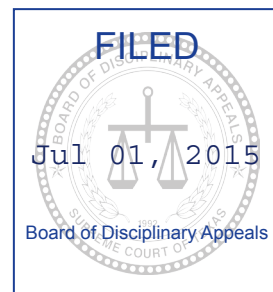


No. 56359



**Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas**

**JERRY SCARBROUGH,
RELATOR**

V.

**LISA RICHARDSON, PRESIDING MEMBER
EVIDENTIARY PANEL FOR STATE BAR OF TEXAS DISTRICT NO. 08-5,
RESPONDENT**

*Original Proceeding Arising Out of the
Evidentiary Panel for State Bar of Texas District No. 08-5,
Honorable Lisa Richardson, Presiding Member
Docket No. A0111214896 & A0111214897*

**RESPONSE TO PETITION FOR WRIT OF
MANDAMUS, PROHIBITION AND INJUNCTION**

LINDA A. ACEVEDO
CHIEF DISCIPLINARY COUNSEL

CYNTHIA CANFIELD HAMILTON
SENIOR APPELLATE COUNSEL

LAURA BAYOUTH POPPS
DEPUTY COUNSEL FOR
ADMINISTRATION

OFFICE OF THE CHIEF DISCIPLINARY
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<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
INDEX OF AUTHORITIES.....	2
SUMMARY OF THE ARGUMENT	5
ARGUMENT	6
I. Scarbrough is not entitled to mandamus relief because he has failed to file a proper mandamus record.	6
II. Scarbrough is not entitled to mandamus relief because he did not first seek relief from the Evidentiary Panel.	7
III. Scarbrough is not entitled to mandamus relief because he was not diligent.	9
IV. Emergency relief is not warranted.....	10
CONCLUSION AND PRAYER	11
CERTIFICATION/VERIFICATION	12
CERTIFICATE OF SERVICE.....	13
APPENDIX.....	15

<u>CASES</u>	<u>INDEX OF AUTHORITIES</u>	<u>PAGE</u>
<i>Axelson, Inc. v. McIlhany</i> , 798 S.W.2d 550 (Tex. 1990)		8, 9
<i>In re Potts</i> , 357 S.W.3d 766 (Tex.App.—Houston [14 th Dist.] 2011, orig. proceeding)		7
<i>In re Prudential Ins. Co. of America</i> , 148 S.W.3d 124 (Tex. 2004) (orig. proceeding)		8
<i>Rivercenter Assocs. v. Rivera</i> , 858 S.W.2d 366 (Tex. 1993) (orig. proceeding)		9
<i>Walker v. Packer</i> , 827 S.W.2d 833 (Tex. 1992)		6
 <u>STATUTES</u>		 <u>PAGE</u>
TEX. R. APP. P. 52.3		6
TEX. R. APP. P. 52.7		6, 7

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*Original Proceeding Arising Out of the
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Honorable Lisa Richardson, Presiding Member
Docket No. A0111214896 & A0111214897*

**RESPONSE TO PETITION FOR WRIT OF
MANDAMUS, PROHIBITION AND INJUNCTION**

TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

Real Party in Interest, the Commission for Lawyer Discipline, submits this response to the Petition for Writ of Mandamus, Prohibition and Injunction filed by Relator, Jerry Scarbrough. For clarity, this response refers to Relator as “Scarbrough,” Respondent as “Richardson,” and Real Party in Interest as “the Commission.” Any reference to any matter contained in an appendix is labeled

“App.” (for materials appended to this response) or “Relator’s App.” (for materials appended to Relator’s petition). References to rules refer to the Texas Rules of Disciplinary Procedure¹ unless otherwise noted.

¹ *Reprinted in* TEX. GOV’T CODE ANN., tit. 2, subtit. G app A-1 (West 2011).

SUMMARY OF THE ARGUMENT

Scarborough seeks mandamus relief based on his argument that Richardson abused her discretion by signing a judgment that went into effect before his motion to stay could be heard. Scarborough's argument has no merit because he was not diligent in seeking a stay of the terms of his judgment. He also filed his mandamus petition without first seeking relief from Richardson. And he failed to satisfy his mandatory duty to file a mandamus record.

