

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

DALE REX KIRBY

V.

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

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CAUSE NO. 29848

JUDGMENT

On October 1, 2004, the Board of Disciplinary Appeals heard the appeal by Dale Rex Kirby from the Judgment of Partially Probated Suspension signed by the evidentiary panel of the District 2A Grievance Committee of the State Bar of Texas on June 25, 2003, in SBOT case numbers D0010217960 and D0020218232. Appellee Commission for Lawyer Discipline of the State Bar of Texas was represented by the office of Chief Disciplinary Counsel. After considering the record, briefs, and argument of counsel, the Board finds that the judgment should be reversed and the complaints dismissed.

The Board of Disciplinary Appeals finds that there is no finding that an attorney-client relationship existed between the complainants and respondent and no evidence to support such a finding in either case.

IT IS THEREFORE ORDERED that the Judgment of Partially Probated Suspension signed by the evidentiary panel for the District 2A Grievance Committee of the State Bar of Texas dated June 25, 2003 in SBOT case numbers D0010217960 and D0020218232 be, and hereby is, in all respects **REVERSED**.

It is further **ORDERED** that the complaints be and hereby are **DISMISSED**.

SIGNED this 27th day of October, 2004.



CHAIRMAN PRESIDING