

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#); [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, May 02, 2016 8:12:06 AM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Saturday, April 30, 2016 6:49 AM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: Statfoundation

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

I oppose the very idea that the OCDC is needed for Attorney Discipline - because it is a corrupt system maladministered by incompetent officials of The State Bar and appointees of The Supreme Court. I would like to present a much better alternative: Per TRDP, Part V. Chief Disciplinary Counsel, CLD has had a choice of whether or NOT the General Counsel of the State Bar of Texas will continue to hold the function and to serve as Chief Disciplinary Counsel for CLD. Had Chair Harrison been compelled by an honest sense of duty and responsibility to protect the public, he would have discerned that CDC has, since 1/1/2004, mocked The Supreme Court of Texas by directing an Improper Grievance Procedure that Denies Texas Complainants and Respondent Attorneys Due Process of Law. Certainly I have Priority Mailed many Reports directly to Chair Harrison, marked as requests per The Government Code, Title 2, Subtitle G, Chapter 81, Subchapter A, Chapter 325 of The Government Code - Texas Sunset Act, Section 81.036, INFORMATION ON CERTAIN COMPLAINTS. I have never received a single, solitary response to even one request.

Per TRDP, §5.01, if CLD Chair Harrison had rightly determined that CDC was offending the public with the dysfunctional Grievance System and promulgating a chaos among lawyers and clients of the Texas Justice System that will be difficult (perhaps impossible) to repair and very costly, Chair Harrison could have petitioned the Board of Directors of the State Bar of Texas (for example in January or February [odd years] 2013 – or 2015) to provide funds to select and hire a lawyer, sufficient deputies, and assistants, to replace the biased and unethical CDC offered to CLD by the Board of Directors of the State Bar of Texas. It appears Chair Harrison has forever “kicked the can” down the road, instigating the formulation of a Class Action Lawsuit of all DENIED and DISMISSED Complainants that have been deprived of Due Process of Law (since, at least, 1/1/2004) against the State Bar of Texas.

Per TRDP, §5.03, “On disciplinary and disability matters, the Chief Disciplinary Counsel is accountable only to the Commission (for Lawyer Discipline).” One must ask why Chair Harrison recluses himself and all members of OCDC and CLD from the wreckage of OCDC in the aftermath of Marc R. Stanley’s PETITION. Will Chair Harrison expect that no more repercussions after the loss of OCDC’s Special

Administrative Counsel Maureen E. Ray along with her license to practice law? Will he continue to blissfully ignore the fact that OCDC continues to send out improper “standard Grievance Denial Notices,” unsigned Notices without any Respondent Attorney’s name in the Reference, and even fail to read, classify and record Grievances against attorneys! I have filed but OCDC sent them back to me as though they are allowed to do so by OCDC. OCDC routinely DENIES and DISMISSES valid Complaints without Due Process of Law?

Marc R. Stanley suggests (on Page 12 of the PETITION) that:

“To say 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.” For several years I have documented my Critiques of The State Bar of Texas, assuming that they would be presented in The Sunset Report; but I see NOTHING worthwhile.

Any Alternative or New Recommendations on This Agency: I recommend that OCDC get the BOOT NOW--- a new agency must take over effective 1/1/2017.

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#); [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, May 02, 2016 8:04:59 AM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Saturday, April 30, 2016 4:07 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: Statfoundation

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

Issue 4 states that The Sunset Review did not reveal the significant problems resulting from the Conflict of Interest of the Bar to regulate attorneys and to act as a professional association. If that is true, The Sunset Review simply failed diligence in The Sunset Review. An important purpose of the task force that must be established by administrative order of The Supreme Court of Texas, is to propose Legislation to protect, as a Class, all Grievance Complainants, those Deprived of Appeals of Attorney Misconduct Determinations (hereafter "DAAMD") who have been subjected to attorney misconduct as defined in TDRPC but had their valid Grievances irrevocably "denied", "completed," "closed" and were given false notice that "there is no Appeal from BODA's or the District Grievance Committee Summary Disposition Panel's decision."

Tens of thousands of Complainants have suffered intolerable monetary and property losses, lost important rights accorded by the US Constitution for protection of individuals and families, and/or even liberty, through the Barratry, Dishonesty, Fraud, Deceit and Misrepresentation of undisciplined Texas attorneys. CDC's, CLD's, BODA's and GOC's DENIALS and DISMISSALS of valid Grievances have demonstrated contempt of The Supreme Court Rules meant to protect Texans from attorney misconduct. The irredeemable Bar cadre discriminated against Complainants by depriving Complainants of Due Process, failing to investigate Grievances and concealed the evidence of wrongdoing in order to shield Respondent Attorneys from Discipline.

The State Bar of Texas, a "trade association," has mismanaged the Grievance System since, at least, 1/1/2004. Disgracefully, as State Bar officials and Supreme Court appointees have noticed that no one is watching, the Grievance System has become ingrained with gross negligence of Complainants' Rights, and caused severe financial and emotional damages by DENYING and DISMISSING valid Grievances with no Disciplinary Consequence to the Respondent Attorney.

By their "work" in opposition to The Supreme Court of Texas statutes, CDC, CLD, BODA and GOV have provided a privilege to Texas State Bar members to be unfettered by any fear of Disciplinary Action while freely exploiting the trust of Texans who must rely on the Texas State Bar for the administration of justice. Unethical Texas attorneys, with a Median Income of \$113,291, give vows to deferentially serve Texans who have only a

Median Household Income (in 2014) of \$53,035; but as long as those attorneys continue to pay dues to the State Bar for "membership" they can maintain a license to "lie, cheat, and steal" even those small amounts of money or meager properties that low income households may have. Without any Disciplinary constraints, unethical attorneys can and have filed huge numbers of frivolous Lawsuits, breaking State and Federal Laws without sanction, directed improper Motions in Texas Courts without Due Process of Law, stolen millions of dollars in barratry from Texans and deprived UNPROTECTED Texans of liberty and freedom. Unethical attorneys pillaged and plundered their way through The Courts, unrestrained in their dishonesty, fraud, deceit or misrepresentation.

The Improper Notices Procedure and Grievance Denial Procedures has directly financially benefited each and every one of the 96,912 State Bar of Texas active members by failing to discipline Respondent Attorneys in even the most obviously valid Grievances describing dishonesty, fraud, deceit or misrepresentation, and by concealing the most heinous attorney misconduct by a process of EXPUNGEMENT of Grievances.

Any Alternative or New Recommendations on This Agency: Legislation will be crucial to protect the Class of "DAAMD." A February 8th, 2016 Order on Respondent's Motion on Res Judicata and Estoppel (Charles J. Sebesta), will serve as a precedent for each of the tens of thousands of DAAMD to re-file their Grievances against each Respondent. In brief, the Order provides that "preliminary screening decisions" of BODA's Grievance Panels and Summary Disposition Panels have NO RES JUDICATA effect; contradicting an absurd misinterpretation of the Bar held, since at least 1/1/2004, that those "preliminary screening decisions" were FINAL DECISIONS - AND COULD NOT BE APPEALED!

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#); [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, May 02, 2016 8:04:42 AM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Sunday, May 01, 2016 6:48 AM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: statfoundation

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

I oppose the continuation of the State Bar of Texas for another 12 years because it has devastated the respect of the public for attorneys and the legal profession in Texas - because NO ONE WAS WATCHING corrupt "officials" of the State Bar and "appointees of The Supreme Court."

Complainants have been DENIED and DISMISSED Grievances by a humiliating misinterpretation of TRDP 2.10: in opposition to The Supreme Court Rules; BODA has abjectly failed to provide Proper Notice of Complainants' Rights to file Grievance Amendments and Appeal of Amendment decisions to BODA, since, at least, 1/1/2004.

Both Complainants and Respondent Attorneys are deprived of their Right to file an Appeal to The Supreme Court by BODA's IPR 10.01, which restricts "Inquiries or Complaint classification decisions" from qualifying for an Appeal to The Supreme Court. Below are recommendations that can be implemented to immediately terminate the Improper Notices Procedure and Grievance Denial Procedures.

a) Legislation to revise BODA's IPR, 10.01. Appeals to the Supreme Court – to remove the exception of "determinations that a Grievance (statement) constituting an inquiry or complaint" from inclusion as cases that can be Appealed to The Supreme Court.

Although establishment of a new discipline system, e.g., transferring investigatory and adjudicatory function to the Office of the Attorney General, may take a year or more, The Supreme Court of Texas can remove the phrasing that is causing such discomfiture to CDC, CLD, BODA and GOC by their misinterpretation that BODA has "authority" from The Supreme Court of Texas to DENY and DISMISS Grievances, with NO explanation and NO Due Process of Law on determinations adverse to the Complainants and providing NO disciplinary consequence for attorney misconduct. Currently, Complainants are unlawfully denied APPEAL RIGHTS and are deprived of any

recourse against the damaging effects of the wrongful Classification “decision.”

Unfairly, very few of Complainants’ Grievances against Respondents are “determined” to demonstrate “just cause” and are set on a Roster for an Evidentiary Hearing or District Court. However, due to a misinterpretation of Statutes, eff. 1/1/2004, CDC, CLD, BODA and GOC, DEPRIVE Respondents of a Right to Appeal a CDC’s “just cause decision” to BODA.

Due to a misconstruction, those “decisions” of CDC and a Summary Disposition Panel that a Complaint demonstrates “just cause” are made by fledgling attorney/employees of the Bar after reading a “writing” of a NON-ATTORNEY Complainant! Such complete chaos is caused by the misinterpretation because a Respondent is required to make a reply to (usually) a NON-ATTORNEY, who (generally) has no knowledge of TDRPC or TRDP.

To save themselves time, CDC staff attorneys and Summary Disposition Panels routinely “find” NO JUST CAUSE – after an “investigation”

except if the Respondent refuses to make a REPLY to a “writing” from a Complainant which can, no doubt, appear nonsensical to an attorney. Prior to the Complainant-adverse Change, eff. 1/1/2004, Respondents could APPEAL the fact of a Classification as a Complaint to BODA – BEFORE HE/SHE HAD TO MAKE REPLY TO THE COMPLAINANT! Clearly, the advent of Summary Disposition Panels, eff. 1/1/2004, is unconstitutional (because it disregards a Respondent’s Right to Due Process) and must be REPEALED IMMEDIATELY!

There are innumerable inequities caused by “misinterpretations” of Changes, eff. 1/1/2004, related to State Bar Act [Texas Gov’t Code §81, et seq.]. For example but not limited to:

Complainants are DEPRIVED OF A RIGHT TO APPEAL AN EVIDENTIARY PANEL DECISION due to CDC’s,CLD’s, BODA’s and GOC’s inane misinterpretation.

However, (on the other hand), if a Judgment is rendered after an Evidentiary Proceeding, a Respondent Atty can APPEAL to BODA (per TRDP, 2.21. Notice of Decision,) so that it does not affect the Attorney’s Disciplinary Record with the State Bar.

To immediately stop the Improper Notices Procedure and Grievance Denial Procedures today, BODA’s IPR, 10.01. Appeals to the Supreme Court could be revised to provide Complainants Appeal Rights on equal basis with Respondent Attorney in the Attorney Disciplinary process. By revising BODA’s IPR 10.01, both Grievance Complainants and Respondent Attorneys, not satisfied with BODA’s adverse classification determinations, after provision of adequate notice, a fair hearing, or neutral judge (using procedural rules under Texas Law), could take the Appeal of BODA’s FINAL CLASSIFICATION DECISION to The Supreme Court.

Adjustment of BODA’s IPR, 10.01. Appeals to the Supreme Court would provide a renewal of interest in the TRDP and TDRPC among attorneys in that ALL FINAL DENIAL DECISIONS pertaining to Complainants’ Grievances describing Professional Misconduct as defined by the TDRPC which have been (previously) improperly classified, DENIED and DISMISSED and disregarded by the State Bar Grievance System, could be appealed to The Supreme Court. For example, any Grievances which described Misconduct but that:

- were reprehensibly disregarded and classified as a Inquiries (inconsequential to the attorney), or

- were classified as Complaints and “investigated” but the District Grievance Committee Summary Disposition Panel (in “secret,” confidential seclusion) determined there was NO “just cause” to believe that a Respondent Attorney conducted himself/herself unethically; so Complaints were DENIED and DISMISSED without explanation or provision of Due Process, and summarily expunged from the Respondent Attorney’s licensing record by the “trade association,” the State Bar of Texas.

The proposed revised rules would simply read:

“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 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.”

An immediate change in IPR Section 10: APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS would require a complete overhaul of the State Bar of Texas’

CLE workbooks which currently give a humiliating misinterpretation that the BODA decision on classification appeals is FINAL and cannot be amended, and the amendment cannot be appealed. Current informational sources (e.g., State Bar and BODA websites) fail to provide Notice that an Appeal to BODA can be amended per Regulations within 20 days of receipt of notice of BODA’s classification decision. Nor, do CLE workbooks or

BODA's website information provide the vital right of Complainants to Appeal BODA's adverse classification decision on an Amendment. For example, per

BODA's website information, CDC's, CLD's, BODA's and GOC's humiliating misinterpretation is noted on "Frequently Asked Questions Page:"

"Can I appeal a decision on my complaint? No. The BODA decision on classification appeals or transfer requests is final."

Any Alternative or New Recommendations on This Agency: IMMEDIATE REVISION OF BODA'S IPR 10.01... and ASAP --- e.g., transferring investigatory and adjudicatory function to the Office of the Attorney General...

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
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Date: Monday, May 02, 2016 8:12:00 AM

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From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Monday, May 02, 2016 3:35 AM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: Statfoundation

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

Issue 1 & Issue 4. The Rule-making Process at the State Bar is obstructed by the fact that officials of the State Bar and appointees of The Supreme Court do not observe recent changes in the legal profession and evolving national best practices; but rather act as Bar officials and Supreme Court appointees inappropriately act as “public relations agents” for lawyers. The direct result of Dues and Tax payments to the State Bar is a palpable bias which favors attorneys over the Complainants in Grievances; making certain that NO “just cause finding” or sanction is every applied against a Respondent Attorney. CDC, CLD, BODA and GOC lie, cheat, and conceal evidences; and proclaim Grievance Files as “(secret) and confidential” until they can be EXPUNGED --- within days of improper DENIALS and DISMISSALS of valid Grievances!

Most humiliating to The Supreme Court of Texas is that CDC, CLD, BODA and GOV purport their misconception that no lawful disclosure need be made per The Texas Public Information Act as long as:

- Complainants’ Grievances are DENIED & DISMISSED without Due Process by adherence to “unwritten exceptions” emanating from Improper Notices Procedure and Grievance Denial Procedures.

All Bar members and employees fully participate in the falsification of Complaints against the Respondent Attorney, secreting attorneys’ professional misconduct, i.e., barratry, dishonesty, fraud, deceit or misrepresentation and All agree with omissions from Texas attorneys’ State Bar Disciplinary Records.

Since April 20th, 2004, CDC, CLD, BODA and GOV have clung tightly to a misinterpretation of a response from Attorney General’s (AG’s) Office as “authority” to block (deny) any and all request for information about the Grievance System and Attorney Disciplinary Process. The AG’s April 20th, 2004 letter, does not say that only in cases of public sanction against an attorney can the CDC provide information related to the disciplinary proceeding in accordance with The Texas Public Information Act! It simply informs the State Bar’s Special Administrative Counsel, Maureen E. Ray, of the most obvious fact that the administration of justice requires application of Confidentiality Rules as well as each party’s right to Due Process: adequate notice, a fair hearing, and neutral judge (using procedural rules under Texas Law). Individuals who are

accused of wrongdoing must be found guilty in a Court of Law and not in the realm of the Media and/or public opinion.

CDC, CLD, BODA and GOV have long reckoned that the AG's April 20th, 2004 Response "gives" a savvy trick to conceal attorney misconduct: determine absolutely every request for information can to be denied unless and until there is a Public Sanction applied to an attorney! The cadre of DENIERS and DISMISSERS have insulted tens of thousands of Grievance Complainants with inconsequential "inquiry" classifications, findings of NO "just cause," and provided NO Disciplinary Sanctions to Texas attorneys; yet, apparently to date, none of the State Bar officials or BODA appointees considered their Misconduct to be obstruction of justice. While protesting that all requests for information per The Texas Public Information Act were banned per "(secret) confidentiality rules;" State Bar officials and Supreme Court appointees were actually perpetrating a "Disciplinary" System with a purpose of covering-up of attorney misconduct – like "public relations agents" who manipulate what the public need to know and what is not good for the public to know and conceals the truth.

Any Alternative or New Recommendations on This Agency:

Prompt removal of the Grievance System from the control of the State Bar, a public corporation that functions as trade association for attorneys, and disbarment of officials and Supreme Court appointees, so blatantly in noncompliance with The Court's Rules, is urgently required.

