

STATE BAR GRIEVANCE INVESTIGATIVE REPORT

KUHNEL PROBATE MATTER

Primary Focus: Michael A. Trevino

Related Conduct for Investigation: Jorge Borunda and Adam W. Fomby

Underlying proceeding	In the Estate of Billie Nelson Kuhnel, Deceased, Cause No. 464101, Probate Court No. 3, Harris County, Texas
Primary client at issue	Kenneth Roy Kuhnel ("Roy")
Beneficiary / movant	Devon Allen Kuhnel
Current temporary administrator	Harold "Hap" May (appointed September 10, 2026)
Report date	September 20, 2026 (revised to incorporate certified September 10, 2026 reporter's record)
Purpose	Kuhnel-focused disciplinary grievance and investigative request; allegations are presented for investigation, not as adjudicated findings

IMPORTANT EVIDENTIARY NOTE

1. Executive Summary

This grievance concerns Michael A. Trevino's entry into and continued use of the Kuhnel probate litigation on behalf of Kenneth Roy Kuhnel, an elderly man whom family members report suffers from dementia and lacks the ability to understand complex financial and legal decisions. The most serious questions are whether Trevino obtained meaningful authority to act, whether Roy understood the contingency-fee and arbitration terms attributed to his engagement, and whether Trevino later used Roy's purported authorization to pursue litigation positions with major consequences for Devon Allen Kuhnel.

The court record shows Trevino acting affirmatively, not passively. In August 2026 he filed a response attacking Devon's motions, demanding Devon's deposition, urging the court to deny multiple dispositive motions, and asking the court to move the will contest toward trial. He supported that filing with an unsworn declaration attributed to Roy that expressly states Roy was "of sound mind and capable" of making the declaration. The

family disputes that premise and reports that Roy lacked the capacity to understand even the fee agreement he signed.

The fee facts make that dispute especially important. The family reports that Roy arrived at Trevino's office with a check because he believed he was hiring Trevino on an hourly basis. Trevino did not take the check. Roy reportedly left amused and said, "The attorney wouldn't even take my money." The family contends Roy did not understand that he had signed a contingency-fee agreement with an arbitration provision. If corroborated, the incident is powerful circumstantial evidence that Roy did not understand the basic economic structure of the agreement, much less the consequences of arbitration.

As family members independently compared notes, they say they discovered professional and business connections among lawyers whom they had understood to be separate and independent. The grievance asks the Bar to investigate whether undisclosed affiliations, referrals, cross-reviews, or business relationships materially affected the consumers' understanding of who they were hiring and whether online endorsements created a misleading impression of independence.

The certified September 10, 2026 reporter's record materially strengthens the disciplinary inquiry. Judge Jason Cox removed Brian Kuhnelt as administrator and ordered him to surrender his letters and take no further action. Devon Kuhnelt then objected to Trevino serving as co-temporary administrator, expressly asserting a conflict and asking for a neutral person. The Court stated that, given the status of Trevino's attorney-client relationship, appointing him did not seem advisable; Trevino agreed. The Court also stated that Roy might need a guardian ad litem. Trevino acknowledged uncertainty about whether he had been terminated, and Fomby stated that he had received an email terminating him and had no problem withdrawing. The Court ultimately concluded that the estate needed a third-party temporary administrator who was not attached to any party and was 'truly independent.'

The hearing also placed the existing disciplinary concerns directly before the probate court. Judge Cox questioned Devon about a confidential Bar complaint against Trevino that Devon had attached to his objection and said he found online. The Court later struck that exhibit sua sponte. The transcript does not identify Damn Lawyers or Dolcefino Media by name, so this grievance does not claim that the Court endorsed or adjudicated the public investigation. It does show, however, that online disciplinary allegations concerning Trevino had reached the probate proceeding and were part of the conflict discussion surrounding his proposed fiduciary appointment.

The complainant also asks the Bar to investigate the professional relationships among Trevino, Jorge Borunda, and Adam W. Fomby. Trevino's January 2023 filing identifies him as Roy's lawyer while Borunda and Fomby appear on the service list on the opposing side. Separate complaint materials state that Trevino previously worked at Radack & Borunda and that Fomby was Borunda's business partner. Those connections do not prove collusion, but they make undisclosed referral, financial, co-counsel, or strategic relationships a legitimate subject of disciplinary discovery.

The requested inquiry is therefore focused: Was an elderly client with diminished capacity used to authorize a contingency-based probate strategy he did not understand; was that purported authority used to attack a beneficiary and seek control over the estate; and did undisclosed professional relationships or financial incentives influence the lawyers' conduct?

What this complaint does not ask the Bar to assume

- It does not treat dementia, fraud, theft, collusion, or professional misconduct as established merely because a family member alleges it.
- It does not treat a contingency fee as unethical merely because it is a contingency fee.
- It does not assume that a professional relationship among lawyers proves an undisclosed conflict.

- It asks the Bar to obtain the primary evidence - engagement documents, medical/capacity evidence, hearing transcript, communications, billing/referral records, and review/marketing records - and test the allegations against the Texas disciplinary rules.

2. Core Disciplinary Questions

- What did Trevino know about Roy Kuhnel's cognitive condition when he accepted the engagement and when he later filed Roy's August 2026 declaration?
- Did Roy understand that Trevino was being compensated through a contingency fee rather than an hourly retainer?
- Did Roy understand the arbitration provision and the rights affected by it?
- Who drafted the August 10, 2026 declaration stating that Roy was "of sound mind and capable," and what independent basis did Trevino have for submitting it?
- Did Trevino act within Roy's actual objectives, or did he effectively define the objectives for a client who could not adequately make those decisions?
- Why was Trevino proposed as temporary administrator of the estate while he was also serving as Roy's advocate in the contested probate matter?
- What communications occurred among Trevino, Borunda, and Fomby before Trevino entered or expanded his role in the case?
- Were any referral, fee-sharing, co-counsel, business, investment, or other financial relationships among the lawyers disclosed to affected clients?
- Did Trevino's contingency interest create an incentive to pursue a litigation result that increased his own potential recovery while diminishing Devon's rights under the 2017 will?
- Did Brian Heath Kuhnel materially rely on Borunda's and/or Fomby's five-star online ratings or other reputation signals when retaining them, and were any favorable reviews written by business partners, affiliated lawyers, family members, co-counsel, or other persons whose relationship should have been disclosed to consumers?
- When Kuhnel family members independently compared notes, did they discover professional, referral, co-counsel, or business relationships among lawyers they had reasonably understood to be separate and independent, and were any such relationships material to informed selection of counsel?
- Did any lawyer knowingly use misleading statements, omit material relationships, or participate in deceptive advertising or review practices bearing on honesty and fitness to practice?
- What written or oral authority did Trevino have to continue acting for Roy after the termination email, and what steps did he take once he questioned whether the client himself had sent or authorized it?
- Why did the probate court conclude that a third-party administrator detached from all parties was required, and what does that ruling reveal about the risks of appointing Trevino while his own representation and interests were disputed?
- What was the source of the Bar complaint attached to Devon's objection, and what public reporting, websites, or investigative materials led Devon to discover it?

