

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

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| IN THE MATTER OF | § | |
| TED H. ROBERTS | § | CAUSE NO. 40196 |
| STATE BAR CARD NO. 17019705 | § | |

INTERLOCUTORY ORDER OF SUSPENSION

On the 27th day of September 2007, the above-styled and numbered compulsory disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, Ted R. Roberts, Bar Card No. 17019705, appeared pro se and announced ready. All issues of fact as well as all questions 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, Ted R. Roberts, State Bar Card Number 17019705, is currently licensed to practice law in the State of Texas, but his license was suspended indefinitely by agreed order dated June 16, 2007.
- (2) On June 12, 2007, a Judgment of Conviction by Jury was signed convicting Ted H. Roberts of three counts of Theft under Texas Penal Code 31.03 in Cause No. 2006CR6404B, 226th District Court of Bexar County, Texas, styled *The State of Texas vs. Ted H. Roberts*.
- (3) Pursuant to said Judgment of Conviction by Jury, Respondent Ted H. Roberts was sentenced to five (5) years incarceration in the Institutional Division of the Texas Department of Criminal Justice as to each count of Theft, said sentences to run concurrently.

- (4) Respondent Ted H. Roberts is the same person as the defendant Ted H. Roberts convicted in the criminal case 2006CR6404B as set forth above.
- (5) Respondent has appealed the criminal conviction.
- (6) Respondent's criminal sentence is not fully probated.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure ("TRDP").
- (2) Respondent having been convicted of Theft has been convicted of an Intentional Crime as defined in TRDP 1.06T for purposes of compulsory discipline pursuant to Part VIII TRDP. Said crime is also a Serious Crime as defined by TRDP 1.06Z.
- (3) Having been found guilty and convicted of an Intentional and Serious crime, and such conviction currently being appealed, Respondent Ted H. Roberts should be suspended from practicing law in Texas during the appeal of his criminal conviction. TRDP 8.04.
- (4) In the event that the conviction of Respondent Ted H. Roberts is affirmed and becomes final, he should be disbarred. TRDP 8.05.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Ted H. Roberts, State Bar Card No.17019705, is hereby **SUSPENDED** from the practice of law in the State of Texas effective immediately upon signing this order and continuing hereafter until further order of this Board.

It is further **ORDERED** that, in the event that Respondent's criminal conviction is affirmed and becomes final, Respondent shall be disbarred pursuant to the procedure provided in TRDP 8.05.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Ted H. Roberts, during said suspension is hereby prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee

directly or indirectly for legal services not completed prior to the date of suspension, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words “attorney,” “counselor,” or “lawyer.”

Respondent is further **ORDERED** to notify in writing, not later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Ted H. Roberts, has any legal matter pending, if any, of his suspension, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also **ORDERED** to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

Respondent is further **ORDERED** to notify in writing immediately each of his current clients, if any, in writing, of his suspension. In addition to such notification, Respondent is **ORDERED** to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Order is signed by the Board. Respondent is further **ORDERED** to file with this Board, within the same thirty (30) days, an affidavit stating either (a) that all current clients have been notified of his suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent should be

unable to return any file, papers, money or other property to any client or former client, 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. Respondent is also **ORDERED** to mail a copy of said affidavit and copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

Respondent is further **ORDERED** to surrender immediately his Texas law license and permanent State Bar Card, if he has not already done so, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that upon filing of this Order, the BODA Clerk shall send a certified copy of the Petition for Compulsory Discipline on file herein, along with a copy of this Order, to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that this Order is interlocutory pending the further orders of this Board upon the conclusion of Respondent's appeal of his criminal conviction. In the event that the conviction of Respondent, Ted H. Roberts, is reversed, this Board, upon the filing by Respondent or his attorney of a motion supported by certified copies of court documents showing that the conviction has been reversed, shall immediately terminate the interlocutory suspension. Such termination does not result in automatic reinstatement, however, and the Respondent must satisfy any additional administrative or other requirements with the State Bar. In the event that the

conviction of Respondent, Ted H. Roberts, is affirmed and becomes final, this Board, upon the filing by the Chief Disciplinary Counsel of an appropriate motion supported by affidavits or certified copies of court documents showing that the conviction has become final pursuant to TRDP 8.05, shall enter a final judgment of disbarment.

Signed this 2nd day of October 2007.

Paul A. Cho

CHAIRMAN