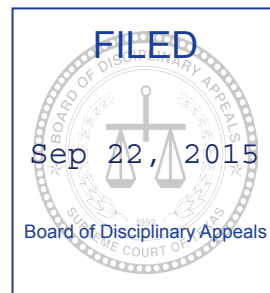


No. 55901

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

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**CHARLES D. SEPTOWSKI,  
APPELLANT**

**V.**

**COMMISSION FOR LAWYER DISCIPLINE,  
APPELLEE**

---

*On Appeal from the Evidentiary Panel  
For the State Bar of Texas District 9-3  
No. 201400356*

---

**BRIEF OF APPELLEE  
COMMISSION FOR LAWYER DISCIPLINE  
(ORAL ARGUMENT REQUESTED)**

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**CHARLES D. SEPTOWSKI,  
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**V.**

**COMMISSION FOR LAWYER DISCIPLINE,  
APPELLEE**

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*On Appeal from the Evidentiary Panel  
For the State Bar of Texas District 9-3  
No. 201400356*

---

**BRIEF OF APPELLEE  
COMMISSION FOR LAWYER DISCIPLINE**

---

TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

Appellee, the Commission for Lawyer Discipline, submits this brief in response to the brief filed by Appellant, Charles D. Septowski. For clarity, this brief refers to Appellant as “Septowski” and Appellee as “the Commission.” References to the record are labeled CR (clerk’s record), RR (reporter’s record), Pet. Ex. (Petitioner’s exhibit to reporter’s record), Resp. Ex. (Respondent’s exhibit

to reporter's record), and App. (appendix to brief). References to rules refer to the Texas Disciplinary Rules of Professional Conduct<sup>1</sup> unless otherwise noted.

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<sup>1</sup> *Reprinted in* TEX. GOV'T CODE ANN., tit. 2, subtit. G app A-1. (West 2013).



STATEMENT OF THE CASE

*Type of Proceeding:* Attorney Discipline

*Petitioner/Appellee:* The Commission for Lawyer Discipline

*Respondent/Appellant:* Charles D. Septowski

*Evidentiary Panel:* 9-3

*Judgment:* Judgment of Disbarment

*Violations found (Texas  
Disciplinary Rules of  
Professional Conduct):*

**Rule 3.03(a)(1):** A lawyer shall not knowingly make a false statement of material fact or law to a tribunal.

**Rule 7.01(d):** A lawyer shall not hold himself or herself out as being a partner, shareholder, or associate with one or more other lawyers unless they are in fact partners, shareholders, or associates.

**Rule 8.04(a)(1):** A lawyer shall not violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship.

**Rule 8.04(a)(3):** A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

**Rule 8.04(a)(11):** A lawyer shall not engage in the practice of law when the lawyer is on inactive status or when the lawyer's right to practice has been suspended or terminated including but not limited to situations where a lawyer's right to practice has been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the State Bar Rules relating to Mandatory Continuing Legal Education.

## STATEMENT OF THE ISSUES

Should an appellate tribunal reject an appellant's issue if his brief does not present a clear discussion of the issue or provide substantive analysis, relevant legal authority, or record citations in support of the claim of error?

If the appellate record provides ample support for a judgment and the appellant's brief fails to show reversible error, should the appellate tribunal affirm the judgment?

## STATEMENT OF FACTS

On March 12, 2013, Evidentiary Panel 9-4 entered an Agreed Judgment of Partially Probated Suspension that suspended Septowski's law license for three months from May 1, 2013, through July 31, 2013 (Pet. Ex. 36; App. 4). During the three-month period, the judgment explicitly prohibited Septowski 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 or federal court or before any administrative body. . . ." (Pet. Ex. 36; App. 4).

Despite Septowski's suspension from the practice of law, his ECF Filer Number filed documents in federal court on behalf of Septowski's client, Wesley Jones, on June 26, 2013, and July 18, 2013 (Pet. Ex. 4, 5, 6, 7, 9, 33). Where it was necessary to identify Mr. Jones' attorney, the documents listed "Cameron Chandler" as the attorney, along with the name and address for Septowski's firm (Pet. Ex. 7, 9).<sup>2</sup> However, Cameron Chandler did not work with Septowski's firm in June or July of 2013, had never been a member of Septowski's firm, had not communicated with Septowski since 2009, had not been authorized to practice law in Texas since 2008, and had never been authorized to practice in the federal court where Septowski's clients' case was pending (RR 59-61). Ms. Chandler lived and

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<sup>2</sup> Septowski used the firm name "Septowski and Associates" even though he admittedly did not have any other attorneys working for his firm on a full-time basis (RR 82-84).

worked in Alaska (RR 59-60). And her last name had changed from “Chandler” to “Compton” (RR 58-59). She testified definitively that she had no contact with Septowski or Mr. Jones and no knowledge of any of the documents filed under Septowski’s ECF Filer Number on June 26, 2013, or July 18, 2013 (RR 64-67).

Mr. Jones and his wife Ester Jones also had a case pending in state district court while Septowski’s law license was suspended from May 1, 2013, through July 31, 2013 (RR 96; Pet. Ex. 34; App. 3). Nonetheless, Septowski did not withdraw from the representation (RR 96). Instead, the case proceeded primarily through emails to opposing counsel from Septowski’s part-time assistant’s email address (RR 96; Pet. Ex. 15-30). As a result, the final judgment included sanctions against Septowski for, among other things, “allowing for non-lawyers in his office effectively to continue his legal practice . . . while his law license was suspended” (Pet. Ex. 34; App. 3).

Despite Septowski’s representation of Mr. and Mrs. Jones, on May 1, 2013, he claimed an exemption from the attorney occupation tax that is available only to out-of-state attorneys who are not practicing law in Texas (Pet. Ex. 35). Septowski also misrepresented his disciplinary history in an application and an amended application for federal-court admission *pro hac vice* (Pet. Ex. 33; App. 2). In both, he failed to accurately describe past findings of misconduct and failed to identify the disciplinary sanctions imposed against him (Pet. Ex. 33; App. 2).

## SUMMARY OF THE ARGUMENT

Septowski seeks the reversal of his disbarment based on arguments that are neither clear nor supported by relevant legal authority or citation to the appellate record. His brief ignores very strong evidence of the violations found by the Evidentiary Panel. In the proceedings below, he was unable to refute the evidence against him, including orders from two separate courts imposing sanctions for his egregious misconduct in those courts. As a result, the evidence of record is decisive regarding his misconduct.

Septowski's brief is clearly inadequate to present error to the Board. Because the judgment is well supported by the record and Septowski has not shown reversible error, the Board should affirm the judgment of disbarment in all respects.

## ARGUMENT

### **I. Septowski's brief is inadequate to present error to the Board.**

The Texas Supreme Court recognizes that “[t]he Texas Rules of Appellate Procedure require adequate briefing.” *ERI Consulting Eng’rs, Inc. v. Swinnea*, 318 S.W.3d 867, 880 (Tex. 2010). Rule 38.1 states that an appellant’s brief “*must* contain a clear and concise argument for the contentions made, with appropriate citations to authorities and the record.” TEX. R. APP. P. 38.1(i) (emphasis added). An appellant’s failure to satisfy the requirements of Rule 38.1 results in the waiver of his issue(s). *In re Estate of Valdez*, 406 S.W.3d 228, 235 (Tex.App.—San Antonio 2013, pet. denied).

In this case, Septowski’s brief is plainly inadequate. He ostensibly raises six separate issues.<sup>3</sup> However, his brief includes only two citations to the record and cites only a single case (a criminal case from the 6<sup>th</sup> Circuit). The brief also lacks clarity. Septowski’s arguments on each of his appellate points are conclusory and provide no substantive analysis or discussion. He also relies on complaints about past disciplinary cases as if he may collaterally attack long-final judgments in this appeal. The brief thus falls far short of the standard prescribed by Rule 38.1.

