



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

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

**IN THE MATTER OF  
ALFONSO KENNARD, JR  
STATE BAR CARD NO. 24036888**

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**CAUSE NO 71282**

**RESPONDENT'S RESPONSE TO PETITION FOR REVOCATION**

Respondent ALFONSO KENNARD, JR., brings this Response to Petition for Revocation of Probation:

**I. RESPONDENT OBJECTS TO REQUESTED RELIEF**

Respondent generally denies all allegations contained in Petitioner's Petition for Revocation of Probation and Objects to the requested relief as punitive and unnecessary given the lack of bad faith, that he was acting on advice of counsel, and the nature of underlying claimed violations.

**II. RESPONDENT ACTED IN GOOD FAITH**

Respondent did not comply with the terms of the judgment referenced in the Petition for Revocation of Probation because he in good faith believed that those terms were stayed and subject to a broad agreement with Texas State Bar Counsel, Melisa Jordan, to continue pending matters and pursue a global resolution of several pending bar grievances both before evidentiary panels and district court. That agreement followed Respondent's May 1, 2025, district court filing: *Original Counterpetition for Declaratory Judgment, Application for Permanent and Temporary Injunction, and Motion to Consolidate*. Respondent's counsel likewise believed this matter to be stayed and so advised Respondent. Respondent acted on the advice of counsel in not paying the fines imposed.

Respondent's *First Amended Counterpetition for Declaratory Judgment, Application for Permanent and Temporary Injunction, and Motion to Consolidate* was filed July 18, 2025, and is attached.

Respondent contends imposition of suspension at this time will prejudice existing clients, including several with matters set for trial in the coming months. Respondent intends to make a broad

argument before the district court attesting that the State Bar has not honored his repeated election that all claims against him proceed in district court, per Rule 2.15 of the Texas Rules of Disciplinary Procedure, rather than before evidentiary panels.

Respondent makes known to the Board of Disciplinary Appeals that, to protect the interests of his current clients and not as a waiver or admission, he is willing to pay the restitution and fines imposed by the Judgment prior to the July 25, 2025, hearing, and remove this case from his broader claim, without any waiver of the rights and claims asserted therein. Counsel for Respondent has advised counsel for the Bar, Richard Huntpalmer, that Respondent is willing to pay the claimed restitution and fines. Huntpalmer advised Respondent's counsel that that he could not withdraw the Revocation Petition or agree to a motion for continuance of the July 25, 2025, hearing.

Moreover, Respondent re-urges his request for continuance of the July 25, 2025, hearing and contends that the relevant issues described herein will be heard before a continued setting in October.

### **III. CONCLUSION**

Respondent ALFONSO KENNARD, JR. moves for a continuance of the revocation hearing set for July 25, 2025, to the October docket and that the requests made in the Petition for Revocation of Probation be denied.

RESPECTFULLY SUBMITTED,

/s/ TIMOTHY B. SOEFJE

**TIMOTHY B. SOEFJE**

TEXAS STATE BAR NO. 00791700

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**ATTORNEYS FOR RESPONDENT**

**CERTIFICATE OF SERVICE:**

Pursuant to Rule 2.09 of the Texas Rules of Disciplinary Procedure and the Rules of Civil Procedure, I hereby certify that on July 18, 2025, a true and correct copy of the above and foregoing instrument was delivered to the following:

***Via Email***

Richard Huntpalmer  
Assistant Disciplinary Counsel  
[Richard.Huntpalmer@TEXASBAR.COM](mailto:Richard.Huntpalmer@TEXASBAR.COM)

/s/ TIMOTHY B. SOEFJE

**TIMOTHY B. SOEFJE**

CAUSE NO. 2024-03585

COMMISSION FOR  
LAWYER DISCIPLINE,  
[SBOT #202302219]  
*Petitioner,*

v.