By Order of The Supreme Court of Texas, Maureen E. Ray's, Special Administrative Counsel, license to practice law in the State of Texas and bar card number was canceled on April 10th, 2015; a task force must discern why one CDC member is discharged from "duties" and not all of CDC, CLD, BODA and GOC.

Clarify The Supreme Court's inherent authority to oversee attorney discipline by repealing the maladministration of the State Bar.

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#); [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, May 02, 2016 8:11:54 AM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Monday, May 02, 2016 5:21 AM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: Statfoundation

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

It is sadly ironic that the State Bar conceals professional misconduct by lying. My full Report to The Supreme Court describes the disgraceful fact that for twelve years, Complainants DENIED & DISMISSED their Grievances have sought to know the Names of those “judges” on (“secret”) clandestine BODA Panels, Grievance Panels, Summary Disposition Panels and Evidentiary Panels who could have made such an erroneous “determinations” leaving the Respondents with NO DISCIPLINE. But, Spokeswoman Claire Mock repeatedly (and falsely) claims to Media and certainly tens of thousands of Complainants that such information is (“secret”) and confidential, unless and until a Respondent is accorded a Public Sanction.

In my study of BODA and CLD Reports from 2011 to 2015, I deciphered the following startling facts, regarding 28,827 Grievances which were acknowledged as received by CDC and BODA:
_27,417 Complainants were DENIED & DISMISSED with NO APPEAL – due to the State Bar's corruption and a lame misinterpretation by the State Bar of Changes, eff. 1/1/2004, related to State Bar Act [Texas Gov't Code §81, et seq.]

_1,410 Respondents were sanctioned but only 1,082 were given Public Sanctions, i.e. those 328 Private Sanctions along with 27,417 Complainants improperly DENIED & DISMISSED are (“secret”) and confidential per Spokeswoman Mock!

In my study, I found a plethora of Untruths to Media: e.g., “The state bar and commission declined comment on the ruling Tues, saying it is policy not to comment on pending litigation. Spokeswoman Claire Mock said she can recall only ‘maybe one other situation’ where a complainant requested a copy of the commission’s recommendation.”

Jess Davis in Law 360 (Oct. 27th, 2015), <http://www.law360.com/articles/719495/texas-court-keeps-attorney-complaint-records-private>, understandably, had an expectation that, a Complainant in a Grievance against an attorney would be entitled to a copy of the adverse decision made after disciplinary counsel reviewed information from both him and the attorney.

When the court agreed that, per Rule 2.16 of TRDP, the Complainant could be barred from accessing those records, Law 360's Jess Davis was taken aback at the very idea that, the person who started the complaint process, would be unable to get the CDC's Summary Disposition Panel's or Evidentiary Panel's DENIAL & DISMISSAL Recommendation File to help understand the adverse decision! Spokeswoman Mock and the Adverse-Complainant Dysfunctional Grievance System proponents have lied while professing an "authority" for their Improper Notices Procedure and Grievance Denial Procedures, since at least 1/1/2004, and not yet been booted from "duty" by The Supreme Court.

The "seasoned" judge in the case did not even consider how preposterous it is that a Grievance Complainant was DENIED DUE PROCESS OF LAW and could not get a copy of a blatantly unfair adverse decision made by a "disciplinary" counsel!

Spokeswoman Claire Mock fields all questions from Media by insipidly implying that there is nothing fundamentally wrong with DENYING and DISMISSING Complainant's Grievances without explanation or sufficient investigation, DEPRIVING Complainants of money, property and important Rights, and DUE PROCESS OF LAW; while concealing all docs and evidences pertaining to Respondent's Misconduct until EXPUNGEMENT. What Claire Mock most assuredly knows (but does not dare tell) is that per the State Bar's misinterpretation of Complainant-adverse Changes, eff. 1/1/2004, related to State Bar Act [Texas Gov't Code §81]), the Dysfunctional Grievance System "allows by an unwritten exception" concealment of all docs and evidence in "(secret)"confidential CLOSED FILES," purposely hiding them from the Media! Complainants are given improper Notice that they can be permitted NO Amendment Nor Appeal Rights from clandestine BODA or CDC Summary Disposition Panel DENIALS & DISMISSALS when, in fact, just the opposite is true - per Statutes.

A huge Media spectacle, the Anthony Graves/Robert S. Bennett Grievance against Charles J. Sebesta, clearly revealed that CDC Chief Linda Acevedo, contemptibly, provides the Names of those Members of the Summary Disposition Panels (NEVER TO COMPLAINANTS BUT) to Respondents after a FINDING OF JUST CAUSE. While Mr. Graves and Mr. Bennett were DENIED DUE PROCESS (DEPRIVED of a fair trial, neutral judge, and proper Notice of DENIAL & DISMISSAL with Appeal Rights) by the Complainant-adverse Grievance System, eff. 1/1/2004, CDC's Chief Acevedo provided a List of the Summary Disposition Panel to Respondent Sebesta so he could call each of them to beg for a DENIAL & DISMISSAL of the 2007 Grievance! (The 2007 Grievance was DENIED & DISMISSED!)

The truth was NEVER TOLD to the Media but research revealed a series of maneuvers that CDC's Chief Acevedo employed in her attempt to block the 2014 Public Disbarment of Sebesta! A first CDC DENIAL & DISMISSAL on February 22, 2007 (due to a Bennett/Graves Grievance against Sebesta's Obstruction of Justice whereby he withheld evidence and used false testimony to "win" a capital murder conviction against Anthony Graves occurred in 1992) was "determined" by CDC as UNIMPORTANT because it was beyond the Statute of Limitations! Disgracefully, CDC attempted to CONCEAL and DISCARD the Grievance even though it elucidated an inexcusable point - if Sebesta had gotten away with Professional Misconduct in 1992, just how many more times had he and other Prosecuting Attorneys in TX withheld evidence and used false testimony to win convictions? Just when would the travesty stop and accountability begin? The first CDC DENIAL & DISMISSAL was appealed to BODA by Complainants and BODA agreed that violations of TDRPC were described and had to be "investigated" by CDC. Thereby, Bennett/Graves enraged the tyrannical CDC's Chief Acevedo whose only concern with the Bennett/Graves Grievance was to keep it away from the Media.

BODA's assessment that revealed violations required ONLY a clandestine CDC "review" (not a hearing with a neutral judge). Before presenting a "just cause or - no just cause" decision to a Summary Disposition Panel, CDC required that Sebesta needed ONLY to make a "written reply" to Bennett/Graves and to CDC. After receipt of Sebesta's "written no just cause reply," Bennett/Graves Complainants had ONLY ten (10) days to refute Sebesta's assertions that "no just cause" existed.

Therefore, a biased CDC decision was made by CDC that "Just Cause did not exist." On July 18th, 2007, notified Sebesta that the Grievance was to be placed on a Summary Disposition Panel with a CDC recommendation that it be DENIED & DISMISSED. The July 18th, 2007 letter attached a List of Panel Members Assigned to Sebesta's Summary Disposition Panel; shocking because for all years since 1/1/2004 when such Panels came into existence, Complainants in the Grievance system have DEMANDED to know who the anonymous Summary Disposition Panel members who made such unfair decisions were but been denied access to them!

Clear evidence (in my Report, page 119) points to CDC's despicable, unethical tactic to EVADE accountability for the unconstitutional Complainant-adverse Grievance System by shutting out Complainants and the Media from obtaining information The Texas Public Information Act about unfair and unexplained DENIALS & DISMISSALS. It is ironic that the State Bar conceals professional misconduct by lying. An AG's April 20th, 2004 letter, (a copy is attached at #38) has absurdly been used since 1/1/2004 as a "precedent" for denials of ALL

REQUESTS for information through “the Act;” although the letter simply points out that, until after the accused is accorded Due Process, information requested per TRDP 15.10 and TX GVT Code § 81.033(a) is Confidential and cannot be subject to disclosure through “the Act.”

Any Alternative or New Recommendations on This Agency:

Why will any Texan retain any attorney (among the 96,912) for any reason when it becomes public knowledge that we are being disserved by an incompetent, corrupt, puerile “trade association” which does NOT DISCIPLINE; ONLY EXPUNGES all records of valid Grievances, DENYING & DISMISSING Complainants’ Grievances and DEPRIVING Statutory Rights to file AMENDMENTS AND APPEALS of adverse decisions? Contemptibly, the only manner in which Texans can impeach CDC is to propel a beckoning Media spotlight on the very worst of humanity; attorneys who regard their Law degree as an opportunity to lie, cheat and steal; depriving innocent victims (often indigent individuals with families) of Life, Liberty and The Pursuit of Happiness.

I petition The Supreme Court of Texas to take immediate action to investigate the vigilante groups, for example, but not limited to CDC, CLD, BODA and GOC, among the Texas State Bar membership. The Court must seek to retract (by Discipline and Disbarment) the Licenses to Practice Law of Texas officials and appointees who have participated in willful and/or grossly negligent violations of The Supreme Court Rules. CDC’s Linda A. Acevedo, BODA’s Christine E. McKeeman, BODA’s Chair Marvin W. Jones, and GOC Chair, Catherine N. Wylie, Spokeswoman Claire Mock, 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. State Bar of Texas Members and Supreme Court of Texas appointees have deliberately harmed tens of thousands of Texans by their failure follow the exact course of The Supreme Court of Texas Laws.

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#); [Cecelia Hartley](#)
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Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: Statfoundation

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

Re: Issue 1 & Issue 4.

The Rulemaking Process at the State Bar is RENDERED UNCONSTITUTIONAL by the fact that officials of the State Bar and appointees of The Supreme Court do not observe DUE PROCESS of LAW; unfair Grievance "decisions" can mostoften provide life-devastating results to either the Complainant or Respondent in the Grievance Process.

Repeal of the Complainant-Adverse Changes, (eff. 1/1/2004) and restoration of "POLICIES AND PROCEDURES FOR FILING AN APPEAL FROM A 'CLASSIFICATION,'" by Order of the Supreme Court of Texas, eff. 10/30/1992, would abolish Summary Disposition Panels and secret, unexplained, adverse decisions; provide for return of Complainants' and Respondent Attys' Rights to appear, testify and present evidences in an Evidentiary Hearing; and a Complainant's Right to Appeal an Evidentiary Hearing decision.

The State Bar's Grievance Complainant-Adverse Changes, (eff. 1/1/2004), are counterproductive to the Attorney-discipline System's purpose: to provide discipline whenever Complainants' Grievances demonstrate Professional Misconduct as defined by Texas Disciplinary Rules of Professional Conduct (TDRPC). Purportedly established to reduce processing time, the Changes, eff. 1/1/2004, related to State Bar Act [Texas Gov't Code §81, et seq.] serve only to underpin the dishonesty within the Dysfunctional State Bar Grievance System.

Per their humiliating misconstruction of the intent of Texas Gov't Code §81, the Office of the Chief Disciplinary Counsel (CDC) and the Board of Disciplinary Appeals (BODA) lamely declare that The Supreme Court of Texas authorizes injustice in the State Bar Grievance System:

- CDC investigations are conducted for the sole purpose of concealing evidence of attorney misconduct.
- Complainant-Adverse Decisions, deemed "secret" by CDC and District Grievance Committee Summary Disposition Panels, are made without the presence and the testimony under oath of the Complainant and the Respondent Attorney.

- Valid Complaints describing Barratry, Dishonesty, Fraud, Deceit and Misrepresentation are DENIED and DISMISSED by CDC and BODA with no explanation to the Complainant, nor discipline to Attorney.
- Both BODA's and Summary Disposition Panels' Improper Notices insinuate that The Supreme Court authorizes secret, adverse decisions against Complainants, depriving them of their Right to Amend and/or Appeal loss of money, property, and eliminating Constitutional Rights accorded to Americans.

Since the Complainant-Adverse Changes (eff. 1/1/2004), grossly negligent officials of the State Bar and appointees to State Bar agencies by The Court have been confused that their duty in the State Bar Grievance System is - not to assure ethical conduct among TX attorneys in the Legal Profession, - but to eliminate time delays in the Grievance process. Repeal of the Complainant-Adverse Changes, (eff. 1/1/2004) and restoration of "POLICIES AND PROCEDURES FOR FILING AN APPEAL FROM A 'CLASSIFICATION,'" by Order of the Supreme Court of Texas, eff. 10/30/1992, would abolish Summary Disposition Panels and secret, unexplained, adverse decisions; provide for return of Complainants' and Respondent Attys' Rights to appear, testify and present evidences in an Evidentiary Hearing; and a Complainant's Right to Appeal an Evidentiary Hearing decision.

I have written volumes of Criticisms to a multitude; for example, but not limited to: Linda Acevedo, CDC's long-time State Bar staff attorney (1985) and CDC's Chief Counsel; Laura Poppo, CDC's Deputy Counsel; Christine E. McKeeman, BODA's Executive Director and General Counsel; Marvin W. Jones, BODA's Chair for 2014-2015; Stan Serwatka, Grievance Oversight Committee's (GOC's) previous Chair; Catherine N. Wylie, GOC's current chair; Ronald Bunch, the Commission on Lawyer Discipline's (CLD's) previous Chair; Guy Harrison, CLD's current Chair; Spokeswoman Claire Mock; The Honorable Jeffrey V. Brown, Texas State Supreme Court Liaison; Nina Hess Hsu, General Counsel, The Supreme Court of Texas; Maureen E. Ray, Special Administrative Counsel of The State Bar; and many others. I have received not a single, solitary reply except an absurd two paragraph letter from Counselor Maureen Ray who, subsequently, mysteriously abandoned her State Bar membership on April 10th, 2015. Ray's abrupt absence has left the Bar with NO ONE TO EXPLAIN to the tens of thousands of DENIED and DISMISSED Complainants (deprived of Appeal) what the "grounds" were for failing to DISCIPLINE Respondents that conducted barratry, dishonesty, fraud, deceit or misrepresentation as defined in TDRPC!

In 2015, GOC Chair Catherine M. Wylie allowed me only 25 minutes with GOC in which I was degraded and harassed for my "lack of understanding that attorneys are well-versed in the Law and not subject to my documented claims of Professional Misconduct." My many Criticisms that I sent to Supreme Court General Counsel Nina Hess Hsu have been completely ignored and unanswered. Recently, I have gleaned from Googling that General Counsel Nina Hess Hsu has admired GOC Chair Wylie's "oversight committee skills" so much in the State Bar's Dysfunctional Grievance System that Counselor Hess Hsu had GOC Chair Wylie appointed to another Supreme Court Commission (on Judicial Conduct), too!

The State Bar of Texas' justice-obstructing Attorney-Discipline System has destroyed faith and trust in The Court's administration of justice to such a point that Texans are fleeing the unethical, self-serving Texas attorneys in droves to, instead, conduct pro se lawsuits. In fact, Justice Debra Lehrmann has been required to write a Dissent Statement to The Texas Supreme Court's approval of "Pro Se Forms." Justice Debra Lehrmann expressed her concern of the Court's endorsement of the forms because "it will increase pro se litigation by people who can afford lawyers." I must ask:

why would any of the Justices suppose that any Texan would agree to pay for "justice" as defined by a cotillion of incompetent and corrupt State Bar officials and appointees of The Supreme Court who are left to their own crude devices to formulate their own unconstitutional, Complainant-adverse Grievance System that overtly favors "specially selected" Attorneys, finding only 1,410 Respondents (from 2011-2015), less than 5% all Grievances filed by Complainants, to require Discipline by the State Bar? (See Chart "Unmitigated Incompetence..." , page 48 of my Report to The Supreme Court of Texas)

Any Alternative or New Recommendations on This Agency:

The Supreme Court of Texas must act to remove all disciplinary authority from the State Bar and disbar State Bar officials and Supreme Court appointees responsible for the inane system which actually encourages Misconduct – BEFORE the Media forces a humiliating manual shutdown. Why would Texans need a Grievance System as "protection" from Professional Misconduct, when CDC's, BODA's, CLD's and GOC's own accounts in Reports to The Supreme Court can be deciphered to reveal that 95% of 28,827 "received"

Grievances from 2011-2015 have been unfairly DENIED & DISMISSED due to the incompetence, corruption and a “(secret) confidential code” of the Dysfunctional Grievance System? Absurdly, State Bar officials and Supreme Court appointees stoutly maintain that they have a “mandate” from The Supreme Court to hide all documents and evidences from 27,417 Grievances in “CLOSED FILES” and EXPUNGE RECORDS OF ATTY MISCONDUCT!

The Court, in Its’ duty to provide oversight of the State Bar, (a “quasi-state agency,”) must make full Public Disclosure that the entire membership (96,912 active members) of the State Bar has a huge vested, financial interest in maintaining the current Dysfunctional Grievance System.

Membership Privileges currently include: DENIALS and DISMISSALS and EXPUNGEMENTS of Complainants’ valid Grievances with no records kept, nor disciplinary consequences to Attorneys. Prompt removal of the Grievance System from the control of the State Bar, a public corporation that functions as trade association for attorneys, and disbarment of officials and Supreme Court appointees, so blatantly in noncompliance with The Court’s Rules, is urgently required.

