



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

**THE BOARD of DISCIPLINARY APPEALS**  
*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**

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**UNOPPOSED REQUEST FOR LEAVE TO FILE ANSWER TO  
ORDER TO SHOW CAUSE ON PETITION FOR RECIPROCAL DISCIPLINE**

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**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 Respondent’s Unopposed Request for Leave to file Answer to Order to Show Cause on Petition for Reciprocal Discipline (“Request for Leave”), pursuant to Rule 7.03 of the Board’s Internal Procedural Rules. In support of same, Respondent would show the Board as follows:

**I.**

On May 16, 2023, the Board entered the Order to Show Cause on Petition for Reciprocal Discipline (the “Show Cause Order”).

The Petition for Reciprocal Discipline was originally set for hearing before the Board on Friday, July 28, 2023.

On May 18, 2023, Respondent filed his Unopposed Motion for Continuance, requesting that the matter be continued and that the hearing on the Petition for Reciprocal Discipline be reset for a later date.

On May 26, 2023, the Board entered an Order granting Respondent’s Unopposed Motion for Continuance and reset the hearing on the Petition for Reciprocal Discipline for October 27, 2023, at 9:00 a.m.

## II.

Pursuant to the Show Cause Order, Respondent was required to show cause why the imposition of identical discipline, to the extent practicable, as the discipline imposed on Respondent in the matter styled Supreme Court of Louisiana, No. 2022-B-1439, *In Re: Robert Bartholomew Evans, III*, Attorney Disciplinary Proceeding (“Louisiana Disciplinary Matter”) is unwarranted. The Show Cause Order further instructed Respondent to show cause within thirty days from the date of service of the Show Cause Order. Accordingly, Respondent’s answer to the Show Cause Order was due on June 15, 2023. Due to an accident or mistake, Respondent failed to file his answer to the Show Cause Order within the thirty-day deadline. Respondent’s failure to timely file his answer was neither intentional nor the result of conscious indifference.

## III.

Rule 7.03 of the Board’s Internal Procedural Rules provides that the Board has discretion to grant Respondent leave to file his untimely Answer to the Show Cause Order. Respondent files this Request for Leave seeking leave from the Board to file Respondent’s Unopposed Answer to the Order to Show Cause on Petition for Reciprocal Discipline so that Respondent may have the opportunity to be heard on the merits of this proceeding and present valid defenses against the Board’s imposition of identical discipline, to the extent practicable, as the discipline imposed on Respondent in the Louisiana Disciplinary Matter. A copy of Respondent’s Answer to the Order to Show Cause on the Petition for Reciprocal Discipline is attached hereto as Exhibit A.

## PRAYER

WHEREFORE, PREMISES CONSIDERED, Respondent Robert B. Evans, III, prays that the Board grant this Unopposed Request for Leave to FILE Answer to the Order to Show Cause on

Petition for Reciprocal Discipline 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,

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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 2, 2023, I contacted Amanda Kates, counsel for Petitioner. Ms. Kates stated that Appellee 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 2, 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

# **EXHIBIT A**

**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**

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**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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*Attorneys for Respondent*

**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:

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*

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