ALFONSO KENNARD, JR.,  
*Respondent.*

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IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

190<sup>th</sup> JUDICIAL DISTRICT

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**RESPONDENT ALFONSO KENNARD'S FIRST AMENDED COUNTER PETITION FOR  
DECLARATORY RELIEF, APPLICATION FOR TEMPORARY INJUNCTION,  
AND MOTION TO CONSOLIDATE**

COMES NOW, Respondent/Counterpetitioner Alfonso Kennard and files this First Amended Counterpetition for Declaratory Judgment, Application for Permanent and Temporary Injunction, and Motion to Consolidate, and would show the Court as follows:

**I. INTRODUCTION & BACKGROUND**

This case concerns abusive practices by the Commission for Lawyer Discipline (“The Bar”) designed to overwhelm a single attorney, Respondent/Counterpetitioner Alfonso Kennard. The Bar stacked Kennard with sixteen (16) grievances, one (1) which will be heard in September, and 6 (six) which will be hearing in October before the very same Panel, despite Kennard electing in writing many times for all grievances to be heard in district court, under Tex. R. of Disciplinary P. § 2.15. Kennard asks this Court to enter a declaratory judgment affirming his right to have grievances against him heard in district court, an injunction staying all pending Bar proceedings, and a consolidation of all pending district court cases in Harris County.

**A. The Bar’s Assault on Kennard**

Alfonso Kennard is an attorney who is duly licensed in the State of Texas. An accomplished litigator and formidable advocate, Kennard has been in practice in Texas for over 22 years. In 2011, Kennard founded Kennard Law P.C., which has since represented over 3,000 clients. Kennard is Board Certified

in Labor and Employment law by the Texas Board of Legal Specialization and has been selected in the Texas Super Lawyers listings yearly since 2010. Throughout his legal career, Kennard has demonstrated dedication to upholding justice and ethics, championed the rights of those unjustly discriminated against by powerful institutions and employers, and strived to oppose unethical and biased legal frameworks and powers.

Within the last several years, the State Bar of Texas has taken a particular interest in Kennard. First, the State Bar of Texas targeted him (and mishandled entirely) reciprocal disciplinary proceedings against him pursuant to a Minnesota case wherein he represented his own firm *pro se*, not as a lawyer, and was ultimately suspended for practicing in Minnesota. Kennard later filed a \$1 billion dollar False Claims Act against UT Health on behalf of a whistleblower, after which the Bar took an increased interest in him. This was made crystal clear when counsel for the State Bar of Texas stated outright to Kennard their explicit goal of stripping his license in Texas and taking all necessary steps to do so, even if such steps were manufactured. Kennard kept email records and recordings of his conversations with members of the Bar that affirmed their intent to strip him of his license and failure to investigate the grievances against him properly.

Then, the State Bar of Texas began unleashing a plethora of grievances against him. At this time, Kennard has **sixteen** (16) grievances stacked against him. None of these grievances, standing alone, would rise to the level of misconduct, much less disbarment. These matters were not investigated properly and forced through a system designed to flush out arbitrary grievances. They instead chose to stack the grievances to meet their retaliatory goal. Further, stacking so many grievances against one single attorney is unusually punitive, showing an intent to punish and overwhelm, not an intent to discipline and allow for a meaningful response to the allegations.

Kennard learned from many of this former clients that the Bar informed the potential complainants to direct their complaints to him because it was “his firm,” even though their complaints pertained chiefly to the conduct of a former Kennard Law, P.C. attorney and shareholder Ellen Sprovach, who neglected her

clients and deserted the firm very suddenly, leaving Kennard to deal with all cases at once. Even when some complainants demonstrated that they wished to direct their grievances to Sprovach, they were actively prevented from doing so. Several of these individuals asked to withdraw these complaints against Kennard, who continued to represent them to successful outcomes, but the Bar outright refused.

Once it became clear that Kennard did not want to fight this battle before the State Bar of Texas, Kennard elected to have these grievances heard in a controlled, public, and appealable setting as allowed under the Texas Rules of Disciplinary Procedure: district court. The Bar did not even allow him this, as many of his attempts to make written elections were not honored because they were not done through the Bar's arbitrary "election form," which is not a requirement contained in the Rules, and many of the grievances he elected to be in district court took place in front of the State Bar Grievance Committee, despite Kennard's vehement objection.

