

No. 71984



FILED
Sep 21 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

BEFORE THE BOARD OF DISCIPLINARY APPEALS

Appointed By

THE SUPREME COURT OF TEXAS

CARL W. GORDON,

Appellant,

v.

COMMISSION FOR LAWYER DISCIPLINE,

Appellee.

ON APPEAL FROM THE EVIDENTIARY PANEL 4-6
CASE No. 2023-06618

**APPELLANT'S MOTION FOR RULING ON PENDING
SUBSTANTIVE OBJECTIONS TO EVIDENCE**

Carl W. Gordon, *Pro Se*
5177 Richmond Avenue, Suite 740
Houston, Texas 77056
Tel. (713) 597-5500
Fax. (713) 636-2565
Email: cgordon@gordonlawyers.com

TO THE HONORABLE MEMBERS OF THE BOARD OF DISCIPLINARY APPEALS:

1.) Pursuant to TRAP 10, Appellant, Carl W. Gordon (“Gordon”), files *Appellant’s Motion for Ruling on Pending Substantive Objections to Evidence*, to object to this Board’s refusal to rule on Gordon’s pending substantive objections to evidence and requests this Board to enter a written ruling that either sustains or overrules Gordon’s pending substantive objections to Appellee’s evidence.

FACTS

2.) On Aug. 3, 2026, this Board issued its judgment (the “Judgment”) in this appeal, but the Judgment fails to include a ruling on Gordon’s substantive objections and complaints to Appellee’s evidence that he raises in his briefing. *See Exhibit A* attached.

3.) On Sept. 1, 2026, Gordon filed his *Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration* (the “Rehearing Motion”) seeking a ruling on his substantive objections to Appellee’s evidence. *See Exhibit B* attached.

4.) On Sept. 8, 2026, the Board issued an order denying the Amended Motion (the “Rehearing Order”), but the Rehearing Order did not include any rulings on Gordon’s substantive objections to Appellee’s evidence. *See Exhibit C* attached.

5.) On Sept. 15, 2026, Gordon filed his *Amended Motion to Modify Rehearing Order* (the “Motion to Modify”) requesting this Board to modify the Rehearing Order to include rulings that either sustain or overrule Gordon’s substantive objections. See **Exhibit D** attached.

6.) On Sept. 19, 2026, this Board issued its order denying the Motion to Modify (the “Modify Order”), and that order did not include a ruling on Gordon’s pending substantive objections to evidence. See **Exhibit E** attached.

7.) Pursuant to TRAP 19.1(b), this Board has jurisdiction over this appeal and the authority to grant or deny this motion until Oct. 8, 2026.

ARGUMENT AND AUTHORITIES

- *The Board Refuses to Rule on Gordon’s Substantive Objections*

REFUSAL NO. 1

8.) In Gordon’s opening brief, he complains and objects to the substance of Appellee’s evidence by incorporating his objections from his Motion for New Trial into his brief and stating “[Gordon] *objects* to Petitioner’s reliance on void orders as a basis to prove misconduct.”¹

¹ See Appellant’s Brief at 17 – 20 (emphasis added).

9.) The centerpiece of Gordon's opening brief argument is that he complains and objects that Petitioner's evidence is void and, in particular, Petitioner's Exhibits Nos. 1 – 3. (*See* RR at Petitioner's Exhibits 1 - 3).

10.) However, despite these evidentiary complaints and substantive objections in Gordon's opening brief, the Board issued its Judgment and refused to address Gordon's evidentiary complaints and substantive objections to Appellee's evidence.

REFUSAL NO. 2

11.) In Gordon's reply brief, he complains and objects to the substance of Appellee's evidence by stating:

“Gordon did file a motion for new trial complaining by ***objection*** to the legal insufficiency of the Commission's admitted trial exhibits and also made the same complaint in his opening brief”;

“Gordon requests that this Board find that the orders and final judgments entered in the Cause No. 48170 modification suit and the 2015 division suit as void because the 300th District Court did not have plenary power to enter those orders”; and

“Gordon asks that this Board sustain each point of error and declare the orders/final judgments entered by the 300th District Court in the modification suit and the 2015 division suit as void because those orders were entered in Cause No. 48170 by the trial court after the trial court's plenary power expired in Cause No. 48170.”²

12.) Again, the focus of Gordon's reply brief argument is that he complains and objects that Petitioner's evidence is void and, in particular, Petitioner's Exhibits Nos. 1 – 3. (*See* RR at Petitioner's Exhibits 1 - 3).

13.) However, despite these evidentiary complaints and substantive objections in Gordon's reply brief, the Board issued its Judgment and refused to address Gordon's evidentiary complaints and substantive objections to Appellee's evidence.

REFUSAL NO. 3

14.) In Gordon's Motion for Rehearing, he complains and objects to the substance of Appellee's evidence and requests that the Board sustain his substantive objections that Petitioner's Exhibits Nos. 1 - 3 are void.

15.) However, despite these evidentiary complaints and substantive objections in Gordon's Motion for Rehearing, the Board issued its Rehearing Order and refused to rule on Gordon's evidentiary complaints and substantive objections to Appellee's evidence.

REFUSAL NO. 4

16.) In Gordon's Motion to Modify, he requests that this Board modify the Rehearing Order to include a ruling that either

² *See* Appellant's Reply Brief at 9, 10, 17, & 18 (emphasis added).

sustains or overrules Gordon's substantive objections to Petitioner's Exhibits Nos. 1 - 3.

17.) However, despite this request for a ruling on Gordon's substantive objections, the Board issued the Modify Order denying the requested relief for a ruling on the substantive objections, and by issuing that order the Board refuses to rule on Gordon's evidentiary complaints and substantive objections to Appellee's evidence.³

- *Gordon's Substantive Objections to Evidence Remain Pending*

18.) Gordon's evidentiary complaints and substantive objections to Appellee's evidence in his opening brief, reply brief, and Rehearing Motion remain pending in this appeal.

19.) The Judgment was entered by this Board after considering Gordon's briefs, but the Judgment was still entered without this Board ruling on Gordon's evidentiary complaints and substantive objections.

20.) Likewise, the substance of the Motion for Rehearing was considered by this Board, but yet again, the Rehearing Order was entered without this Board ruling on Gordon's evidentiary complaints and substantive objections.

³ The Motion to Modify states at p. 6: "Gordon requests that this Board sign an order denying this motion so that the parties and the Supreme Court of Texas are notified that this Board refuses to rule on Gordon's objections to Petitioner's Exhibits 1 – 3."

21.) Therefore, the Judgment and the Rehearing Order are both legally ineffective to serve as a ruling on Gordon's substantive objections because entering the Judgment and Rehearing Order does not in any way infer expressly or implicitly, that the Board ruled on Gordon's objections.

22.) Ruling on a motion [or entering a judgment] and ruling on objections to evidence are not alternatives; nor are they concomitants.⁴

23.) Neither implies a ruling—or any particular ruling—on the other.⁵

24.) This Board has the ministerial duty to rule on this motion and Gordon's pending substantive objections.⁶

25.) Therefore, because neither the Judgment nor the Rehearing Order expressly rule on Gordon's substantive objections to Appellee's evidence, those substantive objections remain pending and await a ruling from this Board.

- *Gordon Objects to the Board's Refusal to Rule on his Substantive Objections*

26.) Gordon's opening brief, reply brief, and Rehearing Motion each lodge complaints and substantive objections to Appellee's evidence.

⁴ See *Well Solutions, Inc. v. Stafford*, 32 S.W.3d 313, 317 (Tex. App.—San Antonio 2000, no pet.).

⁵ See *id.*

⁶ See *In re Flanigan*, 578 S.W.3d 634, 635 – 36 (Tex. App.—Houston [14th Dist.] 2019, orig. proceeding).

27.) Those substantive objections specifically identify Petitioner's Exhibits Nos. 1 – 3 on the basis that those exhibits are void.

28.) To date, this Board has refused to rule on Gordon's substantive objections and evidentiary complaints to Appellee's evidence.⁷

29.) As a prerequisite to presenting a complaint for the Supreme Court of Texas to review, the record must show that the complaint was made to the court by a timely objection, the court ruled on the objection, or refused to rule on the objection *and the complaining party objected to the refusal*.⁸

30.) Therefore, pursuant to TRAP 33.1(2)(B), Gordon's generally objects to this Board's refusal to rule on his substantive objections to Appellee's evidence that are in his opening brief, reply brief, and the Rehearing Motion.

31.) Gordon also, pursuant to TRAP 33.1(2)(B), specifically objects to this Board's refusal to rule on his substantive objections that Petitioner's Exhibits Nos. 1 – 3 are void.

⁷ See *Seim v. All State Texas Lloyds*, 551 S.W.3d 161, 166 (Tex. 2018)(when evidence presents purely substantive defects, those defects can be complained of for the first time on appeal and are not subject to the general rules of error preservation).

⁸ See TRAP 33.1 (emphasis added).

PRAYER

32.) Gordon requests that the Board sustain his objection to the Board's refusal to rule, grant this motion, and enter an order that expressly sustains or overrules Gordon's substantive objections to Petitioner's Exhibits 1 - 3.

33.) Gordon also includes with this motion a proposed order that reflects this Board sustaining or overruling his substantive objections to Appellee's evidence. *See Exhibit F* attached.

34.) Lastly, Gordon requests that when this Board rules on his substantive objections to Appellee's evidence, it also consider: **(1)** the briefs, **(2)** the entire record on appeal, **(3)** the admitted exhibits, **(4)** the evidentiary objections, and **(5)** the Rehearing Motion.⁹

35.) Gordon prays for any other such relief that he may show himself entitled to under law or equity.