Tens of thousands of Grievance Complainants have been DENIED and DISMISSED Grievances with NO explanation and NO investigation, while Texas State Bar members’ premiums for professional liability insurance are discounted due to the Dysfunctional Grievance System’s dishonesty.

Insurance underwriters compute low premium rates using an artificially deflated number of professional liability lawsuits. Attorneys who pay insurance premiums through Texas State Bar Member-owned companies, like the Texas Lawyers’ Insurance Exchange (TLIE), benefit financially from each and every improperly DENIED and DISMISSED Grievance. For example, TLIE has returned over \$41,550,000 in profits to its members insureds over the past 19 years.

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#); [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Wednesday, May 04, 2016 8:14:37 AM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Wednesday, May 04, 2016 5:59 AM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: Statfoundation

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

Issue 1 & Issue 4. The Rulemaking Process at the State Bar is obstructed by the fact that officials of the State Bar and appointees of The Supreme Court have not competently read and applied Statutes.

There are countless inequities caused by "misinterpretations" of Changes, eff. 1/1/2004. For example, but not limited to: Complainants have been wrongly DEPRIVED OF A RIGHT TO APPEAL AN EVIDENTIARY PANEL DECISION, since 1/1/2004, due to CDC's, CLD's BODA's and GOC's inane misinterpretation. However, (on the other hand), if a Judgment is rendered after an Evidentiary Proceeding, a Respondent Atty can APPEAL to BODA (per TRDP, 2.21. Notice of Decision,) so that it does not affect the Attorney's Disciplinary Record with the State Bar.

By DENYING & DISMISSING valid Grievances as inconsequential to the Respondent Atty and dishonestly concealing evidence of attorney misconduct, the State Bar acts negligently in willful opposition to BODA's Mandate from The Supreme Court of Texas to hear and make the final decision regarding the acts of dishonesty, fraud, deceit or misrepresentation by the Respondent Atty and DEPRIVES the Complainant's Right to Appeal to the Supreme Court of Texas (per IPR, SECTION 10: APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS, Rule 10.01 Appeals to the Supreme Court).

- Tens of thousands of DENIED and DISMISSED GRIEVANCE Complainants, Victims of the Improper Notices Procedure and Grievance Denial Procedures; for example, Mark R. Stanley (and other Complainants) lost a most important duty of his profession to report Attorney Misconduct per TDRPC Rule 8.03(a) and

\$1,170,654 PLUS. I, myself, lost my Right to a Fair Trial and more than \$353,000. Donald R. Courtney lost rights to his Home Property and claims to Eminent Domain and an undetermined amount of money. Brittany Holberg lost her liberty and sits on Death Row while the State Bar of Texas conceals exculpatory evidence. We have ALL been deprived by CDC, CLD, BODA and GOC of our Right to Appeal the FINAL DECISION regarding the acts of dishonesty, fraud, deceit or misrepresentation to The Supreme Court of Texas. We have only now to rely on the aftermath of Mr. Stanley's PETITION to relieve the chokehold that grossly negligent CDC, CLD, BODA and GOC

officials and appointees have had on all of our lives, since, at least, 1/1/2004.

- Hundreds of thousands of Texas Citizens have been (and continue to be) assaulted by recurrence of acts of professional misconduct due to the abject failure of the State Bar of Texas to provide “minimum standards and procedures for the attorney disciplinary and disability system” per TEX GV. Code Section 81.072. In Texas, it is CDC, CLD, BODA and GOC officials and The Supreme Court appointees who reprehensively advocate for obstruction of justice, by concealing all evidence of attorney misconduct and an improper procedure of expungement of records of Grievances within days of improper DENIALS and DISMISSALS of valid Grievances.

Any Alternative or New Recommendations on This Agency:

The Supreme Court of Texas must urgently assemble a Task Force to enforce Statutes that the State Bar is failing to conform to; such as:

TRDP 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.

TDRPC IX. SEVERABILITY OF RULES Rule 9.01.

Severability If any provision of these rules or any application of these rules to any person or circumstances is held invalid, such invalidity shall not affect any other provision or application of these rules that can be given effect without the invalid provision or application and, to this end, the provisions of these rules are severable.

My study of BODA and CLD Reports (from 2011-2015) reveal startling statistics pointing to the necessity to ABOLISH CDC, CLD, BODA, and GOC and disbar those officials and appointees who have stalwartly proceeded to mismanage the Atty Discipline System to the humiliation of The Supreme Court of Texas. Nearly 2.5% (671 of 28,827 - acknowledged as RECEIVED) - were “dispersed and/or unresolved” even though a CDC Summary Disposition Panel set them on an Evidentiary Panel or District Court Roster AFTER a “just cause decision” was rendered. (I refer to this as a “catch and release unwritten exception to Rules.”) Only 1,410 Respondent Attys (5%) were disciplined after CDC’s, CLD’s, BODA’s, and GOC’s improper DENIALS & DISMISSALS (with NO Appeal) of 26,746 valid Grievances!

Eff. 1/1/2004, the Dysfunctional Grievance System proponents DEPRIVED the important right of each Complainant to appeal an unjust Evidentiary Hearing decision. Complainants whose Grievances describe and document such heinous Professional Misconduct, as to make the final cut to warrant placement on a roster for an Evidentiary Hearing (or District Court), approximately 8% (1,410 + 671) of 28,827 “acknowledged as received” Grievances from 2011-2015, are fully prevented from receiving justice, i.e., no matter how much money, or property has been lost or what kind of odious infringement on Civil Rights a Complainant has suffered due to the Respondent; or the fact that CLD has inadequately represented the Misconduct case against a Respondent in an Evidentiary Hearing, allowing the Respondent a “win,” Complainants are CONSTITUTIONALLY DEPRIVED of their Right to Appeal! Unfairly, unlike Complainants, Respondents are allowed to appeal adverse Evidentiary Decisions to BODA and to The Supreme Court of Texas.

None of my issues have been addressed in The Sunset Report - 4/29/16

although I have faithfully reported them per The Government Code, Title 2, Subtitle G, Chapter 81, Subchapter A, Section 81.036,(Chapter 325 of The Government Code - Texas Sunset Act) for the last several years. Therefore, I am compelled to make them PUBLIC point-by-point now before 5/13/16.

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
To: [Cecelia Hartley](#); [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, May 05, 2016 9:31:03 AM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Thursday, May 05, 2016 9:23 AM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: Statfoundation

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

Issue 1 & Issue 4. The Rulemaking Process at the State Bar is obstructed by the fact that officials of the State Bar and appointees of The Supreme Court are not cognizant that the legal profession's responsibility is to assure that the State Bar's Disciplinary System regulation is undertaken in the public interest, rather than in furtherance of parochial or self-interested concerns of the bar.

A staple of CLD Annual Reports are subtle references to "alternative methods" that CLD perceives it has "an authority" to offer instead of proper Sanctions and Discipline. Noncompliant discipline procedures, CLD asserts, can relieve the prevalence of attorney misconduct WITHOUT the institution of disciplinary standards as an aid in securing their observance by other lawyers. It seems as though Chair Guy Harrison appears to believe CDC, CLD, BODA and GOC have a "discretionary choice" of whether or not a Grievance need to be classified as a Complaint but can DENY and DISMISS the Grievance if the Respondent Attorney "self-reports his professional misconduct." Can CLD Chair Harrison truly believe that if an attorney is allowed to lie, steal and cheat Clients out of hundreds of thousands of dollars – just by stating his/her contrition to the State Bar of Texas and paying his/her member dues, the attorney will not lie, steal and cheat more Clients – (for perhaps millions of dollars) with complete confidence that the State Bar will not sanction or disbar the attorney?

The following excerpt from Marc R. Stanley's PETITION explains that certain attorneys, for example; "Atty J," are on such familiar terms with the State Bar of Texas Office of the Chief Disciplinary Counsel that they expect to be relieved from Discipline just by self-reporting, even in the case in which more than \$1,170,654 was stolen from investors in a fraudulent scam!

Petition for Administrative Relief, September 29th, 2014, Marc R. Stanley, page 5

"Armed with this startling new information about what was apparently a scheme of gross fraud, dishonesty, deceit, and misrepresentation, Petitioner confronted Attorney J. Attorney J admitted he had defrauded Complainants. He stated that he would "self-report" himself to the State Bar of Texas. Petitioner is aware of no indication that Attorney J "self-reported" himself and the State Bar has certainly not disclosed any such "self-report" to Complainants.

(footnote) Had Attorney J self-reported his professional misconduct and the State Bar disclosed that self-report to Complainants, that fact would have certainly explained what the State Bar did; however, the Bar's explanations have not mentioned any alleged "self-report" by Attorney J. "

Any Alternative or New Recommendations on This Agency:

I recommend that The Supreme Court remove all Disciplinary Responsibility from The State Bar of Texas. Per (Petition for Administrative Relief, September 29th, 2014, Marc R. Stanley), Page 2, "When the State Bar of Texas and the Court's Board of Disciplinary Appeals consistently fail to carry out the Orders of the Texas Supreme Court, the Court has the inherent power to compel the State Bar's and the Board's immediate and unconditional compliance with its Orders and to remove any obstacles within the State Bar and the Board to the compliance." I petition The Supreme Court of Texas to take immediate action to investigate the vigilante groups, for example, but not limited to CDC, CLD, BODA and GOC, among the Texas State Bar membership. The Court must seek to retract (by Discipline and Disbarment) the Licenses to Practice Law of Texas officials and appointees who have participated in willful and/or grossly negligent violations of The Supreme Court Rules. CDC's Linda A. Acevedo, BODA's Christine E. McKeeman, BODA's Chair Marvin W. Jones, and GOC Chair, Catherine N. Wylie, Spokeswoman Clair Mock, 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. State Bar of Texas Members and Supreme Court of Texas appointees have deliberately harmed tens of thousands of Texans by their failure follow the exact course of The Supreme Court of Texas Laws.

None of my issues have been addressed in The Sunset Report - 4/29/16 - although I have faithfully reported them per The Government Code, Title 2, Subtitle G, Chapter 81, Subchapter A, Section 81.036,(Chapter 325 of The Government Code - Texas Sunset Act) for the last several years. Therefore, I am compelled to make them PUBLIC point-by-point now before 5/13/16.

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
To: [Cecelia Hartley](#); [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, May 05, 2016 12:01:42 PM

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From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Thursday, May 05, 2016 11:16 AM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: Statfoundation

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

Issue 1 & Issue 4. The Rule-making Process at the State Bar is non-existent; officials of the State Bar and appointees of The Supreme Court are unaware that it is their DUTY to make EXPLANATIONS to DENIED & DISMISSED Complainants of why Barratry, Dishonesty, Fraud, Deceit and Misrepresentation are "NOT" TDRPC violations! If the Grievance is DENIED and DISMISSED, per THE SUPREME COURT OF TEXAS Rules, (TEX GV. Code, Texas Statutes – Section

81.072 CLASSIFICATION OF GRIEVANCES) 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.

CDC dismisses most Grievance "writings;" no matter that Barratry, Dishonesty, Fraud, Deceit and Misrepresentation are presented therein. The State Bar dismisses most "writings" without conducting any investigation at all; never requesting any supporting documentation. CDC denies most Grievance "writings" stating CDC finds no facts constituting a violation of TDRPC with no explanation. No copy of the "standard Denial Notice" is sent to the Respondent.

In my study period (2011-2015), BODA and CLD Reports provided startling information that 21,730 of Total Grievances Received (28,827) were DENIED & DISMISSED with NO EXPLANATION, NO PROPER APPEAL NOTICE and NO DISCIPLINE. In fact – the Respondent did not even receive a copy of the Grievance "writing" to read in any of those 21,730 cases!

BODA disobeys the statutory mandate for Amendments/Amendment Appeals and rubberstamps each CDC DENIAL/DISMISSAL; giving improper notice that "there is no Appeal from the Board's decision." BODA's "standard Appeal Denial Notice" announced the Grievance "writing" as "denied", "completed," "closed" and wrongly states "there is no Appeal from the Board's decision."

In my study from 2011-2015, 7,097 Grievances (of 28,827 "Received") were classified by CDC or BODA as a Complaint – just by reading a "writing;" suggesting that Barratry, Dishonesty, Fraud, Deceit and Misrepresentation was presented therein. 7,097 "classified Complaints" of those 28,827 Grievances Received were provided to the Respondent to reply to, after which CDC and a Summary

Disposition Panel made clandestine “decisions” (without the presence of the Complainant or Respondent)! 5,016 Complainants were sent a “standard Summary Disposition Denial Notice” “denied”, “completed,” “closed” and wrongly stated “there is no Appeal from the Summary Disposition Panel’s decision.” 2,081 Respondents were sent a Notice that “just cause” has been “determined” by a “secret” vote of a Summary Disposition Panel and the Respondent was given no Right to Appeal to BODA (in the State Bar’s inane opposition to provisions of Statute)!

Since 1/1/2004, 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. Maureen E. Ray, Special Administrative Counsel in CDC, was apparently obligated to write a letter dated March 17th, 2014; which embodies all of the contempt (as I have experienced over the last seven, [7] years) that CDC, CLD, BODA, and GOC 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 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).”

Even more incongruous is the fact that Special Administrative Counsel, Maureen E. Ray’s one page letter proclaims opposition to TEX GV. Code, Texas Statutes – Section 81.072 CLASSIFICATION OF GRIEVANCES 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 Complainant’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 and letters which wrongfully deny investigation of Grievances against Texas attorneys remain as an excruciating embarrassment to the State Bar of Texas. It is time for The Supreme Court of Texas to fully remove the Texas Grievance System from the State Bar of Texas and demand a “revisiting” of the many wrongful decisions made by CDC and BODA since, at least, 1/1/2004.

Any Alternative or New Recommendations on This Agency:

When a problem exists with The Supreme Court’s agents because CDC, BODA, CLD and GOC fail to enforce the Court’s Rules, only The Court can address those deficiencies and non-compliance. As Marc R. Stanley stated in the PETITION for Administrative Relief, September 29th, 2014, “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.”

An important purpose of a task force that must be established by administrative order of The Supreme Court of Texas, is to propose Legislation to protect, as a Class, all Grievance Complainants, those Deprived of Appeals of Attorney Misconduct Determinations (hereafter, "DAAMD") who have been subjected to attorney misconduct as defined in TDRPC but had their valid Grievances irrevocably "denied", "completed," "closed" and were given false notice that "there is no Appeal from BODA's or the District Grievance Committee Summary Disposition Panel's decision."

Tens of thousands of Complainants have suffered intolerable monetary and property losses, lost important rights accorded by the US Constitution for protection of individuals and families, and/or even liberty, through the Barratry, Dishonesty, Fraud, Deceit and Misrepresentation of undisciplined Texas attorneys. CDC's, CLD's, BODA's and GOC's DENIALS and DISMISSALS of valid Grievances have demonstrated contempt of The Supreme Court Rules meant to protect Texans from attorney misconduct. The irredeemable cadre of DENIERS & DISMISSERS discriminated against Complainants by depriving Complainants of Due Process, failing to investigate Grievances and CONCEALED the evidence of wrongdoing in order to shield Respondent Attorneys from Discipline.

The State Bar of Texas, a "trade association," has mismanaged the Grievance System since, at least, 1/1/2004. Disgracefully, as State Bar officials and Supreme Court appointees have noticed that no one is watching, the Grievance System has become engrained with gross negligence of Complainants' Rights, and caused severe financial and emotional damages by DENYING and DISMISSING valid Grievances with no Disciplinary Consequence to the Respondent Attorney.

By their "work" in opposition to The Supreme Court of Texas Statutes, CDC, CLD, BODA and GOC have provided a privilege of Texas State Bar members to be unfettered by any fear of Disciplinary Action while freely exploiting the trust of Texans who must rely on the Texas State Bar for the administration of justice. Unethical Texas attorneys, with a Median Income of \$113,291, give vows to deferentially serve Texans who have only a Median Household Income (in 2014) of \$53,035; but as long as those attorneys continue to pay dues to the State Bar for "membership" they can maintain a license to "lie, cheat, and steal" even those small amounts of money or meager properties that low income households may have. Without any Disciplinary constraints, unethical attorneys can and have filed huge numbers of frivolous Lawsuits breaking State and Federal Laws without sanction, directed improper Motions in Texas Courts without Due Process of Law, stolen millions of dollars in barratry from Texans and deprived UNPROTECTED Texans of liberty and freedom. Unethical attorneys pillaged and plundered their way through The Courts, unrestrained in their dishonesty, fraud, deceit or misrepresentation.

The Improper Notices Procedure and Grievance Denial Procedures has directly financially benefited each and every one of the 96,912 State Bar of Texas active members by failing to discipline Respondent Attorneys in even the most obviously valid Grievances describing dishonesty, fraud, deceit or misrepresentation, and by concealing the most heinous attorney misconduct by a process of EXPUNGEMENT of Grievances.

