



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

KYLE B. COLLINS
State Bar of Texas Card No. 0461340

v.

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

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CASE # 68773

ORDER

On this day, the Board of Disciplinary Appeals considered the Request for Extension of Time to File a Brief and for Production of the Reporter’s Record, filed by Kyle B. Collins, Appellant. After reviewing the papers filed in the matter, the Board finds that 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 16, 2024, Appellant faxed his Request for Extension of Time, which states that Appellant is “still medically under the care of a physician” and therefore requests an

extension of time “to show cause regarding the Judgment of the Evidentiary Panel 8-4.”

The Board **FINDS** nothing in the papers filed with the Board to indicate that Appellant’s notice of appeal was 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). Nevertheless, the Board **GRANTS** Appellant’s request for an extension of time to show cause and **ORDERS** that Appellant shall, on or before March 8, 2024, respond and show cause why the appeal should not be dismissed for want of jurisdiction. *See* BODA INTERNAL PROCEDURAL RULE 4.09(a).

To the extent that Appellant seeks clarification as to the Judgment issued by Evidentiary Panel 8-4, or seeks entry of an order correcting that Judgment, such request is **DENIED** at this time. Any such requests may be addressed in the appellant’s brief should the Board determine it has jurisdiction to proceed.

Under BODA Internal Procedural Rule 4.03(a), the clerk’s record and reporter’s record must be filed within sixty days after the date the judgment is signed. The Board finds that Appellant filed his notice of appeal after that sixty-day deadline. To the extent that Appellant requests additional time to file the reporter’s record or appellant’s brief, the Board defers consideration of such requests until such time as the Board finds that it has jurisdiction to decide this appeal. Should the Board determine it has jurisdiction, the Board will set deadlines for filing the record and briefs and will so notify the parties.

SIGNED this 21st day of February 2024.



CHAIR PRESIDING