



**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 of Texas Card No. 11566500 §

INTERLOCUTORY ORDER OF SUSPENSION NUNC PRO TUNC

On the 27th day of July 2012, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and announced ready. Respondent, William J. Kleinkauf, although duly cited to appear, failed to appear and wholly made default. All matters of fact as well as all matters 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, 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.

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. Tex. R. Disciplinary P. 7.08(G) (“TRDP”);
- (2) 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) (“TRDP”).
- (3) Respondent has also been convicted of a Serious Crime as defined by TRDP 1.06(Z).
- (4) 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. 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, William J.

Kleinkauf, State Bar Card No. 11566500, 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, William J. Kleinkauf, 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, William J. Kleinkauf, 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, William J. Kleinkauf, 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.

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 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 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 and opposing counsel 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 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, 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, William J. Kleinkauf, 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 a certified copy of the Petition for Compulsory Discipline on file herein, along with a copy of this Order, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that this Order is interlocutory and that the Board retains jurisdiction

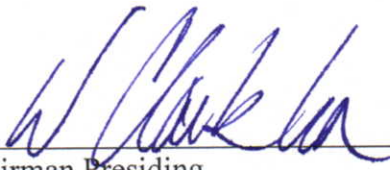
to enter a final judgment when the appeal of the criminal conviction is final. In the Matter of Mercier, 242 SW 3d 46 (Tex. 2007).

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 when the appeal of the criminal conviction is final.

The prior BODA Order dated July 30, 2012, cited the incorrect BODA Case number. It is hereby corrected. The correct case number is 50490.

Signed this 16th day of August 2012.



Chairman Presiding
Board of Disciplinary Appeals