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#); [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, May 09, 2016 8:21:25 AM

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From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Sunday, May 08, 2016 4:04 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: Statfoundation

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

SAC Issue 3, "The State Bar Does not maximize informal Dispute Resolution to Most Effectively Resolve Grievances Against Attorneys," is indication that Sean Shurleff, Project Mgr., Sunset Advisory Commission, (SAC) is fully disengaged from the subject matter of the State Bar, i.e., DISCIPLINE of Texas attorneys who violate TDRPC. Because Sean Shurleff's grasp of Issue 3 is so vague; it is also misleading. Therefore, Issue 3 must be stricken from consideration by SAC on The State Bar of Texas (SBOT).

A. Due to an inane State Bar of Texas misinterpretation of Changes, eff. 1/1/2004, related to State Bar Act [Texas Gov't Code §81, et seq.], CDC, CLD, BODA and GOC promulgate a profound misunderstanding that CAAP is "provided" by mandate of The Supreme Court, as an alternative to DISCIPLINE of attorneys who have conducted themselves unethically. It is inappropriate and emotionally abusive to suggest that a Grievance Complainant endure a face-to-face mediation (which is voluntary and NOT DISCIPLINARY) with an attorney who the Complainant steadfastly believes (AND WROTE A GRIEVANCE THAT the atty) has engaged in Professional Misconduct as defined in the TDRPC.

It is difficult to even imagine that SBOT officials and Supreme Court appointees might have developed a tenet of the Grievance Denial Procedures which postulates that, instead of requiring the SBOT 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 Misconduct which is described and documented in a Written Grievance!

Certainly such a notion is incongruous and in opposition to Statutes, for example; but not limited to: TRDP 2.17, 2.18 and 2.21, which provide that CAAP can apply only AFTER an Evidentiary Panel prepares a judgment in any disciplinary proceeding in which Professional Misconduct is found to occur. TRDP 2.17 Evidentiary Hearings, (O) Decision After conducting the Evidentiary Hearing, the Evidentiary Panel shall issue a judgment within thirty days. In any Disciplinary Proceeding where Professional Misconduct is found

to have occurred, such judgment shall include findings of fact, conclusions of law and the Sanctions to be imposed. The Evidentiary Panel may:

- (1) dismiss the Disciplinary Proceeding and refer it to the voluntary mediation and dispute resolution procedure;
- (2) find that the Respondent suffers from a disability and forward that finding to the Board of Disciplinary Appeals for referral to a district disability committee pursuant to Part XII; or
- (3) find that Professional Misconduct occurred and impose Sanctions.

B. The misinterpretation that CAAP might apply to every Complainant DENIED & DISMISSED in the “preliminary screening” and without Due Process by means of “unwritten exceptions” to the classification rules that have no basis under Texas law derives (not from Statute but) from a State Bar of Texas’ Continuing Legal Education (CLE) program provided to attendees of the TEXAS MINORITY ATTORNEY PROGRAM on May 20th, 2005 in Houston Texas by Jennifer A.

Hasley, CDC, pg. 2:

“Throughout the disciplinary process, all dismissals must be referred to a voluntary mediation and dispute resolution procedure – CAAP.

Respondents may no longer appeal the classification as a “Complaint.”

Contemptibly, CDC’s Improper Notices Procedure and Grievance Denial Procedures, employed since 1/1/2004, is based on a blatantly FALSE “unwritten exception” that those “preliminary screening decisions”

are FINAL DECISIONS and CANNOT BE AMENDED by the Complainant or APPEALED by Respondent Atty!

From my Study of 28,827 Grievances, acknowledged as classified from 2011-2015 by CDC, BODA, BODA’s Grievance Panels and CDC’s Summary Disposition Panels, but DENIED & DISMISSED without PROPER AMENDMENT and APPEAL Rights, or DISCIPLINE! and CONCEALED in “(secret)”

confidential CLOSED FILES until EXPUNGEMENT, 27,417 GRIEVANCES WILL EACH HAVE TO BE

“REVISITED! Due to a Precedent “ORDER ON RESPONDENT’S MOTION ON RES JUDICATA AND

ESTOPPEL” dated February 9th, 2016, 27,417 Grievances will have to be re-filed by a class of Complainants that I have deemed “the DAAMD class,” along with tens of thousands of other Grievances filed since 1/1/2004, which were wrongly DENIED and DISMISSED in a like-kind manner!

BEFORE the ORDER ON RESPONDENT’S MOTION ON RES JUDICATA AND ESTOPPEL, dated February 9th, 2016, CDC purportedly DID NOT KNOW that The Court REQUIRES BODA and Grievance Panels to give Notice of a Complainant’s Right to file Amendments to DENIED & DISMISSED Grievances; nor that Summary Disposition Panels, eff 1/1/2004, are REQUIRED to place Grievances on an Evidentiary or District Court Roster when evidences and docs supported “just cause;” and DO NOT have an arbitrary discretion (as “APPOINTTEES OF THE SUPREME COURT”) to Obstruct Justice by CONCEALING Evidence in “(secret)” confidential CLOSED FILES!

C. CDC’s incorrect “standard Denial Notices” demonstrate an egregious, conscious effort of CDC to DEPRIVE the Right of every Complainant to Appeal a Grievance DENIAL & DISMISSAL by failing to explain, (per CDC’s absurd, false “unwritten exceptions”), that if the Complainants proceeds to CAAP

- as suggested on the “standard Denial Notice” - AND DOES NOT APPEAL within 30 days, CDC will wrongfully DENY & DISMISS the Grievance against the Respondent FOREVER thereafter, i.e., CDC has steadfastly proclaimed

(erroneously) that each and every “preliminary screening decision” has a res judicata effect. CDC has (eff. 1/1/2004) disgracefully DENIED & DISMISSED any re-filing of a Grievance after a Complainant fails to APPEAL within 30 days of the preliminary screening “standard Denial Notice!”

Grievance “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 Notices” and “standard Summary Disposition Denial Notices,” which give NO EXPLANATION of the DENIALS & DISMISSALS, and absurdly contend that, in lieu of an APPEAL, the Complainant may have CAAP, “mediate the dispute” in a face-to-face conference with the offensive attorney, if he/she will appear voluntarily.

In my study period from 2011-2015:

_21,730 of 28,827 Complainants got CDC’s “standard Denial Notice,”

dismissing the “writing” with no consequence to the Respondent attorney, and referring the Complainant to CAAP, as an alternative in lieu of an Appeal! Such “standard Denial Notices” were bizarrely sent to Complainants in Grievances “taken into” CDC; no matter what the “writing” described and documented!

_5,687 (5,016 + 671) of 28,827 Complainants got “standard Summary Disposition Denial Notices,” dismissing Complaints with no consequence to the Respondent. The unexplained “Notices” were sent to Complainant and to

the Respondent; no matter what evidence and docs were supplied by the Complainant! Each “standard Summary Disposition Denial Notice” absurdly contended that Complainants were provided NO RIGHT TO AMEND OR APPEAL the unconstitutional DENIALS & DISMISSALS, BUT THAT the Complainants could have CAAP, “mediate the dispute” in a face-to-face conference with the offensive attorney, if he/she would appear voluntarily.

I must ask The Supreme Court of Texas: Why do Complainants need the SELF-HELP of CDC to aid us to tell a Respondent Attorney that he/she has violated the TDRPC and DESERVES DISCIPLINE? I am certain that in each of every one of the 28,827 Complaints in my study period, Complainants have already expressed our contentions to the Respondents. Why would we need incompetent and corrupt CDC “investigators” to support the Respondents’

Misconduct in a face-to-face CAAP meeting? (For example; Marc R. Stanley got such a Notice – CDC proposed that Mr. Stanley use CAAP to get more than

\$1,170,654 back from Respondent “Attorney J” on July 7th, 2014, while the Bar tenaciously held all docs and evidences of the unexplained (and

inexplicable) DENIAL & DISMISSAL of Mr. Stanley’s Grievance in a

“(secret) confidential CLOSED FILE!” Imagine the outrage that CDC proposes “SELF-HELP BY CAAP!” in lieu of DISCIPLINE!

D. CDC often does not even read, classify or record second Grievances filed by Complainants on any Issue, pronouncing nonsensically that a FINAL DECISION HAD BEEN MADE PREVIOUSLY (due to the summary DENIAL & DISMISSAL of “initial screenings of writings” with NO EXPLANATION.)

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 is not read, or recorded but REJECTED OUTRIGHT because the Complainant has previously filed a Grievance against an atty and, therefore, is “not allowed to file another Grievance.” Farcically, the unlawful “Multiple Grievances” Notice is only provided to the Complainant and does not bear any attorney name. IN DIRECT OPPOSITION TO STATUTE, NO RECORD is kept of the attys who have had “Multiple Grievances” filed against them.

In each CAAP case, when the Complainant did not appeal to BODA in 30 days, CDC determined CDC was “authorized” by The Supreme Court to DENY & DISMISS any future Grievances against Respondents due to CDC’s purposeful misinterpretation that the “screenings/Inquiry dismissals” have a res judicata effect. Grievances I filed against Barron Casteel and his mother and law firm partner, Carter Casteel, which were REJECTED (i.e, not read, unclassified, returned and without the names of the Respondents on any Notices) by an “unwritten exception” that is employed by CDC’s tyrannical Chief Acevedo and her consortium. The Five (5) REJECTION Notices – with NO ATTORNEY NAMED (I have displayed the copies on the website: State Bar of Texas Discussion Group) state (completely false information):

Re: MULTIPLE GRIEVANCES

Dear Ms. Asbury:

The Office of the Chief Disciplinary Counsel has received your correspondence against the attorney. Rule 2.10 of the Texas Rules of Disciplinary Procedure provides that, following dismissal of a grievance, a complainant may amend and re-file the grievance with new information one time only. You have filed multiple times on the attorney listed above. Therefore, pursuant to Rule 2.10, this filing is being returned to you and no further amendments or re-filings will be accepted by our office.

The State Bar of Texas maintains the Client-Attorney Assistance Program (CAAP). You may have already visited the staff of that program prior to filing your Grievance. Pursuant to the State Bar Act, all dismissed grievances (other than where the person complained about is deceased, disbarred or not a lawyer) shall be referred to CAAP. In accordance with that requirement, please be advised that CAAP can attempt to resolve your matter through mediation or other dispute resolution procedures. CAAP is not a continuation of the attorney disciplinary process and participation by both you and the attorney is voluntary. Should you desire to pursue that process, you may contact CAAP at 1-800-932-1900.

The Office of Chief Disciplinary Counsel maintains as confidential the processing of Grievances.

Sincerely,

S. M. Beckage, Assistant Disciplinary Counsel.

Although Sue M. Beckage still has her license to practice law, (# 24045467) she no longer works for The State Bar of Texas (but lists a “solo” firm and number [512] 762-7691).

E. Although TDRPC 8.04 does NOT contain that language that specifies a Grievance cannot be filed unless the alleged Misconduct “arises from an attorney-client relationship,” CDC, CLD, BODA and GOC have contemptibly

declared such an “unwritten exception” to be applied to countless improperly DENIED & DISMISSED Grievances since 1/1/2004!

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 TDRPC, a Complainant, Marc R. Stanley, presented 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 complaint:
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?”

CDC, CLD, BODA, GOC, officials, appointees and proponents of the Client-adverse Grievance System, profoundly misunderstand that the Client-Attorney Assistance Program (CAAP) is NOT INTENDED to “handle disputes” between two or more Attorneys, or between an Attorney and an Opposing or Third Party. Can it be true that SBOT does NOT understand that (due to PRIVACY & CONFIDENTIALITY considerations) – CAAP assistance can ONLY support cases of disputes between a Client and that Client’s Attorney?

Per CLD’s 2015 Report, the CLIENT-ATTORNEY ASSISTANCE PROGRAM, 2014-15, pg. 27. “CAAP handled 15,138 live calls from the public and responded to 6,999 mail requests for forms, information, or resources in the past bar year while providing dispute resolution services for 1,094 Texas attorney-client relationships—successfully re-establishing productive communication in 84 percent of its cases.” I must ask: of what use could CAAP be (other than as a Grievance Referral point of contact) in a case that DOES NOT include a Client and that Client’s Attorney?

F. Putting an abrupt end to all tyranny that the State Bar has inflicted on Complainants and Respondents in the Grievance System since 1/1/2004, BODA and CLD unanimously agreed on February 9th, 2016 that “preliminary screening decisions” are NOT “FINAL DECISIONS” which carry a res judicata effect - in a Precedent setting “ORDER ON RESPONDENT’S MOTION ON RES JUDICATA AND ESTOPPEL.” The Precedent decision applies to each and every one of the improper, unconstitutional DENIALS & DISMISSALS of Grievances since 1/1/2004, when SBOT inanely misinterpreted Changes related to State Bar Act [Texas Gov’t Code §81, et seq.]

Since 1/1/2004, Complainants have been misled by Improper Notices Procedure and Grievance Denial Procedures - to NOT FILE an APPEAL to BODA within 30 days. For example, each standard DENIAL & DISMISSAL Notice presented to Complainants, “screenings/Inquiry dismissals,” misled Complainants that, as an alternative to filing an Appeal with BODA, Complainants could “mediate” the DISCIPLINE problem with CAAP, a voluntary “service”

that Respondents need not attend (unless they “want” to). CDC often does not even read, classify or record “SELECTED” Grievances filed by Complainants on any Issue, pronouncing nonsensically that a FINAL DECISION HAD BEEN MADE PREVIOUSLY! Bar Officials and Supreme Court appointees overtly disenfranchised tens of thousands of Complainants (from money, property and important Civil Rights without proper Appeal) and failed to DISCIPLINE Respondents – actually encouraging the Respondents to continue Professional Misconduct thousands more times over!

A page (27) of 2013 CLD Report describes CAAP, a voluntary (NOT DISCIPLINARY) program purported to be necessary to assist Texas lawyers and their clients in resolving minor concerns, disputes, or misunderstandings within the attorney-client relationship. CAAP certified mediators educate the public about various “self-help options” and “mediation methodology.”

Does The Supreme Court of Texas misunderstand that tens of thousands of attorney and non-attorney Complainants

have been unconstitutionally DENIED & DISMISSED Grievances by CDC and DEPRIVED of AMENDMENT and APPEAL Rights and our problems cannot be solved by CDC's "social work?" Valid Complaints have described Barratry, Dishonesty, Fraud, Deceit and Misrepresentation for which Texas attorneys Misconduct cost millions of dollars and contemptible loss of Civil Rights which have ruined lives; AND ARE NOT "minor concerns."

Absurdly, the State Bar uses CAAP --- in each and every one of their improper DENIALS & DISMISSALS --- no matter that the Respondent has blatantly violated TDRPC Rules – for just one example: Charles J. Sebesta's 2007 Grievance DENIAL & DISMISSAL - which caused Anthony Graves to have to wait until 2010 until he could be released from prison! From my Report (Organized Crime of the Disciplinary Counsel – CDC), recently released:

"On July 18th, 2007, CDC awarded Sebesta with notice that CDC has "determined" by just receiving Sebesta's written response to the Bennett/Graves Grievance that "Just Cause does not exist to proceed on the above referenced Complaint." While CDC has maintained to Media for years that the Members from a Summary Disposition Panel are "(secret) and confidential" and cannot be divulged under any circumstances to Complainants, CDC's letter expresses an opposite "rule" to Sebesta:

The Complaint has therefore been placed on a Summary Disposition Panel docket. A list of members assigned to the Panel is attached to this Notice.

Attachment – List of Panel Member Assigned (– The Attachment was not revealed on Sebesta's website but names of Panel Members were later revealed in 2016 confirmation of Sebesta's Disbarment!).

In 2007, Complainants Robert S. Bennett and Anthony Graves were not provided a list of Panel Members that they could contact to discuss a "Just Cause FINAL DISPOSITION BY THE SUMMARY DISPOSITION PANEL." Eff. 1/1/2004, CDC has DEPRIVED Complainants of DUE PROCESS and have made tyrannical "determinations" adverse to Complainants and allowing Respondent "FRIENDS" to violate TDRPC however and whenever it suits them!

Due to gross negligence and knowing and willful Misconduct of officials of the State Bar and appointees of The Supreme Court, tens of thousands of Complainants have been unlawfully dispossessed of money, property and Civil Rights. Disgracefully, CDC absurdly maintains that The Supreme Court gave "permission" on 1/1/2004 to lie, cheat and steal from Complainants while rewarding Respondents for Misconduct.