For these reasons, Scarborough is not entitled to mandamus relief. The Board should deny both his mandamus petition and his request for a temporary stay.

ARGUMENT

I. Scarbrough is not entitled to mandamus relief because he has failed to file a proper mandamus record.

The filing of a record is a mandatory prerequisite to mandamus relief:

(a) *Filing by relator required.* Relator must file with the petition:

- (1) a certified or sworn copy of every document that is material to the relator's claim for relief and that was filed in any underlying proceeding; and
- (2) a properly authenticated transcript of any relevant testimony from any underlying proceeding, including any exhibits offered in evidence, or a statement that no testimony was adduced in connection with the matter complained.

TEX. R. APP. P. 52.7.

According to the plain language of Rule 52.7, Scarbrough must file a complete record in order to obtain the relief he is requesting. *Id.*; *see also Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992) (orig. proceeding) (holding that party seeking mandamus relief must provide court with record sufficient to establish right to such relief). If a relator fails to file a mandamus record, the presiding tribunal has no assurance that it has been provided with copies of all documents that are material to the decision that the relator is seeking.

An appendix is not a substitute for a mandamus record because a relator is not required to include in an appendix all documents that are material. TEX. R. APP. P. 52.3. Thus, unless a relator certifies that its appendix satisfies the

requirements that apply to a mandamus record – namely, that the appendix includes “a certified or sworn copy of every document that is material to the relator’s claim for relief and that was filed in any underlying proceeding” – the relator must file a separate mandamus record.

In this case, Scarbrough’s appendix clearly does not include copies of all documents that are material to his claim for relief and were filed in the proceedings below. Particularly noteworthy is his failure to provide a copy of the motion for continuance that he filed with the Evidentiary Panel, which is obviously relevant to his complaint regarding the decision to continue the hearing.² Thus, Scarbrough did not “bring forward all that is necessary to establish [his] claim for relief.” *In re Potts*, 357 S.W.3d 766, 768 (Tex.App.—Houston [14th Dist.] 2011, orig. proceeding). For this reason alone, the Board should deny the mandamus petition.

II. Scarbrough is not entitled to mandamus relief because he did not first seek relief from the Evidentiary Panel.

Mandamus is an extraordinary remedy, and a party seeking mandamus relief must bear a heavy burden. The relator must show a clear abuse of discretion or the violation of a duty imposed by law and that the relator has no adequate remedy by

² The Commission has included a copy of the motion as App. 2. However, the Commission’s inclusion of relevant documents in its appendix cannot relieve Scarbrough of his responsibility to provide a proper record because it is the relator’s statutory duty to identify *all* relevant documents and certify that they have been filed with the tribunal. TEX. R. APP. P. 52.7.

appeal. *In re Prudential Ins. Co. of America*, 148 S.W.3d 124, 136-37 (Tex. 2004) (orig. proceeding). Mandamus relief is not available to compel action that has not first been demanded and refused. *Axelson, Inc. v. McIlhany*, 798 S.W.2d 550, 556 (Tex. 1990).

In this case, Scarbrough cannot show that the July 7th hearing setting is an abuse of discretion because he never objected to the setting. App. 1 (Stevens affidavit). He filed a motion for new trial and a motion to stay on May 7, 2015. Relator's App. 3. Both motions were set to be heard at the same time on June 5, 2015, but on June 4, 2015, Scarbrough filed a motion for continuance generally asking that the Panel "continue the hearing on the [sic] June 5, 2015, for at least seventeen (17) days, and . . . that the hearing on Respondent's Motion for New Trial be set for June 22, 2015." App. 2 (Scarbrough's motion for continuance). In response, within a few hours the acting chair sent the parties an email message stating that he would cancel the June 5th setting. Relator's App. 6. The next day, he entered an order cancelling the setting and noting that the hearing on both motions would be continued until at least June 22nd. Relator's App. 7. Scarbrough did not object to the new setting at any time or otherwise seek relief until he filed his mandamus petition with the Board. App. 1 (Stevens affidavit).

Because Scarbrough did not object to the new setting, he is not entitled to the mandamus relief he seeks because he cannot show that he requested relief from

Richardson and Richardson refused to act. *Axelson*, 798 S.W.2d 556. At a minimum, he had a duty to complain about the new setting before seeking extraordinary relief from the Board. Instead, from June 4, 2015, until June 29, 2015, neither the Commission nor the Panel was aware that Scarbrough had any complaint about the setting.