⁹ *See PNP Petroleum I, LP v. Taylor*, 438 S.W.3d 723, 729 (Tex. App.—San Antonio 2014, pet. denied)(stating “when a motion for rehearing is filed after judgment, a court has the discretion to consider the grounds in the post-judgment motion and reaffirm its judgment ***based on the entire record***”) (emphasis added). Here, this Board substantively considered the arguments in the Motion for Rehearing and for that reason the Rehearing Order should reflect that this Board also considered and ruled on the substantive objections while taking into account the entire record on appeal.

Respectfully Submitted,

/s/ Carl W. Gordon
Carl W. Gordon, *Pro Se*
5177 Richmond Avenue, Suite 740
Houston, Texas 77056
Tel. (713) 597-5500
Email: cgordon@gordonlawyers.com

CERTIFICATE OF CONFERENCE

Prior to filing this motion, Appellant has conferred with Appellee's counsel regarding the relief sought in this motion. Appellee is opposed to the Board ruling on Appellant's objections to Appellee's evidence.

/s/Carl W. Gordon
Carl W. Gordon, *Pro Se*

CERTIFICATE OF WORD COUNT

Relying on the word count function in the word processing software used to produce this document, I certify that this Appellant's Motion contains 1,548 words excluding any parts exempted by TEX. R. APP. P. 9.4.

/s/Carl W. Gordon
Carl W. Gordon, *Pro Se*

CERTIFICATE OF SERVICE

I certify that true copies of the foregoing instruments were served on Appellee's counsel in accordance with the Texas Rules of Appellate Procedure on Sept. 21, 2026.

/s/ Carl W. Gordon

Carl W. Gordon, *Pro Se*



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

CARL W. GORDON

State Bar of Texas Card No. 24047659

v.

**COMMISSION FOR
LAWYER DISCIPLINE**

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CAUSE NO. 71984

JUDGMENT

On the 30th day of July 2026, the Board of Disciplinary Appeals heard by submission Carl W. Gordon's appeal from a Judgment of Partially Probated Suspension issued by Evidentiary Panel 4-6 of the State Bar of Texas District 4 Grievance Committee on October 15, 2025. Having considered the record and the briefs, the Board finds that the judgment should be affirmed. It is therefore **ORDERED, ADJUDGED, and DECREED** that the Judgment of Partially Probated Suspension issued October 15, 2025, in Case No. 202306618, is hereby, in all respects, **AFFIRMED.**

SIGNED this 3rd day of August 2026.

A handwritten signature in blue ink, appearing to be "JMB", is written over a horizontal line.

CHAIR PRESIDING

Board members Scott Fredricks and Melissa Goodwin did not participate in this decision.



No. 71984

BEFORE THE BOARD OF DISCIPLINARY APPEALS

Appointed By

THE SUPREME COURT OF TEXAS

CARL W. GORDON,

Appellant,

v.

COMMISSION FOR LAWYER DISCIPLINE,

Appellee.

ON APPEAL FROM THE EVIDENTIARY PANEL 4-6
CASE No. 2023-06618

**APPELLANT'S AMENDED MOTION FOR REHEARING AND
AMENDED MOTION FOR EN BANC RECONSIDERATION**

Carl W. Gordon, *Pro Se*
5177 Richmond Avenue, Suite 740
Houston, Texas 77056
Tel. (713) 597-5500
Fax. (713) 636-2565
Email: cgordon@gordonlawyers.com

TO THE HONORABLE MEMBERS OF THE BOARD OF DISCIPLINARY APPEALS:

1.) Pursuant to TRAP 49.1, TRAP 49.5 and BODA IPR 1.03 & 1.11, Appellant, Carl W. Gordon (“Gordon”), files this *Appellant’s Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration* requesting BODA to grant an en banc rehearing, sustain Gordon’s objections to Appellee’s void evidence, vacate this Board’s Aug. 3, 2026 judgment, and either (1) Reverse the decision of the Evidentiary Panel and render judgment in favor of Gordon, or (2) Vacate the Evidentiary Panel’s judgment and dismiss the case in its entirety.

FACTS

2.) On Aug. 3, 2026, this Board sitting en banc affirmed Evidentiary Panel’s 4-6 judgment finding Gordon has committed misconduct in violation of Rules 3.01 & 3.02 (the “BODA Judgment”).¹

3.) Although properly briefed by Gordon, the BODA Judgment does not address Gordon’s complaints and objections to Appellee’s void evidence that was admitted and considered by Panel 4-6 at the evidentiary hearing.

4.) The Board also did not issue an opinion addressing Gordon’s complaints and objections to Appellee’s void evidence that was admitted and considered probative by Panel 4-6 at the evidentiary hearing.

¹ See **Exhibit A** attached (BODA’s Aug. 3, 2026 Judgment).

5.) In Gordon’s briefing, he requested a ruling from this Board to “[d]eclare the orders/final judgments entered by the 300th District Court in the modification suit and the 2015 division suit as void because those orders were entered in Cause No. 48170 by the trial court after the trial court’s plenary power expired in Cause No. 48170.”²

6.) However, despite this request for relief, the BODA Judgment does not include a ruling addressing Gordon’s complaints and objections to Appellee’s void evidence—likely an oversight— and for this reason Gordon now asks the Board to rehear the case and enter a ruling on whether Gordon’s complaints and objections to Appellee’s void evidence are sustained or overruled.³

7.) Also, although the Board was sitting en banc, the BODA Judgment was decided by 10 out of the 12 members of the Board.

8.) Board members **Scott Fredricks** and **Melissa Goodwin** did not participate in the decision for the BODA Judgment.

9.) The Board has the authority to grant this motion and submit the case to the full Board, sitting en banc.⁴

² See Appellant’s Reply Brief at 18.

³ See *Edwards Aquifer Auth. v. Chem. Lime, Ltd.*, 291 S.W.3d 392, 409 (Tex. 2009)(noting that rehearing provides “an opportunity to correct a mistake”); see *Clear Lake Apartments, Inc. v. Clear Lake Utilities Co.*, 537 S.W.2d 48, 54 (Tex. App.—Houston [14th Dist.] 1976)(granting rehearing to correct an “oversight”).

⁴ See TRAP 49.1 & 49.5; see also TRAP 41.2(a)(*Constitution of En Banc Court*. An en banc court consists of all members of the court).

ARGUMENT AND AUTHORITIES

- *En Banc Rehearing Should be Granted*

10.) The primary issue in this appeal is whether Gordon has improperly continued to pursue claims and discovery related to *in camera* documents that Judge Hufstetler ruled are not relevant on Dec. 7, 2011 in Cause No. 48170. (Petitioner's Exhibit 1)(Respondent's Exhibit 1).

11.) Gordon's defense to the Evidentiary Panel's judgment and in this appeal is that Judge Hufstetler's *in camera* discovery rulings and other material evidence the CFLD relies upon to support a finding of misconduct against Gordon are void and therefore have no probative value. (Petitioner's Exhibits 1 - 3).

- SUBSTANTIVE OBJECTIONS TO PETITIONER'S EXHIBITS NOS. 1 - 2
(CASE NO. 14-11-01097-CV & CASE NO. 14-12-00440-CV)

12.) It is Gordon's position that the Board has improperly enforced void orders and void judgments against Gordon by affirming the Evidentiary Panel's judgment.

13.) Appellee introduced Petitioner's Exhibits 1 - 2 for the purpose of establishing that in the Cause No. 48170 modification suit Judge Hufstetler conducted an *in camera* inspection of certain Quantlab financial documents and ruled on Dec. 7, 2011 that the *in camera* documents contain "no relevant" information.

14.) However, the “law of the case” in Cause No. 48170 is that the trial court’s plenary power in Cause No. 48170 expired on June 17, 2009.⁵

15.) Judicial action taken after the trial court’s plenary power has expired is void and its nullity cannot be waived.⁶

16.) The modification suit commenced in Cause No. 48170 after the trial court’s plenary power had already expired in that cause.

17.) Therefore, Gordon objects to Petitioner’s Exhibits 1 and 2 on the basis that the exhibits are evidence of void *in camera* orders Judge Hufstetler entered in the Cause No. 48170 modification suit when he had no plenary power to act in Cause No. 48170.

18.) Gordon’s objections that Petitioner's Exhibits 1 and 2 are void are timely because they are substantive objections.

19.) Substantive defects in evidence are never waived because the evidence is incompetent and cannot be considered under any circumstances.⁷

20.) Furthermore, a void judgment or order may be collaterally attacked *at any time*.⁸

⁵ See *Reynolds v. Quantlab Trading Partners US, LP*, No. 14-25-00043-CV at p. 3 (Tex. App.—Houston [14th Dist.] April 29, 2025, no pet.); see also Respondent’s Exhibit 2.

⁶ See *State ex Rel. Latty v. Owens*, 907 S.W.2d 484, 486 (Tex. 1995).

⁷ See *McMahan v. Greenwood*, 108 S.W.3d 467, 498 (Tex. App.—Houston [14th Dist.] 2003, pet. denied); see also *Mathis v. Bocell*, 982 S.W.2d 52, 60 (Tex. App.—Houston [1st Dist.] 1998, no pet.) (if the evidence is void, it is incompetent and has no probative value).

21.) Therefore, because Petitioner’s Exhibits No. 1 & 2 rely upon void *in camera* orders that Judge Hufstetler entered in Cause No. 48170 after the trial court’s plenary power expired in that cause, Gordon requests that this Board sustain his objections to Petitioner’s Exhibits 1 - 2.

- SUBSTANTIVE OBJECTIONS TO PETITIONER’S EXHIBIT NO. 3
(CASE No. 14-15-00990-CV)

22.) Appellee introduced Petitioner’s Exhibit 3 for the purpose of establishing that in the Cause No. 48170 post-divorce property division suit, Gordon was unsuccessful in prosecuting his client’s § 9.201 property division claims and unsuccessful in obtaining discovery of the *in camera* documents that Judge Hufstetler previously ruled are not relevant. (Petitioner’s Exhibit 3).