On August 16th, 2007, CDC presented an "incentive notice" to Sebesta, explaining that those FRIENDLY Members of the Summary Disposition Panel had agreed with CDC; SEBESTA HAD DONE NOTHING WRONG BY CONCEALING EXCULPATORY EVIDENCE WHICH RESULTED IN GRAVES IMPRISONMENT FOR 18 YEARS AND, THEREFORE, SEBESTA DESERVED NO DISCIPLINE! Even better for Sebesta, Bennett/Graves were DEPRIVED OF APPEAL RIGHTS (in CDC's scheme) "cannot appeal." The Bennett/Graves Grievance was DENIED & DISMISSED and CONCEALED in a ("secret") confidential CLOSED FILES. Due to the 2007 Grievance DENIAL & DISMISSAL, Sebesta could deny that a Grievance was ever pursued! Even worse, Sebesta (per the State Bar's 1/1/2004 MISINTERPRETATION of Statutes) could not AGAIN BE SCRUTINIZED BY ANY GRIEVANCE PANEL. Prior to February 9th, 2016, such Cases wrongly carried a "res judicata" effect!

In 2007, how amused Sebesta must have been that Robert S. Bennett and Anthony Graves were referred to CAAP for "voluntary dispute resolution!"

Perhaps, Sebesta would volunteer to meet to offer an apology to Anthony Graves for 18 years spend in prison - 12 years spent on DEATH ROW - due to Sebesta's obstruction of justice?

The CDC August 16th, 2007 notice expresses a DEFIANCE to statutory law (and human decency).

"Dear Mr. Sebesta:

The Summary Disposition Panel for the District Grievance Committee has determined that the above referenced Complaint should be dismissed. The Complainant cannot appeal this determination of the Summary Disposition Panel. Accordingly, our file on this matter has been closed and this office will take no further action.

Disciplinary Proceedings, including the investigation and processing of a Complaint, are strictly confidential and not subject to discover. The pendency, subject matter and status of a Disciplinary Proceeding may be disclosed by a Complainant, Respondent, or the Chief Disciplinary Counsel if the Respondent has waived confidentiality or the Disciplinary Proceeding is based upon a conviction for a Serious Crime.

Pursuant to Texas Government Code § 81.072 (o), if a Grievance is dismissed as an Inquiry and that dismissal has become final, an attorney may deny that the dismissed Grievance was pursued.

The State Bar Act requires that all dismissed grievances (other than where the person complained about is deceased or disbarred, or not a lawyer) be referred to the State Bar's voluntary dispute resolution program, the Client-Attorney Assistance Program (CAAP). The Complainant has been so notified. For additional information, you may contact CAAP at 1-800-932-1900."

Tens of thousands of Complainants (since 1/1/2004) have been subjected to tyrannical, clandestine “DENIAL & DISMISSAL determinations” of BODA Grievance Panels and CDC Summary Disposition Panels (with NO EXPLANATION, NO TRIAL, NO NEUTRAL JUDGE, AND NO APPEAL of adverse “determinations”) costing Complainants millions of dollars and fundamental American Civil and Criminal Court Rights. DENIALS & DISMISSALS are based on “insufficient evidence”- while the Respondent’s entire casefile can presumably be opened for inspection to the CDC!” Unfairly, ONLY Respondents may know the identity of Summary Disposition Panel Members in the overtly Complainant-adverse Grievance System!

A Chart on Page 49 of this Report shows that the State Bar Discipline System has been devastated by incompetence & corruption. Depicted is the FACT that 5,016 Complainants from 2011-2015 had to endure DENIALS & DISMISSALS of their valid Grievances for “insufficient evidence!” after CDC and BODA found (just by reading a Complaint) that there were violations of TDRPC described!

Just by “writing a reply,” a Respondent Attorney was given a “FREE PASS” by the Summary Disposition Panel in 98 % of Grievances determined as Complaints by CDC and BODA. In a great majority of cases, no matter what violations of TDRPC were described, a Respondent Attorney was assessed NO DISCIPLINE and remains today with no fear of ever receiving a DISCIPLINARY SANCTION, unless he/she displeases CDC Chief Acevedo by objecting to the Improper Notices Procedure and Grievance Denial Procedures or by failing to pay dues and taxes to the State Bar of Texas.”

In Sebesta’s and CDC Chief Acevedo’s injudicious grasp, the changes in 2004 transformed the role of the screening entity into an adjudicatory body, whose decisions might have res judicata effect. CDC obtusely contended there had been an “adjudication by a Summary Disposition Panel,” when such Panels only made determinations of which matters warrant the commencement of evidentiary proceedings. CDC imprudently contended that even after a screening entity such as the BODA Grievance Panels or Summary Disposition Panels find “just cause” and places the Grievance on a Roster for an Evidentiary Hearing or a District Court, that CDC has “discretionary authority” to DENY & DISMISS a valid Grievance without DISCIPLINE or disperse the Grievance through CAAP; and that such DENIALS & DISMISSALS can be “with prejudice.” CDC provided each and every one of those 671 Grievance Complaints out of 28,827 from 2011-2015 with a res judicata effect, DENYING & DISMISSING the Grievances without EXPLANATION, sufficient investigation and DEPRIVING Complainants Rights to Appeal – FOREVER!

Imagine just how many tens of thousands of Grievance Complainants have been improperly DENIED & DISMISSED, since 1/1/2004, in which Complainants had submitted valid evidences and docs and BODA and CDC Summary Disposition Panels found “just cause;” but CDC made unauthorized “decisions” to NOT pursue DISCIPLINE, misrepresenting to Complainants that such “decisions” could apply “with prejudice.” Eschewing Discipline, CDC hid Misconduct - FOREVER; EXPUNGING the Respondent’s State Bar record!

Any Alternative or New Recommendations on This Agency:

Because the Topic of Issue 3 is wrong and misleading, Issue 3 must be stricken from consideration by SAC. None of my issues have been addressed in The Sunset Report - 4/29/16 - although I have faithfully reported them per The Government Code, Title 2, Subtitle G, Chapter 81, Subchapter A, Section 81.036, (Chapter 325 of The Government Code - Texas Sunset Act) for the last several years. Therefore, I am compelled to make them PUBLIC point-by-point now before 5/13/16.

For several years I have attempted to inspire CDC, CLD, BODA and GOC to read, classify and record my Grievances against Barron Casteel and Carter Casteel to no avail. I feel compelled, therefore, to fully release all of the information relevant to the State Bar’s refusal to follow the EXACT COURSE OF LAW in this case - BEFORE the end of this year, even though I am certain the Media will react, as I did, in OUTRAGEOUS, rightful indignation. Because Barron Casteel is the current Mayor of New Braunfels, will he be “allowed” to file despicable, frivolous Lawsuits against Citizens as he may choose but fail to be DISCIPLINED? I am optimistic that Barron Casteel and Carter Casteel will be brought to justice (DISBARRED).

I PRIORITY MAILED A FULL REPORT “Organized Crime of the Chief Disciplinary Counsel, (CDC)” to Sean Shurleff, Project Mgr., Sunset Advisory Commission, PO Box 13066, Austin, Texas 78711 on 5/6/2016. My Report contains a FULL DISCUSSION WITH DOCUMENTATION of each point I have already expressed to CDC, CLD, BODA and GOC without a single response! I insist EACH POINT must be addressed by SAC.

My Comment Will Be Made Public: I agree

Debbie G. Asbury

1711 Lone Oak Rd.
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(830) 708-0756

By Priority Mail – May 6th, 2016

Sean Shurleff, Project Mgr.,
Sunset Advisory Commission,
PO Box 13066,
Austin, Texas 78711

RE: State Bar of TEXAS' Dysfunctional Grievance System Begg The Supreme Court's Boot.

Dear Sean Shurleff,

Apathetic "Protecting the Public" pronouncements and photos of grinning State Bar of Texas Members, cannot obscure the State Bar of Texas' intentional falsification of data: it is NOT POSSIBLE (barring Divine Intervention) for active members to increase by 30% (2004-2015) AND for an accurate, corresponding count of number of Disciplines to decrease by 31%!

Misrepresenting the truthful number of Grievances filed by Complainants by claiming special privilege to a "(secret) confidentiality," State Bar officials and appointees of The Supreme Court have betrayed their sworn oaths to serve and protect Texans and, instead, aided and abetted tens of thousands of Respondent attorneys who have, for years, violated TDRPC repeatedly! Booting the Dysfunctional Grievance System ASAP is crucial. Why would the Texans need a Grievance System as "protection" from Professional Misconduct, when by the Office of the Chief Disciplinary Counsel (CDC's), Board of Disciplinary Appeals (BODA's), Commission for Lawyer Discipline (CLD's) and Grievance Oversight Committee's (GOC's) own accounts in Reports to The Supreme Court: (at a cost of \$36,048,724); only 1,410 of more than 87,881 active attorneys were determined to require Discipline in years from 2011 to 2015?

Claire Mock, spokeswoman for Texas State Bar, along with a band of co-conspirators, inflict the Complainant-adverse Grievance System on Texas, mocking Rules set in place to assure the authority of The Court, the administration of justice, and the respect of the public for the legal profession in Texas. Immersed in a "(secret) confidential code of unethical conduct," Spokeswoman Mock, Chief Disciplinary Counselor Linda Acevedo; BODA's General Counselor Christine E. McKeeman and Chair Marvin W. Jones; CLD's Chair Guy Harrison; GOC's Chair Catherine M. Wylie; and others too numerous to mention here repeatedly chant the same mantra: "only in those circumstances in which there is a public sanction against an attorney may the CDC provide information related to the disciplinary proceeding."

The State Bar spokesperson's job is to simply give trivial recitation, i.e., laughably submissive "official references" to the "(secret) confidential code," to each prompt from understandably angry Complainants and Media inquirers. From 2011-2015, 27,417 Grievances were DENIED and DISMISSED, unresolved or suspended with NO DISCIPLINE! Only 1,082 Respondent attorneys of Total (28,827) received in those four (4) years were found to require public discipline, i.e., "non-private discipline" that can allow Spokeswoman Mock to be able to lift the oppressively cumbersome veil of "(secret) confidentiality." For a "very special" 328 Respondents, the State Bar gave "Private Discipline," to protect their much favored Respondents' Professional Misconduct from discovery!

Despotically, the State Bar collaborators have used condescension and harassment as the mode of operation in maladministration while handing out Summary DENIALS & DISMISSALS of Grievances without explanation, sufficient investigation, or provision of a Complainant's Right to Appeal! From 2011-2015:

- 75% of Total Grievances (acknowledged as received) 28,827 - have been DENIED & DISMISSED without explanation to Complainant or proper Notice of Right to Appeal; and without a Respondent attorney even receiving the Grievance "writing" to read!

- 17% of 28,827 acknowledged Grievances have been determined to describe Professional Misconduct as defined in Texas Disciplinary Rules of Professional Conduct (TDRPC) – just by CDC's and BODA's reading; but, subsequently, DENIED & DISMISSED or "dispersed unresolved" – without explanation to Complainant, sufficient investigation, or proper Notice of Right to Appeal – most often by means of a "(secret) confidential (ex parte) CDC meeting without the presence of Complainant or Respondent, a Fair Hearing or a neutral judge and WITH NO DISCIPLINARY COUNSEQUENCE TO THE RESPONDENT!

In summary, 92% of 28,827 "received" Grievances from 2011-2015 have been unfairly DENIED & DISMISSED due to the incompetence, corruption and "(secret) confidential code" of the State Bar Grievance System. Absurdly, State Bar officials and Supreme Court appointees stoutly maintain an "authorization" by The Supreme Court to hide evidence in "CLOSED FILES" and EXPUNGE RECORDS OF ATTY MISCONDUCT!

In 92% of Grievances which are judged by the proponents of the Dysfunctional Grievance System as *entirely* inconsequential to the Respondent and **NOT** requiring an Evidentiary or District Court Hearing, Complainants are **DEPRIVED** of **Due Process of Law**; CDC, BODA, CLD and GOC hide documents and evidences of **Misconduct** (gathered during a Respondent biased CDC "investigation) in **SEALED** "(secret)" confidential **CLOSED FILES**," *purposely concealed from Media!*

Respondent attorneys are "caught" **and released** - free to assault as many unwary Texans as they can possibly find! As a "crowning achievement" of the Complainant-adverse Changes to the Grievance System, eff. 1/1/2004, the Dysfunctional Grievance System proponents **DEPRIVED** the important right of each Complainant to appeal an unjust Evidentiary Hearing decision. Complainants whose Grievances describe and document such heinous **Professional Misconduct**, as to make the final cut to warrant placement on a roster for an Evidentiary Hearing, approximately 8% of 28,827 "acknowledged as received" Grievances from 2011-2015, are fully prevented from receiving justice, i.e., no matter how much money, or property has been lost or what kind of odious infringement on Civil Rights a Complainant has suffered due to the Respondent; or the fact that CLD has inadequately represented the **Misconduct** case against a Respondent in an Evidentiary Hearing, allowing the Respondent a "win," Complainants are **CONSTITUTIONALLY DEPRIVED** of their Right to Appeal! Unfairly, Respondents are allowed to appeal adverse Evidentiary Decisions to BODA and to **The Supreme Court**.

The Dysfunctional Grievance System encourages **Professional Misconduct**, by routine practice of obstruction of justice. Using a demeanor of unflappable disdain, CDC Assistant Disciplinary Counselors target the most impoverished and least well educated Complainants to humiliate them into submission but are also so disgustingly audacious as to insult even well-respected attorneys such as Marc R. Stanley.

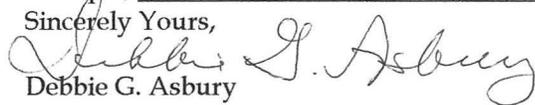
Undeterred by Mr. Stanley's "PETITION FOR ADMINISTRATIVE RELIEF," dated September 29th, 2014, GOC's Chair Catherine N. Wylie, CDC's General Counsel Linda Acevedo, and **The Supreme Court's General Counsel, Nina Hess Hsu** *do not seem to have time to stop* their maladministration of sending out humiliating **DENIAL & DISMISSAL** Notices that state: **Barratry, Dishonesty, Fraud, Deceit and Misrepresentation do NOT constitute violations of TRDPC!** Yet, in 2015, when GOC Chair Wylie had no more than 25 minutes to meet and had never answered any of the multiple pages of Criticisms, Supreme Court General Counsel Nina Hess Hsu admired GOC Chair Wylie's "oversight skills" so much, Counselor Hess Hsu had GOC Chair Wylie appointed to another Supreme Court Commission (on Judicial Conduct), too!

Texas Coalition on Lawyer Accountability (TCLA) Executive Director Julie Oliver's Grievance against Respondent James Farren stands out; but is only one (of tens of thousands of) inexcusable tragedy improperly **DENIED & DISMISSED** Grievances. The Grievance made **valid** claims that Farren **concealed evidence, coerced testimony & threatened key prosecution witnesses in the Brittany Holberg capital murder case**, but TCLA's Oliver was **DENIED and DISMISSED with NO explanation & NO APPEAL RIGHTS**. Amarillo Globe News contacted Spokeswoman Claire Mock for comment as the accused & convicted Brittany Holberg sits on **DEATH ROW**. Mock, sharing CLD Chair Guy Harrison's absurd perspective that "their job" is to **conceal Misconduct**, *only replied: "TX State Bar cannot even confirm that a Grievance was filed" unless it resulted in a Public Reprimand!*

The Supreme Court of Texas, in Its' duty to provide oversight of the State Bar, (a "quasi-state agency,") must make full Public Disclosure that the entire 2015 membership (96,912 active members) of the State Bar has a huge vested, financial interest in maintaining the current dysfunctional Grievance System. Membership Privileges currently include: DENIALS and DISMISSALS and EXPUNGEMENTS of Complainants' valid Grievances with no records kept, nor disciplinary consequences to Attorneys. Prompt removal of the Grievance System from the control of the State Bar, a public corporation that functions as trade association for attorneys, and disbarments of officials and Supreme Court appointees, blatantly in noncompliance with **The Court's Rules**, is required **ASAP**.

Tens of thousands of Grievance Complainants have been **DENIED and DISMISSED** Grievances with **no explanation and no investigation**, while Texas State Bar members' premiums for professional liability insurance are discounted due to a Dysfunctional Grievance System's dishonesty. Insurance underwriters compute low premium rates using an artificially deflated number of professional liability lawsuits. Attorneys who pay insurance premiums through Texas State Bar Member-owned companies, like the Texas Lawyers' Insurance Exchange (TLIE), benefit financially from each improperly **DENIED and DISMISSED** Grievance. For example, TLIE has returned over \$41,550,000 in profits to its members insureds over the past 19 years.

