HANSZEN LAPORTE
ATTORNEYS AT LAW

Jeffrey L. Dorrell
jdorrell@hanszenlaporte.com
Equity Partner
Board Certified—Civil Trial Law

U.S. Supreme Court
U.S. Court of Appeals for the Second Circuit
U.S. Court of Appeals for the Fourth Circuit
U.S. Court of Appeals for the Fifth Circuit
College of the State Bar of Texas

December 15, 2019

Mr. Kenneth W. Kirkland
Investigator, State Bar of Texas
The Princeton Building
14651 Dallas Parkway, Suite 925
Dallas, Texas 75254

RE: Case No. 2019-07437; ***James McGibney — Jeffrey Lee "Jeff" Dorrell***.
Sent by e-mail to dalcdcresponses@texasbar.com.

Dear Mr. Kirkland:

This responds to your letter dated **December 11, 2019**. This response is filed within 30 days of receipt of your letter on **December 13, 2019**.

Background

For the *fifth* time, a client of Beaumont attorney John Morgan has filed a grievance against me.[1] There is a dreary sameness to these actions. No Morgan client has ever employed me as his attorney. Instead, in each instance, my client was *sued* by the same Morgan client who later filed the grievance. In each, Morgan's client lost, sometimes spectacularly.[2] Morgan then coaches his clients to use the grievance process to retaliate against me for successfully defending his ill-grounded suits. This has now been going on for *9 years*.

---

[1] The first three grievances were H0021234581; H0031234790; and 2015-00527. These were all filed by longtime Morgan client Philip Klein, a serial abuser of the Bar's grievance process. The fourth was 2016-05982, filed by the same Morgan client who has filed the instant grievance. All four grievances were dismissed.

[2] *See* ***PRK Enterprises, Inc. v. Google, Inc***., filed by Morgan on behalf of Klein. The Texas Supreme Court granted my petition for writ of mandamus *sub nom.* ***In re Does 1-2***, 337 S.W.3d 862 (Tex. 2011). Klein then filed three grievances against me. *See also* ***Rauhauser v. McGibney (Rauhauser I)***, 508 S.W.3d 377 (Tex. App.—Fort Worth 2014, no pet.), filed by Morgan on behalf of McGibney. After the court of appeals ordered McGibney's baseless suit dismissed, the 67th District Court of Tarrant County ordered McGibney to (i) "publish written apologies on his websites for 365 days;" (ii) pay my client attorney's fees of $300,000.00; (iii) pay sanctions of $150,000.00; and (iv) turn over Internet domains McGibney had created in my name.

McGibney began his scorched-earth litigation campaign in 2014 with Cause No. 67-270669-14; ***McGibney v. Retzlaff***; in the 67th District Court of Tarrant County, Texas. Within weeks, McGibney filed two more suits in California state and federal courts against most of the same defendants based on the same nucleus of operative facts.

(i) Cause No. 5:14-CV-01059; ***McGibney v. Retzlaff***; in the U.S. District Court for the Northern District of California; and

(ii) Cause No. 114CH005460; ***McGibney v. Retzlaff***; in the Superior Court of Santa Clara, California.

McGibney ultimately lost all three suits. I represented defendant Neal Rauhauser. McGibney's personal attacks on me began almost at inception of the case. One of the more unsavory ones was this:

> **You guys wanted to play and Jeffrey Dorrell has endorsed your behavior by representing you…. So I guess it's time for me to accurately report all the rumors and hearsay I am told each and every day by my millions of followers with regard to that great First Amendment attorney Jeffrey Dorrell … who just also happens to be rumored to be a violent pedophile with an insatiable appetite for young hairless boys…. [T]hat monster Dorrell needs to be stopped, and if that involves identifying, locating and communicating with each one of his clients and partners and their families (since they likely all have children), then that is what I (we) will do.**

I furnished documentation of this and McGibney's other attacks when I responded to McGibney's 2016 grievance. McGibney is an unapologetic fan of vengeance who is not particularly scrupulous about *how* the vengeance is exacted.[3] He and his confederates simply *made up* the so-called "rumors and hearsay" of my sexual perversion—later brazenly admitting that the truth was of *no importance* if it should get in the way of satisfying his lust for vengeance against me:

---

[3] *See* McGibney's www.cheaterville.com, the *raison d'etre* of which was the posting of explicit photographs of unfaithful paramours in order to punish the unfaithful for their infidelity. What appears there today is a rambling screed denouncing Rauhauser and me. Similar diatribes appear on McGibney website www.bullyville.com.

