrepresentations of facts or information that a lawyer knows to be untrue.
- Disciplinary Rules 3.04---which prohibits a lawyer from unfairness or obstructive tactics in the judicial process and swearing to false oaths and offering/using evidence that the attorneys know to be false, especially in an ex parte proceeding. The procedure of the adversary system contemplates that the evidence in a case is to be marshalled competitively by the contending parties. Fair competition in the adversary system is secured by prohibitions against destruction or concealment of evidence, improperly influencing witnesses, obstructive tactics in discovery procedures, and the like.
- Disciplinary Rules 4.03 --- which prohibit a lawyer from stating or implying that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding.
- Disciplinary Rules 4.04 (a)---- which prohibit a lawyer from using means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.
- Disciplinary Rules 4.04 (b) --- which prohibit a lawyer from presenting, participating in presenting, or threatening to present:
  (1) criminal or disciplinary charges solely to gain an advantage in a civil matter; or

(2) civil, criminal or disciplinary charges against a complainant, a witness, or a potential witness in a bar disciplinary proceeding solely to prevent participation by the complainant, witness or potential witness therein

- Disciplinary Rules 8.04 (a) (1) --- which prohibit a lawyer from engaging in conduct that involves dishonesty, deceit, misrepresentation or fraud or knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship;
- Disciplinary Rules 8.04 (a)(2) --- which prohibit a lawyer from committing a serious crime or other criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness in other respects.
- Disciplinary Rules 8.04 (a) (3) --- which prohibit a lawyer from engaging in conduct that involves dishonesty, deceit, misrepresentation or fraud
- Disciplinary Rules 8.04 (a) (5) --- which prohibit a lawyer from state or imply an ability to influence improperly a government agency or official.
- Disciplinary Rules 8.04 (a)(6) --- which prohibit a lawyer from knowingly assisting a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.
- Disciplinary Rules 8.04 (a) (9) ---- which prohibit a lawyer from engaging in conduct that constitutes barratry as defined by the law of this state.
- Disciplinary Rules 8.04 (b) --- which prohibit a lawyer from committing a serious crime, which means barratry, any felony involving moral turpitude; any misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property; or any attempt, conspiracy, or solicitation of another to commit any of the foregoing.
- Disciplinary Rules 8.04 (b), Comment 7 --- which prohibit a lawyer from holding public office if the lawyer demonstrates abuse of public trust, i.e. 8.04(a)(2), 8.04(a)(3), 8.04(b). Comment 7. Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of attorney. The same is true of abuse of positions of private trust.
- Rule 503 (a)(5) of the Texas Rules of Evidence, Lawyer-Client Privileges --- prohibits a lawyer from making communications of confidential information to third person, other than those to whom disclosure is made in furtherance of rendition of professional legal services to the client.
- Tex. PE CODE § 2812: BARRATRY (F) AND (G) --- prohibits a lawyer from any conduct involving coercion, duress, fraud, overreaching, harassment, intimidation, or undue influence; or promulgating documents which contain false, fraudulent, misleading, deceptive, or unfair statements or claims.
- TX PENAL CODE, TITLE 8, OFFENSES AGAINST PUBLIC ADMINISTRATION, CHAPTER 39. ABUSE OF OFFICE, § 39.03, OFFICIAL OPPRESSION --- prohibits a judge or public servant from intentionally subjecting another to dispossession, assessment, or lien that he knows is unlawful; or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing that his conduct is unlawful.
- The Texas Rules of Civil Procedure, Rule 10, WITHDRAWAL OF ATTORNEY --- prohibits an attorney from withdrawing from representation or a judge from accepting the withdrawal of the attorney until the party has been notified in writing of her right to object to the motion. It is unlawful for an attorney to withdraw and or a judge to allow a withdrawal without a corresponding delay of a Court Hearing, without Notice to a party so she can obtain competent attorney representation. It is disgraceful to attempt to force a party to "act as her own attorney" and take away her rights, privileges, powers, or immunities, knowing that such conduct is unlawful.

Barron Casteel's noncompliance with Disciplinary Rules, 1.01, 1.02, 1.04, 1.03, 1.06, 2.01, 3.01, 3.02, 3.03, 3.04, 4.04, 8.04 (a)(1), 8.04 (a)(2), 8.04(a)(3), 8.04 (a)(5), 8.04 (a)(6), 8.04 (a)(9), 8.04 (b), Tex. PE CODE § 28.12: BARRATRY (F) and (G), and Rule 503 (a) (5) of the Texas Rules of Evidence, Lawyer-Client Privileges, The Texas Rules of Civil Procedure, Rule 10 WITHDRAWAL OF ATTORNEY

Re: "IN THE MATTER OF THE MARRIAGE OF CLEMENT WILLIAM MACHACEK AND DEBORAH WIDMER A/K/A/ DEBBIE ASBURY, NO. C2012-0973B, FIRST AMENDED PETITION FOR DIVORCE."

Barron Casteel's frivolous Lawsuit alleges "Breach of Fiduciary Duty" and "Actual Fraud." ***The Damages for Actual Fraud, according to the absurd Lawsuit, is $100,000!***

I have not been able to ascertain what Carter Casteel and Barron Casteel were eluding to in this segment of the ludicrous Divorce Lawsuit, so I will just copy the peculiar missive below. It is my own Duty to be certain that when my Grievance is defined as a Complaint by CDC that I require Carter Casteel and Barron Casteel to state before BODA exactly what **"*reckless, false statements*"** and **"*plotted and carried out plan*,"** Casteel & Casteel, Pllc Attys is referring to because Clement and I have not a single clue what they might be "*discussing*" in the **frivolous** Divorce Document, which is supposedly a "*valid, legal document*."

"*Respondent, as Petitioner's spouse, had a fiduciary relationship with and a fiduciary duty to Petitioner. As a result of their fiduciary relationship, Petitioner reposed a special confidence in Respondent, and Respondent had a duty in equity and good conscience to act in good faith and due regard for Petitioner's interests.*

Respondent, in violation of her duty to Petitioner, has breached her duty to Petitioner.

a. Actual Fraud

Respondent plotted and carried out a plan to actually defraud Petitioner and Petitioner's separate estate. Respondent made material representations to Petitioner that were false. Respondent knew these representations were false, or Respondent made them recklessly without knowledge of their truth and as a positive assertion. Respondent made these representations with the intention that Petitioner would act on them. Petitioner acted in reliance on these representations and as a consequence suffered injury and damage.

Respondent, without the knowledge, consent, or approval of Petitioner, unfairly conveyed more than $250,000 in separate and community property of Petitioner for the primary purpose of defrauding Petitioner. That conveyance was unfair and in actual fraud of Petitioner's rights.

"a." Constructive Fraud.

Respondent has defrauded Petitioner by breaching a legal and/or equitable duty owed Petitioner as a result of their fiduciary relationship. That breach is fraudulent because, irrespective of Respondent's moral guilt, the breach had a tendency to deceive Petitioner and violate Petitioner's confidence or injure the public interest.

Respondent's actions damaged Petitioner.

"a." Waste of Assets"

Respondent has squandered community assets by making grossly excessive gifts of community and separate assets to $100,000.00, a person who is not the natural object of Respondent's generosity. **(??? The italics, emboldened sentence and underlining are my own in an effort to induce the CDC to hold Carter Casteel and Barron Casteel accountable for the blatant lies and deceptions that are contained in the frivolous Lawsuit against me.)** *Respondent has spent and wasted community funds and Petitioner's separate assets on this person at a time when Respondent knew or should have known that Petitioner would have objected to these expenditures. These expenditures and gifts of property are in direct violation of the fiduciary responsibility placed on Respondent when entrusted with Petitioner's separate estate and funds."*

Re: Kevin & Jasmine Butt v. Debbie G. Asbury – Cause #C2007-047A in Comal County, 274th Judicial District, Judge Gary Steel.

Barron Casteel's absurd Lawsuit alleged damages of ***$100,000*** and much more (not for the serious foundation problems which the Plaintiffs and Barron Casteel were unlawfully concealing) but for **Breach of Contract** due to Barron Casteel's fabrication of Plaintiffs "*loss of rents*" and the huge "*attorney fees*" accumulated by Barron Casteel over *the two year period* of the **fraudulent** Lawsuit. Barron Casteel did not ever **Disclose** the serious structural foundation problems to the Title Company or the Lender; but hid the Inspection Company Reports (which his Clients procured) from me, the Title Company Insurer, and the Wells Fargo Lender.

Barron Casteel either did not know nor did he care that Buyers must abide by **Disclosure Laws**, as well as Sellers. Although I explained it many times, the Plaintiffs did not care that their failure to **Disclose** the deficiencies was **a federal crime which could result in fines and possibly imprisonment.**

Barron Casteel's Noncompliance with Disciplinary Rules: 1.03, 1.05, 3.01, 3.02, 3.03, 4.03, 4.04, 8.04(a)(1), 8.04 (a)(2), 8.04 (a)(3), 8.04 (a)(5), 8.04 (a)(6), 8.04 (a)(9), 8.04 (b), The Texas Rules of Civil Procedure, Rule 10 WITHDRAWAL OF ATTORNEY, Rule 503 (a) (5) of the Texas Rules of Evidence, Lawyer-Client Privileges, Tex. PE CODE § Section 28.12: BARRATRY (F) and (G), The Texas Rules of Civil Procedure, Rule 10 WITHDRAWAL OF ATTORNEY

Re: "IN THE MATTER OF THE MARRIAGE OF CLEMENT WILLIAM MACHACEK AND DEBORAH WIDMER A/K/A/ DEBBIE ASBURY, NO. C2012-0973B, FIRST AMENDED PETITION FOR DIVORCE."

