



FILED

Aug 08 2025

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

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

IN THE MATTER OF	§	
ALFONSO KENNARD, JR.	§	CAUSE NO. 71282
STATE BAR CARD NO. 24036888	§	

POST-HEARING BRIEF

TO THE BOARD OF DISCIPLINARY APPEALS:

The Commission for Lawyer Discipline (the “Commission”) submits this brief to notify the Board on two matters. First, Alfonso Kennard, Jr. (“Respondent”) paid his outstanding restitution and attorneys’ fees, which were received by the Chief Disciplinary Counsel’s Office on August 7, 2025. Second, Respondent’s payment does not change the Commission’s position that Respondent’s probation should be revoked under Tex. R. Disciplinary P. 2.22.

I. INTRODUCTION

The Board heard this matter on July 25, 2025. At the hearing, Respondent presented evidence that he paid the outstanding restitution and attorneys’ fees he owed since March 1, 2025, and April 1, 2025, respectively, in the underlying disciplinary matter, styled *Commission for Lawyer Discipline, Petitioner v. Alfonso Kennard, Jr., Respondent*, Case Nos. 202303977 [CHRISTIE CRUMMEL], 202304353 ALBERTO LOPEZ], Before the Evidentiary Panel of the State Bar District No. 4-4 Grievance Committee (the “Crummel matter”), as well as outstanding attorneys’ fees Respondent has owed since January 4, 2025, in *Commission for Lawyer Discipline, Petitioner v. Alfonso Kennard, Jr., Respondent*, Case Nos. 202304519 [TRENT BERGER], Before the Evidentiary Panel of the State Bar District No. 4-3 Grievance Committee (the “Berger matter”).

At the hearing, it was determined that Respondent’s payments were defective. The final judgments in both matters required payment by “certified or cashier’s check or money order.” *See*

Pet. Ex. 1 at 4, and Ex. 4 at 3. Instead, Respondent overnighted IOLTA checks to the State Bar. At the conclusion of the hearing, the Board gave Respondent fourteen days to make proper payment and instructed the Commission to notify the Board of receipt and whether said payment changed the Commission's position in the case. The Commission's position is unchanged: Respondent's probation should be revoked under Tex. R. Disciplinary P. 2.22.

II. ARGUMENT & AUTHORITIES

Pursuant to Rule 2.22 of the Texas Rules of Disciplinary Procedure, the Board of Disciplinary Appeals is granted jurisdiction for the full term of Respondent's suspension, including any probationary period, to hear a motion to revoke probation. "Upon proof, by a preponderance of the evidence, of a violation of probation, the same shall be revoked and the attorney suspended from the practice of law for the full term of the suspension without credit for any probationary time served." Tex. R. Disciplinary P. R. 2.22.

Respondent admits he violated three terms of probation contained in the Judgment of Fully Probated Suspension issued in the Crummel matter:

8. Respondent shall pay restitution on or before March 1, 2025, to Christie Crummel, in the amount of Five Thousand and No/100 Dollars (\$5,000.00). Respondent shall pay the restitution by certified or cashier's check or money order made payable to Christie Crummel, and delivered to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).
9. Respondent shall pay all reasonable and necessary attorneys' fees and direct expenses to the STATE BAR OF TEXAS in the amount of Three Thousand Two Hundred Sixty-Eight and No/100 Dollars (\$3,2683.00). The payment shall be due and payable on or before April 1, 2025, and shall be made by certified or cashier's check or money order. Respondent shall forward the funds, made payable to the STATE BAR OF TEXAS, to the STATE BAR OF TEXAS, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado St., Austin, Texas 78701).
10. Respondent shall make contact with the Chief Disciplinary Counsel's Offices' Compliance Monitor at 512-427-1334 and Special Programs Coordinator at 512-427- 1343, not later than seven (7) days after receipt of

a copy of this Judgment to coordinate Respondent's compliance.