Source note: Texas Disciplinary Rules supplied by the complainant include Rules 1.02, 1.03, 1.04, 1.06, 1.15, 1.16, 3.03, 4.01, 7.01, and 8.04 as potentially relevant depending on proof of knowledge, materiality, consent, and harm.

3. Evidence Classification Used in This Report

Category	Examples	How treated
Court record	Trevino's 2023 filing; August 12, 2026 response; Roy declaration; September 10 administrator order; certified September 10 reporter's record	Documented facts, statements made in open court, and court rulings
Family report	Roy's dementia; retainer-check incident; reasons family members sought termination of counsel;	Leads requiring sworn statements, medical evidence, communications, or other corroboration

	relationship history not independently established by the transcript	
Complainant theory	That consumers perceived lawyers as independent choices but later discovered potentially material professional, referral, or business relationships	Expressly labeled as theory; investigation should test communications and financial relationships
Comparative evidence		Credibility/pattern leads only; not proof of Kuhnle misconduct

4. Kuhnle Probate Chronology

Date	Event
October 27, 2017	Billie Nelson Kuhnle executes the later will that became the subject of the contest.
January 20, 2018	Billie dies. The later will is subsequently admitted to probate.
April 10, 2018	The 2017 will is admitted to probate, according to Trevino's 2026 filing.
January 31, 2020	Roy files a contest to the 2017 will.
January 27, 2023	Michael Trevino files the First Amended Petition of Contestant Kenneth Roy Kuhnle. The filing identifies Trevino as Roy's attorney and serves Jorge Borunda and Adam W. Fomby among the lawyers in the matter.
2023-2026	The probate litigation continues amid disputes over wills, estate accounting, alleged undue influence, capacity, finances, and administration.
July 13-30, 2026	Devon files multiple motions to dismiss and/or for summary judgment. Trevino characterizes the filings as repetitive and legally defective and opposes all of them.
August 10, 2026	An unsworn declaration attributed to Roy is signed. It states that Roy is "of sound mind and capable of making this unsworn declaration" and contains extensive accusations and factual assertions concerning Devon.
August 12, 2026	Trevino files a 15-page response relying on Roy's declaration, asks the court to deny Devon's motions, compel Devon's deposition, and set the matter toward trial.
September 10, 2026	Certified hearing before Judge Jason Cox. The Court removes Brian Kuhnle as administrator and orders him to surrender his letters and take no further action. Devon objects to Trevino's proposed appointment as co-temporary administrator on conflict grounds and asks for a neutral fiduciary. The Court says Trevino's appointment does not seem advisable given the status of his attorney-client relationship; Trevino agrees. The Court states Roy may need a guardian ad litem. Trevino says he is uncertain whether he has been terminated; Fomby says he received a termination email and is willing to withdraw. The Court states the estate needs a third-party temporary administrator not attached to any party so the fiduciary is truly independent; Harold 'Hap' May is appointed by written order.
Current	The family seeks disciplinary review of Trevino's authority after the termination dispute, Roy's capacity, the fee and arbitration agreement, the proposed administrator role, the conflict concerns raised in open court, and undisclosed relationships among the lawyers. The certified September 10 transcript is now primary evidence.

Source note: Primary court sources include Trevino's January 27, 2023 amended petition; Trevino's August 12, 2026 response and attached Roy declaration; the September 10, 2026 Order Appointing Temporary Administrator Pending Contest; and the certified September 10, 2026 Reporter's Record signed September 15, 2026.

5. Michael Trevino's Entry Into the Kuhnel Case

The January 27, 2023 pleading is important because it establishes Trevino's affirmative role in the probate dispute. Trevino signs as "Attorney for Kenneth Roy Kuhnel." The same filing is served on Jorge Borunda and Adam W. Fomby, placing the three lawyers in the same contested probate ecosystem but nominally on opposing sides.

That record makes disclosure and independence important. The complainant does not ask the Bar to infer misconduct merely because lawyers know each other. The concern is that separate materials identify Trevino as a former Radack & Borunda lawyer and identify Fomby as Borunda's business partner. If those professional ties continued through referrals, joint cases, fee sharing, investments, or other financial arrangements while they were appearing on opposing sides of Kuhnel, the Bar should determine whether the relationships were material and whether affected clients were informed.

5.1 Insider-information theory - to be investigated, not assumed

The family's theory is that Borunda and Fomby entered the matter during a crisis in the estate administration, when the executor faced serious accounting and fiduciary accusations and the need for a successor personal representative was developing. The family suspects that Trevino may have received information or a referral through that professional network and became a second route to potential fees or influence over the estate after the executor's position weakened.

The current documents do not prove that theory. They do, however, justify targeted requests for communications and referral records because (1) Trevino was acting for Roy, (2) Borunda and Fomby were lawyers on the other side, (3) Trevino is identified in separate complaint materials as formerly associated with Radack & Borunda, and (4) the September 10 order shows Trevino was actually proposed for the powerful role of temporary administrator before the court appointed Hap May instead.

5.2 Records the Bar should obtain

- All communications among Trevino, Borunda, Fomby, Brian Kuhnel, Paul Kuhnel, Roy Kuhnel, and their firms concerning the Kuhnel estate.
- Referral agreements, co-counsel agreements, joint venture records, fee-sharing records, and payment ledgers involving Trevino, Borunda, or Fomby.
- Conflict checks and written disclosures for the Kuhnel matter.
- Calendar records and intake notes showing who first contacted Trevino and what information he possessed before engagement.
- All communications concerning the proposal that Trevino serve as temporary administrator.

