

App. 1

**EXHIBIT A**

**TEXAS COURT OF APPEALS,  
THIRD DISTRICT, AT AUSTIN**

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**NO. 03-18-00649-CV**

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**The State Bar of Texas, Appellant**

**v.**

**Robert J. Wilson, Appellee**

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**FROM THE DISTRICT COURT OF  
TRAVIS COUNTY, 200TH JUDICIAL DISTRICT  
NO. D-1-GN-18-004216,  
HONORABLE DON R. BURGESS,  
JUDGE PRESIDING**

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**MEMORANDUM OPINION**

(Filed Mar. 20, 2019)

This is an appeal from an order of the district court of Travis County overruling a plea to the jurisdiction. Appellant is the State Bar of Texas (State Bar) and appellee is Robert J. Wilson.

In 2018, Wilson filed an unsworn declaratory judgment suit against the State Bar claiming that a 1994 letter by which he purportedly resigned from the practice of law was a forgery. By his suit, Wilson sought declaratory relief and actual damages as well as punitive damages. In response, the State Bar filed an unsworn plea to the jurisdiction challenging Wilson's petition,

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asserting, among other things, that Wilson's suit was barred by sovereign immunity. Neither party offered jurisdictional evidence. We will reverse the order and render judgment dismissing Wilson's cause of action for want of jurisdiction.

When a plea to the jurisdiction challenges the pleadings, the court determines whether the pleader has alleged facts that affirmatively demonstrate the court's jurisdiction. If the pleadings affirmatively negate the existence of jurisdiction, then the plea to the jurisdiction may be granted without allowing the plaintiff an opportunity to amend. *Texas Dep't of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 226-27 (Tex. 2004).

Wilson pleaded that in 1990 his law license was suspended for three years. During the suspension, Wilson was involved in litigation with his former associates. One result of his participation in that litigation was that the court found him in violation of the suspension order and imposed a fine.

In 1994, the State Bar received a letter supposedly signed by Wilson resigning from the practice of law. Thereafter, the State Bar listed Wilson as "resigned pending disciplinary action." Wilson alleged that the letter was not authentic.

Wilson alleged further that in 2012, seeking to obtain an Arizona law license, he wrote the State Bar requesting it to certify that he was in good standing in Texas and inquiring what steps were needed to perfect the request. The State Bar responded that Wilson

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should pay the outstanding fine and file a petition for re-instatement. Wilson alleged that he “completed this process,” but that the State Bar still refused to change his standing based upon the 1994 letter of resignation. Wilson avowed further that the State Bar ignored his several requests to investigate or determine whether the 1994 letter of resignation was authentic.

Wilson pleaded further that in 2017, when he was a candidate for the Arizona Senate, a local newspaper published a story that he had resigned from the Texas Bar “in lieu of disciplinary action.” He alleged that the news story was “damaging” to his campaign for the Senate and that such damage was proximately caused by the State Bar’s refusal to investigate his requests concerning the alleged resignation and its refusal to correct his standing.

By way of relief, Wilson requested the court to declare that the letter of resignation was a forgery; that the court order the State Bar to disregard the said letter; that the court determine the State Bar had no other ground to continue to “suspend his license”; and that the court order that his law license be reinstated and that he be certified as a member in good standing. Wilson prayed for up to \$99,000 in actual damages in addition to punitive damages for the State Bar’s alleged negligence and willful conduct.

Sovereign immunity from suit defeats a trial court’s subject matter jurisdiction. *Id.* at 225-26. The State Bar is a governmental agency that is entitled to the protection afforded by sovereign immunity. *Doe v.*

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*Board of Dirs. of the State Bar of Tex.*, No. 03-15-00007-CV, 2015 WL 6656216, at \*2 (Tex. App.—Austin Oct. 27, 2015, pet. denied) (mem. op.); *Laubach v. State Bar of Tex.*, No. 03-00-00282-CV, 2000 WL 1675701, at \*2 (Tex. App.—Austin Nov. 9, 2000, no pet.) (mem. op.); see Tex. Gov’t Code § 81.011(a) (describing State Bar as “an administrative agency of the judicial department of government”).

Wilson sought a declaratory judgment from the district court that the 1994 letter of resignation was a forgery. The Uniform Declaratory Judgment Act, however, is not a general waiver of sovereign immunity. *Texas Parks & Wildlife v. Sawyer Tr.*, 354 S.W.3d 384, 388 (Tex. 2011) (citing Tex. Civ. Prac. & Rem. Code § 37.006; *City of El Paso v. Heinrich*, 284 S.W.3d 366, 373 n.6 (Tex. 2009)). Rather, the Act only waives sovereign immunity in those cases challenging the viability of statutes or ordinances. *Heinrich*, 284 S.W.3d at 377. Although the Act waives immunity in particular cases, Wilson’s request for a declaration that the 1994 letter is a forgery does not fall within the scope of the express waiver.

Wilson pleaded that the State Bar failed and refused to investigate and make a determination whether he had resigned from the State Bar. To the extent that Wilson’s pleading may be construed as an ultra vires claim, he has sued the wrong party. Ultra vires suits cannot be brought against the state, which retains its immunity, but must be brought against the state actors in their official capacity. *Id.* at 373. And even if Wilson had sued the proper parties, he has not complained of

any State Bar conduct that would exceed its statutory authority. *See id.* at 372 (to come within the ultra vires exception, plaintiff “must allege and ultimately prove, that the officer acted without legal authority or failed to perform a purely ministerial act”).

Wilson claimed actual and punitive damages stemming from the State Bar’s alleged negligence and willful conduct. Wilson can neither recover money damages by his declaratory-judgment suit, *see Texas Nat. Res. Conservation Comm’n v. IT-Davy*, 74 S.W.3d 849, 860 (Tex. 2002), nor pursuant to the Texas Tort Claims Act. The Tort Claims Act is not a general waiver of sovereign immunity. Instead, the Act waives immunity in three general areas: use of publicly owned automobiles, premises defects, and injuries arising out of conditions or use of tangible personal property. *See Tex. Civ. Prac. & Rem. Code* § 101.021; *County of Cameron v. Brown*, 80 S.W.3d 549, 554 (Tex. 2002). However, the Act does not waive immunity for the negligent or wrongful use of information contained in papers and documents. *Laubach*, 2000 WL 1675701, at \*1 (citing *Dallas County v. Harper*, 913 S.W.2d 207, 207-08 (Tex. 1995); *University of Tex. Med. Branch at Galveston v. York*, 871 S.W.2d 175, 177 (Tex. 1994)).

The order is reversed and judgment is here rendered dismissing Wilson’s cause of action for want of jurisdiction.

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Bob E. Shannon, Justice

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Before Justices Goodwin, Baker, and Shannon\*

Reversed and Rendered

Filed: March 20, 2019

\* Before Bob E. Shannon, Chief Justice (retired), Third Court of Appeals, sitting by assignment. *See* Tex. Gov't Code § 74.003(b).

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**TEXAS COURT OF APPEALS,  
THIRD DISTRICT, AT AUSTIN**

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**JUDGMENT RENDERED  
MARCH 20, 2019**

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**NO. 03-18-00649-CV**

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**The State Bar of Texas, Appellant**

**v.**

**Robert J. Wilson, Appellee**

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**APPEAL FROM THE 200TH DISTRICT  
COURT OF TRAVIS COUNTY  
BEFORE JUSTICES GOODWIN,  
BAKER, AND SHANNON  
REVERSED AND RENDERED -  
OPINION BY JUSTICE SHANNON**

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This is an appeal from the interlocutory order signed by the trial court on September 19, 2018. Having reviewed the record and the parties' arguments, the Court holds that there was reversible error in the order. Therefore, the Court reverses the trial court's interlocutory order and renders judgment dismissing appellee's cause of action for want of jurisdiction. Appellee shall pay all costs relating to this appeal, both in this Court and the court below.

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**EXHIBIT B**

**NO. D-1-GN-1 8-004216**

<b>ROBERT J. WILSON,</b>	§	<b>IN THE DISTRICT COURT</b>
<b>Plaintiff</b>	§	
<b>v.</b>	§	
	§	<b>200th JUDICIAL DISTRICT</b>
<b>THE STATE</b>	§	
<b>BAR OF TEXAS,</b>	§	
<b>Defendant</b>	§	<b>TRAVIS COUNTY, TEXAS</b>

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**ORDER ON DEFENDANT'S PLEA TO  
THE JURISDICTION and 91a MOTION**

On September 19, 2018, came to be heard Defendant's Plea to the Jurisdiction and Rule 91a Motion. After considering the Plea and Motion and the Response, and argument of counsel and parties, the Court finds the Plea and Motion should be DENIED

Signed this the 19th day of September, 2018.

/s/ [Illegible]  
Presiding Judge

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**EXHIBIT C**

**COURT OF APPEALS**

**THIRD DISTRICT OF TEXAS**

P.O. BOX 12547, AUSTIN, TEXAS 78711-2547

[www.txcourts.gov/3rdcoa.aspx](http://www.txcourts.gov/3rdcoa.aspx)

(512) 4634 733

JEFF L. ROSE, CHIEF JUSTICE

JEFFREY D. KYLE, CLERK

MELISSA GOODWIN, JUSTICE

THOMAS J. BAKER, JUSTICE

GISELA D. TRIANA, JUSTICE

CHARI L. KELLY, JUSTICE

EDWARD SMITH, JUSTICE

May 3, 2019

Mr. Matthew J. Greer

Office of the Chief

Disciplinary Counsel

P. O. Box 12487

Austin, TX 78711

\* DELIVERED

VIA E-MAIL \*

Mr. Robert J. Wilson

2151 N. Avenida Tabica

Green Valley, AZ 85614

\* DELIVERED

VIA E-MAIL \*

RE: Court of Appeals Number: 03-18-00649-CV

Trial Court Case Number: D-1-GN-18-004216

Style: The State Bar of Texas

v. Robert J. Wilson

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Dear Counsel:

Appellee's motion for rehearing and motion for en banc reconsideration were denied by this Court on the date noted above.

Very truly yours,

JEFFREY D. KYLE, CLERK

BY: /s/ E. Talerico  
Liz Talerico, Deputy Clerk

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App. 11

No. 03-18-00649-CV

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***In The Court of Appeals  
Third District of Texas  
Austin, Texas***

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THE STATE BAR OF TEXAS,  
APPELLANT

V.

ROBERT J. WILSON,  
APPELLEE

---

*Appealed from the 200th District Court  
Of Travis County, Texas  
Honorable Don R. Burgess, Judge Presiding*

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**APPELLEE'S MOTION FOR REHEARING**

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ROBERT J. WILSON, APPELLEE  
2151 N. Avenida Tabica  
Green Valley, AZ 85614  
Tel: (520) 982-1658  
Email: bobbysvisa@gmail.com

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[4] No. 03-18-00649-CV

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*In The Court of Appeals  
Third District of Texas  
Austin, Texas*

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THE STATE BAR OF TEXAS,  
APPELLANT

V.