> **I mean the fact that #Dorrell may or may not be a pedo isn't really important … what is important is that we tell all his clients that he is.**

Although Morgan limits his abuse of the Bar's grievance process to what he can accomplish using surrogates like McGibney and Klein, Morgan has no such compunction in signing pleadings and motions. Morgan has harassed me with baseless pleadings no less than 100 times filed in approximately a dozen different courts—from the Texas Supreme Court on down. The following is typical:

> **The reason for [Dorrell's] hatred [of Morgan's longtime client Klein] is because [Morgan's former client] McGibney and Mr. Klein have taken aggressive action to shut down child pornography websites and revenge porn websites that have been operated profitably by Mr. Dorrell and Mr. Retzlaff.**

October 5, 2016, Opposition to a TCPA Motion to Dismiss. On December 16, 2016, Morgan wrote to the San Antonio court of appeals:

> **Morgan has learned that … Dorrell … [was] involved on some level with publishing these [revenge porn and child pornography] websites.**

Morgan repeated his baseless allegation yet again in a January 20, 2017, filing in ***Morgan v. Johnson-Todd***:

> **Every pleading Dorrell files contains prodigious personal attacks against Morgan, Klein, and McGibney, for reasons previously discussed, including Dorrell's involvement in child pornography and revenge websites with Thomas Retzlaff.**

I provided all source documents for Morgan's claims (along with pinpoint citations in the documents) to the State Bar with my correspondence of January 31, 2017. No basis for Morgan's allegations—made to numerous courts on Morgan's own personal knowledge or as an attorney representing *himself*—has ever been adduced. None exists. Yet, on March 1, 2017, the State Bar of Texas summarily dismissed my complaint, remarkably declaring that Morgan's conduct was "not a violation of disciplinary rules." The Bar did not even require Morgan to respond. Morgan took this as the Bar's *carte blanche* approval to continue indulging his fits of temper with baseless legal filings at will. He has done so.

As the Bar's files show in detail, Morgan is an *admitted* perjurer who has been: (i) criminally prosecuted for making a false report to a peace officer; (ii) sued for disbarment; (iii) disciplined; and even (iv) arrested for family violence after threatening his wife with a butcher knife. In 2018, U.S. Magistrate Judge

Keith Giblin imposed sanctions of **$29,592.50** on Morgan under 28 U.S.C. § 1927 for "unreasonably" and "vexatiously" multiplying legal proceedings in one of *five* lawsuits[4] Morgan coordinated to retaliate against Judge Layne Walker[5]—the trial judge who presided over Morgan's contentious child custody case. ***Morrison v. Walker***, 2018 WL9812756 (E.D.Tex. 2018). **Exhibit 1**. Morgan appealed, but lost. ***Morrison v. Walker***, 939 F.3d 633 (5th Cir. 2019). **Exhibit 2**. Noting that § 1927 sanctions are reserved for situations in which an attorney is not merely negligent but "advances a baseless claim despite clear evidence undermining his factual contentions,"[6] the Fifth Circuit wrote less than 90 days ago:

> **It cannot be seriously disputed that Morgan multiplied the proceedings. The record shows that he repeatedly made filings based only on the meritless falsified-perjury claim. Nor can it be denied that Morgan's multiplication of the proceedings was unreasonable and vexatious. He pursued a baseless claim with reckless disregard for his duty to the court.**

Morrison, 939 F.3d at 639-40. And yet, Morgan's iniquitous conduct remains unchecked.