6. Roy Kuhnel: Capacity, Fee Agreement, and Informed Consent

6.1 The retainer-check incident

The family reports that Roy went to meet Michael Trevino expecting an hourly engagement and brought a check to pay the retainer. Trevino did not take the check. Roy reportedly walked out laughing and told family members:

"The attorney wouldn't even take my money."

The significance is not the humor of the remark; it is Roy's apparent understanding of the transaction. If Roy had knowingly entered into a contingency-fee agreement, he ordinarily should have understood that Trevino was not agreeing to work without compensation. The statement therefore supports an investigation into whether Roy understood that the lawyer would instead receive a percentage of a recovery.

The family further reports that the agreement included an arbitration provision that Roy did not understand. Before the grievance calls the clause "hidden," the Bar should review the actual agreement, formatting,

signature/initial pages, and any written or oral explanation. The central disciplinary issue is informed understanding, not typography alone.

6.2 Devon's independent lawyer search and Abaza referral

Devon Allen Kuhnelt reports that, while independently searching for counsel, he contacted Nicholas Abaza to ask whether Abaza was available to represent him. According to Devon, Abaza said he had a conflict and referred Devon to another attorney. The identity of that referred attorney will be added once confirmed. This is materially different from the prior draft: Devon was not solicited by Trevino. The significance of the Abaza contact is instead that a consumer calling around for supposedly independent counsel may move through a referral network without understanding the professional, financial, business, or case relationships among the lawyers being considered.

The Bar should determine whether Abaza's referral was ordinary and independent or whether the referred lawyer had any material relationship with Abaza, Trevino, Borunda, Fomby, or their firms that a prospective client would reasonably consider important. The grievance does not assume wrongdoing from a referral. It asks for transparency: who referred whom, whether any fee or reciprocal referral relationship existed, whether the lawyers shared cases or business interests, and whether those relationships were disclosed when consumers were choosing counsel.

This referral evidence also belongs in the broader consumer-deception inquiry. The family says it initially perceived these lawyers as separate choices in the marketplace. After comparing experiences and relationships, family members came to believe that the apparent independence among some lawyers was not what they had assumed. That concern should be tested through referral records, conflict checks, co-counsel agreements, joint-business records, and communications rather than through inference alone.

6.3 Why dementia matters to the engagement

Rule 1.16 does not require a prior guardianship adjudication before diminished capacity becomes relevant. The issue is whether Trevino knew or reasonably believed that Roy's capacity to make adequately considered decisions was impaired and, if so, whether Trevino maintained an appropriate client relationship and used protective measures when substantial financial harm was possible.

A contingency arrangement, arbitration provision, and contested-probate strategy are sophisticated legal and financial decisions. If Roy could not understand the difference between paying an hourly retainer and granting a percentage interest in a multimillion-dollar dispute, the Bar should examine whether his signature represented meaningful consent.

6.4 Evidence needed

- The complete engagement agreement, all drafts, signature pages, and metadata.
- The physical retainer check or bank image Roy brought to the meeting.
- Any written hourly quote, retainer request, invoice, email, or text preceding the meeting.
- Medical records and cognitive assessments near the execution date.
- Declarations from people who observed Roy's memory, comprehension, and ability to handle finances.
- Trevino's intake notes, capacity observations, and notes of the fee discussion.
- Any office video, visitor log, calendar, or witness showing who was present when Roy signed.
- Devon's sworn statement describing his call to Nicholas Abaza, Abaza's statement that he had a conflict, the identity of the lawyer to whom Abaza referred Devon, and any texts, emails, call logs, intake notes, or witnesses corroborating that referral.
- Any communications, intake notes, call logs, referral records, or witnesses relating to Devon's independent contact with Nicholas Abaza and the attorney to whom Abaza referred him.

7. Trevino's August 2026 Filing Against Devon - What the Record Actually Says

The August 12 filing is central because it shows Trevino using Roy's purported authority to oppose Devon directly. It is not simply a notice of appearance. It is a litigation document that repeatedly attacks Devon's legal position and factual credibility while seeking coercive procedural relief against him.

7.1 Page 1 - framing Devon as repetitive and obstructive

Trevino opens by stating that Devon had filed at least five separate dismissal and summary-judgment motions in “rapid succession,” characterizes them as raising essentially the same arguments, and asks that each be denied. He also seeks relief based on Devon's failure to sit for deposition and asks the court to move the case toward trial.

7.2 Page 2 - direct attack on Devon's legal credibility

The filing states that Devon's motions “misstate the law, mischaracterize the record, and misunderstand” the governing requirements. It also asserts that Devon had refused for a long time to provide a deposition date. Those are not neutral descriptions; they are advocacy designed to persuade the probate court that Devon's positions are legally and procedurally unreliable.

7.3 Pages 3-6 - factual theory portraying Devon as an undue influencer

Trevino's filing advances a theory that Billie's cognitive condition had deteriorated and that Devon acquired increasing control over her finances, medical care, and decisions. The filing alleges that Devon obtained or used a power of attorney, had access to bank accounts, withdrew or spent funds, and used Billie's weakened condition to secure changes in the 2017 will or non-probate designations. These are serious allegations capable of materially damaging Devon's standing and credibility within the family and before the court.

The complaint does not assume those allegations were false. Instead, it asks how Trevino obtained and verified them, particularly when his own client's capacity is now disputed and when the declaration supplying many of the accusations was drafted for an 83-year-old client whom family members say could not understand his own engagement contract.

7.4 Pages 9-13 - effort to defeat Devon's motions

The filing argues that Roy's will contest was timely, that service arguments fail, that dismissal for want of prosecution is unwarranted, that Devon's waiver and estoppel arguments fail, and that material fact issues preclude summary judgment. In the section addressing Billie's motivation, the filing states that Devon's assertions are unsupported by competent summary-judgment evidence and characterizes portions of his position as hearsay or speculation.

7.5 Page 14 - requested relief against Devon

Trevino asks the court to deny each of Devon's identified motions, deny the requested dismissal, compel Devon to submit to deposition, set the case for trial, and grant other relief. This confirms that Trevino was actively seeking to preserve and intensify litigation adverse to Devon's position.

Source note: Source: Michael Trevino filing dated August 12, 2026, pp. 1-15, in Cause No. 464101.

