

**ORDER OF THE SUPREME COURT OF TEXAS**

**MISC. DOCKET NO. 11- 9018**

**IN THE MATTER OF KELLY GENE KINTO**

The Court has reviewed the Motion for Acceptance of Resignation as Attorney and Counselor at Law in Lieu of Disciplinary Action of KELLY GENE KINTO (“Motion”) and the Response of the Chief Disciplinary Counsel on behalf of the Commission for Lawyer Discipline. The Court concludes that each meets the requirements of Part X of the TEXAS RULES OF DISCIPLINARY PROCEDURE. The Court notes that Mr. Kinto has waived his right to withdraw the Motion. Therefore, the Court deems the professional misconduct detailed in the Response of the Chief Disciplinary Counsel conclusively established for all purposes. The Court further concludes that acceptance of Kelly Gene Kinto’s resignation is in the best interest of the public and the profession.

Therefore, the law license of Kelly Gene Kinto of Houston, Harris County, Texas, State Bar Card Number 00791031, is cancelled. The Court notes that Mr. Kinto has already surrendered his Texas bar card to the Clerk of this Court. The Court notes that Mr. Kinto has provided an affidavit stating that he cannot locate his Texas law license. Mr. Kinto shall immediately surrender his Texas law license to the Clerk of this Court should he locate it in the future.

Kelly Gene Kinto is prohibited from practicing law in the State of Texas. He is precluded from holding himself out as an attorney at law, performing legal services for others, giving legal advice to 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 (whether state, county, municipal, or other), or holding himself out to others or using his name in any manner in conjunction with the terms "Attorney at Law," "Counselor at Law," or "Lawyer."

Mr. Kinto shall immediately notify in writing each of his current clients of this resignation. He shall also return any files, papers, unearned monies, and other property in his possession and belonging to any client or former client to the respective client or former client or to another attorney at the client's or former client's request. Mr. Kinto shall file with the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701), within thirty (30) days of the date of this Order, an affidavit stating that all current clients have been notified of his resignation and that all files, papers, unearned monies, and other property belonging to all clients and former clients have been returned.

Additionally, Mr. Kinto shall, within thirty (30) days of the date of this Order, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which he has any matter pending of the terms of this Order; the style and cause number of the pending matter(s); and the name, address, and telephone number of the client(s) he is representing in that court. Mr. Kinto shall file with the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701), within thirty (30) days of the date of this Order, an affidavit stating that he has notified in writing each justice of the peace, judge, magistrate, and chief justice of each court in which he has any matter pending of the terms of this Order; the style and cause number of the pending matter(s); and the name, address, and telephone number of the client(s) he is representing in that court.

## CONDITIONS FOR REINSTATEMENT

As absolute conditions precedent for the reinstatement of Kelly Gene Kinto, he shall pay \$10,000.00 in restitution to Craig Longhurst; \$1,500.00 in restitution to Veronica and Eleno Serna; and \$500.00 in attorneys' fees and \$140.00 in expenses to the State Bar of Texas. The attorneys' fees and expenses are to reimburse the Commission for Lawyer Discipline for fees and expenses incurred in the matters made the basis of Mr. Kinto's resignation. Mr. Kinto shall also pay post-judgment interest on the amount assessed as attorneys' fees, at a rate calculated pursuant to § 304.003 of the Texas Finance Code, from the date indicated below to date of final payment.

Mr. Kinto's payment of restitution to Craig Longhurst should be made by certified or cashier's check or money order, payable to Craig Longhurst, and forwarded to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701).

Mr. Kinto's payment of restitution to Veronica and Eleno Serna should be made by certified or cashier's check or money order, payable to Veronica and Eleno Serna, and forwarded to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701).

Mr. Kinto's payment of attorneys' fees, expenses, and post-judgment interest should be made by certified or cashier's check or money order, payable to the State Bar of Texas, and delivered to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711-2487 (1414 Colorado Street, Austin, Texas 78701).

IT IS ORDERED this 9<sup>th</sup> day of February, 2011.

Wallace B. Jefferson  
Wallace B. Jefferson, Chief Justice

Nathan L. Hecht  
Nathan L. Hecht, Justice

Dale Wainwright  
Dale Wainwright, Justice

David M. Medina  
David M. Medina, Justice

Paul W. Green  
Paul W. Green, Justice

Phil Johnson  
Phil Johnson, Justice

Don R. Willett  
Don R. Willett, Justice

Eva M. Guzman  
Eva M. Guzman, Justice

Debra H. Lehrmann  
Debra H. Lehrmann, Justice