To consider Septowski’s appellate issues would require the Board to interpret his nebulous positions and then conduct its own research to identify

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<sup>3</sup> Septowski’s issues are numbered one through seven. However, the seventh issue is more of a prayer for relief than a separate appellate issue.

relevant legal standards and determine their application. It would also require the Board to scour the record to identify information pertinent to his issues. As one court of appeals aptly noted, an appellate tribunal cannot take such action to fill in the gaps in an appellant's advocacy:

[A]s judges, we are to be neutral and unbiased adjudicators of the dispute before us. Our being placed in the position of conducting research to find authority supporting legal propositions uttered by a litigant when the litigant has opted not to search for same runs afoul of that ideal, however. Under that circumstance, we are no longer unbiased, but rather become an advocate for the party.

*Plummer v. Reeves*, 93 S.W.3d 930, 931 (Tex.App.—Amarillo 2003, no pet.).

By failing to file a brief that raises valid appellate issues through clear arguments that are supported by citations to the record and relevant legal authority, Septowski has waived his issues. *Id.*; see, e.g., *Smith v. Comm'n for Lawyer Discipline*, 42 S.W.3d 362, 364 (Tex.App.—Houston [14<sup>th</sup> Dist.] 2001, no pet.) (finding waiver where respondent attorney's brief failed to specify manner in which evidence did not support judgment or provide authority, argument, or evidence to support due-process complaint); *Meachum v. Comm'n for Lawyer Discipline*, 36 S.W.3d 612, 616 (Tex. App.—Dallas 2000, pet. denied) (finding waiver where respondent attorney's argument was wholly conclusory and provided no substantive analysis, discussion, or legal authorities to support it). As a result, there is no basis for reversal of the disbarment judgment.

**II. The record provides ample evidence of Septowski’s egregious misconduct, and his complaints provide no basis for reversal.**

Even if Septowski had briefed his issues adequately, he still could not succeed on appeal because the disbarment judgment is well supported by the evidence of record and he has not shown any reversible error.

**A. Septowski has not identified any conflict of interest that violated the Texas Rules of Civil Procedure, the disciplinary rules, or due process.**

Septowski first complains about a supposed conflict of interest and refers to the Texas Rules of Civil Procedure, as well as Rule 1.06(b)(1) of the Texas Disciplinary Rules of Professional Conduct<sup>4</sup> and “14<sup>th</sup> Amendment Substantive Due Process.” None of the provisions is relevant to any of the proceedings below.

Septowski’s reference to “the Conflict rules of the Texas Rules of Civil Procedure” is unclear because conflicts of interest are generally governed by the Texas Rules of Disciplinary Procedure rather than the Texas Rules of Civil Procedure. *See* TEX. RULES DISCIPLINARY P. R. 1.06 – 1.13 (setting forth disciplinary provisions regarding conflicts of interest); *In re EPIC Holdings, Inc.*, 985 S.W.2d 41, 48 (Tex. 1998) (orig. proceeding) (noting that the disciplinary rules provide guidelines for determining whether counsel is disqualified in litigation due to a conflict of interest).

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<sup>4</sup> Septowski’s brief refers to “TRDP 1.06(b)(1),” which does not exist. It appears that he intended to refer to Rule 1.06(b)(1) of the Texas Disciplinary Rules of Professional Conduct.



In addition, Septowski's reliance on Rule 1.06(b)(1) is misplaced. The rule provides:

[A] lawyer shall not represent a person if the representation of that person involves a substantially related matter in which that person's interests are materially and directly adverse to the interests of another client of the lawyer or the lawyer's firm.

TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.06(b)(1). According to its plain language, Rule 1.06(b)(1) applies to situations involving a single lawyer's or firm's representation of two parties with adverse interests. There is no set of circumstances in this disciplinary action to which Rule 1.06(b)(1) could arguably apply.

Septowski's reliance on the Fourteenth Amendment is likewise misplaced. It protects a person from the deprivation of life, liberty, or property without due process of law. U.S. Const. amend. XIV §1. The purpose of due process is to prevent state action which would result in such a deprivation without notice and a meaningful opportunity to be heard. *Skelton v. Comm'n for Lawyer Discipline*, 56 S.W.3d 687 (Tex.App.—Houston [14<sup>th</sup> Dist.] 2001, no pet.). Substantive due process essentially protects citizens from arbitrary or capricious state action that deprives them of a protected interest. *Id.* A claim regarding the denial of substantive due process cannot survive if the state, in taking action against a citizen's life, liberty, or property, exercises reasonable judgment. *Ho v. Univ. of Tex. at Arlington*, 984 S.W.2d 672 (Tex.App.—Amarillo 1998, pet. denied).

Although Septowski appears to complain about a supposed violation of “14<sup>th</sup> Amendment Substantive Process,” the proceedings in this case satisfied substantive due-process requirements because the decision to disbar Septowski was neither arbitrary nor capricious. The record provides ample support for the decision. That support includes:

A federal bankruptcy court’s order barring Septowski from practicing in that court for twenty-four months due to his misconduct, including (1) filing false documents and pleadings, (2) falsely representing that another attorney filed documents for his clients that he himself filed while his law license was suspended, (3) misrepresenting his disciplinary history, and (4) filing pleadings prior to his *pro hac vice* admission (Pet. Ex. 33; App. 2);

A state district court’s judgment sanctioning Septowski for misconduct in that court, including practicing law while suspended (Pet. Ex. 34; App. 3);

Septowski’s admission that he did not qualify for the exemption from the occupation tax that he claimed in 2013 and 2014 (out-of-state attorney’s exemption), as well as another exemption that he claimed in 2014 (employee of nonprofit corporation who does not engage in private practice) (RR 77-78, 80-81); and

Septowski’s admission that although he practiced under the name “Septowski and Associates,” he actually did not have any associates (RR 82).

Based on this evidence of record, the decision to disbar Septowski was reasonable, not arbitrary or capricious. Thus, the disbarment did not violate substantive due process.

**B. The proceedings did not impair Septowski's rights under the Fourth, Fifth, Ninth, or Fourteenth Amendments.**

Septowski next complains that the underlying grievance proceedings violated his rights under the Fourth, Fifth, Ninth, and Fourteenth Amendments. The record does not support his complaints.

The Fourth Amendment protects against unreasonable searches and seizures. U.S. Const. amend. IV. Because there was no search or seizure in this case, the Fourth Amendment does not apply.

Septowski's complaint regarding the Fifth Amendment is directed at the protections against self-incrimination and double jeopardy. The protection against self-incrimination may be invoked in civil proceedings "whenever the answer might tend to subject to criminal responsibility he who invokes it." *Tex. Dep't of Pub. Safety Officers Ass'n v. Denton*, 897 S.W.2d 757, 760 (Tex.1995) (quoting *McCarthy v. Arndstein*, 266 U.S. 34, 40 (1924)). There is nothing in the record to indicate that Septowski was required to answer a question that might subject him to criminal responsibility or that he invoked the privilege against self-incrimination, which must be asserted on a question-by-question basis. *In re Verbois*, 10 S.W.3d 825, 828 (Tex.App.—Waco 2000) (orig. proceeding). And double jeopardy does not apply because it bars a second *criminal* prosecution. *See, e.g., State v. Almendarez*, 301 S.W.3d 886, 889-90 (Tex.App.—Corpus Christi 2009, no pet.) (explaining the meaning of "double jeopardy"). It is well established that

disciplinary proceedings are civil in nature. TEX. RULES DISCIPLINARY P. R. 3.08(C); *State Bar of Tex. v. Evans*, 774 S.W.2d 656, 657 n. 1 (Tex. 1989); *Comm'n for Lawyer Discipline v. Benton*, 980 S.W.2d 425, 438 (Tex. 1998), *cert. denied*, 526 U.S. 1146 (1999).

With regard to the Ninth Amendment, Septowski's argument is unclear because he does not identify any specific right that has been abrogated in violation of the Ninth Amendment, which provides, "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." U.S. Const. amend. IX.

Finally, Septowski complains about the Commission's trial counsel's supposed "manipulation of both procedural and substantive due process" in violation of the Fourteenth Amendment. But as discussed above, the underlying disciplinary proceedings did not violate substantive due process because the decision to disbar Septowski was not arbitrary or unreasonable.