7.6 Complainant concern: aggressive litigation posture and disputed authority

Devon contends that Trevino's August filing should be examined not merely for its adversarial tone but in light of the disputed authority under which Trevino was acting for Roy. Trevino attacked Devon's credibility, characterized Devon's repeated pro se motions as defective or obstructive, sought his deposition, and advanced a theory that could defeat or diminish Devon's inheritance under the 2017 will. Because the family disputes Roy's capacity and understanding of the engagement, the disciplinary question is whether those litigation objectives were actually Roy's informed objectives or were lawyer-driven.

Devon was self-represented and acknowledges that some of his filings may have been procedurally imperfect. His explanation is that he lacked legal training but repeatedly filed motions because he believed something was wrong with the lawyers and administration of the estate and was trying to remove lawyers he considered conflicted or harmful. The State Bar should distinguish between legitimate advocacy responding to defective pro se filings and any use of superior legal skill, procedural leverage, or an elderly client's disputed authority to intimidate, punish, or silence a self-represented beneficiary.

The present record proves that Trevino vigorously attacked Devon's filings and sought relief adverse to him. It does not, standing alone, prove an improper motive. The Bar should investigate the source of the factual allegations, the drafting and authorization of Roy's declaration, Trevino's fee interest, communications with other counsel, and what Trevino knew about Roy's capacity when choosing and pursuing those litigation objectives.

The prior draft's prospective-client/solicitation theory concerning Trevino and Devon is withdrawn. The grievance should not suggest that Trevino obtained information from Devon during a solicitation or that Devon rejected Trevino's services, because the family has clarified that no such solicitation occurred.

8. Roy's August 10 Declaration - Capacity and Candor Questions

The declaration attributed to Roy begins by identifying him as 83 years old and stating that he is “of sound mind and capable of making this unsworn declaration.” It then states that the declaration is based on Roy's personal knowledge and documents available to him and contains dozens of detailed factual assertions.

The declaration describes Billie's health, her financial confusion, bank withdrawals, tax issues, Devon's access to her accounts, Devon's role in her care, alleged changes to estate-planning documents, and the claimed relationship between Devon's conduct and the 2017 will. In substance, the declaration supplies factual support for Trevino's litigation attack on Devon.

If Roy truly understood the declaration and accurately supplied those facts, the filing may be legitimate advocacy. If, however, Roy lacked the capacity to understand the document, could not independently recall the events, or simply signed a lawyer-drafted narrative that he could not evaluate, then the Bar should determine whether Trevino had a reasonable basis to present the declaration as Roy's own competent testimony.

8.1 Questions for disciplinary investigation

- Who drafted each paragraph of the declaration?
- Did Roy dictate any portion of it?
- What source documents were shown to Roy?
- How long did Roy review the declaration before signing?
- Was the declaration read aloud to him?
- Who witnessed the signature?
- What did Trevino know about Roy's diagnosis, medication, memory, and ability to manage money?
- Did Trevino obtain any medical or capacity opinion before representing to the court that Roy was of sound mind?
- Did Roy understand that the declaration was being used to attack Devon and preserve litigation that could alter inheritance rights?

Source note: Source: attached Unsworn Declaration of Kenneth Roy Kuhnle, dated August 10, 2026, pp. 16-22 of the August 12 filing package.

9. Effect on Devon's Inheritance and Ability to Protect the Family

The later 2017 will included Devon as a beneficiary. Trevino's litigation sought continued prosecution of Roy's contest and relied on the earlier 1976 will, which the filing describes as leaving Billie's estate to Roy if he

survived her. That litigation position therefore had a direct potential effect on Devon's rights under Billie's estate plan.

The stronger disciplinary point is not that a lawyer may never take a position that reduces another person's inheritance. Lawyers routinely advocate adverse positions. The concern is whether Trevino used the purported authority of a cognitively impaired client to manufacture or continue that adversity without informed authorization.

The August filing also sought to weaken Devon procedurally: it asked the court to reject Devon's motions, compel his deposition, and disregard his factual and legal arguments as deficient. The family contends this made it harder for Devon to act as the person questioning what was happening to the estate and to Roy.

The current court documents support the fact that Trevino vigorously opposed Devon. They do not by themselves prove that Trevino intended to “disinherit” Devon from any separate future estate of Roy. The complaint should therefore focus on the provable point: Trevino sought a result that could defeat or diminish Devon's rights under Billie's 2017 will and used Roy's disputed capacity as the authority for doing so.

9.1 Credibility implications

Where a lawyer relies on an elderly client's declaration to make serious accusations against another family member, the lawyer's own credibility is directly implicated by how carefully he verified the client's competence, the source of the facts, and the accuracy of the declaration. The Bar should examine those verification steps rather than treating the signed declaration as self-proving.

10. September 10, 2026 Hearing - Removal, Termination Disputes, Conflict Objection, and Independent Administration

The September 10 certified reporter's record is one of the most important pieces of evidence in this grievance because it records the participants' positions and the Court's rulings in their own words. Judge Jason Cox stated that Brian Kuhnel had previously been given five days to resign and had not done so. The Court then removed Brian as administrator, ordered him to surrender all letters immediately, and ordered him to take no further action as administrator.

The hearing also exposed serious uncertainty over who had authority to act for whom. An unidentified Kuhnel stated at the outset, 'We fired him.' Trevino later told the Court he was uncertain whether he had been terminated because the termination email came from someone other than Roy. Fomby separately stated that he had received an email saying he was terminated, had been unable to speak with Brian for a week, and had no problem withdrawing if Brian wanted new counsel. Trevino likewise said that if his client wanted another lawyer, that was fine.

Devon's conflict objection is now established by the transcript, not merely family report. When invited by the Court to explain why Trevino and Murad should not be appointed co-temporary administrators, Devon said Trevino's appointment would create a conflict, questioned whether Trevino remained Roy's lawyer, asserted that the lawyers' interests were not aligned with the estate or beneficiaries, and asked for 'a neutral person' who had not already been involved in the case. The Court did not adjudicate Devon's accusations, but it did take the conflict concern seriously enough to address Trevino's relationship status before deciding on a fiduciary.

10.1 The Court's own concern about Trevino's proposed fiduciary role

After Devon's objection and after questioning him about the Bar-complaint exhibit, the Court told Trevino: 'given the status of your attorney-client relationship, it doesn't seem like that might be advisable.' Trevino responded, 'I agree with you, Your Honor.' The Court then stated that Roy might need a guardian ad litem. These statements do not constitute a disciplinary finding, but they are highly relevant to whether Trevino had

clear authority to act, whether Roy's capacity required protective measures, and whether Trevino should have been considered for control of estate assets while those issues remained unresolved.

