



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

IN THE MATTER OF §
MALCOLM BRASSEAU § **CAUSE NO. 57702**
State Bar of Texas Card No. 02911000 §

DEFAULT JUDGMENT OF DISBARMENT

On the 29th day of April 2016, 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, 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, Malcolm Brasseaux, State Bar of Texas Card Number 02911000, is licensed but not currently authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about October 2, 2015, an Order of the Supreme Court of the State of Louisiana which includes a Petition for Voluntary Permanent Resignation from the Practice of Law in Lieu of Discipline, Affidavit of Consent, Certificate, Promissory Note with Confession of Judgment, and Concurrence by the Office of Disciplinary Counsel was entered in a matter styled: *In Re: Malcom Brasseaux*, Case No. 2015-OB-1654, that states in pertinent part as follows:

Having considered the Petition for Permanent Resignation from the Practice of Law filed by Malcolm Brasseaux, Louisiana Bar Roll number 3405, and the concurrence thereto filed by the ODC,

IT IS ORDERED that the request of Malcolm Brasseaux for permanent

resignation in lieu of discipline be and is hereby granted, pursuant to Supreme Court Rule XIX, § 20.1 and Rule 5.5 of the Rules of Professional Conduct.

IT IS FURTHER ORDERED that Malcolm Brasseaux shall be permanently prohibited from practicing law in Louisiana or in any other jurisdiction in which he is admitted to the practice of law; shall be permanently prohibited from seeking readmission to the practice of law in this state or in any other jurisdiction in which he is admitted; and shall be permanently prohibited from seeking admission to the practice of law in any jurisdiction.

(3) In the Affidavit of Consent, Respondent stated:

3) Affiant recognizes that there exist grounds for discipline against him, for violations of Rules 1.3, 1.4, 8.4(a), 8.4(b) and 8.4(c) of the Louisiana Rules of Professional Conduct as detailed in the attached petition for voluntary resignation.

5) Affiant irrevocably agrees that:

- (a) He will never again practice law in Louisiana, or in any other jurisdiction;
- (b) He will permanently resign from the practice of law in all other jurisdictions in which he is admitted to practice;
- (c) He will never seek readmission to the practice of law in Louisiana, or in any other jurisdiction; and,
- (d) He will never seek admission to the practice of law in any other jurisdiction.

(4) The Concurrence by the Office of the Chief Disciplinary Counsel established that Mr. Brasseaux violated of the following Louisiana Rules of Professional Conduct 1.3 - A lawyer shall act with reasonable diligence and promptness in representing a client; 1.4 - (a) A lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules; (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law; (b) The lawyer shall give the client sufficient information to participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued; (c) A lawyer who provides any form of financial assistance to a client during the course of a representation shall, prior to providing such financial assistance, inform the client in writing of the terms and conditions under which such financial assistance is made, including but not limited to, repayment obligations, the imposition and rate of interest or

other charges, and the scope and limitations imposed upon lawyers providing financial assistance as set forth in Rule 1.8(e); 8.4(a) - It is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; 8.4(b) - It is professional misconduct for a lawyer to commit a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; and 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. The Office of Disciplinary Counsel has recently opened eight investigations into allegations of misconduct by Respondent. Respondent responded to the first complaint only indicating that he was ill and in the process of closing his office and requested additional time in which to perform an accounting to settle all accounts. Respondent failed to appear for an October 22, 2014 sworn statement at the ODC in which he was subpoenaed to appear. Respondent was placed on Interim Suspension by this Honorable Court on March 6, 2015, and remains incarcerated at the Acadia Parish Jail. Thereafter, Respondent provided responses to the remaining seven complaints via his sworn statement obtained by the ODC on July 9, 2015. Permanent removal by permanent resignation will save the disciplinary system the expenditure of substantial time, personnel and financial resources. Specifically, the allegations are that Respondent has failed to diligently represent the first complainant, failed to communicate with him, failed to keep safe the property of a client, failed to expedite litigation, failed to cooperate with the ODC in a disciplinary matter, made a false statement of material fact in connection with a disciplinary matter, committed a criminal act by converting his client's funds, and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

- (5) Respondent, Malcolm Brasseaux, is the same person as the Malcolm Brasseaux who is the subject of the Order described above.

Conclusions of Law. Based upon the foregoing findings of fact the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TRDP Rule 7.08(H).
- (2) Reciprocal discipline identical to that imposed by Supreme Court of Louisiana is warranted in this case.

It is, accordingly, **ORDERED, ADJUDGED, AND DECREED** that Respondent, Malcolm Brasseaux, State Bar Card No. 02911000, 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, Malcolm Brasseaux, 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** Respondent shall immediately notify each of his current clients in writing of this disbarment. In addition to such notification, Respondent is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients and former clients in the Respondent’s possession to the respective clients or former clients or to another attorney at the client’s or former client’s request. Respondent is further **ORDERED** to file with the State Bar of Texas, Chief Disciplinary Counsel’s Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within 30 days of the signing of this judgment by the Board, an affidavit stating that all current clients have been notified of Respondent’s disbarment and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.

It is further **ORDERED** Respondent shall, on or before 30 days from the signing of this judgment by the Board, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing. Respondent is further **ORDERED** to file with the State Bar of Texas, Chief

Austin, TX 78701) within 30 days of the signing of this judgment by the Board, an affidavit stating that each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice has received written notice of the terms of this judgment.

It is further **ORDERED** that Respondent, Malcolm Brasseaux, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, 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 Reciprocal Discipline on file herein, along with a copy of this Judgment, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 1 day of August 2016.



Chair Presiding