III. Scarbrough is not entitled to mandamus relief because he was not diligent.

Mandamus is not an equitable remedy, but it is largely controlled by equitable principles. *Rivercenter Assocs. v. Rivera*, 858 S.W.2d 366, 367 (Tex. 1993) (orig. proceeding). One such principle is that “equity aids the diligent and not those who slumber on their rights.” *Id.*

In this case, the Evidentiary Panel entered its judgment on April 7, 2015. Relator’s App. 2. It was clear from the judgment that Scarbrough’s suspension would begin on May 1, 2015. Relator’s App. 2. Nevertheless, he did not seek a stay of the judgment until May 7, 2015, *after the suspension went into effect*. Thus, he took no action to stop the commencement of the suspension until it was too late.

Moreover, if Scarbrough had objected to the new hearing setting, Richardson could have reconsidered the setting. Because he did not object, Richardson had no reason to know that he wished for the hearing to take place sooner.

Finally, this week Scarbrough is taking depositions to prepare for the hearing on his motion to stay. App. 1 (Stevens affidavit). The final deposition is set to take place July 1, 2015, which is two business days before the date set for his hearing. Scarbrough should not be allowed to complain about the hearing date when it is clear that he is not prepared for the hearing to take place sooner.

In short, Scarbrough's primary complaint is that the terms of his judgment went into effect before his motion to stay was heard. But by failing to file his motion more promptly, Scarbrough himself made it impossible for the motion to be heard prior to the effective date of the judgment's terms. And he exacerbated the situation by failing to object until more than three weeks after the hearing was continued, a point at which the hearing date could not practically be moved forward. Scarbrough simply was not diligent and, therefore, is not entitled to mandamus relief.

IV. Emergency relief is not warranted.

Scarbrough has asked the Board to grant him a temporary stay. However, his mandamus petition is deficient due to his failure to file a mandamus record. He has also failed to show any colorable entitlement to mandamus relief. Thus, emergency relief is not warranted.

CONCLUSION AND PRAYER

For these reasons, the Commission prays that the Board deny Scarbrough's Petition for Writ of Mandamus, Prohibition and Injunction and his request for emergency relief.

RESPECTFULLY SUBMITTED,

LINDA A. ACEVEDO
CHIEF DISCIPLINARY COUNSEL

LAURA BAYOUTH POPPS
DEPUTY COUNSEL FOR ADMINISTRATION

CYNTHIA CANFIELD HAMILTON
SENIOR APPELLATE COUNSEL

OFFICE OF THE CHIEF DISCIPLINARY
COUNSEL
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/s/ Cynthia Canfield Hamilton
CYNTHIA CANFIELD HAMILTON
STATE BAR CARD No. 00790419
ATTORNEY FOR REAL PARTY IN INTEREST

CERTIFICATION/VERIFICATION

STATE OF TEXAS

COUNTY OF TRAVIS

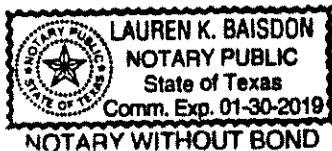
I, Cynthia Hamilton, am over 18 years of age, fully qualified and competent to make this verification, and would so testify if called upon to do so in a court of law.

I have reviewed the foregoing Response to Petition for Writ of Mandamus, Prohibition and Injunction and concluded that every factual statement in the response is supported by competent evidence included in the appendix attached to Relator's petition or in the appendix attached to this response.



CYNTHIA CANFIELD HAMILTON
ATTORNEY FOR REAL PARTY IN INTEREST

SWORN AND SUBSCRIBED before me by Cynthia Canfield Hamilton on the 30th day of June 2015, to certify which witness my hand and seal of office.



Notary Public in and for
The State of Texas

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing Response to Petition for Writ of Mandamus, Prohibition and Injunction of Real Party in Interest, the Commission for Lawyer Discipline, has been served on Mr. Jerry Scarbrough, P.O. Box 690866, Killeen, Texas 76549-0866, by email to jws@jerryscarbrough.net and by fax to (254) 634-0516 on the 1st day of July 2015.