As for procedural due process, Septowski has not shown that he was denied notice or a meaningful opportunity to be heard. Thus, he cannot complain about procedural due process, which affords the right to notice and an opportunity for a hearing at a meaningful time and in a meaningful manner before any interest in life, liberty, or property may be taken away. *Skelton*, 56 S.W.3d at 693. Septowski's failure to launch a successful defense against the allegations of

professional misconduct was not the result of an absence of notice or an opportunity to be heard. Septowski had notice of his evidentiary hearing well in advance (CR 444-46). And he appeared for the hearing and put on two witnesses (RR 144-87), as well as three exhibits (RR 7). But he could not overcome the overwhelming evidence of his misconduct, including the federal court order regarding his misconduct in that court (Pet. Ex. 33; App. 2), the state court judgment regarding his misconduct in that court (Pet. Ex. 34; App. 3), and his own admissions regarding his reinstatement applications (RR 77-78, 80-81) and the firm name that he used (RR 82). He offered little to refute the strong evidence against him. As a result, the Panel reached the inescapable conclusion that he committed professional misconduct in violation of the rules at issue. Based on the record, it is clear that Septowski's disbarment resulted from his egregious misconduct rather than a lack of due process.

**C. The Commission did not unfairly target Septowski.**

Septowski's third, fourth, and sixth issues are substantially the same. Although much of his briefing is unclear, he generally complains about the persistence of the Commission's trial counsel. However, he fails to recognize that the very serious nature of the allegations against him warranted persistence. The record shows that he concocted an elaborate scheme to continue to practice law while his law license was suspended, including the theft of another lawyer's

professional identity. And once he was caught, he lied under oath to the court that inquired into the circumstances of his misconduct. In addition, he never accepted any responsibility for his actions and, throughout these disciplinary proceedings, continued to deny the undeniable.

In light of the egregiousness of Septowski's actions, the persistence of the Commission's trial counsel is not surprising. For example, her appearance at a court hearing regarding Septowski's misconduct in bankruptcy court was not unusual as that misconduct was at issue in these disciplinary proceedings. The same is true of her contact with Septowski's opponent in the district court case that resulted in sanctions against him.

**D. Septowski's request for reversal based on "procedural irregularities of hearing" has no merit.**

In his fifth issue, Septowski complains about what he labels "procedural irregularities of hearing." His complaints appear to be focused on the exclusion of witness testimony that he offered at the hearing before the evidentiary panel, as well as an order striking the exhibits that he attached to a post-judgment motion to abate sanctions.

Before reversing a judgment based on the erroneous exclusion of evidence, an appellate court must determine that the appellant properly preserved the issue for appeal by demonstrating, on the record, what the evidence was. TEX. R. APP. P. 44.1(a)(1); *Tex. Dep't of Transp. v. Able*, 35 S.W.3d 608, 617 (Tex. 2000). The

appellate court also must determine (1) that the excluded evidence was controlling on a material issue and was not cumulative of other evidence and (2) that the erroneous exclusion of the evidence probably caused the rendition of an improper judgment. *Id.*<sup>5</sup>

To adequately demonstrate the substance of excluded testimony for the record, the proponent must at least describe the substance of the testimony to the trial court. *In re N.R.C.*, 94 S.W.3d 799, 805-06 (Tex.App.—Houston [14<sup>th</sup> Dist.] 2002, pet. denied). The proponent may not simply state the reasons for the testimony or explain why it is admissible – he must actually describe the content of the testimony in sufficient detail to allow the trial court to make an intelligent ruling and allow the appellate court to determine both whether the ruling was erroneous and its impact on the judgment. *Id.*

Septowski did not take steps to preserve his complaint regarding the exclusion of witness testimony because the substance of the testimony is unclear. Thus, it is impossible to determine whether it was controlling on a material issue or whether its exclusion probably caused the rendition of an improper judgment. Also, at the time the Panel indicated that it would not hear his witnesses,

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<sup>5</sup> Rule 44.1(a) also allows for reversal if the appellant shows that error probably prevented the appellant from properly presenting the case to the appellate court. TEX. R. APP. P. 41.1(a)(2).

Septowski did not protest (RR 203-07). His acquiescence seemed to indicate that he did not object to the decision not to hear his witnesses.

As for the exhibits to his motion to abate sanctions, no reversible error can be shown because the disciplinary rules do not allow the abatement of a disbarment judgment. TEX. RULES DISCIPLINARY P. R. 2.25. Thus, Septowski could not have been harmed by the denial of his motion to abate or the decision to strike the exhibits in support of the motion.

Moreover, Septowski does not cite to the record or to any authority to support his complaints. He also presents no substantive analysis or discussion to explain them. As such, like his other issues, Septowski's fifth issue presents nothing for review. *Smith*, 42 S.W.3d at 364; *Meachum*, 36 S.W.3d at 616.



**CONCLUSION AND PRAYER**

Because the judgment of disbarment is well supported by the evidence of record and Septowski has not shown reversible error, the Commission prays that the Board affirm the judgment in all respects.

RESPECTFULLY SUBMITTED,

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ATTORNEY FOR APPELLEE

### **CERTIFICATE OF COMPLIANCE**

Pursuant to the Board of Disciplinary Appeals Internal Procedural Rules, the foregoing brief contains approximately 4,685 words, which is less than the total words permitted by the Board's Internal Procedural Rules. Counsel relies on the word count of the computer program used to prepare this brief.

/s/ Cynthia Canfield Hamilton  
CYNTHIA CANFIELD HAMILTON

### **CERTIFICATE OF SERVICE**

This is to certify that the above and foregoing brief of Appellee, the Commission for Lawyer Discipline, has been served on Mr. Charles D. Septowski, 12115 Lavinia Lane, Austin, Texas 78753, by email to [profchaz@hotmail.com](mailto:profchaz@hotmail.com) on the 22<sup>nd</sup> day of September 2015.

/s/ Cynthia Canfield Hamilton  
CYNTHIA CANFIELD HAMILTON

No. 55901

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

---

**CHARLES D. SEPTOWSKI,  
APPELLANT**

**V.**

**COMMISSION FOR LAWYER DISCIPLINE,  
APPELLEE**

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*On Appeal from the Evidentiary Panel  
For the State Bar of Texas District 9-3  
No. 201400356*

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**APPENDIX TO APPELLEE'S BRIEF**

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No. 55901

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

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CHARLES D. SEPTOWSKI,  
APPELLANT

V.

COMMISSION FOR LAWYER DISCIPLINE,  
APPELLEE

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*On Appeal from the Evidentiary Panel  
For the State Bar of Texas District 9-3  
No. 201400356*

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The Commission for Lawyer Discipline attaches the following record excerpts in support of the foregoing brief:

**APPENDIX 1:** Judgment of Disbarment (CR 1268-73)

**APPENDIX 2:** Memorandum Opinion and Order Barring Charles Septowski from Practice in the Bankruptcy Courts for the Northern District of Texas for not less than 24 Months (Pet. Ex. 33)

**APPENDIX 3:** Final Judgment (Pet. Ex. 34)

**APPENDIX 4:** Agreed Judgment of Partially Probated Suspension (Pet. Ex. 36)

# **Appendix 1**

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

## **Appendix 2**



U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

TAWANA C. MARSHALL, CLERK

THE DATE OF ENTRY IS  
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed January 10, 2014

*Barbara J. Houser*  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE: §  
§  
ROBERT FARMER JONES and § CASE NO. 13-33026-bjh-7  
ESTHER JANE JONES §  
§  
Debtors §  
§

**MEMORANDUM OPINION AND ORDER BARRING CHARLES SEPTOWSKI  
FROM PRACTICE IN THE BANKRUPTCY COURTS FOR THE NORTHERN  
DISTRICT OF TEXAS FOR NOT LESS THAN 24 MONTHS**

Before the Court is the Motion to Review Transactions with Attorney (the "Motion") filed by the United States Trustee for Region 6 (the "US Trustee") in the bankruptcy case of Robert and Esther Jones (the "Debtors"), in which the US Trustee asks this Court to review the transactions between the Debtors and their attorney, Charles Septowski ("Septowski"). According to the US Trustee, the Debtors paid Septowski \$7,500 for representation in their bankruptcy case, but then filed their bankruptcy petition pro se and had their case dismissed for

Petitioner's  
Exhibit  
**33**

failure to file a routine document. While the Debtors' case was subsequently reinstated by virtue of a motion filed using Septowski's electronic case filer ("ECF") login and password, that motion to reinstate was filed while Septowski was suspended from the active practice of law by the State Bar of Texas. Finding the circumstances surrounding the Debtors' bankruptcy case odd, to say the least, the Motion was filed and the oddities were brought to the Court's attention.

