

**BEFORE THE EVIDENTIARY PANEL OF THE
STATE BAR DISTRICT NO. 3-2 GRIEVANCE COMMITTEE**

COMMISSION FOR LAWYER DISCIPLINE,	§	201805067 [LAURA C. BUSTOS]
Petitioner,	§	
	§	
v.	§	MONTGOMERY COUNTY, TEXAS
ROBERT AARON MARKLE,	§	
Respondent.	§	

DEFAULT JUDGMENT OF ACTIVE SUSPENSION

Parties and Appearance

On August 16, 2019, came to be heard the above-styled and numbered cause. Petitioner, the **COMMISSION FOR LAWYER DISCIPLINE**, appeared by and through its attorney of record, Melisa H. Jordan, Assistant Disciplinary Counsel, and announced ready. Respondent, **ROBERT AARON MARKLE**, Texas Bar Number 24098037, although duly served with the *Original Evidentiary Petition* and notice of this default and sanctions hearing, failed to appear.

Jurisdiction and Venue

The Evidentiary Panel 3-2, having been duly appointed to hear this complaint by the chair of the Grievance Committee for STATE BAR OF TEXAS District 3, finds that it has jurisdiction over the parties and the subject matter of this action and that venue is proper.

Default

The Evidentiary Panel finds that Respondent was properly served with the *Original Evidentiary Petition* and that Respondent failed to timely file a responsive pleading to the *Original Evidentiary Petition* as required by Rule 2.17(B) of the TEXAS RULES OF DISCIPLINARY PROCEDURE. Accordingly, the Evidentiary Panel finds Respondent in default and further finds that all facts alleged

in the *Original Evidentiary Petition* are deemed true pursuant to Rule 2.17(C) of the TEXAS RULES OF DISCIPLINARY PROCEDURE.

Professional Misconduct

The Evidentiary Panel, having deemed all facts as alleged in the *Original Evidentiary Petition* true, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(CC) of the TEXAS RULES OF DISCIPLINARY PROCEDURE.

Findings of Fact

The Evidentiary Panel, having considered the allegations as deemed true, the pleadings, evidence and argument of counsel, makes the following findings of fact and conclusions of law:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the STATE BAR OF TEXAS.
2. Respondent resides in and maintains his principal place of practice in Montgomery County, Texas.
3. In representing Laura C. Bustos, Respondent neglected the legal matter entrusted to him.
4. In representing Laura C. Bustos, Respondent frequently failed to carry out completely the obligations Respondent owed to his client.
5. Respondent failed to keep Laura C. Bustos reasonably informed about the status of his case.
6. Respondent failed to promptly comply with reasonable requests for information from Laura C. Bustos about his case.
7. Respondent failed to explain the case to the extent reasonably necessary to permit Laura C. Bustos to make informed decisions regarding the representation.
8. Respondent failed to timely furnish to the Chief Disciplinary Counsel's Office a response or other information as required by the TEXAS RULES OF DISCIPLINARY PROCEDURE and did not in good faith timely assert a privilege or other legal ground for failure to do so.
9. Respondent owes restitution in the amount of Two Thousand Five Hundred and No/100 Dollars (\$2,500.00) payable to Laura C. Bustos.

10. The Chief Disciplinary Counsel of the STATE BAR OF TEXAS has incurred reasonable attorneys' fees and direct expenses associated with this Disciplinary Proceeding in the total amount of One Thousand Six Hundred Ninety-One and No/100 Dollars (\$1,691.00).

Conclusions of Law

The Evidentiary Panel concludes that, based upon the foregoing findings of fact, the following TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT have been violated: **Rules 1.01(b)(1)** [in representing a client, a lawyer shall not neglect a legal matter entrusted to the lawyer]; **1.01(b)(2)** [in representing a client, a lawyer shall not frequently fail to carry out completely the obligations that the lawyer owes to a client or clients]; **1.03(a)** [a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information]; **1.03(b)** [a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation]; and **8.04(a)(8)** [a lawyer shall not fail to timely furnish to the Chief Disciplinary Counsel's Office or a district grievance committee a response or other information as required by the TEXAS RULES OF DISCIPLINARY PROCEDURE, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so].

Sanction

The Evidentiary Panel, having found Respondent has committed Professional Misconduct, heard and considered additional evidence regarding the appropriate sanction to be imposed against Respondent. After hearing all evidence and argument, the Evidentiary Panel finds that the proper discipline of the Respondent for each act of Professional Misconduct is an Active Suspension.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREED** that Respondent be shall be actively suspended from the practice of law for a period of four (4) years beginning August 16, 2019, and ending August 15, 2023. Respondent's active suspension as outlined above shall run

concurrently with Case No. 201806685, CFLD v. Robert Aaron Markle; Case No. 201805898, CFLD v. Robert Aaron Markle; and Case No. 201805648, CFLD v. Robert Aaron Markle.

Terms of Active Suspension

It is further **ORDERED** that during the term of active suspension ordered herein, Respondent shall be prohibited from practicing law in Texas; holding himself out as an attorney at law; performing any legal services for others; accepting any fee directly or indirectly for legal services; appearing as counsel or in any representative capacity in any proceeding in any Texas or Federal court or before any administrative body; or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further **ORDERED** that Respondent shall immediately notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further **ORDERED** Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

It is further **ORDERED** Respondent shall file with the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701) within thirty (30) days of the signing of this *Default 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.

It is further **ORDERED** Respondent shall immediately notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this *Default*

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.

It is further **ORDERED** Respondent shall file with the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701), within thirty (30) days of the signing of this *Default 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 within thirty (30) days of the signing of this *Default Judgment*, Respondent shall surrender his law license and permanent State Bar Card to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701), to be forwarded to the SUPREME COURT OF TEXAS.

Restitution, Attorneys' Fees and Expenses

It is further **ORDERED** Respondent shall pay restitution within sixty (60) days of the signing of this *Default Judgment*, to Laura C. Bustos in the amount of Two Thousand Five Hundred and No/100 Dollars (\$2,500.00). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Laura C. Bustos and delivered to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).

It is further **ORDERED** Respondent shall pay all reasonable and necessary attorneys' fees and direct expenses to the STATE BAR OF TEXAS in the total amount of One Thousand Six Hundred Ninety-One and No/100 Dollars (\$1,691.00). The payment shall be due and payable within sixty

(60) days of the signing of this *Default Judgment*, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the STATE BAR OF TEXAS, to the Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).

It is further **ORDERED** that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(F) of the TEXAS RULES OF DISCIPLINARY PROCEDURE. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the STATE BAR OF TEXAS shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

It is further **ORDERED** that Respondent shall remain actively suspended from the practice of law as set out above for a period of four (4) years beginning August 16, 2019, and ending August 15, 2023, until such time as Respondent has completely paid restitution in the amount of Two Thousand Five Hundred and No/100 Dollars (\$2,500.00) to Laura C. Bustos, and attorneys' fees and direct expenses in the amount of One Thousand Six Hundred Ninety-One and No/100 Dollars (\$1,691.00) to the STATE BAR OF TEXAS.

Publication

This suspension shall be made a matter of record and appropriately published in accordance with the TEXAS RULES OF DISCIPLINARY PROCEDURE.

Other Relief

All requested relief not expressly granted herein is expressly **DENIED**.

SIGNED this 4th day of September, 2019.

**EVIDENTIARY PANEL3-2
DISTRICT NO. 3
STATE BAR OF TEXAS**



**J. WAYNE LITTLE
Presiding Member**