

# Board of Disciplinary Appeals

Kyle B. Collins  
SBN. 04613400



FILED  
2/16/24

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

VS.  
COMMISSION FOR LAWYER  
DISCIPLINE OF THE  
STATE BAR OF TEXAS

Case #  
68773

Request for Extension of Time  
to File a Brief AND for  
Production of the Reporter's  
Record.

Now Comes Kyle B. Collins, SBN. 04613400  
and states that he is still medically under the  
care of a physician and herewith files this  
request for an extension of time to  
show cause regarding the Judgment of  
the Voluntary Panel of 4.

I have been requested the Reporter's Record  
from Kristi Thompson, Court Reporter in  
County Court at Law, McHenry County, Texas  
and shall submit a copy when it is completed.  
(Attachment A)

Kyle B. Collins, Appellant makes this request to clarify that the Order signed by the Chair of the Evidentiary Panel 8-4 was not the decision of the full panel and that an Order Nunc Pro Tunc be entered correcting the Order signed Oct. 4, 2023.

Respectfully,

Kyle B. Collins, 04613400  
5916 Lakemont Cir.  
WACO, TEXAS. 76710  
(512) 897-4431  
Feb. 16, 2024.

CHAIR

KELLI M. HINSON

VICE CHAIR

MICHAEL C. GROSS

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

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& GENERAL COUNSEL  
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January 10, 2024

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RE: *Kyle B. Collins v. Commission for Lawyer Discipline*  
SBOT # 202201039; BODA # 68773

Dear Counsel:

The Board of Disciplinary Appeals received and filed a **Notice of Appeal** for this matter on January 4, 2024. Today the Board issued an Order to Show Cause within thirty days why the Board should not dismiss the appeal for want of jurisdiction.

Under BODA's Internal Procedural Rules, the clerk's record and reporter's record from the evidentiary hearing are due to be filed with the Board within 60 days from the date the judgment was signed. In this case, that deadline has passed, so Appellant may wish to address this in response to the Order to Show Cause.

The State Bar of Texas files the clerk's record with the Board, but it is Appellant's responsibility to obtain and file the reporter's record with the Board. Appellant must designate what portion of the proceedings and any exhibits are to be included in the reporter's record in accordance with the Texas Rules of Appellate Procedure 34.6(b)(1).

The Board's Internal Procedural Rules are available at [www.txboda.org](http://www.txboda.org) under "Rules." When possible, please file pleadings by email at [filing@txboda.org](mailto:filing@txboda.org).

Sincerely,

Jenny Hodgkins  
Executive Director & General Counsel



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 TO SHOW CAUSE**

On this day, the Board of Disciplinary Appeals considered sua sponte 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 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. 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.

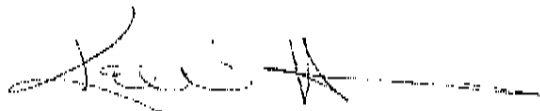
Texas Rule of Disciplinary Procedure 2.23 provides that a respondent may appeal an evidentiary panel's judgment to the Board of Disciplinary Appeals, and "[t]he notice of appeal must be filed [with the Board] within thirty days after the date of judgment." TEX. RULES DISCIPLINARY P. R. 2.23; see also BODA INTERNAL PROCEDURAL RULE 4.01(d). If any party timely files a motion for new trial or motion to modify the judgment, the notice of appeal must be filed within ninety days

*Order to Show Cause  
Collins  
Page 1 of 2*

after the date of judgment. TEX. RULES DISCIPLINARY P. R. 2.23; *see also* BODA INTERNAL PROCEDURAL RULE 4.01(d). An appellant may file a motion for extension of time to file a notice of appeal, but such motion "must be filed no later than 15 days after the last day allowed for filing the notice of appeal." BODA INTERNAL PROCEDURAL RULE 4.01(e).

Appellant's Notice of Appeal was filed more than ninety days after the date of the judgment, and Appellant did not timely file a motion for extension of time to file a notice of appeal. **IT IS THEREFORE ORDERED** that Appellant Kyle B. Collins, within 30 days from the date of this order, **RESPOND AND SHOW CAUSE** why the appeal should not be dismissed for want of jurisdiction. *See* BODA INTERNAL PROCEDURAL RULE 4.09(a).

SIGNED this 10<sup>th</sup> day of January 2024.



CHAIR PRESIDING

BEFORE THE EVIDENTIARY PANEL FOR  
STATE BAR DISTRICT NO. 8-4 STATE BAR OF TEXAS

COMMISSION FOR LAWYER DISCIPLINE,

Petitioner

V.

202201039 –[Michael Hamilton]

KYLE B. COLLINS,

Respondent

**Instructions to request Reporter’s Record.**

Please email Kristi Thompson and request the official Reporter’s Record of the hearing held on September 27, 2023 in the 19<sup>th</sup> District Courtroom of McLennan County Courthouse, Waco, Texas.

Once the request has been received, Kristi Thompson will prepare a cost estimate for the hearing.

**Once payment of the cost estimate has been received in full, Kristi Thompson will begin preparation of the Reporter’s Record.**

Make cashier’s check or money order payable to: Kristi Thompson

**(No personal checks accepted)**

Mail payment to: Kristi Thompson  
McLennan County Courthouse  
501 Washington Ave, Room 210  
Waco, Texas 76701

Request may be made via email to [kingsniff390@gmail.com](mailto:kingsniff390@gmail.com)

Once the request has been received by Kristi Thompson, a cost estimate of the Reporter’s Record will be provided.

Thank you.

“ A ”