Barron Casteel, Carter Casteel, and Adam Alden Campbell believed that – if they banded together in **Barratry** – I could be forced to "*work with*" incompetent, malpracticing attorneys; they would FORCE Clement and me to divorce; even if the divorce debacle left Clement endangered and without any care-giver which he required due to his advanced age (nearly 80 then) and ill health; and *EVEN IF I DID NOT WANT A DIVORCE*. Carter Casteel and Barron Casteel, Clement's attorneys for matters concerning a Divorce Lawsuit and Protective Order on June 6th, 2014 and Adam Alden Campbell, who I hired on June 18th, 2014 as an attorney for my Defense on the absurd matters but promptly discharged as incompetent on June 30th, 2014, proceeded to conduct their absurd Lawsuit, **without consulting either of their Clients on any Matters.**

My Grievances against Carter Casteel and Barron Casteel clearly depict that they violated **TDRPC**, for example; but not limited to their repeated provision of **Motions** and **Document**s to attorney Adam Alden Campbell, when clearly Carter Casteel knew that such **Professional Misconduct** was clearly a **Violation** of my **Right to Privacy,** as well a **Violation** of Clement's **Right to Confidentiality in the Lawyer Client Relationship**; and an insult to the integrity of the American Bar Association. From June 30th, 2014 through July 31st, 2014, Adam Alden Campbell, an incompetent attorney who I demanded withdraw from representation of me on June 30th, 2014, and Casteel & Casteel, Pllc Attys colluded together and conducted their "*case against me*" **while I had NO ATTORNEY REPRESENTATION**. It is my firm contention that the charges from the invoices these disgraceful attorneys provided to my husband, Clement, and to me is **Barratry; litigation for the purpose of harassment or profit.**

Contemptibly, Barron Casteel and Carter Casteel have refused to withdraw from "*conducting a Divorce*" although Clement has repeatedly terminated the firm's "*services.*" Carter Casteel and Barron Casteel have steadfastly refused to terminate Casteel & Casteel, Pllc Attys' contract with Clement. To date, Casteel & Casteel, Pllc Attys have refused to return **$1,900.75** of Clement's remaining Trust Fund Balance from last Invoice, #28562. Contemptibly, on September 16th, 2015, Barron Casteel billed Clement **($1,163.50**) for more "services" with no detail or explanation whatsoever

Re: Kevin & Jasmine Butt v. Debbie G. Asbury – Cause #C2007-047A in Comal County, 274th Judicial District, Judge Gary Steel.

Barron Casteel, Jonathan H. Hull, John T. Dierksen, Acie Craig McAda and Judge Gary L. Steel believed that – if they banded together in **Barratry, Dishonesty, Fraud, Deceit and Misrepresentation,** that I could be forced to "work with" incompetent, malpracticing attorneys to sell my home to Barron Casteel and his corrupt Plaintiffs; even though the Forced Sale left the Plaintiffs with a ***worthless*** Home Title. The deficient Home Title will leave the Plaintiffs with no Title Insurance protection when I proceed with my Lawsuit against them due to the unlawful, Forced Sale of my home through inexcusable, flagrant violations of **Federal Truth in Lending Laws.**

Judge Gary L. Steel refused to allow me the **Right to a Fair Trial** to expose the **fraudulent scam**. Judge Steel's decision on January 22nd, 2009 was to denigrate me because I "*made no sense to him*" in the Comal Court when he demanded that I "*act as my own attorney*" in a Hearing that was clearly discriminatory. When my

Defenses Attorneys, Jonathan Hull and John T. Dierksen, had abandoned my defense in late December, 2008, Judge Gary L. Steel had allowed them to officially withdraw in spite of my protests that I was in Oregon, attending to the welfare of my ward, Carl J. Hoch and would require a month or more to obtain new Counsel.

After Jonathan Hull and John T. Dierksen withdrew giving me no proper notice so that I could secure an attorney who would honestly deal with the **fraudulent scam** in the Comal County Court with a Jury Trial, Opposing Counsel Barron Casteel had secretly changed all the details in the **Summary Judgment** (e.g., that which had absurdly demanded "*lost rents*" as significant damages, etc.). I had no attorney to protect me; nor had I even seen the extremely detrimental and wrongful changes to the **Summary Judgment** before it was presented on January 22nd, 2009 to the Courtroom. Judge Gary L. Steel approved the adverse **Summary Judgment** in full on January 22nd, 2009 although I earnestly protested that it contained not a single truth.

Barron Casteel's Noncompliance with Disciplinary Rules: 1.03, 1.06, 3.02, 3.03, 4.03, 4.04, 8.04(a)(1), 8.04 (a)(5), 8.04 (a)(6).8.04 (a)(9), 8.04 (b), Rule 503 (a) (5) of the Texas Rules of Evidence, Lawyer-Client Privileges, Tex. PE CODE § Section 28.12: BARRATRY (F) and (G), and TX PENAL CODE, TITLE 8. OFFENSES AGAINST PUBLIC ADMINISTRATION, CHAPTER 39. ABUSE OF OFFICE, Sec. 39.03. OFFICIAL OPPRESSION, The Texas Rules of Civil Procedure, Rule 10 WITHDRAWAL OF ATTORNEY

Clement's **Right to Confidentiality in the Lawyer-Client Privilege** for Carter Casteel and Barron Casteel to email demands for **Personal, Private and Confidential Information** to attorney Campbell who had no authority to receive it by email or even to read it because he withdrew from representing me on **June 30th, 2014** and I accepted his withdrawal on that date. Contemptibly, Casteel and Casteel, Pllc Attys did not tell Clement that the demands for **Personal, Private and Confidential Information** from attorney Adam Alden Campbell were a **Violation** of both Clement's and my **Right to Privacy.**

Instead of providing Clement with legal representation reflecting" allegiance, learning, skill and industry and employment of all appropriate legal means to protect and advance **the client's legitimate right, claims and objectives**," Carter Casteel and Barron Casteel entwined Clement in a conflicted torment of illegal actions, while Casteel & Casteel, Pllc Attys violating laws and rules; on an **unethical path of Barratry and Professional Misconduct.** By obligating Clement on June 6th, 2014 to the absurd, **frivolous Lawsuit and Protective Order without ever having investigated the allegations that I had "*stolen away money*"** and to spite him, gave it to some other person Clement did not know, the malpracticing attorneys entangled Clement in a Civil Lawsuit against Casteel & Casteel, Pllc Attys, for their despicable **professional misconduct** in attempting to incite my elderly, ill husband to state untruths (***under oath***) for the purpose of Barron Casteel's and Carter Casteel's strategic lawsuit against public participation ("SLAPP") against me. Such an absurd **"*Divorce Lawsuit*"** which would have cost Clement tens of thousands of dollars in **Barratry** and **Professional Misconduct.**

When I explained all of the disgraceful effrontery in **Barratry** and **Professional Misconduct** of Carter Casteel and Barron Casteel, Clement promptly took steps to terminate any further "***Casteel & Casteel, Pllc Attys' family legal services***" of the corrupt attorneys in the absurd **"*Divorce Lawsuit*" and dangerous Protective Order.** In spite of Clement's termination of Barron Casteel and Carter Casteel in August, 2014, March 23rd, 2015 and October 12th, 2015, Barron Casteel has disgracefully continued to bill Clement for "*services*" of an invoice of September 16th, 2015 ***which he refuses to describe***.

On July 28th, 2014, Judge Gary Steel intentionally denied of **my Right to Due Process** by meeting in *an ex parte conference* with Barron Casteel, Carter Casteel and Adam Alden Campbell in which they disgracefully agreed that, by their gross scheme involving **fraud, dishonesty, deceit, and misrepresentation** and constituting **Professional Misconduct**, as defined by **TDRPC**, I could be FORCED to "*act as my own attorney*" in an official Court Proceeding on July 31st, 2014. I was never provided "*proper notice and service*" of Legal Documents, including my Right to a (competent) Attorney and *to this date* never notified of the July 28th, 2014 *ex parte* conference or the Comal County Court on July 31st, 2014 or provided with any **Right to Appeal**.

Reprehensibly, Carter Casteel and Barron Casteel have for so long been allowed to earn unethical fees with their protocol of malpractice in the Comal County Court with no sanction from The State Bar of Texas, they can openly assert nonsense and lies in **Orders** and **Motions**, impede a Defendant's Right to competent Counsel

against them, and influence ineffectual attorneys, like Adam Alden Campbell, to go along with the harassment, **Barratry** and **Professional Misconduct** until the very date of the Comal County Judge's agreement, July 31st, 2014 to award TEMPORARY ORDERS, and FINAL PROTECTIVE ORDERS to Barron Casteel and Carter Casteel, even while my elderly, ailing spouse requested they **NOT** proceed with the dangerous and absurd "*Divorce Lawsuit*."

By Judge Gary L. Steel's disgraceful **OFFICIAL OPPRESSION** against me in failing to accord me with **Due Process of Law,** Barron Casteel and Carter Casteel lied to the Comal County Judge that I had been served all Legal Notices as required by Law but that I had disrespectfully failed to attend the Hearing on July 31st, 2014 that awarded Casteel & Casteel, Pllc with:

1. TEMPORARY ORDERS, that order me: ***to pay $10,000 to Barron Casteel*** on or before September 1, 2014 but does not describe what interim attorney's fees or expenses there may be.
2. The **FINAL PROTECTIVE ORDERS**, I was prohibited from providing Care-giver services to my aged, ailing husband, Clement. Per the absurd **FINAL PROTECTIVE ORDERS,** I may not:
1. go within 1,000 feet of Clement or near my home at 1711 Lone Oak Rd., New Braunfels, TX 78132.
2. email or text Clement

I am required to attend a "*battering intervention and prevention program*" or will be fined ***$500 and confined in jail for six (6) months.*** I must pay ***$1,500 attorney's fees for the "services" of Barron Casteel on or before August 15th, 2014. I am ordered to pay a $16 protective order fee on or before August 15th, "3014."***

In spite of the fact that Clement has repeatedly ordered Barron Casteel to remove the **FINAL PROTECTIVE ORDERS** and **TEMPORARY ORDERS** since he terminated "*services*" in August, 2014, he has been unable (to date) to force Barron Casteel and Carter Casteel to **stop** pursuing me for more than **$11,516** due to those **FINAL PROTECTIVE ORDERS** and **TEMPORARY ORDERS**, which were **unethically sworn to be true** by Barron Casteel and Carter Casteel, and **unlawfully filed** in the **DISTRICT COURT, 207TH JUDICIAL DISTRICT, COMAL COUNTY, TEXAS.**

As Barron Casteel's ***prerequisite*** to the removal of the **FINAL PROTECTIVE ORDER** and **TEMPORARY ORDER** against me, which were filed **unlawfully** on July 31st, 2014 and remain in the **DISTRICT COURT, 207TH JUDICIAL DISTRICT, COMAL COUNTY, TEXAS** and per Barron Casteel's most recent dictum, ***both*** Clement and I must sign two (2) ***more*** **"***legal documents*" (a **JOINT MOTION FOR NONSUIT** and an **ORDER FOR NONSUIT**) and we must pay **large fees in Barratry** for Barron Casteel's processing of those alleged "*legal documents*" through the **COMAL COUNTY COURT.**

Clement and I are vexed by the lack of integrity of Casteel & Casteel Pllc Attys, a firm which professes to be knowledgeable and responsible in its practice of Law, yet it can so overtly demonstrate disregard of **Rules 8.04 (a)(5), 8.04 (a)(6) and 8.04 (a)(9**) and Barron Casteel's **unethical notion** that, while Clement has already been billed and paid Casteel & Casteel Pllc Attys an exorbitant sum **($4,599.25)** for purported "*legal services*" which served **no useful purpose** to his own **legitimate rights, claims, or objectives,** Barron Casteel and Carter Casteel (***on their own and against Clement's demands that they stop***) intend to continue to pursue me for **$11,516,** unless we agree to pay Casteel & Casteel Pllc Attys' thousands of dollars ***more*** to file ***additional*** **unethical and unlawful Motions** and **Orders** with the Comal County Court.

