



FILED

July 11, 2017

Board of Disciplinary Appeals

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

**IN THE MATTER OF
RAHUL MALHOTRA
STATE BAR NO. 00797781**

§
§
§

CAUSE NO. 59097

RESPONDENT'S FIRST ORIGINAL ANSWER

Comes now, Respondent, Rahul Malhotra, and files this, his First Original Answer, showing as follows:

I.

On or about May 25, 2017, State Bar of Texas initiated this action and thereafter attempted to serve it upon Dan Cogdell, Mr. Malhotra's criminal defense counsel, despite Mr. Cogdell having previously informed an employee-agent of the Office of the Chief Disciplinary Counsel of the State Bar of Texas that he did not represent Mr. Malhotra in the State Bar matter. Thereafter, Mr. Malhotra requested the undersigned waive complaint about the service on Mr. Cogdell and agreed to enter an appearance on his behalf.

II.

The Petition for Compulsory Discipline correctly identifies the Respondent as the same lawyer who has been convicted of the offense identified as "False Statement" in violation of 18 U.S.C § 1001(a)(2) in Exhibit 2 to the Petition for Compulsory Discipline on file in this case.

III.

Respondent does not contest that 18 U.S.C § 1001(a)(2) may be properly classified as an offense that involves moral turpitude for Texas attorney disciplinary purposes.

IV.

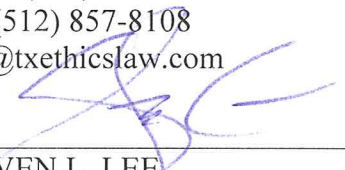
Respondent respectfully shows that the sentence imposed upon him in Cause No.

M011CR0060, as demonstrated by review of Exhibit 2 to the Petition for Compulsory Discipline, is fully probated. Accordingly, Mr. Malhotra is entitled to resist disbarment and instead seek the suspension of his law license in the manner permitted by Rule 8.06, Texas Rules of Disciplinary Procedure.

WHEREFORE, PREMISES CONSIDERED, Respondent respectfully prays that, after consideration of evidence and the argument of counsel, this honorable tribunal enter judgment that his Texas license to practice law be suspended during the term of his probation and that he have such other and further relief to which he is entitled in law or equity.

Respectfully submitted,

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By: 
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Attorney for Respondent

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Respondent's First Original Answer was sent email, this 11/15 day of July 2017, to:

Judith Gres DeBerry
Assistant Disciplinary Counsel
State Bar of Texas
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STEVEN L. LEE