

Kenneth M. Plaisance  
2202 Touro Street  
New Orleans Louisiana 70119



FILED  
Mar 31 2025

THE BOARD of DISCIPLINARY APPEALS  
Appointed by the Supreme Court of Texas

March 31, 2025

Via e-filing to [filing@txboda.org](mailto:filing@txboda.org)

Ms. Jackie Truitt Tel #: 512-427-1578, Fax# 512-427-4364, [txboda.org](http://txboda.org)

Executive Assistant

Board of Disciplinary Appeals

P. O. Box 12426

Austin, Texas 78711

Re: NO# 69894 In the Matter of Kenneth M Plaisance State Bar Card 24045166

*Respondent's answer and affirmative defense to the Petitions For Reciprocal Discipline*

Dear Ms. Truitt:

Enclosed please find my answer and affirmative defenses to the Original Petition for Reciprocal Discipline. Please hand stamp and file the pleading into the record and send me a courtesy stamped copy.

Thanks

A handwritten signature in black ink, appearing to read "Ken", written over a horizontal line.

Kenneth M Plaisance 504 905 1888

cc: AMANDA M KATES

AMANDA.KATES@TEXASBAR.COM



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THE BOARD OF DISCIPLINARY APPEALS  
Appointed by the Supreme Court of Texas

BEFORE THE BOARD OF DISCIPLINARY APPEALS

APPOINTED BY

THE SUPREME COURT OF TEXAS

IN THE MATTER OF

\*

KENNETH MICHAEL PLAISANCE

\*

CAUSE NO. 69894

STATE BAR CARD NO. 24045166

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**RESPONDENT'S ANSWER AND DEFENSES TO THE ORIGINAL PETITION FOR  
RECIPROCAL DISCIPLINE**

NOW COMES Respondent, who files this original answer general denials and defenses to Petitioner's Original filed and published on the internet and social media placing petitioner in a false light and files an answers and affirmative defenses for the Second Amended Petition for Reciprocal Discipline filed by Commission for Lawyer-Discipline Office of the Chief Disciplinary Counsel State Bar of Texas. In support thereof, Respondent states as follows:

**A. GENERAL DENIAL**

1. Respondent generally denies the allegations in Petitioner's Original Petition for Reciprocal Discipline publicized on the internet and social media before a hearing was conducted and a decision was rendered. This publication placed Respondent in a false light before the public, his peer and the Texas Supreme Court. The publication also violated respondent's due process and equal protection of law under the Texas Constitution and United States Constitution as well. Respondent generally denies the allegation of Petitioner's first and second amended Petition for Reciprocal Discipline and denies the allegations and evidence published on the internet and social media because it was done without an evidentiary hearing and the evidence published was unfair and violated Respondent's due process and equal protection rights as well.

**B. ANSWERS**

**1. ANSWERS TO ALLEGATION NUMBER 1 OF THE ORIGINAL PETITION**

Respondent admits that the Commission for Lawyer Discipline (Commission) through the Chief Disciplinary Counsel for State Bar of Texas, filed AND publicized its

Original Petition for Reciprocal on the internet and social media before a determination was made by the Board of Disciplinary Appeals. The publication of the Petition place Respondent in a false light before a fair judgment could have been rendered by the Board of Disciplinary Appeals. Respondent states that this was unfair and a violation of his due process and equal protection rights. Respondent admits that the Chief Disciplinary Counsel for State Bar of Texas, has filed **a second amended** Petition for Reciprocal Disciplinary to the Board of Discipline Appeals against Respondent. Respondent asserts that he has not been given notice or an opportunity to be heard regarding the Original Petition because it was unfairly publicized on the internet and social media. Respondent asserts that he was placed in a false light by publication of the Original Petition on the internet and social media. Respondent asserts that the alleged evidence attached to its Original Petition for Reciprocal Discipline that was publicized unfairly without a proper foundation of documents attached to the Petition which violated respondent's due process rights as well.