Against this backdrop, being accused of dishonesty in a formal State Bar grievance by Morgan surrogate James McGibney is like being called "ugly" by a Denebian slime devil.[7]

---

[4] I also represent Judge Walker—another reason for Morgan's vendetta.

[5] Morgan's personal vendetta against Walker arises from Morgan's bitter child-custody dispute, over which Walker presided. *See* Cause No. F-201,904; ***In the Interest of DM, JM, and AM***; in the 252nd District Court of Jefferson County, Texas. The trial was notable for Morgan's scurrilous accusations against his ex-wife, which included inducing his daughter to falsely allege sexual abuse by her own mother. ***In re A.K.M.***, 2014 Tex. App. LEXIS 2230 at *18-19 (Tex. App.—Beaumont 2014, pet. denied). Walker ordered Morgan to pay "a civil penalty of $500 for making a false report of child abuse." *Id*., at *28. As the court of appeals noted:

> **[Judge Walker] also commented that … [Morgan] made a false report of abuse and "spent an extended period of time brainwashing [his daughter] and spending days rewarding her for her conduct…. [U]nder [TEX. FAM. CODE §] 153.013 I find that [Morgan] definitely made a false report of abuse. He encouraged it. He assisted it."**

[6] ***Morrison***, 939 F.3d at 639.

[7] A "Denebian slime devil" was first mentioned in episode 15, season 2, of the original *Star Trek* television series, entitled "The Trouble With Tribbles" (aired on December 29, 1967). The creature has since been defined by *Alien Species Wiki* as "a non-sapient species of amphibious predatory creatures native to the planet Deneb IV."

The Need to Guard Against Abuse of the Grievance Procedure

Professional conduct rules exist to protect a lawyer's clients or the public. Morgan uses surrogates to invoke them as procedural weapons against me in ongoing litigation. The rules themselves caution against this:

> **[T]hese rules can be abused when they are invoked by opposing parties as procedural weapons. The fact that a rule is a just basis for a lawyer's self-assessment, or for sanctioning a lawyer under the administration of a disciplinary authority, does not imply that an antagonist in a collateral proceeding or transaction has standing to seek enforcement of the rule.**

TEX. DISCIPLINARY R. PROF. CONDUCT, Preamble: Scope, par. 15 (fourth sentence), *reprinted in* TEX. GOV'T CODE, tit. 2, subtit. G app. (STATE BAR RULES art. X, § 9). This is precisely what Morgan has repeatedly done. The State Bar seems blithely to ignore its own admonition, mollycoddling Morgan's abuse of me in this way for almost a decade.

It is no coincidence that *five* grievances have been filed against me by clients of just *one* attorney—Morgan. One need only glance at Morgan's December 11, 2019, motion filed in the ongoing, 5-year-old Cause No. 126,841; ***Morgan v. Johnson-Todd***; in County Court at Law No. 1; Jefferson County, Texas;[8] to see who the author of McGibney's State Bar grievance received in my

---

[8] In ***Johnson-Todd***, Morgan sued his ex-wife's attorney for defamation. I defended that case. Morgan ***first*** lost when the court of appeals dissolved the trial court's unconstitutional, content-based prior restraint on Johnson-Todd's speech. ***Johnson-Todd v. Morgan (Johnson-Todd I***), 2015 WL 2255438 (Tex. App.—Beaumont 2015, pet. denied) (memo. op.). Morgan lost for the ***second*** time when the court ordered Morgan's baseless suit dismissed. ***Johnson-Todd v. Morgan (Johnson-Todd II)***, 480 S.W.3d 605 (Tex. App.—Beaumont 2015, pet. denied). Morgan petitioned the Supreme Court to review and lost for the ***third*** time. On remand, Morgan lost for the ***fourth*** time when the trial court ordered Morgan to pay Johnson-Todd $65,000.00 in attorney's fees and sanctions. Morgan appealed that award and lost for the ***fifth*** time. ***Morgan v. Johnson-Todd (Johnson-Todd III)***, 2018 WL 6884562 (Tex. App.—Beaumont 2018, pet. denied) (memo. op.). Johnson-Todd cross-appealed the trial court's failure to award her appellate attorney's fees and won, making this Morgan's ***sixth*** loss. ***Johnson-Todd v. Morgan (Johnson-Todd IV)***, 2018 WL 6684562 (Tex. App.—Beaumont 2018, pet. denied) (memo. op.). Morgan moved for rehearing and lost a ***seventh*** time. Morgan then petitioned the Supreme Court to review and lost for the ***eighth*** time. Morgan moved for rehearing in the Supreme Court and lost for the ***ninth*** time—all in this one case.