The hearing on the Motion commenced on November 20, 2013. The Court was advised that the US Trustee and Septowski had reached an agreement regarding the disposition of the Motion. The Court was provided a copy of the proposed Agreed Order in which Septowski agreed, among other things, that he (i) will not file a bankruptcy case in the Northern District of Texas for one year from the date of entry of the order, and (ii) will take one Ethics Course before he is authorized to file another bankruptcy case in the Northern District of Texas. Given the unusual circumstances that had prompted the filing of the Motion, the Court was not willing to sign the proposed Agreed Order until the facts underlying the Debtors' bankruptcy filing and who had been representing the Debtors in their bankruptcy case were fully vetted.

Accordingly, the hearing proceeded and the Court was presented with a written stipulation of facts that the US Trustee and Septowski had prepared. Moreover, the Court heard live testimony from Septowski's paralegal, Mr. Alums ("Alums"), and received statements from one of the Debtors, Esther Jones, and Cameron Chandler n/k/a Cameron Compton. Although Septowski did not formally take the witness stand and testify in his own behalf, he represented himself at the hearing and made numerous statements of fact to the Court as an officer of the Court, which the Court considers to be the equivalent of sworn testimony. Because the underlying facts became more confusing as the hearing progressed,

not less, the Court continued the hearing until January 6, 2014 so that the testimony of Laura Porcet, the individual who apparently filed pleadings and documents in the Debtors' bankruptcy case using Septowski's ECF login and password, could be presented to the Court.

Not surprisingly and for reasons that will be explained further below, Ms. Porcet did not appear at the continued hearing.<sup>1</sup> However, Septowski did appear, as did a representative of the US Trustee. Ms. Chandler participated by telephone from her office in Anchorage, Alaska. Septowski made further statements to the Court on his own behalf at the January 6 continued hearing, following which the hearing was concluded. This Memorandum Opinion and Order contains the Court's findings of fact and conclusions of law with respect to the Motion.

#### **FACTUAL BACKGROUND**

As just noted, the US Trustee and Septowski provided the Court with a written stipulation of facts at the outset of the November 20, 2013 hearing. Those facts are set forth verbatim below in numbered paragraphs 1-22. The Court accepts the parties' factual stipulations to the extent they are not inconsistent with the Court's own findings of fact in this Memorandum Opinion and Order.

1. Robert Farmer Jones and Esther Jane Jones personally appeared at the Bankruptcy Clerk's office and filed their joint, voluntary chapter 7 petition on June 12, 2013. (Dkt. #1 petition and Dkt. #7 and #8-2 photo ID)
2. ECF shows that ECF Filer Number for Charles Septowski filed documents on the docket on June 26, 2013 (Dkt. #13-18) including the Schedules and Statement of Financial Affairs ("SOFA") (Dkt. #16).
3. The first Disclosure of Compensation of Attorney for Debtors ("Rule 2016 Disclosure")

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<sup>1</sup> Alums did not return for the January 6 hearing, although the Court had instructed him to be at the continued hearing at the conclusion of the November 20 hearing.

states that prior to filing the Disclosure, the Debtors paid the Firm for Charles Septowski \$7,500.00. (Dkt. #14)

4. The first Rule 2016 Disclosure is signed by "Cameron Chandler #0192457" of Septowski & Associates of Round Rock, Texas. (Dkt. #14)

5. On October 4, 2013, Mr. Septowski filed an amended Rule 2016 Disclosure asserting that he received \$1.00 for services in connection with this bankruptcy case. (Dkt. #43)

6. The Statement of Financial Affairs ("SOFA") states that the Debtors paid \$7,500 to Septowski & Associates in 2013 for "consultation concerning debt consolidation, relief under the bankruptcy law or preparation of the petition in bankruptcy. . . ." No particular date in 2013 is stated. (Dkt. #16)

7. The Court dismissed the Jones case on July 1, 2013 because the Debtors did not timely file their employee income records. (Dkt. #23)

8. On July 18, 2013, ECF Filer Number for Charles Septowski filed a Motion to Reopen Case and an order, which the Court signed on August 5, 2013. (Dkt. #26 and #29).

9. At the same time as the filing of the Motion to Reopen, ECF Filer Number Charles Septowski filed the Employee Income Records. (Dkt. #27)

10. The Motion to Reopen the Case (Dkt. #26) states that Cameron Chandler signed the motion to reopen.

11. The Docket states that ECF Filer Number for Charles Septowski uploaded the Motion to Reopen the Case.



12. The Docket and State Bar of Texas Disciplinary Records show the following:

Dates	Case Events	State Bar Events	Documents
5/1/2013		Active Suspension from the practice of law begins	Disc. Dec. X4231
5/31/2013		Pre-existing Probated Suspension ends	Disc. Dec. X3934
6/12/2013	Chapter 7 Petition filed		Dkt. #1
6/26/2013	ECF Filer using Septowski ECF Number files Schedules/SOFA/ Stmt of Intent/Amdd Matrix		Dkt. #15, 16, 17 and 18
6/28/2013	Motion to Lift Stay filed by Eagle/VFB		Dkt. #21
7/1/2013	Case dismissed for failure to file employee records		Dkt. #23
7/9/2013	341 Meeting was to be held—meeting was not held bc. case was dismissed		
7/16/2013	Setting for Motion to Lift Stay to be heard—motion was not heard bc. case was dismissed		Entry on 7/16/2013
7/18/2013	Motion to reopen filed by ECF Filer Septowski		Dkt. #26
7/18/2013	Employee records filed by ECF Filer # for Septowski		Dkt. #27
7/20/2013	Cert. of Service on motion to reopen filed by ECF Filer# for Septowski		Dkt. #28
8/1/2013		Active Suspension of law license converts to probation if other conditions met	Possible that attorney is authorized to practice law in Texas
8/5/2013	Court grants motion to reopen		Dkt. #29
8/9/2013	ECF Filer # for Septowski files Motion to Appear Pro Hac Vice	Adding name of local counsel	Dkt. #33 Pro Hac Vice application states Septowski has two

			administrative grievances.
8/15/2013	ECF Filer # for CS files Amended Motion to Appear Pro Hac Vice		Dkt. #35
8/22/2013	Court grants Amended appl. to appear pro hac vice		Dkt. #36
9/3/2013	Septowski appears in court to represent Debtors in Lift Stay hearing.		

13. On August 9, 2013, Charles Septowski filed an Application for Admission Pro Hac Vice on which he stated that he was “in good standing with the bars of the courts” and that he had been subject to grievance proceedings related to the late filing of dues and the late posting of CLE information. (Dkt. #33) The Application for Admission was amended to add the name of local counsel. (Dkt. #35)

14. The State Bar of Texas Grievance Committee Evidentiary Panel issued Decision AO121114231 which states that Mr. Septowski was to be actively suspended from the practice of law from May 1, 2013 through July 31, 2013, for violations of Texas Disciplinary Rules of Professional conduct 4.04(a), 8.04(a)(1) and 8.04(a)(7). The Decision further states that should Mr. Septowski comply with required reporting and other actions, the State Bar would lift his active suspension on August 1, 2013 and replace it with a “probated” suspension for the following 21 months.

15. The State Bar of Texas returned Mr. Septowski to Active Status on August 1, 2013.

16. The State Bar of Texas Grievance Committee Evidentiary Panel issued Decision A0071113934 which imposed a probated suspension on Mr. Septowski from December 1, 2012 through May 31, 2013 for violating Texas Disciplinary Rules of Professional Conduct 8.04(a)(1) and 8.04(a)(11).