ROBERT J. WILSON,  
APPELLEE

---

*Appealed from the 200th District Court  
Of Travis County, Texas  
Honorable Don R. Burgess, Judge Presiding*

---

**MOTION FOR REHEARING  
ROBERT J. WILSON**

---

TO THE HONORABLE THIRD COURT OF AP-  
PEALS:

Appellee, Robert J. Wilson, submits his Motion for Rehearing. Robert J. Wilson will be referred to as "Wilson" and Appellant will be referred to as "State Bar."

Wilson contends that great damage to the Rights of State Bar members (Texas lawyers, past and present) will occur if this Court's subject Opinion is allowed to become the applicable law of the State of Texas. The harmed parties will have no judicial redress route to confront their own State Bar for acts or omissions [5] of malfeasance or misfeasance. In affect, the members will be de-franchised by Court Opinion.

**I. The State Bar does not have immunity  
from lawsuits by its members, past or present.**

The panel's opinion provides a sweeping remedy for the State Bar that invalidates the Texas Legislative's clear language in establishing the State Bar Act. The State Bar is a creation of the Texas Legislature and Section 81.014 of the Texas Government Code, Title 2, Chapter 81.014. It clearly states, "The State bar may sue and be sued in its own name."

The Texas Legislature saw fit at a later date to amend that Act and expressly granted Immunity to certain agents, employees, and representatives of the State Bar. (Section 81.106). The Legislature did not include the State Bar itself in its later grant of immunity and

Section 81.014 is still controlling law in Texas. Wilson clearly raised this point in his Brief before this Court, and Rule 47.1 (Tex. Rules App. Proc.) requires this Court of Appeals to “address every issue raised and necessary to final disposition of the appeal.”

The State Bar of Texas is not taxpayer supported, nor its employees public or state employees. Texas Courts are directed to “look to the nature, purpose, and powers” of an entity in order to determine if it is a governmental agency that will enjoy governmental immunity. *Ben Bolt*, 212 S.W. 3d 323, 326-328 (Tex. 2006). State Bar did not pass those judicial test requirements.

**II. The State Bar and this panel’s opinion  
have deprived Wilson of due process  
and equal protection of the law.**

[6] This Panel’s opinion in affect, denies Wilson of due process of law and access to the Courts as guaranteed by the U.S. Constitution (14th Amendment) and the Texas Constitution (Art. 1, Section 19),

Wilson now has no judicial redress against the State Bar for his personal injuries caused by The State Bar’s mishandling of the forged, so-called resignation letter that was submitted to the Texas Supreme Court in clear violation of Rule 10.02 of the Texas Rules of Disciplinary Procedure. Those rules have the weight of enacted state statutes. *Fed. Sign*, 951 S.W. 2d 404, 465 (Tex. 1997). *O’Quinn v. State Bar of Tex.* 763 S.W. 2d 397 (Tex. 1988).

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Wilson was required to obey said rules, but the State Bar was not, a clear violation of the Texas and U.S. Constitution requirement of equal protection of the law. The State Bar is essentially a closed union shop, thereby creating the requirement of equal protection and due process to be afforded to its members. *Kelly v. State Bar of California*, 496 U.S. 1, 10-13 (1990).

**PRAYER**

The Court should grant this Motion for Rehearing, vacate its opinion withdraw its judgment, and issue a revised opinion and judgment consistent with The Texas Government Code Title 2, Chapter 81.014, and the Texas and U.S. Constitutions' requirements of due process and equal protection of the law.

Respectfully submitted,

/s/ROBERT J. WILSON, APPELLEE

2151 N. Avenida Tabica

Green Valley, AZ 85614

Tel: (520) 98201658

Email: bobbysvia@gmail.com

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**[7] CERTIFICATE OF SERVICE**

On March 23, 2019, this Motion was served by electronic mail on Counsel for the State Bar.

/s/ROBERT J. WILSON, APPELLEE

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**CERTIFICATE OF COMPLIANCE**

In compliance with the Tex. Rules of App. Proc. 9.4(i)(2), this Motion contains 918 words as counted by MS WORD, word count utility, excluding the portions of the Motion exempted by Rule 9.4(i)(1).

/s/ROBERT J. WILSON, APPELLEE

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**EXHIBIT D**

FILE COPY

RE: Case No. 19-0417                      DATE: 8/30/2019  
COA #: 03-18-00649-CV      TC#: D-1-GN-18-004216  
STYLE: WILSON v.  
THE STATE BAR OF TEX.

Today the Supreme Court of Texas denied the petition for review in the above-referenced case.

DISTRICT CLERK TRAVIS COUNTY  
TRAVIS COUNTY COURT  
P. O. BOX 679003  
AUSTIN, TX 78767  
\* DELIVERED VIA E-MAIL \*

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App. 19

No.

In The Supreme Court of Texas

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**ROBERT J. WILSON,**

**Petitioner**

**V.**

**The STATE BAR of TEXAS,**

**Respondent**

---

**Appealed From the Third Court of Appeals,  
Cause Number: 03-18-00649-CV  
From an Appeal from the 200th District Court  
Of Travis County, Texas,  
Cause No. D-1-GN-18-004216  
Honorable Don R. Burgess, Judge Presiding**

---

**PETITION FOR REVIEW**

---

**ROBERT J. WILSON,  
Petitioner, In Propria Persona  
2151 N. Avenida Tabica  
Green Valley, AZ 85614  
Tel: (520) 982-1658  
Email: [bobbysvisa@gmail.com](mailto:bobbysvisa@gmail.com)**

[ii] **IDENTITY OF PARTIES AND COUNSEL**

Petitioner: Robert J. Wilson,  
In Propria Persona  
2151 N. Avenida Tabica  
Green Valley, AZ 85614  
(520) 982-1658  
[bobbysvisa@gmail.com](mailto:bobbysvisa@gmail.com)  
At Trial and on Appeal

Respondent: The State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711-2487

Respondent's Trial  
Counsel: Linda A. Acevedo  
Chief Disciplinary Counsel  
State Bar of Texas

Respondent's Appellate  
Counsel: Mr. Matthew J. Greer  
Appellate Counsel for  
State Bar of Texas  
State Bar Card No. 24069825  
(512) 427-4167  
Email: [mgreer@texasbar.com](mailto:mgreer@texasbar.com)

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**STATEMENT OF THE CASE**

**Nature of the Case:**

Petitioner (Wilson), a long time resident of Arizona, filed a civil suit against Respondent, the State Bar of Texas, in the 200<sup>th</sup> District Court of Travis County, Texas for a Declaratory Judgment (for the

return of his suspended Texas Law License No. 21718300) and for money damages for libel.

Respondent (State Bar) replied by filing a Plea to the Jurisdiction combined with a 91a Motion to Dismiss and Original Answer.

[v] Wilson filed a Response to the State Bar's Plea and 91a Motion and filed a Sworn Motion for Summary Judgment, with his affidavit attached stating "That he had never resigned from the Texas State Bar, nor had he sent a letter of resignation to the State Bar". The State Bar filed an unsworn response to Wilson's Motion for Summary Judgment stating Wilson had sent them a letter of resignation in 1994 that they submitted said letter to the Texas Supreme Court who accepted it and the State Bar's Motion at face value and Adjudged Wilson as having effectively "resigned in lieu of disciplinary proceedings in 1994".

The two Parties agreed the Trial Court could hear and determine all pending Motions at same time.

Disposition in the trial:

The Trial Court heard the Parties' Motions in the 200<sup>th</sup> District Court of Travis County, Don R. Burgess presiding. The court denied the Motions of both Parties in open court. (App. "A").

The State Bar of Texas filed an interlocutory appeal from the denials of their Plea and Dismissal Motions. Wilson could not appeal the Denial of his

Summary Judgment Motion because the case was still active and no final judgment had been entered.

[vi] Disposition in the Court of Appeals:

The Third Court of Appeals, in Austin, Texas, with Justices: Goodwin, Baker, and Shannon, presiding, in Cause No. 03-18-00649-CV reversed the trial court's decision in an Opinion by Justice Shannon. It granted the State Bar's Plea to the Jurisdiction on the grounds that the State Bar has total governmental immunity from lawsuits and dismissed Wilson's lawsuit with costs assessed against him. (App. "B")

Wilson filed timely Motions for Rehearing and for En Banc Reconsideration and the Court of Appeals denied Wilson's Motions on May 3rd, 2019. (App. "C")

**STATEMENT OF JURISDICTION**

The Supreme Court has Jurisdiction in this case pursuant to Texas Government Code Section 22.001 (a)(6) (West 2004) because the errors of the appellate court are of such importance to the jurisprudence of this State that they require correction and involve the legal affect and interpretations of two State Statutes: {Tex. Gov't. Code, Section 81.011 and Tex. Civ. Prac. Rem. Code, Section 37.002 (b)};

Furthermore, Section 22.001 (d), Tex. Gov't. Code, applies because it empowers the Supreme Court with the authority on affidavit to ascertain the matters of



fact that are necessary to the proper exercise of its jurisdiction;

[vii] The Supreme Court has Administrative Control over the Texas State Bar and therefore over allegations of misfeasance or malfeasance in the performance of the State Bar's statutory duties {Texas Gov't. Code, Section 81.011 (c)}.

### **ISSUES PRESENTED**

**Issue 1.** Did the Court of Appeals err in holding that the Texas State Bar has a governmental immunity defense to a Bar member's claims?

**Issue 2.** Did the Court of Appeals err in their holding that Wilson's claims for a Declaratory Judgment was barred by governmental immunity, thereby effectively depriving him of Due Process, Access to the Courts, and Equal Protection of the Law?

**Issue 3.** Does the Texas Supreme Court have the duty and obligation to control and exercise oversight of the activities of the Texas State Bar and intervene when necessary to prevent injustice?

**Issue 4.** Does Wilson have the right to bring before this Supreme Court the trial court's denial of his Motion For Summary Judgment because as a matter of law he carried his burden of proof in the Trial Court and the Court of Appeals has now created a final judgment in this case by their Decision?

Wilson's Issues in his Motion for Rehearing  
that were presented to, and denied by,  
the Court of Appeals:

1. The State Bar does not have Immunity  
from Lawsuits by its members, past or  
present.
2. The State Bar and this panel's opinion  
has deprived Wilson of due process and  
equal protection of the law.