Clement and I agree that it is absurd for Barron Casteel to proclaim, by his recently **proffered bribe** to us, the "**NONSUIT MOTION** and **ORDER**" that he could possibly consider that Casteel & Casteel, Pllc Attys is performing a "*fiduciary duty to protect Clement against countersuits from me.*" Barron Casteel's purported objective, claimed by the ***"*NONSUITS bribe,"** is to force me to give up "*counterclaims*" against the Lawsuit: IN THE MATTER OF THE MARRIAGE OF CLEMENT WILLIAM MACHACEK AND DEBORAH WIDMER A/K/A/ DEBBIE ASBURY, **NO. C2012-0973B, FIRST AMENDED PETITION FOR DIVORCE**. Yet, I did not file a single, solitary **Motion**, request, or "**counterclaim**" at all because, ironically, from June 30th, 2014 until July 31st, 2014, Barron Casteel and Carter Casteel, through their **dishonesty, fraud, deceit and misrepresentation,** *and* in opposition to the **Tex. Disciplinary R. Prof'l Conduct 3.04,** prohibited me from obtaining a competent attorney that I so desired so I would be able to file a "*counterclaim*."

Instead of providing Kevin and Jasmine Butt with legal representation reflecting" allegiance, learning, skill and industry and employment of all appropriate legal means to protect and advance **the client's legitimate right, claims and objectives**," Barron Casteel entwined the Plaintiffs in a conflicted torment of illegal actions, while Casteel & Casteel, Pllc Attys violating laws and rules; on an **unethical path of Barratry and Professional Misconduct.** By obligating the Plaintiffs on 5/1/2007 (one day after the Closing was aborted) to the absurd, **frivolous Lawsuit** *without ever having investigated the allegations that I had "failed to make comprehensive REPAIRS TO MY HOMES FOUNDATION*," required by Foundation Expert Reports that the Plaintiffs had procured but never revealed to me, the American Title Property Insurer or the Wells Fargo lender, the malpracticing attorney, Barron Casteel, entrapped the Plaintiffs in a Lawsuit they could not win in a Court of Law.

Such an absurd Lawsuit alleged damages of ***$100,000*** and much more (not for the serious foundation problems which the Plaintiffs and Barron Casteel were unlawfully concealing) but for **Breach of Contract** due to Barron Casteel's fabrication of Plaintiffs "*loss of rents*" and the huge "*attorney fees*" accumulated by Barron Casteel over *the two year period* of the **fraudulent** would have cost the Plaintiffs tens of thousands of dollars in **Barratry** and **Professional Misconduct** if the Case had been decided by a Jury Trial. The Plaintiffs made the disgraceful mistake of continuing to perjuring themselves on multiple Documents promulgated by Barron Casteel; so that they were fearful of failing to go along with Barron Casteel, and Judge Gary L. Steel in the Forced Sale of my Home in the **fraudulent** real estate scam.

It did not matter to Judge Gary L. Steel that one of the Plaintiffs, Jasmine Butt, had failed to sign the Affidavit pertaining to the makeshift **Summary Judgment** (which contained only lies); only Kevin Butt signed as the sole Plaintiff. Judge Steel decided that I must pay what Barron Casteel falsely wrote that I owed as "damages" in the false **Summary Judgment** while I had no attorney representing me. The deceitfully revised **Summary Judgment** required that I pay **thousands of dollars in damages** for undisclosed repairs to my home (when the walk-thru by the **Mediated Settlement** had listed no necessary repairs) and for Barron Casteel's attorney fees for the frivolous Lawsuit (when the second **Mediation** had called for me to pay only $760 to him).

On the day of the forced Closing, March 22, 2009, Acie McAda, attorney for 1st American Title Company, knew well that the Plaintiffs and Barron Casteel had concealed information about the property's serious foundation deficiencies, and the unrepaired "walk-thru" items that were never listed or shown to me, as the Seller, or acknowledged as repaired to my own satisfaction, as the Seller. The Wells Fargo Lender understood that there was a long-standing (***costly***) Lawsuit that had not been settled in a Court Setting but that my home was inauspiciously removed from my own possession on January 22nd, 2009.

Michael Morris signed at the Closing with my Power of Attorney but I have not ever given my pledge to **Confidentiality in The Matter of the Fraud** (*and I will not do so*). Mr. Morris carefully wrote into our Legal Services Contract, that although he noted the **Misconduct** and **Malpractice** in the actions of the attorneys and the Court, he further stated that I must not misconstrue that he would also purse **those Matters** for me, as well, if **The Motion for a New Tria**l failed. Mr. Morris told me that his small firm could not afford to alienate a sitting judge or those named Comal County attorneys who he relied on for his business referrals.

On the day of the forced Closing, March 22, 2009, the attorneys, Barron Casteel and Acie Craig McAda, removed the rules on the American Title Insurance Company Forms that Michael Morris required so that when I take the **real estate fraud** to a Civil Trial in the future, ***there will be no requirement that we compromise out-of-court and without a Jury Trial.*** Although Barron Casteel and Acie Craig McAda knew well that their unlawful actions to FORCE me to sell my home with a Deficient Title would be the basis for multiple, future Lawsuits, and **possible threat of imprisonment for the Plaintiffs**, (parents of young, twin boys) the two disgraceful lawyers sat silent in **professional misconduct** according to Michael Morris, the attorney who I had been forced to give my Power of Attorney to for the purpose of the Forced Sale of my home to the corrupt Plaintiffs and their malpracticing attorney, Barron Casteel. **I did not attend the Forced Closing on March 22nd, 2009**.

b. Subsequent to Ray's resignation**,** no **"**Special Administrative Counsel position" exists at the State Bar of Texas - so *no one is responsible for answering inquiries from complainants who want to know why their complaints were dismissed*. Approximately the time that Mr. Stanley submitted his "Petition," BODA's Jackie Truitt, in contempt

of **THE SUPREME COURT MANDATES** that requires a complainant must receive a full explanation on dismissal of an inquiry or a complaint" *began conducting "secret conferences for BODA*" which have a **sole purpose of denying Grievance "writings" without explanation or investigation.**

BODA's Jackie Truitt (whose Texas State Bar Card number, if any is unavailable), sends out "*standard Notices of Appeal Received*" to the Complainants and to Respondent Attorneys, indicating that 3 BODA Members will meet in a "(***secret****) conference*;" **no hearing is held** - to review the "writing" *with no other information*. Respondent Attorneys are warned "***not send additional information concerning the grievance."***

It is apparent that BODA's Exec. Director & General Counsel McKeeman does know that BODA is **NOT** authorized to assemble a Panel of BODA Members in any concentrated effort to "***deny," "complete," "close,"*** **Complainants' Grievances, and give improper notice that "*there is no Appeal from the Board's decision*."** But, that simple understanding does **NOT** humiliate BODA's Exec. Director & General Counsel McKeeman; she abstains from implicating herself in an act in opposition to **THE SUPREME COURT OF TEXAS** rules by ordering others, for example, Jackie Truitt, to do so.

Disgracefully, BODA's Executive Assistant, Jackie Truitt, disregards any mandate from **THE SUPREME COURT OF TEXAS** that demands a complainant's **Right to Grieve attorney misconduct**, **amend any grievance denied by BODA**, and **appeal CDC's re-determinations of Amendments**. If the Grievance "writing" is denied and dismissed, per **THE SUPREME COURT OF TEXAS Rules,** the Complainant deserves **a full explanation of why the Grievance "writing" does not meet the CDC's definition of attorney misconduct as described in the TDRPC**.

Prior to CDC's Special Administrative Counsel Maureen E. Ray's **voluntary withdrawal of her license to practice law** and from the TX State Bar on April 10th, 2015, she degraded public trust of the State Bar of Texas to an intolerable, low opinion by making **incongruous** and **overtly untrue** "*answers*' to complainants who wanted to know why their Grievance "writings" were dismissed as "inconsequential inquiries" without **any explanation** or **investigation**. Now Bar employees who are Members of the Texas State Bar are fearful of making absurd "*explanations*" to complainants and facing their own punishment of forced "*voluntary withdrawal*" from the Texas State Bar.

In fact, without the "protection" of Maureen E. Ray's absurd "answers" sent on State Bar of Texas Letterhead, CDC and BODA attorneys who are members of the State Bar of Texas, forgo ***any explanation***; *sometimes* ***will not even sign their names*** *on the "standard" letters they send out to deny Complainants and* ***refuse to read, classify or make any record of Grievances sent to the CDC****!* I have received two Grievances back, my full packages – never read - inclusive of all documentation, with CDC's "Multiple Grievances" letter in which CDC refuses to read, classify, or ***even make a record of the Grievance "writing!"*** Although I have steadfastly returned the Grievances against Barron Casteel and Carter Casteel, and complained to GOC, **many** CDC employees and to **THE SUPREME COURT OF TEXAS'** Nina Hess Hsu, General Counsel; and The Honorable Jeffrey V. Brown, Texas State Supreme Court Liaison, to date, both Grievances (against Barron Casteel and Carter Casteel) have gone UNCLASSIFIED.

ii. Under the "*authority*" of Marvin W. Jones, BODA's Chair for 2014-2015, "BODA'S REPORT FOR 2015" describes a *new* "***PROCEDURE FOR AN APPEAL FROM A GRIEVANCE DISMISSAL.****"*

The "*new procedure*" is administered by Jackie Truitt, Executive Assistant, BODA who is an office manager and not a member of the State Bar of Texas. BODA's Exec. Director & General Counsel McKeeman orders BODA's Executive Assistant, Jackie Truitt, to send out "st*andard Notices of an assembly of three (3) BODA Members*" to read a Grievance "*writing*" denied by CDC as "an inconsequential inquiry," without **any explanation** to the Complainant or further investigation of the Grievance, and "Grievance dismissal" – *without any Provision of* ***Due Process of Law*** *to the Respondent Attorney*.