/s/ Cynthia Canfield Hamilton
CYNTHIA CANFIELD HAMILTON
SENIOR APPELLATE COUNSEL
STATE BAR OF TEXAS

No. 56359

**Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas**

**JERRY SCARBROUGH,
RELATOR**

V.

**LISA RICHARDSON, PRESIDING MEMBER
EVIDENTIARY PANEL FOR STATE BAR OF TEXAS DISTRICT NO. 08-5,
RESPONDENT**

*Original Proceeding Arising Out of the
Evidentiary Panel for State Bar of Texas District No. 08-5,
Honorable Lisa Richardson, Presiding Member
Docket No. A0111214896 & A0111214897*

**APPENDIX TO RESPONSE OF REAL PARTY IN INTEREST
COMMISSION FOR LAWYER DISCIPLINE**

LINDA A. ACEVEDO
CHIEF DISCIPLINARY COUNSEL

CYNTHIA CANFIELD HAMILTON
SENIOR APPELLATE COUNSEL

LAURA BAYOUTH POPPS
DEPUTY COUNSEL FOR
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512.427.1350; 1.877.953.5535
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No. 56359

**Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas**

JERRY SCARBROUGH,
RELATOR

V.

**EVIDENTIARY PANEL FOR THE STATE BAR
DISTRICT NO. 08-5 STATE BAR OF TEXAS,
RESPONDENT**

*Original Proceedings Arising Out of the
Evidentiary Panel for State Bar District No. 08-5 State Bar of Texas,
Honorable Lisa Richardson, Presiding Member
Docket No. A0111214896 & A0111214897*

**APPENDIX TO RESPONSE OF REAL PARTY IN INTEREST
COMMISSION FOR LAWYER DISCIPLINE**

TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

The Commission for Lawyer Discipline attaches the following documents in support of the foregoing response:

APPENDIX 1: Stevens affidavit

APPENDIX 2: Scarbrough's motion for continuance

Appendix 1

No. 56359

Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas

JERRY SCARBROUGH,

RELATOR

V.

EVIDENTIARY PANEL FOR THE STATE BAR
DISTRICT NO. 08-5 STATE BAR OF TEXAS,
RESPONDENT

*Original Proceedings Arising Out of the
Evidentiary Panel for State Bar District No. 08-5 State Bar of Texas,
Honorable Lisa Richardson, Presiding Member
Docket No. A0111214896 & A0111214897*

AFFIDAVIT OF REBECCA (BETH) STEVENS

STATE OF TEXAS

§

§

COUNTY OF TRAVIS

§

BEFORE ME, the undersigned Notary Public, on this day personally appeared Rebecca (Beth) Stevens, known to me to be the person whose name is subscribed below, and who after being duly sworn, stated on her oath:

“My name is Rebecca (Beth) Stevens. I am over 18 years of age, of sound

mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

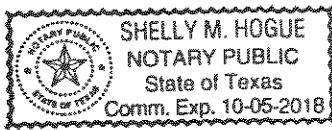
1. Before Jerry Scarbrough filed his mandamus petition with the Board of Disciplinary Appeals, he did not object to the Panel Chair's order regarding the continuance of the hearing on his motion to stay.

2. Mr. Scarbrough is in the process of taking depositions this week to prepare for the hearing on the motion to stay. The final deposition is set for July 1, 2015."

Rebecca Stevens

Rebecca (Beth) Stevens)

Subscribed and sworn to before me on this the 30th day of June 2015, to certify which witness my hand and seal of office.



Shelly M. Hogue

NOTARY PUBLIC, State of Texas

Printed Name: Shelly M. Hogue

My commission expires: 10-05-18

Appendix 2

JERRY SCARBROUGH

Mailing Address:
P. O. Box 690866
Killeen, Texas 76549

Office Address:
2302 W. Stan Schluter Loop
Killeen, Texas 76549

DATE: June 4, 2015

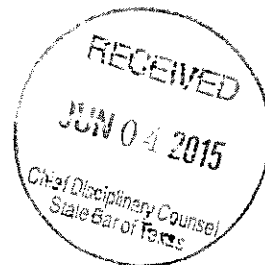
ATTN: Rebecca Stevens

FAX: 1.512.427.4167

FROM: Jerry Scarbrough/Amy

TOTAL PAGES: 19

RE: Case Nos. A0111214896 & A0111214897
Commission for Lawyer Discipline v. Jerry W. Scarbrough



XX ORIGINAL WILL NOT FOLLOW

— ORIGINAL WILL FOLLOW BY MAIL

Notice

This Message is intended only for the use of the Individual or entity to whom it is addressed and may contain information that is privileged and confidential.

