



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

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

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§

CAUSE NO. 65166

AGREED JUDGMENT OF PROBATED 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, Bar Card No. is 00793172, is an attorney who is licensed but not currently authorized to practice law in the State of Texas.
- (2) On or about August 16, 2019, 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.*
- (3) On or about August 19, 2019, 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. 19PDJ062, that states in pertinent part as follows:*

. . . Upon review of the stipulation, the Court ORDERS:

1. The stipulation is APPROVED.
 2. ROBERT PHILLIP ODLE, attorney registration number 18091, is SUSPENDED from the practice of law for a period of SIX MONTHS, ALL TO BE STAYED upon the successful completion of a THREE-YEAR period of PROBATION, subject to the conditions set forth in paragraph 16 of the stipulation.
 3. Respondent violated Colo. RPC 1.3, 1.4(a)(4), 1.4(B), and 1.15A(a).
- (4) In the Stipulation, Agreement and Affidavit Containing the Respondent's Conditional Admission of Misconduct, Odle stipulated to the following:

Landlord/Tenant Matter

- a. In early 2017, A.M., an active-duty member of the military, moved out of his Colorado Springs apartment. After he moved out, his management company claimed that he and his wife owed over \$4,000 in damages and fees, which they disputed.
- b. A.M. reached out to Respondent, who agreed to help pro bono. Via email, Respondent asked for a number of documents from A.M., including the lease, any photographs, etc., and said he would draft a demand letter to the management company requesting the return of A.M.'s damage deposit. A.M. sent Respondent the requested information, and believed Respondent was handling the matter.
- c. Respondent states he did not receive the response or attachments from A.M. He did not follow up with A.M., and they did not communicate for a year.
- d. In March 2018 - nearly a year later - A.M. received a letter from a collections agency, stating they were trying to collect the management company's debt. A.M. contacted Respondent, who did not remember A.M. said he would look into the matter. Meanwhile, because A.M. told the collections company he had an attorney, they would no longer deal directly with A.M.
- e. Months went by, and A.M. did not hear from Respondent. He contacted the Office of Attorney Regulation Counsel in August 2018.

- f. Through Respondent's conduct in the landlord/tenant matter, 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 1.3 (diligence); 1.4(a)(4) - (communication); and 1.4(b) (communication).

Probate Matter

- g. B.D. hired Respondent to handle a probate matter. B.D.'s brother had recently died, and B.D. was his brother's executor and sole heir. Respondent agreed to assist with the administration of the estate on an hourly basis, and B.D. paid him a \$5,000 retainer in November 2015. Respondent believes he issued B.D. a fee agreement, but he cannot locate a copy and B.D. denies one exists. However, he also understood Respondent to be working on an hourly basis.
- h. B.D. wanted to handle the estate's creditors, while Respondent assisted with the legal matters. Respondent prepared the letters testamentary and a newspaper notice, and agreed to advise B.D. regarding other actions he needed to take. He also provided B.D. with the creditor notice JDF form.
- i. B.D.'s brother received assistance from Medicaid before his death, and though Respondent attempted to notify B.D. of the Medicaid claim, some of those communications may have not been received.
- j. The estate also contained a condo, which sold before Medicaid issued its claim. Respondent assisted B.D. with the title search and sale. He invoiced B.D. sporadically, recreating from his file the time he spent on the matter and reflecting deductions from the retainer accordingly. But Respondent failed to maintain a sufficient COLTAF balance to cover the money he should have been holding for B.D. at various points in time during the representation. He technically converted B.D.'s money, though he likely earned it by the end of the representation.
- k. During the representation, Respondent was often difficult to reach and he often failed to return B.D.'s calls. B.D. ultimately terminated the representation, and Respondent failed to issue the final invoice and accounting B.D. requested.
- l. Through Respondent's conduct in the probate matter, 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 1.3 (diligence); 1.4(a)(4) (communication); 1.4(b) (communication); 1.15A(a) (negligent conversion).

- (5) Respondent, Robert Phillip Odle, is the same person as the Robert Phillip Odle, who is the subject of Order Approving Conditional Admission of Misconduct and Imposing Sanctions Under C.R.C.P. 251.22 filed with the Supreme Court of Colorado; and
- (6) The Order Approving Conditional Admission of Misconduct and Imposing Sanctions Under C.R.C.P. 251.22 Discipline filed with the Supreme Court of Colorado 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. Tex. R. Disciplinary P. 7.08(H) ("TRDP"):
- (2) Reciprocal discipline identical, to the extent practicable, to that imposed by the Supreme Court of Colorado is warranted in this case. TRDP 9.03.
- (3) Respondent should be suspended for three (3) years, all probated.
- (4) This Board retains jurisdiction during the full term of probation imposed by this judgment to hear a motion to revoke probation.

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 for a period of three (3) years with the suspension being fully probated for three (3) years beginning Aug. 23, 2021, 2021, and ending Aug. 22, 2024, under the following terms and conditions:

- (1) Respondent shall not violate any of the provisions of the Texas Disciplinary Rules of Professional Conduct or any provision of the State Bar Rules.
- (2) Respondent shall not be found guilty of, or plead no contest to, any felony involving moral turpitude or any misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property.
- (3) Respondent must notify both the Office of the Chief Disciplinary Counsel and the Membership Department of the State Bar of Texas of any change in Respondent's address within thirty (30) days of the change of address.

- (4) Respondent shall not violate any of the terms or conditions of probation imposed by the Supreme Court of Colorado on August 19, 2019, in the matter styled: *Complainant: The People of the State of Colorado, Respondent: Robert Phillip Odle, #18091*, Case No. 19PDJ062.
- (5) Respondent shall timely comply with all requirements of the Order Approving Conditional Admission of Misconduct and Imposing Sanctions Under C.R.C.P. 251.22 entered in the Supreme Court of the State of Colorado, in a matter styled *Complainant: The People of the State of Colorado, Respondent: Robert Phillip Odle, #18091*, Case No. 19PDJ062.

Probation Revocation

Upon determination that Respondent has violated any term or condition of this judgment or of the disciplinary order or judgment entered in Colorado, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to TRDP 2.23 with this Board and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

This Board will conduct an evidentiary hearing to determine by a preponderance of the evidence whether Respondent has materially violated any term, or condition, or requirement of any applicable disciplinary judgment. If this Board finds grounds for revocation, it will enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order without credit for any term of probation served prior to revocation.

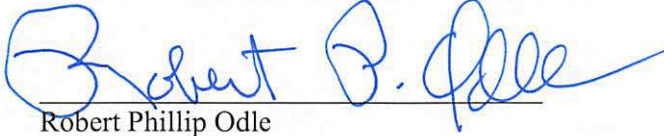
It is further **ORDERED** that any conduct on the part of Respondent, which serves as the basis for a motion to revoke probation, may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure.

Signed this 22nd day of February 2021.

Tom G'lez

CHAIR PRESIDING
Board of Disciplinary Appeals

APPROVED AS TO FORM AND CONTENT:



Robert Phillip Odle
State Bar Card No. 00793172
Attorney for Respondent



Judith Gres DeBerry
Assistant Disciplinary Counsel
State Bar Card No. 24040780
Attorney for Petitioner