

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

**IN THE MATTER OF**

**KIRBY JEROME PORTLEY**

**STATE BAR CARD NO. 24085865**

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**CAUSE NO. 64516**

**AGREED JUDGMENT OF REVOCATION  
AND ACTIVE SUSPENSION FROM THE PRACTICE OF LAW**

On this day, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and Respondent appeared by attorney as indicated by their respective signatures below and announced that they agree to the findings of fact, conclusions of law, and orders set forth below. The Board of Disciplinary Appeals, having reviewed the file and in consideration of the agreement of the parties, is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Kirby Jerome Portley, whose State Bar Card number is 24085865, is licensed but not currently authorized by the Supreme Court of Texas to practice law.
- (2) Respondent was personally served with the Petition for Revocation of Probation and hearing notice in this cause by a duly authorized process server on July 6, 2020, in accordance with the Texas Rules of Disciplinary Procedure 2.22 ("TRDP"). The affidavit of service was filed with the Board on July 16, 2020.
- (3) On February 11, 2020, in a case styled, *Commission for Lawyer Discipline, Petitioner, v. Kirby Jerome Portley*, Case Nos. 201705482, 201707485, 201800233, 201801377, 201801854, an Evidentiary Panel of the State Bar of Texas District 9 Grievance Committee found that Respondent had committed violations of Texas Disciplinary Rules of Professional Conduct 1.01(b)(1), 1.03(a), 1.03(b), 1.04(d), 1.14(a), 1.14(b), 1.15(a)(3), 1.15(d), 8.04(a)(3), and 8.04(a)(8). Respondent received a sanction of a thirty-six

month partially probated suspension with the active portion beginning June 1, 2020, and ending November 30, 2020, and the probated portion beginning December 1, 2020, and ending May 31, 2023.

- (4) Respondent was Ordered not to violate any term of the judgment.
- (5) 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," "counsel at law," or "lawyer."
- (6) It is further ORDERED that, on or before June 1, 2020, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.
- (7) 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 June 10, 2020, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension . . .
- (8) It is further ORDERED Respondent shall, on or before June 1, 2020, 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.
- (9) 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 June 10, 2020, 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 client(s) Respondent is representing in Court.

- (10) It is further ORDERED that, on or before June 1, 2020, 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.

**Respondent violated the above-noted terms of active suspension in the following manner:**

- (11) Holding himself out as an attorney when he appeared for a video conference with the Hon. Doug Arnold and opposing counsel, Linda Cechura, on June 15, 2020, in Cause No. 18-0515-FC3, styled *In the Matter of the Marriage of Lance James Duchesneau and Denise Lynell Duchesneau*, pending in County Court at Law Number 3 of Williamson County, Texas.
- (12) Holding himself out as an attorney when he sent emails to opposing counsel, Linda Cechura, using the email address: [kportley@theportleylawfirm.com](mailto:kportley@theportleylawfirm.com).
- (13) Respondent failed to notify Opposing counsel, Linda Cechura, of his suspension on or before June 1, 2020.
- (14) Failed to file, on or before June 1, 2020, with the State Bar of Texas, Chief Disciplinary Counsel's Office, an affidavit stating that all current clients and opposing counsel were notified of his suspension.
- (15) Failed to notify the Williamson County Court at Law and the Hon. Doug Arnold of his suspension on or before June 1, 2020.
- (16) Failed to file, on or before June 1, 2020, with the State Bar of Texas, Chief Disciplinary Counsel's Office, an affidavit stating that he had notified 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. Specifically, Respondent failed to notify Judge Arnold that he represented Lance James Duchesneau in cause number 18-0515-FC3, pending in County Court at Law Number 3, of Williamson County, Texas.
- (17) Holding himself out as an attorney on his website located at <https://www.theportleylawfirm.com/>.
- (18) Holding himself out as an attorney on LinkedIn, located at <https://www.linkedin.com/in/kirby-portley-012b4124/>.
- (19) Respondent, Kirby Jerome Portley, is the same person as the Kirby Jerome Portley, who is the subject of the Evidentiary Judgment described above.

Based on these undisputed facts, the Board concludes that:

- (1) This Board has exclusive jurisdiction to hear a petition to revoke a probated suspension from the practice of law imposed by an evidentiary panel of the State Bar of Texas grievance committee during the full term of suspension, including and probationary period. TRDP 2.22; *In re State Bar of Texas*, 113 S.W.3d 730,733 (Tex.2003).
- (2) Respondent has materially violated the terms and conditions of the Judgment of Partially Probated Suspension signed on February 11, 2020, in *Commission for Lawyer Discipline, Petitioner, v. Kirby Jerome Portley*, Case Nos. 201705482, 201707485, 201800233, 201801377, 201801854.
- (3) Respondent should be actively suspended from practicing law for the full term of the suspension as originally imposed by the Judgment of Partially Probated Suspension without credit for any probationary time served. TRDP 2.22.

It is therefore, **ORDERED, ADJUDGED, and DECREED** that Respondent, Kirby Jerome Portley, State Bar No. 24085865, be, and hereby is, actively **SUSPENDED** from the practice of law in the State of Texas for a period of thirty-six (36) months effective July 31, 2020 and ending July 30, 2023.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Kirby Jerome Portley, during said suspension is prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal service 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 court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further **ORDERED** that Respondent, Kirby Jerome Portley, not later than thirty (30) days shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent, Kirby Jerome Portley, has any legal matter pending, if any, of his suspension, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court.

Respondent is also ORDERED to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.


It is further ORDERED that Respondent, Kirby Jerome Portley, shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his suspension. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board. Respondent is further ORDERED to file with this Board, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also ORDERED to mail a copy of said affidavit and copies of all notification letters to clients, to the Statewide Compliance Monitor, Office of Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Kirby Jerome Portley, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, State Bar of Texas, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that a certified copy of the Petition for Revocation of Probation on file herein, along with a copy of this Judgment, be sent to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

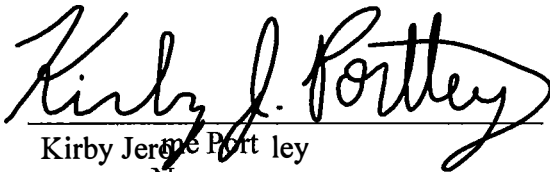
It is further ORDERED that this Agreed Judgment of Revocation and Active Suspension from the Practice of Law shall be made a matter of public record and be published in the Texas Bar Journal.

Signed this 31st day of July 2020.



CHAIR PRESIDING  
BOARD OF DISCIPLINARY APPEALS

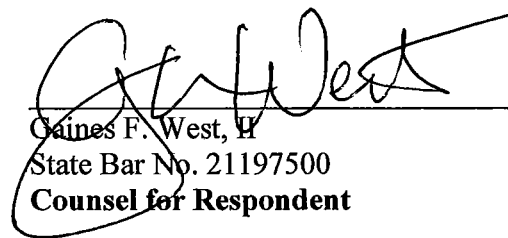
**AGREED AS TO BOTH FORM AND SUBSTANCE:**



Kirby Jerome Portley  
State Bar No. 24085865  
**Respondent**



Judith Gres DeBerry  
State Bar No. 24040780  
**Counsel for Petitioner**



Gaines F. West, II  
State Bar No. 21197500  
**Counsel for Respondent**