23.) The post-divorce property division suit commenced in 2015 and was docketed by the trial court under Cause No. 48170.

24.) However, the “law of the case” in Cause No. 48170 is that the trial court’s plenary power in Cause No. 48170 expired on June 17, 2009.⁹

25.) Judicial action taken after the trial court’s plenary power has expired is void and its nullity cannot be waived.¹⁰

⁸ See *PNS Stores, Inc. v. Rivera*, 379 S.W.3d 267, 272 (Tex. 2012); see also *Travelers Ins. Co. v. Joachin*, 315 S.W.3d 860, 863 (Tex. 2010)(emphasis added).

⁹ See *Reynolds v. Quantlab Trading Partners US, LP*, No. 14-25-00043-CV at p. 3 (Tex. App.—Houston [14th Dist.] April 29, 2025, no pet.); see also Respondent’s Exhibit 2.

¹⁰ See *State ex Rel. Latty v. Owens*, 907 S.W.2d 484, 486 (Tex. 1995).

26.) The 2015 post-divorce property division suit is a nullity because the suit commenced in Cause No. 48170 after the trial court's plenary power had already expired in that cause.

27.) Therefore, Gordon objects to Petitioner's Exhibit 3 on the basis that the exhibit is evidence of a post-divorce property division suit that is a nullity and, accordingly, all orders entered in that 2015 post-divorce property division suit are void.

28.) Gordon's objections that Petitioner's Exhibit 3 is void is timely because they are substantive objections.

29.) Substantive defects in evidence are never waived because the evidence is incompetent and cannot be considered under any circumstances.¹¹

30.) Furthermore, a void judgment or order may be collaterally attacked *at any time*.¹²

31.) Therefore, because Petitioner's Exhibit No. 3 relies upon void orders entered in Cause No. 48170 after the trial court's plenary power expired in that cause, Gordon requests that this Board sustain his objections to Petitioner's Exhibit 3.

¹¹ See *McMahan v. Greenwood*, 108 S.W.3d 467, 498 (Tex. App.—Houston [14th Dist.] 2003, pet. denied); see also *Mathis v. Bocell*, 982 S.W.2d 52, 60 (Tex. App.—Houston [1st Dist.] 1998, no pet.) (if the evidence is void, it is incompetent and has no probative value).

- PETITIONER’S EXHIBITS NOS. 4 – 55 RELY UPON VOID EVIDENCE

32.) Gordon has established that Petitioner’s Exhibits Nos. 1 - 3 are unenforceable as probative evidence because the evidence is void.

33.) Petitioner’s Exhibits Nos. 1 - 3 are the foundation for Appellee’s argument and evidence to prove Gordon has committed misconduct.

34.) Appellee’s remaining Exhibits 4 – 55 that were admitted at the evidentiary hearing rely upon the underlying Cause No. 48170 orders in Exhibits 1 – 3 to be valid and not void.

35.) Because Petitioner’s Exhibits 1 – 3 are void they no longer provide the necessary foundation to support Appellee’s remaining Exhibits 4 – 55.

36.) For this reason, this Board should disregard Petitioner’s Exhibits 4 – 55 on the basis that those exhibits seek to enforce the void evidence in Petitioner’s Exhibits 1 – 3.

¹² See *PNS Stores, Inc. v. Rivera*, 379 S.W.3d 267, 272 (Tex. 2012); see also *Travelers Ins. Co. v. Joachin*, 315 S.W.3d 860, 863 (Tex. 2010)(emphasis added).

- ***BODA Must Be Consistent in its Decisions***

37.) The BODA Judgment is contrary to an opinion issued by this Board in *Cafiero*.¹³ A copy of the *Cafiero* opinion is attached as **Exhibit B**.

38.) In *Cafiero*, this Board held that it is bound by the Texas Supreme Court's holding in *Owens* which states: "[t]he law is clear that a judgment [or order] rendered by a court without capacity to act is void."¹⁴

39.) *Owens* is not only binding on this Board in *Cafiero* but *Owens* is **also** binding on the 14th Court of Appeals when it decided Case No. 14-23-00829-CV. (Respondent's Exhibit 2).

40.) In Case No. 14-23-00829-CV, the 14th Court of Appeals cited *Owens* and held that certain orders entered in Cause No. 48170 after the trial court's plenary power expired on June 17, 2009 are void because "judicial action taken after the trial court's plenary power has expired is void." (Respondent's Exhibit 2).¹⁵

41.) *Cafiero* and Case No. 14-23-00829-CV agree that *Owens* correctly establishes binding law from the Supreme Court of Texas to which this Board and the 14th Court of Appeals must follow that:

¹³ See *Cafiero v. Commission for Lawyer Discipline, Bd. of Disciplinary Appeals*, Case No. 37811 (Mar. 23, 2007).

¹⁴ See *State ex Rel. Latty v. Owens*, 907 S.W.2d 484, 485 (Tex. 1995).

¹⁵ See *Reynolds v. Quantlab Trading Partners US, LP*, No. 14-23-00829-CV at p. 4 (Tex. App.—Houston [14th Dist.] Oct. 31, 2024).

“a judgment [or order] is void when it is clear that the court rendering the judgment had no jurisdiction over the parties or subject matter.”¹⁶

42.) A void judgment or order may be collaterally attacked at any time.¹⁷

43.) The record affirmatively demonstrates a jurisdictional defect sufficient to void a judgment or order when it establishes that the trial court lacked subject matter jurisdiction over the suit.¹⁸

44.) Here, the evidentiary record conclusively establishes that the trial court’s plenary power in Cause No. 48170 expired on June 17, 2009. (Respondent’s Exhibits 2).

45.) The evidentiary record also conclusively establishes that Judge Hufstetler’s Dec. 7, 2011 *in camera* discovery order is void because the discovery order was entered in Cause No. 48170 more than two years after the trial court’s plenary power had expired on June 17, 2009 in Cause No. 48170. (Respondent’s Exhibits 1-2).

46.) Furthermore, the parties, the court of appeals, nor the Supreme Court of Texas can subsequently confirm or ratify

¹⁶ See *Cafiero v. Commission for Lawyer Discipline, Bd. of Disciplinary Appeals*, Case No. 37811 (Mar. 23, 2007) citing *State ex Rel. Latty v. Owens*, 907 S.W.2d 484 (Tex. 1995).

¹⁷ See *PNS Stores, Inc. v. Rivera*, 379 S.W.3d 267, 272 (Tex. 2012).

¹⁸ See *Id.*

Judge Hufstetler's void *in camera* discovery orders or other void evidence the CFLD relies upon to prove misconduct. (Petitioner's Exhibits 1 – 3).

47.) A void act is one entirely null within itself, not binding on either party, and which is not susceptible of ratification or confirmation and its nullity cannot be waived.¹⁹

48.) Consequently, the fact the 14th Court of Appeals denied Gordon's mandamus in Case No. 14-11-01097-CV and affirmed judgments in Case No. 14-12-00440-CV (modification suit) and Case No. 14-15-00990-CV (post-divorce division of property suit) does not change the legal reality that Judge Hufstetler's *in camera* rulings remain void.²⁰

49.) The modification suit and the 2015 post-divorce division of property suit were commenced in Cause No. 48170—a closed case—after the trial court's plenary power had expired thereby making both proceedings a nullity and the judgments and orders entered in those proceedings void.²¹ (Petitioner's Exhibit 1-3).

50.) Therefore, the BODA Judgment conflicts with *Cafiero* because the Board is improperly disregarding the binding authority of *Owens* and

¹⁹ See *Brazzel v. Murray*, 481 S.W.2d 801, 803 (Tex. 1972).

²⁰ See TEX. R. CIV. P. 301 (only one final judgment shall be rendered in any cause).

²¹ See *Brazzel*, 481 S.W.2d at 803 (Tex. 1972).

enforcing against Gordon void judgments and orders that the trial court entered in Cause No. 48170. (Petitioner's Exhibits 1 -3).

51.) To resolve this conflict between the BODA Judgment and *Cafiero* and *Owens*, Gordon asks the Board to reconsider the case en banc with all 12 members (including Board members **Scott Fredricks** and **Melissa Goodwin**) of the Board participating in the decision.²²

52.) Furthermore, this request for the Board to reconsider the BODA Judgment and grant an en banc rehearing is supported by the fact that the first submission hearing of this case was heard by the Board en banc on July 30, 2026 and therefore it should again be heard en banc on rehearing.²³

ABATEMENT OF THE BODA APPEAL

53.) Pursuant to TRCP and TRAP, in the alternative, Gordon requests that this Board grant this rehearing and vacate the BODA Judgment and abate this appeal to allow additional time for the 14th Court of Appeals to complete its consideration in Case No. 14-25-00865-CV (the "Appeal").

²² See TRAP 41.2(a)(an en banc Board consists of not 10 but of all its twelve (12) members who are not disqualified or recused).

²³ See **Exhibit C** attached (BODA Notice of *En Banc* Submission).

54.) The Appeal is relevant to this proceeding because in the Appeal Gordon is challenging Judge Hufstetler's *in camera* discovery order as void and also challenging the trial court's judgment in Cause No. 134266-F.

55.) Evidence of the Appeal was accepted into evidence at the evidentiary hearing because the Appeal is relevant to these disciplinary proceedings. (Respondent's Exhibit 14).