Ultimately, Kennard alone faces a behemoth he is unable to adequately respond to; the State Bar has pulled him in several different directions and made it nearly impossible to respond by stacking sixteen (16) grievances against him. The allegations are not all the same level of severity, but are stacked all the same against him, and are all being heard in various Harris County or before the State Bar Grievance Committee. In fact, six (6) will be heard back to back to back by a single Panel on October 1, 2025. The Bar's actions show a clear intent to punish and overwhelm not discipline and remedy.

#### **B. Kennard's Right as a Lawyer**

Like all lawyers, in the event of a complaint brought by the Office of Chief Disciplinary Counsel overseen by the Commission for Lawyer Discipline of the State Bar of Texas, Kennard has a right to defend himself against that complaint in district court. The Bar has utterly violated this right time and time again.

District courts, being courts of general jurisdiction, have subject matter jurisdiction over all claims "unless the Legislature or Congress has provided that they must be heard elsewhere." *See Dubai*

*Petroleum Co. v. Kazi*, 12 S.W.3d 71, 75 (Tex. 2000). Rule 2.15 of the Texas Disciplinary Rules of Disciplinary Procedure expressly allows attorneys to defend complaints heard in district court:

Election: A Respondent given written notice of the allegations and rule violations complained of, in accordance with Rule 2.14, shall notify the Chief Disciplinary Counsel whether the Respondent seeks to have the Complaint heard in a district court of proper venue, with or without a jury, or by an Evidentiary Panel of the Committee. *The election must be in writing* and served upon the Chief Disciplinary Counsel no later than twenty days after the Respondent's receipt of written notification pursuant to Rule 2.14. If the Respondent timely elects to have the Complaint heard in a district court, the matter will proceed in accordance with Part III hereof. If the Respondent timely elects to have the Complaint heard by an Evidentiary Panel, the matter will proceed in accordance with Rules 2.17 and 2.18. A Respondent's failure to timely file an election shall conclusively be deemed as an affirmative election to proceed in accordance with Rules 2.17 and 2.18.

Tex. R. of Disciplinary P. § 2.15 (emphasis added).

This Rule does not mandate an "election form." Moreover, the Houston Court Appeals recently held this rule is procedural and noncompliance with its requirements does not deprive a district court of jurisdiction. *See Powell v. Commission for Lawyer Discipline*, No. 01-23-00224-CV, 2024 WL 5249169, at \*18 ((Tex. App.—Houston [1st Dist.] Dec. 31, 2024).

### **C. Kennard Exercised This Right Many Times**

Kennard has repeatedly exercised this right to have his claims heard in district court but has been utterly ignored. The Bar has brought 16 grievances against Kennard, some of which have proceeded in district court while others have proceeded before the Bar's Evidentiary Panel (against Kennard's election to be in district court only). The first grievance was filed in this very court on January 19, 2024 ("Moss"). Upon initial receipt of the Bar's Just Cause order in Moss, Kennard immediately indicated in writing that he wanted all grievances against him to be heard in district court. The Bar responded with an email stating that the attached election form, which is not mentioned in the Rules, must be signed, which Kennard timely complied with. Following this, the Bar filed:

1. Pascual, petition filed March 5, 2024 in 215th District Court;
2. Blanco, petition filed April 11, 2024 in 189th District Court;
3. Hamilton, petition filed June 18, 2024 in 151st District Court; and
4. Johnson and Toth, petitions filed June 18, 2024 in 189th District Court.

Simultaneously, the Bar has additionally pursued grievances against Kennard *outside of district court*. Notably, in each of his responses to each petition, Kennard consistently made his position known that he wanted his grievances to be heard in district court. The following list is the various Evidentiary Petitions filed by the Bar against Kennard before the Grievance Committee:

1. Dudley, petition filed March 14, 2024, and for which Kennard asserted his right to be in district court in his Answer filed August 30, 2024, and otherwise in writing. Set for Evidentiary Hearing September 5, 2025, before Panel 4-2.
2. Kim, petition filed December 11, 2024, and for which Kennard asserted his right to be in district court on July 19, 2023, in writing to Melisa Jordan. And otherwise did so in his Motion to Transfer Forum and, subject thereto, Original Answer filed January 21, 2025. Set for Evidentiary Hearing October 1, 2025, before Panel 4-3. Respondent objects to the same panel stacking all claims set for that day and hearing all matters in a single setting.
3. Beck, petition filed December 11, 2024, and for which Kennard asserted his right to be in district court on July 19, 2023, in writing to Melisa Jordan. And otherwise did so in his Motion to Transfer Forum and, subject thereto, Original Answer filed January 21, 2025. Set for Evidentiary Hearing October 1, 2025, before Panel 4-3. Respondent objects to the same panel stacking all claims set for that day and hearing all matters in a single setting.
4. Speer, petition filed December 11, 2024, and for which Kennard asserted his right to be in district court on July 19, 2023, in writing to Melisa Jordan. And otherwise did so in his Motion to Transfer Forum and, subject thereto, Original Answer filed January 21, 2025. Set for Evidentiary Hearing October 1, 2025, before Panel 4-3. Respondent objects to the same panel stacking all claims set for that day and hearing all matters in a single setting.
5. Robinson, petition filed February 20, 2024, and for which Kennard asserted his right to be in district court in writing (email) on February 2, 2024, and again on July 1, 2024, in email. Despite this request in writing, the Bar assigned a panel of the Grievance Committee to oversee the case anyway. Set for Evidentiary Hearing October 1, 2025, before Panel 4-3. Respondent objects to the same panel stacking all claims set for that day and hearing all matters in a single setting.
6. Flack, petition filed February 20, 2024, and for which Kennard asserted his right to be in district court in writing (email) on February 2, 2024, and again on July 1, 2024, in email. Despite this request in writing, the Bar assigned a panel of the Grievance Committee to oversee the case anyway. Set for Evidentiary Hearing October 1, 2025, before Panel 4-3. Respondent objects to the same panel stacking all claims set for that day and hearing all matters in a single setting.
7. Berger, petition filed January 8, 2024, and for which Kennard asserted his right to be in district court in his Original Answer filed on August 30, 2024. The Bar filed a Motion for Default Judgment against Kennard on May 14, 2024.



8. Crummel, petition filed January 8, 2024, and for which Kennard asserted his right to be in district court on August 30, 2024, in his Original Answer. An Evidentiary Hearing was held on December 5, 2024, and Evidentiary Panel 4-4 found against him. This matter is now before The Board of Disciplinary Appeals at Cause No. 71282. This matter was at all times subject to the Original Pleading and, as such, The Board of Disciplinary Appeals lacks jurisdiction. To the extent that was unclear in prior pleadings (though this case was named), by this amended pleading, Respondent makes clear the inclusion of this matter to the relief sought herein.
9. Lopez, petition filed January 8, 2024, and for which Kennard objected to assignment of panel committee members. An Evidentiary Hearing was held on December 5, 2024, and Evidentiary Panel 4-4, the same panel that heard Crummel, found against him. This matter is now before The Board of Disciplinary Appeals at Cause No. 71282. This matter was at all times subject to the Original Pleading and, as such, The Board of Disciplinary Appeals lacks jurisdiction. To the extent that was unclear in prior pleadings (though this case was named), by this amended pleading, Respondent makes clear the inclusion of this matter to the relief sought herein.

#### **D. Remedies Sought**

Kennard seeks a declaratory judgment confirming that: (1) Kennard has a right to proceed in the defense of all the claims brought by the Bar in district court, (2) Rule 2.15 of the Texas Rules of Disciplinary Procedure is not jurisdictional and therefore does not confer exclusive jurisdiction on the State Bar of Texas and (3) that Kennard's failure to comply with Rule 2.15 does not affect his ability to bring his claims to district court as a matter of law.

Kennard further seeks a Permanent and Temporary Injunction staying all proceedings set to take place on September 5, 2025, and October 1, 2025, so Kennard can ultimately present to this Court that all pending grievances should be moved to district court. Kennard will suffer irreparable harm if the grievances are not heard in district court.

Lastly, Kennard seeks an Order of Consolidation so that the above-mentioned cases currently venued in various Harris County district courts may be consolidated to be heard and defended contemporaneously in this court.

