



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

<b>IN THE MATTER OF</b>	§	
<b>RAHUL MALHOTRA</b>	§	<b>CAUSE NO. 59097</b>
<b>STATE BAR CARD NO. 00797781</b>	§	

**JUDGMENT CONFORMING SUSPENSION  
TO CRIMINAL PROBATION**

On the 9th day of October 2018, the Board of Disciplinary Appeals heard Respondent Rahul Malhotra's Motion to Amend Judgment. Respondent appeared in person and by counsel and announced ready. The Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney 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 Respondent is entitled to relief and makes the following findings and orders:

**Findings of Fact.** The Board of Disciplinary Appeals finds that:

- (1) Respondent, Rahul Malhotra, State Bar Card Number 00797781, is currently suspended and not authorized to practice law in Texas, having been suspended by Judgment of this Board signed on January 26, 2018.
- (2) The Judgment of Suspension signed January 26, 2018 was based on Respondent's criminal conviction on or about March 28, 2017 in Case Number: 5:16-CR-00460-OLG( 1 ), styled *United States of America v. Rahul Malhotra, Defendant*, in the United States District Court for the Western District of Texas, San Antonio Division, wherein Respondent

pled guilty to Count 2 - False Statement, in violation of 18 USC § 1001(a)(2) and was placed on probation for five (5) years and ordered to pay an assessment of \$100 and a fine of \$7,500.

- (3) In accordance with the Texas Rules of Disciplinary Procedure Part VIII and applicable law, this Board exercised its discretion to suspend Respondent in the Judgment of Suspension signed January 26, 2018 for a term concurrent with the term of his criminal probation until March 22, 2022.
- (4) On January 29, 2018, an Amended Judgment in a Criminal Case was signed in Case Number: 5:16-CR-00460-0LG( 1 ), styled *United States of America v. Rahul Malhotra, Defendant*, in the United States District Court for the Western District of Texas, San Antonio Division, wherein Respondent was placed on probation for two (2) years until March 22, 2019.

**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 continuing jurisdiction during the term of suspension previously ordered. TRDP 8.06.
- (2) The reduction of Respondent's term of criminal probation was not an early termination of probation within the meaning of Tex. Rules Disciplinary P. R. 8.06 and 8.07, and those rules do not apply.
- (3) Respondent has been sentenced in the criminal case to a term of probation of two years, which new sentence is not an early termination of probation.
- (4) Pursuant to Tex. Rules Disciplinary P. R. 8.06 and *In re Ament*, 890 S.W.2d 39, 41 (Tex. 1994), this Board has no discretion to suspend Respondent for a period longer than the term of his criminal probation.
- (5) Respondent Rahul Malhotra should be suspended from the practice of law for the term of his criminal probation until March 22, 2019. TRDP 8.06.

Based on the evidence and consideration of the relevant factors as set out in this Board's prior decisions and the Texas Rules of Disciplinary Procedure, the Board exercises its discretion and **SUSPENDS** Respondent, Rahul Malhotra, State Bar Card No. 00797781, from the practice of law in Texas for the term of his criminal probation until March 22, 2019, and further finds

that, in the event that the above-described criminal probation of Respondent is revoked, then Respondent Rahul Malhotra should be disbarred. TRDP 8.06.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Rahul Malhotra, State Bar Card No. 00797781, be and he is hereby **SUSPENDED** from the practice of law in the State of Texas for a period beginning effective the date of this judgment and ending March 22, 2019.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Rahul Malhotra, during the term of suspension, is 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 in any proceeding in any Texas 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 his current clients in writing of his suspension. In addition to such notification, Respondent is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients and former clients in the Respondent's possession to the respective clients or former clients or to another attorney at the client's or former client's request. 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, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Board, an affidavit stating that all current clients have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.

It is further **ORDERED** Respondent shall, on or before thirty (30) days from the signing of this judgment by the Board, 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 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. 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, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Board, an affidavit stating that each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice has received written notice of the terms of this judgment.

It is further **ORDERED** that Respondent, Rahul Malhotra, 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 Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that, in the event that the above-described criminal probation of Respondent, Rahul Malhotra, is revoked, the Chief Disciplinary Counsel shall file with the Board an appropriate motion seeking disbarment supported by certified copies of court documents showing that such criminal probation has been revoked pursuant to TRDP 8.06.

Signed this 11<sup>th</sup> day of October 2018.



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**CHAIR PRESIDING**