



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

IN THE MATTER OF

ROBERT JOSEPH ANDRES,

STATE BAR CARD NO. 01237450

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CAUSE NO. 55904

JUDGMENT OF DISBARMENT

On the 1st day of May 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, Robert Joseph Andres, appeared in person 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, Robert Joseph Andres, State Bar Card Number 01237450, is licensed and currently authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about December 7, 2011, Respondent, was charged by Indictment with Counts 1-5 – Wire Fraud in violation of 18 U.S.C. § 1343, in Case No. 2:11-cr-00985, styled *United States of America, Plaintiff, v. Robert J. Andres, Defendant*, in the United States District Court, District of Utah, Central Division.

- (3) On or about December 17, 2014, a Judgment in a Criminal Case was entered in Case No. DUTX 2:11CR00985-001 RJS, styled *United States of America v. Robert J. Andres*, in the United States District Court, District of Utah, wherein Respondent pled guilty to Count One of the Indictment - Wire Fraud, in violation of 18 U.S.C. § 1343, and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 56 months and upon release from imprisonment to be on supervised release for a term of 3 years. Respondent was further ordered to pay an assessment in the amount of \$100.00 and restitution in the amount of \$3,291,310.39.
- (4) Respondent, Robert Joseph Andres, is the same person as the Robert J. Andres who is the subject of the Judgment described above.
- (5) Respondent has not appealed the criminal conviction, and the conviction is final.
- (6) Respondent's criminal sentence is not fully probated.

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. R. Disciplinary P. 7.08(G) ("TRDP").
- (2) Respondent, Robert Joseph Andres, having been convicted of Wire Fraud in violation of 18 U.S.C. § 1343, has been convicted for purposes of TRDP 8.04 of an Intentional Crime as defined by TRDP 1.06(T). Said crime is also a Serious Crime as defined by TRDP 1.06(Z).
- (3) The conviction is final.
- (4) Respondent, Robert Joseph Andres should be disbarred. TRDP 8.05.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Robert Joseph Andres, State Bar Card No. 01237450, 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, Robert Joseph Andres, 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, Robert Joseph Andres, shall notify in writing, no later than thirty (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, Robert Joseph Andres, 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, Robert Joseph Andres, 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 thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, Office of the Chief

Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating that all current clients and opposing counsel 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 a copy 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, Robert Joseph Andres, immediately surrender his Texas law license and permanent State Bar Card to the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, 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 Compulsory Discipline on file herein, along with a copy of this Judgment, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 4 day of May 2015.



VICE CHAIR PRESIDING