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JERRY SCARBROUGH

Mailing Address:
P. O. Box 690866
Killeen, Texas 76549

Office Address:
2302 W. Stan Schluter Loop
Killeen, Texas 76549

June 3, 2015

VIA FACSIMILE: 1.512.427.4167

Rebecca (Beth) Stevens, Esq.
Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
P.O. Box 12487
Austin, Texas 78711-2487

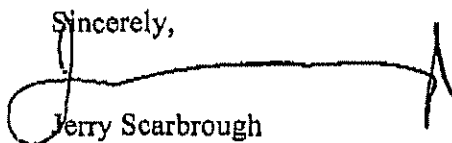
Re: A0111214896 & A01111214897
Commission for Lawyer Discipline v. Jerry W. Scarbrough

Dear Mrs. Stevens:

Enclosed please find Respondent's Motion for Continuance. Please file it with the Panel.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Jerry Scarbrough

JS/anx
Enclosure

**BEFORE THE EVIDENTIARY PANEL FOR
STATE BAR DISTRICT NO. 08-5 STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER DISCIPLINE, §
Petitioner §**

v. §

**JERRY W. SCARBROUGH, §
Respondent §**

**A0111214896
A0111214897**

RESPONDENT'S MOTIONS FOR CONTINUANCE

Respondent Jerry Scarbrough asks the panel to continue the hearing on Respondent's Motion for New Trial, scheduled on the June 5, 2015 for seventeen (17) days because several of his witnesses are unable to attend the hearing on June 5, 2015.

INTRODUCTION

1. Petitioner is Commission for Lawyer Discipline; Respondent is Jerry Scarbrough.
2. Petitioner sued Respondent for alleged misconduct.
3. On April 7, 2015 the panel entered a partially probated judgment against Respondent for misconduct.
4. This case is set for hearing on Respondent's Motion for New Trial and Respondent's Motion to Stay is scheduled on June 5, 2015.

FACTS

5. Respondent was provided a copy of the Commission's Responses to his Motion for New Trial on June 3, 2015 in the afternoon. The response contained objections which were not previously known, and caught him by surprise.¹

¹ A true copy of the transmittal letter from the CDC is attached hereto as Exhibit 1 for all purposes.

6. Respondent has requested transcripts of the previous hearings where Jeff Ray and Elizabeth Tipton testified for the commission.² According to the court reporter they will not be available in time for the hearing on Respondent's Motion for New Trial, June 5, 2015³. The record of their testimony is important because it will demonstrate they falsely testified against Respondent, when they alleged he committed attorney misconduct.

7. Respondent has spoken to several of his witnesses about their availability to attend the hearing on June 5, 2015 since filing his motions with the panel.

8. After speaking with two (2) witnesses, Respondent was advised that they would not be available to attend the hearing on June 5, 2015 due to scheduling conflicts. Respondent believes that these witnesses would be able to provide testimony that would show the witnesses relied on by the Petitioner testified falsely about facts the Petitioner relied on to support its case.

ARGUMENTS & AUTHORITIES

9. Notice of the CDC's Response to Respondent's Motion for New Trial surprised Respondent, and he does not have adequate time to prepare for the hearing in the short time between receiving it and the hearing. Rule 21(b) Texas Rules of Civil Procedure requires at least 3 days notice to be served on the other parties. Here the responses were not served on Respondent according to the rule. It was served on Lisa Richardson, not a party in this case.⁴

10. The delay of the Court Reporter to provide the record requested for the hearing will damage the Respondent's ability to bring forth evidence needed to pursue his case, and unfairly deprives him of his rights to due process under the law.

