



F I L E D

Apr 14 2023

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

No. 67181

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**Before the Board of Disciplinary Appeals  
Appointed by  
The Supreme Court of Texas**

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**KERRY LEE PRISOCK,**

**APPELLANT**

**V.**

**COMMISSION FOR LAWYER DISCIPLINE,**

**APPELLEE**

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*On Appeal from the Evidentiary Panel  
For the State Bar of Texas District 1-1  
No. 202005742*

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**AGREED MOTION TO DISMISS**

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Appellant, Kerry Lee Prisock, and Appellee, the Commission for Lawyer Discipline, file this Agreed Motion to Dismiss this appeal and request that this matter be dismissed in its entirety. On November 11, 22, 2022, the District 1 Grievance Committee, Evidentiary Panel 1-1, granted, in part, Appellant Prisock's Motion for New Trial, and set aside the September 16, 2022, Judgment of Disbarment, granting a partial new trial as to the issue of the appropriate Sanction to be imposed only. A copy of that Order is attached as Exhibit 1. On December 15, 2022, the Evidentiary Panel issued the Agreed Judgment of Public Reprimand agreed to by the parties. A Copy of that Agreed Judgment of Public Reprimand is attached as Exhibit 2. Therefore, Appellant Prisock's appeal of the Judgment of Disbarment is no longer necessary.

RESPECTFULLY SUBMITTED,

/s/

  
R. Scott Downing  
State Bar No. 06086700  
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**Counsel for Appellant**

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Royce LeMoine  
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Appellate Counsel

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*/s/ Michael G. Graham*

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Michael G. Graham  
State Bar No. 24113581

**COUNSEL FOR APPELLEE**

**CERTIFICATE OF SERVICE**

This is to certify that the above and foregoing Agreed Motion to Dismiss has been served on Appellant through his attorney of record, R. Scott Downing, Orsinger, Nelson, Downing & Anderson, LLP, 5950 Sherry Lane, Suite 800, Dallas, Texas 75225, by email to [scott@ondafamilylaw.com](mailto:scott@ondafamilylaw.com) on the 14<sup>th</sup> day of April, 2023.

*/s/ Michael G. Graham* \_\_\_\_\_

Michael G. Graham  
Appellate Counsel  
State Bar of Texas

# **Exhibit 1**

**BEFORE THE DISTRICT 1 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 1-1  
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner**

**V.**

**KERRY LEE PRISOCK,  
Respondent**

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**CASE NO. 202005742 [Steinau]**

**ORDER ON PARTIAL MOTION FOR NEW TRIAL**

On November 22, 2022, came to be considered Respondent’s *Motion to Set Aside Default Judgment* relative to the Default Judgment of Disbarment signed in this matter on September 16, 2022. After considering Respondent’s motion, Petitioner’s response, the pleadings, the evidence, and the arguments of counsel, the Evidentiary Panel is of the opinion that the Respondent’s Motion for New Trial should be DENIED in part and GRANTED in part. It is therefore ORDERED that the Default Judgment of Disbarment is hereby set aside.

The Evidentiary Panel is of the opinion that the matters of Professional Misconduct and Sanctions are separable and conducting a separate hearing on Sanctions would not be unfair to the parties. Texas Rule of Disciplinary Procedure 15.03 provides that, in any Disciplinary Proceeding where Professional Misconduct is found to have occurred, the district grievance committee may, in its discretion, conduct a separate hearing and receive evidence as to the appropriate Sanctions to be imposed. As such, the Evidentiary Panel GRANTS a partial new trial as to the issue of the appropriate Sanction to be imposed only.

**SIGNED** this 22nd of November 2022.

  
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**Mr. John Richard Rolater, Jr.**  
**Evidentiary Panel Chair**

# **Exhibit 2**

**BEFORE THE DISTRICT 1 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 1-1  
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner**

**v.**

**KERRY LEE PRISOCK,  
Respondent**

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**CASE NO. 202005742**

**AGREED JUDGMENT OF PUBLIC REPRIMAND**

**Parties and Appearance**

Petitioner and Respondent, **KERRY LEE PRISOCK**, Texas Bar Number 24082005 by and through his attorney of record, Randall Scott Downing, announce that an agreement has been reached on all matters including the imposition of a Public Reprimand.