BODA's Executive Assistant Truitt's *"standard Notices of an assembly of three (3) BODA Members" misspells the word "Disciplinary*" in the phrase "the Office of the Chief ***Disciplinary*** Counsel of the State Bar of Texas" and insists that the three (3) Member BODA team will "*decide*" whether the "*appeal alleges*" a violation of the **TDRPC** in a "(*secret) conference*; **no hearing is held**." Ms. Truitt cautions the Grievance Complainant to send no more information because "*only material that CDC already reviewed*" when CDC denied the Grievance as an "inconsequential inquiry," will be reviewed – **AGAIN** - by three (3) BODA Member. The "*standard Notices*

of an assembly of three (3) BODA Members" states in **bold type***:* **"Please do not send any additional information concerning the grievance to the Board.**

BODA's Executive Assistant Truitt's *"standard Notices of an assembly of three (3) BODA Members"* does provide a "cc" to the Respondent Attorney. However, because the Grievance "*writing*" has only been classified as an "inconsequential inquiry," and not ever a "complaint," the Respondent Attorney must be very bewildered *because the lawyer has not ever been provided with a copy of the Grievance "writing."* Preposterously in the first paragraph, BODA's Executive Assistant Truitt's official notice on BODA Letterhead declares in bold print: "**The attorney does not need to respond or take any action at this time unless contacted to do so."**

Even more alarming to the Respondent Attorney is the fact that three (3) unknown BODA members will consider only the Complainant's Grievance "*writing*" and, then, ***make a decision whether the Grievance "writing" describes professional misconduct per the definition of the TDRPC.*** The BODA "FINAL DECISION" is based only upon the Grievance "writing" with no other information and will be sent to both the Complainant and Respondent Attorney in writing. No doubt in all cases, the disgruntled Client has explicitly told the lawyer all about the contents (involving **dishonesty, fraud, deceit and/or misrepresentation**) of the Grievance "*writing*" previously over the telephone or in face-to-face meetings and has discharged the attorney in many cases. Providing no **Due Process of Law** to either the Complainant or the Respondent Attorney, BODA's Executive Assistant Truitt's *"standard Notices of an assembly of three (3) BODA Members" (with the word disciplinary spelled wrong in the first paragraph),* commandingly states in the last sentence of the two (2) paragraph letter*:* ***"We will notify both parties in writing of the Board's decision."***

ii. On October 15th, 2014, I received my first "Notice of Appeal Received" letters, RE: "Debbie G. Asbury v. Adam Alden Campbell, 20145100; BODA Case No 55135[34] noting on the top "The BOARD OF DISCIPLINARY APPEALS – APPOINTED BY THE SUPREME COURT OF TEXAS" and signed by Christine E. McKeeman's Executive Assistant, Jackie Truitt, whose Texas State Bar Card number (if any) is unavailable.

Before October 15th, 2014, the Respondent Attorney, Adam Alden Campbell, may not know that I had filed a Grievance on August 19th, 2014, (although I told him explicitly I would do so on June 30th, 2014). But, CDC denied my Grievance "writing," giving no explanation of the denial and dismissal. I had been advised by the CDC that there would be no further investigation of the "inconsequential inquiry." Attorney Campbell had not even received a copy of the CDC "*standard Denial Notice*" dated September 4th, 2014. The Respondent Attorney did not know that there was an Appeal of the Grievance Denial and Dismissal until the October 15th, 2014 letter from BODA's Executive Assistant Jackie Truitt (who is not an attorney and Member of the State Bar).

It must have really been confusing to attorney Campbell because on November 19th, 2014, BODA sent him a "cc" of the "standard Appeal Denial Notice" signed by Christine E. McKeeman, which denied and dismissed a Grievance "writing" that attorney Campbell had never been sent a copy of before. Perhaps, attorney Campbell was relieved to see that BODA ***denied", "complete," "closed"*** **and "*there is no Appeal from the Board's decision*"**
because, just after I discharged attorney Campbell "for cause," he was forced to leave his position at the firm, "Jodie Head Lopez and Associates, P.C. and went "solo" out of his home in Marion, Tx.

iii. The January 8th, 2015 "Notice of Appeal Received" may be in regard to an Amendment I filed to the Grievance "writing" which was never reviewed by CDC because BODA had already denied and dismissed the Original Grievance of August 19th, 2014 against Adam Alden Campbell and steadfastly refused the December 8th, 2014 Amendment.

[34]Attached is BODA's Executive Assistant's Jackie Truitt's ""*standard Notices of an assembly of three (3) BODA Members,"* dated October 15th, 2014, RE: Debbie G. Asbury v. Adam Alden Campbell, 201405100; BODA Case No. 55135 which was mailed to me four (4) days after BODA's receipt of my Notice of Appeal of CDC's classification of my Grievance as an "inconsequential inquiry." Note the misspelling: "disciplanary counsel"

The "Notices of Appeal Received" are exactly identical except for the Dates and BODA's identifying information; October 15th, 2014 indicates "201405100; BODA Case No. 55135" but January 8th, 2015[35] Truitt letter indicates "201407486; BODA Case No. 55572." The "Notice of Appeal Received" letters are in complete opposition to Regulations emanating from **The Supreme Court of Texas** and, even more absurdly, conflict with Constitutional Rights of both Complainants and Respondent Attorneys Rights to **Due Process of Law.**

In simple terms, Christine E. McKeeman, Executive Director & General Counsel of BODA, has asserted an authority that BODA has not been provided with by **The Supreme Court of Texas**, i.e., to make any ***secret adverse determination*** against my Grievance against Adam Alden Campbell filed on August 19th, 2014 and the Amended Grievance filed on December 8th, 2014. Additionally Executive Director & General Counsel McKeeman absurdly contends that BODA, can lawfully make clandestine pronouncements about the respondent attorney Campbell's **Professional Misconduct** without respecting **Due Process of Law,** including:

- Proper Notice; for example; a full copy of my Grievance against Adam Alden Campbell filed on August 19th, 2014 and the Amended Grievance filed on December 8th, 2014 must be provided to the respondent attorney.
- An opportunity for respondent attorney Campbell deliver his response to both the Office of the Chief Disciplinary Counsel and the Complainant within thirty (30) days after receipt of the notice and having read my Grievance filed on August 19th, 2014 and the Amended Grievance filed on December 8th, 2014,

iv. With no further notices from Executive Assistant Jackie Truitt and the three (3) BODA Members, BODA's Executive Director & General Counsel, Christine E. McKeeman, **FINALLY** "***denies," "completes," "closes,"* and gives improper notice that "*there is no Appeal from the Board's decision*,"** after each of the "*secret conferences*."

The violations of **THE SUPREME COURT OF TEXAS Rule** are clear to any reasonably intelligent and prudent person to comprehend:

- I received The "Notices of Appeal Received" on October 15th, 2014; a "*secret conference*" was held.
- I received BODA's "*standard Appeal Denial Notice*," dated November 19th, 2014, signed by Christine E. McKeeman, which does NOT provide me with information describing my Right to file an Amendment. However, my letter to BODA's Executive Director & General Counsel, dated December 8th, 2014, expressed my notification of my filing of an Amendment **within the 20 day time limit** provided by The **TEXAS RULES OF DISCIPLINARY PROCEDURE, Section 2.10**.
- A "*shortened standard Denial Notice*," signed by CDC's Asst. Disciplinary Counsel, S.M. Beckage, dated December 29th, 2014, refused CDC's review of the Amendment; that was **irrevocably denied** ("***denied", "complete," "closed"* and "*there is no Appeal from the Board's decision*")** by BODA on November 19th, 2014.
- BODA's Exec. Director & General Counsel McKeeman apparently back-dated the improper "Appeal **Denial Notice"** to a the prior year (February 13th, **2014**)" because the first part of the **Denial Notice** states: "Dear Ms. Asbury" **On February 12th, 2015**, the Board of Disciplinary Appeals appointed by the Supreme Court of Texas considered your appeal from the dismissal…the Board affirms the dismissal….. "***denied," "complete," …"closed," … "there is no Appeal from the Board's decision.*"**

Without any explanation*, investigation, Right to Amend, and Appeal BODA's obviously wrong "*determinations,*"** a Complainant is sent a BODA Notice and **EACH "inquiry classification"** becomes **FINAL (*denied," "completed," "closed,"* and given improper notice that "*there is no Appeal from the Board's decision*")** without the Texas State Bar ever conducting **any investigation** based on the "*writing,*" and ***never providing any explanation to the Complainant why **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** are not a **violation of the TDRPC.**

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[35] Attached is BODA's Executive Assistant's Jackie Truitt's ""*standard Notices of an assembly of three (3) BODA Members,"* (misspelling disciplinary - as "disciplanary") dated January 8th, 2015, RE: Debbie G. Asbury v. Adam Alden Campbell, 201407486; BODA Case No. 55172 a "Notice of Appeal Received" signed by BODA's Executive Assistant to Christine E. McKeeman, Jackie Truitt, although I had filed an Amendment to case --- not a "new Grievance;" as indicated by the January 8th, 2015 "standard Notice."

10. Under the "*authority*" of offensive State Bar Officials and Appointees, the attorney disciplinary system has broken down irretrievably. Violation of **THE SUPREME COURT OF TEXAS' Rules** renders the lawyer-discipline system unconstitutional and discriminatory; without any purpose but to conceal **professional misconduct**.