## **II. FIRST AMENDED PETITION FOR DECLARATORY JUDGMENT**

Kennard now seeks a declaratory judgment clarifying rights under both the Texas Rules of Disciplinary Procedure and the Texas Constitution that: (1) Kennard has a right to proceed in the defense

of all the claims brought by the Bar in district court, (2) Rule 2.15 of the Texas Rules of Disciplinary Procedure does not divest district courts of their exclusive jurisdiction over disciplinary proceedings, and (3) because compliance with Rule 2.15 is not jurisdictional, Kennard’s failure to submit the Bar’s self-mandated “election form” does not bar him from pursuing his grievance claims in district court, as he originally elected several times, as a matter of law.

The purpose of a declaratory action is to establish existing rights, status, or other legal relationships. *See* Tex. Civ. Prac. & Rem. Code § 37.002(b); *Allstate Ins. v. Irwin*, 627 S.W.3d 263, 269 (Tex. 2021); *see Loya Ins. v. Avalos*, 610 S.W.3d 878, 883 (Tex. 2020); *City of El Paso v. Heinrich*, 284 S.W.3d 366, 370 (Tex. 2009); *City of Garland v. Dallas Morning News*, 22 S.W.3d 351, 357 (Tex. 2000).

Under the Uniform Declaratory Judgments Act, persons whose “rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise and obtain a declaration of rights, status, or other legal relations thereunder.” Tex. Civ. Prac. & Rem. Code § 37.004(a). Importantly, rules governing declaratory judgments are “to be liberally construed and administered.” Tex. Civ. Prac. & Rem. Code § 37.002(b). Further, the Texas Supreme Court has said that “[a] trial court has discretion to enter a declaratory judgment so long as it will serve a useful purpose or will terminate the controversy between the parties.” *Allstate Ins. Co. v. Irwin*, 627 S.W.3d 263, 269–70 (Tex. 2021).

Rule 2.15 of the Texas Disciplinary Rules of Professional Conduct expressly allows attorneys to defend complaints heard in district court:

*Election: A Respondent given written notice of the allegations and rule violations complained of, in accordance with Rule 2.14, shall notify the Chief Disciplinary Counsel whether the Respondent seeks to have the Complaint heard in a district court of proper venue, with or without a jury, or by an Evidentiary Panel of the Committee. The election must be in writing and served upon the Chief Disciplinary Counsel no later than twenty days after the Respondent’s receipt of written notification pursuant to Rule 2.14. If the Respondent timely elects to have the Complaint heard in a district court, the matter will proceed in accordance with Part III hereof. If the Respondent timely elects to have the Complaint heard by an Evidentiary Panel, the matter will proceed in accordance with*

Rules 2.17 and 2.18. A Respondent's failure to timely file an election shall conclusively be deemed as an affirmative election to proceed in accordance with Rules 2.17 and 2.18.

Tex. R. of Disciplinary P. § (emphasis added).

Notably, the Rule does not mandate an "election form," a requirement which the Bar added to the Rules. The Rules merely require that the election be in writing.

Moreover, the Houston Court of Appeals recently interpreted this rule to be *not jurisdictional*, meaning "even if [an attorney] failed to make a timely election to proceed in district court, that failure would not divest the district court of subject matter jurisdiction." *See Powell v. Commission for Lawyer Discipline*, No. 01-23-00224-CV, 2024 WL 5249169, at \*18 ((Tex. App—Houston [1st Dist.] Dec. 31, 2024). District courts are expressly afforded "exclusive, appellate, and original jurisdiction of all actions, proceedings, and remedies" under the Texas Constitution. Tex. Const. art. V, § 8; Tex. Gov't Code Ann. § 24.007. Being courts of general jurisdiction, district courts have subject matter jurisdiction over all claims "unless the Legislature or Congress has provided that they must be heard elsewhere." *See Dubai Petroleum Co. v. Kazi*, 12 S.W.3d 71, 75 (Tex. 2000); *see generally also Optumrx, Inc. v. Advant-Edge Pharmacy, et. al*, 2025 WL 1107094, at \*6 (Tex. App—Houston [14th Dist.] 2025, no pet.) ("The District Courts have subject matter jurisdiction...under Government Code section 24.007(b) unless a statute divests the district courts of that jurisdiction."). However, Texas courts have found that the Legislature or Congress to date has *never* provided for the State Bar of Texas to be the exclusive means for resolving disciplinary violations. *See Powell*, 2024 WL 5249169, at \*17.

