



**BEFORE THE BOARD OF DISCIPLINARY APPEALS**  
Appointed By  
**THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF  
JASON MARIO BRUNO  
STATE BAR CARD NO. 24073334**

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§

**CAUSE NO. 65864**

**JUDGMENT OF PARTIALLY PROBATED SUSPENSION**

On the 29th day of October 2021, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner, the Commission for Lawyer Discipline, appeared by attorney and announced ready. Respondent, Jason Mario Bruno, appeared *pro se* and announced ready. All matters of fact and all issues of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

**Findings of Fact.** The Board of Disciplinary Appeals finds that:

- (1) Respondent, Jason Mario Bruno, State Bar Card Number 24073334, is licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about March 18, 2019, a Complaint was filed Before the Presiding Disciplinary Judge of the Supreme Court of Arizona in a matter styled *In the Matter of a Member of the State Bar of Arizona, Jason Mario Bruno, Bar No. 023125, Respondent*, in Case No. PDJ 2019-9011, [State Bar File No. 18-1064].
- (3) On or about October 9, 2020, a Decision Order was entered in the matter styled *In the Matter of a Member of the State Bar of Arizona, Jason Mario Bruno, Bar No. 023125, Respondent*, in Case No. PDJ 2019-9011, Arizona Supreme Court No. SB-19-0077-AP, that states in pertinent part: “The Court accepts the panel’s findings that Respondent’s conduct violated

[Arizona Rules of Professional Conduct] 3.3(a)(3), 3.4(a) and (d), and 8.4(c) and (d).”

- (4) On or about October 15, 2020, a Final Judgment and Order of Suspension was entered by the Presiding Disciplinary Judge in the case styled *In the Matter of a Suspended Member of the State Bar of Arizona, Jason Mario Bruno, Bar No. 023125, Respondent*, in Case No. PDJ 2019-9011, State Bar File No. 18-1064, which states in pertinent part:

IT IS ORDERED suspending JASON MARIO BRUNO, Bar No. 023125 from the practice of law for six (6) months effective thirty (30) days from the date of this order for his conduct in violation of the Arizona Rules of Professional Conduct.

IT IS FURTHER ORDERED upon reinstatement, Mr. Bruno shall be placed on two (2) years of probation. Respondent shall obtain 10 hours of continuing legal education (CLE) in the area of professionalism and discovery in addition to the mandatory CLE required under Rule 45, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED as a condition of reinstatement, Mr. Bruno shall obtain a Member Assistance Assessment. Mr. Bruno shall contact the State Bar Compliance Monitor at (602) 340-7258 to schedule the assessment. Thereafter, the Compliance Monitor shall develop terms and conditions of participation if the results of the assessment so indicate and the terms, including reporting requirements, shall be incorporated herein. Mr. Bruno shall be responsible for any costs associated with participation and compliance.

IT IS FURTHER ORDERED Mr. Bruno shall comply with the requirements relating to notification of clients and others and provide and/or file all notices and affidavits required by Rule 72, Ariz. R. Sup. Ct.

IT IS FURTHER ORDERED Mr. Bruno shall pay the costs and expenses of the State Bar of Arizona totaling \$6,378.00 pursuant to Rule 60(b), Ariz. R. Sup. Ct. There are no costs or expenses incurred by the Office of the Presiding Disciplinary Judge.

- (5) The Arizona Rules of Professional Conduct that Respondent was found to have violated provide as follows:

3.3(a)(3) Candor Toward the Tribunal

A lawyer shall not offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client or a witness called by the lawyer has offered material evidence and the lawyer comes to know of its falsity, the lawyer

shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

#### 3.4(a) Fairness to Opposing Party and Counsel

A lawyer shall not unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act.

#### 3.4(d) Fairness to Opposing Party and Counsel

A lawyer shall not in pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party.

#### 8.4(c) Misconduct

It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

#### 8.4(d) Misconduct

It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

- (6) Respondent, Jason Mario Bruno, is the same person as Jason Mario Bruno, who is the subject of the Final Judgment and Order of Suspension described above.
- (7) The Final Judgment and Order of Suspension entered by the State Bar of Arizona is final.