Statutory Rules provide Complainants with Grievance & Amendment Rights, Proper Notice & Appeal Rights.	CDC and BODA conceal attorney **misconduct** in an obvious effort to avert discipline of Bar Members.
A Grievance "writing" alleging **barratry, dishonesty, fraud, deceit, misrepresentation, or other professional misconduct** must be classified by CDC as a **Complaint. Per TRDP 2.10,** the Respondent Attorney must be provided a copy of the Complaint with notice to respond, in writing, to the allegations of the Complaint and must **deliver the response to both CDC and the Complainant within thirty days after receipt of the notice."** If no "just cause" is determined by CDC after an investigation of the Complaint, a panel of the District Grievance Committee, (a Summary Disposition Panel) considers "dismissal" at a closed hearing without the Complainant or the Respondent Attorney present. However, per **TX GV. Code, Section 81.072**, it is incumbent upon the CDC to provide a **full explanation** to each complainant on dismissal (of inquiry) **or complaint**. A **Complaint** cannot be **FINALLY** dismissed by CDC until Complainant has been accorded Constitutional **Right to Due Process**: adequate notice, a hearing, and a neutral judge who will **NOT** discriminate against a Complainant or a Respondent Attorney. A Complainant must be provided notice of a Right to Appeal to BODA within 30 days of receipt of CDC's Notice of Dismissal (by Panel) of a Complaint. Per **TX GV. Code, Section 81.075,** if CDC determines "just cause," the Respondent Attorney may request a trial in a district court using procedures adopted by **THE SUPREME COURT**; or the CDC will place the complaint on a hearing docket if the Respondent Attorney does not request a trial in a district court. A panel of a district grievance committee shall **conduct a hearing on each complaint** placed on the hearing docket, after which, a panel can dismiss or find that **professional misconduct** occurred and impose sanctions. P**er TEX GV. Code, Texas Statues – Section 81.072,** whenever a grievance is dismissed as an inquiry or a complaint in accordance with **TRDP and that dismissal has become FINAL**, the Respondent Attorney, **after having been accorded Due Process of Law**, may thereafter deny that a grievance was pursued and may file a motion with the tribunal seeking expunction of all records on the matter.	If a "*Complaint*," CDC requires a Respondent Attorney to respond to Grievance "writings" within 30 days. Complainant is required to submit all evidence and documents of **professional misconduct**. If CDC determines there is not enough evidence to proceed, it arbitrarily determines there is "*no just cause*." CDC calls a Summary Disposition Panel to vote to dismiss the **Complaint without the presence of the Complainant or Respondent Atty.** CDC's "*standard Summary Disposition Panel Denial Notice*" provides ambiguous information **solely to the Complainant**, for example: (1) CDC can be allowed by statutory rules to forgo **Compulsory Discipline** in cases that are investigated as a "Complaint" but later "Dismissed" by a Panel due ***to lack of evidence in a Hearing which is Closed to the Complainant and the Respondent Attorney***. (2) "Confidentiality" and Panel Dismissals can lawfully supersede Right to **Due Process** per **TDRPC 81.072**. CDC's ""*standard Summary Disposition Panel Denial Notice*" does not provide a **full explanation** on Dismissal of a Complaint. **Nor does CDC obey statutory law that requires CDC's provision of notice of Complainant's Right to Appeal to BODA.** In contempt of **statutory mandate**, CDC provides a false "*standard Summary Disposition Panel Denial Notice*" that **FINALLY** "***denies," "completes," "closes,"* and gives improper notice that "*there is no Appeal from the Summary Disposition Panel's decision."*** CDC's conspicuous **discriminatory bias** toward the Respondent Attorney is unconstitutional. A dysfunctional CDC allows itself to find **barratry, dishonesty, fraud, deceit, or misrepresentation to be defined as attorney misconduct in the TDRPC;** but arbitrarily determines CDC is **NOT** required by **TRDP** to provide compulsory discipline to the Respondent Attorney ***if the Complainant has NOT provided*** "*enough evidence to satisfy a discriminatory CDC*" of Respondent's engagement in **Attorney Misconduct.** CDC unlawfully asserts a Complaint can be "dismissed" *without Compulsive Discipline and no Hearing inclusive of the Complainant and Respondent Attorney,* while **at the same time advising the Respondent Attorney how to have any and all Record of the Complainant's Grievance expunged.**

a. Subsequent to an investigation of a Complaint (in which **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation** described in the Grievance "writing" are determined to constitute **professional misconduct** as defined in **TDRPC),** CDC unlawfully asserts that a Complaint can be **FINALLY** "dismissed" *without any Compulsive Discipline and without a Hearing inclusive of the Complainant and Respondent Attorney,* while ***at the same time advising the Respondent Attorney how to have any and all Record of the Dismissal expunged.***

> ...."Petitioner asked certain questions, including…"Is the Chief Disciplinary Counsel's Office applying a standard for reviewing grievances that is other than that provided by Texas Law (i.e., the Texas Rules of Disciplinary Procedure)? For example, is the Chief Disciplinary Counsel taking the position that it gets to "guess" about the ultimate outcome of a grievance rather than follow the procedural rules under Texas Law? If so, under whose authority has that important decision been made?
>
> Marc R. Stanley, Petition for Administrative Relief, dated September 29th, 2014, page 8.

In order to enable a State Bar Member (who has a Complaint filed against him/her for **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation or other professional misconduct,** to go without ***any sanction or disbarment***, CDC purposely misinterprets **TDPR 2.13**[xxi] in such a way as to make the rule governing a Summary Disposition Hearing (which are conducted without the presence of the Complainant or the Respondent Attorney) as unconstitutional:

> **TDRP 2.13**. "Summary Disposition Setting: Upon investigation, if the Chief Disciplinary Counsel determines that Just Cause does not exist to proceed on the Complaint, the Chief Disciplinary Counsel shall place the Complaint on a Summary Disposition Panel docket. At the Summary Disposition Panel docket, the Chief Disciplinary Counsel will present the Complaint together with any information, documents, evidence, and argument deemed necessary and appropriate by the Chief Disciplinary Counsel, without the presence of the Complainant or Respondent. The Summary Disposition Panel shall determine whether the Complaint should be dismissed or should proceed. If the Summary Disposition Panel dismisses the Complaint, both the Complainant and Respondent will be so notified. There is no appeal from a determination by the Summary Disposition Panel that the Complaint should be dismissed or should proceed…."

In CDC's peculiar and unconstitutional application of **TDRP 2.13**, CDC asserts that CDC need not be bound by statutory law in **TDRP 2.10** to notify the Complainant and Respondent of the dismissal and **TX GV. Code, Section 81.072** to provide a **full explanation** on Dismissal of a Complaint. **Nor does CDC obey statutory law that requires CDC's provision of notice of Complainant's Right to Appeal to BODA.** In contempt of **statutory mandate (TRDP**: **2.12. Investigation & Determination of Just Cause)**, CDC denies a Complainant's Grievance by CDC's arbitrary "rule" that there is "*not enough evidence submitted by the Complainant*" to support a finding of "just cause."

It is ludicrous that CDC purports that it has authority from statutory rules that justify that CDC can forgo a Hearing in which both the Complainant and Respondent Attorney are present and where each can present information, document, evidence and arguments. An *unregulated* CDC **cannot lawfully place the burden of proof on the Complainant** in such a manner and deny (for lack of evidence from the Complainant) that "**professional misconduct**" occurred without a fair Hearing and an independent decision by an unbiased judge.

CDC's false "*standard Summary Disposition Panel Denial Notice*" that **FINALLY** "***denies," "completes," "closes,"* and gives improper notice that "*there is no Appeal from the Summary Disposition Panel's decision"*** is nothing but an unlawful artifice of the **Improper Notices Procedure and Grievance Denial Procedures**. Any such misconception by CDC that the **TDRP** can or *would EVER* provide a "safe harbor" for CDC's impropriety of failing

to provide a full investigation of and compulsory discipline to attorneys who misconduct themselves can be immediately struck down by reading **TDRP 1.03.**

> **" Construction of the Rules**: These rules are to be broadly construed to ensure the operation, effectiveness, integrity, and continuation of the professional disciplinary and disability system. The following rules apply in the construction of these rules: A. If any portion of these rules is held unconstitutional by any court, that determination does not affect the validity of the remaining rules."

b. In full opposition to statutory laws, e.g., **TDRP 2.10** which requires notification the Complainant and Respondent of the dismissal and **TX GV. Code, Section 81.072** to provide a **full explanation** on Dismissal of a Complaint, CDC, instead, conceals Complainants documents and proofs (which are taken by CDC from the Grievance "writing" and CDC's investigation of the Complaint) in a (*secret*) "*Confidentia*l" Summary Disposition Panel file. Then, CDC purports there is *"not enough evidence in that Confidential file*" to support a finding of "just cause." As a final absurdity, CDC refers the Complainant to the Client-Attorney Assistance Program (CAAP) in order to "*settle the dispute*" over denial of the Complainant's life, liberty or property outside the sanction of law!

i. CDC's "*standard Summary Disposition Panel Denial Notice*" evidences CDC's oblique misinterpretation of the **TEX GV. Code § 81.072** to mean that CDC *can be excluded* from any provisions of the **Due Process of Law Clause** and **need NOT call for a Hearing including the presence of both the Complainant and the Respondent Attorney** prior to the **FINAL** "Dismissal of a Complaint" and a subsequent referral to CAAPS. An *unregulated* CDC cannot lawfully **FINALLY** "Dismiss" a Complaint by an investigation that concludes because a Complainant has not provided a "CDC mandatory required" list of evidences (which CDC conceals in a *Confidential* file).

In order to enable a State Bar Member (who has a Complaint filed against him/her for **Barratry, Dishonesty, Fraud, Deceit** and **Misrepresentation or other professional misconduct,** to go without ***any sanction or disbarment***, CDC purposely misinterprets **TEX GV. Code 81.072 (d) and (e),** which states:

> "(e) The state bar shall establish a voluntary mediation and dispute resolution procedure to:
> (1) attempt to resolve each allegation of attorney misconduct that is:
> (A) classified as an inquiry under Section 81.073(a)(2)(A) because it does not constitute an offense cognizable under the Texas Disciplinary Rules of Professional Conduct; or
> (B) classified as a complaint and subsequently dismissed…"

CDC inanely commands that it has the authority of **THE SUPREME COURT OF TEXAS** to deny and FINALLY DISMISS any complaint by means CDC's assemblage of a (*secret*) "*Confidentia*l" Summary Disposition Panel file. It is incongruous to me that any part of the Texas State Bar who are assigned with the task of reviewing Complainants Grievances in order to provide proper Discipline to Texas State Bar Members could assert that they are endowed with statutory authority to DENY AND DISMISS Grievances (FINALLY and without Due Process of Law) by gathering arbitrary evidences from a Complainant in a "***secret, Confidential file***!"

