

No. 71984



FILED

5/5/26

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

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*The Board of Disciplinary Appeals*

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**CARL W. GORDON,**

*Appellant*

v.

**COMMISSION FOR LAWYER DISCIPLINE,**

*Appellee*

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APPEAL FROM THE EVIDENTIARY PANEL 4-6  
OF THE STATE BAR DISTRICT NO. 4 GRIEVANCE COMMITTEE  
CAUSE NO. 2023-06618

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**REPLY BRIEF OF APPELLANT**

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**\*ORAL ARGUMENT NOT REQUESTED**

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## RECORD REFERENCES

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- 1.) References to the Clerk's Record are in the form "**CR [Page#].**"
- 2.) References to the Supplemental Clerk's Record are in the form "**CR1 [Page#].**"
- 3.) References to the Reporter's Record are in the form of "**RR [Page#].**"
- 4.) References to Petitioner's Exhibits that appear in the reporter's record are in the form of "**Petitioner's Exhibit [Exhibit#].**"
- 5.) References to Respondent's Exhibits that appear in the reporter's record are in the form of "**Respondent's Exhibit [Exhibit#].**"

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**STATEMENT OF JURISDICTION**

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Pursuant to Texas Rule of Disciplinary Procedure 2.23, the Board of Disciplinary Appeals has jurisdiction to hear this appeal.

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**STATEMENT OF THE CASE**

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*Nature of the Case and Parties* This is a lawyer disciplinary action that centers around Gordon's representation of Wilma in her post-divorce lawsuits against her ex-husband David and his former employer Quantlab. The CFLD brought a disciplinary action against Gordon on the basis that Gordon's post-divorce litigation involving fraud and post-divorce division of property against David and Quantlab violated disciplinary rules 3.01 and 3.02 because the lawsuits were frivolous.

*Evidentiary Panel:* Evidentiary Panel 4-6 of the State Bar District No. 4 Grievance Committee.

*Panel Disposition:* The evidentiary panel signed a judgment of partially probated suspension against Gordon, denied Gordon's motion for new trial, and denied Gordon's motion to stay. The panel entered judgment with the knowledge that an appeal is currently pending in the Fourteenth Court of Appeals under Case No. 14-25-00865-CV to determine the discovery issues and viability of Wilma's claims against David and Quantlab. (App. A)(App. B)(App. C)(App. D).

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## ISSUES PRESENTED FOR REVIEW

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- **Point of Error #1**
- Did the evidentiary panel error in entering the Judgment of Partially Probated Suspension and error in denying Gordon's Motion for New Trial?
- **Point of Error #2**
- Did the evidentiary panel error in denying Gordon's Motion to Stay?

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**STATEMENT OF FACTS**

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*Proceedings*

1. Appellant incorporates herein by reference the “Statement of Facts” included in his opening brief filed in this appeal on Feb. 27, 2026.

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## ARGUMENT AND AUTHORITIES

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### *Gordon Preserves Error*

1. The Commission for Lawyer Discipline (the “Commission” or “Appellee”) argues in its opening brief that Gordon failed to preserve any error with regard to the Commission’s admitted exhibits by stating:

“[t]o the extent Gordon argues the panel improperly admitted any of the Commissions exhibits into evidence, he failed to properly persevere any such error for review. Nor has Gordon argued, or shown, that he obtained a ruling from the panel, or objected to its failure to rule on, any objection(s) he raised with respect to any of the Commission’s exhibits. The panel considered and ultimately denied Gordon’s motion for new trial based on the *relevant pleadings*.”(Appellee Brief at pgs. 27, 28, & 42) (emphasis added).

2. This argument is disingenuous because in a non-jury trial or evidentiary panel hearing, there is no need to complain in a motion for new trial about the factual insufficiency of the evidence or about the legal insufficiency of the evidence because these issues may be raised for the first time on appeal in the complaining party’s brief without first filing a motion for new trial.<sup>1</sup>

3. However, Gordon did file a motion for new trial complaining by objection to the factual and legal insufficiency of the Commission’s admitted

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<sup>1</sup> See TEX. R. CIV. P. 324(a),(b); *In re Parker*, 20 S.W.3d 812, 816 (Tex. App.—Texarkana 2000, no pet.); *Strickland v. Coleman*, 824 S.W.2d 188, 191 (Tex. App.—Houston [1st Dist.] 1991, no writ); TEX. R. APP. P. 33.1(d).

trial exhibits and also made the same complaint pursuant to TRAP 33.1(d) in his opening brief. (CR 835).

4. The Panel overruled Gordon's insufficiency of evidence complaints relating to the Commission's trial exhibits by signing the order denying his motion for new trial. (CR 1065).