**Conclusions of Law.** Based upon the foregoing findings of fact, the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TEX. RULES DISCIPLINARY P. R. 7.08(H).
- (2) As announced during the en banc hearing on October 29, 2021, Respondent's Motion to Dismiss, filed October 21, 2021 and asserting that this reciprocal discipline case is time-barred under Texas Rule of Disciplinary Procedure 17.06, is **DENIED**.

- (3) The reciprocal discipline procedure established by Part IX of the Texas Rules of Disciplinary Procedure, and the defenses contained in Rule 9.04, do not allow an attorney to relitigate another jurisdiction's findings of misconduct. TEX. RULES DISCIPLINARY P. R. 9.01, 9.04; *see also In re Selmer*, 595 N.W.2d 373, 379 (Wis. 1999) (“[A] reciprocal disciplinary proceeding does not afford an attorney the opportunity to relitigate misconduct allegations that have been heard and decided in another jurisdiction or to litigate the validity of the disciplinary proceeding in that jurisdiction.”).
- (4) Reciprocal discipline identical, to the extent practicable, to that imposed by the State Bar of Arizona is warranted in this case. TEX. RULES DISCIPLINARY P. R. 9.03.
- (5) Respondent should be actively suspended from the practice of law in Texas for six (6) months, followed by a two (2) year probated suspension.
- (6) This Board retains jurisdiction during the full term of probation imposed by this judgment to hear a motion to revoke probation.

It is, accordingly, **ORDERED**, **ADJUDGED**, and **DECREED** that Respondent, Jason Mario Bruno, State Bar Card No. 24073334, is hereby suspended from the practice of law for a period of six (6) months beginning November 1, 2021, and ending April 30, 2022, followed by a two (2) year period of probated suspension beginning on May 1, 2022, and ending on April 30, 2024, under the following terms and conditions:

#### **Terms of Active Suspension**

It is further **ORDERED** that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, Respondent shall be 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 administrative body; or holding himself out to others or using his name, in any manner, in conjunction with the words “attorney at law,”

“attorney,” “counselor at law,” or “lawyer.”

It is further **ORDERED** that within thirty (30) days of the signing of this judgment, Respondent shall notify each of Respondent’s current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further **ORDERED** that Respondent shall return any files, papers, unearned 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.

It is further **ORDERED** that Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel’s Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the signing of this judgment, an affidavit stating that all current clients and opposing counsel have been notified of Respondent’s suspension and that all files, papers, monies, and other property belonging to all current clients have been returned as ordered herein.

It is further **ORDERED** that Respondent shall, within thirty (30) days of the signing of this judgment, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice of each and every court or tribunal in which 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.

It is further **ORDERED** that Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel’s Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the signing of this judgment, an affidavit stating that

Respondent has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which 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.

It is further **ORDERED** that, within thirty (30) days of the signing of this judgment, Respondent shall surrender his law license and permanent State Bar Card to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), to be forwarded to the Supreme Court of Texas.

### **Terms of Probation**

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

- (1) Respondent shall not violate any term of this judgment.
- (2) Respondent shall not engage in professional misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.
- (3) Respondent shall not violate any state or federal criminal statutes.
- (4) Respondent shall keep the State Bar of Texas membership department notified of current mailing, residence, and business addresses and telephone numbers.
- (5) Respondent shall comply with Texas Minimum Continuing Legal Education (MCLE) requirements.
- (6) Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
- (7) Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.

### **Probation Revocation**

Upon determination that Respondent has violated any term or condition of this judgment, or if Respondent is adjudged by a tribunal in Arizona to have violated the terms of the disciplinary order or judgment entered in Arizona, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Texas Rule of Disciplinary

Procedure 2.22 with this Board and serve a copy of the motion on Respondent pursuant to Texas Rule of Civil Procedure 21a.

Should a motion to revoke probation be filed, this Board will conduct an evidentiary hearing to determine by a preponderance of the evidence whether Respondent has violated any term or condition or requirement of any applicable disciplinary judgment. If this Board finds grounds for revocation, it will enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order, or other date set by the Board, without credit for any term of probation served prior to revocation.

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

It is further **ORDERED** that a certified copy of the Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the Office of the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that this Judgment of Partially Probated Suspension shall be made a matter of public record and be published in the Texas Bar Journal.

Signed this 2<sup>nd</sup> day of November 2021.

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

**CHAIR PRESIDING**