There is no language anywhere in Texas Law that – if the CDC's investigation does not find enough evidence that would effortlessly provide a conviction(in another valuable remedy or authority might pursue against a Respondent Attorney than the Texas State Bar Grievance process) of the lawyer for the **professional misconduct** described in the Complaint, that the Respondent Attorney needs no further scrutiny in the CDC investigation for the **barratry, dishonesty, fraud, deceit or misrepresentation or any other professional misconduct as it is defined in the TDRPC**. How absurd *to even think that* statutory laws would be inclined to favor a Respondent Attorney, not proof of innocence, over the Complainant *(*who has been arbitrarily denied life, liberty or property by the Government) outside the sanction of law) ***due to the Respondent Attorney's professional misconduct* at the point that CDC has classified the Grievance as a Complaint!**

In contempt of **statutory mandate**, CDC provides a false "*standard Summary Disposition Panel Denial Notice*" that **FINALLY** "***denies," "completes," "closes,"* and gives improper notice that "*there is no Appeal from the Summary Disposition Panel's decision."*** Because CDC fails to give notice to the Denied and Dismissed Complainant of a Right to Appeal the Grievance's improper Denial, CDC deprives Complainant's Constitutional Right to Due Process of Law. CDC precludes any disciplinary action from occurring by denying the Complainant's

Right to Appeal to BODA which has (per **TRPC 7.08)** Powers and Duties "*to Hear and determine actions for compulsory discipline*…"

ii. CDC's "*standard Summary Disposition Panel Notice*," attempting to make an improper **(FINAL**) Dismissal of a Complaint (due to failure to provided **Due Process of Law** to both the Complainant and the Respondent Attorney) is bizarrely sent in each and every Grievance that CDC has assembled a "*Summary Disposition Panel"* to endeavor to **FINALLY** "dismiss." Yet, CDC never provides a Hearing attended by both the Complainant and Respondent Attorney and never gives Complainant notice of a Right to File an Appeal and Amendments to BODA.

It is no concern to CDC that the improperly Dismissed Grievance Complaints describe and document **barratry, dishonesty, fraud, deceit or misrepresentation or any other professional misconduct as it is defined in the TDRPC**. Yet, in each case, CDC's "*standard Summary Disposition Panel Denial Notice*" absurdly contends – without any mention of Complainants Right to an ***Appeal*** of the Denied Complaint, the Complainant may have CAAPS, "***mediate the dispute***" in a face-to-face conference with the offensive attorney, if he/she will appear ***voluntarily.***

It is bizarre that CDC's Assistant Disciplinary Counsels asserts that a Grievance Complainant **denied and summarily dismissed** without a fair Hearing or notice of a Right to File an Appeal to BODA might be encouraged to "***mediate a dispute*"** - with the assistance of a CAAPS attorney from The State Bar – while the Respondent Attorney has *previously demonstrated* such **professional misconduct** that the Complainant already wrote a Grievance against <u>that same Respondent Attorney</u>.

From the start of such a preposterous "*dispute resolution procedure*," the CAAP attorney will always agree with CDC that the Respondent Attorney's actions (*if he/she shows up voluntarily*) do **<u>not</u>** constitute **professional misconduct**. The ***<u>voluntary</u>*** "*dispute resolution procedure*" is futile in the case that the Grievance alleges **professional misconduct** as it is defined in the **TDRPC** but is *<u>improperly</u>* **FINALLY DISMISSED** by CDC without a fair Hearing or notice of a Right to File an Appeal to BODA. A complainant will only become more enraged as the CAAPS attorney and the Respondent attorney **<u>will always *dismiss*</u>** all of the "*alleged* ***professional misconduct***" of the Respondent Attorney without ***<u>any explanation</u>*** or further investigation to the Complainant.

iii. CDC's "*standard Summary Disposition Panel Notice*," insinuates wrongly that there must be an "attorney-client relationship" for CAAP to assist after a **FINALLY** "***denied," "completed," "closed,"*** (secret) **"Confidential file; and for which "*there is no Appeal from the Summary Disposition Panel's decision."***

Nowhere in **TDRPC** is there an exception that prohibits to a Grievance filing for **barratry, obstruction of justice, dishonesty, fraud, deceit or misrepresentation or any other professional misconduct as it is defined in the TDRPC,** nor for the "alternative dispute procedure, CAAP**"** if the Respondent Attorney is not "one's own retained attorney" so that the "dispute" arises from an attorney-client relationship.

c. CDC unlawfully asserts that a Complaint can be **FINALLY** "dismissed" *<u>without any Compulsive Discipline</u> and <u>without a Hearing inclusive of the Complainant and Respondent Attorney</u>,* while ***at the same time advising the Respondent Attorney how to have any and all Record of the Dismissal expunged.***

It is apparent that CDC has set a priority to sway CDC's investigation of a Complaint in favor the Respondent Attorney who is apparently above any reproach no matter what is indicated by the Complaint. As witness of their overt bias, CDC proclaims that any Complaint, dismissed by the Summary Disposition Panel, can be **FINALLY DISMISSED**, without <u>any Explanation</u> to the Complainant but certainly relieving the Respondent Attorney from any concern of Disciplinary Action stemming from the Complainant's Grievance. **TRDP 2.13**, asserts an extreme effort in a flood of sentences to orchestrate the disposal of the (secret) "Confidential" Summary Disposition Panel "file" with no consequence of reprimand or discipline whatsoever to the Respondent Attorney.

> **TRDP 2.13. Summary Disposition Setting:** Upon investigation, if the Chief Disciplinary Counsel determines that Just Cause does not exist to proceed on the Complaint, the Chief Disciplinary Counsel shall place the Complaint on a Summary Disposition Panel docket. At the Summary Disposition Panel

docket, the Chief Disciplinary Counsel will present the Complaint together with any information, documents, evidence, and argument deemed necessary and appropriate by the Chief Disciplinary Counsel, without the presence of the Complainant or Respondent. The Summary Disposition Panel shall determine whether the Complaint should be dismissed or should proceed. If the Summary Disposition Panel dismisses the Complaint, both the Complainant and Respondent will be so notified. There is no appeal from a determination by the Summary Disposition Panel that the Complaint should be dismissed or should proceed. All Complaints presented to the Summary Disposition Panel and not dismissed shall be placed on the Hearing Docket. The fact that a Complaint was placed on the Summary Disposition Panel Docket and not dismissed is wholly inadmissible for any purpose in the instant or any subsequent Disciplinary Proceeding or Disciplinary Action. Files of dismissed Disciplinary Proceedings will be retained for one hundred eighty days, after which time the files may be destroyed. No permanent record will be kept of Complaints dismissed except to the extent necessary for statistical reporting purposes. In all instances where a Complaint is dismissed by a Summary Disposition Panel other than where the attorney is deceased or is not licensed to practice law in the State of Texas, the Chief Disciplinary Counsel shall refer the Inquiry to a voluntary mediation and dispute resolution procedure.

Because CDC, in noncompliance to statutory laws, is assuming an unconstitutional authority to DENY and DISMISS Complaints without provision of **Due Process of Law** to either the Complainant or the Respondent Attorney, CDC provides improper "*standard Denial Notice/Summary Disposition Panel*" letters which ignore the Constitutional Rights of Grievance Complainants to have a fair Hearing and an independent decision by an unbiased judge.

d. In an effort to demonstrate the deleterious effects of CDC's improper denials of Complaints to proper administration of justice, I refer to CDC's Assistant Disciplinary Counsel's unlawful and unconstitutional dismissal of the Complaint Donald R. Courtney – Scott Harold James .[36] I have attached a CDC "*standard Denial Notice/Summary Disposition Panel*" which was provided to the Complainant, Donald R. Courtney.

The Respondent Attorney Scott Harold James defrauded Mr. Courtney (and others) in a scheme of gross **fraud, dishonesty, deceit, and misrepresentation**. Without consulting with Mr. Courtney (and others), attorney James obtained property appraisals and sold off properties owned by Mr. Courtney (and other Clients) for much less than they would accept and without their approval or authority. When Mr. Courtney refused to accept a check for a pittance offered to him as a "*settlement*," attorney James kept funds (which attorney James "*allocated*" to Mr. Courtney) and refused to return phone calls of Mr. Courtney. When law firm partners of Scott Harold James refused to accept Mr. Courtney's (and other Clients) phone calls, Scott Harold James left the law firm and began a "solo" practice. Scott Harold James no longer has a phone number listed on the Internet at which he can be reached; one must contact him by email.

Mr. Courtney explained to me that, while he provided *comprehensive evidence and documentation that Scott Harold James' Contract did not allow that he could accept any "settlement offer" without presentation of an appraisal of the property and the signed approval of Mr. Courtney*, Assistant Disciplinary Counsel Stevens told Mr. Courtney over the telephone that Scott Harold James (and James' wife) told the Summary Disposition Panel that Mr. Courtney *gave verbal approval* to accept the settlement offer. Mr. Courtney was never given **any explanation of why the evidence and documentation that he provided was not a consideration of the Summary Disposition Panel**; but that attorney James' unproven statements that he had "verbal approval to accept a settlement offer" were sufficient to the Summary Disposition Panel so that the Complaint was dismissed **with no disciplinary consequence to Scott Harold James.**

[36] Attached is a "standard Denial Notice/Summary Disposition Panel" from CDC's Assistant Disciplinary Counsel, Rebecca (Beth) Stevens, provided to Donald R. Courtney, dated December 17th, 2015, Re: 201501048.

On December 17th, 2015, CDC's "*standard Denial Notice/Summary Disposition Panel,*" summarily removed all Rights to Property that had been in Mr. Courtney's family for generations. Contemptibly, the CDC asserts:

> "In accordance with the Texas Rules of Disciplinary Procedure, following this determination by the Chief Disciplinary Counsel your complaint was presented to a Summary Disposition Panel of District 8 Grievance Committee. The Panel has voted to dismiss the complaint. Please know that the Office of the Chief Disciplinary Counsel maintains confidentiality in the grievance process as directed by the Texas Rules of Disciplinary Procedure.
>
> Although there is no appeal of the Panel's decision to dismiss your grievance, the State Bar of Texas maintains the Client-Attorney Assistance Program (CAAP),…. **CAAP is not a continuation of the attorney disciplinary process, and participation by both you and your attorney is voluntary."**

Donald R. Courtney has been denied **Due Process of Law**; although the Complaint alleged **dishonesty, fraud, deceit or misrepresentation and any professional misconduct as it is defined in the TDRPC,** CDC has unlawfully chosen to disregard the theft of Mr. Courtney's money and property in favor of the Respondent Attorney's verbal statements that Mr. Courtney told the attorney over the telephone that permission was given. Mr. Courtney has no Appeal Rights; CDC has FINALLY DENIED and DISMISSED his case and explained that the (secret) Confidential Summary Disposition Panel file does not contain enough "evidence of the crime" that was committed against Mr. Courtney.

