



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

**IN THE MATTER OF
ANDREW JIAIAH KAI KAI
STATE BAR CARD NO. 24055757**

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CAUSE NO. 67420

**JUDGMENT REVOKING PROBATION AND
ACTIVELY SUSPENDING RESPONDENT FROM THE PRACTICE OF LAW**

On the 27th day of January 2023, the Board of Disciplinary Appeals heard the Petition for Revocation of Probation filed by Petitioner, the Commission for Lawyer Discipline of the State Bar of Texas against Respondent, Andrew Jaiah Kai Kai, State Bar Card No. 24055757. Petitioner appeared by attorney and announced ready. Respondent, Andrew Jaiah Kai Kai, although properly served with Petitioner's Petition for Revocation, failed to appear. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals has determined that Petitioner is entitled to entry of the following findings, conclusions, and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Andrew Jaiah Kai Kai, whose State Bar Card number is 24055757, is currently licensed, but is not currently authorized by the Supreme Court of Texas to practice law.
- (2) Respondent was served with the Petition for Revocation of Probation and hearing notice in this cause by email to thekaikailawgroup@gmail.com, the email address on file with the State Bar of Texas membership department, and jaiahkaikai69@gmail.com on December 28, 2022, and January 9, 2023, in accordance with the TRDP 2.22 and Rule 21a of the Texas Rules of Civil Procedure.

- (3) On July 21, 2022, Respondent responded to an inquiry from the Office of Chief Disciplinary Counsel Compliance Monitor, utilizing the email address jaiahkaikai69@gmail.com. On January 16, 2023, Respondent sent an email to the Board's staff acknowledging receipt of a file-stamped copy of a pleading filed in this matter, utilizing the email address jaiahkaikai69@gmail.com.
- (4) On May 21, 2022, in a case styled *Commission for Lawyer Discipline, Petitioner v. Andrew Jaiah Kai Kai, Respondent*, Case No. 201807405, before Evidentiary Panel 1-1 of the District 1 Grievance Committee, State Bar of Texas, the evidentiary panel found that Respondent committed violations of Texas Disciplinary Rules of Professional Conduct 1.01(b)(1), 1.03(a), 1.15(d), 5.05(b), and 8.04(a)(8).
- (5) The evidentiary panel's judgment entered a sanction against Respondent of one (1) year of probated suspension, beginning June 1, 2022, and ending May 31, 2023. The Judgment of Fully Probated Suspension contains the following terms and conditions of probation, in pertinent part:

Respondent shall not violate any term of this judgment.

Respondent shall pay restitution to Willingham in the amount of Seven Thousand and 00/100 Dollars (\$7,000.00) in installments as follows: Three Thousand Five Hundred and 00/100 Dollars (\$3,500.00) due by July 1, 2022, and five monthly installments of Seven Hundred and 00/100 Dollars (\$700) by the end of each month for the months of August to December 2022. Respondent shall pay the restitution by certified or cashier's check or money order made payable to Emund Willingham 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).

Respondent shall make contact with the Chief Disciplinary Counsel Office's 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.

- (6) Respondent violated the above terms of probation in the following manner:
 - (a) Respondent failed to pay the first restitution installment of \$3,500.00 by July 1, 2022.
 - (b) Respondent also failed to pay restitution in monthly installments of \$700.00 by the end of each month for the months August to December 2022.

- (c) Respondent failed to make contact with the Chief Disciplinary Counsel Office's 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.

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

- (1) This Board has exclusive jurisdiction to hear a petition to revoke a probated suspension from the practice of law, imposed by an evidentiary panel of a State Bar of Texas grievance committee, during the full term of suspension, including the probationary period. TRDP 2.22; *In re State Bar of Tex.*, 113 S.W.3d 730, 733 (Tex. 2003).
- (2) Respondent has materially violated the terms and conditions of the Judgment of Probated Suspension signed on May 21, 2022, in Cause No. 201807405.
- (3) Respondent should be actively suspended from the practice of law for the full term of the suspension as originally imposed by the Judgment of Fully Probated Suspension without credit for any probationary time served. TRDP 2.22.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that that the probation for Respondent, Andrew Jaiah Kai Kai, State Bar Card No. 24055757, imposed by the above-referenced Judgment of Fully Probated Suspension, be and hereby is **REVOKED**, and Respondent be and is actively **SUSPENDED** from the practice of law in the State of Texas for a period of one (1) year, effective immediately upon the date this judgment is signed and extending through February 1, 2024.

It is further **ORDERED, ADJUDGED, and DECREED** that Respondent, Andrew Jaiah Kai Kai, during said suspension is 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 court or before any administrative body, or holding himself out to others or using his name,

in any manner, in conjunction with the words “attorney at law,” “attorney,” “counselor at law,” or “lawyer.”

It is further **ORDERED** that nothing in this Judgment Revoking Probation and Actively Suspending Respondent from the Practice of Law shall relieve Respondent, Andrew Jaiah Kai Kai, of any outstanding requirements under the Judgment of Fully Probated Suspension referenced above as to payment of restitution to Edmund Willingham. Likewise, nothing in this Judgment shall relieve Respondent of any outstanding requirements under the Judgment of Fully Probated Suspension as to payment of attorney’s fees and expenses to the State Bar of Texas. Any failure to comply may be independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

It is further **ORDERED** that Respondent, Andrew Jaiah Kai Kai, not later than thirty (30) days shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent, Andrew Jaiah Kai Kai, 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 Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Andrew Jaiah Kai Kai, shall immediately notify each of his current clients and opposing counsel, 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, if any, to those respective clients or former clients within thirty (30) days after the date on which this Judgment is signed by the Board.

Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, Office of the Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within the same thirty (30) days, an affidavit stating 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 have been returned as ordered herein. If Respondent should be unable to return any file, papers, money, or other property to any client or former client, 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.

It is further **ORDERED** that Respondent, Andrew Jaiah Kai Kai, immediately surrender his Texas law license and permanent State Bar Card to the Office of Chief Disciplinary Counsel, State Bar of Texas, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that a certified copy of the Petition for Revocation of Probation on file herein, along with a copy of this Judgment, be sent to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that this Judgment Revoking Probation and Actively Suspending Respondent from the Practice of Law shall be made a matter of public record and be published in the *Texas Bar Journal*.

Signed this 2nd day of February 2023.

A handwritten signature in blue ink, appearing to read "Kai Kai", followed by a long horizontal line.

CHAIR PRESIDING