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Date: January 19, 2017  
RE: Russwurm vs. Figaro Taney County Missouri Case #: 15AF-CC00559  
From: Barbara Figaro, 1368 Clevenger Cove Road, Hollister, MO 65672  
(417) 337-3717 BarbFigaro@yahoo.com  
To: **Office of the Chief Disciplinary Counsel**  
**3327 American Avenue**  
**Jefferson City, MO 65109**  
**573-635-7400 573-635-2240 (Fax)**

Complaint against: Dan Brogdon, Esq., 325 South Ave., Springfield, MO 65806  
Bar Number: 59595 Telephone: 417-863-9455  
Email: dan@willworsham.com

I hired Dan Brogdon to represent me in a divorce action filed against me on July 7, 2015. He made numerous mistakes which caused me to lose my home and receive what I believe was a grossly unfair settlement. In addition to **submitting false/fraudulent documents and never admitting to doing so, he never attempted to submit corrected documents.** He made serious mistakes during hearings and trial, poor or no representation during hearings and trial, failed to submit documents in his possession into evidence during hearings and trial, did not represent my interests and caused an extremely unfair settlement. Every time I questioned his actions, he told me not to worry, I would get a chance during trial to correct errors and tell the judge my side.

We spent time getting ready for trial, gathering and preparing documents to dispute my husband's lies. Dan Brogdon had deeds, cancelled checks, bank and doctor statements, copy of share of stock and lease agreement showing apartment in question in NJ was not real estate, numerous other pieces of documentation and information to submit at trial to dispute what my husband outright lied about or misrepresented during hearings and trial. He had a timeline showing my trips out of state, most of which were made with my husband. He never questioned my husband about when I was not at home in Missouri, that I was away with my husband. He did none of the things we discussed, some of which I will list below. I have copies of the numerous documents Dan Brogdon had at his disposal. None of which he used during hearings or trial.

The most damaging error he made was: He received the form 2 Document from my husband's attorney, Brandi Smith of Branson MO, with grossly overvalued items my husband wanted me to receive and

grossly undervalued items my husband wanted to receive. There were numerous items mis-classified. There were many items duplicated and many items which did not exist. Somehow Dan took my husband's figures and items and put them on my form 2 and submitted it to Brandi Smith, my husband's attorney. Therefore it appeared that I agreed with my husband's distribution and values of items. At no time did Dan Brogdon advise me or the court that he had somehow submitted an incorrect document. Then he prepared a proper and correct form 9 and sent it to me for review, still not admitting to or correcting the documents he submitted to Brandi Smith. His actions in just this instance were illegal and unethical. I believed Brandi Smith had my version of the form 9. The first time I saw the combined form 9 which was submitted to the court, was in the court hallway; 10 minutes before trial started. I was very upset because I believed Brandi Smith or Rudy Arambulo had changed and falsified my figures and I told that to Dan. Again he said not to worry. Judge would go over each item and I could have it corrected. That did not happen. Rudy Arambulo and Judge accused me of trying to change my figures. Still, Dan Brogdon did not come forward with where the figures on Form 9 came from. The correct version of my form 9 was never entered into evidence, never submitted to opposing counsel, never submitted to court. However Dan Brogdon did send **me** the correct copy of my form 9.

Up until December 18, 2015, Brandi Smith was my husband's attorney. When we got to court on December 18, 2015, Rudy Arambulo became my husband's attorney. I believe both my husband's attorneys knew what had happened and intentionally submitted what I now believe to be fraudulent documents to the court. I will address that issue in a separate complaint.

On December 18, 2015 in the court house, John's new attorney Rudy Arambulo handed my attorney, Dan Brogand, his version of the combined form 9. That was the first time I saw that form. I told my attorney that this was all wrong and it was not what we had submitted to the court, that someone changed my figures. He did not admit where those figures came from. He said not to worry I would have a chance to tell the judge the figures were wrong. In court on December 18, 2015, I testified that the figures on the form were not my figures. Dan still did not admit to how those figures got on the form... that he had submitted them to Brandi Smith.

Johns lawyer and the judge accused me of trying to change my figures. The judge ordered appraisals and Dan still did not say the figures on the form were submitted by him-- in error. Judge rescheduled court again to March 21, 2016. Dan had all these chances and all this time to correct the forms and resubmit them to court and he chose not to. I testified numerous times during hearings and trial that the forms were incorrect and did not represent the items or values I had submitted to my attorney. At no time did Dan attempt to correct his error. Some of the items that hurt in my settlement will be listed at the end of this document. Also enclosed will be: Copy of my husband's form 2 that his attorney submitted to Dan; Copy of my form 2 Dan submitted to Brandi Smith (on Oct. 19, 2015); copy of form 9 Dan sent to me and copy of joint form 9 prepared by either Brandi Smith or Rudy Arambulo and submitted to court by Rudy Arambulo.

