



BEFORE THE BOARD OF DISCIPLINARY APPEALS
Appointed By
THE SUPREME COURT OF TEXAS

KYLE B. COLLINS
State Bar of Texas Card No. 04613400

v.

**COMMISSION FOR
LAWYER DISCIPLINE OF THE
STATE BAR OF TEXAS**

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CASE # 68773

ORDER DISMISSING APPEAL FOR WANT OF JURISDICTION

On this day, the Board of Disciplinary Appeals considered whether it has jurisdiction to hear the above appeal filed by Kyle B. Collins, Appellant. After reviewing the papers filed in the matter, the Board finds as follows:

Evidentiary Panel 8-4, of the District 8 Grievance Committee, issued a Judgment of Partially Probated Suspension on October 2, 2023. Appellant hand delivered his Notice of Appeal to the Office of the Chief Disciplinary Counsel on January 4, 2024—more than ninety days after the date of the Judgment. The Board received the Notice of Appeal from the Office of the Chief Disciplinary Counsel and filed it on January 4, 2024. *See* BODA INTERNAL PROCEDURAL RULE 4.01(c). Appellant did not timely request an extension of time to file his notice of appeal. *See* BODA INTERNAL PROCEDURAL RULE 4.01(e). On January 10, 2024, the Board issued an Order to Show Cause, ordering Appellant to respond within thirty days and show cause why his appeal should not be dismissed for want of jurisdiction. Appellant did not file a timely response.

On February 21, 2024, the Board issued an order granting Appellant’s request for an extension

of time to show cause but noting that the Board finds “nothing in the papers filed with the Board to indicate that Appellant’s notice of appeal was timely filed” and “finds that Appellant filed his notice of appeal after [the] sixty-day deadline” for filing the record. *See* TEX. RULES DISCIPLINARY P. R. 2.23; BODA INTERNAL PROCEDURAL RULE 4.03(a). The Board ordered that Appellant respond by March 8, 2024, and show cause why the appeal should not be dismissed for want of jurisdiction. *See* BODA INTERNAL PROCEDURAL RULE 4.09(a). Appellant has not filed any response or made any attempt to show cause as to the Board’s jurisdiction.

The Board therefore **FINDS** that Appellant’s notice of appeal was not timely filed. *See* TEX. RULES DISCIPLINARY P. R. 2.23 (providing that a respondent may appeal an evidentiary panel’s judgment by filing a notice of appeal within thirty days after the date of judgment unless the respondent files a motion for new trial or motion to modify the judgment, in which case the notice of appeal must be filed within ninety days after the date of the judgment); *see also* BODA INTERNAL PROCEDURAL RULE 4.01(d). Therefore, the Board lacks jurisdiction to hear this matter.

IT IS THEREFORE ORDERED that this appeal is hereby **DISMISSED** for want of jurisdiction.

SIGNED this 21st day of March 2024.

A handwritten signature in blue ink, appearing to read "Kevin H.", is written over a horizontal line.

CHAIR PRESIDING