

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

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

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CAUSE NO. 67842

**ANSWER TO THE ORDER TO SHOW CAUSE
ON PETITION FOR RECIPROCAL DISCIPLINE**

TO THE HONORABLE BOARD:

COMES NOW, Respondent Robert B. Evans, III (“Respondent”) in the above styled and numbered matter before the Board of Disciplinary Appeals (the “Board”) and files this Answer to Order to Show Cause on Petition for Reciprocal Discipline.

I.

On May 3, 2023, Petitioner, Commission for Lawyer Discipline (“Petitioner”) filed its Petition for Reciprocal Discipline (“Petition”) against Respondent. In its Petition, Petitioner asks the Board to enter a judgment imposing discipline on Respondent identical, to the extent practicable, with that imposed by the Supreme Court of Louisiana in the matter styled: Supreme Court of Louisiana, No. 2022-B-1439, *In Re: Robert Bartholomew Evans, III*, Attorney Disciplinary Proceeding (“Louisiana Disciplinary Matter”).

On May 16, 2023, the Board entered an Order to Show Cause on Petitioner’s Petition for Reciprocal Discipline.

II.

In accordance with Rule 9.04 of the Texas Rules of Disciplinary Procedure, imposition of discipline identical to the discipline imposed on Respondent in the Louisiana Disciplinary Matter is not warranted because Respondent can establish, by clear and convincing evidence, the following defenses:

- A. The procedure followed by Louisiana on Respondent's Louisiana Disciplinary Matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process.
- B. There was such an infirmity of proof establishing the misconduct in the Louisiana Disciplinary Matter as to give rise to the clear conviction that the Board, consistent with its duty, should not accept as final the conclusion on the evidence reached in the other jurisdiction.
- C. The imposition by the Board of discipline identical, to the extent practicable, with that imposed in the Louisiana Disciplinary Matter would result in grave injustice.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Respondent Robert B. Evans, III, prays that, in accordance with Rule 9.04 of the Texas Rules of Disciplinary Procedure, upon trial of this matter, the Board finds that Respondent established one or more of the foregoing defenses by clear and convincing evidence, that the Board enters a judgment denying the imposition of discipline on Respondent, and that the Board grants Respondent all such other and further relief, at law or in equity, to which he may be justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the foregoing
was delivered on October 2, 2023 to the following:

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/s/ Gaines West