Sincerely Yours,


Debbie G. Asbury

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#); [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Tuesday, May 10, 2016 2:55:15 PM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Tuesday, May 10, 2016 2:32 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: Statfoundation

Email: debbieasbury@msn.com

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

Issue 2, "The Texas' Attorney Discipline System Lacks Best Practices Needed to Ensure Fair, Effective Regulation to Protect the Public"

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Any Alternative or New Recommendations on This Agency:

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From: [Sunset Advisory Commission](#)
To: [Cecelia Hartley](#); [Brittany Calame](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Tuesday, May 10, 2016 2:55:27 PM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Tuesday, May 10, 2016 2:33 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: Statfoundation

Email: debbieasbury@msn.com

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From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#); [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, May 12, 2016 8:39:13 AM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Thursday, May 12, 2016 6:02 AM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: Statfoundation

Email: debbieasbury@msn.com

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

Issue 4, "Texas Has a Continuing Need for the State Bar" fails to provide any reason of that "need," except to state that, currently, the agency is "exempt from many legislative requirements." Yet, the "exemption" (which the SAC Report claims so emphatically) is due ONLY to the fact that Texans must wait expectantly for twelve year (or more) intervals for a SAC Review. Because the last Sunset Review was in 2003, and the 2015 Sunset Review was delayed, I patiently waited with great expectations that Issues and Recommendations of the Current Review would command a MUCH-NEEDED reorganization of the State Bar. I am disappointed by the 2016 SAC Report to the point of INDIGNATION!

I have reviewed the Issues & Recommendations of the 2003 Sunset Review and determined that the fundamental problems in the Dysfunctional Attorney-Discipline System today, were instigated by (1) Profound Misunderstandings of SAC's Report authors in 2003 and (2) the Supreme Court of Texas' reliance on SAC's Reports to be ACCURATE, and abject FAILURE to WATCH WHAT THE STATE BAR OF TEXAS HAS ACTUALLY BEEN DOING FOR THE LAST TWELVE YEARS. (For a FULL Discussion of "Self-Regulation," see January 2011 Behind Closed Doors: Shedding Light on Lawyer Self-Regulation--What Lawyers Do When Nobody 's Watching John Sahl University of Akron School of Law, jps@uakron.edu http://ideaexchange.uakron.edu/ua_law_publications).

(1) It is difficult to imagine that SAC could obtusely RECOMMEND (in 2003) to "Simplify the hearings process by reducing the number of hearings." (pg. 25, Issue 3/Sunset Staff Report, March 2003). SAC might just as well have facetiously recommended that TX Courts discontinue principles and practices of Due Process of Law in Texas Courts to save TIME & MONEY!

(2) For the last twelve (12) years, due to the "detrimental auspice" of the 2003 SAC Report and The Supreme Court of Texas' negligence to peer under the shroud of MASSIVE NUMBERS OF ("secret") confidential DENIED & DISMISSED Grievances to see the indignities that Complainants have suffered and financial harm that the State Bar of Texas has inflicted, Complainants have been unconstitutionally DEPRIVED of AMENDMENTS to valid Grievances, and

APPEAL of WRONGFUL (ex parte) GRIEVANCE “DECISIONS” during the State Bar’s “preliminary screening process.”

As a result, a huge Class Action Lawsuit against the State Bar must be assembled to REINSTATE the Right to Evidentiary Hearings to tens of thousands of Grievance Complainants who have been UNJUSTLY DENIED DUE PROCESS OF LAW since 1/1/2004.

An even greater obstacle to the Profession of Law in Texas is that the integrity of all lawyers and respect of the public for the State Bar has been devastated. It may be IMPOSSIBLE and will certainly be difficult to regain any DISCIPLINE over the enormous mass (96,912 active members!) who have been disserved by the State Bar which has failed to DISCIPLINE tens of thousands of attorneys and dreadily allowed repeated violations of TDRPC. In actuality, The State Bar of Texas encourages Professional Misconduct!

While ethical attorneys have implored the State Bar to rid their ranks of the multitude of unprofessional attorneys, CDC’s, BODA’s, CLD’s and GOC’s response has been (reprehensible): CONCEALING ATTORNEY MISCONDUCT (especially from the Media-by lying that the Bar adheres to Supreme Court Statutes) and “helping TDRPC violators” by REPEATED EXPUNCTION of all improperly DENIED & DISMISSED Grievances from records of attorneys. In lassitude, the State Bar has abandoned its DISCIPLINARY PURPOSE and THE SUPREME COURT OF TEXAS HAS NOT EVEN BEEN WATCHING!

ANOTHER TWELVE (12) YEARS WOULD BE UNCONSCIONABLE!

Contemptibly, Sean Shurleff, Project Mgr., 2016 Sunset Advisory Commission (SAC), inanely touts that the State Bar needs continuance due to the fact of lack of “Legislative Oversight;” yet, I contend that the State Bar’s Dysfunctional Discipline System requires a Supreme Court Task Force to be assembled to clear out the incompetence and corruption. What remains of the Discipline System needs REORGANIZATION into a functional administrative arm of The Supreme Court of Texas. I must insist to SAC Project Mgr. Shurleff: Without the hindrance of an inaccurate to the point of being unintelligible 2016 SAC Report (WHICH CAN OCCUR ONLY EVERY 12 YEARS!), proper Legislative oversight through The State Bar Act can be READILY accomplished – and must be done just as soon as it is possible to do so!

a. The 2016 SAC SUMMARY ridiculously states: “The State Bar is an outlier among Texas occupational licensing agencies.” I refer to a definition of “outliers” in trying to interpret such an absurd statement. “Naive interpretation of statistics derived from data sets that include outliers may be misleading. For example, if one is calculating the average temperature of 10 objects in a room, and nine of them are between 20 and 25 degrees Celsius, but an oven is at 175 °C, the median of the data will be between 20 and 25 °C but the mean temperature will be between 35.5 and 40 °C. In this case, the median better reflects the temperature of a randomly sampled object than the mean; naively interpreting the mean as “a typical sample”, equivalent to the median, is incorrect. As illustrated in this case, outliers may indicate data points that belong to a different population than the rest of the sample set.”

I must ask Project Mgr. Shurleff: do you contend that other licensing agencies in your Sample Set, do NOT “self-regulate” – meaning those carrying valid “licenses” are NOT expected to report infractions (PROFESSIONAL MISCONDUCT) of other members to the appropriate Licensing Agency that come to their attention? I can only imagine that you have misunderstood that “self-regulation” of the State Bar, an agency regulating Professional Conduct of 96,912 active members, means a different caliber of autonomy than that which may apply to some much smaller, topically irrelevant Sample Set; for example; as if one might say that a fraternal organization on a college campus can make their own “frat house rules.”

Regulating attorneys through a mandatory bar organization does NOT “appear bizarre;” (as you benightedly suggest in the 2016 SAC Report). Your uninformative “observance” that the Texas State Bars’ “structure” can in some way compare to some nebulous, undefined “accepted national structure” is outlandish and misleading.

The 2016 Project Manager’s “Issue 4” has one unintelligible paragraph that reveals ONLY that Sean Shurleff has not even read the RECOMMENDATIONS of the 2003 SAC Report. In the 2016 SAC Report, the first sentence INACCURATELY

states: “The State Bar is a judicial agency operating under the authority and rules of the State Bar Act and the Texas Supreme Court.” Yet, the 2003 Sunset Staff Report/Issue 1 (pg. 6) states: “The State Bar is a quasi-governmental agency subject to dual oversight by the Supreme Court and the Legislature.” Please make note of your gross error which misleads readers to misunderstand just where the funds derive from --- in order to make the State Bar agency “function.”

There will be NO MORE IMPORTANT CONSIDERATION of the FINAL (2017) Sunset Commission Report than how the FUNDS WILL BE APPROPRIATED for a MUCH-NEEDED reorganization of the Disciplinary System for Texas Lawyers into a functional administrative arm of The Supreme Court of Texas. Or do you think,

Project Mgr. Sean Shurleff, that the 96,912 active members will HAPPILY allow their State Bar DUES and TAXES to be shifted to a new disciplinary authority and away from the "FRIENDLY" State Bar of Texas that allows rampant PROFESSIONAL MISCONDUCT WITH NO DISCIPLINARY CONSEQUENCE?

Pg. 17, SAC 2016, "•The agency has not proposed needed rule changes because success is so unlikely." I must ask Project Mgr. Shurleff: does that not preclude the consideration in Issue 4 (that "Texas has a NEED for the State Bar")? What NEED do Texans have for an "agency" whose purpose is to DISCIPLINE, yet that same "agency" cannot successfully propose NEEDED RULE CHANGES because THEY JUST CANNOT AGREE?

Pg. 31, SAC 2016, "•With implementation of a new, robust information system in 2013, the chief disciplinary counsel can now better track and analyze case outcomes and should make a dedicated effort to do so." I must ask Project Mgr. Shurleff: is it NOT TOO LATE for such a "robust" system in 2013? Such a "robust" system was called for in 2003! Whatever happened? In the Sunset Staff Report (2003), page 2, Issue 1, "•While the State Bar Should be Continued, Its Uniqueness Makes it Susceptible to Problems with Oversight and Accountability," it is stated:

"•Require the State Bar to develop a strategic plan that includes goals and a performance measurement system.

•Require the State Bar to adopt a performance-based form of budgeting, subject to Supreme Court Approval."

Over the next year with the advent of a Class Action Lawsuit against the State Bar of Texas, any such NEW, "robust" system in 2013 will fall FLAT and FAIL. The officials of the State Bar and appointees of The Supreme Court of Texas will face the FULL wrath of the Public, the Media and The Supreme Court of Texas, many will be PUBLICLY DISBARRED AND FINED: who, then, can you name who will benefit, therefore, by a NEW, "robust" system of 2013?

In the best interest of Justice in Texas Courts and incorporation of just "plain-old" honest and truthful assessments of the current, dysfunctional Discipline System, SAC must become compelled to call for the abolishment (ASAP) of the State Bar from any DISCIPLINARY AUTHORITY in regard to its 96,912 active members.

b. The 2016 SAC Issue 4 contends that "•Texas has a continuing need for the State Bar," in spite of the "Texas' organizational approach to attorney oversight" raises persistent concerns of CONFLICT OF INTEREST. I MUST ASK PROJECT MGR. SHURLEFF: how can SAC in good conscience recommend that the State Bar (with its MUCH DOCUMENTED CONFLICT OF INTEREST) be recommended to be continued for another 12 years? Do you understand that – since 1/1/2004, CDC, CLD, BODA and GOC have been maladministering an incongruous and odious Improper Notices Procedure and Grievance Denial Procedures? Over the next year, a huge Class Action Lawsuit against the State Bar of Texas will completely upend the current dysfunctional Attorney-Discipline System.

Will SAC continue to contend (ignoring the huge public outcry and Media overage of the problem that will occur) -- that there is NOT a profound CONFLICT OF INTEREST of the State Bar in the Grievance System and preposterously recommend continuance instead?

My recently released Report "Organized Crime of the Disciplinary Counsel (OCDC)" recommends:

RE: (1) Repeal of State Bar's Grievance Complainant-Adverse Changes (eff.

1/1/2004).

(2) Immediate Suspension of Current Dysfunctional Attorney-Discipline System Until Transfer of Investigatory and Adjudicatory Function Can Be Made to an Entirely New Discipline System.

The State Bar's Grievance Complainant-Adverse Changes, (eff.

1/1/2004), are counterproductive to the Attorney-discipline System's

purpose: to provide discipline whenever Complainants' Grievances demonstrate Professional Misconduct as defined by Texas Disciplinary Rules of Professional Conduct (TDRPC). Purportedly established to reduce processing time, the Changes, eff. 1/1/2004, related to State Bar Act [Texas Gov't Code §81, et seq.] serve only to underpin the dishonesty within the Dysfunctional State Bar Grievance System.

Per their humiliating misconstruction of the intent of Texas Gov't Code §81, the Office of the Chief Disciplinary Counsel (CDC) and the Board of Disciplinary Appeals (BODA) lamely declare that The Supreme Court of Texas authorizes injustice in the State Bar Grievance System:

- CDC investigations are conducted for the sole purpose of concealing evidence of attorney misconduct.
- Complainant-Adverse Decisions, deemed "secret" by CDC and District Grievance Committee Summary Disposition Panels, are made without the presence and the testimony under oath of the Complainant and the Respondent Attorney.
- Valid Complaints describing Barratry, Dishonesty, Fraud, Deceit and Misrepresentation are DENIED and DISMISSED by CDC and BODA with no explanation to the Complainant, nor

discipline to Attorney.

- Both BODA's and Summary Disposition Panels' Improper Notices insinuate that The Supreme Court authorizes secret, adverse decisions against Complainants, depriving them of their Right to Amend and/or Appeal loss of money, property, and eliminating Constitutional Rights accorded to Americans.

In 2015, GOC Chair Catherine M. Wylie allowed me only 25 minutes with GOC in which I was degraded and harassed for my "lack of understanding that attorneys are well-versed in the Law and not subject to my documented claims of Professional Misconduct." My many Criticisms that I sent to Supreme Court General Counsel Nina Hess Hsu have been completely ignored and unanswered. Recently, I have gleaned from Googling that General Counsel Nina Hess Hsu has admired GOC Chair Wylie's "oversight committee skills" so much in the State Bar's Dysfunctional Grievance System that Counselor Hess Hsu had GOC Chair Wylie appointed to another Supreme Court Commission (on Judicial Conduct), too!

The State Bar of Texas' justice-obstructing Attorney-Discipline System has destroyed faith and trust in The Court's administration of justice to such a point that Texans are fleeing the unethical, self-serving Texas attorneys in droves to, instead, conduct pro se lawsuits. In fact, Justice Debra Lehrmann has been required to write a Dissent Statement to The Texas Supreme Court's approval of "Pro Se Forms." Justice Debra Lehrmann expressed her concern of the Court's endorsement of the forms because "it will increase pro se litigation by people who can afford lawyers." I must ask:

why would any of the Justices suppose that any Texan would agree to pay for "justice" as defined by a cotillion of incompetent and corrupt State Bar officials and appointees of The Supreme Court who are left to their own crude devices to formulate their own unconstitutional, Complainant-adverse Grievance System that overtly favors "specially selected" Attorneys, finding only 1,410 Respondents (from 2011-2015), less than 5% all Grievances filed by Complainants, to require Discipline by the State Bar? (See Chart "Unmitigated Incompetence...", page 48)

Why would Texans need a Grievance System as "protection" from Professional Misconduct, when CDC's, BODA's, CLD's and GOC's own accounts in Reports to The Supreme Court can be deciphered to reveal that 95% of 28,827 "received" Grievances from 2011-2015 have been unfairly DENIED & DISMISSED due to the incompetence, corruption and a "(secret) confidential code" of the Dysfunctional Grievance System? Absurdly, State Bar officials and Supreme Court appointees stoutly maintain that they have a "mandate" from The Supreme Court to hide all documents and evidences from

27,417 Grievances in "CLOSED FILES" and EXPUNGE RECORDS OF ATTY MISCONDUCT!

The Court, in Its' duty to provide oversight of the State Bar, (a "quasi-state agency,") must make full Public Disclosure that the entire membership (96,912 active members) of the State Bar has a huge vested, financial interest in maintaining the current Dysfunctional Grievance System.

Membership Privileges currently include: DENIALS and DISMISSALS and EXPUNGEMENTS of Complainants' valid Grievances with no records kept, nor disciplinary consequences to Attorneys. Prompt removal of the Grievance System from the control of the State Bar, a public corporation that functions as trade association for attorneys, and disbarments of officials and Supreme Court appointees, so blatantly in noncompliance with The Court's Rules, is urgently required.

Tens of thousands of Grievance Complainants have been DENIED and DISMISSED Grievances with NO explanation and NO investigation, while Texas State Bar members' premiums for professional liability insurance are discounted due to the Dysfunctional Grievance System's dishonesty. Insurance underwriters compute low premium rates using an artificially deflated number of professional liability lawsuits. Attorneys who pay insurance premiums through Texas State Bar Member-owned companies, like the Texas Lawyers' Insurance Exchange (TLIE), benefit financially from each and every improperly DENIED and DISMISSED Grievance. For example, TLIE has returned over \$41,550,000 in profits to its members insureds over the past 19 years.

The Supreme Court of Texas' must acknowledge the humiliating failure: the justice-obstructing Attorney-Discipline System; for there are millions of dollars that must be repaid to Complainants and nightmarish Constitutional Rights Violations to rectify since, at least, 1/1/2004.

Any Alternative or New Recommendations on This Agency:

_Prompt removal of the Grievance System from the control of the State Bar, a public corporation that functions as trade association for attorneys, and disbarments of officials and Supreme Court appointees, so blatantly in noncompliance with The Court's Rules, is urgently required.

_By Order of The Supreme Court of Texas, Maureen E. Ray's, Special

Administrative Counsel, license to practice law in the State of Texas and bar card number was canceled on April 10th, 2015; a task force must discern why one CDC member is discharged from “duties” and not all of CDC, CLD, BODA and GOC.

_Clarify The Supreme Court’s inherent authority to oversee attorney discipline by repealing the maladministration of Disciplinary System from the State Bar of Texas.

None of my issues have been addressed in The Sunset Report - 4/29/16 - although I have faithfully reported them per The Government Code, Title 2, Subtitle G, Chapter 81, Subchapter A, Section 81.036, (Chapter 325 of The Government Code - Texas Sunset Act) for the last several years. Therefore, I am compelled to make them PUBLIC point-by-point now before 5/13/16.