[1] **STATEMENT OF FACTS**

The Opinion of the Third Court correctly states the nature of the case, however, Wilson disagrees with the Court's characterizations of the facts and law relied on by him. These matters are addressed, in turn, in this Petition.

Wilson was licensed in 1973 by the State Bar of Texas to practice law. He practiced law without incident until June of 1990 when he entered into a voluntary suspension of his law license while he completed a three-year probated sentence un-related to his law practice. His two associates entered his locked law office at night and took all the client files and set up their own law practice one block away. Wilson sued them for breach of their employment contract and they enlisted the Texas State Bar to file contempt charges against Wilson for trying to collect fees while his law license was suspended. They prevailed in their efforts and Wilson was held in contempt by a District Court in Fort

Worth, Texas and fined. He later paid in full that fine and that case was dismissed.

In March of 1993 the criminal court formally dismissed the probated criminal case involving Wilson and he relocated his residence to Arizona in early 1994 and became a professor of law at a Phoenix College District. Wilson had never received any notice from the State Bar of any unresolved disciplinary matters pending against him in Texas before or after he moved from Texas.

In 2012 Wilson registered to take the Arizona Bar Exam and requested the State Bar of Texas issue him a Certificate of Good Standing.

[2] The Texas State Bar refused, stating he had resigned and supplied Wilson with a copy of his so-called letter of resignation that they had submitted to the Texas Supreme Court. Wilson immediately contacted the Texas State Bar and reported that he had never resigned and the letter they used for his resignation was a forgery, which he never authorized, nor signed, or was even aware of, and Wilson demanded an investigation to clear his standing with the State Bar. The Texas State Bar ignored his demands and in 2018 Wilson filed this suit for redress and return of his Texas law license.

#### SUMMARY OF THE ARGUMENT

The trial judge in this matter correctly saw this case as it really exists. Some unknown person

hoodwinked the Texas State Bar in July of 1994 and the Bar mislead this Supreme Court into punishing an innocent Member of the Bar with a misleading Resignation Motion.

The Texas State Bar now has decided to seek the protection of Governmental Immunity rather than admitting their mistake and returning Wilson's Texas law license.

The State Bar violated their written Member Resignation Regulations in their rush to deprive Wilson of his law license and mislead this Supreme Court.

The State Bar does not have governmental immunity under the express terms of Tex. Gov't Code Section 81.014, and, since a governmental entity must be made a Party in a Declaratory Judgment case under the express meaning of [3] Tex. Civ. Prac. Rem. Code Section 37.006(b), which means immunity, has been waived.

Wilson filed a Summary Judgment proceeding below in which he attached his sworn affidavit stating he had not resigned and never authorized, wrote, or had knowledge of the so-called letter of resignation. The State Bar did not defeat Wilson's Motion for Summary Judgment as a matter of law and therefore he is entitled to judgment for the return of his law license notwithstanding the actions of the Court of Appeals because their decision was a final order in this case.

Wilson's Rights of due process, access to the courts, and equal protection of the law must be protected

under this set of facts. Wilson respectfully requests that the Supreme Court grant review.

**ARUGMENT AND AUTHORITIES**

- A. The Court of Appeals erred in their holding that the Texas State Bar has Governmental Immunity.
- B. The Court of Appeals erred in their holding that Wilson's request for a Declaratory Judgment was barred by Governmental Immunity, thereby effectively depriving him of Due Process, Access to the Courts, and Equal Protection of the Law?
- C. The Supreme Court has the duty and obligation to control and exercise oversight of the activities of the Texas State Bar and to intervene when necessary to prevent injustice.
- [4] D. Does Wilson have the right to bring before this Supreme Court the trial court's denial of his Motion For Summary Judgment because as a matter of law he carried his burden of proof in the Trial Court and the Court of Appeals has now created a final judgment in this case by their Decision?

These four issues of Texas law will be discussed together since they all interrelate and concern the actions of the State Bar in their handling of Wilson so-called resignation,

This appeal is of fundamental importance to the legal relationship that exists between the State Bar and its Members, both past and present.

Assuming the truth of Wilson's pled allegations of never resigning from the State Bar, (CR at 4-9) which is the standard rule in appellate cases such as this, the misleading and fabricated Motion of Resignation presented by the State Bar for purposes of disbarring Wilson should shock the conscious of the Members of this Court. To allow such behavior to be accepted would forever create a dark stain on the relationship of the State Bar with its members. The State Bar did not deny that more documents were needed from a bar member such as Wilson before a proper Motion for Resignation could be submitted to the Supreme Court for action. And, that *assumes the bar member* actually desires resigning, which is in dispute in this case. When confronted with the two letters from Wilson denying his resignation (Trial App. 77-78, 81-82), the State Bar could and should have handled the dispute internally, but choose to ignore Wilson's allegations.

[5] Now, finding itself in litigation, the State Bar wants to enjoy court-created immunity for its mishandling of Wilson's case.

The issue is simple: Does the Texas Rules of Disciplinary Procedure and Conduct apply equally to the State Bar and its Staff, or can the State Bar simply ignore those Rules because it can claim immunity if their actions are later challenged?

Wilson contends the State Bar is bound by the clear provisions of its Enabling Act, the State Bar Act, and it was never intended by the Texas Legislature to give the State Bar immunity from law suits, but only

to protect the employees and staff of the State Bar from personal liability. (App. "E" Tex.; Gov. Code, Title 2, Chapter 81.014 and 81.106).

Since its creation, the State Bar could always sue and be sued in its own name. It is a public corporation and is totally self-supporting and does not create any liability or debt obligations for the state (App. "E" Sect. 81.017); nor is it financially supported by the State's taxpayers.

The State Bar filed its own "Motion to Resign" on *behalf* of Wilson in July of 1994 with the Supreme Court and failed to disclose to the Supreme Court that Wilson had not complied with the proper method of resignation from the State Bar and Wilson's probated criminal case, the basis for his law license suspension, which did not involve any of Wilson's clients, had been formally dismissed by that court in March of 1993 thereby misleading the Supreme Court into believing Wilson was a convicted felon.

[6] Wilson's lawsuit contends the State Bar did not comply with its own Rules that required a Member to prepare and file a formal Motion to Resign". Nowhere do those Rules authorize any other person to prepare and file such an instrument on Wilson's behalf Those Rules were designed to protect both parties involved. Wilson was in effect disbarred without his knowledge or participation, which is clearly a violation of his rights of due process of law. *In re Ruffalo*, 390 U.S. 544 (1968) the U.S. Supreme Court stated that State

disbarment actions must afford due process. See also, Tex. Const., Article I, Section 19, and the 14th Amendment to the U.S. Constitution on due process requirements. See also, *Keller v. State Bar of California*, 496 U.S. 1, 10-13 (1990).

The State Bar does not qualify as a “government unit” as described in Tex. Civ. Prac. & Rem. Code, Title 5, Section 101.001(3) [App. “F”].

The State Bar, even if it is a government unit, was certainly guilty of nonperformance of an act that damaged Wilson because the State Bar did not follow its own Rules of Disciplinary Procedure. (Section 10.01-10.05) [App. “G”].

The State Bar’s former legal counsel, now deceased, even voiced doubts of her own in her preparation of the Motion for Resignation and its sufficiency (CR at 89). A state official’s acts are not acts of the state if illegal or unauthorized, *Federal Sign v. Texas Southern University*, 951 S.W. 2d 404, 465 (Tex. 1997).

Texas Courts look to the *nature, purpose and powers* in determining if the agency is a governmental entity that will enjoy sovereign or governmental immunity. *Ben Bolt v. Tex. Political Subdivisions*, 212 S.W. 3d 323 (Tex.2006).

[7] The Texas legislature is best positioned to create sovereign immunity because that is within their jurisdiction in order to protect their policymaking



function. *Wasson Interests Ltd. v. City of Jacksonville*, 489 S.W. 3d 427 (Tex. 2018). They purposefully did not grant the State Bar immunity from lawsuits when they acted to protect the employees and staff of the State Bar.

The trial court clearly saw the injustice involved in this case and saw the harm to Wilson and the State Bar's failure to obey its own rules.

Wilson's Motion for Summary Judgment filed under oath and the unsworn Response of the State Bar to said Motion leaves no doubt as to the actual facts of this case and this Court is requested to review the Trial Court's denial (App. "H") of said Motion for Summary Judgment to the extent that it orders the State Bar to return Wilson's bar license and GRANT such relief and return his status to with the State Bar to good standing.

### **CONCLUSION AND PRAYER**

Therefore, Premises Considered, Petitioner Wilson requests this Honorable Supreme Court grant his Petition for Review since serious and fundamental questions of law concerning the existence or not of immunity from lawsuits exist concerning the entity known as the Texas State Bar. And, furthermore, the State Bar's methods of operations in their handling of

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a bar members' resignation needs to be addressed and clarified.

[8] Dated: May 16, 2019  
Respectfully submitted,

/s/ Robert J. Wilson  
Robert J. Wilson, Petitioner

2151 N. Avenida Tabica,  
Green Valley, AZ 85614  
(520) 982-1658  
bobbysvisa@gmail.com

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**CERTIFICATE OF SERVICE**

In accordance with the Texas Rules of Appellate Procedure I certify that a copy of this Petition for Review was served on Respondent by electronic email by serving Matthew J. Greer, appellate counsel of Record on this 16<sup>th</sup> day of May 2019.

/s/ Robert J. Wilson  
Robert J. Wilson, Petitioner

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**APPENDIX**

- A. Order of Trial Court appealed from, dated:  
09-19-2018
  - B. Opinion of Court of Appeals, dated:  
03-20-2019
  - C. Judgment of the Court of Appeals, dated:  
03-20-2019
  - D. Court of Appeals' Denial of Appellee's motion  
for rehearing and en banc reconsideration:  
dated: 05-03-2019
  - E. State Statutes Tex. Gov. Code Sections  
81.106, 81.011, 81.014, & 81.017
  - F. TEX. CIV. REM. CODE Chapter 101,  
Sections 101.001
  - G. TEX R. DISC. PROC. 10.01, 10.02, 10.05, &  
11.03
  - H. Order of Denial on Wilson's M. S. J., Dated  
09-19-2018.
-

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**EXHIBIT E**

FILE COPY

RE: Case No. 19-0417                      DATE: 9/10/2019  
COA #: 03-18-00649-CV      TC#: D-1-GN-18-004216  
STYLE: WILSON v.  
THE STATE BAR OF TEX.

Petitioner's motion for rehearing was this day filed  
in the above styled and numbered case.

DISTRICT CLERK TRAVIS COUNTY  
TRAVIS COUNTY COURT  
P. O. BOX 679003  
AUSTIN, TX 78767  
\* DELIVERED VIA E-MAIL \*

---

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FILE COPY

RE: Case No. 19-0417      DATE: 10/11/2019  
COA #: 03-18-00649-CV    TC#: D-1-GN-18-004216  
STYLE: WILSON v.  
THE STATE BAR OF TEX.

