



**BEFORE 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

ORDER

On the 26th day of January, 2024, the above-styled and numbered reciprocal discipline matter was called for hearing before the Board of Disciplinary Appeals. Petitioner, the Commission for Lawyer Discipline of the State Bar of Texas, appeared through its attorney and announced ready. Respondent, Robert B. Evans, III, appeared through his attorney.

The Board heard argument on Respondent's Motion to Strike Petitioner's Response to Respondent's Memorandum in Opposition to Petitioner's Petition for Reciprocal Discipline, or in the Alternative, Motion for Continuance. As announced during the hearing, that Motion is **GRANTED** as follows: Petitioner's Response to the Respondent's Memorandum in Opposition to Petitioner's Petition for Reciprocal Discipline, filed January 25, 2024, is struck in accordance with BODA Internal Procedural Rule 1.09(c), and the Board will not consider the Petitioner's Response unless refiled as provided below. The hearing on the Petition for Reciprocal Discipline is continued to April 26, 2024, at which time it shall be heard in the courtroom of the Supreme Court of Texas, in Austin, Texas.

Additionally, Respondent's request that Petitioner's Response be excluded from the appellate record, which the Board took under advisement, is granted. However, any party may request that it be included in the clerk's record in accordance with Texas Rule of Appellate

Procedure 34.5. Any such request must be submitted to before BODA prepares the clerk's record for an appeal.

The Board further **ORDERS** as follows:

Petitioner shall file any additional briefing, which may include refile of Petitioner's Response, no later than February 16, 2024.

Respondent shall file any additional briefing no later than March 8, 2024.

Any briefing filed after those deadlines will be accepted only with leave of the Board upon a showing of good cause.

Any witness lists, exhibits lists, and exhibits the parties anticipate offering at the hearing shall be filed with the Board no later than April 1, 2024, with copies provided to the opposing party. Exhibits filed in advance must be offered and admitted into evidence to become part of the record on which the Board decides the case.

Any exhibits not filed by that deadline shall be filed as soon thereafter as practicable, with adequate notice to the opposing party before the hearing.

The Board chair's rulings admitting Petitioner's Exhibits 1 through 4 into evidence are withdrawn, without prejudice to re-introduction during the hearing set for April 26, 2024.

The Board does not intend to entertain any further requests for continuance from Respondent.

Any relief requested and not expressly granted is denied.

SIGNED this 30th day of January 2024.



CHAIR PRESIDING