I PRIORITY MAILED A FULL REPORT “Organized Crime of the Chief Disciplinary Counsel, (CDC)” to Sean Shurleff, Project Mgr., Sunset Advisory Commission, PO Box 13066, Austin, Texas 78711 on 5/6/2016. My Report contains a FULL DISCUSSION WITH DOCUMENTATION of each point I have already expressed to CDC, CLD, BODA and GOC without a single response! I insist EACH POINT must be addressed by SAC.

I have Priority Mailed the same FULL REPORT to MANY others, including; but not limited to:

The Honorable Nathan Hecht, Texas Supreme Court Chief Justice

c/o Mr. Blake Hawthorne, The Texas Supreme Court Clerk;

Robert S. Bennett;

Chris L’Orange, Alan Lazarus,

Drinker, Biddle & Reath, LLP;

Richard B. Roper,

Thompson & Knight LLP;

Frank Stevenson, President-Elect,

State Bar of Texas;

Rick Green (for Texas Supreme Court),

Innocence Project of Texas;

Gaines West, Atty at Law, West, Webb, Albritton & Gentry, PC

Charles Herring, Jr;

Herring & Panzer, L.L.P.,

HALT -- Simple, Affordable, Accountable Justice for All;

E.A. Trey Apffel, III, President. State Bar of Texas

Texas State House Rep. Senfronia Thompson

Texas State House Rep. Doug Miller

My Comment Will Be Made Public: I agree

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#); [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, May 16, 2016 9:57:49 AM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Friday, May 13, 2016 6:42 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Debbie

Last Name: Asbury

Title: Director

Organization you are affiliated with: Statfoundation

Email: debbieasbury@msn.com

City: New Braunfels

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

Should Issues 1 thru 4 be presented to the Sunset Advisory Commission by Director, Ken Levine, as an honest and truthful assessment, I contend that there is a certainty that SAC will become involved in several Class Action Lawsuits that the State Bar of Texas will be confronted with in due course. I recommend that a reassessment, as to just what the true Fiscal Implications of the SAC April 2016 Report will be, BEFORE SAC determines that such puerile Issues can be presented to the Commission.

Issue 1. On page 14 of the April 2016 SAC Report, an important truth, acknowledging the huge problem of Conflict of Interest, which completely over-rides any consideration of whether or NOT a referendum can PASS or FAIL under current maladministration. SAC 2016 states: "Texas is left with a system for attorney oversight that teeters on the edge of furthering the parochial self-interest of individual bar members above the more noble goals of public protection the profession's own concept of self-regulation demands." Inanely the April 2016 SAC Report suggests that "the problem"

is that the Bar is refusing to "make rules" when, in fact, the problem is that the Bar is refusing "to FOLLOW" The Court's Rules (due to the Bar's odious, unconstitutional Complainant-adverse Grievance Changes, eff. 1/1/2004). Those Changes are in in complete opposition to Rules CLEARLY set down by Statutes.

An intense discriminatory bias, in favor of Respondent attorneys, is rooted in the Bar's Conflict of Interest. Purporting itself to conduct discipline of its members, the State Bar "acts" (instead as a CONCEALER of members' Misconduct) – i.e., the Bar "performs" as a trade association for 96,912 active attorneys who demand that Texas State Bar members' premiums for professional liability insurance rates must remain low. The Bar's 96,912 active attorneys and the many Insurance Companies that insure them, REQUIRE the Bar (which is DEPENDENT on DUES & FEES of those

MEMBERS) to "assist" all TX attorneys by DENIALS, DISMISSALS and EXPUNGEMENTS of Complainants' valid Grievances with no records kept, nor disciplinary consequences to Attorneys. No matter how heinous the Violations of TDRPC and TRDP described in Complainants' valid Grievances, CDC, CLD, BODA and GOC block the State Bar from making proper Classification Decisions (of "Inquiry" or "Complaint"). I must ask SAC Director,

Ken Levine:

By what "authority" does SAC overlook the State Bar's abject FAILURE to abide by Per TEX GV. Code Section 81.072, GENERAL DISCIPLINARY AND DISABILITY PROCEDURES, causing Texans to have to endure the Complainant-adverse Grievance System, eff. 1/1/2004, for yet another 12 years or more?

CDC's Linda Acevedo's, CLD's Guy Harrison, BODA's Marvin Jones and GOC's Catherine N. Wylie's are currently impeding the effectuation of recent Statutes, aimed directly at FORCING the Bar to DISBAR prosecutors who violate disciplinary rules by failing to disclose potentially exculpatory information to the defense. It was certainly NOT the Bar that REQUIRED those recent Statutes but a huge public outcry and the national Media attention cast on the Michael Morton Case. Texas lawmakers had considered (and later passed) several bills during the 2013 Legislative Session related to the duties of prosecutors. One of the bills, Senate Bill 825, introduced by Sen.

John Whitmire, amends Section 81.072 of the Government Code in two ways: (1) to prohibit private reprimands for prosecutors who violate disciplinary rules by failing to disclose potentially exculpatory information to the defense; and (2) to allow for the filing of grievances against prosecutors for alleged violation of the disclosure rules four years from the date on which a wrongfully imprisoned person is released from penal institution. An identical bill was introduced in the House by Rep. Senfronia Thompson.

Indecent and humiliating attempts to influence the outcome of Grievances brought against the prosecutors in the Michael Morton Case (Ken Anderson) and the Anthony Graves Case (Charles J. Sebesta) were evidenced by CDC, CLD, BODA and GOC! With NO REGARD to the Documentaries ("An Unreal Dream") and ("Grave Injustice"), the State Bar trod down a well-worn, dreary pathway – actually trying in both cases to DENY, DISMISS and EXPUNGE Grievances against Anderson and Sebesta- without DISCIPLINE! While feigning an interest in "protecting the public" from attorneys who violate the TDRPC and TRDP, the zealots of CDC, CLD, BODA and GOC, in fact, eye every Grievance as "an opportunity for the Respondent for a favorable outcome --- dismissal."

In 2007, Anthony Graves and Robert S. Bennet filed a Grievance against Charles J. Sebesta, which was IMPROPERLY DENIED, DISMISSED with no AMENDMENT OR APPEAL and the Grievance File was EXPUNGED! Although he had been exonerated and removed from DEATH ROW BEFORE the 2007 Grievance filing, Mr.

Graves was not allowed to leave prison until 2010. In early 2014, the Graves/Bennett team filed a second Grievance against Charles J. Sebesta.

Instead of welcoming the opportunity to use the amended Section 81.072 of the Government Code, CDC's Chief Acevedo and her consortium chose to publicly back Respondent Sebesta and made a despicable attempt to discredit Mr.

Bennett. CDC's Acevedo and her consortium DISBARRED Mr. Bennett on March 21st, 2014 on an unrelated and unsubstantiated charge!

Disgracefully CDC sent "between the lines" chidings to Bennett, Graves, Texas Coalition on Lawyer Accountability (TCLA), The Innocence Project and others that Sebesta would not face any Disciplinary Sanctions at all, let alone DISBARMENT! CDC spread their pathetic, enthusiastic confidence that, even though a TX Monthly article announced on July 6th, 2014 "The State Bar of Texas has found "just cause" to pursue disciplinary action against Charles Sebesta, the district attorney who sent Graves to death row," that any Disciplinary Action against Sebesta for a "just cause finding" that he had broken rules in TDRPC was OVERWHELMINGLY UNLIKELY. The same Texas Monthly article on July 6th, 2014 warned:

"There's no word yet on when the bar will make its determination about Sebesta. Whether or not the bar will take action at all still remains to be seen. Except for the recent disbarment of Ken Anderson, the ex-Williamson County D.A. who prosecuted Michael Morton, the bar's track record for disciplining prosecutors has been abysmal. From 2004 to 2012, in 91 criminal cases in which the courts decided that Texas prosecutors had committed misconduct, not a single prosecutor was ever disciplined."

An unbearably shameful testament to the willful and grossly negligent violations by CDC's inane misinterpretation of Changes, eff 1/1/2004, is that in 91 Criminal Cases for which Texas Courts determined that Texas prosecutors had committed Misconduct in and freed victims as a result, CLD "determined NO Just Cause," DENIED & DISMISSED the Cases against the Criminal Prosecutors with NO DISCIPLINARY ACTION, leaving Prosecutors encouraged to CONCEAL KEY exculpatory evidence and suborn false testimony for many years in exactly those same Courts that had uncovered Misconduct!

Ethical attorneys (like Bennett) who work diligently to reveal the disgrace and humiliation of The Supreme Court's Disciplinary Mandate by the State Bar have been unable to argue away the incompetency of CDC's Chief Acevedo and her consortium who absurdly assert that the Summary Disposition Panel's

("secret") confidential CLOSED FILES that are EXPUNGED on those 89 Criminal Cases (Ken Anderson and

Charles Sebesta no longer have EXPUNGED

FILES) must remain FOREVER EXPUNGED, CONCEALING KEY exculpatory evidence and suborning false testimony FOREVER!

CLD's Evidentiary Panel sided with the Complainant, Anthony Graves, and DISBARRED Sebesta on June 11th, 2015 but Sebesta appealed. It was astonishing that CDC was not even mildly concerned that the DISBARMENT of Sebesta would, in FACT, HOLD! CDC's plan was that the DISBARMENT would be summarily DENIED & DISMISSED on Appeal based on CDC's and Respondents' Motions on Res Judicata and Estoppel. (2 CR 1014.) CDC was so confident that it would be able to simply disregard Texas House and Senate Committee Rules requiring public reprimands for prosecutors who violate disciplinary rules by failing to disclose exculpatory information to the defense that CDC had already told CBS News that Sebesta had – the day after his PUBLIC DISBARMENT, “invoked his right under State Bar rules to keep those proceedings private.”

The State Bar has evidenced an adversarial proclivity toward the remaining 89 Grievance Complainants who are entitled to a RE-FILING of each Grievance under the amended Section 81.072 of the Government Code and the Precedent set by the ORDER ON RESPONDENT'S MOTION ON RES JUDICATA AND ESTOPPEL for

Sebesta that BECAME FINAL on February 8th, 2016. The State Bar's UNFAIR

DISBARMENT of Robert S. Bennett has cast a reprehensible stigma and marker of severe distrust on the State Bar's Chief Acevedo. On July 15th, 2014, “No. 14-14-00470-CV “IN THE COURT OF APPEALS FOR THE FOUTEENTH DISTRICT OF TEXAS, Bob Bennett A/K/A Robert S. Bennett, Appellant V. Commission for Lawyer Discipline, Appellee, FROM THE 334TH JUDICIAL DISTRICT COURT OF HARRIS COUNTY, TRIAL COURT CAUSE NO. 2013-56866, AMICUS CURIAE FILING IN SUPPORT OF MEDIATION, was presented. Perhaps some of the 1,073 attorneys are actually friends of Mr. Bennett; certainly their signatures were not applied due to friendship. 1,073 Texas attorneys were shocked by the overt CDC corruption and compelled to sign the Amicus Curiae Filing to send a CLEAR MESSAGE to The Supreme Court of Texas to boot CDC Chief Acevedo, other officials of the State Bar, and appointees of The Supreme Court because they have directly caused such devastation to the efficacy of all lawyers and Courts in Texas.

On September 29th, 2014, the second nail was driven into the CDC coffin when Marc R. Stanley filed his PETITION for Administrative Relief to The Supreme Court which perfectly sums up the tyrannical effrontery of CDC's Chief Acevedo and her consortium. Mr. Bennett (and, of course, Anthony Graves) have driven the FINAL NAIL into CDC's Coffin by their courageous stand against CDC which yielded a decision that applies, not just to the Bennett/Graves Grievance against Respondent Sebesta; but to each and every one of 27,417 DENIED & DISMISSED Grievance Complainants and Respondents in my study period from 2011 – 2015 (and tens of thousands more since 1/1/2004 when CDC willfully misconstrued intent of Changes). Those tens of thousands of Complainants who wrote formal Grievances, describing and documenting Barratry, Dishonesty, Fraud, Deceit and Misrepresentation against Respondents have been DEPRIVED of a fair trial, neutral judge, and proper Notice of DENIAL & DISMISSAL with Appeal Rights. In opposition to Statutes, CDC egregiously conceals all evidences and documents of valid Grievances in

“(secret) confidential CLOSED FILES until EXPUNGED!” and fails to expose any CDC Atty/FRIENDS to DISCIPLINE!

CDC is harassing ethical lawyers in order to inflict Incompetence and Corruption!

In March, 2016, after two years of an extremely humiliating public DISBARMENT, a Houston appeals court reversed a trial court's sanction DISBARRING of Robert S. Bennett of Houston and remanded it for reconsideration of the "appropriate sanction" after finding evidence was insufficient to support the trial court's conclusion that Bennett violated two disciplinary rules. I must ask SAC Director Ken Levine: Does it NOT Matter that CDC's and BODA's “playbook” of “unwritten exceptions to the classification rules that have no basis under Texas law can be applied against ethical Attorneys with an apparent lack of any kind of Precedence whatsoever?

Among the tens of thousands of DENIED & DISMISSED Grievances with NO EXPLANATION, NO APPEAL and NO DISCIPLINE to Respondents, re-filing of those Grievances as must be accorded DEPRIVED Complainants, will reveal an astonishing number of violations of TDRPC (with evidences) much more troublesome than the unproven violations by which CDC called for Disciplinary Sanction (and DISBARMENT) of Mr. Bennett on March 21st, 2014. For example, Mr. Stanley's Petition revealed that Complainants purchased property for \$1,170,654. But, Respondent, “Attorney J” secretly sold it and used proceeds to purchase more property that Attorney J then used as collateral for a loan on another property! When Mr. Stanley presented the fraud to “Attorney J,” he admitted the fraud but said he would “SELF-REPORT”

his crimes to CDC! As unbelievable as it is to conceive that CDC, a DISCIPLINARY AUTHORITY, would DENY & DISMISS Mr. Stanley's Grievance against “Attorney J,” with NO APPEAL, NO DISCIPLINE and EXPUNGEMENT of the valid Grievance, that is precisely what CDC did! CDC has NO PRECEDENT FILES but

“determines” DISCIPLINE v. EXPUNGEMENT on a case-by-case basis!

Will SAC Director Ken Levine continue to ridiculously assert that Texas Complainants NEED a Disciplinary System with NO PRECEDENT FILES, “determined” on a case-by-case basis?

I must ask SAC Director, Ken Levine: Does he believe it is appropriate for SAC to recommend the continuance of the State Bar which evidences a Mission which is NOT DISCIPLINARY - but as a “trade association which “aids its Members to evade DISCIPLINE”- even in spite of clear Statutes from The Supreme Court REQUIRE that the State Bar conduct a Disciplinary System?”

Will SAC attest to continuance of the State Bar while CDC attempts to circumvent ACCOUNTABILITY, i.e., tries to successfully seek the DENIALS & DISMISSALS of second grievances against those 89 Criminal Cases, and in addition, the 27,417 unconstitutionally DENIED & DISMISSED Grievances from my study period (2011-2015) based on CDC’s and Respondents’ Motions on Res Judicata and Estoppel. (2 CR 1014.) - just like CDC did for Sebesta immediately after his DISBARMENT on June 11th, 2015? Is Director Ken Levine not concerned with SAC’s own implication for injustice to Complainants in the Grievance System along with the State Bar in such conspicuously biased endeavors?

Issue 2, Page 3 of April 2016 SAC Report, “The Texas’ Attorney Discipline System Lacks Best Practices Needed to Ensure Fair, Effective Regulation to Protect the Public” demonstrates Sean Shurleff, Project Mgr., Sunset Advisory Commission, (SAC) does not comprehend that the Prior Sunset Advisory Commission (2003) made “Key Recommendations” exactly OPPOSITE to those Sean Shurleff now purports will solve “inefficient case resolution.” Because Sean Shurleff has failed to review a single Grievance Oversight Commission (GOC) Report before providing the Key Recommendation to “Promote more efficient case resolution by reinstating investigative subpoena power, requiring a process for conducting investigative hearings and adjusting time frames,” I contend that the illogical paragraphs at Issue 2 has makes no substantive recommendations and must be stricken from consideration by SAC on The State Bar of Texas (SBOT).

Page 15 of the April 2016 SAC Report asserts falsely that SAC DID NOT participate in the State Bar’s inane misinterpretation of 2004 Limited changes to the TDRPC – which are wrongly stated to apply in the April 2016 SAC Report only in regard to “referral fees and lawyer advertising.”

However, it is clear that the “Outcomes of Referenda Over the Past 25 Years,” SAC Report April 2016, that it was SAC which carelessly instigated the ruinous tenets of the Improper Notices Procedure and Grievance Denial Procedures (in 2004). I have suggested Legislation to revise TRDP 1.06, TRDP 2.12, 2.13, 2.14 (D), 2.15, 2.16, 2.17, 2.24, 2.28, 3.01, 3.02, 3.05, 3.06 3.07, 3.08, 3.09, 3.10, 3.12, and 3.16 to eliminate the negative, Complainant-adverse changes (which became effective on 1/1/2004) for Complainants in the Grievance Process in a recently released Report, “Organized Crime of the Disciplinary Counsel, OCDC.”