## **2. ANSWERS TO ALLEGATION NUMBER 2 OF THE ORIGINAL PETITION**

Respondent admits that he is a member of the State Bar of Texas and is licensed and authorized to practice law in Texas

## **3. ANSWERS TO ALLEGATION NUMBER 3 OF THE ORIGINAL PETITION**

Respondent denies the allegations contained in Paragraph 3 and moves for a Motion in Limine/ Motion to Strike any allegations contain in Paragraph 3 and any documents attached to the Original, First and Second Amended to the Petition for Reciprocal Discipline because the alleged facts did not happen in Texas and the evidence was unfairly publicized without an evidentiary hearing. Respondent does not believe he will get a fair hearing on the matter before this tribunal.

## **4. ANSWERS TO ALLEGATION NUMBER 4 OF THE ORIGINAL PETITION**

Respondent denies the allegations contained in Paragraph 4 and moves for a Motion in Limine/ Motion to Strike any allegations contained in Paragraph 4 and any documents attached to the unfairly publicized Original Petition for Reciprocal Discipline.

The allegations contained in paragraph 4 under the RULES VIOLATED section are denied for lack of information sufficient to justify belief therein. Respondent denies the allegations and alleged RULES VIOLATED in that: Respondent denies the existence of Rule 1.4 (Failure to communicate the existence or an unwaivable conflict of interest in his representation). Respondent denies that he knowingly and intentionally violated Rule 1.4 because Rule 1.4 does not exist as a failure to communicate the existence of an unwaivable conflict of interest. **(THERE IS NO TDRPC RULE 1.4)**

Respondent denies the existence of Rule 1.7 (Concurrent Conflict of Interest) as asserted in the CDC allegation under RULES VIOLATED section in the Original Petition that Respondent knowingly and intentionally violated Rule 1.7 (Concurrent Conflict of Interest) Respondent states that Rule 1.7 does not exist as a concurrent conflict of Interest. **(TDRPC RULE 1.7 DOES NOT EXIST)**

Respondent denies the existence of Rule 3.3 (Seeking to Collect Attorneys' Fees in Pursuit to a conflicted of Representation) as asserted in the CDC Petition under RULES VIOLATED section. Respondent denies that he knowingly and intentionally violated Rule 3.3 (Seeking to Collect Attorneys fees in Pursuit to a conflicted Representation)

**(TDRPC RULE 3.3 DOES NOT EXIST)**

Respondent denies the existence of Rule 8.4(d) (Conduct prejudicial to the administration of justice) Respondent denies any prejudicial conduct to the administration of Justice in Louisiana Tribunal because he was under doctor's orders not attend any hearing due to stress until further ordered.

**5. ANSWERS TO ALLEGATION NUMBER 5 OF THE ORIGINAL PETITION**

Respondent denies the allegations contained in Paragraph 5 and moves for a Motion in Limine/ Motion to Strike any allegations contained in Paragraph 5 and any documents attached to the unfairly publicized Original Petition for Reciprocal Discipline. The publication of the Original Petition on the internet and social media placed Respondent in a false light to the public, his peers and the State of Texas Supreme Court, and was adjudicated in the Louisiana tribunal without respondent being present in violation of respondent's due process and equal protection of the law under the United States Constitution and Texas Constitution.

**6. ANSWERS TO ALLEGATION NUMBER 6 OF THE ORIGINAL PETITION**

Respondent denies the allegations contained in Paragraph 6 and moves for a Motion in Limine/ Motion to Strike any allegations contain in Paragraph 6 and any documents attached to the Original, First and Second Amended to the Petition for Reciprocal Discipline because the alleged facts did not happen in Texas, and the evidence was unfairly publicized without an evidentiary hearing. The publication of the Original Petition on the internet and social media place Respondent in a false light to the public, his peers and the State of Texas Supreme Court, and was adjudicated in the Louisiana tribunal without respondent being present which was in violation of respondent's due process and equal protection of the law under the United States Constitution and Texas Constitution.

