

TY CLEVINGER
21 Bennett Avenue #62
New York, New York 10033

telephone: 979.985.5289
facsimile: 979.530.9523

tyclevenger@yahoo.com
Texas Bar No. 24034380

May 4, 2016

Board of Disciplinary Appeals
P.O. Box 12426
Austin, Texas

Via electronic submission
classificationappeals@txboda.org

Re: BODA Case No. 57370; OCDC Case No. 201600750; Warren Kenneth Paxton, Jr.; SBOT #15649200

Members of the Board:

I write to amend the grievance that I filed against Warren Kenneth Paxton, Jr. in the case listed above. *See* Tex. R. Disciplinary Pro. 2.10 (“If the Board of Disciplinary Appeals affirms the classification as an Inquiry, the Complainant will be so notified and may within twenty days amend the Grievance one time only by providing new or additional evidence.”).

With this letter I have attached a copy of the federal complaint (Exhibit A) that the Securities and Exchange Commission filed against Mr. Paxton on April 11, 2016, and I incorporate that complaint by reference. The complaint sets forth new evidence that Mr. Paxton engaged in fraud. Some of the incidents occurred more than four years ago, but the limitations period should be tolled during the time that Mr. Paxton concealed the fraud. *See, generally, Gibson v. Ellis*, 58 S.W.3d 818, 823 (Tex. App.—Dallas 2001, *no pet.*).

On March 14, 2016, I sent a cover letter to the Board outlining the reasons for my appeal, but I was later informed by Executive Director Christine E. McKeeman that my letter was not distributed to Board members. I have attached a copy of that letter (Exhibit B) and I incorporate it by reference. I must also address Ms. McKeeman's April 29, 2016 letter to me wherein she wrote that “the Board has determined that your appeal should not be granted as the conduct described therein does not allege a violation of the Texas Disciplinary Rules of Professional Conduct.” That statement is genuinely absurd, as explained in my May 3, 2016 blog post (Exhibit C), which I also incorporate by reference.

The OCDC acknowledged that my original grievance stated a violation of the disciplinary rules, but the OCDC dismissed the grievance because an overlapping criminal case was pending against Mr. Paxton. As I noted in my March 14, 2016

letter, however, the bar rules strongly infer that disciplinary cases should proceed even when overlapping criminal charges are pending. The Board did not address that issue, but instead declared that felony crimes are not a basis for attorney discipline. Is that really the standard that the Board wants to set for Texas attorneys? Or is Mr. Paxton being treated differently for political reasons?

I must also object to Ms. McKeeman's misleading statement in her letter that Case No. 57370 is finally closed. As set forth above, Rule 2.10 plainly permits me to amend my grievance. I have been informed that the letter I received from Ms. McKeeman is a form letter, and I am sure that such a misleading statement vastly reduces the number of amendments, particularly from non-lawyers. But is it really appropriate to reduce one's workload by deceiving complainants into believing that their cases are finally closed? It seems that Ms. McKeeman's misleading statement violates Disciplinary Rule 4.01(a), which forbids a lawyer from making "a false statement of material fact or law to a third person." If you believe that Ms. McKeeman's letter does not violate Rule 4.01(a), please let me know why not. And if Ms. McKeeman intends to keep using essentially the same form letter, please let me know that as well.

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ty Clevenger', with a long horizontal flourish extending to the right.

Ty Clevenger

cc: Texas Supreme Court