**Jurisdiction and Venue**

The Evidentiary Panel 1-1, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 1, finds that it has jurisdiction over the parties and the subject matter of this action, and that venue is proper.

**Professional Misconduct**

The Evidentiary Panel, having considered the pleadings, admissions, stipulations and agreements of the parties, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.

**Findings of Fact**

Petitioner and Respondent agree to the following findings of fact. Accordingly, the Evidentiary Panel finds:

1. Respondent is an attorney licensed to practice law in Texas and is a member of

the State Bar of Texas.

2. Respondent resides in and maintains <sup>his</sup> her principal place of practice in Rockwall County, Texas.
3. Karin Steinau (Steinau) retained Respondent on or around February 12, 2020, for a matter involving the sale of a property and Steinau's right of first refusal.
4. In representing Steinau, Respondent neglected the legal matter entrusted to him by failing to forward a letter to Steinau that triggered Steinau's right of first refusal.
5. Respondent failed to keep Steinau reasonably informed about the status of her legal matter and failed to promptly comply with reasonable requests for information from Steinau.
6. Respondent failed to explain Steinau's legal matter to the extent reasonably necessary to permit Steinau to make informed decisions regarding the representation.
7. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorney's fees and direct expenses associated with this Disciplinary Proceeding in the amount of Two Thousand and 00/100 Dollars (\$2,000.00).
8. Respondent owes restitution in the amount of Six Hundred Twelve and 50/100 Dollars (\$612.50) payable to Karin Steinau.

#### Conclusions of Law

Petitioner and Respondent agree that, based on the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated. Accordingly, the Evidentiary Panel concludes that the following Texas Disciplinary Rules of Professional Conduct have been violated: 1.01(b)(1), 1.03(a), and 1.03(b).

#### Sanction

It is **AGREED** and **ORDERED** that a Public Reprimand shall be imposed against Respondent in accordance with the Texas Rules of Disciplinary Procedure.



### **Restitution, Attorney's Fees and Expenses**

It is further **ORDERED** Respondent shall pay restitution to Karin Steinau in the amount of Six Hundred Twelve and 50/100 Dollars (\$612.50). The restitution payment shall be made by certified or cashier's check or money order and made payable to Karin Steinau. The payment shall be submitted contemporaneously with the signing of this judgment to the State Bar of Texas, Chief Disciplinary Counsel's Office, 14651 Dallas Parkway, Suite 925, Dallas, Texas 75254.

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of Two Thousand and 00/100 Dollars (\$2,000.00). The payment of attorney's fees and direct expenses shall be made by certified or cashier's check or money order and made payable to the State Bar of Texas. The payment shall be submitted contemporaneously with the signing of this judgment to the State Bar of Texas, Chief Disciplinary Counsel's Office, 14651 Dallas Parkway, Suite 925, Dallas, Texas 75254.

It is further **AGREED** and **ORDERED** that all amounts ordered herein are due to the misconduct of Respondent and are assessed as a part of the sanction in accordance with Rule 1.06(FF) of the Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the State Bar of Texas shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

### **Publication**

This reprimand shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

**Other Relief**

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 15th day of December, 2022.

**EVIDENTIARY PANEL 1-1  
DISTRICT NO. 1  
STATE BAR OF TEXAS**



\_\_\_\_\_  
**John Richard Rolater, Jr.  
District 1, Panel 1-1 Presiding Member**

**AGREED AS TO BOTH FORM AND SUBSTANCE:**



\_\_\_\_\_  
**Kerry Lee Prjsock  
State Bar No. 24082005  
Respondent**



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**Rachel Craig  
State Bar No. 24090049  
Counsel for Petitioner**



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**Randall Scott Downing  
State Bar No. 06086700  
Counsel for Respondent**