

BEFORE THE DISTRICT 7 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 7-2  
STATE BAR OF TEXAS

COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner

V.

ANNETTE R. LOYD,  
Respondent

201505595

CASE NO. 201505595

**JUDGMENT OF FULLY PROBATED SUSPENSION**

**Parties and Appearance**

On December 12, 2018, December 21, 2018, and February 4, 2019, came to be heard the above-styled and numbered cause. Petitioner, Commission for Lawyer Discipline, appeared by and through its attorney of record and announced ready. Respondent, **ANNETTE R. LOYD** (Respondent), Texas Bar Number **16731100**, appeared in person and announced ready.

**Jurisdiction and Venue**

The Evidentiary Panel 7-2, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 7, finds that it has jurisdiction over the parties and the subject matter of this action and that venue is proper.

**Professional Misconduct**

The Evidentiary Panel, having considered all of the pleadings, evidence, stipulations, and argument, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.

**Findings of Fact**

The Evidentiary Panel, having considered the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
2. Respondent resides in and maintains her principal place of practice in Tarrant County, Texas.
3. Complainant Vernon Bauer (Bauer) and Joella Jacobson (Jacobson) hired Respondent to serve as legal counsel regarding a civil matter. Respondent filed suit on behalf of Bauer and Jacobson on August 1, 2014 in a District Court in Tarrant County, Texas.
4. In representing Bauer and Jacobson, Respondent neglected the legal matter entrusted to her by failing to respond to Defendant's Motion for Summary Judgment.
5. Respondent failed to promptly comply with reasonable requests for information from Bauer and Jacobson about their civil matter.
6. Respondent failed to explain the legal matter to the extent reasonably necessary to permit Bauer and Jacobson to make informed decisions regarding the representation.
7. Respondent violated a disciplinary judgment.
8. Respondent failed to timely furnish to the Chief Disciplinary Counsel's office a response or other information as required by the Texas Rules of Disciplinary Procedure. Respondent did not in good faith timely assert a privilege or other legal ground for failure to do so.
9. Respondent owes restitution in the amount of One Thousand Dollars and No Cents (\$1,000.00) payable to Vernon Bauer.
10. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees associated with this Disciplinary Proceeding in the amount of Three Thousand Three Hundred Dollars and No Cents (\$3,300.00).
11. The Chief Disciplinary Counsel of the State Bar of Texas has incurred direct expenses associated with this Disciplinary Proceeding in the amount of Seven Hundred Dollars and No Cents (\$700.00).

### Conclusions of Law

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: Rules: 1.01(b)(1), 1.03(a), 1.03(b), 8.04(a)(7), and 8.04(a)(8).

### Sanction

The Evidentiary Panel, having found that Respondent has committed professional misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument and after having considered the factors in Rule 2.18 of the Texas Rule of Disciplinary Procedure, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is a Probated Suspension.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREED** that Respondent be suspended from the practice of law for a period of two (2) years with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on February 4, 2019, and shall end on February 3, 2021.

### Terms of Probation

It is further **ORDERED** that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.

5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.
8. Respondent shall pay restitution on or before January 1, 2020, to Vernon Bauer in the amount of One Thousand Dollars and No Cents (\$1,000.00). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Vernon Bauer and delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
9. Respondent shall pay all reasonable and necessary attorney's fees to the State Bar of Texas in the amount of Three Thousand Three Hundred Dollars and No Cents (\$3,300.00). The payment shall be due and payable on or before January 1, 2020, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
10. Respondent shall pay direct expenses to the State Bar of Texas in the amount of Seven Hundred Dollars and No Cents (\$700.00). The payment shall be due and payable on or before January 1, 2020, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
11. Respondent shall submit to counseling sessions for the two (2) year duration of this judgment, with a minimum of one (1) session per month, by a mental health professional licensed in Texas as a psychiatrist, a psychologist, a master's level social worker (LCSW), or a licensed professional counselor (LPC). The mental health professional shall provide written monthly reports to the State Bar of Texas verifying Respondent's attendance at the sessions and the general issue(s) addressed during the sessions. The initial report shall be due no later than March 3, 2019, documenting the session(s) that occur(s) during February 2019. Each subsequent report shall be due on the 3<sup>rd</sup> day of each month, documenting the session(s) that occur(s) during the previous month. The final report will be due no later than February 3, 2021.

12. Respondent shall take all necessary action, including the execution of a valid release of information, to permit any treating mental health professional to provide written or oral reports for the duration of the supervision period.
13. Respondent shall be responsible for all costs and expenses incurred, directly or indirectly, by compliance with these terms and shall pay all such costs and expenses as required by the provider, but in no event later than the final day of the supervision period.
14. Any and all reports and evaluations required by these terms of probation shall be sent to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Suite 200, Austin, TX 78701).
15. In addition to complying with the Minimum Continuing Legal Education (MCLE) requirements of the State Bar of Texas, Respondent shall complete six (6) additional hours of continuing legal education in the area of Law Office Management. These additional hours of CLE are to be completed on or before January 1, 2020. Within ten (10) days of the completion of these additional CLE hours, Respondent shall verify completion of the course(s) to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
16. Respondent must maintain financial records on each client, including written receipts of funds, written accounting of time billed, client funds applied, and written contracts with each client.
17. Law Office Management Consultation: No later than March 5, 2019, Respondent shall engage the services of a law office management consultant, approved by the Office of the Chief Disciplinary Counsel, and qualified by training and experience to conduct reviews of law office management systems for solo practitioners. Respondent shall participate in good faith one (1) hour per month for the two (2) year duration of this judgment. The consultant will produce a written report on the adequacy of the systems currently in place to manage Respondent's law practice, to adequately supervise the office staff and to insure effective communication with clients no later than ten (10) days after each consultation. Said reports shall be delivered to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
18. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special

Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

### **Probation Revocation**

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.23 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals (BODA) and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

### **Restitution, Attorney's Fees and Expenses**

It is further **ORDERED** Respondent shall pay restitution on or before January 1, 2020, to Vernon Bauer in amount of One Thousand Dollars and No Cents (\$1,000.00). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Vernon Bauer and delivered to the State Bar of Texas, Chief Disciplinary

Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorney's fees to the State Bar of Texas in the amount of Three Thousand Three Hundred Dollars and No Cents (\$3,300.00). The payment shall be due and payable on or before January 1, 2020, shall be made by certified or cashier's check or money order, and made payable to the State Bar of Texas. Respondent shall forward the funds to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further **ORDERED** Respondent shall pay all direct expenses to the State Bar of Texas in the amount of Seven Hundred Dollars and No Cents (\$700.00). The payment shall be due and payable on or before January 1, 2020, shall be made by certified or cashier's check or money order, and made payable to the State Bar of Texas. Respondent shall forward the funds to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further **ORDERED** that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(Z) of the Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the State Bar of Texas shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

**Publication**

This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

**Other Relief**

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 14<sup>th</sup> day of February, 2019.

**EVIDENTIARY PANEL 7-2  
DISTRICT NO. 7  
STATE BAR OF TEXAS**



---

**CHRIS NICKELSON  
District 7, Panel 7-2 Presiding Member**