17. The pro hac vice motions, at Question 10, does not include the disciplinary suspension and probated suspensions for disciplinary reasons. (Dkt. #33, 35)

18. The Northern District of Texas admitted Mr. Septowski to practice on November 1, 2013. (Dkt. 51)

19. The Applicant filed an earlier case in the Bankruptcy Court for the Northern District of Texas and attendant pleadings without filing a motion to appear pro hac vice (Case No. 13-30412-BJH-7). Mr. Septowski does not dispute that this was an error.

20. Cameron Chandler, now Cameron Compton, resides and practices law in Alaska.

21. Cameron Chandler (Compton), the alleged signatory of the Attorney Disclosure Statement and Motion to Reopen, has chosen an "inactive" status with the State Bar of Texas and is not admitted to practice in the Northern District of Texas. (State Bar Number 24062661)

22. State Bar of Texas records show that the bar number associated with Cameron Chandler (Compton) on Dkt. #14 and #26, #0192457, is not a valid member number in Texas.

#### **ANALYSIS**

Various factual anomalies are apparent from a review of the Debtors' case file and the parties' stipulated facts. For example, why did the Debtors pay Septowski's firm, Septowski & Associates ("S&A") \$7,500 in connection with their bankruptcy filing, but then file the bankruptcy petition pro se? Did S&A receive \$7,500 to represent the Debtors as represented in the initial Disclosure of Compensation of Attorney for Debtor(s) or \$1.00 as represented in the Amended Disclosure of Compensation of Attorney for Debtor(s)? Why was the ECF login and password of a suspended lawyer, Septowski, used when filing documents and pleadings in the Debtors' bankruptcy case? Who is Cameron Chandler, what relationship, if any, did she have with S&A, and did she agree to represent the Debtors in their bankruptcy case while Septowski

was suspended from the practice of law by the State Bar of Texas?

The answers to these questions reveal an exceedingly disturbing set of circumstances, which compel the Court's conclusion that Septowski should be barred from practicing in the Bankruptcy Courts for the Northern District of Texas for a period of not less than 24 months, among other things. The reasons for the Court's conclusion are explained below.

As noted previously, Septowski was suspended from the practice of law by the State Bar of Texas from May 1, 2013 through July 31, 2013 (the "Suspension Period"). The Debtors' bankruptcy petition was filed during the Suspension Period. As relevant here, Septowski is the only person who knew the Debtors or understood their legal and financial difficulties. Prior to the hearing on the Motion, Alums, Septowski's paralegal, met them briefly once, but never had any substantive conversation with them. And, although Septowski's firm name – Septowski & Associates – suggests that he has associates who practice law with him, he does not. S&A is just Septowski and a part-time contract paralegal, Alums, who has no formal paralegal training. Septowski doesn't even file his own pleadings with the courts before which he practices, he apparently uses the services of a non-legal filing firm in Liberty, Missouri (apparently owned by Ms. Porcet) to file documents for him using his court-issued ECF login and password.

Septowski's ECF login and password were first used to file documents in the Debtors' bankruptcy case on June 26, 2013, two weeks after the bankruptcy case was filed and while Septowski was suspended from the practice of law. One of the documents filed that day with Septowski's ECF login and password was the Disclosure of Compensation of Attorney for Debtor(s). Interestingly, that document purports to be signed by "Cameron Chandler #0192457, Septowski & Associates, P.O. Box 943, Round Rock, TX 78680," and further indicating the telephone number of S&A. Numerous other documents and pleadings purportedly signed by Ms.

Chandler were filed using Septowski's ECF login and password during the Suspension Period.

Shockingly, Ms. Chandler, whose married name is Mrs. Compton,<sup>2</sup> lives and practices family law in Anchorage, Alaska, where she has lived and practiced law since October 2008. She does not practice bankruptcy law. While Ms. Chandler once lived in Texas and was a member of the State Bar of Texas, since moving to Alaska she has chosen an "inactive" status with the State Bar of Texas and is not admitted to practice in the Northern District of Texas. The bar number used on the pleadings that she purportedly filed in the Debtors' bankruptcy case showed her Texas State Bar number as 0192457, when in fact her Texas State Bar number was 24062661. Ms. Chandler has never met the Debtors, doesn't know anything about them or their financial difficulties, and was never contacted by Septowski, Alums, or anyone else purportedly acting on behalf of Septowski or his firm to see if she would represent the Debtors while Septowski was suspended from the practice of law by the State Bar of Texas. Needless to say, she is not, and has never been, affiliated in any way with S&A.

Furthermore, and equally shocking, is the fact that no one can explain who prepared the documents and pleadings that are falsely represented to have been signed by Ms. Chandler and filed in the Debtors' bankruptcy case. From the Court's perspective and based on the record made at the hearings, there are only five possible candidates – *i.e.*, Ms. Chandler, the Debtors, Alums, Ms. Porcet, and/or Septowski. The Court is completely satisfied that Ms. Chandler did not prepare them. There is no evidence to suggest that she is anything but an innocent victim of the fraudulent conduct that occurred in the Debtors' bankruptcy case. Moreover, nothing suggests that the Debtors even knew Ms. Chandler, let alone had any reason to randomly pick her name out of thousands of potential Texas lawyers who they could falsely claim was

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<sup>2</sup> The Court will refer to Mrs. Compton as "Ms. Chandler" throughout the balance of this Memorandum Opinion and Order because that is the name used in the falsified pleadings filed with the Court.

representing them in their bankruptcy case. Alums denied preparing and filing the false documents, and testified that he has no idea who did. Moreover, Alums testified that he had never filed documents or pleadings electronically with any court and did not know what an ECF number (login and password) was. While the Court was not impressed with Alums' knowledge of legal matters or his training to be a paralegal (he was a concrete contractor before beginning to work for Septowski as a part-time contract paralegal some 20-years ago), there is no evidence contradicting his testimony.

As noted previously, Ms. Porcet declined to come to Texas to explain her involvement with the preparation and filing of the documents and pleadings in the Debtors' bankruptcy case that are falsely represented to have been signed by Ms. Chandler. However, Septowski's "story" changed between the November 20 and the January 6 hearings and, when explaining why Ms. Porcet was not present in the courtroom on January 6 as the Court had instructed, he stated that she had declined to come because she had acted under his instructions when filing the documents and knew nothing further about them. So, for the first time, Septowski admitted on January 6, that he had instructed that the false documents and pleadings be filed in the Debtors' bankruptcy case, although still refusing to admit that he had prepared those documents or that he knew they were false. So, based upon Septowski's partial admission, the Court is satisfied that while Ms. Porcet may have filed the false documents with the Court, she did so at the instruction of Septowski while he was suspended from the practice of law by the State Bar of Texas. Moreover, the Court is satisfied that she had no relationship with the Debtors and did not prepare the false documents at issue here.

That leaves only Septowski as the person who prepared the documents and pleadings that falsely represented Ms. Chandler's representation of the Debtors and affiliation with his law

firm, S&A. And, of course, he is the logical person to have prepared those documents and pleadings and, as he finally admitted at the January 6 hearing, caused them to be filed with the Court in the Debtors' bankruptcy case – the Debtors were his clients; as relevant here, he's the only person with knowledge of the Debtors' legal and financial difficulties; and he's the person the Debtors paid to assist them with their legal and financial difficulties. Moreover, whether he actually prepared the false documents is of no real consequence here because under the Administrative Procedures for the Filing, Signing, and Verifying of Documents by Electronic Means in Texas Bankruptcy Courts adopted by this Court and attached to the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas as Appendix J (the "ECF Procedures"), he is deemed to have signed them under Rule 11 of the Federal Rules of Civil Procedure and Rule 9011 of the Federal Rules of Bankruptcy Procedure.