Since Texas Rules of Disciplinary Procedure are not jurisdictional, whether or not Kennard filled out the Bar's self-mandated "election form" to elect to be in district court does not affect his ability to have his claims heard in district court. Ultimately, according to the Texas Constitution and pursuant to *Powell*, the district court always has exclusive jurisdiction over disciplinary proceedings. Thus, Kennard asks this court to enter a declaratory judgment clarifying that (1) Kennard has a right to proceed in the defense of all the claims brought by the Bar in district court, (2) Rule 2.15 of the Texas Rules of

Disciplinary Procedure does not divest this court of its exclusive jurisdiction over disciplinary proceedings and (3) because compliance with Rule 2.15 is not jurisdictional, Kennard's failure to submit an "election form" does not bar him from pursuing his grievance claims in district court, as he originally elected several times.

### **III. FIRST AMENDED APPLICATION FOR TEMPORARY & PERMANENT INJUNCTION**

Kennard realleges the abovementioned facts as applicable herein.

Pursuant to the above, Kennard is being obstructed from pursuing his claims in district court instead of in front of the Bar's Grievance Committee. Kennard herein brings suit against the Bar for violating the Texas Constitution and the Texas Government Code for obstructing the exclusive jurisdiction of district courts through their conduct. Here, the Bar attempts to divest district courts of their subject matter jurisdiction, effectively attempting to create exclusive jurisdiction over grievance procedures, by not honoring Kennard's many attempts to elect in writing to defend himself in district court. Pursuant to this, Kennard seeks a temporary and permanent injunction against the Bar to: (1) stay the seven (7) grievances being heard before the State Bar of Texas Grievance Committee in lieu of being brought in district court, particularly to stay evidentiary hearings set to take place on September 5, 2025, and October 1, 2025, as described herein, and (2) order that this grievance committee remove such claims to this Court for review consistent with Kennard's persistent written election for this action.

A temporary injunction preserves the status quo of a litigation's subject matter until a trial on the merits can occur. *Stewart Beach Condo. Homeowners Ass'n, Inc. v. Gili N Prop Investments, LLC*, 481 S.W.3d 336, 345–46 (Tex. App.—Houston [1st Dist.] 2015, no pet.). Temporary injunctions can be mandatory (requiring conduct) or prohibitive (forbidding conduct). *See RP&R, Inc. v. Territo*, 32 S.W.3d 396, 400 (Tex. App.—Houston [14th Dist.] 2000, no pet.). Temporary injunctions can be obtained by showing, "(1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim." *Id.* A party applying for a temporary injunction can show a probable right to the relief sought by showing sufficient evidence to raise a bona

fide issue as to the applicant's right to ultimate relief—"some evidence" to sustain a cause of action pleaded is sufficient. *Id.* Finally, an applicant can demonstrate a probable, imminent, and irreparable harm by showing the party has no adequate remedy at law. *Id.* at 350; *El Tacaso, Inc. v. Jireh Star, Inc.*, 356 S.W.3d 740, 747 (Tex. App.—Dallas 2011, no pet.).

All three of these elements are satisfied here. First, Kennard brings claims violations of the Texas Constitution and the Texas Government Code, as explained more fully above, against the Bar to assert and enforce his right to defend complaints by the Bar in district court, *not* before the Grievance Committee. Kennard seeks a temporary and permanent injunction preventing the Bar from maintaining, in effect, exclusive jurisdiction over the claims. Second, Kennard has a probable right of recovery because he can present evidence to sustain this cause of action for declaratory and injunctive relief—the multiple instances where he made written elections to have his claims be heard in district court. Finally, Kennard will suffer probable, imminent, and irreparable harm as he is forced to individually respond to each case that is stacked against him before the Bar's evidentiary panels in September and October. Kennard has no alternative recourse—he must present his defenses in front of an entity that outwardly denies this right and has demonstrated its desire to overwhelm and punish rather than effectuate discipline.

