

#68773

Notice of Appeal to BODA

Commission for  
Lawyer Discipline

HAND  
DELIVERED

#  
RECEIVED  
2023 201039

vs.  
Kyle B. Collins  
Respondent

JAN 04 2024

Chief Disciplinary Counsel  
State Bar of Texas

By: \_\_\_\_\_

Notice of Appeal to the Board of  
Disciplinary Appeals.



FILED

Jan 4, 2024

THE BOARD OF DISCIPLINARY APPEALS  
Appointed by the Supreme Court of Texas

Comes Now Kyle B. Collins, SBN. 04613400  
and files a Notice of Appeal in the  
Attached Judgment from Oct. 2, 2023.

The Evidentiary Panel 8-4, chair, and  
Committee for the State Bar District 8, and Council  
was informed that the Respondent, Kyle B.  
Collins, was set for surgery Oct. 4 and  
5th in Waco, TEXAS; Nov. 6, Nov. 27, 2023.

Respondent was informed at the September  
22, 2023 hearing that the "active" suspension  
was to be for 30 days - with 3 year suspension  
prohibited for 3 years.

The hospitalization of the Respondent was for 2 days and Notice sent to the Respondent was mailed on Oct 4, 2023.

The attached Order does not recite the findings of the panel.

The Respondent has not been released by his doctors and since the hospitalization has required 2 other medical procedures, Respondent respectfully appeals.

Respectfully submitted,

Lyle B. Collins  
SSN 04613400  
5716 Lakemont Cir.  
Waco, TEXAS 76710

[ Order Attached ]

cc: Amanda Kates.  
Heather White



**BEFORE THE DISTRICT 8 GRIEVANCE COMMITTEE  
EVIDENTIARY PANEL 8-4  
STATE BAR OF TEXAS**

**Austin Office  
Chief Disciplinary Counsel**

**COMMISSION FOR LAWYER  
DISCIPLINE,  
Petitioner** §  
§  
§  
**V.** §  
§  
§  
**KYLE B. COLLINS,  
Respondent** §  
§

202201039

**JUDGMENT OF PARTIALLY PROBATED SUSPENSION**

**Parties and Appearance**

On September 27, 2023, came to be heard the above styled and numbered cause. Petitioner, Commission for Lawyer Discipline, appeared by and through its attorney of record and announced ready. Respondent, Kyle B. Collins, Texas Bar Number 04613400, appeared in person and through attorney of record and announced ready.

**Jurisdiction and Venue**

The Evidentiary Panel 8-4 having been duly appointed to hear this complaint by the chair of the Grievance Committee for State Bar of Texas District 8, finds that it has jurisdiction over the parties and the subject matter of this action and that venue is proper.

**Professional Misconduct**

The Evidentiary Panel, having considered all of the pleadings, evidence, stipulations, and argument, 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 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 McLennan County, Texas.
3. Complainant, Michael Hamilton, hired Respondent, Kyle Collins, on October 2, 2021, to obtain Complainant's release via bond from Bexar County and then defend Complainant on charges in Hays County. Respondent initially accepted Complainant's calls from the Bexar County jail, but ultimately stopped taking Complainant's calls and ceased providing any information in Complainant's matter. Ultimately, Respondent failed to adequately communicate with Complainant by failing to provide requested information and failing to provide Complainant with enough information to make reasonable decisions in the matter of his legal representation.

### **Conclusions of Law**

The Evidentiary Panel concludes that, based on foregoing findings of fact, the following Texas Disciplinary Rules of Professional Conduct have been violated: 1.03(a) and 1.03(b).

### **Sanction**

The Evidentiary Panel, having found that 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 a Partially Probated Suspension.

Accordingly, it is ORDERED, ADJUDGED and DECREED that Respondent be suspended from the practice of law for a period of three (3) years, beginning January 1, 2024, and ending December 31, 2026. Respondent shall be actively suspended from the practice of law for a period of one (1) year beginning January 1, 2024, and ending December 31, 2024. The twenty-four (24) month period of probated suspension shall begin on January 1, 2025, and shall end on December 31, 2026.

### **Terms of Active Suspension**

It is further ORDERED that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation

revocation proceeding, 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, on or before January 1, 2024, Respondent shall 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, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) on or before January 15, 2024, 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. If it is Respondent's assertion that at the time of suspension he possessed no current clients and/or Respondent was not in possession of any files, papers, monies or other property belonging to clients, Respondent shall submit an affidavit attesting that, at the time of suspension, Respondent had not current clients and did not possess any files, papers monies and other property belonging to clients.

It is further ORDERED Respondent shall, on or before January 1, 2024, 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.

It is further ORDERED Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) on or before January 15, 2024, 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. If it is Respondent's assertion that at the time of suspension he was not currently listed as counsel or co-counsel in any matter pending before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice of any court or tribunal, Respondent shall submit an affidavit attesting to the absence of any such pending matter before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice.

It is further ORDERED that, on or before January 15, 2024, 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, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), to be forwarded to the Supreme Court of Texas.

#### **Terms of Probation**

It is further ORDERED that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.

To:

Board of Disciplinary Appeals  
(BODA)

P.O. Box 12426

Capital Station

Austin, TEXAS 78711

File Collins SBN. 04613400  
5716 Lakewood Cir.  
Waco, Tex. 76798

HAND  
DELIVERED

Phn:

Amador M. Kates  
Asst. Disciplinary Counsel  
State Bar of TEXAS,  
Office of the Chief Disciplinary  
Counsel

RECEIVED

JAN 04 2024

Chief Disciplinary Counsel  
State Bar of Texas

BY \_\_\_\_\_

0: P. No 232251330