5. The Commission then appears to argue that the Panel ruled on Gordon's motion for new trial based merely on considering the "relevant pleadings." (Appellee Brief at p. 42).

6. This is an incorrect statement of the evidentiary record that was before the Panel at the motion for new trial hearing. (CR1 at Entire Supplemental Clerk's Record)(Supp. App. Ex. D).

7. The trial exhibits admitted at the evidentiary hearing were also before the Panel and considered by the Panel at the motion for new trial hearing. (CR 835)(RR at Petitioner's Exhibits Nos. 1 – 55) (RR at Respondent's Exhibits Nos. 1 – 6; 10-14)(Supp. App. Ex. D).

8. Accordingly, Gordon did preserve error for review because he complained of the insufficiency of evidence in his motion for new trial in which he obtained a ruling from the Panel through a signed order and again complained of the insufficiency of the Commission's evidence in his briefing on appeal.<sup>2</sup>

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<sup>2</sup> See TEX. R. APP. P. 33.1(d).

- ***Commission’s Evidence Violates the “One Final Judgment” Rule and Statutory Law***

9. The Commission improperly relies primarily on material evidence from Cause No. 48170 that violates the “one final judgment” rule to prove misconduct against Gordon. (RR at Petitioner’s Exhibits 1, 2, & 3).

10. Under the “one final judgment” rule only one final judgment shall be rendered in any cause.<sup>3</sup>

11. The Texas Supreme Court explains that probate and guardianship proceedings are exceptions to the “one final judgment” rule.<sup>4</sup>

12. Here, the material evidence that the Commission relies upon to prove misconduct are final orders entered by the 300th District Court of Brazoria County in Cause No. 48170. (RR at Petitioner’s Exhibits 1, 2, & 3).

13. Cause No. 48170 is a divorce case and as a result the probate and guardianship exception to the “one final judgment” rule does not apply to Cause No. 48170.

14. Therefore, under the “one final judgment” rule the only valid judgment that was properly entered in Cause No. 48170 is the divorce decree on May 18, 2009. (RR at Respondent’s Exhibit 2).

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<sup>3</sup> TEX. R. CIV. P. 301; *see also Dubert v. Adkins*, 475 S.W.2d 383, 386 (Tex. Civ. App.—Corpus Christi 1971, no writ)(stating “Rule 301, Texas Rules of Civil Procedure, provides that only one final judgment shall be rendered in any cause. Since the third judgment was entered long after the expiration of thirty days following the rendition and signing of the final judgment, the third judgment is void and cannot be considered”).

<sup>4</sup> *See Matter of Guardianship of Jones*, 629 S.W.3d 921, 924-925 (Tex. 2021).

15. The divorce decree represents the first and only valid final judgment entered in Cause No. 48170.<sup>5</sup> (Respondent’s Exhibit 2).

16. Thereafter, the 300th District Court signed a second final judgment in Cause No. 48170 when it signed the final judgment in modification of custody and support suit. (Petitioner’s Exhibit 2).

17. The modification judgment signed in Cause No. 48170 violates our rules in at least three ways and therefore cannot serve as a basis to support a finding for misconduct.

18. First, the modification judgment violates the “one final judgment” rule because it improperly attempts to represent the second final judgment entered in Cause No. 48170.

19. Second, the modification judgment violates Tex. Fam. Code §§ 156.001 & 156.004 because the modification judgment was entered in Cause No. 48170—a closed case—instead of being entered in a new suit brought under a new cause number other than Cause No. 48170.

20. Third, the modification judgment violates our rules and the “law of the case” because the modification judgment was entered in

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<sup>5</sup> See *Reynolds v. Quantlab Trading Partners US, LP*, No. 14-23-00829-CV (Tex. App.—Houston [14th Dist.] Oct. 31, 2024)(stating “[h]ere, the trial court signed a final judgment in the underlying [Cause No. 48170] divorce suit on May 18, 2009”); See *Reynolds v. Quantlab Trading Partners US, LP*, No. 14-25-00043-CV(Tex. App.—Houston [14th Dist.] April 29, 2025)(according to the law of the case doctrine, we are bound by our prior determination that the trial court’s plenary power [in Cause No. 48170] expired on June 17, 2009).

Cause No. 48170 after the trial court’s plenary power expired in that cause thereby making those post-judgment orders void.<sup>6</sup>

21. For these reasons, this Board should disregard evidence arising out of or linked to the Cause No. 48170 modification suit, including the *in camera* discovery rulings entered in modification suit, because the modification suit was decided by the trial court (1) in violation of the “one final judgment” rule, (2) in violation of Tex. Fam. Code §§ 156.001 & 156.004, and (3) in violation of the rules that govern the trial court’s plenary power.<sup>7</sup>

22. To reiterate this point, the divorce decree represents the first and only valid final judgment entered in Cause No. 48170.<sup>8</sup> (Respondent’s Exhibit 2).