Today the Supreme Court of Texas denied the motion for rehearing of the above-referenced petition for review.

MR. JEFFREY D. KYLE  
CLERK, THIRD COURT OF APPEALS  
209 WEST 14TH STREET, ROOM 101  
AUSTIN, TX 78701  
\* DELIVERED VIA E-MAIL \*

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**No. 19-0417**

**In The Supreme Court of Texas**

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**ROBERT J. WILSON,**

**Petitioner**

**V.**

**The STATE BAR of TEXAS,**

**Respondent**

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**On Review From the Third Court of Appeals,  
Cause No a 03-18-03649-CV  
From an Appeal from the 200th District Court  
Of Travis County, Texas,  
Cause No. D-1-GN-18-004216  
Honorable Don R. Burgess, Judge Presiding**

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**PETITIONER'S MOTION FOR REHEARING**

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**ROBERT J. WILSON,  
Petitioner, In Propria Persona  
2151 N. Avenida Tabica  
Green Valley, AZ 85614  
Tel: (520) 982-1658  
Email: [bobbysvisa@gmail.com](mailto:bobbysvisa@gmail.com)**

**[ii] IDENTITY OF PARTIES AND COUNSEL**

Petitioner: Robert J. Wilson,  
In Propria Persona  
2151 N. Avenida Tabica  
Green Valley, AZ 85614  
(520) 982-1658  
[bobbysvisa@gmail.com](mailto:bobbysvisa@gmail.com)  
At Trial and on Appeal

Respondent: The State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711-2487

Respondent's Trial  
Counsel: Linda A. Acevedo  
Chief Disciplinary Counsel  
State Bar of Texas

Respondent's Appellate  
Counsel: Mr. Matthew J. Greer  
Appellate Counsel for  
State Bar of Texas  
State Bar Card No. 24069825  
(512) 427-4167  
Email: [mgreer@texasbar.com](mailto:mgreer@texasbar.com)

**[iii] ISSUES PRESENTED**

Issue 1. Is it now the law in Texas that a State Bar Member has no rights to Due Process, Access to the Courts, and Equal Protection of the Law when he is stripped of his Texas Bar License in a dispute with the State Bar of Texas?

Issue 2. Has the Texas Supreme Court abandoned its legislative duties and obligations to control and exercise oversight of the activities of the Texas State Bar?

**TO THE HONORABLE JUSTICES OF  
THE SUPREME COURT OF TEXAS**

Petitioner (Wilson), filed a civil suit against Respondent, the State Bar of Texas, in the 200<sup>th</sup> District Court of Travis County, Texas for a Declaratory Judgment for the return of his suspended Texas Law License No. 21718300.

Respondent (State Bar) replied by filing a Plea to the Jurisdiction combined with a 91a Motion to Dismiss and Original Answer. Wilson filed a Response and filed a **Sworn Motion for Summary Judgment**, with his affidavit attached stating "That he had never resigned from the Texas State Bar". The State Bar filed an unsworn response to Wilson's Motion for Summary Judgment stating *they* (the Texas State Bar) had filed their own Motion of Resignation in the Texas Supreme Court on Wilson's behalf which was accepted as true by that Court.

[iv] In other words, the Supreme Court of Texas, which by legislative mandates; supervises and controls the official activities of the Texas State Bar, got *hoodwinked* by the State Bar and they have now been given official permission by these Appellate Court Decisions in this Case to do the same to other lawyers they may choose to disbar.



Wilson was given no advance notice by the Texas State Bar that they were going to strip him of his Bar License in 1994. The law in Texas and the United States clearly states that a defendant in a civil case has a right to notice of a lawsuit before a judgment can be enforced against them. *Peralta v. Heights Med. Ctr., Inc.* 485 U.S. 80, 84 (1988); *Caldwell v. Barnes*, 154 S. W. 3d 93, 96-97 (Tex. 2004); *Fidelity and Guar. Ins. Co. v. Drewery Const. Co., Inc.* 186 S. W. 3d 571, 574 (Tex. 2006).

For Wilson to prevail on a Petition for Review, he must show he has a good claim which he was prevented from presenting in court by the wrongful act of a respondent without fault on his own part. (See *Caldwell v. Barnes*, *supra* 154 S. W. 3d at 96). Wilson carried his burden of proof in the Courts below on those issues.

The Supreme Court has Administrative Control over the Texas State Bar and therefore over allegations of misfeasance or malfeasance in the performance of the State Bar's statutory duties {Texas Gov't. Code, Section 81.011 (c)}.

[v] If this Honorable Court does not accept Petitioner's Petition for Review and re-open this dispute, then, the Third Court of Appeal's Decision in this Case will establish new law in this State that a lawyer can be disbarred without due process of law or equal protection of our laws and the Supreme Court of Texas has given up its official legislated duties to police the enforcement of the State Bar of Texas Rules of Disciplinary Procedure 10.01, 10.02, 10.05, & 11.03.

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**Petitioner Prays this Court re-consider its  
Denial of Review and grant Petitioner's Review  
Petition.**

Respectfully submitted,  
Dated September 10, 2019

/s/ Robert J. Wilson  
Robert J. Wilson,  
In Propria Persona  
2151 N. Avenida Tabica  
Green Valley, AZ 85614  
(520) 982-1658  
[bobbysvisa@gmail.com](mailto:bobbysvisa@gmail.com)

---

**CERTIFICATE OF SERVICE ON RESPONDENT**

A true copy of this Motion has been served on  
Respondent's Appellate Counsel  
below via email this date.

Mr. Matthew J. Greer  
Appellate Counsel for  
State Bar of Texas  
State Bar Card No. 24069825  
(512) 427-4167  
Email: [mgreer@texasbar.com](mailto:mgreer@texasbar.com)

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/s/ Robert J. Wilson

---

Robert J. Wilson,  
2151 N. Avenida Tabica  
Green Valley, AZ 85614  
(520) 982-1658

[bobbysvisa@gmail.com](mailto:bobbysvisa@gmail.com)

word count: 789

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**EXHIBIT F**

Texas Government Code, Title 2, Judicial Branch  
Subtitle G. ATTORNEYS  
Chapter 81. STATE BAR  
Subchapter A. General Provisions

Sec. 81.011. GENERAL POWERS. (a) The state bar is a public corporation and an administrative agency of the judicial department of government.

Sec. 81.014. SUITS. The state bar may sue and be sued in its own name.

Sec. 81.017. INDEBTEDNESS, LIABILITY, OR OBLIGATION. (a) An indebtedness, liability, or obligation of the state bar does not:

(1) create a debt or other liability of the state or of any entity other than the state bar or any successor public corporation; or

(2) create any personal liability on the part of the members of the state bar or the members of the board of directors or any authorized person issuing, executing, or delivering any evidence of the indebtedness, liability, or obligation.

(b) The state bar may not create an indebtedness, liability, or obligation that cannot be paid from the receipts for the current year unless approved by referendum of all members of the state bar as provided by Section 81.024.

Added by Acts 1987, 70th Leg, Ch. 148, Sec. 3.01, eff. Sept. 1, 1987.

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**EXHIBIT G**

**10.01 Disciplinary Resignation**

Any person licensed to practice law in the State of Texas shall be permitted to file a motion for resignation in lieu of discipline, in a form promulgated by the Commission, in the Supreme Court of Texas, attaching thereto his or her Texas law license and permanent State Bar membership card.

**10.02 Response of Chief Disciplinary Counsel**

The Chief Disciplinary Counsel shall, within twenty days after service upon him or her of a motion for resignation in lieu of discipline, file a response on behalf of the State Bar (acting through the Commission) stating whether the acceptance of the resignation is in the best interest of the public and the profession and setting forth a detailed statement of the Professional Misconduct with which the movant is charged. The movant may, within ten days after service of such response, withdraw the motion. If a motion to withdraw is not timely filed, the detailed statement of Professional Misconduct shall be deemed to have been conclusively established for all purposes.

**11.03 Burden of Proof**

The petitioner has the burden of establishing by a preponderance of the evidence that the best interests of the public and the profession, as well as the ends of justice, would be served by his or her reinstatement.

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The court shall deny the petition for reinstatement if it contains any false statement of a material fact or if the petitioner fails to meet the burden of proof.

#### 10.05 Effect of Resignation

Any resignation under this part shall be treated as a disbarment for all purposes, including client notification, discontinuation of practice, and reinstatement.

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**EXHIBIT H**

CAUSE NO. 26214

THE STATE OF TEXAS §IN THE DISTRICT COURT  
VS. §JOHNSON COUNTY, TEXAS  
ROBERT J. WILSON §18TH JUDICIAL DISTRICT

**ORDER GRANTING SECOND AMENDED  
MOTION FOR REMOVAL FROM PROBATION**

(Filed Mar. 24, 1993)

On this day came on to be considered Defendant, ROBERT J. WILSON'S, Second Amended Motion for Removal from Probation. The Court, having considered said Second Amended Motion, and finding that Defendant, ROBERT J. WILSON, has complied with the terms and conditions of the probation in accordance with Article 42.12, Vernon's Annotated Code of Criminal Procedure of Texas, including making restitution and serving community service, and that Defendant has now served more than one-half of the sentence imposed upon him by this Court, is of the opinion that the Motion should be granted.

It is therefore ORDERED, ADJUDGED AND DECREED that the sentence imposed on Defendant, ROBERT J. WILSON, is hereby commuted to time served, and Defendant, ROBERT J. WILSON, is discharged from the sentence imposed by this Court and is released from probation for all intents and purposes.

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It is further ORDERED that this case against Defendant, ROBERT J. WILSON, is in all things DISMISSED.

IT IS SO ORDERED.

SIGNED this 24 day of March, 1993.

/s/ [Illegible]

JUDGE PRESIDING

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**EXHIBIT I**

February 23, 2012

17th District Court Clerk  
Tim Curry Criminal Justice Center  
8th floor 401 West Belknap  
Fort Worth, TX 76196

Re: Case # 17-128555-90  
State Bar Assoc. vs. Robert John Wilson  
Contempt Judgment Payment

Honorable Clerk,

On April 21, 1993 the Judge of the 17th District found me in contempt of court and assessed at total of \$6,000.00 in fines against me in the above and entitled civil case.

I have enclosed a Bank Check for that \$6,000.00 to pay those fines in full.

Please note my payment of the \$6,000.00 fines on that particular court case's records and please return a receipt to me in the SASE enclosed for this payment.

Thank you very much for your assistance.

A copy of this letter and bank check is being sent to State Bar of Texas.