Immediately after trial I hired a new attorney, Matt Miller of Baird, Lightner and Millsap of Springfield, MO. He immediately started filing motions with the court. On April 21, 2016, Judge ordered both sides to provide court with copies of original form 2's each lawyer had received from opposing counsels and

set an Evidentiary Hearing for June 21, 2016. When Matt Miller got the form 2 that Dan Brogdon had submitted to Brandi Smith on October 19, 2015, it became evident that Dan had submitted incorrect figures, classification, and distribution of items on that form. He had numerous times in court and more than 6 months to correct his mistake. He not only did not correct his mistake,,,, he would not admit to what he had done. My new attorney submitted a proper and corrected form 9 to the court, requested the court to take corrected document into consideration, requested a new trial or at least court to review new evidence. **Judge refused and said court and opposing counsel had right to accept and rely on documents submitted by my attorney. Copies of Briefs and Motions enclosed.**

**04/21/2016 Sound Recording Log Sheet**

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**Motion Hearing Held**

Case set for evidentiary hearing on June 21, 2016 at 9:00am for a thirty minute hearing. Each party to bring to court a timeline of when the form 2's were filed with opposing party and a copy of each form 2 in the same condition as it was filed with the opposing party. Each party to send a copy of this timeline and attachments to the opposing party by June 15, 2016. Each timeline to be supported by an affidavit signed by the party. Judge Eighthmy/cb

Some of the cited and/or supporting documents enclosed. Numerous others available upon request:

1. Submitted form 2's and form 9's
2. Leased apartment in NJ. Was not Real Estate. Dan had copies of lease, share of stock in the corporation, by laws. He knew it was not real estate, but allowed Johns attorney to present it as real estate. That cost me \$28,000 because judge declared it real estate. Judge awarded each of us any shares of stock we had in our names. If he would have handled this I would have been awarded that share of stock as it was in my name. My husband did get all shares of stock in his name. This was the only share of stock I owned.
3. NJ apartment contents. I had my contents appraised. \$1,345. This is a less than 700 sq ft space, leased. My sister lived there full time for years and furnished it with what she needed. John and I stayed there when we came to NJ to visit my kids and grandkids. Because Dan **put Johns figure of value of \$26,355** on value of apartment contents, the judge would not take **my appraised figure of \$1345**. Said he would take the figure we both put on form 9.
4. My husband listed numerous items as non-marital. I told Dan they were marital. Dan did not question my husband about any of these items and told judge he did not object to the nonmarital classifications in court. I tried to get him to tell judge while this was happening and he told me to be quiet. These items were worth thousands and thousands of dollars.
5. My husband has a gun collection of more than 30 guns. Judge ordered them appraised. He had 13 guns appraised. Dan never asked him in court how many guns he owned or if he got all of them appraised. I listed his guns value as \$25,000. He said his guns were only worth \$4,500.

6. The judge ordered we were to each receive our pensions. My husband's pension was twice the value of mine. My husband also had a \$35,000 tax deferred savings account. John's lawyer said it was part of pension. I had discussed this with Dan before trial and said it was a tax deferred savings account, not contributed by an employer and not part of our pension. Another issue Dan did not bring up in court. All documents listed my Life Insurance incorrectly. Dan failed to correct.
7. ***We went to court to fight for my house. Dan blatantly told judge he was trying to establish that I should get 50% of my home's value. When I objected to this in court he told me to be quiet, and judge admonished me.*** John lied in court. He gave false information in testimony. Dan had the correct information and documentation, but either refused to use it or did not know how to use it. John indicated he paid for things he did not. He lied when he said I abandoned him and my home. I gave Dan bank statements and cancelled checks showing that I put \$143,000 down on the MO home, from the sale of a house I owned for 10 years before I married John. Also, Dan had cancelled checks and bank statements showing we both paid on the mortgage on my Missouri home. I got no credit for this in court. John lied and said he paid for everything. Dan never questioned him about this or introduced documents showing that John was lying.
8. John sold about \$20,000 of high dollar specialized equipment in the months before we divorced. Dan Never brought it up in court.
9. John had bank accounts and savings deposit boxes that Dan never questioned him about.

My husband lied in court and said I abandoned him and my home since 2012. Dan had numerous documents and records showing this was not true. He had cancelled checks and documents, copies of doctor and business appointments, and a timeline showing many of the trips I took to see my family was with John, my husband. We also took several trips together while we were together in 2015. He never disputed or questioned John about any of his false allegations. He never submitted any of the documents he had at his disposal. My husband admitted in court he had a girlfriend for years and I believe he tried to convince the court that I not only left him, but left him before he started seeing his girlfriend. I left him September 2014 when I found out he had a girlfriend, then returned April 2015 and we got back together and tried to work things out. He never ended his affair, which he told me he had. Court said I had abandoned my husband and home since 2012 and put that in divorce decree. This was not true.

I paid Dan over \$9,000. I have hired Matt Miller, of Baird, Lightner and Millsap of Springfield, MO and have paid them over \$10,000 so far. They are still representing me in this matter.

I can provide numerous additional documents Dan Brogdon had at his disposal to prove my husband and his attorneys told many lies during hearings and trial. Dan did not ask the questions nor submit the documents. I believe he did what he could to prevent the truth about the submission of the original documents from coming out. If the judge would not have issued a post trial order for attorneys to produce those documents, we would never have found out where the figures on those documents came from. Judge said I should sue Dan Brogdon. But took no action to make things right.

I don't know if I will ever recover financially or emotionally from this divorce. It took me twenty five years to pay off my home in NJ. I paid for the move to MO, paid for the 2 boat slips and put what was left, \$143,000 down on my MO home. I am staying in a campground in a 17 year old travel trailer. While my ex-husband lives in my home.

Respectfully Submitted by:

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Barbara Figaro