Appallingly Donald R. Courtney's only remedy against the Respondent Attorney has been lost to him in the unfair Grievance process but Scott Harold James has continued to deceive Texas Clients at will. The Respondent Attorney can apply for **expunction** of the very fact of the Grievance filing. Scott Harold James' will experience no effect whatsoever from Mr. Courtney's Complaint filing. As **expunction** is described in **TDRP 2.13**:

> The fact that a Complaint was placed on the Summary Disposition Panel Docket and not dismissed is wholly inadmissible for any purpose in the instant or any subsequent Disciplinary Proceeding or Disciplinary Action. Files of dismissed Disciplinary Proceedings will be retained for one hundred eighty days, **after which time the files may be destroyed. No permanent record will be kept of Complaints dismissed** except to the extent necessary for statistical reporting purposes.

CDC's Linda A. Acevedo, BODA's Christine E. McKeeman, BODA's Chair Marvin W. Jones, and GOC Chair, Catherine N. Wylie, and CLD Chair Guy Harrison Have Mocked **The Supreme Court of Texas** by Directing an **Improper Grievance Procedure** That ***Denies*** Texas Complainants and Respondent Attorneys **Due Process of Law**.

I have provided more than thirty-five (35) Complaints/Reports to CDC's Linda A. Acevedo, BODA's Christine E. McKeeman and , and GOC Chair, Catherine N. Wylie, and CLD Chair Guy Harrison requiring that a response be made to me in accordance with **81.036.INFORMATION ON CERTAIN COMPLAINTS.** I have never received a single, solitary response.

Over six (6) years, I received one terse letter, from Catherine N. Wylie, Chairman of the Grievance Oversight Committee, dated January 22nd, 2015,[37] which referred to only two (2) of the letters/reports I had written but did not specify the correct dates of those letters. At Chair Wylie's GOC "committee meeting," I was allotted only twenty-five minutes to provide the details of the **Improper Notices Procedure and Grievance Denial Procedures**. Chair Wylie quickly ushered me out of the "committee meeting," nervously explaining that there was nothing she could do. I compiled more reports in March, 2015 and sent them by Priority Mail to CDC's Linda A. Acevedo, BODA's Christine E. McKeeman and , and GOC Chair, Catherine N. Wylie, and CLD Chair Guy Harrison. I have received no response at all to my letters/reports and full documentation of the **Improper Notices Procedure and Grievance Denial Procedures.**

In early December of 2015, I emailed www.txboda.org to inquire if I could be mailed printed copies of BODA Reports 2005-2013 because I had only been able to download the 2015 BODA Report from the website. I was only able to download the 2014 BODA Report by information from Marc R. Stanley's **Petition**. I have attached a copy of the emailed reply from Gayle Vickers, BODA's Deputy Director Counsel,[38] which gives incorrect information that the Reports from 2005 through 2015 are readily available and can be mailed if BODA is contacted. BODA's Deputy Director Counsel Vickers asserts in a "*Confidential*" email that BODA Reports 2005-2015 are "linked" on txboda.org. To date, Gayle Vickers, BODA's Deputy Director Counsel, is unwilling or has not been able to correct the information on the www.txboda.org Home Page that all BODA Reports (2005 through 2015) can be mailed to individuals if so desired.

It has become apparent to me that State Bar of Texas Officials and Appointees have been clinging to the **Improper Notices Procedure and Grievance Denial Procedures** by a (secret) "*confidentiality encryption"* and insolent incompetence that is pervasive; especially notable in the disgraceful "*standard form Denial letters*" which give misleading instructions and wrong information. The **Improper Notices Procedure and Grievance Denial Procedures:**

- shield Texas attorneys from any compulsory discipline by its' deliberate misclassification of Complainants' Grievances as Inquiries**;** and its' unlawful dismissal of Complainants' "writings" with *no explanation* and *no investigation*;
- exhibit "denial tenets on improper notices" for the purpose of providing one-sided, prejudiced support of Respondent Attorneys in summary investigations of Grievances classified as Complaints;

[37] Attached is a letter dated January 22nd, 2015, Re: Letters dated December 14, 2014 & January 5, 2015, from Catherine N. Wylie, Chairman of the Grievance Oversight Committee.

[38] Attached is an email, dated Dec. 1, 2015 from Gayle Vickers with is marked "Confidential" and contains the incorrect information that "reports from 2005 through 2015 are available on our website for you to download. Because they are readily available on our website, we do not mail paper copies of the reports." Although I have replied to Gayle Vickers incorrect information, as of today 12/28/2015, the link http://txboda.org/annual-reports is contained NOWHERE on www.txboda.org. Anyone interested must diligently search "Google" for BODA Reports 2005 thru 2014.

- leave each Complainant angry, adversely affected financially and emotionally abused with **no explanation**;
- wrongfully deprive Texans of the Constitutional Right to **Due Process of Law**.

I contend the State Bar of Texas Officials and Appointees have formed into a vigilante band, operating ***in complete opposition to TDRPC Rule 8.03 (a)*** which commands a lawyer having knowledge that another lawyer has committed a violation of applicable rules of professional conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, shall inform the appropriate disciplinary authority. The vigilantes eschew the mandate from **THE SUPREME COURT OF TEXAS** which provides the Texas State Bar is that "appropriate disciplinary authority,"instead choosing to encourage attorneys in Texas to practice **Barratry and Misrepresentation, to act Dishonestly, Deceitfully, and to conduct Fraudulent schemes.**

State Bar of Texas Officials and Appointees are *very obviously* **concealing ALL grievance "writings" filed by Complainants in the regular Grievance Process.** Using a convoluted rational that the Texas State Bar is "*helping*" its own members by *hiding the huge number of Grievances* filed against Texas attorneys – by **never classifying certain Complaints**, or **providing explanations and investigations, failing to record the Grievances of Complainants**, and **not providing much needed discipline**. The Texas State Bar has, instead, rendered itself ***completely meaningless***; an excruciating embarrassment to **THE SUPREME COURT OF TEXAS**, and an overwhelming obstacle to overcome in the system of justice in Texas.

I petition **The Supreme Court of Texas** to remove the Texas State Bar Membership and Licenses to Practice Law of Texas Officials and Appointees who have participated in willful and/or grossly negligent violations of **The Supreme Court Rules**. In a Report to **The Supreme Court of Texas,** I will name the State Bar of Texas Members who I know from my own personal experience have deliberately harmed *tens of thousands of Texans* by their failure follow the exact course of **The Supreme Court of Texas Laws**.

The erosion of trust in the Bar by lawyers and the public has to degraded to such a point that only Appointment of an independent Inspector General to **review all grievances** that have been denied and dismissed by either CDC and BODA during (*at least*) the last six (6) years and to take over the Grievance Process from the State Bar of Texas; placing investigatory and adjudicatory functions for all Grievances filed by both attorneys and non-attorneys with the Office of the Attorney General.

SUMMARY OF ARGUMENT. The Supreme Court has the inherent power to regulate the practice of law in Texas. The State Bar of Texas is an administrative and regulatory arm of the Court. The Court appoints and oversees BODA. When a problem exists with the Court's agents not enforcing the Court's Rules, only the Court can address those deficiencies and non-compliance. Ultimately, the buck stops with this Court and whether the Court is satisfied with its agents' adherence to its directives should be of paramount importance. Marc R. Stanley's "Petition for Administrative Relief" dated September 29th, 2014.

Sincerely Yours,

Debbie G. Asbury

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[i] "ORGINAL PROCEEDING IN THE SUPREME COURT OF TEXAS, in re Marc R. Stanley, PETITION FOR ADMINISTRATIVE RELIEF, dated September 29th, 2014, By Marc R. Stanley, State Bar No. 1946500, STANLEY LAW

GROUP, 3100 Monticello Ave, Suite 770, Dallas, Texas 75205, (214) 443, 4300 FAX: 214-443-0358
marcstanley@mac.com

[ii] **TEX GV. Code, Texas Statues – Section 81.073, CLASSIFICATION OF GRIEVANCES:**

"(a) **The chief disciplinary counsel's office shall classify each grievance on receipt** as:
(1) **a complaint**, if the grievance alleges conduct that, if true, **constitutes professional misconduct** or disability cognizable under the Texas Disciplinary Rules of Professional Conduct; or
(2) **an inquiry**, if:
(A) the grievance alleges conduct that, even if true, does **not** constitute professional misconduct or disability under the Texas Disciplinary Rules of Professional Conduct; …"

[iii] **TRDP, 2.10. Classification of Inquiries and Complaints**

"The Chief Disciplinary Counsel shall within thirty days examine each Grievance received to determine whether it constitutes an Inquiry or a Complaint. If the Grievance is determined to constitute an Inquiry, the Chief Disciplinary Counsel shall notify the Complainant and Respondent of the dismissal. The Complainant may, within thirty days from notification of the dismissal, appeal the determination to the Board of Disciplinary Appeals. If the Board of Disciplinary Appeals affirms the classification as an Inquiry, the Complainant will be so notified and may within twenty days amend the Grievance one time only by providing new or additional evidence. The Complainant may appeal a decision by the Chief Disciplinary Counsel to dismiss the amended Complaint as an Inquiry to the Board of Disciplinary Appeals……"

[iv] Per **TEX GV. Code Section 81.072, GENERAL DISCIPLINARY AND DISABILITY PROCEDURES:**

"(a) In furtherance of the supreme court's powers to supervise the conduct of attorneys, the court shall establish disciplinary and disability procedures in addition to the procedures provided by this subchapter.
(b) The supreme court shall establish minimum standards and procedures for the attorney disciplinary and disability system. The standards and procedures for processing grievances against attorneys must provide for:
(1) classification of all grievances and investigations of all complaints
(2) a **full explanation** to each complainant on dismissal of an inquiry or a complaint;"

[v] **TRDP, 2.10. Classification of Inquiries and Complaints**

"……..If the Grievance is determined to constitute a Complaint, the Respondent shall be provided a copy of the Complaint with notice to respond, in writing, to the allegations of the Complaint. The notice shall advise the Respondent that the Chief Disciplinary Counsel may provide appropriate information, including the Respondent's response, to law enforcement agencies as permitted by Rule 6.08. **The Respondent shall deliver the response to both the Office of the Chief Disciplinary Counsel and the Complainant within thirty days after receipt of the notice."**

[vi] **TEX GV. Code 81.072 (d) and (e)**

(d) Each attorney is subject to the Texas Rules of Disciplinary Procedure and the Texas Disciplinary Rules of Professional Conduct.
(e) The state bar shall establish a voluntary mediation and dispute resolution procedure to:
(1) attempt to resolve each allegation of attorney misconduct that is:
(A) classified as an inquiry under Section 81.073(a)(2)(A) because it does not constitute an offense cognizable under the Texas Disciplinary Rules of Professional Conduct; or
(B) classified as a complaint and subsequently dismissed; and

(2) facilitate coordination with other programs administered by the state bar to address and attempt to resolve inquiries and complaints referred to the voluntary mediation and dispute resolution procedure.