Yours truly,

/s/ Robert John Wilson  
Robert John Wilson

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No. 17-12835590

THE STATE BAR	§	IN THE DISTRICT COURT
OF TEXAS	§	TARRANT COUNTY, TEXAS
VS.	§	
ROBERT J. WILSON	§	17TH JUDICIAL DISTRICT

### JUDGMENT

On the 9th day of December, 1991, came on to be heard the above-entitled and numbered cause. Petitioner, the State Bar of Texas, appeared by and through its attorney of record, Jana K. McCown, and the Respondent, Robert J. Wilson, appeared and was represented by his attorney of record, Steven M. Smoot. All matters of fact as well as matters of law were submitted to the Court for determination.

The Court, based upon all the pleadings and papers on file in this case and the evidence and the law applicable thereto, is of the opinion and so finds that the material allegations of Petitioner's Disciplinary Petition are true, and that the Petitioner, pursuant to the State Bar Act, Title 2, Texas Gov't Code, §81.001 et. seq., is entitled to the following Judgment. The Court further finds that forgery, as alleged in the indictment against Respondent, is a serious crime pursuant to Article X, Section 26 of the State Bar Rules. The Court also finds that Respondent's appeal is final, the mandate having been issued on August 6, 1991, and that Respondent's criminal probation term of three (3) years began on that date.

IT IS THEREFORE ORDERED that Respondent, Robert J. Wilson, be and is hereby actively -suspended from the practice of law in the State of Texas for a period of three (3) years pursuant to his conviction for forgery, a felony involving moral turpitude, in the State of Texas v. Robert J. Wilson, Cause No. 26,214, in the 18th Judicial District Court of Johnson County, Texas. Active suspension shall begin on the December 9, 1991, and end on December 8, 1994. If Respondent's felony probation should be terminated, other than by revocation, prior to the expiration of three years, this Court will entertain a motion made at that time to terminate Respondent's license suspension. Any motion made pursuant to this provision shall be served on the Office of the General Counsel at P.O. Box 12487, Austin, Texas 78711.

IT IS FURTHER ORDERED that the Respondent, Robert J. Wilson, during said active suspension, is hereby prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal services for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "attorney at law," "counselor at law," or "lawyer."

It is further ORDERED that the Respondent immediately notify in writing, any clients who have not previously received notice of the interlocutory suspension, of this suspension. In addition to such notification,

the Respondent is ORDERED to return all files, papers, monies and other property belonging to clients and former clients in the Respondent's possession to the respective clients or former clients or to another attorney at the client's or former client's request. Said Respondent is ordered to file with this Court within thirty (30) days of the date of this Judgment an affidavit stating that all clients designated above have been notified of the Respondent's suspension, and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.

It is further ORDERED that Respondent shall, on or before thirty (30) days from the date of this Judgment, notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which the Respondent has any matter pending of the terms of this Judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in that court.

It is further ORDERED that the said Robert J. Wilson immediately surrender his Texas law license and permanent State Bar Card to the Clerk of the Supreme Court of Texas.

IT IS ORDERED that the Clerk of this Court shall forward a certified copy of the Disciplinary Petition on file herein, along with a certified copy of this Judgment to the Clerk of the Supreme Court of Texas, Price Daniel, Sr. Building, 209 W. 14th St., Austin, Texas 78701,

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and to the Office of the General Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

IT IS FURTHER ORDERED that all costs of court herein incurred shall be taxed against the Respondent, Robert J. Wilson, for which the Clerk may have his execution if they are not timely paid.

Signed this 7 day of January, 1992.

/s/ [Illegible]  
JUDGE PRESIDING

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**EXHIBIT J**

8/8/2018 3:55 PM  
Valve L. Price  
District Clerk  
Travis County  
Ruben Tamez

NO.  
D-1-GN-18-004216 D-1-GN-18-1104246

ROBERT J. WILSON § IN THE DISTRICT COURT  
Plaintiff §  
vs. §  
THE STATE BAR § 200TH JUDICIAL DISTRICT  
OF TEXAS, §  
Defendant § TRAVIS COUNTY, TEXAS

**PETITION FOR DECLARATORY  
JUDGMENT AND FOR DAMAGES**

Plaintiff, Robert J. Wilson, files this Petition for Declaratory Judgment and For Damages against The State Bar of Texas, Defendant, and in support, shows the court as follows:

**DISCOVERY**

1. Plaintiff intends to conduct discovery under Level 1 of Texas Rule of Civil Procedure and affirmatively pleads that this suit is governed by the expedited-actions process in Texas Rule of Civil Procedure 169 because Plaintiff does not seek monetary damages in excess of \$100,000.00.

### PARTIES AND SERVICE

2. Plaintiff is an individual residing in Green Valley, Arizona.

3. Defendant, The State Bar of Texas, is a judicial-state agency whose office is in Travis County, Texas. Defendant can be served in accordance with the Rules of the State Bar of Texas Article II, Section 6 by serving its Executive Director, Michele Hunter, The State Bar of Texas, 1414 Colorado Street, Austin, Texas 78701.

### JURISDICTION AND VENUE

4. This Court has jurisdiction over this action as the controversy arose in Travis County, Texas, and therefore Travis County District Courts have jurisdiction and venue is proper in Travis County, Texas.

### FACTS

5. Plaintiff was licensed to practice law in Texas on April 16, 1973, under Texas State Bar Number 21718300.

6. Plaintiff practiced law for 17-years without any grievance, complaint or incidents against his license, Plaintiff had a firm where he employed several attorneys. On June 22, 1990, Plaintiff's law license was suspended by an Agreed Interlocutory Judgment of Suspension in Cause No. D17-128555-90 in *The State Bar of Texas v. Robert J. Wilson* in the 17th Judicial District Court of Tarrant County, Texas. The matter did not involve any clients of Plaintiff or Plaintiff's

firm. The offense related to a personal real estate transaction of Plaintiff. The suspension of Plaintiff's Texas bar license was for three years. A requirement of the Agreed Interlocutory Judgment of Suspension was for Plaintiff to relinquish his license and bar card to Defendant, which Plaintiff did promptly at that time.

7. Upon entering the Agreed Interlocutory Judgment of Suspension, Plaintiff's employees entered the firm that night to remove all client files. The following morning, the employees began a new firm with Plaintiff's client files. A lawsuit ensued regarding the client files and in 1991 a fine was assessed against Plaintiff in the above entitled case. This case was formally dismissed by the Court in March of 2012 when Plaintiff paid the fine assessed.

8. In 1994, a year after the suspension of Plaintiff's law license should have expired, Plaintiff allegedly wrote a letter to the State Bar of Texas resigning his membership. Plaintiff has argued with Defendant that the letter was not authentic. Defendant refused to address the matter and, since 1994 listed Plaintiff's standing with The State Bar of Texas as "resigned pending disciplinary action." This label is not only untrue but defamatory.

9. Plaintiff would also show that regardless of the authenticity of the "resignation letter," this was allegedly received by Defendant after the expiration of the suspension and therefore, would not in lieu of a disciplinary action.



10. According to Texas State Bar Rule, Art. III, Section 7 a member must complete a Voluntary Resignation Request Form and well as other documents in order to facilitate a resignation. Plaintiff never completed the requested forms and/or submitted them to the State Bar of Texas. The only document Defendant had was the disputed letter of resignation.

11. In 2012, Plaintiff requested Defendant, The State Bar of Texas, certify he was in good standing in Texas and what steps, if any, were needed to perfect this request. Plaintiff sought to obtain his Arizona Bar license. Defendant responded that Plaintiff needed to pay a fine and file a petition for reinstatement. Once Plaintiff completed this process, Defendant refused Plaintiff's request to change Plaintiff's standing with the State Bar. The denial was based upon the alleged resignation letter written sometime in 1994.

12. Plaintiff once again notified Defendant that the undated letter was not Plaintiff's and did not bear Plaintiff's authentic signature. Plaintiff requested that Defendant investigate the authenticity of the letter if it were still at issue.

13. Lacking a response from Defendant, Plaintiff presented a follow-up letter on June 29, 2012. Defendant has ignored Plaintiff's requests and refused to investigate or determine if the 1994 letter of resignation was authentic.

14. Plaintiff acknowledged, accepted and honor the three-year suspension in 1991. For 24-years, Defendant has been consistent that it will not even consider

changing Plaintiff's status of resignation "due to disciplinary actions".

15. Plaintiff is unaware of any matters (settled or unsettled) with The State Bar of Texas that would warrant branding Plaintiff in such a harsh manner.

16. In 2017, Plaintiff announced as a candidate for the State Senate of Arizona and was formally approved by the State of Arizona as a state senate candidate in Legislative District Number Two and his name officially added to this year's ballot for that office.

17. The *Green Valley Newspaper* received information that Plaintiff had "resigned from the Texas Bar in lieu of disciplinary action" and published the information. The statement was damaging to Plaintiff's campaign for State Senator. The damage was proximately caused by the failure of the State Bar of Texas to investigate Plaintiff's requests concerning his alleged resignation and refusal to correct the status of Plaintiff's standing.

#### COUNT ONE DECLARATORY JUDGMENT

18. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

19. Plaintiff requests relief under the provisions of the Texas Civil Practices & Remedies Code, Section 37.02(b), known as the Texas Uniform Declaratory Judgment Act, in which the District Court of Travis County, Texas has jurisdiction to bear and determine this controversy.

20. Plaintiff requests that the Court make a fact finding that the alleged letter of resignation (Exhibit #1) used and relied on by the State Bar of Texas to suspend Plaintiff's law license was in fact a forgery and was not authored by, consented to, or mailed by Plaintiff to the State Bar of Texas.

21. Plaintiff requests the Court order Defendant to disregard the letter of resignation and determine that the State Bar of Texas has no other legitimate grounds to continue to suspend the Texas law license of this Plaintiff.

22. Plaintiff requests the Court order that law license to Plaintiff be reinstated and order that Plaintiff is certified of good standing with the Texas State Bar.

23. Strictly in the alternative, Plaintiff requests the Court order that Plaintiff's status be changed to "inactive" and Plaintiff is entitled to a certificate of good standing with the Texas State Bar.

#### COUNT TWO DAMAGES

24. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

25. Plaintiff has been damaged by the failure and refusal of Defendant to make a determination of whether Plaintiff resigned from the State Bar of Texas.

26. Defendant caused Plaintiff intentional or negligent infliction of mental anguish and emotional distress, humiliation, embarrassment, anxiety, damages

to reputation, personal injuries and other damages by Defendant's failure to do its duties.

