

IN THE MATTER OF:	§	INVESTIGATORY PANEL 9-3
	§	
KYLE B. COLLINS,	§	DISTRICT 9
BAR NO. 04613400	§	
	§	GRIEVANCE COMMITTEE

**AGREED JUDGMENT OF PARTIALLY PROBATED SUSPENSION**

**Agreement of Parties**

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 Partially Probated Suspension.

**Jurisdiction and Venue**

The Investigatory Panel 9-3, having conducted an Investigatory Hearing on August 27, 2020 on the Complaints filed by Felicia Clay and Latisha Taylor, 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**

Chief Disciplinary Counsel 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.

### 201904954 – Clay Complaint

3. Following the arrest of her son, in February of 2019, Complainant, Felicia Annette Clay, paid \$400 to hire Respondent to secure a personal recognizance bond to enable her son's release from jail. Complainant states that Respondent was unable to secure the personal recognizance bond, and therefore requested a refund of her fees. Respondent failed to return the fee, despite numerous assurances that he would.

### 201907670 – Taylor Complaint

4. Complainant, Latisha Taylor, paid \$1,850 to hire Respondent in September 2019, to secure a personal recognizance bond for her husband, Isaac Dixon ("Dixon"). At the time of hire, Respondent agreed that if he could not secure the release of Ms. Taylor's husband, he would return the fee. After Respondent failed to secure the release of Mr. Dixon, Ms. Taylor requested the return of her fees. Respondent thereafter failed to return Complainant's fees.
5. On January 6, 2020, a true copy of Complainant's grievance was delivered to Respondent via USPS CMRRR. Respondent signed for the delivery, but failed to submit a response to the grievance.
6. Respondent owes restitution in the amount of \$400 payable to Felicia Clay.
7. Respondent owes restitution in the amount of \$1,850 payable to Latisha Taylor.

### Conclusions of Law

Based on the agreed findings of fact, the Investigatory Panel finds that the following Texas Disciplinary Rules of Professional Conduct have been violated 1.15(d) and 8.04(a)(8).

### Sanction

It is AGREED and ORDERED that the sanction of a Partially 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 18 months, beginning December 1, 2020, and ending May 31, 2022, provided Respondent complies with the following terms and conditions. Respondent shall be actively suspended from the practice of law for a period of six (6) months beginning December 1, 2020 and ending May 31, 2021. The 12-

month period of probated suspension shall begin on June 1, 2021 and shall end on May 31, 2022.

**Terms of Active Suspension**

It is further ORDERED that during the term of active suspension, or any period of active suspension 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/her] name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further ORDERED that, on or before December 1, 2020, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further ORDERED that, on or before December 1, 2020, Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

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 December 15, 2020, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been

returned as ordered herein. If it is Respondent's assertion that at the time of suspension he possessed no current clients and/or Respondent was not in possession of any files, papers, monies or other property belonging to clients, Respondent shall submit an affidavit attesting that, at the time of suspension, Respondent had not current clients and did not possess any files, papers monies and other property belonging to clients.

It is further ORDERED Respondent shall, on or before December 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.

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 December 15, 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 the client(s) Respondent is representing in Court. If it is Respondent's assertion that at the time of suspension he was not currently listed as counsel or co-counsel in any matter pending before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice of any court or tribunal, Respondent shall submit an affidavit attesting to the absence of any such pending matter before any justice of the peace, judge, magistrate, administrative judge or officer, or chief justice.

It is further ORDERED that, on or before December 15, 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.

#### **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 pay restitution, on or before the date the judgment is presented to the Investigatory Panel for execution, to Felicia Clay in the amount of \$400.
9. Respondent shall pay restitution, on or before the date the judgment is presented to the Investigatory Panel for execution, to Latisha Taylor in the amount of \$1,850. Respondent shall pay the restitution by certified or cashier's check or money order, made payable to Latisha Taylor and delivered 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).
10. 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.

#### Restitution

It is further ORDERED Respondent shall pay restitution, on or before the date the judgment is presented to the Investigatory Panel for execution, to Felicia Clay in the amount of \$400. Counsel for Petitioner has confirmed that Respondent has paid the restitution ordered by the panel directly to Felicia Clay.

It is further ORDERED Respondent shall pay restitution, on or before the date the judgment is presented to the Investigatory Panel for execution, to Latisha Taylor in the amount of \$1,850. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Latisha Taylor and delivered 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).

It is further ORDERED that all amounts ordered herein are due to the misconduct of Respondent, are assessed as a part of the sanction in accordance with Rule 1.06(FF) of the Texas Rules of Disciplinary Procedure. Any amount not paid shall accrue interest at the maximum legal rate per annum until paid and the State Bar of Texas shall have all writs and other post-judgment remedies against Respondent in order to collect all unpaid amounts.

**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 15<sup>th</sup> day of October, 2020.

INVESTIGATORY PANEL 9-3  
DISTRICT 9

  
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SYLVIA HARDMAN  
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