10.2 The Court required a truly independent third-party administrator

The Court ultimately stated: 'I think this case needs a third-party temporary administrator pending contest that can deal with the Court and is not attached to any party so that they are truly independent.' The written order then reflects the appointment of Harold 'Hap' May instead of the typed Trevino/Murad alternatives. This sequence is more probative than the order alone: the Court expressly identified independence from the parties as the governing concern.

Source note: Certified Reporter's Record of September 10, 2026, Cause Nos. 464,101 and 464,101-402, signed by Official Court Reporter Robin Kulhanek Day on September 15, 2026; and Order Appointing Temporary Administrator Pending Contest signed September 10, 2026. The transcript expressly records the removal of Brian, Devon's conflict objection, the disputed termination of counsel, the Court's concern over Trevino's proposed appointment, the possible need for a guardian ad litem, and the Court's requirement of a truly independent third-party administrator.

10.3 Counsel termination and withdrawal issues require investigation

The termination issue was not collateral. Trevino stated on the record that he was uncertain whether he had been terminated and later told the Court that he was not sure he could pursue a pending motion to strike or seal based on the status of his engagement. Fomby stated that, as of that day, he understood he had been terminated by email and requested to withdraw or substitute counsel. The Bar should obtain the termination emails, identify who sent them, determine whether the clients authorized them, and determine what legal work each lawyer performed after learning that authority was disputed.

10.4 The hearing raised diminished-capacity concerns in open court

Trevino told the Court he feared Roy was being manipulated, noted Roy did not use email, and expressed concern about Roy's well-being. Roy personally told the Court that he was 'always in the dark' and did not get answers when he asked questions. Later, Judge Cox stated that Roy might need a guardian ad litem, and Trevino agreed that capacity/protection was his concern. This creates a direct record for the Bar to compare against Trevino's August 10 declaration portraying Roy as 'of sound mind and capable' and against the sophistication of the contingency-fee and arbitration agreement attributed to Roy.

10.5 Estate-asset questions increased the stakes of fiduciary control

The hearing also reflected a substantial gap between historic estate inflows and then-identified assets. Murad stated that at least \$6 million had been paid into the estate in oil and gas royalties, while preliminary open-records research placed discovered real estate at roughly \$2 to \$3 million. Later, Murad stated that the estate bank account held \$23,673.50 as of July 31. Trevino said counsel had an idea where some of the money had gone, and Murad said some funds appeared to have been converted into real estate. These statements are not findings of theft or conversion by any lawyer or administrator, but they heighten the need for an independent fiduciary and for preservation of bank, title, and attorney communications.

10.6 Bar-complaint evidence and the public investigation entered the courtroom context

Judge Cox expressly addressed the confidential Bar complaint against Trevino that Devon had attached to his written objection. Devon said he found it online by searching Trevino's name. The Court questioned whether Devon obtained it from the original complainant and later struck the exhibit sua sponte. The certified transcript does not identify Damn Lawyers or Dolcefino Media by name. Accordingly, this grievance should accurately state that public/online disciplinary material had reached the courtroom, while separately identifying the Damn Lawyers investigation as corroborative public reporting to be authenticated and reviewed by the State Bar.

11. The Executor Crisis and the Entry of Borunda and Fomby

Family members describe Borunda and Fomby as entering the probate matter after prior counsel withdrew and at a time when Brian Heath Kuhnelt was facing mounting criticism regarding accounting, estate funds, and administration. The family reports that Brian retained Borunda and Fomby believing he had obtained exceptionally strong lawyers, in significant part because their public-facing reputations and five-star ratings conveyed that impression. The September 10 transcript now establishes that the administration crisis culminated in Brian's removal. It also establishes that Fomby told the Court he had received an email terminating his representation of Brian, had been unable to speak with Brian for a week, and was willing to withdraw or allow substitute counsel.

The September 10 record supports several limited but important propositions: Brian was removed as administrator; the Court ordered him to surrender his letters and stop acting; counsel were uncertain who still had authority to act; and the Court required a successor fiduciary who was truly independent. The transcript does not adjudicate that Brian, Fomby, Borunda, or Trevino stole estate assets. Any accusation of theft, conversion, or collusion must therefore be tied to accountings, bank records, title records, communications, sworn testimony, or judicial findings.

For disciplinary purposes, the more important question is timing and incentives: when did Borunda and Fomby enter; what did they know about the administrator crisis; what fee arrangements did they have; what communications did they have with Trevino; and why did Trevino later become both Roy's litigation advocate and a proposed candidate to control the estate?

11.1 Complainant theory: ratings, apparent independence, and the lawyer network

The complainant's revised theory is not that Trevino solicited Devon. Instead, the concern is that family members selected or evaluated lawyers believing they were dealing with separate, independent professionals, while material affiliations may not have been apparent. Brian reportedly relied on five-star reputation signals when hiring Borunda and Fomby. Devon later contacted Nicholas Abaza independently and was referred elsewhere after Abaza said he had a conflict. As family members compared notes outside the lawyers' involvement, they say they began identifying business, employment, referral, and case relationships among lawyers who had appeared to them as separate market choices. The Bar can test that concern objectively through review-source authentication, conflict files, referral records, joint-business records, shared cases, fee arrangements, and communications.

11.2 Targeted evidence

- All engagement agreements for Borunda and Fomby in the Kuhnelt matter.
- All invoices and fee claims relating to the executor or estate administration.
- All communications about substitution of counsel, withdrawal of prior counsel, and the appointment of a successor administrator.
- Any communications proposing Trevino to represent Roy or to serve as administrator.
- Records showing any payments, referral fees, joint business interests, or shared cases among Trevino, Borunda, and Fomby during the relevant period.

12. Professional Network and Undisclosed Relationship Concerns

Those allegations matter here only to the extent they bear on independence and disclosure in Kuhnelt. If lawyers on nominally opposing sides shared ongoing financial relationships or referrals, Roy and other affected clients may have needed disclosure sufficient to evaluate whether counsel's judgment could be materially limited by those relationships.