Pursuant to the ECF Procedures, an approved participant, including any attorney admitted to practice before the Court, must register for an authorization through which that person can accomplish the electronic filing of documents with the Court. ECF Procedures, Article I, B, 1. Once approved, that person is assigned a unique login and password combination with which to access the court's Electronic Filing System. *Id.* at 2. Septowski became an authorized Electronic Filer in the Northern District of Texas and was assigned a login/password combination unique to him. Pursuant to Article III, B, 2 of the ECF Procedures "the filing of any document using a login/password combination issued by the Authorizing Court shall constitute an Electronic Filer's signature for purposes of signing the document under Fed. R. Bankr. P. 9011 or any other signature requirement imposed by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or any local rule of the Authorizing Court." Moreover, "no person shall knowingly utilize or cause another person to utilize the password of an Electronic Filer unless

such a person is an authorized agent of the Electronic Filer.” *Id.*

There is no dispute here that Septowski’s ECF login and password were used when the documents and pleadings that falsely represented Ms. Chandler’s representation of the Debtors and affiliation with S&A were filed with the Court in the Debtors’ bankruptcy case. In accordance with the ECF Procedures, Septowski signed these false documents and pleadings and is responsible for their filing in the Debtors’ bankruptcy case. Of course, that also means that he was practicing law while suspended from that practice by the State Bar of Texas.

Moreover, the Court finds that Septowski intentionally attempted to obfuscate his continued direct involvement in the Debtors’ bankruptcy case during the Suspension Period by falsely representing to the Court that Ms. Chandler was (i) an associate attorney of S&A, and (ii) the lawyer of record for the Debtors during the Suspension Period. Then, when caught by the US Trustee, the Court finds that Septowski continued to attempt to obfuscate his direct involvement in the Debtors’ bankruptcy case during the Suspension Period by misrepresenting to the Court (i) his obvious and ongoing involvement, and (ii) the testimony of Alums at the November 20 hearing.

Specifically, Septowski maintained at the November 20 hearing that he was innocent of any wrongdoing here. He claimed that because of his suspension from the practice of law by the State Bar of Texas, he had instructed Alums to contact Ms. Chandler to see if she would cover for him with the Debtors during the Suspension Period. According to Septowski, Alums told him that he had contacted Ms. Chandler and that she had so agreed. So, as Septowski’s initial story went, he’s innocent of any wrongdoing because he truly thought Ms. Chandler had agreed to handle the Debtors’ bankruptcy case for him during the Suspension Period.

Sadly, that story makes no sense if any thought is given to it and, from the Court’s



perspective, is a total fabrication by Septowski. For example, if Ms. Chandler had truly agreed to represent the Debtors during the Suspension Period, why were pleadings filed that said Ms. Chandler was associated with S&A and used S&A's office address and phone number? Ms. Chandler was never associated with S&A and, if she had really agreed to be the attorney of record for the Debtors during the Suspension Period, wouldn't she have insisted on using her own firm name, office address and phone number so that she would receive pleadings and/or communications from court staff, not S&A's address and phone number? And, why would a non-bankruptcy lawyer agree to take on the handling of a consumer bankruptcy case when she knew nothing about consumer bankruptcy law? Of course, another serious problem with Septowski's initial story is that Alum's testimony doesn't support it. While Alums did testify that Septowski asked him to contact Ms. Chandler to see if she would be willing to take on the Debtors' representation during the Suspension Period, Alums further testified that (i) he never actually spoke to Ms. Chandler, and (ii) he never told Septowski that she had agreed to take on the Debtors' representation.

To make matters worse, Septowski then misrepresented Alums' November 20 testimony to the Court at the outset of the continued hearing on January 6. After advising the Court that Ms. Porcet had declined to come to Texas because all she knew was that she had filed the documents and pleadings at Septowski's direction,<sup>3</sup> Septowski then explained that while he accepted responsibility for having caused false documents and pleadings to be filed in the Debtors' bankruptcy case, it was all an unfortunate misunderstanding due to Alums having lied to him about (i) having spoken to Ms. Chandler, and (ii) Ms. Chandler having agreed to take on the Debtors' representation during the Suspension Period, as, according to Septowski, Alums had

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<sup>3</sup> As noted previously, at the January 6 continued hearing, Septowski finally acknowledged that the documents and pleadings were filed by Ms. Porcet at his direction using his ECF login and password.

admitted on the witness stand on November 20. When pressed by the Court because its recollection of Alum's testimony was markedly different, Septowski continued to assure the Court that Alums had testified that he had lied to Septowski and that was how this unfortunate mess had occurred.<sup>4</sup>

Following the January 6 hearing, the Court listened to the electronic transcript of the entire November 20 hearing. And, consistent with the Court's recollection of Alums' November 20 testimony, Alums never testified that he lied to Septowski. In fact, Alums denied having told Septowski that Ms. Chandler agreed to take on the Debtors' representation during the Suspension Period.

Septowski's continued efforts to mislead the Court have only increased the Court's confidence in the correctness of its conclusions regarding the outcome here.<sup>5</sup> So, after carefully considering the pleadings on file and the record made at both the November 20 and January 6

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<sup>4</sup> Even assuming Septowski's revised "story" is true (which of course it isn't), that "story" leaves unanswered at least two material questions: (i) who prepared the false pleadings and documents during the Suspension Period, and (ii) who was consulting with the Debtors during the Suspension Period and received their authority to file those documents and pleadings in their bankruptcy case?

<sup>5</sup> Much time was spent at the continued January 6 hearing with Septowski attempting to explain that while he was ultimately responsible for what had occurred here and was sorry about the unfortunate mess, he was really a "good guy" and innocent of any real wrongdoing – again because of Alums' alleged lies to him and because he thought the use of his ECF login and password by Ms. Chandler was authorized by Local Rule 11.1. When the Court expressed confusion about what Local Rule he was referring to given his admission at the November 20 hearing that he had not read the rules regarding the use of an ECF login and password "in years," and the fact that there is no Bankruptcy Court ECF-related rule 11.1, Septowski admitted that between the November 20 hearing and the January 6 hearing, he had decided he should read the ECF rules and he "googled them." What apparently came up in his google search were the Local Rules for the United States District Court for the Northern District of Texas, not the ECF Procedures adopted by the Bankruptcy Court for the Northern District of Texas. Then, in what can only be described as a tortured reading of District Court LR 11.1 (c) and maybe (d), Septowski claimed that he thought the filings at issue here were appropriate – again because he thought Ms. Chandler had agreed to serve as substitute counsel.

From the Court's perspective, Septowski misreads District Court LR 11.1(c). What it correctly says is that when the false documents were filed using Septowski's ECF login and password, he certified that "the document had been properly signed" by Ms. Chandler. Of course, that certification was false as Ms. Chandler did not sign any of the pleadings. Moreover, to the extent Septowski relies on District Court LR 11.1(d) to rationalize his conduct here, his reliance is also misplaced. In fact, District Court LR 11.1(d) requires that Septowski include a scanned image of Ms. Chandler's signature (which he didn't) and keep the signed paper copy of her signature for one year after the final disposition of the case (of which there is no signed paper copy because Ms. Chandler did not sign any pleadings).

hearings, the Court finds that (i) Septowski's evolving "story" is incredible and an after-the-fact fabrication, (ii) Septowski has attempted to mislead the Court with respect to his knowledge of material relevant facts, (iii) Septowski prepared documents and pleadings that falsely represented Ms. Chandler's representation of the Debtors and affiliation with his law firm during the Suspension Period, (iv) Septowski either filed directly, or authorized Ms. Porcet to file, false documents and pleadings in the Debtors' bankruptcy case during the Suspension Period, (v) Septowski is legally responsible for the filing of false documents and pleadings with this Court in the Debtors' bankruptcy case during the Suspension Period; and (vi) Septowski continued to practice law and represent the Debtors in their bankruptcy case during the Suspension Period.

Given these findings, the Court concludes that Septowski should be barred from practicing in the Bankruptcy Courts for the Northern District of Texas for a period of not less than 24 months from the date of the entry of this Memorandum Opinion and Order on the Court's docket in the Debtors' bankruptcy case. If Septowski wishes to be readmitted to practice before the Bankruptcy Courts for the Northern District of Texas at any time after the expiration of this 24-month period, Septowski must file such a request with the Chief Judge of the Bankruptcy Court for the Northern District of Texas, who will decide, after notice to the US Trustee and a hearing, if Septowski should be allowed to resume practice in our court.