office on December 13, 2019 really was. (It was not McGibney.) Morgan makes the following statements in his motion *under oath*:

> **…Mr. Dorrell admitted his billing records were false in an Affidavit he gave in the McGibney litigation, which is attached as Appendix "3." In that Affidavit, Mr. Dorrell admits he has falsified billing records to other clients of the Hanszen Laporte law firm in order to subsidize cases in which he does not collect any money…. "The firm's usual hourly rates for noncontingent cases were adjusted upward by approximately 50% to reflect th[e] risk … that no payment will ever be collected." This sworn testimony is a per se admission of mail fraud, because Hanszen Laporte bills to paying clients are falsified in order to subsidize Mr. Dorrell's politically based litigation, such as his case against Mr. McGibney….**

Exhibit 3, ¶5. Compare this language to the language of McGibney's grievance alleging "billing fraud:"

> **Furthermore, per Mr. Dorrell's own sworn affidavit submitted to the court, he states, "the firms (sic) usual hourly rates for noncontingent cases were adjusted upward by approximately 50% to reflect th[e] risk … that no payment will ever be collected." … It appears that Mr. Dorrell is admitting that Hanszen Laporte charged their paying customers an additional 50% to cover the costs of this case…. Yet, he is now attempting to collect Attorney's fees in this case totaling $200,000. That is the very definition of double dipping.**

McGibney's Grievance, Part IV(3).

The Committee should accept as part of its deliberations both the foregoing admonition of the preamble and McGibney's history of revenge-tactics employed against his litigation opponents—of which the instant grievance is merely the latest example. McGibney's revenge-mongering is not merely my conclusory allegation in this response. As elaborated in note 2 above, it was the evidence-based judicial finding of a district court *specifically as to me*.

Nevertheless, I respond as to McGibney's new allegations to show that they are both (i) meritless; and (ii) based on factual distortions by a complainant with a motive to retaliate against me.

Response to McGibney's Allegations

McGibney's distortions of the ***Rauhauser II*** holding notwithstanding, that court did not find my billings "fraudulent" or "falsified." I did not charge "paying clients an additional 50% to cover the costs of [***McGibney v. Rauhauser***]." I did not charge Rauhauser attorney's fees for "completely different cases." The fees at issue were fees to be awarded to Rauhauser after the court ordered the baseless claims Morgan filed dismissed under TEX. CIV. PRAC. & REM. CODE § 27.001, the Citizens Participation Act, or "TCPA." Since McGibney challenges the amount of my attorney's fees, the history of the case is relevant.

On February 19, 2014, McGibney sued Rauhauser and 9 other defendants for $1,000,000.00 each for at least 11 overlapping but separately-denominated claims—some of which are not even recognized civil causes of action:

(i) Defamation; (Plaintiffs' Original Petition, ¶ 17.)

(ii) Defamation *per se*; (*Id*.)

(iii) Business disparagement; (*Id*., ¶ 20.)

(iv) Intentional infliction of emotional distress; (*Id*., ¶ 19.)

(v) Tortious interference with "business relationships;" (*Id*., ¶ 20.)

(vi) Harassment; (*Id*.)

(vii) Stalking; (*Id*.)

(viii) Blackmail; (*Id*.)

(ix) Extortion; (*Id*.)

(x) "Gross negligence *per se* in violation of TEX. PEN. CODE §§ 22.07,[9] 42.07, and 42.072;" and (*Id*., ¶ 21.)

(xi) "Unlawful verbal acts." (*Id*., ¶ 22.)