56.) In this appeal, Gordon cites to the Appeal on numerous occasions in his appellate briefs.²⁴

57.) In Appellee's brief, the CFLD incorporates by reference the docket of the Appeal by stating "[a]s alluded to above, an appeal is pending from that determination in the 14th COA in Case No. 14-25-00865-CV. The docket for that pending case is available at: <https://search.txcourts.gov/Case.aspx?cn=14-25-00865-CV&coa=coa14>."²⁵

58.) To date, the 14th COA has not finished considering the Appeal to give guidance in this proceeding.²⁶

59.) Therefore, because the law may change regarding Judge Hufstetler's *in camera* discovery orders and the viability of the claims brought by Gordon in Cause No. 134266-F, Gordon requests that the

²⁴ See Appellant's Brief at pgs. 26; *see also* Appellant's Reply Brief at pgs. 16 & 17.

²⁵ See Appellee's Brief at pg. 34.

²⁶ See **Exhibit D** attached (14th COA's Notice of Submission in Case No. 14-25-00865-CV).

BODA Judgment be vacated and this appeal abated to give the 14th COA additional time to complete considering the Appeal.²⁷

60.) Thereafter, once the 14th Court of Appeals has finished considering the Appeal, this proceeding may be immediately reinstated so that the Board and the parties will have full knowledge of the current law as determined by the Appeal and so that the law established by the Appeal may be applied to these disciplinary proceedings.

²⁷ See *Crosstex North v. Gardiner*, 505 S.W.3d 580 (Tex. 2016) citing *Bacon v. Gen. Devices, Inc.*, 830 S.W.2d 106, 10t (Tex. 1992)(court of appeals should reconsider its rulings in light of new intervening and binding case law); see also *Welex v. Broom*, 816 S.W.2d 340 (Tex. 1991)(court of appeals should have the opportunity to reconsider rulings in light of recent case law opinion that is binding and provides guidance).

PRAYER

61.) For these reasons, Gordon requests that the Board grant this *Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration* and vacate BODA's Aug. 3, 2026 judgment and:

- (1) Sustain Gordon's objections to Appellee's void evidence that was admitted at the evidentiary hearing and refuse to consider that void evidence as having any probative value;
- (2) Reverse the decision of the Evidentiary Panel and render judgment in favor of Gordon, or
- (3) Vacate the Evidentiary Panel's judgment and dismiss the case in its entirety; and
- (4) Gordon requests that each member of this 12-member Board participate in the en banc decision.

62.) *In the alternative*, Gordon requests that the Board grant this amended motion and vacate the BODA Judgment and abate this proceeding to allow additional time for the 14th COA to complete its consideration of the appeal in Case No. 14-25-00865-CV so that the parties and BODA may have the law as determined by Case No. 14-25-00865-CV applied to these disciplinary proceedings and appeal.

Respectfully Submitted,

/s/ Carl W. Gordon

Carl W. Gordon, *Pro Se*
5177 Richmond Avenue, Suite 740
Houston, Texas 77056
Tel. (713) 597-5500
Email: cgordon@gordonlawyers.com

DECLARATION

Pursuant to Tex. Civ. Prac. & Rem. Code § 132.001, I certify that as Declarant my name is Carl W. Gordon, and I am over the age of 18 and of sound mind and have personal knowledge of the facts stated herein. My address is 5177 Richmond Ave., Suite 740 Houston, Texas 77056.

Declarant declares under penalty of perjury that the facts stated in *Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration* are true and correct.

Declarant also declares under penalty of perjury that Exhibits incorporated by reference herein and attached to *Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration* are true and correct copies of the originals.

Executed in Harris County, State of Texas on Sept. 1, 2026.

/s/ Carl W. Gordon

Carl W. Gordon, *Pro Se*
Name of Declarant

CERTIFICATE OF WORD COUNT

Relying on the word count function in the word processing software used to produce this document, I certify that this Appellant's Amended Motion contains 2,288 words excluding any parts exempted by TEX. R. APP. P. 9.4.

/s/Carl W. Gordon
Carl W. Gordon, *Pro Se*

CERTIFICATE OF SERVICE

I certify that true copies of the forgoing instruments were served on Appellee's counsel in accordance with the Texas Rules of Appellate Procedure on Sept. 1, 2026.

/s/ Carl W. Gordon
Carl W. Gordon, *Pro Se*



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

CARL W. GORDON

State Bar of Texas Card No. 24047659

v.

**COMMISSION FOR
LAWYER DISCIPLINE**

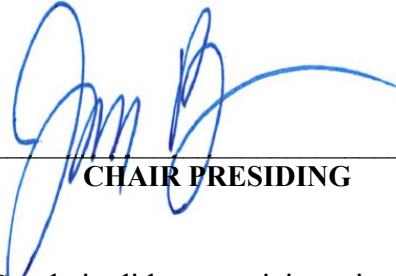
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CAUSE NO. 71984

JUDGMENT

On the 30th day of July 2026, the Board of Disciplinary Appeals heard by submission Carl W. Gordon's appeal from a Judgment of Partially Probated Suspension issued by Evidentiary Panel 4-6 of the State Bar of Texas District 4 Grievance Committee on October 15, 2025. Having considered the record and the briefs, the Board finds that the judgment should be affirmed. It is therefore **ORDERED, ADJUDGED, and DECREED** that the Judgment of Partially Probated Suspension issued October 15, 2025, in Case No. 202306618, is hereby, in all respects, **AFFIRMED**.

SIGNED this 3rd day of August 2026.



CHAIR PRESIDING

Board members Scott Fredricks and Melissa Goodwin did not participate in this decision.

VACATED AND REMANDED, Opinion Signed May 10, 2007.



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

No. 37811

CHRISTOPHER JOHN CAFIERO (State Bar Card No. 24031784)

v.

**COMMISSION FOR LAWYER DISCIPLINE
OF THE STATE BAR OF TEXAS**

**On Appeal from the Evidentiary Panel
of the State Bar of Texas District 06A Grievance Committee
SBOT Cause Nos. D0010525697; D0110425311; and D0030526191**

OPINION AND ORDER

Submitted March 23, 2007

COUNSEL:

For Appellant Christopher John Cafiero, Dell James, Dallas

For Appellee, Commission for Lawyer Discipline of the State Bar of Texas, Linda A. Acevedo, First Assistant Disciplinary Counsel (on brief), and Cynthia W. Hamilton, Assistant Disciplinary Counsel (brief and argument), Austin

OPINION:

Appellant attorney Christopher John Cafiero appeals from a disciplinary judgment¹ asking that the judgment be vacated because the grievance committee panel that heard the case lacked a proper quorum and, therefore, was powerless to render judgment. The parties do not dispute the facts, but rather the legal effect of a change in the composition of the panel during the lengthy hearing. The panel heard the Bar's evidence against Cafiero in connection with three separate grievances and found that he had violated certain Texas Disciplinary Rules of Professional Conduct ("Professional Conduct Rules")² in each matter. The panel suspended him from the practice of law for 60 months, with the first 18 months to be an active suspension, and the remaining 42 months to be probated on certain terms and conditions.

Alternatively, Cafiero asks that the judgment be reversed because the manner in which the panel conducted the hearing denied him a meaningful opportunity to be heard, denying him procedural due process. Cafiero also challenges the sufficiency of the evidence to support the findings of professional misconduct and argues that the panel's repeated denials of his requests for a continuance were abuses of its discretion.

Finally, Cafiero argues that the restitution the panel awarded was improper as a matter of law because it incorporated a remedy from civil breach of fiduciary duty cases not available to the

¹ Judgment of Partially-Probated Suspension signed April 25, 2006 by an evidentiary panel of the State Bar of Texas District 06A (Dallas) grievance committee in SBOT Cause Nos. D0010525697, D0110425311; and D0030526191.

² TEX. DISCIPLINARY R. OF PROF'L CONDUCT, *reprinted in* TEX. GOV'T CODE ANN., tit. 2, subtit. G, app. A (2005) (TEX. STATE BAR R. Art. X, § 9).

Bar and, therefore, constituted the imposition of an impermissible fine or sanction. Cafiero asks that the case be remanded to a statewide grievance committee.³

Because it is apparent from the face of the record that the evidentiary panel lost its statutory quorum during the misconduct phase of the hearing, we hold that the Judgment of Partially Probated Suspension signed April 26, 2006 is void. Accordingly, we reverse the judgment in its entirety and remand the case to a state-wide grievance committee panel for a full rehearing on the merits, i.e., for a misconduct phase and, if necessary, a sanction phase.

Underlying Grievances

In this disciplinary proceeding the Bar presented its cases against Cafiero in three separate grievances that were consolidated for the hearing. Each complainant – Mr. Pesina, Mr. Tran and Mr. Emerson – appeared and testified at the hearing. Cafiero testified, as well, disputing certain facts to which the complainants had testified.

Pesina Complaint (SBOT Case D0010525697)

Complainant Pesina was injured in a motorcycle accident in October 2002 when he was 18. Pesina's father signed an employment contract with Mr. Lafuente, a cousin of Pesina's and law partner of Cafiero, while Pesina was in the hospital. At Mr. Lafuente's request, Cafiero negotiated with the insurer and settled Pesina's claim against it for policy limits (\$25,000). Half of this sum was paid directly to the hospital; the remainder, \$12,500, was to be used to pay the remaining outstanding medical bills. It was deposited into the firm's operating account until those bills were

³ TEX. GOV'T CODE § 81.0751(b)(4)(B) provides, in part: "In an appeal of a finding of a panel of a district grievance committee made to the Board of Disciplinary Appeals, the board may . . . reverse the panel's finding and remand the complaint for a rehearing to be conducted by

received. Pesina did not dispute the amount of the attorney fee due to Cafiero pursuant to the contract Pessina's father had signed with Lafuente. During approximately eight months after Pesina signed the authorization to disclose medical information, Pesina and his mother attempted to contact Cafiero for information concerning the status of the case. Although they talked to Cafiero more than once, he did not return all their calls.