11. Two (2) of Respondent's critical witnesses have conflicting schedules that do not permit them to provide live testimony on Respondent's behalf. Their testimony would allow

² Jerry Scarbrough's requests for the transcript record. A true copy is attached hereto as Exhibit 2 for all purposes.

³ Reporter's letter is attached hereto as Exhibit 3 for all purposes.

⁴ See Exhibit 1.

Respondent to show the panel that Jeff Ray and Elizabeth Tipton both falsely testified as to evidentiary facts in this case. In particular the witnesses will show that they both falsely testified that they had personal knowledge of statements they claimed were made by Respondent when in fact they did not have such personal knowledge, and their testimony regarding the Gary Purser interview was false, and critically important to Respondent's defense to the CDC's claims that he committed attorney misconduct.

CONCLUSION

12. Respondent respectfully requests that the hearing on Respondent's Motion for New Trial be scheduled for June 22, 2015.

13. This request for continuance is not for delay only, but so that justice may be done.

PRAYER

14. For these reasons, Respondent asks the panel to continue the hearing on the June 5, 2015, for at least seventeen (17) days, and Respondent respectfully requests that the hearing on Respondent's Motion for New Trial be scheduled for June 22, 2015.

Respectfully submitted,

By: 

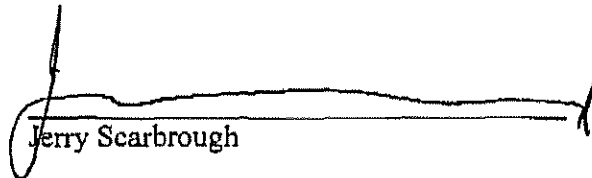
Jerry Scarbrough, Pro Se
P.O. Box 690866
Killeen, Texas 76549-0866
Tel: (254) 634-6266
Fax: (254) 634-0516

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of June 2015 a true and correct copy of the foregoing document was served, as indicated below, on the following:

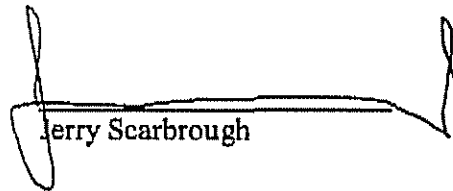
VIA FACSIMILE: 1.512.427.4167

Rebecca (Beth) Stevens
Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
P.O. Box 12487
Austin, Texas 78711-2487

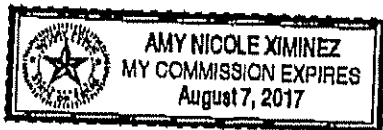

Jerry Scarbrough

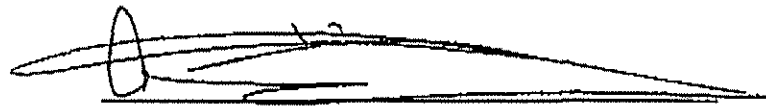
VERIFICATION**STATE OF TEXAS
COUNTY OF BELL**§
§

Before me, the undersigned notary, on this day, personally appeared Jerry Scarbrough, a person whose identity is known to me. After I administered an oath to him, upon his oath, he said he read the Motion for Continuance and that the facts stated in it are within his personal knowledge and are true and correct.


Jerry Scarbrough

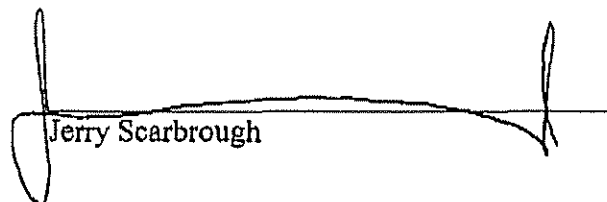
SUBSCRIBED AND SWORN TO BEFORE ME on the 4th day of June, 2015 by the said Jerry Scarbrough, to certify which witness my hand and official seal.




Notary Public in and for The State of Texas

CERTIFICATE OF CONFERENCE

This is to certify that Jerry Scarbrough, Respondent, conferred with Rebecca Stevens, attorney for Petitioner on this date by telephone, and she advised Respondent that the commission was not taking a position on the Motion for Continuance.