---

[9] TEX. PENAL CODE § 22.07(a)(5) is an assaultive offense captioned "Terroristic Threat" of which *intent* to "place the public or a substantial group of the public in fear of serious bodily injury" is a required element. Section 42.07, "Harassment," also requires intent. *Id*., § 22.07(a). It is unclear how one could "negligently" violate a penal statute of which intent is a required element.

After Rauhauser moved to dismiss under the TCPA, McGibney nonsuited—arguing that the nonsuit immunized him from sanction. The court of appeals disagreed, dismissed, and remanded to the trial court for further proceedings.[10] On remand, Judge Donald J. Cosby awarded $300,383.84 in attorney's fees and expenses and $1,000,000 in sanctions against McGibney on December 30, 2015.

McGibney complained and requested a "do-over." Judge Cosby granted it. An oral hearing was held on April 7, 2016, during which plaintiffs argued that Rauhauser had never "incurred" any attorney's fees because of his contingency fee agreement.

> **MR. STONE: The engagement letter with Neal Rauhauser states that the firm's representation and compensation will be contingent upon a recovery after the first $2,500 is depleted. That's a contingency fee agreement…. He is not actually on the hook for any of those fees….**

Reporter's Record of April 7, 2016, 35:22-37:16. Judge Cosby was not persuaded. On April 14, 2016, he awarded the *same* $300,383.84 in attorney's fees and expenses that had been awarded on December 30, 2015. Despite the passage of more than four months, the preparation of additional briefing, and the parties' preparation for, and participation in, the April 7, 2016, evidentiary hearing, Rauhauser had requested no additional attorney's fees.

Unhappy with Judge Cosby's new award, McGibney moved to modify the judgment. Again, there was more briefing. There was also another oral hearing, this time on June 3, 2016. McGibney appeared and personally addressed the Court, expressing his distaste for making an apology to Rauhauser or his attorney for, among other things, calling me a "violent pedophile with an insatiable appetite for young hairless boys" on social media and on McGibney's Bullyville.com website).[11] Judge Cosby responded:

---

[10] ***Rauhauser I***, 508 S.W.3d at 390.

[11] This is conduct materially indistinguishable from conduct that took place in Cause No. DC-15-08135; ***Tobolowsky v. Vodicka***; in the 14th District Court of Dallas County, Texas, in which the trial court originally awarded $5,000,000.00 in exemplary damages, later modified on appeal to $500,000.00. *See* ***Vodicka v. Tobolowsky***, 2019 WL 1986625 at *6 (Tex. App.—Dallas 2019, no pet.) (memo. op.).

> **THE COURT: One of the reasons that I lowered the sanction amount from my earlier decision [of $1,000,000.00] was because I felt it necessary that an apology be given. So if I take that away, there's a good justification for me to increase that sanction amount. And that's one of the -- that's -- I really -- that was one of the considerations. I thought an apology, at the request of Mr. Dorrell and his client, I felt was appropriate.**

Reporter's Record of June 3, 2016, 27:3-10. Again, Rauhauser did not request an increase in the award of attorney's fees to reflect Rauhauser's attorney's additional legal work during what was now more than five months since the December 30, 2015, award. Judge Cosby denied McGibney's motion to modify.

McGibney appealed. The court of appeals criticized Judge Cosby for awarding "100% of the amount that Rauhauser *sought*" (which was already substantially less than Rauhauser had *incurred*). ***Rauhauser II***, 549 S.W.3d at 821 [emphasis added]. The court criticized what it called "brutal"[12] redactions in Rauhauser's attorney's fee time logs (*id*. at 821-23), denounced billing of 4.9 hours for what it called "oppo research" (*id*. at 823-24), and concluded that there could be "no doubt that .80 hours of work to determine that Rauhauser was not named as a defendant in a California federal suit styled ***McGibney v. Retzlaff***" could not be awarded as attorney's fees in this case."[13] The court denounced as "[a]dding insult to injury" that Rauhauser had two attorneys present at the May 21, 2014, hearing on the "chapter 27 motion," *id*. at 825, and chided that I billed 8.8