In the proposed Agreed Order that Septowski and the US Trustee tendered to the Court at the outset of the November 20 hearing, Septowski agreed to refund \$500 to Happy Cars, Inc. on or before December 31, 2013. The Court approves that portion of the parties' agreement and directs Septowski to refund \$500 to Happy Cars, Inc. on or before January 31, 2014, following which he shall provide (within 2 business days) the US Trustee with written evidence confirming that the monies have been so refunded.

Given the Court's findings and conclusions, and the seriousness of the ethical breaches that have occurred here, the Court directs the US Trustee to provide a copy of this Memorandum Opinion and Order to appropriate parties at the State Bar of Texas to consider what action, if any, is appropriate given Septowski's conduct and continued practice of law while suspended from that practice by the State Bar of Texas.

**SO ORDERED.**

### END OF MEMORANDUM OPINION ###

I hereby certify that the foregoing is a true copy of the original thereof now in my office this the 26<sup>th</sup> day of Oct 2014 at Dallas, Texas  
Tawant C. Marshall, Clerk  
United States Bankruptcy Court  
Northern District of Texas

By Tawant C. Marshall Deputy

## **Appendix 3**

420J 000271

CAUSE NO. DC-12-06489

EAGLE TRANSMISSION, INC. and  
V.F.B. FAMILY LIMITED PARTNERSHIP

Plaintiffs,

vs.

HAPPY CARS AUTO REPAIR, INC.;  
ESTER J. JONES; ROBERT F. JONES;  
WESLEY R. JONES; and MICHAEL  
OZMUN,

Defendants.

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IN THE DISTRICT COURT

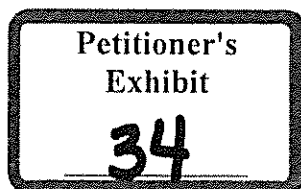
DALLAS COUNTY, TEXAS

191<sup>ST</sup> JUDICIAL DISTRICT

**FINAL JUDGMENT**

On September 8, 2014, this case was called for trial. Plaintiffs Eagle Transmission, Inc. and V.F.B. Family Limited Partnership appeared with counsel and announced ready for trial. Defendants Happy Car Auto Repair, Inc. appeared with counsel and announced ready for trial.

Prior to trial, the parties signed and filed certain stipulations which narrowed the issues for trial. The Court relies upon those stipulations. At trial, the evidence demonstrated that Defendant Happy Cars Auto Repair, Inc. had breached the Franchise Agreement, including underreporting sales in an attempt to avoid paying royalty fees that would normally be due and owing to Eagle Transmission, Inc. under the Franchise Agreement. This underreporting was accomplished through maintaining two sets of books and falsely reporting only certain sales to Eagle Transmission, Inc., while maintaining another set of books regarding other sales. Furthermore, while Happy Cars Auto Repair, Inc. has filed various counter-claims and allegations against Plaintiffs, Happy Cars presented no credible evidence to support its allegations and non-suited such claims during the trial. Happy Cars Auto Repair, Inc. essentially admitted that it owed unpaid royalties to Eagle Transmission, Inc.



THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiffs Eagle Transmission, Inc. and V.F.B. Family Limited Partnership shall have and recover from Defendants Happy Car Auto Repair, Inc. the sum of \$26,800.00 as monetary damages for unpaid royalties due to Eagle Transmission, Inc. under the Franchise Agreement. Furthermore, pursuant to the terms of the Franchise Agreement and Chapter 38 of the Texas Civil Practice & Remedies Code, Plaintiff Eagle Transmission, Inc. is hereby awarded its reasonable attorney's fees in the amount of \$45,586.00.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants Happy Car Auto Repair, Inc. shall take nothing on its claims.

Plaintiffs have previously moved for sanctions against Attorney Charles Septowski, pursuant to Texas Rules of Civil Procedure 13, 215, and Chapters 9 and 10 of the Texas Civil Practice & Remedies Code, and the inherent power of this Court to award sanctions. The Court takes judicial notice of all proceedings in this case. The Court finds that Attorney Septowski's conduct in this case has included:

1. Causing unnecessary delay and expense in the case by filing numerous claims and allegations with no basis in fact or law,
2. Repeatedly frustrating the discovery process, and allowing for non-lawyers in his office effectively to continue his legal practice in this case while his law license was suspended, although asserting the suspension as the basis for delays and non-compliance, and
3. Previously being sanctioned and ordered to comply with discovery, but refusing such compliance.

Based upon the foregoing, the Court hereby enters sanctions against Charles Septowski in the amount of \$25,000.00, as reasonable and necessary attorney's fees incurred by Plaintiffs due to the above misconduct.

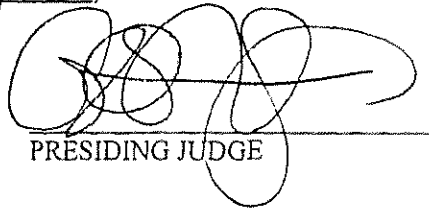
Costs are taxed against Defendant Happy Cars Auto Repair Inc., and the prior order of the Court taxing costs is incorporated herein.

Plaintiffs Eagle Transmission, Inc. and V.F.B. Family Limited Partnership are hereby granted all writs and processes necessary for the enforcement of this judgment.

This is a Final Judgment. All claims for relief not expressly granted herein are denied. This Final Judgment disposes of all parties and claims and is final and appealable.

A copy of this Final Judgment shall be sent to the Texas State Bar-Office of Disciplinary Counsel.

SIGNED this 20<sup>th</sup> day of Jan, 2015.



PRESIDING JUDGE



STATE OF TEXAS }  
COUNTY OF DALLAS }

I, FELICIA PITRE, Clerk of the District of Dallas County, Texas, do hereby certify that I have compared this Instrument to be a true and correct copy of the original as appears on record in my office.

GIVEN UNDER MY HAND AND SEAL of said Court, at office in Dallas, Texas, this 10<sup>th</sup> day of February A.D., 2015.

FELICIA PITRE, DISTRICT CLERK  
DALLAS COUNTY, TEXAS

By Benny John Deputy

## **Appendix 4**

BEFORE THE DISTRICT 9 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 9-4  
STATE BAR OF TEXAS

COMMISSION FOR LAWYER	§	
DISCIPLINE,	§	
Petitioner	§	
	§	A0121114231
V.	§	
	§	
CHARLES D. SEPTOWSKI,	§	
Respondent	§	

**AGREED JUDGMENT OF PARTIALLY PROBATED SUSPENSION**

**Parties and Appearance**

On this day came to be heard the above styled and numbered cause. Petitioner and Respondent, Charles D. Septowski, Texas Bar Number 18032325, announce that an agreement has been reached on all matters including the imposition of a Partially Probated Suspension.

**Jurisdiction and Venue**

The Evidentiary Panel 9-4, 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 the pleadings, admissions, stipulations and agreements of the parties, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(V) 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. Venue is proper in Travis County, Texas, pursuant to Rule 2.11(B) of the Texas Disciplinary Rules of Procedure, because Respondent maintains neither a principal place of practice nor a residence within the State of Texas, and is the county where the alleged Professional Misconduct occurred, in whole or in part.
3. On September 8, 2011, Complainant, George Miller, entered into three separate escrow agreements with Respondent, Charles Septowski, as the Attorney Escrow Agent, to hold three separate sets of historic bonds pending a possible sale to an undisclosed buyer. Respondent was required to hold the bonds in escrow until either the agreement expired (30 days), the bonds were transferred to the buyer for authentication or the buyer completed the purchase. One set of bonds was transferred to a courier for authentication. The other two sets of bonds were never transferred for authentication or purchased pursuant to the terms of the escrow agreement. Pursuant to the escrow agreement, Respondent was thereafter required to return the bonds to Complainant within ten days. Respondent failed to promptly return the two sets of bonds that were in his possession to Complainant. In November of 2011, Complainant traveled from Florida to Austin to recover his bonds. During the week Complainant was in Austin, Respondent failed to meet with Complainant to return the bonds, despite attempts by Complainant to set up a meeting. Thereafter, Respondent refused to negotiate with Complainant. Complainant hired legal counsel, who was also unsuccessful in negotiating the return of Complainant's Bonds. Respondent then filed a civil suit against Complainant seeking monetary compensation and damages, which he later dismissed. After Complainant filed this grievance against Respondent and without obtaining Complainant's prior written authorization, Respondent delivered the bonds to a third party, who returned the bonds to Complainant in February of 2012.
4. Respondent was actively suspended from the practice of law from December 1, 2011 through December 30, 2011. The terms of the suspension prohibited Respondent from "holding himself out as an attorney at law . . . accepting any fee directly or indirectly for legal services, . . . or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counsel at law," or lawyer." On December 19, 2011, while suspended, Respondent sent an invoice to William Abshier, the individual who had arranged for Respondent to be the escrow agent for Complainant. The letterhead on the invoice stated, "Law Offices of Septowski & Associates."
5. 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 \$3,674.19.

