



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

**IN THE MATTER OF
ROBERT B. EVANS, III,
STATE BAR CARD NO. 24034767**

§
§
§

CAUSE NO. 67842

JUDGMENT OF DISBARMENT

On the 26th day of April, 2024, the above-styled and numbered reciprocal discipline action was called for hearing before the Board of Disciplinary Appeals. Petitioner, the Commission for Lawyer Discipline, appeared by attorney and announced ready. Respondent, Robert B. Evans, III, appeared through attorney and announced ready. All questions of fact and issues of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

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

- (1) Respondent, Robert B. Evans, III, State Bar Card Number 24034767, is licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about January 27, 2023, the Supreme Court of the State of Louisiana issued an Order/Per Curiam in the matter styled *In Re: Robert Bartholomew Evans, III, Attorney Disciplinary Proceeding*, Supreme Court of Louisiana, No. 2022-B-1439, disbaring Respondent retroactive to September 28, 2018, the date of his interim suspension.
- (3) The Order/Per Curiam references the Louisiana Hearing Committee's findings that Respondent violated the following Louisiana Rules of Professional Conduct:

3.3(a)(1) (a lawyer shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer)

8.4(a) (violation of the Rules of Professional Conduct)

8.4(c) (Engage in conduct involving dishonesty, fraud, deceit or misrepresentation)

8.4(d) (engaging in conduct prejudicial to the administration of justice)

5.5 (engaging in the unauthorized practice of law)

- (4) In the Order/Per Curiam, the Louisiana Supreme Court stated in pertinent part:

The record establishes by clear and convincing evidence that respondent made multiple misrepresentations in connection with the filing of an *ex parte* motion to withdraw more than \$200,000 in disputed funds from the registry of the court. Specifically, respondent represented to the trial court that his former law partner had no opposition to the withdrawal of the funds, when respondent knew this was not the case. Furthermore, respondent did not serve a copy of the motion on his former law partner or his counsel of record, contrary to his representations to that effect in the certificate of service. Respondent then filed two additional pleadings - an opposition filed in the trial court and a writ application filed in the court of appeal - in which he made additional misrepresentations of fact. Finally, respondent repeatedly engaged in the unauthorized practice of law after he was placed on interim suspension. Under these circumstances, respondent violated the Rules of Professional Conduct as charged in the formal charges.

- (5) Respondent filed an answer to the disciplinary charges in Louisiana, participated in the trial before the Hearing Committee, filed objections to the Hearing Committee's report, filed objections to the Louisiana Office of Disciplinary Counsel's recommendation to the Louisiana Supreme Court of permanent disbarment, and requested oral argument before the Louisiana Supreme Court.
- (6) Respondent, Robert B. Evans, III, is the same person as Robert Bartholomew Evans, III, who is the subject of the Order/Per Curiam described above.
- (7) On October 10, 2023, the Board issued an order accepting as filed Respondent's answer and ordering that the defenses raised in Respondent's answer would be tried by consent.

Conclusions of Law. Based on the foregoing findings of fact, 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), 9.01.
- (2) Respondent's testimony and evidence failed to establish any defense at issue under Texas Rule of Disciplinary Procedure 9.04 by clear and convincing evidence.
- (3) Reciprocal discipline identical, to the extent practicable, to that imposed by the Louisiana Supreme Court is warranted in this case. TEX. RULES DISCIPLINARY P. R. 9.03.
- (4) The discipline identical, to the extent practicable, to that imposed by the Louisiana Supreme Court is disbarment.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Robert B. Evans, III, State Bar Card No. 24034767, be and hereby is **DISBARRED** from the practice of law in the State of Texas, and his license to practice law in this state be and hereby is revoked.

It is further **ORDERED, ADJUDGED, and DECREED** that Respondent, Robert B. Evans, III, is prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal services for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," "esquire," "Esq.," or "lawyer."

It is further **ORDERED** that Respondent, Robert B. Evans, III, shall immediately notify each of his current clients, if any, in writing of this disbarment. In addition to such notification, Respondent is **ORDERED** to return any files, papers, unearned monies, and other property, if any, which belongs to clients and former clients and is in Respondent's possession or control, to the

respective clients or former clients or to another attorney at the client's or former client's request, within thirty (30) days of the date of this judgment.

It is further **ORDERED** that Respondent, Robert B. Evans, III, shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the date of this judgment, an affidavit stating that all current clients have been notified of Respondent's disbarment and that all files, papers, monies, and other property belonging to all clients and former clients have been returned as ordered herein. If Respondent should be unable to return any such files, papers, monies, or other property, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money, or other property.

It is further **ORDERED** that Respondent, Robert B. Evans, III, shall, on or before thirty (30) days from the date this judgment, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice of each and every court or tribunal in which Respondent has any matter pending, if any, of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address, and telephone number of the client(s) Respondent has represented.

It is further **ORDERED** that Respondent, Robert B. Evans, III, shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the date of this judgment, an affidavit stating that Respondent has sent written notice to each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice in accordance with the terms of this judgment.

It is further **ORDERED** that Respondent, Robert B. Evans, III, shall immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711-2487 (1414 Colorado St., Austin, TX 78701), for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that this Judgment of Disbarment shall be made a matter of public record and that notice of this disciplinary action shall be published in the *Texas Bar Journal*.

Signed this 3rd day of May 2024.

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

CHAIR PRESIDING

Board members Jason Boatright and Jennifer Caughey
did not participate in the Board's decision.