Cafiero testified that Lafuente, not Cafiero, was the lead attorney for Pesina. Lafuente and Cafiero's other partner, Lenahan, served as the firm's managing partner and handled accounting for the firm. Cafiero testified that he had had a discussion with Pesina in which Cafiero informed Pesina that the disbursement of the remaining settlement funds could not be finalized until all of the medical bills were submitted and resolved. Cafiero further testified that Pesina had not submitted all of the outstanding medical bills.

The grievance committee panel hearing the case found that Cafiero had violated Professional Conduct Rules 1.03(a) (failure to keep a client reasonably informed and promptly comply with reasonable requests for information); 1.03(b) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions); 1.14(b) (failure to notify promptly a client or third person with an interest that funds or other property have been received); 1.14(c) (failure to segregate funds belonging in whole or in part to a client or third person until there is an accounting and disbursement); and 8.04(a)(8) (failure to respond timely to a request for information from the Chief Disciplinary Counsel).

... a statewide grievance committee panel composed of members selected from the state bar districts other than the district from which the appeal was taken."

Tran Complaint (SBOT Case No. D0110425311)

Complainant Tran hired Cafiero to pursue a claim against Tran's former employer, a Toyota dealer, for conversion of Tran's mechanic's tools after Tran's employment with the dealership terminated. Cafiero settled the matter for \$7,500 and deposited the settlement check into the firm trust account in December 2003. Tran knew of and approved the settlement and signed a settlement agreement with the dealership in December of 2003. Tran testified, however, that he did not learn of the payment of the settlement money until eight months later. Cafiero testified that he and Tran argued over the amount due to Cafiero under their contract for legal services and, therefore, the amount payable to Tran out of the settlement proceeds.⁴ Tran testified that Cafiero had agreed to take only \$2,500 in attorney's fees, while Cafiero testified that he had always maintained that he was due the 40 percent provided for in the parties' contract.

Tran eventually went to Cafiero's office in August of 2004 and demanded payment of \$5,000. Cafiero was not in the office when Tran appeared, but the receptionist wrote two checks to Tran in the amounts of \$750 and \$4,250. When Tran attempted to negotiate the larger check, he was informed that the account on which it was drawn held insufficient funds to cover the check. When Tran again contacted Cafiero, Cafiero offered to pay Tran the \$3,550 balance that Cafiero calculated was due to Tran under the contract, but Tran maintained that he was entitled to \$5,000 total and demanded \$4,300 (\$4,250 plus \$50 for the returned check charge).⁵

⁴ The contract provided for a 40 percent contingency fee to the firm plus expenses. Cafiero calculated that the firm was entitled to 40 percent of \$7,500 (or \$3,000) plus \$200 in expenses. Tran was, therefore, to recover the balance of \$4,300. Tran testified that he was entitled to \$5,000.

⁵ At the hearing, Tran agreed to accept Cafiero's \$3,550 offer.

The evidentiary panel found that Cafiero had violated Professional Conduct Rules 1.14(a) (failure to hold funds belonging in whole or in part to a client or third person separate from the lawyer's own property); 8.01(b) (failure to respond to a lawful demand for information from a disciplinary authority); and 8.04(a)(3) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation).

Emerson Complaint (SBOT Case No. D0030526191)

Emerson hired Cafiero in November 2004 to defend him against DIRECTV, Inc.'s threat to sue Emerson over his possession of signal theft equipment. Cafiero had defended a number of similar demands; Emerson hired him and paid him \$1,000, with the understanding that Cafiero would first dispute the claim in writing. Over the next several months, Cafiero responded to requests from Emerson for information about the status of the matter only by replying to an email with a promise that he, Cafiero, would "look into it."

Cafiero testified that he wrote a letter to DIRECTV disputing the claim and spoke with their representative by telephone. In June 2004 a federal appeals court held that the Wiretap Act created no private cause of action for an entity such as DIRECTV to assert against mere possessors of signal theft equipment.⁶ DIRECTV never sued Emerson, and Emerson concluded that this was because DIRECTV had decided to stop pursuing piracy cases following the federal court decision and not due to any efforts on his behalf by Cafiero. As a result, Emerson decided that Cafiero did not earn the \$1,000 fee and demanded a full refund.

⁶ *DIRECTV, Inc. v. Treworgy*, 373 F.3d 1124 (11th Cir. 2004).

The evidentiary panel found that Cafiero had violated Professional Conduct Rules 1.01(b)(1) (neglecting a legal matter entrusted to the lawyer); 1.03(a) (failing to keep a client reasonably informed and promptly comply with reasonable requests for information); and 8.04(a)(8) (failing to respond timely to a request for information from the Chief Disciplinary Counsel).

Evidentiary Proceedings

The grievance committee panel convened the hearing at approximately 1:30 p.m. on Thursday, April 13, 2006 with all six of its members present: there were four attorney members and two public members. An assistant disciplinary counsel (CDC) appeared on behalf of the State Bar Commission for Lawyer Discipline, and Cafiero represented himself.

The CDC called each complainant to testify, and Cafiero cross-examined each of them. At approximately 5:30 p.m., the CDC called Cafiero to testify. Before proceeding, Cafiero informed the panel that he was a single parent and had sole responsibility to pick up his two children (ages eight and three) from daycare by 6:30 p.m. and, after that, to care for them. He explained that the disciplinary counsel had only told him just before the hearing started that it would be “lengthy” and stated that he had had no opportunity to make other arrangements for his children. He expressed concern that he would not have adequate time to put on his case and still meet the deadline for picking up his children. Based on these circumstances, Cafiero asked the panel to recess at 6 p.m. and to continue the matter to another date, thus allowing him to pick up his children and have a fair opportunity, given the time allowed to the prosecutor, to present his evidence.

The CDC opposed Cafiero’s request, arguing that a continuance would disadvantage the CDC by allowing Cafiero more time to prepare his defense. The CDC proposed that, rather than continuing the hearing, Cafiero should bring his children to the hearing and allow her “other staff”

to care for them until the hearing concluded. Cafiero declined this “offer.” The panel announced that it would recess at 6:15 p.m. and reconvene at 8 p.m. to conclude the hearing. After reconvening, the panel heard testimony until just before 11 p.m.

At some point during the misconduct hearing, one of the public members left.⁷ The hearing continued, with four attorney members and the remaining public member all present. The panel then deliberated for approximately 37 minutes before announcing its findings of misconduct. The Chair stated:

Back on the record. The Panel has met, and only three of the attorneys participated in the voting, since there is one public member here. [Public member #2] had to leave early. So there is one public member voting and two attorneys.

This statement indicates that, while four attorneys continued to hear evidence, only three actually voted.⁸ The chair of the panel read the findings and then announced that the sanctions phase of the hearing would begin immediately. The time was approximately 11:34 p.m.

Cafiero again asked that the sanctions hearing be continued to another day, arguing that requiring him to proceed with the sanctions phase of the hearing at almost midnight effectively denied him a meaningful opportunity to put on his case because he could not call witnesses at that late hour. The CDC again opposed Cafiero’s request for a continuance, arguing that Cafiero had been told at the beginning of the hearing that the sanctions phase would, if necessary, immediately follow the misconduct hearing. The CDC also asserted that Cafiero should have had any witnesses

⁷ While the record does not reflect exactly when the public member left, his last statement on the record occurred at approximately 4:46 p.m., prior to the dinner recess.

⁸ The record does not reflect whether all four lawyers or only three retired for the panel’s deliberation. Presumably, the chair would not have felt it necessary to announce that only three lawyers voted if only three lawyers had retired to deliberate.

he wished to call present when the misconduct hearing began at 1:30 p.m. The CDC urged the panel to continue, “so that the testimony of the witnesses is fresh in the Panel’s mind, and so that we can continue it and complete it tonight.”

During a five-minute break, while the panel considered Cafiero’s second motion for continuance, Cafiero called an attorney. After the panel announced that they were denying his second motion for a continuance, Cafiero asked that the commencement of the sanctions phase of the hearing be delayed for approximately 15 minutes, so that his attorney could represent him. The time was now 11:45 p.m. The CDC again strenuously opposed the request, asserting that it would be “absurd” to wait for Cafiero’s attorney because “[w]e will be through in 15 minutes.” The panel denied Cafiero’s request for a delay, finding it to be unreasonable. Within 10 minutes of the beginning of the sanctions hearing, Cafiero’s attorney arrived. The panel did allow Cafiero’s attorney seven minutes to make a closing statement, which he began immediately on his arrival.

After the panel announced the sanction it had decided to impose, Cafiero asked that he be given 90 days to pay a portion of the attorney’s fees awarded as part of the sanction. The panel chair asked the CDC whether it was possible to delay the payment of all or a portion of fees, and she (incorrectly) advised the panel that “You have to make your decision tonight and put it on the record. There is no provision in the Disciplinary Rules to continue a portion of your sanction.” Just before adjourning, the chair asked the CDC whether, in completing the Evidentiary Hearing Report, he had to mark through the names of the panel members that “had to drop out.” The Report shows lines drawn through the names of two members who were originally marked as being “Present.”

