



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

IN THE MATTER OF	§	
WILLIAM J. KLEINKAUF	§	CAUSE NO. 50490
STATE BAR CARD NO. 11566500	§	

DEFAULT JUDGMENT OF DISBARMENT

On the 23rd day of October 2012, 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, William J. Kleinkauf. The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rule of Disciplinary Procedure 8.05 ("TRDP");
- (2) The Court of Appeals for the Fifth Circuit affirmed Respondent, William J. Kleinkauf's, criminal conviction and issued its Mandate indicating that the decision was final on or about July 25, 2012;
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about September 6, 2012.
- (4) Respondent was personally served by a duly authorized process server with the Motion for Entry of Judgment on September 12, 2012 and the affidavit of service has been on file with the Board since September 25, 2012.
- (5) Respondent's conviction for the commission of an Intentional Crime as defined by TRDP 1.06(T), for which he was sentenced in the United States District Court for the Eastern District of Texas, Sherman Division, has become final and is not subject to appeal;
- (6) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

Interlocutory Suspension

Following a hearing on the 27th day of July 2012, at which Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready and Respondent, William J. Kleinkauf, although duly cited to appear, failed to appear and wholly made default, the Board entered an Interlocutory Order of Suspension *Nunc Pro Tunc* on August 16, 2012, which included the following findings of fact and conclusions of law:

- (1) Respondent, William J. Kleinkauf, whose State Bar of Texas Card number is 11566500, is licensed but not currently authorized by the Supreme Court of Texas to practice law in the State of Texas.
- (2) On or about January 14, 2010, Respondent was charged by Indictment with Count One – Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B); Count Two – Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B); and Count Three – Attempted Receipt of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2) and (b)(1), in Cause No. 4:10CR13, styled *United States of America v. William J. Kleinkauf*, in the United States District Court for the Eastern District of Texas, Sherman Division.
- (3) On or about November 16, 2010, a Factual Statement was entered in Case No. 4:10CR 13, styled *United States of America v. William J. Kleinkauf*, in the United States District Court for the Eastern District of Texas, Sherman Division.
- (4) On or about September 2, 2011, a Judgment in a Criminal Case was entered in Case No. 4:10CR00013-001, styled *United States of America v. William J. Kleinkauf aka Bill Kleinkauf*, in the United States District Court for the Eastern District of Texas, Sherman Division, wherein Respondent pled guilty to Count 1 of the Indictment – Possession of Child Pornography 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. Respondent was ordered upon release from imprisonment to be on supervised release for five (5) years and ordered to pay an assessment of \$100.00.
- (5) Respondent, William J. Kleinkauf, is the same person as the William J. Kleinkauf 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. 7.08(G);
- (8) Respondent, William J. Kleinkauf, having been convicted of Possession of Child Pornography, has been convicted of an Intentional Crime as defined by Tex. R. Disciplinary P. 1.06(T).
- (9) Respondent has also been convicted of a Serious Crime as defined by Tex. R. Disciplinary P. 1.06(Z).
- (10) Having been pled guilty and convicted of an Intentional and Serious Crime and having appealed such conviction, Respondent, William J. Kleinkauf, should have his license to practice law in Texas suspended during the appeal of his criminal conviction. Tex. R. Disciplinary P. 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, William J. Kleinkauf State Bar No. 11566500, 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, William J. Kleinkauf, 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 that Respondent, William J. Kleinkauf, not later than thirty (30) days from the date of the entry of this judgment, 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 has any legal matter pending, if any, of his disbarment, 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 Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, William J. Kleinkauf, shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his disbarment. 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 this Board, within the same thirty (30) days, an affidavit stating that all current clients and opposing counsel have been notified of his disbarment 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. Respondent is also ORDERED to mail a copy of said affidavit and copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, William J. Kleinkauf, 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.

Signed this 24th day of October 2012.



CHAIR PRESIDING