



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

**IN THE MATTER OF  
KENNETH M. PLAISANCE,  
STATE BAR CARD NO. 24045166**

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§

**CAUSE NO. 69894**

**JUDGMENT OF PROBATED SUSPENSION**

On the 24<sup>th</sup> day of July, 2025, the above-styled and numbered reciprocal discipline action was considered by the Board of Disciplinary Appeals. Respondent, Kenneth M. Plaisance, waived his right to participate in a hearing. All questions of fact and all issues of law were submitted to the Board of Disciplinary Appeals for determination based on the pleadings and documents filed with the Board. Having considered the pleadings on file, including the exhibits attached, the Board of Disciplinary Appeals makes the following findings, conclusions, and orders:

**Findings of Fact.** The Board of Disciplinary Appeals finds:

- (1) Respondent, Kenneth M. Plaisance, Bar Card No. 24045166, is an attorney licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On February 6, 2024, the Supreme Court of Louisiana entered an order and per curiam opinion in *In Re: Kenneth M. Plaisance*, Attorney Disciplinary Proceeding No. 2023-B-1460, suspending Respondent from the practice of law in Louisiana for a period of two years and one day, with one year deferred.
- (3) The per curiam opinion referenced findings of the Hearing Committee, additional findings and recommendations of the Louisiana Attorney Disciplinary Board, and facts and testimony on which the court based its conclusion that Respondent violated Louisiana Rules of Professional Conduct 1.4 (communication), 1.7(a) (conflict of interest: current clients), 3.1 (meritorious claims and contentions), and 8.4(d) (misconduct: conduct prejudicial to the administration of justice).

- (4) The court detailed Respondent's conduct that occurred in the course of representing a father and son beginning in 2017, as well as Respondent's conduct during the 2020 disciplinary investigation and the disciplinary proceeding brought against Respondent in 2021.
- (5) In describing the egregious nature of Respondent's conduct, the court noted that "Respondent's delay tactics spilled over into the disciplinary proceedings, and he failed to appear at both disciplinary hearings without explanation."
- (6) Respondent, Kenneth M. Plaisance, is the same person as the Kenneth M. Plaisance who is the subject of the order and per curium opinion issued by the Supreme Court of Louisiana.
- (7) The order and per curium opinion issued by the Supreme Court of Louisiana are final.
- (8) The Commission for Lawyer Discipline has provided no evidence of the date on which the Chief Disciplinary Counsel received notice of Respondent's misconduct or the discipline ordered by the Supreme Court of Louisiana.
- (9) The Commission for Lawyer Discipline first filed a petition for reciprocal discipline on August 13, 2024.
- (10) Respondent, having been duly served, timely filed responsive pleadings and raised defenses under Texas Rule of Disciplinary Procedure 9.04.

**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. TEX. RULES DISCIPLINARY P. R. 7.08(H).
- (2) Under Texas Rule of Disciplinary Procedure 17.06(A), a reciprocal discipline action may not be sustained for professional misconduct that occurred more than four years before the Chief Disciplinary Counsel received notice of the misconduct that resulted in a Texas lawyer being disciplined by another jurisdiction. *Lane v. Comm'n for Lawyer Discipline*, \_\_\_ S.W.3d \_\_\_, \_\_\_, 2025 WL 1617307, at \*9 (Tex. 2025).
- (3) Though the precise date the Office of the Chief Disciplinary Counsel learned of Respondent's discipline in Louisiana cannot be discerned from the record, the earliest the Chief Disciplinary Counsel could have had received notice of the final determination as to Respondent's misconduct

was February 6, 2024, when the Supreme Court of Louisiana issued its order and per curiam opinion. The Chief Disciplinary Counsel certainly had notice of Respondent's misconduct and discipline by August 13, 2024, when the Chief Disciplinary Counsel filed the original petition for reciprocal discipline on behalf of the Commission for Lawyer Discipline and attached the order and per curiam opinion.

