

**BEFORE THE DISTRICT 9 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 9-3  
STATE BAR OF TEXAS**

**COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner**

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**V.**

**201400356**

**CHARLES D. SEPTOWSKI,  
Respondent**

**JUDGMENT OF DISBARMENT**

**Parties and Appearance**

On February 26, 2015, came to be heard the above styled and numbered cause. Petitioner, Commission for Lawyer Discipline, appeared by and through its attorney of record and announced ready. Respondent, Charles D. Septowski, Texas Bar Number 18032325, appeared in person and announced ready.

**Jurisdiction and Venue**

The Evidentiary Panel 9-3, having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 9, 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 all of the pleadings, evidence, stipulations and argument, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(W) of the Texas Rules of Disciplinary Procedure.

### Findings of Fact

The Evidentiary Panel, having considered the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

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 his principal place of practice in Travis County, Texas.
3. Charles Septowski ("Septowski") was actively suspended from the practice of law from May 1, 2013, to July 31, 2013, pursuant to a disciplinary judgment. On June 26, 2013, while suspended, Septowski filed or caused to be filed several pleadings and documents in case number 13-33026, *In re: Robert Farmer Jones, Esther Jane Jones, Debtors*, in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division. These included: 1) Chapter 7 Statement of Current Monthly Income and Means-Test Calculations; 2) Disclosure of Compensation of Attorney for Debtor(s); 3) Summary of Schedules; 4) Statement of Financial Affairs; 5) Chapter 7 Individual Debtor's Statement of Intention; and 6) Verification of Mailing List. Additionally, in the same case and while suspended, Septowski also filed or caused to be filed a Motion to Re-Open Case with a Certificate of Service on July 18, 2013. All documents were filed using Septowski's electronic case filing ("ECF") number and password. On four of the documents, the Disclosure of Compensation of Attorney for Debtor(s), Verification of Mailing List, Motion to Re-Open Case, and Certificate of Service, Septowski signed or caused to be signed "Cameron Chandler" as the attorney submitting the document or pleading. Cameron Chandler (a/k/a Cameron Compton) (hereinafter "Chandler") did not authorize Septowski, or anyone else, to sign her name to the documents or pleadings.
4. On August 15, 2013, after his active suspension was over, Septowski filed an Amended Application for Admission Pro Hac Vice in the Jones's bankruptcy case. That application contained misrepresentations regarding at least two disciplinary judgments. Septowski stated that a grievance was filed "for late filing of Dues," and claimed it was a typographical error, rather than for practicing while suspended from the practice of law. In the second grievance proceeding referenced, Septowski claimed the grievance was for "late posting of CLE 7 minutes due to computer login" rather than for practicing while suspended from the practice of law. Septowski did not disclose the sanction imposed in either of those matters.
5. The Bankruptcy Court held two hearings, on November 20, 2013, and January 6, 2014, to review the transactions of the attorneys in the Jones's bankruptcy matter. During those hearings, Septowski made several material misrepresentations to the Court. Specifically, in his Response to Motion to Review Transaction with Attorney, Septowski claimed that Chandler agreed to participate as "Stand-in-Counsel" on the Jones's bankruptcy matter, that she had been an associate of the firm from 2007 through 2010, and that the "FIRM" or "FIRM personnel" handled the Jones's bankruptcy during his disciplinary suspension. During the November hearing, Septowski claimed that his paralegal, James Alums ("Alums"), had worked on various materials that Chandler authorized. He also claimed

the pleadings were filed at Alums or Chandler's direction by a bankruptcy paralegal located in Liberty, Missouri. During the January hearing, Septowski admitted that he had instructed the bankruptcy paralegal, Laura Porzlet, to file the documents and pleadings in the Jones's bankruptcy.