[vii] **TEX GV. Code, Texas Statutes – Section 81.073, CLASSIFICATION OF GRIEVANCES, (3) (4) (5) (6) (7) (8) (9) (10) and (11).**

(a) In furtherance of the supreme court's powers to supervise the conduct of attorneys, the court shall establish disciplinary and disability procedures in addition to the procedures provided by this subchapter.
(b) The supreme court shall establish minimum standards and procedures for the attorney disciplinary and disability system. The standards and procedures for processing grievances against attorneys must provide for:

(3) periodic preparation of abstracts of inquiries and complaints filed that, even if true, do or do not constitute misconduct;

(4) an information file for each grievance filed;

(5) a grievance tracking system to monitor processing of grievances by category, method of resolution, and length of time required for resolution;

(6) notice by the state bar to the parties of a written grievance filed with the state bar that the state bar has the authority to resolve of the status of the grievance, at least quarterly and until final disposition, unless the notice would jeopardize an undercover investigation;

(7) an option for a trial in a district court on a complaint and an administrative system for attorney disciplinary and disability findings in lieu of trials in district court, including an appeal procedure to the Board of Disciplinary Appeals and the supreme court under the substantial evidence rule;

(8) an administrative system for reciprocal and compulsory discipline;

(9) interim suspension of an attorney posing a threat of immediate irreparable harm to a client;

(10) authorizing all parties to an attorney disciplinary hearing, including the complainant, to be present at all hearings at which testimony is taken and requiring notice of those hearings to be given to the complainant not later than the seventh day before the date of the hearing; (16024)

(11) the commission adopting rules that govern the use of private reprimands by grievance committees and that prohibit a committee:

(A) giving an attorney more than one private reprimand within a five-year period for a violation of the same disciplinary rule; or

(B) giving a private reprimand for a violation that involves a failure to return an unearned fee, a theft, or a misapplication of fiduciary property; and

(12) distribution of a voluntary survey to all complainants urging views on grievance system experiences.

(c) In addition to the minimum standards and procedures provided by this chapter, the supreme court, under Section 81.024 shall prepare, propose, and adopt rules it considers necessary for disciplining, suspending, disbarring, and accepting resignations of attorneys.

[viii] **TRDP VIII. MAINTAINING THE INTEGRETY OF THE PROFESSION,**
Rule 8.04 Misconduct

(a) A lawyer shall not: (1) violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship; (2) commit a serious crime or commit any other criminal act that reflects adversely on the lawyers honesty, trustworthiness or fitness as a lawyer in other respects; (3) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

[ix] http://txboda.org/sites/default/files/PDFs/Report2005.pdf

[x] **INTERNAL PROCEDURAL RULES**
Board of Disciplinary Appeals SECTION 10: APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS
Rule 10.01 Appeals to the Supreme Court

(a) A final decision by BODA, except a determination that a statement constitutes an inquiry or a complaint under TRDP 2.10, may be appealed to the Supreme Court of Texas. The clerk of the Supreme Court of Texas must docket an appeal from a decision by BODA in the same manner as a petition for review without fee.

[xi] **TRDP, 7.11 Judicial Review**

7.11 Judicial Review: An appeal from a determination of the Board of Disciplinary Appeals shall be to the Supreme Court. Within fourteen days after receipt of notice of a final determination by the Board of Disciplinary Appeals, the party appealing must file a notice of appeal directly with the Clerk of the Supreme Court. The record must be filed within sixty days after the Board of Disciplinary Appeals' determination. The appealing party's brief is due thirty days after the record is filed, and the responding party's brief must be filed within thirty days thereafter. Except as herein expressly provided, the appeal must be made pursuant to the then applicable Texas Rules of Appellate Procedure. Oral argument may be granted on motion. The case shall be reviewed under the substantial evidence rule. The Court may affirm a decision on the Board of Disciplinary Appeals by order without written opinion. Determinations by the Board of Disciplinary Appeals that a statement constitutes an Inquiry or transferring cases are conclusive, and may not be appealed to the Supreme Court.

[xii] The issue of Debbie G. Asbury's 2009 Grievance involved ***fraud*** on the part of Barron Casteel. The Grievance fully depicts a criminal act that is best described as ***Mortgage Bank Fraud.*** **Cause #C2007-0475A,** Kevin L. Butt and Jasmine A. Butt v. Debbie G. Asbury, Barron Casteel stated on June 5th, 2014 that he had little or no recollection of the Lawsuit.

On January 22nd, 2009, Debbie G. Asbury, was unfairly forced by Barron Casteel and Judge Gary L. Steel to "act as her own attorney" in a Court Case on another Matter: a ***fraudulent*** real estate scam conducted by Barron Casteel which culminated in March, 2009 by forcing Debbie G. Asbury to provide an ***invalid*** Title to Plaintiffs, Kevin and Jasmine Butt. It is the subject of the 2009 Grievances against Barron Casteel and the website, www.statfoundation.com.

[xiii] BODA Reports 2005-2015: http://txboda.org/annual-reports. "The Report 2014, THE BOARD of DISCIPLINARY APPEALS, APPOINTED BY THE SUPREME COURT OF TEXAS."

[xiv] BODA Reports 2005-2015: http://txboda.org/annual-reports "The Report 2015, THE BOARD of DISCIPLINARY APPEALS, APPOINTED BY THE SUPREME COURT OF TEXAS."

[xv] **Government Code, Title 2. Judicial Branch, Subtitle G. Attorneys, Chapter 81. State Bar.**

Sec. 81.011. GENERAL POWERS. (a) The state bar is a public corporation and an administrative agency of the judicial department of government.

(b) This chapter is in aid of the judicial department's powers under the constitution to regulate the practice of law, and not to the exclusion of those powers.

(c) The Supreme Court of Texas, on behalf of the judicial department, shall exercise administrative control over the state bar under this chapter.
Added by Acts 1987, 70th Leg., ch. 148, Sec. 3.01, eff. Sept. 1, 1987.

[xvi] **INTERNAL PROCEDURAL RULES, Board of Disciplinary Appeals,** *Effective February 19, 2015*

SECTION 3: CLASSIFICATION APPEALS

Rule 3.01 Notice of Right to Appeal

(a) If a grievance filed by the Complainant under TRDP 2.10 is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in TRDP 2.10 or another applicable rule.

[xvii] This link lists BODA reports 2005-2015: http://txboda.org/annual-reports. Click on the ones you wish to download.

Gayle Vickers, gvickers@texasbar.com, *Deputy Director/Counsel*

Board of Disciplinary Appeals
Appointed by the Supreme Court of Texas
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[xviii] **TX GV Code, Section 81.072**

(o) Whenever a grievance is either dismissed as an inquiry or dismissed as a complaint in accordance with the Texas Rules of Disciplinary Procedure and that dismissal has become final, the respondent attorney may thereafter deny that a grievance was pursued and may file a motion with the tribunal seeking expunction of all records on the matter, other than statistical or identifying information maintained by the chief disciplinary counsel pertaining to the grievance.

[xix] "The Report 2015, THE BOARD of DISCIPLINARY APPEALS, APPOINTED BY THE SUPREME COURT OF TEXAS" indicates on Page 5:

APPELLATE JURISDICTION.

Appeals from Evidentiary Judgments

"Either the Commission for Lawyer Discipline or an attorney against whom discipline has been imposed by a State Bar Grievance Committee may appeal any judgement from an evidentiary proceeding, including dismissal, findings of professional misconduct, or sanction imposed….."

[xx] **TDRPC 8.04 (a)(2), Disciplinary Rules 8.04 (a)(3)**

Rule 8.04 Misconduct (a) A lawyer shall not: (1) violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship; (2) commit a serious crime or commit any other criminal act that reflects

adversely on the lawyers honesty, trustworthiness or fitness as a lawyer in other respects; (3) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;…"

[xxi] **TRDP 2.13. Summary Disposition Setting:** Upon investigation, if the Chief Disciplinary Counsel determines that Just Cause does not exist to proceed on the Complaint, the Chief Disciplinary Counsel shall place the Complaint on a Summary Disposition Panel docket. At the Summary Disposition Panel docket, the Chief Disciplinary Counsel will present the Complaint together with any information, documents, evidence, and argument deemed necessary and appropriate by the Chief Disciplinary Counsel, without the presence of the Complainant or Respondent. The Summary Disposition Panel shall determine whether the Complaint should be dismissed or should proceed. If the Summary Disposition Panel dismisses the Complaint, both the Complainant and Respondent will be so notified. There is no appeal from a determination by the Summary Disposition Panel that the Complaint should be dismissed or should proceed. All Complaints presented to the Summary Disposition Panel and not dismissed shall be placed on the Hearing Docket. The fact that a Complaint was placed on the Summary Disposition Panel Docket and not dismissed is wholly inadmissible for any purpose in the instant or any subsequent Disciplinary Proceeding or Disciplinary Action. Files of dismissed Disciplinary Proceedings will be retained for one hundred eighty days, after which time the files may be destroyed. No permanent record will be kept of Complaints dismissed except to the extent necessary for statistical reporting purposes. In all instances where a Complaint is dismissed by a Summary Disposition Panel other than where the attorney is deceased or is not licensed to practice law in the State of Texas, the Chief Disciplinary Counsel shall refer the Inquiry to a voluntary mediation and dispute resolution procedure.