



**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

Respondent.

Case No. 65864

**REPLY IN SUPPORT OF MOTION  
TO DISMISS**

Attorney Jason Mario Bruno (“Bruno”) respectfully submits the following Reply to the Petitioner’s Response to Bruno’s Motion to Dismiss.

The Petitioner’s contention that the statute of limitations does not apply to reciprocal discipline proceedings is inconsistent with the intent and plain language of Tex. R. Disciplinary P. 17.06. The obvious intent of the Rule is to prevent circumstances, like those here, where an attorney can be subjected to discipline for conduct that occurred more than four years before any disciplinary proceedings were brought. This intent is consistent with the rationale behind statutes of limitations in general. As the Texas Supreme Court discussed:

Statutes of limitations are not directed to the merits of any individual case, they are a result of the legislative assessment of the merits of cases in general. The fact that a meritorious claim might thereby be rendered nonassertible is an unfortunate, occasional by-product of the operation of limitations. All statutes of limitations provide some time period during which the cause of action is assertible. However, preclusion of a legal remedy alone is not enough to justify a judicial exception to the statute. The primary purpose of limitations, to prevent litigation of stale or fraudulent claims, must be kept in mind.

*Robinson v. Weaver*, 550 S.W.2d 18, 20 (Tex. 1977).

The Rule is designed to prevent stale claims and, as such, is not limited or restricted as the Petitioner suggests. The Rule is broad in reach, stating that “***No attorney*** may be disciplined for Professional Misconduct that ***occurred more than four years*** before the date on which a Grievance alleging the Professional Misconduct is received by the Chief Disciplinary Counsel.” (emphasis added).

The Petitioner does not dispute that the conduct giving rise to the disciplinary proceeding against Bruno occurred on or prior to July 24, 2014. If the relief requested by Petitioner is granted, then Bruno will be disciplined for conduct that occurred more than ***seven*** years ago. This result would violate the spirit and plain language of the Rule and render the statute of limitations pertaining to disciplinary proceedings superfluous.

The Rule does not permit an exception for reciprocal discipline as the Petitioner suggests and one should not be added. It is a fundamental rule of construction that courts may not add words not contained in the statute’s language, but must presume words not included were purposely omitted. *Texas Dep’t of Crim. Just. v. Rangel*, 595 S.W.3d 198, 210 (Tex. 2020).

If the intent of the Rule was to create an exception for reciprocal discipline as Petitioner suggests, then the Rule would contain an express exception, nearly

identical to the one for compulsory discipline, that would read somewhere along the lines:

Exception: Reciprocal Discipline: The general rule does not apply to a Disciplinary Action seeking reciprocal discipline under Part XI.

This hypothetical language could have easily been added to the Rule if the intent was to exempt reciprocal discipline from the four-year statute of limitations. *Lippincott v. Whisenhunt*, 462 S.W.3d 507, 509 (Tex. 2015). The Rule does not contain any such language. Under the Rule's plain language, compulsory discipline proceedings are not subject to the four-year statute of limitations, while reciprocal discipline proceedings are.

WHEREFORE, Bruno respectfully requests that the Board enforce the plain language of Tex. R. Disciplinary P. 17.06 and dismiss the disciplinary proceeding because it pertains to conduct that occurred more than seven years ago.

Jason M. Bruno, Respondent,

By: /s/ Jason M. Bruno  
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## **CERTIFICATE OF FILING**

The undersigned certifies that the foregoing Motion was efiled on October 28, 2021 to:

Jenny Hodgkins Via e-filing to [filing@txboda.org](mailto:filing@txboda.org)  
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## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Motion was served via email on October 28, 2021 to:

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