



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY THE
SUPREME COURT OF TEXAS**

**IN THE MATTER OF
JAMES R. PALMER
State Bar of Texas Card No. 00793217**

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§
§

CAUSE NO. 64479

ORDER DENYING MOTION FOR SUBSTITUTE SERVICE

On this day, the Board considered the Motion for Substitute Service filed by Petitioner, the Commission for Lawyer Discipline, in the above-captioned reciprocal discipline matter on May 24, 2024. The Board finds as follows:

1. Strict compliance with Rule 106(b) of the Texas Rules of Civil Procedure is necessary to authorize substitute service. *See* BODA INTERNAL PROCEDURAL RULE 1.02–.03; *see, e.g., Spanton v. Bellah*, 612 S.W.3d 314, 316–17 (Tex. 2020).
2. The attempted service of the Order to Show Cause and Petition for Reciprocal Discipline and the First Amended Order to Show Cause and First Amended Petition for Reciprocal Discipline list different addresses than that listed in the State Bar of Texas (SBOT) membership records. (*Compare*, Exhibit 1 “2201 Peninsula Court...” *and* Exhibit 2 “220 Peninsular Court...” *with* SBOT Membership “2201 Peninsular Ct.”)
3. Neither attempt to serve Respondent by mail was sent to the address matching that contained in SBOT membership records. (*Compare*, Exhibit 4 “260 Wekiva Springs Ste. 2090...” *and* Exhibit 5 “260 Wekiva Springs Road, Ste. 2090...” *with* SBOT Membership “280 Wekiva Springs Rd.”)

4. Neither the affidavit contained in Exhibit 1 nor that in Exhibit 2 indicates that the attempted service address was believed to be a residence or business address where Respondent was believed to be located. *See Shelton v. Comm'n for Lawyer Discipline*, 2006 WL 6242394 (June 9, 2006).
5. Information referenced in Petitioner's motion and contained in the State Bar of Texas membership database is not attached in an admissible form.
6. Petitioner has provided no information to form the belief that Respondent can be found at either address proposed for substitute service.

For the foregoing reasons, Petitioner's Motion for Substitute Service is **DENIED** without prejudice to refiling.

SIGNED this 6th day of June 2024.

A handwritten signature in blue ink, appearing to read "Kevin H.", is written above a horizontal line.

CHAIR PRESIDING