



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY THE
SUPREME COURT OF TEXAS**

IN THE MATTER OF CHARLES MARVIN BRADSHAW, II STATE BAR CARD NO. 00790354	§ § §	CAUSE NO. 66336
---	----------------------	------------------------

JUDGMENT DENYING RECIPROCAL DISCIPLINE

On the 29th day of July, 2022, the above-styled and numbered disciplinary action was called for hearing by submission based on the documents and pleadings before the Board of Disciplinary Appeals. All matters of fact and all issues of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings and other materials on file, the Board of Disciplinary Appeals makes the following findings, conclusions, and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Charles Marvin Bradshaw, II, State Bar Card Number 00790354, is licensed to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about September 24, 2019, a Joint Petition for Consent Discipline Pursuant to Rule XIX, § 20, which includes a Joint Memorandum in Support of Consent Discipline and Joint Stipulations of Facts, was filed in the Supreme Court of Louisiana in a matter styled *In Re: Confidential Party*, Docket No. 19-B-1513.
- (3) On or about November 5, 2019, an Order/Per Curiam was entered by the Supreme Court of the State of Louisiana in a matter styled *In Re: Charles Marvin Bradshaw, II*, No. 2019-B-1513, which states in pertinent part:

. . . The Office of Disciplinary Counsel (“ODC”) commenced an investigation into allegation that respondent was arrested for driving under the influence of alcohol. Prior to the institution of formal charges, respondent and the ODC submitted a joint petition for consent discipline. Having reviewed the petition,

IT IS ORDERED that the Petition for Consent Discipline be accepted and that Charles Marvin Bradshaw, II, Louisiana Bar Roll number 26610, be suspended from the practice of law for a period of one year and one day. This suspension shall be deferred in its entirety, subject to respondent's successful completion of a five-year period of probation to coincide with his Judges and Lawyers Assistance Program recovery agreement. The probationary period shall commence from the date respondent and the ODC execute a formal probation plan. Any failure of respondent to comply with the conditions of probation, or any misconduct during the probationary period, may be grounds for making the deferred suspension executory, or imposing additional discipline, as appropriate.

- (4) Section 6 of the Joint Stipulations of Fact attached to the Joint Petition for Consent Discipline Pursuant to Rule XIX, §20, states that Respondent violated Rule 8.4(b) and 8.4(a) of the Louisiana Rules of Professional Conduct.
- (5) The referenced Louisiana Rules of Professional Conduct provide:
 - 8.4(a) It is professional misconduct for a lawyer to . . . [v]iolate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.
 - 8.4(b) It is professional misconduct for a lawyer to . . . [c]ommit a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.
- (6) Respondent, Charles Marvin Bradshaw, II, is the same person as the Charles Marvin Bradshaw, II, who is the subject of the Order/Per Curiam Opinion issued by the Supreme Court of the State of Louisiana.
- (7) On June 23, 2022, Respondent filed a timely answer to the Board's Order to Show Cause on First Amended Petition for Reciprocal Discipline, raising the defense provided in Texas Rule of Disciplinary Procedure (TRDP) 9.04(E) and asserting that the misconduct for which he was disciplined in Louisiana does not constitute Professional Misconduct in Texas.
- (8) Respondent provided evidence that he is currently in compliance with his Recovery Agreement with the Judges and Lawyers Assistance Program.
- (9) There is no evidence that the conduct for which Respondent was disciplined in any way relates to his practice of law.

- (10) The Commission cited no instances of attorney discipline being imposed in Texas for conduct similar to that alleged against Respondent.
- (11) In *In re Cardenas*, the Board held that Louisiana Rule of Professional Conduct 8.4(b) and Texas Disciplinary Rule of Professional Conduct 8.04(a)(2) are substantially different. The Board explained:

[The Louisiana] rule allows for discipline of any crime, whether or not the underlying conduct related to the practice of law and making no distinction between misdemeanor and felony.

[The Texas rule] limits criminal acts which result in misconduct to “a serious crime or . . . any other criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects.”

In re Cardenas, BODA Case No. 48983 (Apr. 25, 2012).

- (12) In his answer, Respondent cited *In the Matter of Sean Patrick Mount*, BODA Case No. 66334 (May 6, 2022), and *In the Matter of Carl B. Duke, Jr.*, BODA Case No. 65570 (Nov. 2, 2021), in which the Board denied reciprocal discipline under similar circumstances, finding that the respondents had established one or more defenses under TRDP 9.04, and in which the respondents had been disciplined under Louisiana Rule of Professional Conduct 8.4(b) for offenses related to driving while intoxicated.

Conclusions of Law. Based upon the foregoing findings of facts, the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TEX. RULES DISCIPLINARY P. R. 7.08(H).
- (2) Respondent has proven by clear and convincing evidence one or more of the defenses listed in TRDP 9.04.
- (3) No reciprocal discipline is warranted in this case. *See* TEX. RULES DISCIPLINARY P. R. 9.04 (“If the Board of Disciplinary Appeals determines that one or more of the foregoing defenses have been established, it shall enter such orders as it deems necessary and appropriate.”).

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that the Petition for Reciprocal Discipline is **DENIED**.

Signed this 5th day of August 2022.

A handwritten signature in blue ink, appearing to read "Kevin H.", is written over a horizontal line.

CHAIR PRESIDING