The consumer-facing significance is straightforward: a prospective client may reasonably view separately branded lawyers, separate phone calls, and separate online profiles as independent choices. If those lawyers

DEVON KUHNEL PROBATE / STATE BAR GRIEVANCE – MICHAEL A. TREVINO, JORGE BORUNDA, AND ADAM FOMBY – SUBMITTED SEPT. 21, 2026

are simultaneously business partners, former firm colleagues, reciprocal referral sources, co-counsel, or participants in shared matters, the Bar should determine whether any relationship was material to the client's choice of counsel and whether it was adequately disclosed. The existence of a relationship is not itself misconduct; the grievance seeks investigation of transparency, independence, and whether reputation signals were misleading.

12.1 What must be verified

- Whether Trevino and Borunda had any active joint matters, referrals, fee divisions, investments, office-sharing, or business arrangements during the Kuhnle representation.
- Whether Fomby and Borunda's business relationship created any direct financial connection to the Kuhnle matter.
- Whether the lawyers communicated about Roy, Devon, the executor crisis, or appointment of a temporary administrator outside ordinary adversarial communications.
- Whether any client received written conflict disclosure or consent documentation.

13. Credibility and Consumer-Deception Evidence - Limited Comparative Use

The complainant wants the Bar to evaluate not only what the lawyers said in court, but also how they presented themselves to consumers and whether those representations materially influenced actual hiring decisions. This is no longer merely comparative evidence: the family reports that Brian Kuhnle relied on five-star reputation signals when retaining Borunda and Fomby and believed he was hiring the 'best of the best.' The Bar should authenticate the reviews and determine whether any endorsements came from persons with undisclosed business, family, co-counsel, referral, or financial ties. Rule 7.01/8.04 relevance depends on proof, and the grievance should not treat disputed review evidence as established until verified.

13.2 Alleged fake and insider reviews

If authenticated, the issue is not merely reputation management. A lawyer who markets through endorsements that conceal a financial, family, co-counsel, or business relationship may create a misleading impression of independent consumer satisfaction. That bears on the lawyer's credibility when the same lawyer asks an elderly probate client to rely on the lawyer's explanation of a complicated fee and arbitration agreement.

13.3 Website and "lottery" recovery messaging

That comparison matters in Kuhnle because the family says Roy did not understand even the basic fee arrangement. Marketing that emphasizes recovery while clients do not understand the contractual risks would heighten the Bar's need to examine informed consent and truthfulness, but the actual advertisement must be proved rather than assumed.

14. Damn Lawyers Investigation - Corroborative Leads, Not the Core Complaint

Dolcefino Media's Damn Lawyers series remains relevant as corroborative investigative material because it publicly reports allegations involving the same professional network and recurring probate themes: contingency fees, arbitration provisions, lawyer interconnections, fee harvesting allegations, review credibility, and families who say their inheritances were consumed by litigation. The September 10 hearing adds a new, narrower point: online disciplinary material concerning Trevino had reached the probate courtroom through Devon's objection. The transcript itself does not say that the Bar complaint came from DamnLawyers.com or that the Court discussed the Damn Lawyers series by name, so the grievance should not overstate that connection.

Episode	Title / topic	Reference
1		https://www.youtube.com/watch?v=j5aWUy6oJTO

2	Damn Lawyers 2 - The Stench of Cronyism	https://youtu.be/lgHSGHJc7xE
3	Damn Lawyers 3 - A Deception	https://www.youtube.com/watch?v=aHmMY9aU5_g
4	Damn Lawyers 4 - The Probate Plot	https://www.youtube.com/watch?v=mzxglv2wZHg
5	Damn Lawyers 5 - The Arbitration Trap	https://youtu.be/kAdZuU9R3Hw
6	Damn Lawyers 6 – Circle Jerk – Review Fraud	https://youtu.be/CPxpeCqLU1Y?si=z5k3Sw-HGRd-GRnQ
7	Damn Lawyers 7 – Rigged Arbitration?	https://youtu.be/IGI4pHA7QOc?si=VtSMvVvPbINpdrFT
Gail complaint	Additional investigation video / follow-up	https://www.youtube.com/watch?v=0vN_m_JAOQo
Fake reviews	The Five-Star Illusion - supporting review/reputation article (not a video)	https://stoplegalbullying.com/the-five-star-illusion/

The Bar should preserve the complete identified Damn Lawyers investigative series, including the seventh video (YouTube ID IGI4pHA7QOc), together with related follow-up videos, the Five-Star Illusion article, screenshots, transcripts, metadata, and source documents, and compare them against the underlying court and disciplinary records. If Devon's September 10 exhibit was discovered through DamnLawyers.com or related Dolcefino reporting, that fact should be established by Devon's declaration, browser/history records, the actual exhibit copy, URL metadata, or other authentication rather than inferred from the transcript.

15. Why the Kuhnel Facts Raise Fiduciary and Exploitation Concerns

A probate lawyer often deals with clients who are grieving, elderly, cognitively impaired, or unfamiliar with complex trusts and estate litigation. That vulnerability increases the practical importance of the lawyer's duties of communication, loyalty, honesty, and independent judgment.

The concern here is not that Trevino charged a fee. The concern is the possibility that the lawyer acquired a significant financial interest from a client who did not understand he was giving it, included an arbitration term the client did not understand, then used the client's name to pursue aggressive litigation against a family member and was later proposed for a fiduciary role controlling the estate itself.

If proved, those facts would present a fundamentally different problem from an ordinary billing dispute. They would raise questions about informed consent, exploitation of diminished capacity, conflict of interest, candor to the tribunal, truthfulness, and whether the lawyer's own financial interests displaced the client's ability to make decisions.

15.1 The fiduciary-role concern

The September 10 order illustrates why this matters. A temporary administrator may control estate property, investigate claims, collect funds, pursue litigation, and retain counsel. A lawyer with a personal contingent interest and an existing advocacy role should not obtain that authority without close scrutiny of conflicts and informed consent. The Bar should determine whether Trevino's proposed appointment was compatible with his existing duties and interests.