Statutory Grievance Committee Panel Composition

Cafiero asks that the judgment be vacated because the evidentiary panel lost its quorum sometime before the completion of the misconduct phase of the hearing. In the absence of a proper quorum required by law to hold court, any judgment rendered by the remaining judges is a nullity, because the court is without authority to render judgment. *Long v. State*, 59 Tex. Crim. 103, 127 S.W. 551, 558 (1910). The number of judges required to be present to authorize a court to transact business is determined by the constitutional and statutory provisions creating the court. *Id.*

This case involves the effect of a judgment rendered by a purportedly improperly-constituted panel as distinguished from a properly-constituted panel proceeding in an irregular manner. *See Greater Fort Worth & Tarrant Co. Cmty. Action Agency v. Mims*, 627 S.W.2d 149 (Tex. 1982); *Swain v. Wiley College*, 74 S.W.3d 143 (Tex. App.—Texarkana 2002, no pet.). It does not raise an issue of how many members of a quorum are required to render a decision, as all the panel members voted unanimously on all findings and sanction.

The State Bar Act, TEX. GOV'T CODE § 81.001 *et seq.* and the Texas Rules of Disciplinary Procedure, *reprinted* in TEX. GOV'T CODE, tit. 2, subtit. G, app. A-1 (2005) (“TRDP” or “Disciplinary Procedural Rules”),⁹ mandate the required composition of a grievance committee, a panel of the committee, and a quorum of a panel. The State Bar President appoints members to district grievance committees based on recommendations by the Directors of the State Bar. TRDP 2.02. Each Committee must consist of two-thirds attorneys and one-third public members. *Id.* Grievance committee members are assigned to panels, TRDP 2.06, which are typically composed of

⁹ The disciplinary rules have the force and effect of statutes. *O’Quinn v. State Bar of Texas*, 763 S.W.2d 397, 399 (Tex. 1988).

either six members or three members. A numerical majority of the panel constitutes a quorum for conducting business. TRDP 2.07. A majority vote of those present permits the conduct of business, if a proper quorum is present. *Id.* Once a panel is assigned, the complainant and respondent must consent to any changes made to the panel to obtain a quorum or to effect a substitution on the day of the hearing. TEX. GOV'T CODE § 81.072(m) and (n).

Like the Committee as a whole, each panel must be comprised of two-thirds attorney members and one-third public members. TRDP 2.02; TRDP 2.07; and TRDP 2.17. In addition, a quorum of a panel must include at least one public member for every two attorney members *present*. TEX. GOV'T CODE § 81.072(j); TRDP 2.07. The Texas legislature amended the State Bar Act in 2001¹⁰ to ensure a certain ratio of public members to attorney members at hearings. Before the addition of this legislative requirement, a quorum of a three-person panel (two attorneys and one public member) could hear a case, with the two attorney members being that quorum. The legislature, presumably, wanted to ensure that hearings proceeded with a certain level of participation by non-lawyer members.

In this case, a full panel of six members with the proper ratio of four attorneys and two public members convened to hear the case. Before determining whether misconduct occurred, however, one public member departed, leaving four attorneys and only one public member to proceed with the hearing. The chair's statement that "The Panel has met, and only three of the attorneys participated in the voting, since there is one public member here" indicates that four

¹⁰ H.B. 792, 77th Leg., R.S., 2001 Tex. Gen. Laws 1436.

attorneys continued to participate in the hearing with only one public member present.¹¹ In presenting argument to this Board, counsel for the Commission conceded that “It does appear that there probably were four lawyers present at some point and only one public member.” The Commission also conceded that a panel comprised of four lawyers and one public member violates the statutory quorum requirements for grievance committee panels. Although there were enough members present to constitute a quorum numerically, the remaining members violated the statutory requirement by proceeding without at least one public member being present for every two attorneys. Having one member abstain from voting after all four lawyers had heard the balance of the evidence – and possibly participated in the misconduct deliberations – could not cure the defect.

We note that the panel chair also stated that “there is one public member voting and two attorneys,” which seems inconsistent with his previous statement that three attorneys participated in the voting. We assume that the chair simply misspoke and meant to say “three attorneys.” However, if only two attorneys and one public member (three members total) voted, then the panel had lost the fourth member required for a numerical quorum. Either way, the panel had lost its authority to act by the time it purported to render the judgment here at issue.

Waiver

The Commission argues that, while the departure of one public member may have resulted in an improperly constituted panel, Cafiero waived the defect by not objecting to the remaining members continuing the hearing. We disagree. The law is clear that a judgment rendered by a court

¹¹ The record reflects that the public member who left early made no statements on the record after 4:45 p.m., but four different attorneys continued to ask questions until at least 10:19 p.m.

without capacity to act is void. *State ex rel. Latty v. Owens*, 907 S.W.2d 484, 485 (Tex. 1995) (per curiam); *Mapco, Inc. v. Forrest*, 795 S.W.2d 700, 703 (Tex. 1990) (orig. proceeding) (per curiam); *Browning v. Placke*, 698 S.W.2d 362, 363 (Tex. 1985) (orig. proceeding) (per curiam). Although a party need not appeal a void judgment to secure the right not to comply with it, the party may appeal, asking the appellate body to declare the judgment void. *State ex rel. Owens v. Latty* at 486. The grievance committee was not free to disregard the legislative mandate concerning panel composition. *See Anderson v. Grossenbacher*, 381 S.W.2d 72, 74 (Tex. Civ. App.–San Antonio 1964, writ ref'd n.r.e.) (“we are not faced with a parliamentary rule made by the Drafting Commission which it could disregard, but we have a statutory rule which the Drafting Commission could not override or ignore. Without the quorum at the fourth called hearing there was no commission, and without a commission there was no hearing.”). When the remaining members of the panel proceeded with a numerical quorum that, nevertheless, had an incorrect ratio of lawyer members to public members, it lost capacity to act as a properly-constituted grievance committee panel quorum, and its decision was, therefore, void.

Fee Disgorgement

Because Cafiero challenges the judgment’s requirement that he disgorge all of the fees for which he contracted with the complainants, and because the question might arise on remand,¹² we note that the restitution permitted under the Disciplinary Procedural Rules does not include the equitable remedy of total fee forfeiture. The panel confused the award of a civil remedy for breach

¹² Our comments concerning the fee disgorgement awarded should not be construed as a suggestion that, on remand, Cafiero should be found to have committed misconduct. We express no opinion of the merits of the Commission’s misconduct cases.

of fiduciary duty¹³ with the imposition of a sanction intended to restore to a client funds lost as a result of professional misconduct. The panel's interpretation of allowable restitution in this case effectively reads into every disciplinary case a breach of fiduciary duty; if this were the law, total fee disgorgement would be permissible in any case finding any violations of the Texas Disciplinary Rules of Professional Conduct. Without any basis for doing so, the panel here decided that Cafiero was entitled to no fee for any of the work he had performed on behalf of these three clients. That result is clearly punitive and not within the purpose of the disciplinary sanctions.

Because the panel chose to continue the hearing with a quorum that did not include one public member for every two attorney members present, we hold that the Judgment of Partially Probated Suspension is void. Accordingly, we vacate the judgment in Cause Nos. D0010525697, D0110425311, and D0030526191 and remand the case to a state-wide grievance committee panel for further proceedings consistent with this opinion.

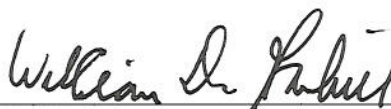
IT IS SO ORDERED.



Karen L. Watkins, Chair

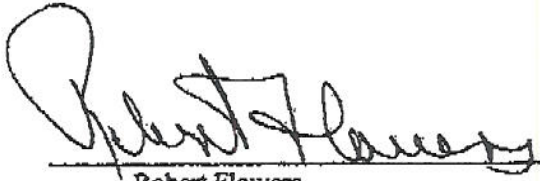


Paul D. Clote, Vice Chairman



William D. Greenhill

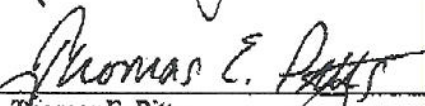
¹³ *Burrow v. Arce*, 997 S.W.2d 229 (Tex. 1999).

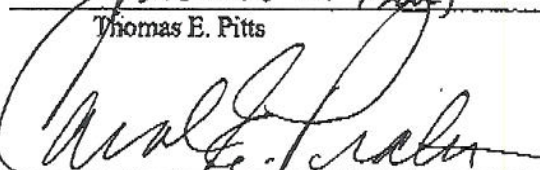

Robert Flowers

Yolanda de León

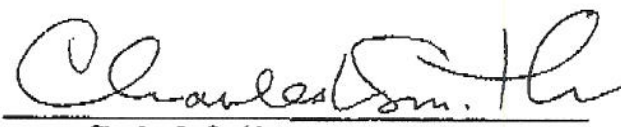
Clement H. Osimeha


Jose L. Gonzalez-Falla


Thomas E. Pitts


Carol E. Prater


Alice A. Brown


Charles L. Smith

Ben Selman not sitting.

CHAIRMAN
JASON BOATRIGHT

VICE CHAIR
COURTNEY C SCHMITZ

MEMBERS
FERNANDO M. BUSTOS
ARTHUR C. D'ANDREA
SCOTT A. FREDRICKS
MELISSA GOODWIN
ANDREW D. GRAHAM
WOODROW J. HALSTEAD, III
ROBERT HENNEKE
DAVID IGLESIAS
W.C. KIRKENDALL
TANNER NEIDHARDT



Exhibit C

EXECUTIVE DIRECTOR
& GENERAL COUNSEL
JENNY HODGKINS

DEPUTY DIRECTOR
& COUNSEL
MATTHEW J. GREER

EXECUTIVE ASSISTANT
JACKIE TRUITT

THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY THE SUPREME COURT OF TEXAS

June 9, 2026

Carl W. Gordon
5177 Richmond Ave., Ste. 740
Houston, TX 77056
cgordon@gordonlawyers.com

Michael Graham
Appellate Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
POB 12487
Austin, TX 78711
michael.graham@texasbar.com

RE: *Carl W. Gordon v. Commission for Lawyer Discipline*
BODA # 71984

Dear Counsel:

Pursuant to BODA Internal Procedural Rule 4.06(a), the parties to the above referenced appeal have waived their right to oral argument. The appeal therefore has been set for submission on the record and briefs in connection with the Board's quarterly en banc meeting on July 30-31, 2026.

