



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

IN THE MATTER OF §
RICHARD BRUCE LIVINGSTON § **CAUSE NO. 54880**
STATE BAR CARD NO. 12440000 §

JUDGMENT OF DISBARMENT

On the 29th day of January 2015, the above-styled and numbered 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, Richard Bruce Livingston, having requested to appear by telephone, appeared and announced ready. All questions of fact as well as all issues 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, Richard Bruce Livingston, State Bar Card Number 12440000, is licensed but not currently authorized to practice law in the State of Texas by the Supreme Court of Texas due to taking inactive status.
- (2) On or about March 28, 2014, a Decision was filed in the Supreme Court of New Jersey Disciplinary Review Board in a matter styled, *In the Matter of Richard B. Livingston, an Attorney at Law*, Docket No. DRB 13-327, District Docket No. XIV-2010-0381E. The Decision established that Respondent knowingly misappropriated escrow funds and other monies held in his trust account, failed to keep proper records, and failed to cooperate with disciplinary authorities.

- (3) On or about June 3, 2014, the Supreme Court of New Jersey signed an Order disbaring Respondent in a matter styled, *In the Matter of Richard B. Livingston*, an Attorney at Law, (Attorney No. 266211971) that states in pertinent part as follows:

The Disciplinary Review Board having filed with the Court its decision in DRB 13-237, recommending that Richard B. Livingston of Springfield, who was admitted to the bar of this State in 1971, be disbarred for violating RPC 1.15(a) (failure to safeguard and knowing misappropriation of escrow funds), RPC 1.15(d) (record keeping violations), RPC 8.1(b) (failure to cooperate with disciplinary authorities), and the principles of *In re Hollendonner*, 102 N.J. 21 (1985);

And Richard B. Livingston having been ordered to show cause why he should not be disbarred or otherwise disciplined;

And good cause appearing;

It is ORDERED that Richard B. Livingston be disbarred, effective immediately, and that his name be stricken from the roll of attorneys

- (4) Respondent, Richard Bruce Livingston, is the same person as the Richard B. Livingston who is the subject of the Order described above.
- (5) The Order of the Supreme Court of New Jersey disbaring Respondent is final.

Conclusions of Law. Based upon the foregoing findings of fact the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Tex. Rules Disciplinary P. R. 7.08(H) (“TRDP”).
- (2) Respondent failed to prove one of the defenses set out in TRDP 9.04 by clear and convincing evidence or otherwise show cause why identical discipline should not be imposed in Texas.
- (3) Reciprocal discipline identical to that imposed by the Supreme Court of New Jersey is warranted in this case.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Richard Bruce Livingston, State Bar Card No. 12440000, be and he is hereby **DISBARRED** from the practice of law in the State of Texas and his license to practice law in this state be, and is hereby, revoked.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Richard Bruce Livingston, is hereafter permanently 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, 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."

It is further **ORDERED** that Respondent, Richard Bruce Livingston, shall notify in writing, no later than 30 days from the date of this Judgment, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Richard Bruce Livingston, has any legal matter pending, if any, of his disbarment, 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 Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Richard Bruce Livingston, shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his disbarment. 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 30 days after the date of this Judgment. Respondent is further **ORDERED** to file an affidavit within the same thirty days with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, stating that all current clients have been notified of his disbarment 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. 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 copies of all notification letters to clients, to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Richard Bruce Livingston, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, 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.

Signed this 3rd day of February 2015.



CHAIR PRESIDING