27. Defendant's acts and failures were done intentionally and maliciously or recklessly and were wanton, deliberate, overt, dishonest, and oppressive, and made with an evil mind and motive and in conscious disregard of the rights of Plaintiff causing Plaintiff damages in seeking a seat in the State Senate in Arizona. Defendant had notice that Plaintiff was going to seek an official elective office in Arizona and required Plaintiff's status corrected.

28. Plaintiff is entitled to up to \$99,000.00 dollars in actual damages, plus punitive damages to be determined for the intentional wrongful acts or reckless acts of Defendant in this matter.

29. Plaintiff requests all relief available under Texas law and for his court costs and chargeable expenses.

#### PRAAYER

Plaintiff, Robert J. Wilson, prays for a Declaratory Judgment as described above against Defendant, the State Bar of Texas.

Plaintiff, Robert J. Wilson, prays for consequential, general and special damages in a reasonable and appropriate amount, as may be proven at trial.

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Plaintiff, Robert J. Wilson, prays for exemplary and/or punitive damages as may be proven at trial in a reasonable and appropriate amount.

Plaintiff, Robert J. Wilson, prays for recovery of reasonable costs and expenses in prosecuting this matter and for such and further relief as the Court deems just and proper.

/s/ Robert J. Wilson  
ROBERT J. WILSON  
2151 N. Avenida Tabica  
Green Valley, AZ 85614  
Tel: (520) 982-1658  
Email: *Bobbysvisa@gmail.com*  
Plaintiff, *Pro Se*

---

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**EXHIBIT # 1**

James M. McCormack  
General Counsel  
The State Bar of Texas  
P.O. Box 12487  
Capitol Station  
Austin TX 78711

Re: The State Bar Of Texas  
(Vs)  
Robert J. Wilson  
Bar No. 21718300

Dear Mr. McCormack:

I hereby submit my resignation as a member of long standing of The State Bar of Bar No. 21718300.

I have been a member since 1973, and I must report that I no longer desire to be a member of an organization that engages (at least in my case) in a policy of persecution, rather than to protect the interests of the general public. Your office's handling of the case is not something The State Bar should be proud of. I have dismissed my Counter Claim against The State Bar, but since I no longer am a resident of Texas, I may re-file the matter in Federal Court. My decision is not yet firm on this.

Article 10, Section 14 of The State Bar Rules (Vernon's An. Gov't Code) clearly states that no district court lawsuits shall be filed against an accused lawyer until he has received "reasonable notice and opportunity to respond" before the appropriate grievance committee. These constitutional safeguards were denied

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to me by The State Bar for the most part and I have been lawsuited to death by your office, causing me to lose everything I worked for for twenty years in Texas.

I no longer intend to return to the practice of law, since I've decided life is too short to be engaged in continuing litigation with The State Bar of Texas simply because I stood up for my rights which is obviously not the thing to do when dealing with The State Bar of Texas.

Yours Truly,

/s/ Robert J. Wilson  
Robert J. Wilson  
22 B Street SW Suite A-14  
Ardmore, OK 73401-6418  
Tx voice mail (817) 370-389

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**EXHIBIT # 2**

April 16, 2012

Delivery Confirmation

Nancy Ashcraft  
State Bar of Texas  
Compliance Monitor  
P.O. Box 12487  
Austin, Texas 78711-2487

Re: Robert John Wilson  
Bar No. # 21718300

Dear Ms. Ashcraft,

I requested the Supreme Court of Texas supply me with a complete copy of my so-called resignation file.

I enclose herewith a copy of what I recently received from their office, in case you do not have access to those records. Several matters immediately caught my attention, to wit:

- (1) My so-called letter of resignation, which is undated (but shows a file mark of July 1994) does not bear my signature, anyone familiar with my signature, such as Bar Counsel Mary F. Klapperich, would have known immediately that was not my signature. Therefore, she filed a false document with the Supreme Court. I did mail her a letter in which I voiced my decision to resign from the State Bar, but my reason was because I was convinced she was in conspiracy with my two former lawyer associates (Keith Harrison and Kristina Bline) to run me out of the law business.



- (2) Furthermore, In Mary's RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL TO THE RESIGNATION OF ROBERT J. WILSON, AN ATTORNEY she states information about a so-called (Paragraph B). DICKSON COMPLAINT which I had fully explained and timely answered to the Johnson County Bar Association and had never been notified that there was any unanswered issues remaining. There were no unprofessional acts on my behalf in that matter. No hearings had taken place on that matter by that Grievance Committee to my knowledge prior to it appearing in that Petition.
- (3) I had never received any correspondence from Mary after I mailed her my "missing" letter of resignation, so I had no notice of any further proceedings after I mailed my missing letter.

I can only assume Mary decided to proceed without any further notice to me or due process to me in her efforts to strip me of my Bar License.

At this point I can only assume my only recourse is to file a Request with the Supreme Court of Texas that they reopen this matter and conduct a thorough investigation of the Facts and Mary's actions in this matter.

In my letter to your office of January of this year, I requested your office advise me of what steps I needed to complete in order to be able to return to a position of good standing with the State Bar of Texas and your office replied on February 7, 2012 and said I

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needed to pay a contempt of court fine of \$6,000.00 in the 17th District Court of Tarrant County and then file a petition for reinstatement, but when I paid that fine of \$6,000.00 in full and sent your office a Motion to Dismiss that Case, I have received no response from your office.

My only desire is to be able to take the Bar Exam in Arizona, but I understand I need to be in good standing with the Texas Bar before I can apply in my state of residence, where I have lived since 1994.

Please address these matters so I will know how best how to proceed.

Thank you for your considerations and cooperation.

Yours truly,

Bob Wilson

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**EXHIBIT # 3**

Robert Wilson  
2151 N. Avenida Tabica  
Green Valley, AZ 85614-3779  
520-240-7970  
bobbysvisa@aol.com

June 29, 2012                      Delivery Confirmation

Nancy Ashcraft State  
Bar of Texas Compliance Monitor  
P.O. Box 12487  
Austin, Texas 78711-2487

Re: Robert John Wilson  
Bar No. # 21718300

Dear Ms. Ashcraft,

I request that your office delete my name from the list of licensed lawyers on the State Bar of Texas website for the following reasons;

- (1) It informs the general public that "I resigned in lieu of disciplinary action".

That is a false statement of fact, and constitutes libel and slander to my name for the following reasons:

- (a) My so-called letter of resignation, which is undated, (but shows a file mark of July 1994) does not bear my signature. Anyone familiar with my signature, such as your former Bar Counsel Mary F. Klapperich, would have known immediately that was not my signature. It was not prepared by me, nor authorized by me, NOR MAILED BY ME. I did not sign that letter.

- (b) Therefore, your Counsel filed a false document with the Supreme Court. I did mail her a letter in which I voiced my decision to resign from the State Bar, but my reasons were because I was convinced she was working in conspiracy with my two former associates (lawyers: Keith Harrison and Kristina Bline) to steal the client files I had not been compensated for by them). They succeeded, with the able assistance of the said State Bar Counsel, in stripping me of just compensation for those files. Obviously, she did not want the letter I DID send her to become part of the official State Bar proceedings and it was not part of the Supreme Court records provided to me recently when I requested a complete copy of my file.
- (c) Furthermore, In Mary's court pleadings against me; RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL TO THE RESIGNATION OF ROBERT J. WILSON, AN ATTORNEY she states information about a so-called (Paragraph B). DICKSON COMPLAINT which I had fully explained and timely answered before the Johnson County Bar Association and had never been notified that there was any unanswered issues remaining. There were no unprofessional acts on my behalf in that matter. No hearings had taken place on that matter by that Grievance Committee to my knowledge prior to it appearing in that Petition.
- (d) I never received any correspondence from Mary after I mailed her my "missing" letter concerning my disgust and desire for resignation,

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so I had no notice of any further proceedings after I mailed my missing letter.

I can only assume Mary decided to proceed without any further notice to me in her efforts to strip me of my Bar License.

Therefore, unless the State Bar of Texas removes my name from their list of attorneys in the State of Texas or removes the remark "I resigned in lieu of disciplinary action"; I will have no choice but to file a suit for libel and slander and injunctive relief in an Arizona Federal District Court against the State Bar of Texas, where I have been a resident since 1994.

I will allow fifteen days for resolution of these matters before litigation begins.

I am sending a copy of this letter to the Chief Justice of the Supreme Court of Texas so they will be made aware of these matters.

Yours truly,

Bob Wilson

Cc:

Honorable Wallace B. Jefferson  
Chief Justice, Supreme Court of Texas  
PO Box 12248  
Austin, Texas 78711

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**EXHIBIT “4”**

State Bar of Texas

Management’s Discussion and Analysis (Unaudited)  
May 31, 2017

Charges for Services 45%

Revenues by Source—Governmental Activities

Investment and Other Income 3%

Operating Grants and Contributions 3%

Royalty Revenue 2%

Membership Dues 47%

Membership dues continues to be the primary source of revenue for the State Bar. Total membership dues collections for fiscal year 2017 were \$20,299,356 compared to \$20,073,248 in the prior fiscal year. The State Bar anticipates a slowing growth in the revenue from dues because the projected number of licensed attorneys will likely stabilize over the next five years.

TexasBarCLE charges for services remain strong at \$13,591,618 for fiscal year 2017 compared to \$13,779,371 in revenue from fiscal year 2016. The continuing legal education offered by TexasBarCLE has continued to provide stable income for the Bar to supplement other strategic goals that may not generate revenue, but provide a valuable service to lawyers and the public of the State of Texas. Other charges for services include Minimum Continuing Legal Education. (MCLS) fees, Texas Board of Legal Specialization fees and Bar Journal fees.

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**EXHIBIT K**

Sec. 81.106. IMMUNITY. (a) The unauthorized practice of law committee, any member of the committee, or any person to whom the committee has delegated authority and who is assisting the committee is not liable for any damages for an act or omission in the course of the official duties of the committee.

(b) A complainant or a witness in a proceeding before the committee or before a person to whom the committee has delegated authority and who is assisting the committee has the same immunity that a complainant or witness has in a judicial proceeding.

Added by Acts 1991, 72nd Leg, Ch. 795, and Sec. 26, eff. Sept. 1, 1991.

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**EXHIBIT L**

[SEAL]

P. O. BOX 12487, CAPITOL STATION,  
AUSTIN, TEXAS 78711,  
(512)463-1453 or 1-800-204-2222

Office of the General Counsel

July 26, 1994  
CMRRR #384 628 912  
AND REGULAR MAIL

Mr. Robert J. Wilson  
25 B Street, S.W., Suite A-14  
Ardmore, OK 73401-6418

Re: The State Bar of Texas v. Robert J. Wilson; No  
40114; In the 43rd District Court of Parker  
County, Texas

Dear Mr. Wilson:

I am in receipt of a copy of your letter to Mr. James McCormack in which you submitted your resignation from the practice of law.