As Marc R. Stanley pointed out in his PETITION, State Bar officials and Supreme Court appointees are mismanaging the Grievance System; disgracefully waiting for a lawyer to be convicted of a crime (by another legal authority than the State Bar Disciplinary System) BEFORE acting through a “regular grievance process.” It is clear that the Changes which occurred 1/1/2004, were intended for efficiency of a procedure for justice and discipline by The Supreme Court of Texas but have, instead, become the “clout” for the Improper Notices Procedure and Grievance Denial Procedures, an embodiment of maladministration by the State Bar.

The origins of the Improper Notices Procedure and Grievance Denial Procedures currently inefficiently and dishonestly administered by the State Bar of Texas can be traced to changes to TRDP 2.13, Evidentiary Hearings, which became effective 1/1/2004. Immediate revision of TRDP 2.13 would result in an extremely positive change that Complainants’ Right to Due Process of Law would be restored in the Grievance Process and Respondent Attorneys would be disciplined for attorney misconduct should the attorney not follow the exact standard of TDRPC and TRDP. A clear message would be disseminated to all Texas attorneys that The Supreme Court of Texas, an administrator of justice, will not tolerate dishonesty, fraud, deceit or misrepresentation among lawyers that have chosen the legal profession.

Prior to the Complainant-adverse changes, effective 1/1/2004, the Complainant and the Respondent Attorney were permitted to appear in person and testify under oath before an investigatory panel of the State Bar District Grievance Committee. After 1/1/2004, the Complainants’ Rights to Due Process of Law were eradicated by “new rules” with disastrous results that underpin the Improper Notices Procedure and Grievance Denial Procedures, for example but not limited to:

*a) The elimination of the “just cause” hearing which was held inclusive of the presence of the Complainant and the Respondent Attorney by an investigatory panel of the State Bar Grievance Committee. Under “new rules,” the responsibility for investigation and a “just cause” determination by CDC are not subject to review per the unconstitutional contents provided in TRDP 2.13.

*b) The establishment of a Summary Disposition Panel was adverse to the Complainant because he/she is no

longer permitted to appear in person before an investigatory panel of the State Bar District Grievance Committee, nor given Proper Notice of Summary Disposition Panel Determinations and Appeal Rights. The current dysfunctional Grievance System proponents purport that the revocation of rights to appear in person, to present all supporting documents under oaths before an investigatory panel, is (in the State Bar of Texas' own CLE Program lesson) "an opportunity for the Respondent for a favorable outcome --- dismissal." Without provision of Due Process of Law to the Complainant in the Grievance Process, the Closed Summary Disposition Panel is admittedly for the purpose of --- "Dismissing the Respondent Attorney from Discipline."

*c) The omnipresent misunderstanding of the State Bar's current dysfunction Grievance System is that CAAP is a "dispute resolution procedure" for problems that occur between the Complainant and the Respondent Attorneys due to improper DENIALS and DISMISSALS of Grievances - which depict and document attorney misconduct. CAAP, "an opportunity to CONCEAL" attorney misconduct from BODA and/or an Evidentiary Panel, is contemptibly offered as an alternative to (instead of) an Appeal to BODA's Review on all improper DENIAL and DISMISSAL Notices of CDC. The deleterious confusion is noted in Chapter Six (6) of a State Bar of Texas' Continuing Legal Education (CLE) program provided to attendees of the TEXAS MINORITY ATTORNEY PROGRAM on May 20th, 2005 in Houston Texas by Jennifer A. Hasley, CDC. Absurdly, the State Bar's current dysfunction Grievance System overrides the stipulations in TRDP 2.17 (O) that CAAPs referrals can be made ONLY after conducting the Evidentiary Hearing in which a judgment has been provided to CAAPS.

*d) The revocation of Complainants' rights to an Appeal of an Evidentiary Panel Decision - only pertaining to the Complainant - results in an inordinately unfair Grievance Process which prohibits a Complainant's Right to Due Process of Law while favoring the Respondent Attorney's ability to CONCEAL attorney misconduct and evade much needed Disciplinary Action.

Purportedly in the interest of "eliminating delays and making the (Grievance) System more efficient," the Right to Appeal of Evidentiary Panel Decision by Complainant - not by the Respondent Attorney - was repealed by Complainant-adverse Changes to The Attorney Grievance System, Effective 1/1/2004.

*e) By restoring the Grievance System in effect before 1/1/2004, Complainants would have: adequate notice of CDC's decision with proper Appeal Rights (to BODA), a fair hearing with an investigatory panel of the State Bar Grievance Committee-which can be attended by both the Complainant and Respondent - who give testimony and evidence UNDER OATH, and a neutral judge (using procedural rules under Texas Law). Complainants' Proper Notice from CDC of the Right to Appeal could NOT, under any circumstance, make the mistake of indicating CAAP could suffice for Grievance justice instead of an Appeal to BODA. BODA's Notices would give proper Notice of a Complainant's Right to Amend a Grievance for a revised Determination.

I must ask SAC Director Levine: will SAC proudly claim its involvement in instigating a huge Class Action Lawsuit against the State Bar of Texas on behalf of the DAAMD - those Deprived of Appeals of Attorney Misconduct Determinations - Class? It was certainly a serious mistake on the part of SAC to make such a careless, simplistic Recommendation that the State Bar of Texas could forgo DUE PROCESS of Law in its Grievance System! Would it NOT be a much more sensible approach to forgo the upcoming SAC Report until SAC can revise its current "simplistic ideas." Absurdly in the 2016 Recommendations, SAC states "efficient case resolution by reinstating investigative subpoena power" when, in fact, SAC has merely misunderstood that such tools are solely intended for Evidentiary and District Court Hearings and would NEVER be applied to "preliminary screening dismissals"

which carry NO RES JUDICATA EFFECT!

Issue 2. Page 31 of the April 2016 SAC Report acknowledges that there are NO Reports or Data of case outcome or PRECEDENTS to show how different rule violations translate into Sanctions. SAC 2016 states: "Poor tracking and analysis of case outcome data. The chief disciplinary counsel does not collect sufficient data to report detailed case outcome information that could show how different rule violations translate into sanction decisions made by the local grievance committees on a statewide basis. Current tracking is limited to whether a sanction decided by a local grievance committee or district court falls within the range initially recommended by the chief disciplinary counsel. More detailed data could help formulate sanction guidelines and assist the local grievance committee members in making decisions. With implementation of a new, robust information system in 2013, the chief disciplinary counsel can now better track and analyze case outcomes and should make a dedicated effort to do so."

Such a "robust" system was called for in 2003! Whatever happened? In the Sunset Staff Report (2003), page 2, Issue 1 states: "•While the State Bar Should be Continued, Its Uniqueness Makes it Susceptible to Problems with Oversight and Accountability." It is further stated: "•Require the State Bar to develop a strategic plan that includes goals and a performance measurement system. •Require the State Bar to adopt a performance-based form of budgeting, subject to Supreme Court Approval." Over the next year with the advent of a Class Action Lawsuit

against the State Bar of Texas, any such NEW, “robust” system in 2013 will fall FLAT and FAIL. The officials of the State Bar and appointees of The Supreme Court of Texas will face the FULL wrath of the Media and The Supreme Court of Texas, many will be PUBLICLY DISBARRED AND FINED: who, then, can SAC’s Director Ken Levine name who will benefit, therefore, by a NEW, “robust” system of 2013?

In the best interest of Justice in Texas Courts and incorporation of just plain honest and truthful assessments of the current, dysfunctional Discipline System, SAC must become compelled to call for the abolishment (ASAP) of the State Bar from any DISCIPLINARY AUTHORITY in regard to its 96,912 active members.

Page 36 of the April 2016 SAC Report acknowledges that in spite of the 1991 Sunset Provisions that “REQUIRED the State Bar to develop minimum standards and procedures for the grievance system” ... in accordance with TEX GV.

Code, § 81.072 CLASSIFICATION, that states Complainant must be given a full explanation on dismissal of an Inquiry or Complaint. Yet, to date, THERE ARE STILL NO SUCH EXPLANATIONS PROVIDED! April 2016 SAC Report states: “(2.13) Direct the Office of the Chief Disciplinary Counsel to more proactively provide assistance to complainants in understanding reasons for complaint dismissal. The chief disciplinary counsel should revise its current form letters to include both an explanation of how the grievance system works and more specific reasoning for grievance dismissals, when applicable. As part of this recommendation, the chief disciplinary counsel should include language offering to assist complainants over the phone to help understand reasons for dismissal, and list a specific contact person and phone number. This recommendation would help complainants understand the discipline system and improve public satisfaction with the process overall.”

I must ask how can it be that SAC Reports can repeatedly recommend “simple solutions” but never research why such very artless keys were not EASILY IMPLEMENTED after SAC’s prior recommendations? Did SAC not read ANY of the CLD and GOC Reports since the last time (in 2003) that SAC REQUIRED the State Bar’s acquiescence to the clear Statute to make a FULL EXPLANATION ON DISMISSAL OF AN INQUIRY OR COMPLAINT?

I recommend that SAC BEGIN ANEW by reviewing GOC’s many Reports to The Supreme Court of Texas for changes and improvements in the attorney disciplinary system SINCE 2003; WHICH HAVE ALREADY COMPLETELY FAILED. For just one example; for years since 2007, GOC has purported that an “Ombudsman,” CDC’s Maureen Ray, (later called) Special Administrative Counsel, had the task of “explaining” why Barratry, Dishonesty, Fraud, Deceit and Misrepresentation were NOT considered a violation of TDRPC. “Explanations” were a humiliation to the State Bar. With NO “fanfare” in CDC, CLD, BODA or GOC Reports, Maureen Ray suddenly VANISHED- along with “Ombudsman” and “Special Administrative Counsel” positions!

Counselor Maureen Ray, subsequently, mysteriously abandoned her State Bar membership on April 10th, 2015. Ray’s abrupt absence has left the Bar with NO ONE TO EXPLAIN to the tens of thousands of DENIED & DISMISSED Complainants (DEPRIVED of Appeal) what the “grounds” were for failing to DISCIPLINE Respondents that conducted Barratry, dishonesty, fraud, deceit or misrepresentation as defined in TDRPC!

I must explain SAC Director Levine: there is a very simple answer WHY the State Bar can find NO ONE to explain any reason for the improper DENIALS & DISMISSALS with NO APPEAL. The State Bar routinely DENIES & DISMISSES valid Grievances by lying that no violations of TDRPC can be “determined,” then disgracefully DEPRIVES Complainants of an EXPLANATION, an AMENDMENT, and an AMENDMENT Appeal that Complainants are accorded by Statutes. When Marc R.

Stanley, an ethical TX attorney, wrote a Petition for Administrative Relief to The Supreme Court of Texas on Sept. 29th, 2014 and brought Counselor Maureen Ray’s absurd “retorts” to Complainants to the full attention of The Supreme Court, Ms. Ray suddenly voluntarily gave up her Bar Card.

Absolutely no other attorney exists in all of Texas who will take Ms. Ray’s place in which she gave absurd, senseless “notions” why Barratry, Dishonesty, Fraud, Deceit and Misrepresentation were NOT considered a violation of TDRPC. I must ask SAC Director Levine to remove the very “simple notion” from this SAC Reports Recommendations List that there is anyone who can EXPLAIN why TDRPC violations described in valid Grievances are NOT “determined” as PROFESSIONAL MISCONDUCT! Someone, please, at least, read the GOC Reports which are available!

Issue 3. Page 4 of the April 2016 SAC Report only demonstrates a fundamental misunderstanding of SAC that “issues of the formal grievance system “ are the domain for informal dispute resolutions of the Client-Attorney Assistance Program (CAAP). SAC Issue 3, Page 4 states: “The State Bar Does not maximize informal Dispute Resolution to Most Effectively Resolve Grievances Against Attorneys.” But such nonsense is an indication that SAC analysts are fully disengaged from the subject matter of the State Bar, i.e., DISCIPLINE of Texas attorneys

who violate TDRPC. Because SAC's grasp of Issue 3 is so vague; it is also misleading. Therefore, Issue 3 must be stricken from consideration by SAC on The State Bar of Texas (SBOT).

Page 44 of the April 2016 SAC Report demonstrates SAC's detachment and disinterest in just how much expense is involved with the State Bar Grievance System, and insinuates in a "simplistic" but OVERTLY WRONG MANNER that CAAP could be applied as a "Band-Aid" to such serious Matters such as Barratry, Dishonesty, Fraud, Deceit and Misrepresentation, i.e., violations of TDRPC. I assert that the SAC information provided is meaningless; I do not recognize at all from my research on the Grievance System such a reference as "allegations of misconduct." Such "revelations" are irrelevant to the discussion of the State Bar Grievance System. Page 44 of April 2016 SAC Report states: "In fiscal year 2014–2015, the State Bar spent \$38.4 million, using mostly revenue from membership dues and fees charged for various member services and programs, such as continuing legal education. That year, the State Bar's Office of the Chief Disciplinary Counsel processed more than 7,000 grievances against attorneys, including 1,692 allegations of misconduct that ultimately resulted in 318 disciplinary actions. The State Bar also provided informal dispute resolution services to more than 1,000 people with less serious problems with their attorneys, and registered more than 66,000 attorneys for its continuing legal education programs."

Can SAC NOT understand the extreme CONFLICT OF INTEREST which occurs EACH time a Grievance Complainant is referred to CAAP, a NON-DISCIPLINARY AGENCY, without FULL Disclosure! CDC's Complainant-adverse proponents are (themselves) lawyers, misleading Complainants that they are representing the Complainant against Respondents who violate TDRPC. CDC attorneys violate TDRPC 1.06 which can only allow a "trade association employee, or official" paid by the State Bar to represent a Complainant if full disclosure of the "existence, nature, implications, and possible adverse consequences of the common representation and the advantages involved, if any." Per Comment 8: "8. Disclosure and consent are not formalities. Disclosure sufficient for sophisticated clients may not be sufficient to permit less sophisticated clients to provide fully informed consent. While it is not required that the disclosure and consent be in writing, it would be prudent for the lawyer to provide potential dual clients with at least a written summary of the considerations disclosed." I must ask SAC Director Ken Levine: Will you claim to the Commission Members that State Bar officials, employee staff lawyers, and appointees of The Supreme Court are NOT HELD ACCOUNTABLE to TDRPC and subject to DISCIPLINE, just as all TX Attorneys are? Or, will you just "simply" ignore the OVERT CONFLICT OF INTEREST and allow thousands of Complainants to be DEPRIVED of monetary and property rights as well as protection of Civil and Criminal Laws that the Texas Justice System accords to each Texan?

Issue 4. Per The State Bar Act, Sec. 81.014. SUITS. The state bar may sue and be sued in its own name.

Should SAC Director Levine continue to assert that "Texas has a continuing need to maintain the State Bar as it did in the March 2002 SAC Report and is proposing in the April 2016 Report, I contend that SAC will become embroiled in several Class Action Lawsuits that the State Bar of Texas will be served from various sources. I can think of very many Class Action Lawsuits just stemming from the State Bar's lack of maintaining ANY PRECEDENT FILES. For just one example of another type of Class Action Lawsuit that will apply to ANY Client who retained an attorney in Texas since, at least, 1/1/2004 – would be one involving the IOLTA (Interest on Lawyers' Trust Accounts) Program.

Page 25 of the 2016 Sac Report informs: "The chief disciplinary counsel does not receive notification about overdrawn attorney trust accounts, missing a nationally accepted best practice that could help protect clients from financial harm. Safeguarding client funds such as prepaid legal fees and settlement awards is one of the most critical responsibilities attorneys have to their clients. Checking a free national database would help identify Texas attorneys disciplined in other states. State Bar of Texas Staff report serious disciplinary cases involve theft or mismanagement of client funds.

The rules of conduct require attorneys to keep this money separate and carefully protected from other business and personal accounts. Attorneys hold client funds in Interest on Lawyer Trust Accounts (commonly known as IOLTA accounts or trust accounts), described"

I must ask SAC Director Ken Levine: by what or whose "authority," does SAC contend it can propose to extend a State Bar Grievance System which does not SAFEGUARD CLIENT FUNDS and which places the majority (those who retain attorneys by use of IOLTA's) of Texas Clients at severe risk of great financial harm?

Any Alternative or New Recommendations on This Agency: I PRIORITY MAILED A FULL REPORT “Organized Crime of the Chief Disciplinary Counsel, (CDC)” to

Sean Shurleff, Project Mgr., Sunset Advisory Commission, PO Box 13066, Austin, Texas 78711 on 5/6/2016. My Report contains a FULL DISCUSSION WITH DOCUMENTATION of each point I have already expressed to CDC, CLD, BODA and GOC without a single response! I insist EACH POINT must be addressed by SAC.

My Comment Will Be Made Public: I agree