See Pet. Ex. 1 at 4. Under a plain reading of Rule 2.22, the full term of Respondent's probation should be revoked. Yet, even if the Board considers Respondent's late payments as militating against the imposition of a one-year active suspension as required by Rule 2.22, it should also consider relevant aggravating factors favoring active suspension.

First, Respondent's stated reason for non-compliance—my attorney told me not to—is disingenuous. Though Respondent's former attorneys took full responsibility for his failure to timely pay restitution and attorneys' fees, neither testified they specifically and directly told Respondent not to pay. Besides, their testimony on the point is largely immaterial because Respondent did not even ask whether he should pay the judgment until he was already out of compliance. More importantly, Respondent has been licensed to practice law for over twenty years. He is not inexperienced or unsophisticated but more than competent enough to understand what a final judgment means. Indeed, the judgment in the Crummel matter is not the first issued against Respondent in a disciplinary matter. *See* Pet. Ex. 4. Respondent's defense thus makes a farce of this proceeding.

Second, Respondent did not appeal the underlying judgment. Instead, he presented evidence and testimony that the Crummel matter is part of a case he filed in District Court to challenge many other pending disciplinary proceedings, *accord* Pet. Ex. 6. But in that case, Respondent does not seek relief for or even relevant to the Crummel matter. *See id.* at 14 – 15. As the Commission demonstrated at the hearing, Respondent's mere mention of the Crummel matter only serves as an example of his untimely election to district court. *Compare id.* at 5 no. 6 with Tex. R. Disciplinary P. R. 2.15. The District Court case is irrelevant to this proceeding and provides no basis in law or fact on which Respondent can justify his noncompliance. Had Respondent ever contacted Heather White, the Chief Disciplinary Counsel's Compliance Monitor, as he was

required to under the judgment, Ms. White could have explained that the judgment in the Crummel matter was unrelated to any of his active disciplinary matters. Even so, as an experienced attorney well acquainted with our disciplinary process, he knew or should have known better.

Third, Respondent's last-minute attempt to pay his outstanding attorneys' fees in the Crummel and Berger matters using IOLTA funds runs afoul of Rule 1.15(a) of the Texas Disciplinary Rules of Professional Conduct, which requires lawyers to hold funds belonging to clients separate from their own. Along with his non-compliance, that attempt is further evidence of his disregard for the disciplinary process, the authority of State Bar judgments, and the trust of his clients.

III. CONCLUSION

The purpose of disciplinary proceedings is to protect the public and the administration of justice from lawyers who have not discharged their professional duties to clients, the public, the legal system, and the legal profession. Tex. R. Disciplinary P. R. 15.01(a). Allowing Respondent's (second) payment to cure the defect of his noncompliance with the final judgment in the Crummel matter will not serve these ends.

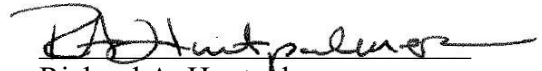
The Commission recognizes Respondent has made his overdue payments, but his current noncompliance, prior noncompliance, prior disciplinary history, and meritless defense warrants revocation. Respondent offered no persuasive evidence showing he is likely to adhere to the terms of any future judgments against him. And while Respondent claimed that the imposition of active discipline would harm his clients, his misuse of IOLTA funds in this proceeding belies that claim and serves as additional evidence that revoking Respondent's probation will serve the end of protecting those clients.

Respectfully submitted,

Seana Willing
Chief Disciplinary Counsel

Richard A. Huntpalmer
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
Telephone: 512.427.1350
Fax: 512.427.4253
Email: richard.huntpalmer@texasbar.com

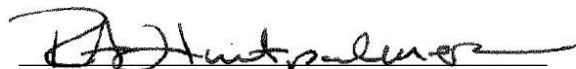
By:


Richard A. Huntpalmer
State Bar No. 24097857

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has served on Respondent by email to *alfonso.kennard@kennardlaw.com*, on this 8th day of August, 2025.


Richard A. Huntpalmer