Please be advised that, pursuant to Rule 10.02 of the Texas Rules of Disciplinary Procedure, I have prepared a response to your resignation. I have enclosed a copy. Although I have submitted both your resignation and our response to the Supreme Court of Texas, I doubt the Supreme Court will accept your resignation in the form in which you have submitted it. Therefore, I have enclosed a form resignation for you to sign and forward to me in the enclosed, self-addressed and stamped



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envelope. The Supreme Court will not accept your resignation without the submission of your license and bar card, or an affidavit stating they are lost.

Please be advised that until the Supreme Court accepts your resignation and issues its order accepting your resignation, the lawsuit currently pending in Parker County will remain active. Once I have received a signed copy of the Order accepting your resignation, I will file a notice of nonsuit in the Parker County case.

As a friendly reminder, I have just learned that the Mandate from the contempt cause of action was issued by the Court of Appeals on June 6, 1994. You should have surrendered to the Sheriff of Tarrant County to begin serving your sentence for contempt of court by June 16, 1994. Apparently you have not done so. I urge you to Surrender to the Sheriff of Tarrant County immediately.

If you have any questions regarding this matter, please let know.

Sincerely,

/s/ Mary F. Klapperich  
Mary F. Klapperich  
Assistant General Counsel

MFK/db  
Enclosures

cc: James M. McCormack, General Counsel, State  
Bar of Texas

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Hon. James Mullins, 43rd District Court, Parker  
County Courthouse, P.O. Box 340, Weatherford,  
Texas 76086-0340

Hon. Fred Davis, 17th District Court, 401 W.  
Belknap St., Fort Worth, Texas 76196

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**EXHIBIT M**  
**IN THE**  
**SUPREME COURT OF TEXAS**

IN THE MATTER OF §  
ROBERT J. WILSON §  
AN ATTORNEY §

**Misc. No. 94-9125**

**ORDER**

On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Robert J. Wilson. Also before the Court is the Response of the Chief Disciplinary Counsel to that Motion. The Court having reviewed the Motion and Response finds each to be legally sufficient and, being advised that such resignation is in the best interest of the public and of the legal profession, concludes that the following Order is appropriate.

It is ORDERED that the law license of Robert J. Wilson, State Bar Card No. 21718300, heretofore issued by this Court be, and the same is hereby cancelled and revoked and his name be, and is hereby dropped and deleted from the list of persons licensed to practice law in the State of Texas. Receipt of the license and permanent State Bar Card issued by this Court to Robert J. Wilson on or about April 16, 1973, is hereby acknowledged.

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By the Court, en banc, in chambers, on this 18th  
day of August, 1994.

/s/ Thomas R. Phillips  
Thomas R. Phillips, Chief Justice

/s/ Raul A. Gonzalez  
Raul A. Gonzalez, Justice

/s/ Jack Hightower  
Jack Hightower, Justice

/s/ Nathan L. Hecht  
Nathan L. Hecht, Justice

/s/ Lloyd Doggett  
Lloyd Doggett, Justice

/s/ John Cornyn  
John Cornyn, Justice

/s/ Bob Gammage  
Bob Gammage, Justice

/s/ Craig Enoch  
Craig Enoch, Justice

/s/ Rose Spector  
Rose Spector, Justice

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**EXHIBIT N**

Misc. No. \_\_\_\_\_

IN THE  
SUPREME COURT OF TEXAS

IN THE MATTER OF §  
ROBERT J. WILSON §  
AN ATTORNEY §

RESPONSE OF THE CHIEF DISCIPLINARY  
COUNSEL TO THE RESIGNATION OF ROBERT J.  
WILSON, AN ATTORNEY

TO THE HONORABLE SUPREME COURT OF  
TEXAS:

COMES NOW the Chief Disciplinary Counsel of the State Bar of Texas on behalf of the Commission for Lawyer Discipline, and pursuant to Rule 10.02, Texas Rules of Disciplinary Procedure, makes this response to the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Robert J. Wilson:

1. Robert J. Wilson, Movant, is an attorney licensed to practice law in this State and a member of the State Bar of Texas. His permanent State Bar Card No. is 21718300. His license is currently under suspension.
2. Movant has filed his Motion for Acceptance of Resignation as Attorney and Counselor at Law with this Court. Such Motion. for Resignation is in lieu of disciplinary action and the acceptance of such resignation by this Court

is in the best interests of the public and the profession.

3. Movant is the subject of a disciplinary action pending in the 43rd Judicial District Court of Parker County, Texas, under Cause No. 40114; styled *The State Bar of Texas v. Robert J. Wilson*, in which Movant is alleged to have committed various acts of professional misconduct. A detailed statement of the professional misconduct with which Movant is charged is as follows:

A. **STATE BAR COMPLAINT.** Movant, Robert J. Wilson, was suspended from the practice of law on or about June 22, 1990, after entry of an Agreed Interlocutory Judgment of Suspension in Cause No. D17-128, 555-90; styled *The State Bar of Texas v. Robert J. Wilson*, in the 17th Judicial District Court of Tarrant County, Texas.

The Honorable Fred Davis of the 17th Judicial District Court of Tarrant County, Texas, found Movant, Robert J. Wilson, to be in contempt of the Agreed Interlocutory Judgment of Suspension, and entered an Order of Contempt on December 9, 1991.

On January 7, 1992, the Honorable Fred Davis entered a Judgment of Suspension against Robert J. Wilson in Cause No. D17-128, 555-90, and ordered the law license of Robert J. Wilson suspended for a period of three (3) years.

On April 18, 1991, Robert J. Wilson entered into a consulting and rental agreement with D. Keith

Harrison. This agreement allowed Robert J. Wilson, a non-lawyer during the effective dates of the agreement, to receive sixty-five percent (65%) of the legal fees collected by D. Keith Harrison.

On April 12, 1991, Robert J. Wilson entered into a consulting and rental agreement with Kristina Bline (Dial). This agreement allowed Robert J. Wilson, a non-lawyer during the effective dates of the agreement, to receive sixty-five percent (65%) of the legal fees collected by Kristina Bline (Dial).

Both Orders of Suspension entered against Robert J. Wilson prohibit him from receiving legal fees, either directly or indirectly, while under suspension.

D. Keith Harrison and Kristina Bline (Dial) terminated the consulting and rental agreements on or about February 18, 1992, after learning that Robert J. Wilson's license to practice law was under suspension.

Upon the termination of the consulting and rental agreements, Robert J. Wilson filed attorney fee liens on his behalf in the following cause numbers:

- a. 90-069445-92 in Tarrant County, Texas
- b. 48-130674-90 in Tarrant County, Texas
- c. 96-129120-90 in Tarrant County, Texas
- d. 96-131998-90 in Tarrant County, Texas
- e. 342-126472-90 in Tarrant County, Texas
- f. 352-117430-90 in Tarrant County, Texas
- g. 48-127272-90 in Tarrant County, Texas

The attorney fee liens filed by Robert J. Wilson against Harrison and Bline on behalf of Robert J. Wilson and Associates, Inc. were invalid because they were an attempt by a non-lawyer to collect attorney's fees.

On September 29, 1992, Robert J. Wilson filed an Affidavit of Inability to Give Cost Bond in Cause No. 67-1405630-92. In this cause of action, Robert J. Wilson's attorney fee liens were invalidated. Wilson filed the affidavit on behalf of himself individually, and on behalf of Robert J. Wilson and Associates, Inc. Robert J. Wilson therefore appeared in a representative capacity for someone other than himself when representing Robert J. Wilson and Associates, Inc. in filing the Affidavit of Inability to Give Cost Bond at a time when his law license was under suspension.

The Orders of Suspension prohibit Robert J. Wilson from appearing in a representative capacity for someone other than himself.

The corporation of Robert J. Wilson and Associates, Inc. is not entitled to receive attorney's fees. The purpose of the corporation is no longer for the practice of law. The sole shareholder is Robert J. Wilson, a non-lawyer who is ineligible to receive attorney's fees, either directly or indirectly.

From April 12, 1991 through February 18, 1992, Robert J. Wilson, through Robert J. Wilson & Associates, Inc., accepted legal fees from D. Keith Harrison and from Kristina Bline (Dial).



Robert J. Wilson placed an advertisement with the Southwestern Bell Yellow Pages for the Greater Fort Worth Area for July 1992-1993 and for July 1993-1994. Through these advertisements Robert J. Wilson held himself out to others as an attorney at a time when the Orders of Suspension prohibited him from holding himself out to others, or using his name in conjunction with the words "attorney," "attorney at law," "counselor at law," or "lawyer."

Robert J. Wilson, while under a Judgment of Suspension, appeared in the Northern District of Texas Bankruptcy Court, Dallas Division, on September 1, 1992, in the capacity as an attorney for William and Patsy Hatfield.

Robert J. Wilson continued to accept attorney's fees while under the Orders of Suspension, in Cause No. 490-4333300-MT-13 in the U.S. Bankruptcy Court for the Northern District of Texas, Fort Worth Division. These fees were paid by Margaret Logan Brice. Robert J. Wilson received a total of \$712.90, and payment was accepted by Robert J. Wilson, on behalf of Robert J. Wilson and Associates, Inc. as late as June 26, 1992.

In connection with the STATE BAR COMPLAINT, Movant, Robert J. Wilson, has committed professional misconduct in violation of Rules 5.05(1), 8.04(a)(1), 8.04(a)(3), 8.04(a)(7), 8.04(a)(8), and 8.04(a)(10) of the Texas Disciplinary Rules of Professional Conduct, and Article X, Section 7 of the State Bar Rules.

**B. DICKSON COMPLAINT.** On or about June 3, 1989, Mr. L. D. Dickson and his wife Kettle M. Dickson (now deceased) entered into an employment contract with Robert J. Wilson to try to get Dickson's insurance company to fix a storm damaged roof. Respondent filed suit against Associated Lloyds Insurance Company in Cause No. 352-125254-90 in the 352nd Judicial District Court of Tarrant County, Texas, styled *L. D. Dickson v. Associated Lloyds Insurance Company*.

Negotiations resulted in a Ten Thousand Dollar (\$10,000.00) settlement. The insurance company issued a check in the amount of \$10,000.00 on June 20, 1990, payable to L. D. Dickson and Hattie M. Dickson and Colonial Savings & Loan Association and Robert J. Wilson, Attorney at Law. The settlement check was deposited in the account of Robert J. Wilson, Attorney at Law at the First National Bank of Burleson on or about July 11, 1990.

