



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

**IN THE MATTER OF
ROBERT PHILLIP ODLE
STATE BAR CARD NO. 00793172**

§
§
§

CAUSE NO. 65165

AGREED JUDGMENT OF SUSPENSION

On this day the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and Respondent appeared in person as indicated by their respective signatures below and announced that they agree to the findings of fact, conclusions of law, and orders set forth below solely for the purposes of this proceeding which has not been fully adjudicated. The Board of Disciplinary Appeals, having reviewed the file and in consideration of the agreement of the parties, 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, Robert Phillip Odle, whose Bar Card No. is 00793172, is an attorney licensed but not currently authorized by the Supreme Court of Texas to practice law in the State of Texas.
- (2) On or about October 19, 2018, a Complaint was entered in the Supreme Court, State of Colorado, Before the Presiding Disciplinary Judge, in a matter styled: *Complainant: The People of the State of Colorado, Respondent: Robert Phillip Odle, #18091.*
- (3) On or about November 1, 2018, a Stipulation, Agreement and Affidavit Containing the Respondent's Conditional Admission of Misconduct was entered in the Supreme Court, State of Colorado, Before the Presiding Disciplinary Judge, in a matter styled: *Complainant: The People of the State of Colorado, Respondent: Robert Phillip Odle, #18091.*
- (4) On or about November 7, 2018, an Order Approving Conditional Admission of Misconduct and Imposing Sanctions Under C.R.C.P. 251.22 was entered in the Supreme Court, State of Colorado, Before the Office of

the Presiding Disciplinary Judge, in a matter styled: *Complainant: The People of the State of Colorado, Respondent: Robert Phillip Odle, #18091*, Case No. 18PDJ066, that states in pertinent part as follows:

... Upon review of the case file and stipulation, the Court ORDERS:

...The stipulation is APPROVED

ROBERT PHILLIP ODLE, attorney registration number 18091, is SUSPENDED from the practice of law for a period of SIX MONTHS.

Respondent violated Colo. RPC 1.7(a); 8.4(a) and 1.8(j); and 1.15A(a).

(5) In the Stipulation, Agreement and Affidavit Containing the Respondent's Conditional Admission of Misconduct Respondent stipulates to the following facts and conclusions:

- a. Respondent is a sole practitioner in Colorado Springs, Colorado.
- b. In the summer of 2017, a significant portion of his income came from a Colorado Springs nonprofit organization called TESSA. TESSA provides services to victims of domestic violence, including safe-house services, victim advocacy, counseling, and outreach.
- c. One of TESSA's programs is targeted towards assisting victims who have filed for protective orders against their abusive partners *pro se*. Court clerks and other staff direct these victims to a table in the courthouse staffed with TESSA volunteers, and TESSA offers to coordinate legal representation for the victims at the permanent protection order hearings. TESSA then hires attorneys on a flat-fee basis to represent the victims at the permanent protection order hearings.
- d. Ms. M¹ filed for a protective order against her ex-boyfriend after he physically and sexually abused her. She obtained a temporary restraining order on August 28, 2017 *pro se* and then reached out to TESSA for assistance with the permanent protection order.
- e. TESSA appointed Respondent as her counsel. Respondent entered his appearance, set the matter for a hearing, and on October 2, 2017, the court entered a permanent protection order against Ms. M's ex-boyfriend.

¹ Because Ms. M is a sexual assault victim, the parties refer to her via her initial.

