



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
Appointed By
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF

KRISTIN DIANE WILKINSON

State Bar Card No. 24037708

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CAUSE NO. 52540

**JUDGMENT OVERRULING PLEA TO THE JURISDICTION
AND REVOKING PROBATION**

On July 26, 2013, came on to be heard before the Board of Disciplinary Appeals the Petition for Revocation of Probation filed by Petitioner Commission for Lawyer Discipline of the State Bar of Texas and Respondent Kristin Wilkinson's Plea to the Jurisdiction. Petitioner appeared by disciplinary counsel from the Office of the Chief Disciplinary Counsel of the State Bar of Texas and announced ready. Respondent appeared pro se and urged her Plea to the Jurisdiction and also urged an oral motion to stay the proceedings. After reading the pleadings and hearing argument, the Board finds that the Plea to the Jurisdiction should be OVERRULED and that the Motion to Stay should be, and hereby is, OVERRULED and DENIED. After reading the pleadings, hearing evidence, and hearing argument, the Board finds that Respondent's probation should be REVOKED.

Plea to the Jurisdiction

The Petition alleges that Respondent has materially violated the terms and conditions of the Judgment of Partially Probated Suspension signed January 21, 2011 by the 4E Evidentiary Panel of the District 4 Grievance Committee of the State Bar of Texas in cause no. H0080827321. The

Board finds that it has exclusive and continuing jurisdiction to hear a motion to revoke a probated suspension imposed by an evidentiary panel during the full term of suspension, including any probationary period. Tex. R. Disciplinary Pro. 2.23; *In re State Bar of Texas*, 113 S.W.3d 730, 734 (Tex. 2003).

The Board also notes that Respondent appealed the Judgment of Partially Probated Suspension to BODA on the merits (BODA Case No. 48195), and that BODA affirmed the judgment in all respects on February 1, 2012. Respondent then appealed the BODA decision to the Supreme Court of Texas (Case No. 12-0130), and the Supreme Court of Texas affirmed the BODA decision on August 31, 2012.

Therefore, the Board hereby orders that the Plea to the Jurisdiction is OVERRULED.

Petition for Revocation of Probation

The Board finds that:

- (1) Respondent, Kristin Diane Wilkinson, whose State Bar Card number is 24037708, is currently licensed and authorized by the Supreme Court of Texas to practice law.
- (2) Respondent was personally served with the Petition for Revocation of Probation and hearing notice in this cause by a duly authorized process server on July 3, 2013, in accordance with the Texas Rules of Disciplinary Procedure 2.23 ("TRDP"). The affidavit of service was filed with the Board on July 12, 2013.
- (3) On January 21, 2011, in a case styled, *Commission for Lawyer Discipline, Petitioner, v. Kristin D. Wilkinson, Respondent*, Case No. H0080827321, an Evidentiary Panel of the State Bar of Texas District 4E Grievance Committee found that Respondent had committed violations of Texas Disciplinary Rules of Professional Conduct 1.01(b)(1), 1.04(a), 1.14(a), 1.15(d) and 8.04(a)(3). The panel handed down a sanction of a forty-eight month partially probated suspension beginning May 1, 2011, and ending May 1, 2015, with twenty-four months active suspension starting May 1, 2011, and ending April 30, 2013, and twenty-four months probated suspension beginning May 1, 2013, and ending May 1, 2015.

- (4) State Bar attorney's fees and direct expenses in the amount of \$15,458.59 were awarded and ordered payable on or before March 1, 2013.
- (5) Restitution to Adrienne U. West in the amount of \$25,000.00 was awarded and ordered payable on or before December 31, 2011.
- (6) In addition to the requirements noted above, Respondent was also ordered, as specific requirements of her probation, not to violate any term of the judgment, not to engage in professional misconduct as defined by Rule 1.06(V) of the Texas Rules of Disciplinary Procedure, not to violate any state or federal criminal statutes, to keep the State Bar of Texas membership department notified of current mailing, residence, and business addresses, and telephone numbers, to comply with Minimum Continuing Legal Education requirements, to comply with Interest on Lawyers Trust Account (IOLTA) requirements, and to promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.
- (7) Respondent acknowledged in her Notice of Appeal filed with the Board of Disciplinary Appeals ("BODA") that she received a copy of the Judgment of Partially Probated Suspension on February 9, 2011.
- (8) Respondent has paid no part of the restitution ordered in the Judgment of Partially Probated Suspension.
- (9) Respondent has made no arrangements or effort to make arrangements with the Office of the Chief Disciplinary Counsel to pay the restitution ordered in the judgment.
- (10) Respondent has paid no part of the attorney's fees ordered in the Judgment of Partially Probated Suspension.
- (11) Respondent has made no arrangements or effort to make arrangements with the Office of the Chief Disciplinary Counsel to pay the attorney's fees ordered in the judgment.
- (12) Respondent, Kristin Diane Wilkinson, is the same person as the Kristin D. Wilkinson who is the subject of the Evidentiary Judgment described above.

The Board concludes that:

- (1) Respondent has materially violated the terms and conditions of the Judgment of Partially Probated Suspension signed January 21, 2011 in cause no. H0080827321.

- (2) Respondent's probation should be revoked and she should be actively suspended for the full term of the probationary period without credit for any probationary period served. Tex. R. Disciplinary Pro. 2.23.

It is therefore, ORDERED, ADJUDGED, and DECREED that Respondent, Kristin Diane Wilkinson, State Bar No. 24037708, be, and hereby is, actively SUSPENDED from the practice of law in the State of Texas for a period of twenty-four months effective immediately on the date this judgment is signed and ending on July 25, 2015.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Kristin Diane Wilkinson, during said suspension is prohibited from practicing law in Texas, holding herself 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 herself out to others or using her name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED that Respondent, Kristin Diane Wilkinson, 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, Kristin Diane Wilkinson, has any legal matter pending, if any, of her 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, Kristin Diane Wilkinson, shall immediately notify each of her current clients and opposing counsel, if any, in writing, of her 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 her 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, 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 her 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 Statewide Compliance Monitor, Office of Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Kristin Diane Wilkinson, immediately surrender her 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.

Signed this  day of July 2013.



CHAIR PRESIDING