L. D. Dickson and Robert J. Wilson, as attorney for L. D. Dickson, signed a Release and Settlement of Claims on June 22, 1990. On or about July 10, 1990, the Court signed an Agreed Order of Dismissal signed by Robert J. Wilson, attorney for Plaintiff and by Marc H. Fanning, Attorney for Defendant. To date, Respondent has not paid Dickson his settlement of approximately Six Thousand Five Hundred Dollars (\$6,500.00).

In connection with the DICKSON COMPLAINT, Movant, Robert J. Wilson, has

committed professional misconduct in violation of Rules 1.14(a), 8.04(a)(1), 8.04(a)(3), 8.04(a)(7), 8.04(a)(8), and 8.04(a)(10) of the Texas Disciplinary Rules of Professional Conduct, and Article X, Section 7 of the State Bar Rules.

WHEREFORE, the Chief Disciplinary Counsel prays that the Honorable Supreme Court of Texas will accept the resignation of Movant as an attorney and counselor at law in this state by approving the Order submitted herewith and for such other and further relief as may be justified.

Respectfully submitted,

James M. McCormack  
General Counsel

Mary F. Klapperich  
Assistant General Counsel  
Office of General Counsel  
State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711  
512/463-1463  
512/477-4607 (FAX)

/s/ Mary F. Klapperich  
Mary F. Klapperich  
State Bar Card No. 11550700  
ATTORNEYS FOR PETITIONER

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CERTIFICATE OF SERVICE

This is to certify that the above and foregoing Response of the Chief Disciplinary Counsel has been served on Respondent, Robert J. Wilson, at 25 B Street, S.W., Suite A-14, Ardmore, OK 73401-6418, by delivery of a true copy to him by certified mail, return receipt requested, by depositing same, enclosed in a postpaid, properly addressed wrapper in an official depository under the care and custody of the United States Postal Service on the 26th day of July, 1994

/s/ Mary F. Klapperich  
Mary F. Klapperich

IN THE SUPREME COURT OF  
THE STATE OF TEXAS

CERTIFICATION OF THE GENERAL COUNSEL  
OF THE STATE BAR OF TEXAS REGARDING  
ROBERT J. WILSON

TO THE HONORABLE SUPREME COURT OF  
TEXAS:

I, James M. McCormack, General Counsel of the State Bar of Texas, in accordance with Part 10.02 of the Texas Rules of Disciplinary Procedure, hereby certify that there is currently pending a disciplinary action against Robert J. Wilson, State Bar Card No. 21718300, styled The State Bar of Texas v. Robert J. Wilson, No. 40114, in the 43rd Judicial District Court, Parker County, Texas.

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James M. McCormack  
General Counsel  
The State Bar of Texas  
P.O. Box 12487  
Capitol Station  
Austin TX 78711

Re: The State Bar Of Texas  
(Vs)  
Robert J. Wilson  
Bar No. 21718300

Dear Mr. McCormack:

I hereby submit my resignation as a member of long standing of The State Bar of Texas, Bar No. 21718300.

I have been a member since 1973, and I must report that I no longer desire to be a member of an organization that engages (at least in my case) in a policy of persecution, rather than to protect the interests of the general public. Your office's handling of the case is not something The State Bar should be proud of. I have dismissed my Counter Claim against The State Bar, but since I no longer am a resident of Texas, I may re-file the matter in Federal Court. My decision is not yet firm on this.

Article 10, Section 14 of The State Bar Rules (Vernon's An. Govt. Code) clearly states that no district court lawsuits shall be filed against an accused lawyer until he has received "reasonable notice and opportunity to respond" before the appropriate grievance committee. These constitutional safeguards were denied to me by The State Bar for the most part and I

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have been lawsuited to death by your office, causing me to lose everything I worked for for twenty years in Texas.

I no longer intend to return to the practice of law, since I've decided life is too short to be engaged in continuing Litigation with The State Bar of Texas simply because I stood up for my rights which is obviously not the thing to do when dealing with The State Bar of Texas.

Yours Truly,

/s/ Robert J. Wilson  
Robert J. Wilson  
25 B Street SW Suite A-14  
Ardmore, OK 73401-6418  
Tx voice mail (817) 370-3895

cc: Executive Director  
State Bar of Texas  
P.O. Box 12487  
Capitol Station  
Austin, TX 78711

Mary F. Klapperich  
Asst. General Counsel  
State Bar of Texas  
P.O. Box 12487  
Capitol Station  
Austin, TX 78711

Judge James O. Mullins  
43rd District Court  
Parker County Courthouse  
P.O. Box 340  
Weatherford TX 76086-0340

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Judge Fred Davis  
17th District Court  
401 W. Belknap  
Fort Worth TX 76196

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**EXHIBIT O**

No. 03-18-00649-CV

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*In The Court of Appeals  
Third District of Texas  
Austin, Texas*

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THE STATE BAR OF TEXAS,  
APPELLANT

V.

ROBERT J. WILSON,  
APPELLEE

---

*Appealed from the 200th District Court  
Of Travis County, Texas  
Honorable Don R. Burgess, Judge Presiding*

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**BRIEF OF APPELLEE  
ROBERT J. WILSON**

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TO THE HONORABLE COURT OF APPEALS:

Appellee, Robert J. Wilson, submits his responsive brief. Robert J. Wilson will be referred to as "Wilson" and Appellant will be referred to as "The State Bar." This brief designates record references as CR (clerk's record) and App. (appendix). References to rules are



references to the Texas Disciplinary Rules of Professional Conduct 1 or the Texas Rules of Disciplinary Procedure 2 or Texas Rules of Appellate Procedure 3 unless otherwise noted.

### **ARGUMENT AND AUTHORITIES**

This appeal is of fundamental importance to the future of the legal relationship that exists between the State Bar and its mandatory members, the practicing lawyers of Texas.

Assuming the truth of Wilsons' plead allegations (CR at 4-9) and Wilson's version of the wrongful harm caused by the State Bar's action in submitting Wilson's false and misleading Motion of Resignation to the Supreme Court of Texas in non-compliance with the State Bar's own Rules of Disciplinary Procedure that led to his disbarment and the State Bar's refusal to admit their own mishandling of Wilson's case and correct their malfeasance, the State Bar is now trying to hid behind a non-existence theory of immunity from Wilson's lawsuit. The lines of battle have been drawn and the Texas Appellate Court has been handed a major and far-reaching decision to determine.

The State Bar's three points of error raised in its Statement of Issues basically contends the State Bar

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<sup>1</sup> *Reprinted in* TEX. GOV'T CODE ANN., tit 2, subtit. G. app. A (West 2018).

<sup>2</sup> *Reprinted in* TEX. GOV'T CODE ANN., tit 2, subtit. G. app. A-1 (West 2018).

enjoys immunity from suit and that Wilson's lawsuit does not qualify as an exception to the Texas Tort Claims Act requirements.

Wilson responds to all of the State Bar's points of error collectively hereunder since the issues are now clearly drawn and the focus of this appeal is whether or not the State Bar of Texas is entitled to sovereign or governmental immunity by statute or case law.

Wilson contends the State Bar is bound by the clear provisions of its enabling act, the State Bar Act, and it was never intended by the Texas Legislature to give the State Bar immunity from law suits, but only to protect the officials of the State Bar from personal liability. (App. 1&2 Tex. Gov. Code, tit.2, Chapter 81).

Since its creation, the State Bar could always sue and be sued in its own name. It is a public corporation (App.1) and is totally self-supporting and does not create any liability or debt obligations for the state. (App.1, Sect. 81.017).

Wilson's lawsuit (App.4-9) contends the State Bar did not comply with its own rules and requirements that Wilson prepare and file with the Supreme Court a Motion for Resignation, which document requires more information than was submitted in addition to his disputed undated letter of resignation. Wilson was in effect; disbarred without notice or opportunity to participate, which clearly deprived Wilson of due process of law. (CR at 4-9) In re Ruffalo, 390 U.S. 544 (1968) – which states that State disbarment actions must afford due process. See also, Tex. Const., Article

I, Section 19, and the 14th Amendment to the U.S. Constitution on due process requirements.

The State Bar does not qualify as a “government unit” as described in Tex. Civil Prac. & Remedies Code, tit.5, Section 101.001(3) [App.3].

The State Bar, even if it is a government unit, was certainly guilty of “non performance” of an act that damaged Wilson because the State Bar did not follow their own Rules of Disciplinary Procedure. (Section 10.01-10.05)[App.4].

The State Bar’s legal counsel, now deceased, even voiced doubt of her handling of the Motion for Resignation and its sufficiency. (CR at 89) A state officials’ acts are not acts of the state if illegal or unauthorized, Fed. Sign 951.S.W. 2d 404, 465 (Tex. 1997).

Texas Courts looks to the nature, purpose and powers in determining if the entity is a governmental entity that will enjoy sovereign or governmental immunity. Ben Bolt 212 S.W.3D 323, 326-28 (Tex. 2006).

The Texas legislature is best positioned to abrogate sovereign immunity because that is their jurisdiction in order to protect their policymaking function. Wasson Interests Ltd. V. City of Jacksonville, 489 S.W. 3d. 427 (Tex. 2018)

In 2013 the Texas Sunset Commission Report (App.5) of the State Bar noted that organization was operated as a professional association working under the Supreme Court and legislature oversight. It also

revealed the State Bar had need for improvement in core functions. (App.5).

The State Bar's response to their own "Motion to Resign," filed on behalf of Wilson with the Supreme Court failed to disclose to the Supreme Court that Wilson's probated criminal case, which did not involve any of his clients, had been formally dismissed by that court in March of 1992. (App.6) Thereby misleading the Supreme Court into believing Wilson was a convicted felon.

The cases submitted in their Brief by the State Bar are not in point with this particular and unusual fact situation, and are not therefore controlling. Wilson has cited in his Response to the State Bar Plea to the Jurisdiction (CR at 26-31) those cases that he deems relevant to this controversy.

If the State Bar's Rules of Conduct are to remain fairly enforced, this court is requested to address the State Bar's deceased counsel behavior in misleading the Texas Supreme Court into believing that Wilson had submitted a Motion to Resign and thereby she violated an important rule of conduct for Texas lawyers; "Making false statements and misrepresentation of facts to the Supreme Court."

Therefore, the trial court clearly saw the injustice involved in this case and saw the State Bar's Plea to the jurisdiction for what it was, a failure to carry out their responsibility to Wilson under their own rules.

App. 95

**PRAYER**

The State Bar does not enjoy any form of immunity when sued by one of its former or current members for a Declaratory Judgment and/or damages in tort and the trial court was correct and his Order should not be reversed or amended.

RESPECTFULLY SUBMITTED:

ROBERT J. WILSON  
APPELLEE PER SE  
2151 N. AVENIDA TABICA  
GREEN VALLEY, AZ 85614  
520.982.1658  
bobbysvisa@gmail.com

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