Sincerely,

A handwritten signature in black ink that reads "Jenny Hodgkins".

Jenny Hodgkins
Executive Director & General Counsel

Justices

KEN WISE
KEVIN JEWELL
RANDY WILSON
BRAD HART
TONYA McLAUGHLIN
CHAD BRIDGES
KATY BOATMAN
MARITZA M. ANTÚ



Exhibit D

Chief Justice

TRACY CHRISTOPHER

Clerk

TROY D. WARD,
CLERK PRO TEMPORE
PHONE 713-274-2800

Fourteenth Court of Appeals

301 Fannin, Suite 245
Houston, Texas 77002

Thursday, April 30, 2026

Tyler G. Doyle
811 Main St Ste 100
Houston, TX 77002-6111
* DELIVERED VIA E-MAIL *

Allan Huddleston Neighbors IV
1301 McKinney Ste 1900
Houston, TX 77010
* DELIVERED VIA E-MAIL *

Jo Carter
Terry and Roberts
203 E. Cedar Street
Angleton, TX 77515
* DELIVERED VIA E-MAIL *

John Geilman
Stephoe LLP
717 Texas Avenue, Suite 2800
Houston, TX 77002
* DELIVERED VIA E-MAIL *

Lynn Kuriger Stanton
Jenkins & Kamin, LLP
Two Greenway Plaza, Suite 600
Houston, TX 77046
* DELIVERED VIA E-MAIL *

Carl Wesley Gordon
The Gordon Law Firm
5177 Richmond Ave.
Suite 740
Houston, TX 77056
* DELIVERED VIA E-MAIL *

Wilma Reynolds
7614 Quiet Trace Lane
Pearland, TX 77581
* DELIVERED VIA E-MAIL *

Alexander Wolf
Stephoe LLP
717 Texas Ave
Suite 2800
Houston, TX 77002
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 14-25-00865-CV
Trial Court Case Number: 134266-F

Style: Wilma Reynolds
v.
Quantlab Financial, LLC; Quantlab Incentive Partners I, LLC; Quantlab Trading Partners US,
LP; David Reynolds;

This case is scheduled for submission without oral argument on the briefs and record on **Thursday, June 11, 2026**. Subject to change by the Court, the members of the panel to which the case will be submitted are Chief Justice Christopher, Justice Hart and Justice McLaughlin.

Sincerely,

TROY D. WARD,
Clerk Pro Tempore



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

CARL W. GORDON

State Bar of Texas Card No. 24047659

v.

**COMMISSION FOR
LAWYER DISCIPLINE**

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CAUSE NO. 71984

**ORDER DENYING AMENDED MOTION FOR REHEARING AND
AMENDED MOTION FOR EN BANC RECONSIDERATION**

On this day, the Board of Disciplinary Appeals considered the Motion for Leave to File Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration, as well as the Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration, filed by Appellant Carl W. Gordon, in the above-captioned evidentiary appeal. Having considered Appellant's motions and the arguments therein, the Board **ORDERS** that Appellant's motion for leave to amend is **GRANTED**. The Board **ORDERS** that Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration are **DENIED**.

SIGNED this 8th day of September 2026.

A handwritten signature in blue ink, reading "Courtney Schutz", is written over a horizontal line.

CHAIR PRESIDING

Board members Melissa Goodwin and Patrick O'Fiel did not participate in this decision. Former Board member Scott Fredricks, who continued to perform the duties of office through September 4, 2026, pursuant to Texas Rule of Disciplinary Procedure 7.01, also did not participate in this decision.

No. 71984



FILED

Sep 15 2026

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

BEFORE THE BOARD OF DISCIPLINARY APPEALS

Appointed By

THE SUPREME COURT OF TEXAS

CARL W. GORDON,

Appellant,

v.

COMMISSION FOR LAWYER DISCIPLINE,

Appellee.

ON APPEAL FROM THE EVIDENTIARY PANEL 4-6
CASE No. 2023-06618

APPELLANT'S AMENDED MOTION TO MODIFY REHEARING ORDER

Carl W. Gordon, *Pro Se*
5177 Richmond Avenue, Suite 740
Houston, Texas 77056
Tel. (713) 597-5500
Fax. (713) 636-2565
Email: cgordon@gordonlawyers.com

TO THE HONORABLE MEMBERS OF THE BOARD OF DISCIPLINARY APPEALS:

1.) Pursuant to TRAP 10 & TRAP 49, Appellant, Carl W. Gordon (“Gordon”), files *Appellant’s Amended Motion to Modify Rehearing Order* requesting this Board to modify or vacate its Sept. 8th “**Order Denying Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration**” to include an express ruling either sustaining or overruling Gordon’s objections that are lodged in *Appellant’s Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration*.

FACTS

2.) On Sept. 1, 2026, Gordon filed his Motion for Leave to File Appellant’s Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration (the “Motion for Leave”) and his Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration (the “Amended Motion”).

3.) On Sept. 8, 2026, the Board issued an order granting the Motion for Leave and denying the Amended Motion (the “Order”). See **Exhibit A** attached.

4.) Pursuant to TRAP 19.1(b), this Board has jurisdiction over this appeal and the authority to grant or deny this motion until Oct. 8, 2026.

ARGUMENT AND AUTHORITIES

5.) The purpose of the Amended Motion is that Gordon seeks a ruling on his substantive objections to Appellee's evidence that was admitted at the evidentiary hearing. (*See* RR at Petitioner's Exhibits Nos. 1 – 3).

6.) Although the Order rules on the Amended Motion, the Order fails to express a ruling on Gordon's objections to Appellee's evidence.

7.) The Order states in relevant part the following:

“On this day, the Board of Disciplinary Appeals considered Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration. Having considered Appellant's motion and the arguments therein, the Board **ORDERS** that Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration are **DENIED**.”

8.) The Order states that the Board undertook substantive consideration of the Amended Motion by stating it considered the “arguments” in the Amended Motion.¹

9.) However, the Order omits a ruling on Gordon's substantive objections found in the Amended Motion to Appellee's evidence.

10.) Therefore, the Order is legally ineffective to serve as a ruling on Gordon's objections because a ruling on the Amended Motion does not infer expressly or implicitly, that the Board ruled on Gordon's objections.

¹ *See Southwest Warren, Inc., v. Crawford*, 464 S.W.3d 822, 829 (Tex. App.—Houston [1st Dist.] 2015, no pet.)(an order that recites that the court considered the “arguments” is an affirmative indication that the court undertook substantive consideration of the motion for new trial or motion for rehearing).

11.) Ruling on a motion and ruling on objections to evidence are not alternatives; nor are they concomitants.²

12.) Neither implies a ruling—or any particular ruling—on the other.³

13.) Therefore, the parties are unable to determine from the Order whether the Board overruled or sustained Gordon’s substantive objections to Appellee’s evidence.⁴

14.) A ruling on Gordon’s substantive objections is necessary because, in order to preserve error for the Supreme Court of Texas to review, Gordon requires a ruling on his objections from this Board.⁵

15.) When ruling on the Amended Motion and the objections, Gordon requests that the Board also consider the briefs and the record on appeal, which includes the exhibits admitted at the evidentiary hearing.

16.) In sum, the “record on appeal” consists of the evidentiary panel clerk’s record and a reporter’s record of the evidentiary panel hearing.⁶

² See *Well Solutions, Inc. v. Stafford*, 32 S.W.3d 313, 317 (Tex. App.—San Antonio 2000, no pet.).

³ See *id.*

⁴ See *Dolcefino v. Randolph*, 19 S.W.3d 906, 926 (Tex. App.—Houston [14th Dist.] 2000, pet. denied) (we cannot infer from the record if the court overruled or sustained appellant’s objections to evidence).

⁵ See *Seim v. All State Texas Lloyds*, 551 S.W.3d 161, 166 (Tex. 2018)(when evidence presents purely substantive defects, those defects can be complained of for the first time on appeal and are not subject to the general rules of error preservation).

⁶ See BODA IPR 4.02(a)(**Record on Appeal**).

17.) The Board initially decided this case on Aug. 3, 2026 by considering “the record and the briefs” and for that reason the Board should also decide the Amended Motion and the objections by considering “the record and the briefs.”⁷

18.) Therefore, Gordon requests that this Board recite in its order ruling on the Amended Motion and objections that the Board considered the briefs, the record on appeal, the evidentiary objections and the evidentiary hearing admitted exhibits so that the parties are clear as to what was considered by the Board when it rules on the objections.⁸

19.) To this end, Gordon has included with this motion a proposed order that reflects this Board sustaining his objections to Appellee’s evidence. *See Exhibit C* attached.

20.) Gordon has also included with this motion a proposed order that reflects this Board overruling his objections to Appellee’s evidence. *See Exhibit D* attached.

21.) Lastly, Gordon has also included with this motion a proposed order that reflects that this Board has **GRANTED** or **DENIED** this motion. *See Exhibit E* attached.

⁷ See BODA Judgment issued in this case on Aug. 3, 2026, attached as **Exhibit B**.

⁸ See *B.C. v. Steak N Shake Oper., Inc.*, 598 S.W.3d 256, 259-260 (Tex. 2020)(court can affirmatively indicate what was considered in deciding a motion by expressly including language in the order to confirm what was considered).

22.) Therefore, Gordon requests that the Board grant this motion, modify or vacate the Order, and enter a new order that grants leave and includes an express ruling that either sustains or overrules Gordon's substantive objections to Petitioner's Exhibits 1 - 3.