- (4) Reciprocal discipline is barred under Texas Rule of Disciplinary Procedure 17.06(A) as to Respondent's misconduct before February 6, 2020, as that conduct occurred more than four years before the earliest date the Chief Disciplinary Counsel could have received notice of the Supreme Court of Louisiana's final adjudication that Respondent's conduct constituted professional misconduct and its order of discipline. *See Lane*, 2025 WL 1617307, at \*9. Therefore, Respondent's misconduct in the course of the underlying representation is not subject to reciprocal discipline.
- (5) Reciprocal discipline is not barred as to conduct that occurred after August 13, 2020, the four years before the Chief Disciplinary Counsel filed the original petition for reciprocal discipline. Such conduct falls within the limitations period established by Texas Rule of Disciplinary Procedure 17.06(A) and was, in part, the basis of the Supreme Court of Louisiana's suspension of Respondent for two years and one day, with one year deferred. Therefore, Respondent's conduct in the course of the Louisiana disciplinary proceeding, including the 2022 conduct referenced by the Supreme Court of Louisiana, is subject to reciprocal discipline.
- (6) The Board cannot determine when the Chief Disciplinary Counsel received notice of Respondent's misconduct and discipline, or whether Respondent committed and was disciplined for professional misconduct occurring between February 6, 2020, and August 13, 2020. However, such determinations are not required to resolve this reciprocal disciplinary case.
- (7) Because Respondent's discipline in Louisiana was the result of certain conduct for which reciprocal discipline is barred under Texas Rule of Disciplinary Procedure 17.06(A), the imposition of discipline identical, to the extent practicable, with that imposed by the Supreme Court of Louisiana would result in a grave injustice.
- (8) It is necessary and appropriate for the Board to order reciprocal discipline based on professional misconduct that occurred within the limitations period established by Texas Rule of Disciplinary Procedure 17.06(A), which would include Respondent's conduct during the Louisiana disciplinary proceeding. *See* TEX. RULES DISCIPLINARY P. R. 9.04.
- (9) Respondent's conduct during the Louisiana disciplinary proceeding constitutes professional misconduct as defined by Texas Rule of Disciplinary Procedure 1.06(CC)(2).

- (10) Respondent should be suspended from the practice of law for a period of one (1) year, with the suspension fully probated, subject to certain terms and conditions. *See* TEX. RULES DISCIPLINARY P. R. 15.05(A)(2).
- (11) This Board retains jurisdiction during the full term of probation imposed by this judgment to hear a motion to revoke probation. TEX. RULES DISCIPLINARY P. R. 2.22.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Kenneth M. Plaisance, State Bar Card No. 24045166, is hereby **SUSPENDED** from the practice of law for a period of one (1) year, beginning August 1, 2025, and extending through July 31, 2026. That suspension shall be fully probated, subject to the following terms and conditions.

#### **Terms of Probation**

It is further **ORDERED** that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not violate any term of the order and per curiam opinion issued by the Louisiana Supreme Court, and shall not commit additional misconduct that causes the Louisiana deferred suspension to either become executory or result in additional discipline.
3. Respondent shall not engage in professional misconduct as defined by Texas Rule of Disciplinary Procedure 1.06(CC) or as set out in the Texas Disciplinary Rules of Professional Conduct.
4. Respondent shall not violate any state or federal criminal statutes.
5. Respondent shall keep the State Bar of Texas membership department notified of current residence and business mailing addresses, email addresses, and telephone numbers.
6. Respondent shall comply with Minimum Continuing Legal Education requirements.
7. In addition to the Minimum Continuing Legal Education requirements, Respondent shall complete an additional three (3) hours of accredited CLE in legal ethics during the period of suspension.
8. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
9. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any

- allegations of professional misconduct.
10. Respondent shall make contact with the Chief Disciplinary Counsel's Compliance Monitor at (512) 427-1334, not later than seven (7) days after receipt of a copy of this judgment, to coordinate compliance.

### **Probation Revocation**

Upon determination that Respondent has violated any term or condition of this judgment, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation with this Board pursuant to Texas Rule of Disciplinary Procedure 2.22. Likewise, the Chief Disciplinary Counsel may file a motion to revoke probation upon determination that Respondent's deferred suspension under the Supreme Court of Louisiana's order and per curium opinion has become executory for additional misconduct, or that additional discipline was imposed during that suspension. Respondent must serve a copy of any such motion on Respondent pursuant to Texas Rule of Civil Procedure 21a.

Should a motion to revoke probation be filed, this Board will conduct an evidentiary hearing to determine by a preponderance of the evidence whether Respondent has violated any term or condition or requirement of any applicable disciplinary judgment. If this Board finds grounds for revocation, it will enter an order revoking probation and placing Respondent on active suspension without credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent which serves as the basis for a motion to revoke probation may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

It is further **ORDERED** that this Judgment of Probated Suspension shall be made a matter of public record and notice of this disciplinary action shall be published in the *Texas Bar Journal*.

Signed this 1<sup>st</sup> day of August 2025.



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**VICE CHAIR PRESIDING**

Board members W.C. Kirkendall, Fernando Bustos, Arthur D'Andrea, Melissa Goodwin, and Robert Henneke did not participate in this decision.