Jerry Scarbrough

**BEFORE THE EVIDENTIARY PANEL FOR
STATE BAR DISTRICT NO. 08-5 STATE BAR OF TEXAS**

COMMISSION FOR LAWYER DISCIPLINE, §
Petitioner §

v. §

JERRY W. SCARBROUGH, §
Respondent §

A0111214896

A0111214897

ORDER ON RESPONDENT'S MOTION FOR CONTINUANCE

After considering Respondent Jerry Scarbrough's Motion for Continuance and the response,
the Court GRANTS the motion and continues this case for seventeen (17) days.

SIGNED on _____, 2015.

PRESIDING JUDGE

EXHIBIT "1"



Paralegal Jerry Scarbrough <paralegal@jerryscarbrough.net>

CFLD v. Scarbrough

5 messages

Shelly Hogue <Shelly.Hogue@texasbar.com> Fri, May 29, 2015 at 4:48 PM
To: "lisa.richardson@lrfamilylawtx.com" <lisa.richardson@lrfamilylawtx.com>, John
Eric Stoebner <eric@templelawoffice.com>, Writ Baese
<writ@hillcountrypayroll.com>
Cc: "JWS@JerryScarbrough.net" <JWS@jerryscarbrough.net>,
"paralegal@JerryScarbrough.net" <paralegal@jerryscarbrough.net>

Dear Panel,

Attached please find a transmittal letter, along with Respondent's motions and Petitioner's responses in connection with the hearing set for next Friday at 9:30 a.m.

This email contains Petitioner's responses as I believe you may already have Respondent's motions. I will send follow up emails containing Respondent's motions which will require multiple emails due to size.

Please let me know if you have any trouble with the attachments.

Sincerely,

Shelly Hogue

Legal Assistant

Office of the Chief Disciplinary Counsel

8/4/2015

Jerry Scarbrough Mail - CFLD v. Scarbrough

State Bar of Texas

P.O. Box 12487

Austin, Texas 78711


512.427.1350 ext. 1344

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3 attachments

 Letter transmitting motions and responses to Panel and R 5.29.15.pdf
24K

 Petitioner's Response to Motion to Stay.pdf
61K

 Petitioner's Response to Motion for New Trial.pdf
195K

Shelly Hogue <Shelly.Hogue@texasbar.com> Wed, Jun 3, 2015 at 11:44 AM
To: "JWS@JerryScarbrough.net" <JWS@jerryscarbrough.net>,
"paralegal@JerryScarbrough.net" <paralegal@jerryscarbrough.net>
Cc: Beth Stevens <Beth.Stevens@texasbar.com>

Mr. Scarbrough,

Ms. Stevens is in a meeting and will return your call this afternoon. She asked that I forward to you the email below sent to you and the panel on Friday afternoon at 4:49 p.m.

Please confirm receipt of this email.




Thank you,

Shelly

From: Shelly Hogue
Sent: Friday, May 29, 2015 4:49 PM
To: lisa.richardson@lrfamilylawtx.com; John Eric Stoebner; Writ Baese
Cc: JWS@JerryScarbrough.net; paralegal@JerryScarbrough.net
Subject: CFLD v. Scarbrough

[Quoted text hidden]

3 attachments

-  Letter transmitting motions and responses to Panel and R 6.29.16.pdf
24K
-  Petitioner's Response to Motion to Stay.pdf
61K
-  Petitioner's Response to Motion for New Trial.pdf
195K

Shelly Hogue <Shelly.Hogue@texasbar.com> Wed, Jun 3, 2015 at 2:05 PM
To: "paralegal@JerryScarbrough.net" <paralegal@jerryscarbrough.net>

Amy,

I have tried several times to reach you by telephone but the office number is not working.

Please let me know if you receive this email.

Thanks,

Shelly Hogue

Legal Assistant

Office of the Chief Disciplinary Counsel

State Bar of Texas

P.O. Box 12487

Austin, Texas 78711

512.427.1350 ext. 1344

THE INFORMATION CONTAINED IN THIS MESSAGE IS ATTORNEY/ CLIENT PRIVILEGED AND CONFIDENTIAL, INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THE MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS BELOW VIA THE U.S. POSTAL SERVICE.