## 7. ANSWERS TO ALLEGATION NUMBER 7 OF THE ORIGINAL PETITION

Respondent denies the allegations contained in Paragraph 7 and moves for a Motion in Limine/ Motion to Strike any allegations contain in Paragraph 7 and any documents attached to the Original, First and Second Amended to the Petition for Reciprocal Discipline because the alleged facts did not happen in Texas, and the evidence was unfairly publicized without an evidentiary hearing. The publication of the Original Petition on the internet and social media place Respondent in a false light to the public, his peers and the State of Texas Supreme Court, and was adjudicated in the Louisiana tribunal without respondent being present in violation of respondent's due process and equal protection of the law under the United States Constitution and Texas Constitution. Respondent does not believe he will get a fair hearing on the matter before this tribunal.

C.

### AFFIRMATIVE DEFENSES

According to Rule 9.04 of the Texas Rules of Disciplinary Procedure, if the Respondent files an answer, he or she shall allege, and thereafter be require to prove, by clear and convincing evidence , to the Board of Disciplinary Appeals **one or more of the following defenses to avoid the imposition of discipline identical**, to the extent practicable, with that directed by the judgment of the other jurisdiction:

- A. That the procedure followed in the other jurisdiction on the disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process.
- B. That there was such an infirmity of proof establishing the misconduct in the other jurisdiction as to give rise to the clear conviction that the Board of Disciplinary Appeals, consistent with its duty, should not accept as final the conclusion on the evidence reached in the other jurisdiction.
- C. That the imposition by the Board of Disciplinary Appeals of discipline identical, to the extent practicable, with that imposed by the other jurisdiction would result in grave injustice.
- D. That the misconduct established in the other jurisdiction warrants substantially different discipline in this State.
- E. That the misconduct for which the Attorney was disciplined in the other jurisdiction does not constitute Professional Misconduct in this State. If the Board of Disciplinary Appeals determines that one or more of the foregoing defenses have been established, it shall enter such orders as to deems necessary and appropriate.

## **DEFENSE TO AVOID THE IMPOSITION OF DISCIPLINE IDENTICAL NUMBER 1:**

Respondent asserts that the procedure in the Louisiana Attorney Board of Discipline hearing was so lacking that it constituted a violation of due process in that the attorney who submitted a complaint against the Respondent to the Louisiana Disciplinary Counsel was also made the chairperson/judge of LABD presiding over Respondent's hearing. The attorney that complained against Respondent had a strong influence over the Board and its decisions. This diabolical act circumvented fundamental fairness and constituted a violation of Respondent's due process. 2. Respondent submitted a complaint against the chairperson to the La. Office of Disciplinary Counsel, but it was dismissed. 3. The Respondent informed The Louisiana Supreme Court Chief Justice of this injustice. Respondent requested from the Chief Justice statistical information which gives rise to discriminatory intent. Respondent did not receive any information requested from the Chief Justice. 4. Respondent requested a continuance of the LABD hearing (because of the anxiety of the injustice) due to being under doctor's orders-- not to attend the hearing until further notice. Despite the doctor's orders, LABD went forward with the hearing without placing all of the evidence into the trial court record. Respondent submitted a complaint to the United States Attorney General Office. Respondent states that going forward with the LABD hearing was in retaliation for reporting Office of Disciplinary Counsel and LABD of wrong doings.

## **DEFENSE TO AVOID THE IMPOSITION OF DISCIPLINE IDENTICAL NUMBER 2**

Respondent states that there was such an infirmity of proof establishing the alleged misconduct in the other jurisdiction that BODA should not accept as final the conclusion on the evidence reached in the other jurisdiction. It is uncontested that: 1. on June 14, 2017, at about 3:00 p.m. Larry Taylor Jr. was involved in an automobile accident with a 2008 Peterbilt tractor-trailer driven by Travis James on or around the 6600 block of Almonaster Blvd., New Orleans, Louisiana. 2. Larry Taylor, Jr. was driving his 1995 Buick LeSable, vehicle identification number 1G4hP526XSH527871, license plate number La. YVG710, traveling eastbound in the left lane on Almonaster Blvd., New Orleans, Louisiana, 3. Larry Taylor Jr. was the operator, and his minor son Lawan Rousell was a guest passenger in Mr. Taylor's vehicle. 4. Defendant, Travis James was operating a 2008 Peterbilt tractor Model 388 with vehicle identification number 1XPWD49X38D749996 with Nebraska license plate number 2017 NE 196868, pulling a 2016 Timpco-Box trailer, license plate number 247489 traveling in the East bound in the right lane, on Almonaster Blvd., New Orleans, Louisiana. 6. Larry Taylor Jr. was issued a citation for following too close and was deemed 100% at fault for the accident. See: Police Report Exhibit) 7. On or about June 15, 2017, Larry Taylor called affiant, and soon thereafter affiant visited Mr. Taylor at the hospital. 8. On June 15,