16. Texas Disciplinary Rules Requiring Investigation

Rule	Kuhnel-focused issue
Rule 1.01 - Competent and Diligent Representation	Whether Trevino undertook the factual and capacity investigation reasonably necessary before using Roy's declaration and pursuing high-stakes probate relief.
Rule 1.02 - Scope and Objectives of Representation	Whether the objectives being pursued were actually Roy's informed objectives, particularly if Roy could not understand the fee arrangement or litigation consequences.
Rule 1.03 - Communication	Whether Trevino explained the fee structure, arbitration clause, risks, litigation objectives, and inheritance consequences sufficiently for Roy to make informed

	decisions.
Rule 1.04 - Fees	Whether the basis/rate of the fee was adequately communicated; whether the contingency agreement was validly understood; and whether there was overreaching against a particularly susceptible client.
Rule 1.06 - Conflict of Interest	Whether Trevino's own contingency interest or professional/financial relationships materially limited his judgment, particularly when he was proposed for fiduciary control of the estate and Devon objected on conflict grounds.
Rule 1.15 - Declining or Terminating Representation	Whether Trevino or Fomby continued or attempted to continue acting after receiving termination communications; whether they promptly protected client interests and clarified authority; and whether withdrawal/substitution was handled properly once representation was disputed.
Rule 1.16 - Clients With Diminished Capacity	Whether Roy had diminished capacity; whether Trevino recognized it; whether protective action was required; and how the Court's on-record statement that Roy might need a guardian ad litem bears on Trevino's earlier 'sound mind and capable' declaration and engagement process.
Rule 3.03 - Candor Toward the Tribunal	Whether Trevino knowingly made or used any materially false statement or evidence, including the "sound mind" declaration, and whether remedial duties arose.
Rule 3.04 - Fairness in Adjudicatory Proceedings	Whether litigation tactics were used consistently with fair adjudication and applicable procedural duties.
Rule 4.01 - Truthfulness in Statements to Others	Whether material statements or omissions to clients, family members, other lawyers, or third parties were knowingly misleading.
Rule 7.01 - Communications Concerning a Lawyer's Services	If authenticated, whether websites, endorsements, reviews, or recovery messaging created materially misleading impressions about lawyer services, independence of reviewers, or likely outcomes.
Rule 8.04 - Misconduct	If proven, whether any conduct involved dishonesty, fraud, deceit, misrepresentation, obstruction, or knowing assistance of another disciplinary violation.

17. Requested State Bar Investigation

1. Obtain the complete Roy-Trevino engagement agreement, including every version, fee term, arbitration provision, signature page, initial page, and metadata.
2. Obtain the retainer check Roy brought to Trevino, or bank/check-register evidence corroborating that event.
3. Interview the witnesses who heard Roy say, "The attorney wouldn't even take my money."
4. Obtain medical and cognitive records tied to the dates of the engagement and August 2026 declaration.
5. Obtain Trevino's intake notes and any written capacity assessment or observations.
6. Obtain drafting history and metadata for Roy's August 10 declaration and identify who supplied each material factual assertion.
7. Review and preserve the attached certified September 10, 2026 reporter's record and compare each lawyer's statements against subsequent filings, withdrawal papers, fee claims, and communications.
8. Obtain every email, text, letter, or other communication purporting to terminate Trevino or Fomby; identify the sender; determine client authorization; and determine what work either lawyer performed after receiving notice that representation was disputed.
9. Obtain the Bar-complaint exhibit that Devon attached to his September 10 objection, identify the exact online source from which Devon obtained it, and preserve any associated Damn Lawyers/Dolcefino page, video, or metadata if that source can be authenticated.
10. Preserve and review the complete video and supporting-material index in Section 14, including publication metadata and transcripts or source files where obtainable, and compare any factual claims against the Kuhnle court record before drawing disciplinary conclusions.

11. Obtain all communications concerning whether Roy needed a guardian ad litem, capacity evaluation, or other protective measure, including any communications generated after the Court raised that concern on September 10.
12. Obtain all communications proposing Trevino or Murad as temporary administrator.
13. Obtain communications among Trevino, Borunda, Fomby, Brian Kuhnel, Paul Kuhnel, and Roy concerning representation, estate administration, or litigation strategy.
14. Identify every active professional, financial, referral, co-counsel, business, office-sharing, or investment relationship among Trevino, Borunda, and Fomby during the Kuhnel matter.
15. Obtain all conflict checks, written disclosures, and consent documents concerning those relationships.
16. Obtain Borunda and Fomby engagement agreements and fee arrangements in the Kuhnel matter.
17. Compare Trevino's factual allegations against Devon with the underlying bank, medical, tax, and estate records actually available to him when he filed them.
18. Preserve and authenticate any website or advertisement comparing will-contest recovery to a lottery or otherwise emphasizing extraordinary recoveries without comparable risk disclosure.
19. Determine whether any lawyer had a financial incentive tied to prolonging the probate contest or obtaining control over estate assets.
20. Coordinate, where appropriate, with temporary administrator Hap May regarding attorney authority, estate claims, and preservation of records.

18. Requested Disciplinary Disposition

The complainant asks the Office of Chief Disciplinary Counsel to evaluate Michael A. Trevino first and foremost based on the Kuhnel evidence and to evaluate Jorge Borunda and Adam W. Fomby based on their own conduct and any proven relationship to Trevino's role.

If the investigation establishes that Trevino knowingly obtained a valuable contingency interest from a client who lacked the capacity to understand it, failed to explain a material arbitration provision, used that client to pursue litigation objectives the client could not meaningfully authorize, knowingly presented false or misleading evidence to the probate court, or sought fiduciary control over the estate despite conflicting personal interests, the complainant requests the most serious discipline authorized by the proven facts, including disbarment where warranted.

If the investigation establishes that Borunda or Fomby knowingly facilitated, referred, concealed, financed, benefited from, or assisted such conduct, the complainant requests discipline proportionate to each lawyer's proven role. The complaint does not ask the Bar to impose collective guilt simply because the lawyers are professionally connected.

The complainant also asks the Bar to examine the consumer-selection and referral network revealed by the Kuhnel family's experience: Brian's reported reliance on five-star ratings when hiring Borunda and Fomby; the source and independence of those reviews; Devon's separate call to Nicholas Abaza and Abaza's conflict-based referral to another attorney; and whether material business, referral, co-counsel, or professional relationships among these lawyers were disclosed in a manner that allowed consumers to understand whether they were truly choosing independent counsel.

The overriding public-protection issue is whether vulnerable probate clients can safely rely on attorneys who occupy fiduciary positions of trust. If a lawyer uses that trust to obtain misunderstood fee rights, suppress or distort material information, manipulate consumer reputation, or take control of estate litigation for personal gain, the disciplinary system should treat the conduct as a public-protection problem rather than an ordinary fee dispute.