23.) *In the alternative*, Gordon requests that this Board sign an order denying this motion so that the parties and the Supreme Court of Texas are notified that this Board refuses to rule on Gordon's objections to Appellee's evidence.⁹

24.) Gordon prays for any other such relief that he may be entitled under law or equity.

Respectfully Submitted,

/s/ Carl W. Gordon

Carl W. Gordon, *Pro Se*

5177 Richmond Avenue, Suite 740

Houston, Texas 77056

Tel. (713) 597-5500

Email: cgordon@gordonlawyers.com

⁹ See *Seim v. All State Texas Lloyds*, 551 S.W.3d at 164 (Tex. 2018)(to preserve a complaint for appellate review, a party must complain by way of timely objection and the court must rule or *refuse to rule* on the objection)(emphasis added).

CERTIFICATE OF CONFERENCE

Prior to filing this motion, Appellant has conferred with Appellee's counsel regarding the relief sought in this motion. Appellee is opposed to the Board ruling on Appellant's objections to Appellee's evidence.

/s/Carl W. Gordon
Carl W. Gordon, *Pro Se*

CERTIFICATE OF WORD COUNT

Relying on the word count function in the word processing software used to produce this document, I certify that this Appellant's Amended Motion contains 788 words excluding any parts exempted by TEX. R. APP. P. 9.4.

/s/Carl W. Gordon
Carl W. Gordon, *Pro Se*

CERTIFICATE OF SERVICE

I certify that true copies of the foregoing instruments were served on Appellee's counsel in accordance with the Texas Rules of Appellate Procedure on Sept. 15, 2026.

/s/ Carl W. Gordon
Carl W. Gordon, *Pro Se*



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

CARL W. GORDON

State Bar of Texas Card No. 24047659

v.

**COMMISSION FOR
LAWYER DISCIPLINE**

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CAUSE NO. 71984

**ORDER DENYING AMENDED MOTION FOR REHEARING AND
AMENDED MOTION FOR EN BANC RECONSIDERATION**

On this day, the Board of Disciplinary Appeals considered the Motion for Leave to File Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration, as well as the Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration, filed by Appellant Carl W. Gordon, in the above-captioned evidentiary appeal. Having considered Appellant's motions and the arguments therein, the Board **ORDERS** that Appellant's motion for leave to amend is **GRANTED**. The Board **ORDERS** that Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration are **DENIED**.

SIGNED this 8th day of September 2026.

A handwritten signature in blue ink, reading "Courtney Schutz", written over a horizontal line.

CHAIR PRESIDING

Board members Melissa Goodwin and Patrick O'Fiel did not participate in this decision. Former Board member Scott Fredricks, who continued to perform the duties of office through September 4, 2026, pursuant to Texas Rule of Disciplinary Procedure 7.01, also did not participate in this decision.



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

CARL W. GORDON

State Bar of Texas Card No. 24047659

v.

**COMMISSION FOR
LAWYER DISCIPLINE**

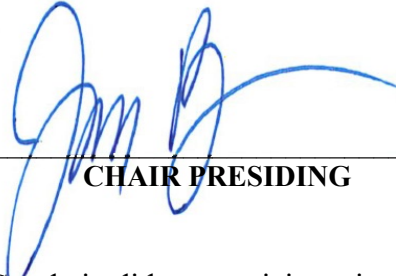
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CAUSE NO. 71984

JUDGMENT

On the 30th day of July 2026, the Board of Disciplinary Appeals heard by submission Carl W. Gordon's appeal from a Judgment of Partially Probated Suspension issued by Evidentiary Panel 4-6 of the State Bar of Texas District 4 Grievance Committee on October 15, 2025. Having considered the record and the briefs, the Board finds that the judgment should be affirmed. It is therefore **ORDERED, ADJUDGED, and DECREED** that the Judgment of Partially Probated Suspension issued October 15, 2025, in Case No. 202306618, is hereby, in all respects, **AFFIRMED.**

SIGNED this 3rd day of August 2026.



CHAIR PRESIDING

Board members Scott Fredricks and Melissa Goodwin did not participate in this decision.

BEFORE THE BOARD OF DISCIPLINARY APPEALS

Appointed By

THE SUPREME COURT OF TEXAS

CARL W. GORDON*State Bar of Texas Card No. 24047659*

v.

**COMMISSION FOR
LAWYER DISCIPLINE**§
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§**CASE NO. 71984****ORDER GRANTING AMENDED MOTION FOR REHEARING AND
AMENDED MOTION FOR EN BANC RECONSIDERATION**

On this day, the Board of Disciplinary Appeals considered the Motion for Leave to File Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration, as well as the Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration, filed by Appellant Carl W. Gordon, in the above-captioned evidentiary appeal.

Having considered Appellant's motions and the arguments therein, the briefs, the record on appeal, the evidentiary hearing admitted exhibits, and *the objections* to evidence, the Board **ORDERS** that Appellant's motion for leave to amend is **GRANTED**.

The Board further **ORDERS** that Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration are **GRANTED** and *the objections* to substance lodged therein to Petitioner's Exhibits 1 - 3 are **SUSTAINED**.

It is therefore **ORDERED, ADJUDGED, and DECREED** that this Court's Judgment issued August 3, 2026 and the Judgment of Partially Probated Suspension issued October 15, 2025, in Case No. 2023-06618, are both hereby in all respects **VACATED**, and this case is **DISMISSED WITH PREJUDICE** in its entirety.

Signed this _____, 2026.

CHAIR PRESIDING

BEFORE THE BOARD OF DISCIPLINARY APPEALS

Appointed By

THE SUPREME COURT OF TEXAS

CARL W. GORDON*State Bar of Texas Card No. 24047659*

v.

**COMMISSION FOR
LAWYER DISCIPLINE**§
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§**CASE NO. 71984****REVISED ORDER DENYING AMENDED MOTION FOR REHEARING AND
AMENDED MOTION FOR EN BANC RECONSIDERATION**

On this day, the Board of Disciplinary Appeals considered the Motion for Leave to File Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration, as well as the Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration, filed by Appellant Carl W. Gordon, in the above-captioned evidentiary appeal.

Having considered Appellant's motions and the arguments therein, the briefs, the record on appeal, the evidentiary hearing admitted exhibits, and *the objections* to evidence, the Board **ORDERS** that Appellant's motion for leave to amend is **GRANTED**.

The Board further **ORDERS** that Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration are **DENIED** and *the objections* to substance lodged therein to Petitioner's Exhibits 1 - 3 are **OVERRULED**.

Signed this _____, 2026.

CHAIR PRESIDING

BEFORE THE BOARD OF DISCIPLINARY APPEALS

Appointed By

THE SUPREME COURT OF TEXAS

CARL W. GORDON

State Bar of Texas Card No. 24047659

v.

COMMISSION FOR
LAWYER DISCIPLINE

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CASE NO. 71984

ORDER ON
AMENDED MOTION TO MODIFY REHEARING ORDER

On this day, the Board of Disciplinary Appeals considered the Amended Motion to Modify Rehearing Order, filed by Appellant Carl W. Gordon, in the above-captioned evidentiary appeal.

Having considered Appellant's amended motion, the Board **ORDERS** that the motion is:

_____ **GRANTED.** The Board vacates its Sept. 8, 2026 "*Order Denying Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration.*" The Board will immediately issue a new order that grants leave and includes a ruling that either sustains or overrules Appellant's substantive objections to evidence that are pending in Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration.

_____ **DENIED.** The Board will not issue an order that includes a ruling on Appellant's substantive objections to evidence that are pending in Appellant's Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration.

Signed this _____, 2026.

CHAIR PRESIDING



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

CARL W. GORDON

State Bar of Texas Card No. 24047659

v.

**COMMISSION FOR
LAWYER DISCIPLINE**

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CAUSE NO. 71984

ORDER DENYING AMENDED MOTION TO MODIFY REHEARING ORDER

On this day, the Board of Disciplinary Appeals considered the Amended Motion to Modify Rehearing Order, filed by Appellant Carl W. Gordon, in the above-captioned evidentiary appeal. Having considered Appellant's motion and the arguments therein, the Board **ORDERS** that Appellant's Amended Motion to Modify Rehearing Order is **DENIED**.

SIGNED this 18th day of September 2026.

A handwritten signature in blue ink, which appears to read "Courtney Smith", is written over a horizontal line.

CHAIR PRESIDING

BEFORE THE BOARD OF DISCIPLINARY APPEALS

Appointed By

THE SUPREME COURT OF TEXAS

CARL W. GORDON

State Bar of Texas Card No. 24047659

v.

COMMISSION FOR
LAWYER DISCIPLINE§
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CASE NO. 71984

ORDER ON
MOTION FOR RULING ON PENDING
SUBSTANTIVE OBJECTIONS TO EVIDENCE

On this day, the Board of Disciplinary Appeals considered *Appellant's Motion for Ruling on Pending Substantive Objections to Evidence*, filed by Appellant Carl W. Gordon, in the above-captioned evidentiary appeal.

Having considered Appellant's motion and the arguments therein, the briefs, the record, the admitted exhibits, the *Amended Motion for Rehearing and Amended Motion for En Banc Reconsideration*, and the pending substantive objections to Appellee's evidence, the Board **ORDERS** that the motion is **GRANTED** and the Board enters the following rulings on Appellant's substantive objections to evidence:

- 1.) Petitioner's Exhibit No. 1: _____ **SUSTAINED** _____ **OVERRULED**
 2.) Petitioner's Exhibit No. 2: _____ **SUSTAINED** _____ **OVERRULED**
 3.) Petitioner's Exhibit No. 3: _____ **SUSTAINED** _____ **OVERRULED**

Signed this _____, 2026.

CHAIR PRESIDING