

FILE NO. 201905336

IN THE MATTER OF:

KYLE B. COLLINS,  
BAR NO. 04613400

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INVESTIGATORY PANEL 9-1

DISTRICT 9

GRIEVANCE COMMITTEE

**AGREED JUDGMENT OF PROBATED SUSPENSION**

**Parties and Appearance**

Chief Disciplinary Counsel and Respondent, Kyle B. Collins, Texas Bar Number 04613400, announce that an agreement has been reached on all matters including the imposition of a Probated Suspension.

**Jurisdiction and Venue**

The Investigatory Panel 9-1, having conducted an Investigatory Hearing on May 28, 2020 on the Complaint filed by Laquinta Swan, finds that it has jurisdiction over the parties and the subject matter of this action, and that venue is proper.

**Professional Misconduct**

The Investigatory Panel, having considered the admissions, stipulations and agreements of the parties, finds Respondent has committed Professional Misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.

**Findings of Fact**

Petitioner and Respondent agree to the following findings of fact. Accordingly, the Investigatory Panel finds:

1. Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas.
2. Respondent's Professional Misconduct occurred, in whole or in part, in Travis County, Texas.

3. Respondent was hired on July 11, 2019 to defend Michael Swan on felony charges. At the time of hire, Mr. Swan was incarcerated and his grandmother paid \$2000 for the representation. Respondent failed to communicate with Mr. Swan such that Mr. Swan could make reasonably informed decisions in his felony case. Ultimately, Mr. Swan decided to forego Respondent's representation in lieu of using a court appointed attorney. At the time Respondent's services were terminated, Respondent had neither made an appearance in the case, nor had he completed any work on Mr. Swan's behalf.
4. On August 21, 2019, Respondent informed Mr. Swan's grandmother that he would return the employment fee. Despite agreeing to return the fee, Respondent waited until May 27, 2020 to return the fee. Respondent failed to timely submit a written response to the grievance after receiving a copy of the grievance, and after subsequent contact by Investigator Uthe.

#### **Conclusions of Law**

Based on the agreed foregoing findings of fact, the Investigatory Panel finds that the following Texas Disciplinary Rules of Professional Conduct have been violated: 1.01(b)(1); 1.03(b); 1.15(d); 8.04(a)(8).

#### **Sanction**

It is AGREED and ORDERED that the sanction of a Probated Suspension shall be imposed against Respondent and is in accordance with Part XV of the Texas Rules of Disciplinary Procedure.

Accordingly, it is ORDERED, ADJUDGED and DECREED that Respondent be suspended from the practice of law for a period of twelve (12) months, with the suspension being fully probated pursuant to the terms stated below. The period of probated suspension shall begin on July 1, 2020 and shall end on June 30, 2021.

#### **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, email addresses and telephone numbers.
5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of Professional Misconduct.
8. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 877-953-5535, ext. 1334 and Special Programs Coordinator at 877-953-5535, ext. 1323, not later than seven (7) days after receipt of a copy of this judgment to coordinate Respondent's compliance.

#### **Probation Revocation**

Upon information that Respondent has violated a term of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Rule 2.22 of the Texas Rules of Disciplinary Procedure with the Board of Disciplinary Appeals ("BODA") and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

BODA shall conduct an evidentiary hearing. At the hearing, BODA shall determine by a preponderance of the evidence whether Respondent has violated any term of this Judgment. If BODA finds grounds for revocation, BODA shall enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order. Respondent shall not be given credit for any term of probation served prior to revocation.

It is further ORDERED that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent

grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

**Publication**

This suspension shall be made a matter of public record and appropriately published in accordance with the Texas Rules of Disciplinary Procedure.

**Other Relief**

All requested relief not expressly granted herein is expressly DENIED.

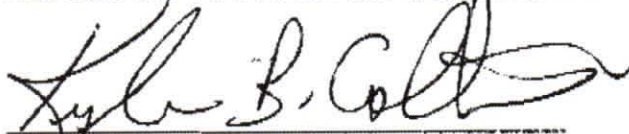
SIGNED this 26<sup>th</sup> day of JUNE 2020.

**INVESTIGATORY PANEL 9-1  
DISTRICT 9**



**F. WITCHER MCCULLOUGH, III  
PRESIDING MEMBER**

**AGREED AS TO FORM AND SUBSTANCE:**



Kyle B. Collins  
State Bar No. 04613400  
**RESPONDENT**



Amanda M. Kates  
State Bar No. 24075987  
**ASSISTANT CHIEF DISCIPLINARY COUNSEL**