19. Proposed Exhibit Index

Exhibit	Document / evidence
A	First Amended Petition of Contestant Kenneth Roy Kuhnel filed January 27, 2023.

B	Michael Trevino August 12, 2026 response to Devon Kuhnel's motions, including the August 10 Roy declaration and attached exhibits.
C	Order Appointing Temporary Administrator Pending Contest signed September 10, 2026, showing Trevino/Murad struck and Hap May appointed.
D	Roy-Trevino engagement agreement, including contingency-fee and arbitration provisions.
E	Retainer check / bank record and witness declarations regarding Roy's statement.
F	Medical/cognitive evidence concerning Roy's capacity.
G	Certified Reporter's Record of September 10, 2026 hearing, Cause Nos. 464,101 and 464,101-402, certified September 15, 2026 by Robin Kulhanek Day, CSR 6140.
H	Documents concerning prior executor administration, accounting disputes, removal/successor proceedings, and alleged improper withdrawals.
I	Communications/referral/conflict records among Trevino, Borunda, and Fomby.
J	
K	
L	Authenticated review evidence concerning connected or insider reviewers.
M	Authenticated website/advertising screenshots relevant to will-contest recovery representations.
N	Damn Lawyers investigative series index and relevant transcripts/pages.
O	Texas Disciplinary Rules of Professional Conduct.
P	Termination emails or communications concerning Trevino's representation of Roy and Fomby's representation of Brian, plus any motions to withdraw/substitute counsel.
Q	Copy of the Bar-complaint exhibit attached to Devon's September 10 objection, together with authenticated source/URL records showing where Devon found it online.

20. Verification Checklist Before Filing

- Confirm the exact date Roy signed the Trevino engagement agreement.
- Attach the actual engagement agreement before using “hidden arbitration clause” as a factual description.
- Obtain a sworn declaration from the witness(es) who heard Roy's retainer-check statement.
- Obtain Devon's sworn declaration confirming that Trevino did not solicit him; describing Devon's independent call to Nicholas Abaza, Abaza's statement that he had a conflict, the referral to another attorney, and the identity of that attorney once confirmed.
- Attach the certified September 10 reporter's record. State the Court's actual words: Trevino's appointment did not seem advisable given the status of the attorney-client relationship, and the estate needed a third-party administrator who was truly independent. Do not attribute the result solely to Devon's objection.
- Do not state that Judge Cox discussed or endorsed the Damn Lawyers investigation by name unless a separate record proves it. The transcript expressly discusses only the Bar complaint Devon said he found online.
- Obtain the actual termination emails and withdrawal/substitution papers before stating who definitively terminated whom or on what authority.
- Attach the specific order or accounting evidence supporting any claim that Brian improperly took estate funds; otherwise describe it as an allegation.
- Authenticate the fake/insider review evidence and distinguish confirmed relationships from suspected aliases.
- Attach captured webpages before stating that a named lawyer compared recovery to “hitting the lottery.”
- Use “Kuhnel” consistently in the final filing and verify all party names and bar numbers.

OPEN ITEM BEFORE FINAL FILING: Confirm the name and firm of the attorney to whom Nicholas Abaza referred Devon after stating that Abaza had a conflict. Once confirmed, update Sections 6.2, 11.1, 12, 17, and

21. Source Map for Counsel / Intake Review

Primary Kuhnel court record

- Cause No. 464101 - First Amended Petition of Contestant Kenneth Roy Kuhnel (Jan. 27, 2023).
- Michael Trevino August 12, 2026 response and attached Unsworn Declaration of Kenneth Roy Kuhnel dated August 10, 2026.
- September 10, 2026 Order Appointing Temporary Administrator Pending Contest.
- Certified September 10, 2026 Reporter's Record in Cause Nos. 464,101 and 464,101-402, certified September 15, 2026.
- Billie Nelson Kuhnel will materials and estate documents included in the filing package.

Texas ethics authority

- Texas Disciplinary Rules of Professional Conduct supplied with this grievance package.

Comparative credibility / pattern materials

- FTC / review evidence packages concerning Trevino and Borunda.
- Damn Lawyers public investigative series and DamnLawyers.com.
- Stop Legal Bullying asset guides and archived public press releases.

Texas Disciplinary Rules of Professional Conduct Potentially Implicated

The following Texas Disciplinary Rules of Professional Conduct are identified for the State Bar's consideration in evaluating the conduct described in this grievance. Their inclusion is a request for investigation, not a conclusion that any attorney has already been found to have violated a rule.

Rule 1.06 — Conflict of Interest: General Rule

Relevant to the reported circumstances in which Michael A. Trevino represented Roy while Adam W. Fomby and Jorge Borunda represented the opposing side, together with the complainant's report that the attorneys shared the same office suite/firm environment. The State Bar should determine the actual firm relationships, client relationships, conflicts checks, disclosures, and any required informed consent.

Rule 3.03 — Candor Toward the Tribunal

Relevant to any evidence establishing that an attorney knowingly made a false statement of material fact or law to the probate court or knowingly presented or relied upon materially false information.

Rule 4.01 — Truthfulness in Statements to Others

Relevant to any evidence that, in representing a client, an attorney knowingly made a false statement of material fact or law to a third person or failed to disclose a material fact when disclosure was necessary to avoid making a material misrepresentation.

Rule 8.04 — Misconduct

Relevant to conduct involving dishonesty, fraud, deceit, or misrepresentation, and to knowingly assisting or inducing another person to violate the disciplinary rules. The State Bar should determine from the underlying evidence whether this rule applies to any conduct described in the grievance.

Shared Office / Opposing Representation — Requested Investigation

The complainant specifically asks the State Bar to investigate whether Michael A. Trevino, Adam W. Fomby, and Jorge Borunda were members of the same firm or otherwise maintained a shared office suite or professional relationship while representing opposing parties in the same Kuhnle probate matter. The complainant asks the State Bar to review firm records, engagement agreements, conflict checks, disclosures, communications, referral arrangements, fee arrangements, and any informed-consent documentation to determine whether the relationship created an actual or potential conflict or otherwise affected independent professional judgment.

The current Texas Disciplinary Rules of Professional Conduct are administered as part of the State Bar's attorney-discipline system. The grievance asks the Office of Chief Disciplinary Counsel to apply the rules to the facts established by the underlying court records and other evidence.