

# TEXAS LAWYER

Select '**Print**' in your browser menu to print this document.

©2007 Texas Lawyer Online

Page printed from: <http://www.texaslawyer.com>

[Back to Article](#)

---

## Inadmissible

Texas Lawyer  
06-11-2007

### Lawyer Reindicted

It could have been a thrilling pretrial hearing in which a lawyer-defendant learned if the judge would throw out an unusual felony indictment against him — an indictment that alleges the lawyer committed a felony while representing a client. But the case concerning Dallas probate lawyer Edwin Carl Olsen IV ran into trouble during a June 1 hearing after the prosecutor announced that a grand jury had reindicted Olsen on a charge involving attempted theft of more than \$200,000. So much for the legal showdown, says Olsen's lawyer, Dallas solo Larry Finstrom. Finstrom had sought a motion to quash the indictment. "It's as though the whole case started all over," Finstrom says. Dallas County Assistant District Attorney Donna Strittmatter says a grand jury reindicted Olsen to clear up some concerns Dallas County Criminal District Court No. 4 Judge John Creuzot had with the original indictment. As alleged in the 2006 indictment, Olsen attempted to commit the offense of attempted theft of more than \$200,000 by exercising control over the personal property of 86-year-old Mary Ellen Bendtsen with the intent to deprive Bendtsen's daughter Francis Giron of that property. Bendtsen, who owned a dilapidated mansion on Dallas' tony Swiss Avenue, had named Giron as her heir in a will. The indictment alleges that Olsen obtained the execution of a new will for Bendtsen without her effective consent, because at the time Bendtsen signed the document she had a diminished capacity to make informed and rational choices about her property and estate. [See "Unusual Indictment of Dallas Probate Attorney on Shaky Ground," Texas Lawyer, May 21, 2007, page 1.] Olsen denies the charge. Because of the new indictment against Olsen, Finstrom says he will have to refile a motion to quash the indictment, which he still believes is defective, because it doesn't properly state an offense. Strittmatter says the new indictment is essentially the same as the 2006 indictment, but she added language to reflect that Olsen also obtained the execution of Bendtsen's will without the effective consent of Giron. "That has been Judge Creuzot's concern," Strittmatter says. "He thought

that would make it legally sufficient," she says. The dispute over Bendtsen's will is a matter for a probate court, not a criminal court, Finstrom says.

### **Suit Settles**

On June 5, Dallas County Court-at-Law No. 3 Judge Sally Montgomery signed an order dismissing with prejudice a messy set of claims between Fred Baron and the firm he founded, Dallas-based Baron & Budd. Montgomery's two-page order dismissing the litigation stated that Baron and Blue had entered into a settlement agreement with Budd, the firm and others named in the litigation. Fred Baron, et al. v. Baron & Budd, et al. began on Aug. 3, 2006, when Baron and his wife Lisa Blue filed a petition alleging among other things that Baron & Budd co-founder Russell Budd, the firm and others conspired to deny them payments under a series of complex agreements that resulted in the sale of their equity interest in the firm to Budd. The defendants denied the allegations. In a November 2006 counterclaim, the firm alleged among other things that former Baron & Budd shareholders Baron and Blue breached contractual, fiduciary and legal obligations to the firm by failing to receive prior consent from Baron & Budd for plans to form a new firm — with Houston plaintiffs lawyer W. Mark Lanier and others — to handle Vioxx litigation against pharmaceutical company Merck & Co., based in New Jersey. Baron and Blue denied the allegations. Vinson & Elkins partner Rob Walters, who represents the defendants, says both sides have agreed not to comment on the terms of the settlement. However, he stresses that there was no watershed event that led to the settlement — just discussions that resulted in the dismissal of all the claims. "It was good for Fred and Lisa to move on and good for Russell and the firm to move on," Walters says. Baron, Blue and Budd did not return telephone calls seeking comment. Eric Gambrell, a partner in the Dallas office of Akin Gump Strauss Hauer & Feld who is an attorney for the plaintiffs, declines comment.

### **Ex-Wife TV**

What happens after the clients sign the divorce decree and their family law attorneys lay down their briefcases usually isn't all that dramatic. But it can be for clients who are left with broken families, damaged finances and emotional wounds. That was the case for Lynn Jones, a school teacher from Rowlett, whose story will be featured on the ABC reality television program "Ex-Wives Club" on June 18 at 8 p.m. Jones' divorce lawyer, Dallas solo Michelle May O'Neil, referred her client to the show. O'Neil says Jones received a telephone call from the show's producers about a year ago looking for potential subjects for the program, which features people getting over divorce and provides them with gifts such as makeovers to help them rebuild their self-confidence. O'Neil says she immediately thought of Jones, who went through a particularly bad divorce in 2005 while fighting breast cancer. "Lynn's story is very common . . . and I do think the way she has handled herself, combined with her breast cancer, is absolutely inspirational to other people," O'Neil says. "Somebody has to be willing to tell an unfortunate story so other people will know that they can make it through too." Jones says she was more than willing to expose a painful part of her life on national television if her story helps someone else. "Divorce

just predominates now," Jones says. "To me it's worse than cancer, and I've been through that three times." Jones hasn't seen the show, and she declines to discuss the gift she received as part of her appearance. But the biggest gift is helping others by showing that they can overcome divorce, she says.