6. Between January 30, 2013, and April 4, 2013, Septowski represented Wesley R. Jones in cause number 13-30412, styled In re: Wesley R Jones, Debtor in the United States Bankruptcy Court for the Northern District of Texas. At the time Septowski represented Wesley R. Jones, he was not admitted to practice in the Northern District of Texas. Further, at no time did he file an application to be admitted pro hac vice in the case.
7. Between May 8, 2013, and July 24, 2013, while suspended from the practice of law, Septowski sent, or caused to be sent, numerous emails regarding the case to opposing counsel in *Eagle Transmission, Inc. and V.F.B. Family Limited Partnership v. Happy Cars Auto Repair, Inc., Ester J. Jones; Robert F. Jones; Wesley R. Jones; and Michael Ozmun*, Cause No. DC-12-06489 in the 191st Judicial District Court of Dallas County, Texas.
8. On May 1, 2013, Septowski submitted a form claiming an exemption from the Texas Attorney Occupation Tax/Legal Service Fee. On that form he stated that he was an out-of-state attorney and not practicing law in Texas. He maintained that status through at least January 15, 2014, even though he was practicing law in Texas when he represented Robert and Esther Jones in their bankruptcy case from June 2013 through at least January 6, 2014, and when he represented Robert and Esther Jones, Wesley R. Jones, Michael Ozmun, and Happy Cars Auto Repair, Inc. 191st Judicial District Court of Dallas County, Texas.
9. During the Jones bankruptcy proceeding, Septowski included "Septowski & Associates" in the signature line on his pleadings and on his Application for Admission Pro Hac Vice. However, at no time during the Jones bankruptcy proceeding did Septowski have any other attorneys as associates in his firm.
10. The Chief Disciplinary Counsel of the State Bar of Texas has incurred reasonable attorneys' fees and direct expenses associated with this Disciplinary Proceeding in the amount of \$23,079.72.

#### Conclusions of Law

The Evidentiary Panel concludes that, based on the foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: 3.03(a)(1), 7.01(d), 8.04(a)(1), 8.04(a)(3), 8.04(a)(7), and 8.04(a)(11).

#### Sanction

The Evidentiary Panel, having found Respondent has committed Professional Misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument and after having considered the factors in Rule

2.18 of the Texas Rule of Disciplinary Procedure, the Evidentiary Panel finds that proper discipline of the Respondent for each act of Professional Misconduct is DISBARMENT.

### **Disbarment**

It is therefore ORDERED, ADJUDGED and DECREED that effective February 27, 2015, Respondent, Charles D. Septowski, State Bar Number 18032325, is hereby DISBARRED from the practice of law in the State of Texas.

It is further ORDERED Respondent is prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal services for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any administrative body or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

### **Notification**

It is further ORDERED Respondent shall immediately notify each of his current clients in writing of this disbarment. In addition to such notification, Respondent is ORDERED to return any files, papers, unearned monies and other property belonging to clients and former clients in the Respondent's possession to the respective clients or former clients or to another attorney at the client's or former client's request. Respondent is further ORDERED to file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Panel Chair, an affidavit stating that all current clients have been notified of Respondent's disbarment and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.

It is further ORDERED Respondent shall, on or before thirty (30) days from the signing of this judgment by the Panel Chair, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing. Respondent is further ORDERED to file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the signing of this judgment by the Panel Chair, an affidavit stating that each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice has received written notice of the terms of this judgment.

#### **Surrender of License**

It is further ORDERED Respondent shall, within thirty (30) days of the signing of this judgment by the Panel Chair, surrender his law license and permanent State Bar Card to the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), to be forwarded to the Supreme Court of the State of Texas.

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

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 \$23,079.72. The payment shall be due and payable on or before March 27, 2015, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the State Bar of Texas, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).

It is further 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(Z) 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**

It is further ORDERED this disbarment shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

**Conditions Precedent to Reinstatement**

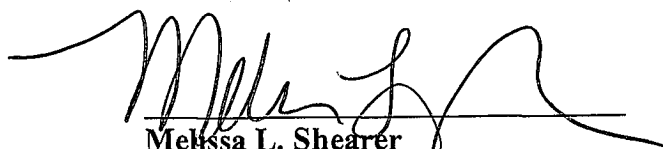
It is further ORDERED payment of the foregoing restitution and attorney's fees and expenses amounts shall be a condition precedent to any consideration of reinstatement from disbarment as provided by Rules 2.19, 2.20 and 11.02(D) of the Texas Rules of Disciplinary Procedure.

**Other Relief**

All requested relief not expressly granted herein is expressly DENIED.

SIGNED this 3<sup>rd</sup> day of March, 2015.

**EVIDENTIARY PANEL  
DISTRICT NO. 9  
STATE BAR OF TEXAS**

  
Melissa L. Shearer  
District 9-3 Presiding Member