- f. Respondent collected his \$750 from TESSA for the representation, and he and Ms. M explored filing a replevin action against the ex-boyfriend to seek the return of or compensation for personal items he took from Ms. M's home after the break-up.
- g. TESSA pays for the representation at the permanent protection order hearing, but it also allows attorneys on its rolls to offer their own services to clients, payable at the client's expense.
- h. Respondent agreed to represent Ms. M for a \$1,700 flat fee (\$1,500 in fees and the remainder for costs) on the replevin action. They confirmed the fee in text messages, but he did not issue her any other fee agreement or invoice.
- i. Respondent treated the flat fee as earned upon receipt, even though he received the fee near the outset of the replevin representation.
- j. Respondent and Ms. M often communicated via text message, and Ms. M was able to produce a record of their conversations.
- k. Respondent successfully filed the replevin complaint on Ms. M's behalf in November 2017.
- l. The ex-boyfriend failed to answer, and though the matter was delayed due to Respondent's failure to appear on the day of the show cause hearing, the court ultimately entered a default against the ex-boyfriend.
- m. In the spring of 2018, Ms. M discussed Respondent's romantic advances with her therapist, and her therapist believed them to be improper.
- n. Ms. M reported his conduct to TESSA, who removed Respondent from their approved provider list.
- o. She also demanded a refund from Respondent. He issued her a check for \$1,500 from his office account, but it was rejected because it was written on a closed account.
- p. He then repaid her \$1,600 in cash, adding \$100 to cover any costs she incurred due to the bad check.
- q. Through Respondent's conduct described above, Respondent has engaged in conduct constituting grounds for the imposition of discipline pursuant to C.R.C.P. 251.5. Respondent has also violated Colo. RPC 1.7(a), which provides that "Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: (2) there is a significant risk that the representation of one or more clients will be materially limited

by... a personal interest of the lawyer." Respondent's romantic interest in Ms. M. gave rise to a personal interest conflict and did significant harm to the attorney-client relationship. Respondent violated Colo. RPC 8.4(a) and 1.8G), which provide: "It is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;" and "a lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced." Respondent attempted to have a sexual relationship with his client after the attorney-client relationship began. Finally, Respondent violated Colo. RPC 1.15A(a), which provides "A lawyer shall hold property of clients or third persons that is in the lawyer's possession in connection with a representation separate from the lawyer's own property." Respondent technically converted client funds in the replevin action when he treated his flat fee as earned upon receipt.

- (8) The Order Approving Conditional Admission of Misconduct and Imposing Sanctions Under C.R.C.P. 251.22 entered in the Supreme Court, State of Colorado, Original Proceeding in Discipline Before the Office of the Presiding Disciplinary Judge is final.

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(H), Texas Rules of Disciplinary Procedure;
- (2) Reciprocal discipline identical to that imposed by the Supreme Court, State of Colorado, Original Proceeding in Discipline Before the Office of the Presiding Disciplinary Judge, is warranted in this case.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Robert Phillip Odle, State Bar Card No. 00793172, is hereby SUSPENDED from the practice of law in Texas for a period of six (6) months beginning Feb. 23, 2021, and ending Aug. 22, 2021.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Robert Phillip Odle, during said suspension is prohibited from practicing law in Texas, and accordingly with respect to practicing law in Texas, holding himself out as a Texas attorney at law, performing any

legal service for others in Texas, accepting any fee directly or indirectly for Texas legal services ... or holding himself out to other using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer" in Texas."

It is further ORDERED that Respondent, Robert Phillip Odle, within thirty (30) days of the date of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent, Robert Phillip Odle, 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.

It is further ORDERED Respondent shall file with the State Bar of Texas, Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the date of this judgment, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing in Court.

It is further ORDERED that Respondent, Robert Phillip Odle, within thirty (30) days of the date of this judgment, shall notify each of his current clients and opposing counsel, 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 of the date of this judgment if requested.

It is further ORDERED Respondent shall file with the State Bar of Texas, Statewide Compliance Monitor, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the date of this judgment, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property requested by 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.

It is further ORDERED that Respondent, Robert Phillip Odle, within thirty (30) days of the date of this judgment, 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.

It is further ORDERED that a certified copy of the Petition for Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the Office of the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

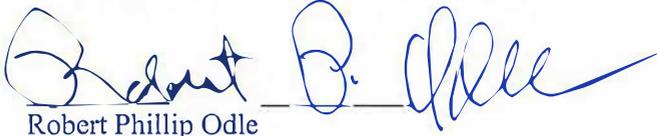
IT IS FURTHER ORDERED that this Judgment of Suspension shall be made a matter of public record and be published in the Texas Bar Journal.

Signed this 22nd day of February 2021.



Chair Presiding
BOARD OF DISCIPLINARY APPEALS

APPROVED AS TO FORM AND CONTENT:



Robert Phillip Odle
Bar No. 00793172
Respondent



Judith Gres DeBerry
Bar No. 24040780
Attorney for Petitioner