The Bar is likely to argue this will not be irreparable, as the findings can be appealed pursuant to the Texas Rules of Disciplinary Procedure § 2.23, which allows a Respondent to appeal a judgment from the Grievance Committee to the Board of Disciplinary Appeals. Tex. R. of Disciplinary P. § 2.23. This decision can also be appealed, but only to the Supreme Court of Texas. *See* Tex. R. of Disciplinary P. § 2.27. This process will be unreasonably burdensome, in addition to the burdens he already faces. Requiring Kennard to appeal all claims, and then potentially appealing to the Texas Supreme Court for review, all at an ever insurmountable cost, is not a reasonable or adequate remedy at law. If this Court does not grant this Temporary Injunction, Kennard will ultimately never be able to have his claims heard in district court at any point.

Finally, Kennard has a willingness to post bond.

Thus, Kennard respectfully requests that this Court grant his Application for Temporary and Permanent Injunction, including: (1) a prohibitive injunction that the proceedings imminently occurring on September 5, 2025, and October 1, 2025, be stayed and a (2) mandatory permanent injunction that such cases be moved to this district court for review in line with Kennard's repeated elections to do so.

#### **IV. FIRST AMENDED MOTION FOR CONSOLIDATION**

Kennard asks this Court to consolidate this case with the four (4) pending cases in the following courts in Harris County, Texas, in addition to the cases being transferred from the grievance committee to this Court:

1. Pascual, *Commission for Lawyer Discipline [SBOT #2023302219] v. Alfonso Kennard, Cause No. 2024-14346*, 215th Judicial District Court.
2. Blanco, petition filed April 11, 2024, in 189th District Court;
3. Hamilton, petition filed June 18, 2024, in 151st District Court; and
4. Johnson and Toth, petitions filed June 18, 2024 in 189th District Court.

Rule 174(a) of the Texas Rules of Civil Procedure gives the trial court broad discretion to consolidate cases with common issues of law or fact that relate to substantially the same transaction, occurrence, subject matter, or question and involve same material, relevant, admissible evidence in such cases. *See* Tex. R. Civ. P. § 174(a); *Lone Star Ford, Inc. v. McCormick*, 838 S.W.2d 734 (Tex. App.—Houston [1st Dist.] 1992, writ denied); *Owens-Corning Fiberglas Corp. v. Martin*, 942 S.W.2d 712, 716 (Tex. App.—Dallas 1997, no writ). In deciding whether to consolidate, the trial court must weigh principles of judicial economy and convenience against potential for prejudice and unjust outcomes. *In re Ethyl Corp.*, 975 S.W.2d 606 (Tex. 1998).

This comports with the Texas Constitution that expressly permits that “District Judges may exchange districts, or hold courts for each other when they may deem it expedient,” and the Texas Rules of Civil Procedure Rule 330, which expressly states that judges of district courts may “transfer cases and

other proceedings from one court to another.” *See* Tex. Const. art. V, § 11; Tex. R. Civ. P. § 330(e); *see also Starnes v. Holloway*, 779 S.W.2d 86, 96 (Tex. App.—Dallas 1989, writ denied) (“Thus, the two cases consolidated by Judge Walker were in effect ‘pending before the court’ since the distinctions between Dallas County civil district courts are effectively erased. Moreover, Judge Walker was effectively the judge of any civil district court in Dallas County.”). Finally, the Harris County local rules provides for Motions to Consolidate Cases to be heard “in the court where the lowest numbered case is pending. If the motion is granted, the consolidated case will be given the number of the lowest numbered case and assigned to the court in which that case is pending.” Harris Cty. Loc. R. § 3.2.3.

These cases would be resolved more expeditiously and effectively in a single court, as all of these cases concern common questions of law and fact. The common questions of law and fact in the District Court cases and the Grievance Committee cases involve similar alleged violations of the Texas Rules of Disciplinary Procedure brought by the very same agency against the exact same attorney. Furthermore, many of these grievances arise out of the same occurrences—Kennard employed an attorney named Ellen Sprovach and her associate Samantha Cobbs, who were primarily working many of the individuals’ cases featured in the grievances brought by the Bar. Many of the issues complained of can be attributed to Sprovach’s conduct during her tenure at the Kennard Law Firm. Sprovach abruptly resigned from her position at Kennard’s firm, and Kennard inherited all of her cases. The Bar knew this fact and proceeded with its grievances against Kennard anyway because “Kennard is the named person on [his] letter head, so [he] absolutely can be grieved because [he] is the head of this firm.” This is direct evidence Kennard plans to bring in response to these grievances will be relevant, material, and admissible in the consolidation of these cases. Other claims involve other attorneys previously hired by Kennard and who resigned, requiring Kennard to take on their claims. Furthermore, Kennard has asserted consistent defenses in response to all of the current district court claims and grievance committee claims—that Melisa Jordan is acting in violation of Rule 3.04 of the Texas Disciplinary Rules of Professional Conduct

and is otherwise acting in violation of Kennard's rights in both conducting the grievance investigation process in an unjust manner and ignoring his asserted right to be heard in district court.

