



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

IN THE MATTER OF §
KIRK LAWRENCE BRANNAN § **CAUSE NO. 62049**
STATE BAR CARD NO. 24038779 §

DEFAULT INTERLOCUTORY ORDER OF SUSPENSION

On the 26th day of July 2019, the above-styled and numbered compulsory disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, Kirk Lawrence Brannan, although duly cited to appear and having notice of the hearing, failed to answer or appear and wholly made default. All questions of fact as well as all issues of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals 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, Kirk Lawrence Brannan, whose State Bar Card number is 24038779, is licensed and currently authorized by the Supreme Court of Texas to practice law in the State of Texas.
- (2) On or about February 18, 2015, Respondent was charged by Indictment with Count One – Conspiracy and Count Two – Bank Fraud, in Cause No. 15-080, styled *United States of America vs. Kirk Lawrence Brannan*,

Chucobie Lanier, David Lee Morris and Derwin Jerome Blackshear, in the United States District Court, Southern District of Texas, Houston Division.

- (3) On or about April 30, 2018, a Plea Agreement was entered in Cause No. H-15-080, styled *United States of America v. Kirk Lawrence Brannan*, in the United States District Court, Southern District of Texas, Houston Division.
- (4) On or about April 5, 2019, a Judgment in a Criminal Case was entered in Case No. 4:15CR00080-001, styled *United States of America v. Kirk Lawrence Brannan*, in the United States District Court, Southern District of Texas, Holding Session in Houston, wherein Respondent pleaded guilty to Count Two – Bank Fraud in violation of 18 U.S.C. § 1343 and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of thirty-six (36) months and ordered to pay \$5,317,350.00 in restitution. Upon release from imprisonment, Brannan will be on supervised release for a term of three (3) years.
- (5) Respondent, Kirk Lawrence Brannan is the same person as the Kirk Lawrence Brannan who is the subject of the criminal case described above.
- (6) Respondent has appealed the criminal conviction.
- (7) Respondent was personally served with the Petition for Compulsory Discipline and hearing notice on June 11, 2019, and the affidavit of service was filed with the Board on June 27, 2019.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Texas Rules of Disciplinary Procedure Rule 7.08(G) (“TRDP”);
- (2) Respondent, Kirk Lawrence Brannan, having been convicted of Bank Fraud, has been convicted of an Intentional Crime as defined by TRDP 1.06(V).
- (3) Respondent has also been convicted of a Serious Crime as defined by TRDP 1.06(GG).

- (4) Having been found guilty and convicted of an Intentional and Serious Crime and having appealed such conviction, Respondent, Kirk Lawrence Brannan, should have his license to practice law in Texas suspended during the appeal of his criminal conviction. TRDP 8.04.
- (5) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Kirk Lawrence Brannan, State Bar Card No. 24038779, is hereby **SUSPENDED** from the practice of law in the State of Texas effective immediately upon entry of this order and continuing hereafter until further order of this Board.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Kirk Lawrence Brannan, during said suspension is hereby prohibited, effective immediately, 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 not completed before the date of this order, appearing as counsel 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, Kirk Lawrence Brannan, shall notify in writing, no later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Kirk Lawrence Brannan, 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 Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating wither (a) that each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Kirk Lawrence Brannan, has any legal matter pending, if any, of his suspension, has been notified or (b) that Respondent has no legal matters pending in any court.

It is further **ORDERED** that Respondent, Kirk Lawrence Brannan, shall immediately notify each of his current clients, 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 with active cases pending, if any, to those respective clients or former clients with active cases pending within thirty (30) days after the date of this Order. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating either (a) 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 with active cases pending have been returned as ordered herein or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent is unable to return any file, papers, money

or other property to any client or former client with active cases pending, 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 all notification letters to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Kirk Lawrence Brannan, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that this Order is interlocutory and that the Board retains jurisdiction to enter a final judgment when the appeal of the criminal conviction is final. *In the Matter of Mercier*, 242 SW 3d 46 (Tex. 2007).

It is further **ORDERED** that Respondent shall promptly notify the Board and the State Bar of Texas Chief Disciplinary Counsel when the appeal of the criminal conviction is final.

It is further **ORDERED** that the Chief Disciplinary Counsel of the State Bar of Texas shall monitor the status of the appeal of the criminal conviction on at least a quarterly basis and promptly file an appropriate motion for entry of final judgment with the Board if and when the appeal of the criminal conviction is final.

It is further **ORDERED** that certified copies of the Petition for Compulsory Discipline on file herein and this Order be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 29 day of July 2019.

Robert A. O'Neil

CHAIR PRESIDING