

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

IN THE MATTER OF §
ROBERT B. EVANS, III § **CAUSE NO. 67842**
State Bar of Texas Card No. 24005767 §

UNOPPOSED EMERGENCY MOTION FOR CONTINUANCE

TO THE HONORABLE BOARD:

COMES NOW, Robert B. Evans, III, Respondent (“Respondent”) in the above-styled and numbered matter before the Board of Disciplinary Appeals (“Board”) and filed this Unopposed Emergency Motion for Continuance (“Motion”), pursuant to Rule 1.09 of the Board’s Internal Procedural Rules. In support of same, Respondent would show the Board as follows:

I.

This matter is currently set for hearing on the Show Cause Order before the Board on October 27, 2023. Respondent requests that this matter be continued and requests that the hearing on the Show Cause Order be scheduled for the next available hearing date after October 27, 2023.

II.

On May 18, 2023, Respondent filed an Unopposed Request for Continuance due to a scheduling conflict Respondent’s counsel had with the original hearing date on July 28, 2023.

No other requests for a continuance have been made.

III.

Respondent files this Emergency Motion for Continuance because Respondent just learned that Respondent’s key witness, Dr. Gary Penny, has an unavoidable conflict with the October 27, 2023, hearing date. Dr. Penny is a psychiatrist and his testimony is critical to Respondent’s defense against reciprocal discipline. Dr. Penny intends to testify about Respondent’s medical records at

the time of the incident forming the basis of the Louisiana disciplinary matter, and his current treatment and diagnosis.

Respondent should not need to request any further continuances of the Show Cause Hearing due to Dr. Penny's unavailability.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Respondent Robert B. Evans, III, prays that the Board grant this Emergency Motion for Continuance and that the Board grant Respondent all such other and further relief, at law or in equity, to which he may be justly entitled.

Respectfully submitted,

West, Webb, Allbritton & Gentry, P.C.

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Attorneys for Respondent

CERTIFICATE OF CONFERENCE

The undersigned counsel hereby certifies, pursuant to Texas Rule of Appellate Procedure 10.1(a)(5), that on October 16, 2023, I contacted Amanda Kates, counsel for Petitioner. Ms. Kates stated that Petitioner was unopposed to the relief sought in this Motion.

/s/ Gaines West

GAINES WEST

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the foregoing was delivered on October 16, 2023, to the following:

Amanda Kates
Office of the Chief Disciplinary Counsel
Assistant Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
Attorney for Petitioner

Via Email: amanda.kates@texasbar.com

/s/ Gaines West

GAINES WEST