Further, consolidation of these cases promotes judicial economy and convenience. Instead of having five different trials (and potentially several others if Kennard is granted his right to pursue the cases set for hearing before the Grievance Committee in district court instead), the Bar's allegations against Kennard could collectively be resolved in one case in one trial. This would save costs for all parties involved, and prevent contributing further to clogging the courts with more and more cases that contain substantially similar factual allegations and responses.

Finally, consolidation would not result in prejudice or an unfair trial. The Bar cannot be prejudiced by whatever evidentiary or administrative burdens may occur in consolidating all of these actions into one case—it is certainly capable of hearing five different grievances in one day on June 4, 2025. Further, it cannot be said that district court would be an unfair or unjust setting since (5) grievances have already been brought in district court involving substantially the same Texas Rules of Disciplinary Procedure violations against Kennard brought by the Bar.

In sum, Kennard faces stacked allegations filed against him by the Bar. These stacked allegations are better suited to be addressed and heard in one court at one time rather than several different venues at several different times. Therefore, Kennard asks that this Court grant his Motion to Consolidate and allow the consolidation of all ongoing matters in various district courts within Harris County and the grievances currently set before a grievance committee be removed to this Court and consolidated into a single proceeding.

#### **V. CLAIM FOR RELIEF**

As required, Kennard states he seeks only non-monetary relief.

#### **VI. ATTORNEY'S FEES**

Kennard requests all costs and reasonable and necessary attorney's fees as are equitable and just. Tex. Civ. Prac. & Rem. Code § 37.009.



### **CONCLUSION AND PRAYER**

FOR THE REASONS ABOVE, Respondent/Counterpetitioner Alfonso Kennard, prays that after final hearing, this Court: (1) enter a declaratory judgment declaring that Kennard has the right to defend himself in all claims brought by the Bar in district court, (2) a prohibitive temporary and permanent injunction staying all proceedings to take place on June 4, 2025, (3) a mandatory temporary and permanent injunction requiring the Commission for Lawyer Discipline move to transfer the June 4, 2025 grievances to this Court, and (4) grant Kennard's Motion to Consolidate all matters pending in other Harris County courts and those transferred from the grievance committee. Kennard further prays he recover all other relief, both at law and in equity, including attorney fees, costs of court, statutory damages, and all other relief to which he may be justly entitled.

RESPECTFULLY SUBMITTED,

/s/ TIMOTHY B. SOEFJE

**TIMOTHY B. SOEFJE**

TEXAS STATE BAR NO. 00791700

**GABRIEL CANTO**

TEXAS STATE BAR NO. 24091638

**EMAAN ALI BANGASH**

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**ATTORNEYS FOR  
RESPONDENT/COUNTERPETITIONER  
ALFONSO KENNARD**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 18, 2025, a true and correct copy of the above and foregoing instrument was served to counsel of record for each party in accordance with the TEXAS RULES OF CIVIL PROCEDURE.

\_\_\_\_\_  
/s/ Timothy B. Soefje

TIMOTHY B. SOEFJE

**VERIFICATION**

My name is Alfonso Kennard, my date of birth is November 11, 1977. I declare under penalty of perjury that the foregoing is true and correct.

I hereby certify that I have read the foregoing *First Amended Counterpetition for Declaratory Judgment, Application for Permanent and Temporary Injunction, and Motion to Consolidate* and am familiar with its contents. I certify that the factual allegations contained therein are true and correct.

Executed in Harris County, State of Texas, on July 18, 2025.

\_\_\_\_\_  
/s/ Alfonso Kennard

ALFONSO KENNARD