2017, affiant met Larry Taylor Jr and Anne Hodges 9. Mr. Taylor and Anne Hodges were the biological mother and father for the minor Lawan Rousell. 10. The minor Lawan Rousell was taken to Childrens' Hospital. 11. The minor--Lawan Rousell sustained a severe multiple injury to his body and a large scar to his face. 12. Respondent informed Larry Taylor Jr. that he could not represent him and his son Lawan Rousell at the same time and that Mr. Taylor can do it pro se or get another attorney. 13. Respondent informed Mr. Taylor that he must contest the citation (ticket) because he was considered 100% at fault. 14. Respondent represented the minor Lawan Rousell. 14. Larry Taylor Jr. was insured with liability insurance by Progressive Insurance Company--Policy number 907163379 expiration date 11-07-2017. 15. Travis James (the 18-wheeler driver and owner) was also insured with liability insurance by Progressive Insurance Company Policy number 039301970 expiration date 09-22-2017. 16. Under each respective insurance contracts, Progressive had a duty to represent or obtain legal representation to both Mr. Taylor and Travis James (driver and owner of the 18-wheeler vehicle) 17. Mr. Taylor was legally represented by Progressive Insurance company's legal counsel--Attorney Pat Derough. 18. Respondent spoke to Progressive Insurance Company's legal counsel Attorney Pat Derough. 19. Respondent met with Lawan Rousell's biological mother Anne R Hodges at a house on Duel Street, New Orleans, Louisiana. 20. Anne Hodges signed a contract on behalf of Lawan. 21 Anne Hodges signed a waiver of conflict of interest. 22. Larry Taylor Jr. signed a waiver of conflict of interest. 23. Since Larry Taylor was deemed 100 percent at fault for the accident, Lawan could only sue Mr. Taylor's policy with Progressive Ins. 24. Respondent settled Lawan's BI claim against Mr. Taylor's policy with Progressive Insurance. 25. On behalf of Lawan, Respondent spoke to the New Orleans Assistant City Attorney/prosecuting attorney in Traffic Court regarding Mr. Taylor's traffic ticket citation. 26. The Assistant City Attorney informed the Respondent that to dismiss Mr. Taylor's traffic ticket, Mr. Taylor would have to file suit. 27. In his due diligence and strategically, Respondent thought it was wise to file suit in order for Lawan to sue the owner of the 18-wheeler and Progressive Insurance Company. 28. Respondent filed a suit in State Court in order to have Mr. Taylor, Jr.'s. traffic court case dismissed. 29. Respondent, with due diligence, met with Attorney Valteau and Mr. Taylor Jr. Mr. Taylor then signed an agreement agreeing that Attorney Valteau would represent Mr. Taylor, and Respondent would represent the minor Lawan. 30. Respondent drafted and filed a petition in state court but did not served the petition until after Attorney Valteau was involved. 31. Progressive's Attorney removed the State Court Petition to Federal Court. 32. Because of the rule "what is in the best interest of the client" and due to Respondent's lack of representing clients in federal court regarding 18-wheeler cases, Respondent called, met with, and interviewed several attorneys. 33. Respondent sought the service of attorneys who handled 18-wheeler cases in federal court. 34. Respondent met with attorneys in Texas and then met

