



**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 of Texas Card No. 24038779 §

JUDGMENT OF DISBARMENT

On the 31st day of January 2020, having first considered and denied Respondent Kirk Lawrence Brannan's Motion for Continuance, the Board of Disciplinary Appeals considered the Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent. The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 ("TRDP");
- (2) The United States Court of Appeals for the Fifth Circuit dismissed Respondent, Brannan's appeal on or about August 9, 2019;
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about October 30, 2019, and served same on Respondent in accordance with TRDP 8.05;
- (4) Respondent's conviction for the commission of an Intentional Crime as defined by TRDP 1.06(V) and for a Serious Crime as defined by TRDP 1.06(GG), for which he was sentenced in the United States District Court for the Southern District of Texas, Houston Division, has become final and is not subject to appeal;
- (5) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

Interlocutory Suspension

On the 29th day of July 2019, the Board of Disciplinary Appeals entered a Default Interlocutory Order of Suspension, which included the following findings of fact and conclusions of law:

- (1) Respondent, Kirk Lawrence Brannan, whose State Bar of Texas Card

number is 24038779, is licensed by the Supreme Court of Texas to practice law and but is not currently authorized 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 v. 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 8, 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 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 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) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. (“TRDP”) 7.08(G);
- (8) Respondent, Kirk Lawrence Brannan, having been convicted of Bank Fraud, has been convicted of an Intentional Crime as defined by TRDP 1.06(V).
- (9) Respondent has also been convicted of a Serious Crime as defined by TRDP 1.06(GG).
- (10) 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.
- (11) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

Disbarment

The Board has determined that disbarment of the Respondent is appropriate. It is, therefore, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Kirk Lawrence Brannan, State Bar No. 24038779, be and he is hereby DISBARRED from the practice of law in the State of Texas, and his license to practice law in this state be and is hereby revoked.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Kirk Lawrence Brannan, is hereafter permanently 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, 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 Respondent, Kirk Lawrence Brannan, shall immediately notify each of his current clients in writing of this disbarment. In addition to such notification, Respondent is ORDERED to return any files, papers, unearned monies and other property belonging to clients and former clients in the Respondent's possession to the respective clients or former clients or to another attorney at the client's or former client's request. Respondent is further ORDERED to 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) within 30 days of the signing of this judgment by the Board, an affidavit stating that all current clients have been notified of Respondent's disbarment and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.

It is further ORDERED Respondent, Kirk Lawrence Brannan, shall, on or before thirty (30) days from the signing of this judgment by the Board, 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. Respondent is further ORDERED to 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) within 30 days of the signing of this judgment by the Board, an affidavit stating that each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice has received written notice of the terms of this judgment.

It is further ORDERED that Respondent, Kirk Lawrence Brannan, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

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

Signed this 4th day of February 2020.



CHAIR PRESIDING