---

[12] Rauhauser's redactions were hardly "brutal." The logs submitted in 2015 reflected a total of 601.25 hours worked in 16 months (from February 25, 2014, to June 24, 2015). The 2015 time logs reflected a total of 303 separate entries, only 41 of which (13%) had redactions. The redactions affected only 27.2 of the 601.25 hours, or slightly over 4% of the total. Attorney's fee awards are routinely upheld on the basis of redacted time logs. *See* ***City of Houston v. Kallinen***, 516 S.W.3d 617, 628 (Tex. App.—Houston [1st Dist.] 2017, no pet.) (op. on reh'g). Yet, the existence of these minimal redactions figured prominently in the ***Rauhauser II*** court's holding that Judge Cosby had "insufficient evidence" of attorney's fees to support his ruling.

[13] Contrary to McGibney's claim in his grievance, I *did* advise Rauhauser regarding McGibney's California federal suit—in which McGibney *did* name Rauhauser as a defendant. McGibney's attorney even asked me to accept service on behalf of Rauhauser. In his grievance, McGibney dishonestly describes this as a "completely different suit." It was *anything* but that. McGibney's California federal suit was a mirror image of his Texas suit. Although I began drafting a motion to dismiss McGibney's federal suit under California law, Rauhauser decided not to defend in California and to defend in Texas instead. The ***Rauhauser II*** court disagreed with Judge Cosby that the small charge for my work on McGibney's California suit was recoverable in the Texas suit. That does not make it "fraudulent."

hours for researching and drafting an amended TCPA motion to dismiss "even though the amended motion added only four pages of substantive change." *Id*. at 824, n.29. The appellate court harshly rebuked Judge Cosby for having allegedly acted as "a rubber-stamp, accepting *carte blanche* the amount appearing on the bill," *id.* at 821, and having allegedly "failed to consider and weigh the evidence of attorney's fees in a thorough manner and apply guiding rules and principles to determine which charges were reasonable." *Id.* at 826.

Of course, the fact that the ***Rauhauser II*** court disagreed with Judge Cosby regarding how much of Rauhauser's attorney's fees were recoverable under the TCPA—and whether a sufficient quantum of evidence had been presented to support them—does not make my time logs "falsified" or "fraudulent." The case is now once again before Judge Cosby on a second remand. More evidence will be presented, and Judge Cosby will make a new award.

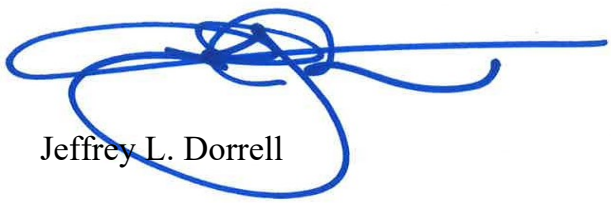
Rauhauser's nearly six-year odyssey defending McGibney's baseless suit has included two voyages to the court of appeals, one to the Texas Supreme Court, two remands, multiple oral hearings, extensive trial court motion practice, and hundreds of pages of briefing. As of June 30, 2019, it had amounted to a total of 999.85 hours of legal work with a value of $464,685.75.

The mere fact that Rauhauser's attorney's fees were high does not mean they were "fraudulent." McGibney—first in filing his suit and then in conducting himself in bad faith—picked this fight. Perhaps the Bar might consider the analysis of courts weighing such facts:

> **It is unbecoming … to hail the defendant into court by means of false allegations and then to complain when the defendant hires skillful, experienced and expensive advocates to defend against those allegations. Having wrongfully kicked the snow loose at the top, [the plaintiff] must bear the consequences of the avalanche at the bottom.**

See ***Schwartz v. Folloder***, 767 F.2d 125, 133-34 (5th Cir. 1985); *see also* ***Deutsch v. Henry***, 2016 WL 7165993 at *23 (W.D. Tex. December 7, 2016).

Yours very truly,



Jeffrey L. Dorrell