### 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: 4.04(a), 8.04(a)(1), 8.04(a)(7).

### Sanction

It is AGREED and ORDERED that the sanction of a Partially Probated Suspension shall be imposed against Respondent in accordance with the Texas Rules of Disciplinary Procedure.

Accordingly, it is ORDERED, ADJUDGED and DECREED that Respondent be suspended from the practice of law for a period of two (2) years, beginning May 1, 2013 and ending April 30, 2015. Respondent shall be actively suspended from the practice of law for a period of three (3) months beginning May 1, 2013, and ending July 31, 2013. If Respondent complies with all of the following terms and conditions timely, the twenty-one (21) month period of probated suspension shall begin on August 1, 2013, and shall end on April 30, 2015:

1. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of \$3,674.19. The payment shall be due and payable on or before the date this Judgment is presented to the Evidentiary panel for execution 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, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701).
2. Within ten (10) days of Respondent's receipt of a copy of this judgment, Respondent shall schedule a full psychological assessment to be conducted by a mental health professional licensed in Texas as a psychiatrist, a psychologist, a master's level social worker (LCSW), or a licensed professional counselor (LPC). Respondent shall complete the assessment at the earliest practicable date, but in no event later than sixty (60) days after receipt of a copy of this

judgment. Although the details of information disclosed during the assessment shall remain confidential, the conclusions, diagnosis and treatment plan recommendations of the mental health professional shall be reported to the State Bar of Texas within ten (10) days of the completion of the assessment. Upon notice to the Compliance Monitor, Respondent may obtain a second opinion conducted by a mental health professional licensed in Texas as a psychiatrist, a psychologist, a master's level social worker (LCSW), or a licensed professional counselor (LPC) within thirty (30) days of receipt of the evaluation. Respondent shall take all necessary action, as recommended by either the first or second opinion, at respondent's election, including the execution of a valid release of information, to allow and direct the mental health professional to report such results and recommendations.

3. If recommended as part of the psychological assessment, Respondent shall remain under the care of one or more mental health professionals at the frequency recommended by the treatment plan for the duration of the supervision period or until released in writing by the treatment provider. Each treating mental health professional shall provide written quarterly reports to the State Bar of Texas verifying Respondent's attendance at the sessions and good faith participation in the treatment plan. The initial report(s) shall be due ninety (90) days after completion of the assessment, with subsequent reports due quarterly thereafter. Respondent shall take all necessary action, including the execution of a valid release of information, to permit any treating mental health professional to provide written or oral reports for the duration of the supervision period.
4. Respondent shall be responsible for all costs and expenses incurred, directly or indirectly, by compliance with these terms and shall pay all such costs and expenses as required by the provider, but in no event later than the final day of the supervision period.
5. Any and all reports and evaluations required by these terms of probation shall be sent to the State Bar of Texas, via USPS; Office of the CDC, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487; or via Delivery: Office of the CDC, State Bar of Texas, 1414 Colorado St., Suite 200, Austin, TX 78701.
6. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

Should Respondent fail to comply with all of the above terms and conditions timely,

Respondent shall remain actively suspended until the date of compliance or until April 30, 2015, whichever occurs first.

Terms of Active Suspension

It is further ORDERED that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, Respondent shall be 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 or Federal 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."

It is further ORDERED that, on or before April 30, 2013, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further ORDERED Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

It is further ORDERED Respondent shall 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), on or before May 15, 2013, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein.

It is further ORDERED Respondent shall, on or before April 30, 2013, 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.

It is further ORDERED Respondent shall 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), on or before May 15, 2013, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court 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 in Court.

It is further ORDERED that, on or before April 30, 2013, Respondent shall 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 Texas.

#### **Terms of Probation**

It is further ORDERED, that if Respondent has complied with all terms and conditions set forth above in a timely manner entitling Respondent to a period of this suspension being probated, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(V) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA)



- requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.
  8. Respondent shall pay all reasonable and necessary attorney's fees and direct expenses to the State Bar of Texas in the amount of \$3,674.19. The payment shall be due and payable on or before the date this Judgment is presented to the Evidentiary panel for execution, 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, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Suite 200, Austin, TX 78701).
  9. If recommended as part of the psychological assessment, Respondent shall remain under the care of one or more mental health professionals at the frequency recommended by the treatment plan for the duration of the supervision period or until released in writing by the treatment provider. Each treating mental health professional shall provide written quarterly reports to the State Bar of Texas verifying Respondent's attendance at the sessions and good faith participation in the treatment plan. Respondent shall take all necessary action, including the execution of a valid release of information, to permit any treating mental health professional to provide written or oral reports for the duration of the supervision period.

#### Probation Revocation

Upon determination that Respondent has violated any term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.23 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals ("BODA") and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further ORDERED that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

**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 \$3,674.19. The payment shall be due and payable on or before the date this Judgment is presented to the Evidentiary panel for execution 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, 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(Y) 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**

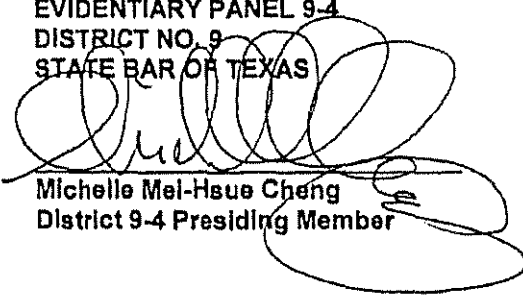
This suspension shall be made a matter of record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

**Other Relief**

All requested relief not expressly granted herein is expressly DENIED.


SIGNED this 12th day of March, 2013.

EVIDENTIARY PANEL 9-4  
DISTRICT NO. 9  
STATE BAR OF TEXAS

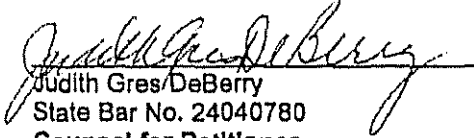


Michelle Mei-Hsue Cheng  
District 9-4 Presiding Member

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



Charles D. Septowski  
State Bar No. 18032325  
Respondent



Judith Gres/DeBerry  
State Bar No. 24040780  
Counsel for Petitioner

\_\_\_\_\_  
Jess M. Irwin, III  
State Bar No. 10425700  
Counsel for Respondent

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

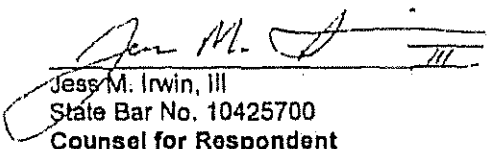
**EVIDENTIARY PANEL 9-4  
DISTRICT NO. 9  
STATE BAR OF TEXAS**

\_\_\_\_\_  
**Michelle Mei-Hsue Cheng  
District 9-4 Presiding Member**

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

\_\_\_\_\_  
**Charles D. Septowski  
State Bar No. 18032325  
Respondent**

\_\_\_\_\_  
**Judith Gres DeBerry  
State Bar No. 24040780  
Counsel for Petitioner**

  
\_\_\_\_\_  
**Jess M. Irwin, III  
State Bar No. 10425700  
Counsel for Respondent**