Paralegal Jerry Scarbrough

Wed, Jun 3, 2015 at 2:37

<paralegal@jerryscarbrough.net>

PM

To: Shelly Hogue <Shelly.Hogue@texasbar.com>

Shelly,

I did receive the email. I will check on the office phone.

Thank you,

6/4/2015

Jerry Scarbrough Mail - CFLD v. Scarbrough

Amy

[Quoted text hidden]

--

Amy-Nicole Ximinez,
Legal Assistant to Jerry Scarbrough

JERRY SCARBROUGH ATTORNEY AT LAW
2302 W. Stan Schlueter Loop
P.O. Box 690866
Killeen, Texas 76549-0866
Tel.: 254-634-6266
Fax.: 254-634-0516
paralegal@jerryscarbrough.net
Jerry's email: jws@jerryscarbrough.net

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Shelly Hogue <Shelly.Hogue@texasbar.com> Wed, Jun 3, 2015 at 2:37 PM
To: Paralegal JerryScarbrough <paralegal@jerryscarbrough.net>

Great! Thank you! Just making sure you got the email I re-sent earlier with the Responses files last Friday.

Shelly

From: Paralegal JerryScarbrough [mailto:paralegal@jerryscarbrough.net]
Sent: Wednesday, June 03, 2015 2:37 PM
To: Shelly Hogue
Subject: Re: CFLD v. Scarbrough

[Quoted text hidden]

EXHIBIT "2"

File Copy

JERRY SCARBROUGH
ATTORNEY AT LAW

Jerry Scarbrough



Board Certified in Personal Injury Trial Law

Mailing Address:
P. O. Box 690866
Killeen, Texas 76549

Office Address:
2302 W. Stan Schlueter,
Killeen, Texas 76549

May 8, 2015

VIA ELECTRONIC MAIL: lisa.richardson@lrfamilylawtx.com

Lisa Richardson
213 N. Mays, Suite A
Round Rock, Texas 78664

Re: A0111214896 & A01111214897
Commission for Lawyer Discipline v. Jerry W. Scarbrough

Dear Ms. Richardson:

Enclosed please find the Respondent's First Amended Motion for New Trial.

Opposing counsel has been forwarded a copy of the enclosed pleading as indicated below.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jerry Scarbrough

JS/anx

Enclosures

cc: **VIA ELECTRONIC MAIL:** beth.stevens@texasbar.com

Rebecca (Beth) Stevens, Esq.
Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
P.O. Box 12487
Austin, Texas 78711-2487

VIA ELECTRONIC MAIL: eric@templelawoffice.com

John Eric Stoeber
2106 Bird Creek Drive
Temple, Texas 76502

VIA ELECTRONIC MAIL: writ@hillcountrypayroll.com

Writ Baese
2721 Layaga
Round Rock, Texas 78681

EXHIBIT "3"

6/1/2016

Jerry Scarbrough Mail - Re: Jerry Scarbrough - Final Transcript of Hearing



Jerry Scarbrough <jws@jerryscarbrough.net>

Re: Jerry Scarbrough - Final Transcript of Hearing

1 message

Deana Willis <deana@kenowen.com>

Thu, May 28, 2015 at 3:09 PM

To: "jws@jerryscarbrough.net" <jws@jerryscarbrough.net>

Mr. Scarbrough,

Today I have received your formal request via fax for the transcript of the hearing taken February 19, 2015 and March 9, 2015.

The court reporter (Amber Kirton) is not available to begin transcribing this hearing until next week. My estimate is 630 pgs. which is a total cost of \$3365.00 with a 10 day normal turnaround time. My office will request payment be made in advance for this service to you.

If you would like your request expedited after Monday (6/1), there will be an expedited charge added to this estimate. Also, an E-copy and delivery charges will be added to this estimate if you need these services.

Please let me know asap how you would like to proceed. Thank you

Deana Willis

801 West Avenue

Austin, Texas 78701

512-472-0880

deana@kenowen.com

ken@kenowen.com



Ken Owen & Associates, L.P.
Certified Court Reporters

06/04/2015 THU 13:42 FAX 2546340516 scarbrough law --- Beth Stevens, Esq.

2019/019

6/1/2015

Jerry Scarbrough Mail - Re: Jerry Scarbrough - Final Transcript of Hearing