23. Thereafter, the 300th District Court signed a second final judgment in Cause No. 48170 when it signed the final judgment in modification of custody and support suit. (Petitioner’s Exhibit 2).

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<sup>6</sup> TEX. R. CIV. P. 329b(d),(f)(the trial court’s plenary power expires 30 days after the final judgment is signed unless a motion for new trial or motion to modify is filed).

<sup>7</sup> See TEX. R. CIV. P. 329b.

<sup>8</sup> See *Reynolds v. Quantlab Trading Partners US, LP*, No. 14-23-00829-CV (Tex. App.—Houston [14th Dist.] Oct. 31, 2024)(stating “[h]ere, the trial court signed a final judgment in the underlying divorce suit on May 18, 2009”); See *Reynolds v. Quantlab Trading Partners US, LP*, No. 14-25-00043-CV (Tex. App.—Houston [14th Dist.] April 29, 2025) (according to the law of the case doctrine, we are bound by our prior determination that the trial court’s plenary power [in Cause No. 48170] expired on June 17, 2009).

24. Then, the 300th District Court signed a third final judgment in Cause No. 48170 when it signed the final judgment in the 2015 post-divorce division of property suit (the “2015 division suit” or the “2015 division judgment”). (RR at Petitioner’s Exhibit 3).

25. The 2015 division judgment signed in Cause No. 48170 violates our rules in at least three different ways and therefore cannot serve as a basis to support a finding for misconduct. (RR at Petitioner’s Exhibit 3).

26. First, the 2015 division judgment violates the “one final judgment” rule because it is the third final judgment entered in Cause No. 48170.<sup>9</sup>

27. Second, the 2015 division judgment violates Tex. Fam. Code § 9.201 because the 2015 division judgment was entered in Cause No. 48170—a closed case—instead of being entered in a new suit brought under a new cause number other than Cause No. 48170.<sup>10</sup>

28. Third, the 2015 division judgment violates our rules and the “law of the case” because the 2015 division judgment was entered in Cause No. 48170 after the trial court’s plenary power expired in that cause thereby making those post-judgment orders void.<sup>11</sup>

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<sup>9</sup> TEX. R. CIV. P. 301.

<sup>10</sup> See *S.C. v. M.B.*, 650 S.W.3d 428, 443 (Tex. 2022).

<sup>11</sup> *State ex Rel. Latty v. Owens*, 907 S.W.2d 484, 486 (Tex. 1995)(judicial action taken after the court’s jurisdiction over a cause has expired is a nullity); see also *In re Bokeloh*, 21 S.W.3d 784, 793 (Tex. App.–Houston [14th Dist.] 2000, orig. proceeding)(a void order is entirely null within itself; it is not susceptible to ratification or confirmation, and its nullity cannot be waived).

29. The foundation for the Panel's judgment relies upon the validity of the orders referenced in Petitioner's Exhibits 1-3.

30. Because it has now been established that Petitioner's Exhibits 1-3 are premised upon void trial court orders entered in Cause No. 48170 it makes the Commission's entire argument to justify the Panel's judgment now unsupported.

31. Likewise, the foundation for the Harris County judgment relies upon the validity of the orders referenced in Petitioner's Exhibits 1-3.

32. Because it has now been established that Petitioner's Exhibits 1-3 are premised upon void trial court orders entered in Cause No. 48170 it now makes the Commission's entire argument to rely upon the Harris County judgment unsupported. (RR at Petitioner's Exhibit 4).

33. For these reasons, this Board should disregard void evidence arising out of or linked to the Cause No. 48170 modification suit and the 2015 division suit because the orders and final judgments entered in those post-judgment proceedings were entered in violation of our rules and statutory law.<sup>12</sup>

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<sup>12</sup> TEX. R. CIV. P. 329b(d),(f)(the trial court's plenary power expires 30 days after the final judgment is signed unless a motion for new trial or motion to modify is filed).

- ***Void Orders are Subject to Collateral Attack***

34. The Commission argues that the 14th COA’s 2023 & 2025 decisions did not invalidate other trial court orders/judgments in post-judgment matters in the Divorce Case in which the trial court did have jurisdiction (continuing or otherwise). (Appellee Brief at p. 33).

35. This argument is flawed because it incorrectly assumes that all orders entered in Cause No. 48170 after the trial court lost its plenary power were at issue in the 14th COA’s 2023 & 2025 opinions, but they were not.

36. In total, there were only 3 post-judgment orders from Cause No. 48170 at issue in the 14th COA’s 2023 & 2025 opinions and each order was vacated because the orders were entered in Cause No. 48170 after the trial court’s plenary power expired. (RR at Respondent’s Exhibit 2).

37. Under the “law of the case”, the remaining post-judgment orders entered in Cause No. 48170 are being challenged in this proceeding as void and also being challenged as void in Cause No. 134266-F on appeal in Case No. 14-25-00865-CV.<sup>13</sup>

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<sup>13</sup> See *Reynolds v. Quantlab Trading Partners US, LP*, No. 14-23-00829-CV (Tex. App.—Houston [14th Dist.] Oct. 31, 2024)(stating “[h]ere, the trial court signed a final judgment in the underlying divorce suit on May 18, 2009”); See *Reynolds v. Quantlab Trading Partners US, LP*, No. 14-25-00043-CV (Tex. App.—Houston [14th Dist.] April 29, 2025) (according to the law of the case doctrine, we are bound by our prior determination that the trial court’s plenary power [in Cause No. 48170] expired on June 17, 2009).

38. Therefore, Gordon challenges the Commission’s evidence on the basis that the Commission’s evidence primarily relies upon void orders entered in Cause No. 48170 to prove misconduct. (CR 191)(CR 835).

39. Likewise, Wilma and Gordon currently challenge in Cause No. 134266-F, on appeal in Case No. 14-25-00865-CV, the orders entered by the trial court in the Cause No. 48170 modification suit and the 2015 division suit after the trial court’s plenary power expired in Cause No. 48170 as void. (RR at Petitioner’s Exhibit 49).<sup>14</sup>

40. A void order is subject to collateral attack in a new lawsuit.<sup>15</sup>

41. When deciding an appeal from an evidentiary panel’s judgment this Board may declare an order void.<sup>16</sup>

42. Therefore, 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.

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<sup>14</sup> Wilma’s petition states: “[p]laintiff objects to Defendants relying on the trial court’s void discovery orders and judgments entered after June 17, 2009 in the divorce case and Cause No. 48170 because the trial court’s plenary power in the divorce case expired on June 17, 2009. See opinions of the 14th Court of Appeals in Case No. 14-23-00829-CV and Case No. 14-25-00043-CV.”

<sup>15</sup> See *Travelers Ins. Co. v. Joachim*, 315 S.W.3d 860, 863 (Tex. 2010).

<sup>16</sup> See *Caferio v. Commission for Lawyer Discipline, Bd. of Disciplinary Appeals* Case No. 37811 at p. 12-13 (Mar. 23, 2007)(stating “the law is clear that an order or judgment rendered by a court without capacity to act is void”).

## PRAYER

43. For these reasons, Gordon asks that this Board pursuant to TRDP 2.25 to sustain each point of error and either:

(1) Reverse the evidentiary panel's judgment in its entirety and render the judgment that no misconduct has occurred or render judgment that the CFLD failed to prove misconduct as a matter of law; or

(2) Vacate the evidentiary panel's judgment and dismiss the case; and

(3) 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.

44. Gordon further asks that his disciplinary and State Bar membership records be corrected immediately to remove the disciplinary action and sanction.

45. Gordon requests any other such relief that he may show himself entitled including the costs of this appeal to be taxed against Appellee.

Respectfully submitted,

By: /s/ Carl W. Gordon  
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**CERTIFICATE OF WORD COUNT**

Relying on the word count function in the word processing software used to produce this document, I certify that Appellant’s Reply Brief contains 2,428 words excluding any parts exempted by TEX. R. APP. P. 9.4(i).

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

**CERTIFICATE OF SERVICE**

I certify that a true copy of the forgoing instrument was served on Appellee’s counsel in accordance with the Texas Rules of Appellate Procedure on May 5, 2026.

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

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**SUPPLEMENTAL APPENDIX**

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- 1.) Order Dismissing as Moot Appellant's  
Motion to Supplement Clerk's Record signed Feb. 23, 2026 **(TAB E)**



**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 DISMISSING AS MOOT APPELLANT'S  
MOTION TO SUPPLEMENT CLERK'S RECORD**

On this day, the Board considered the Motion to Supplement the Clerk's Record filed by Appellant, Carl W. Gordon, in the above-numbered and captioned evidentiary appeal.

Appellant's motion is dismissed as moot as the documents Appellant seeks to add to the Clerk's Record appear in the Reporter's Record and may be cited accordingly in any briefing.

SIGNED this 23<sup>rd</sup> day of February 2026.

A handwritten signature in blue ink, consisting of stylized initials and a long horizontal flourish, is written over a horizontal line.

**CHAIR PRESIDING**