with Attorney Michael Ecuyer. 35. Michael Ecuyer entered into contract with Anne R Hodges on behalf of Lawan. 36 Attorney Craig Robinson represented Larry Taylor Jr in Federal Court in the matter of Larry Taylor Jr. v. Travis James CV case #18:0593. 37. Attorney Craig Robinson settled Mr. Taylor's federal court case. 38. Attorney Michael Ecuyer settled Lawan's case far below what the case law indicated. 39. Respondent requested attorneys' fees under Louisiana Bad Faith Statutes against Progressive Insurance Company. 40. Michael Ecuyer filed a complaint to La Disciplinary counsel stating Respondent had a conflict of interest with representing Larry Taylor and the minor Lawan Rousell 41. that at no time, was there a conflict of interest, or a non-waivable conflict of interest on Respondent's part. 42. Because of the large scar on the minor Lawan's face and other multiple injuries, Lawan's case was worth at least 3.5 million dollars according to the case law. 43. Respondent filed a complaint with the La. Disciplinary counsel against Mr. Ecuyer stating that Michael Ecuyer was hired as lead attorney to litigate this case in Federal Court, and that he was not diligent by settling the minor Lawan's case at a value far below what the case was worth. 44. The complaint to the Louisiana Deputy Disciplinary Counsel against Respondent proceeded forward. 45. Ironically affiant's complaint against Mr. Ecuyer was dismissed. 46. Ironically a hearing was set and the very same person (Mr. Ecuyer) who filed a complaint against Respondent was the chairperson on the Louisiana Attorney Board of Discipline in Respondent's disciplinary hearing, thus, the presiding judge over affiant's disciplinary case. 47. Respondent sent a letter to the Louisiana Supreme Court Chief Justice and made him aware of the violation of due process and equal protection and unfairness issues of the complainant (Attorney Ecuyer) being both judge and jury in affiant's case. 48. Respondent asked the Chief Justice to provide affiant with statistical data on how many White Attorneys were disciplined as compared to Minority Attorneys. 49. Respondent states that because of the anxiety and stress of this unequal proceeding, respondent sought his doctor and was ordered to not attend the hearing due to medical reasons. 50. Louisiana Attorney Disciplinary Board did not allow Respondent a continuance to obtain counsel for the hearing. 51. Although Respondent was not present at the hearing, LADB went forward with respondent's disciplinary hearing. 52. LADB recommended a suspension for 1 year plus a day and said that Respondent had to prove he was mentally competent to be reinstated. (This is a constructive disbarment) 53. LADB published its recommendation (not a judgment) on the internet and social media. 54. The publication submitted by LADB was to make sure that the Louisiana Supreme Court would affirm. 55. The Louisiana Supreme Court affirmed the LADB recommendations and published its decision to suspend affiant for one year and a day (constructive disbarment)

As a result of the above uncontested facts, Larry Taylor Jr. was represented by Progressive Insurance Company's legal counsel under Mr. Taylor's policy, was represented



As a result of the above uncontested facts, Larry Taylor Jr. was represented by Progressive Insurance Company's legal counsel under Mr. Taylor's policy, was represented by Ferdinand Valteau in State Court and by Craig Robinson in Federal Court. Lawan Rousell was represented by Respondent then Michael Ecuyer in Federal Court. There was no conflict of interest or concurrent conflict of interest because each party was represented by several attorneys thought out the litigation. Respondent states that that the BODA should not impose any discipline or identical discipline because it would result in grave injustice. Respondent states that the alleged misconduct for which the Attorney was disciplined in the other jurisdiction does not constitute Professional Misconduct in this State. (See: Answers above)

### **DEFENSE TO AVOID THE IMPOSITION OF DISCIPLINE IDENTICAL NUMBER 3**

Respondent states that it is unfair to allow the CDC to use a lower standard of proof to prove its case, but raises the standard of proof unfairly and make the respondent prove by clear and convincing evidence to rebut the presumption that reciprocal discipline should apply.

### **DEFENSE TO AVOID THE IMPOSITION OF DISCIPLINE IDENTICAL NUMBER 4**

Respondent states that the substantive law regarding Louisiana Pure Comparative law on Negligence is different from the Texas Modified Comparative law on Negligence. In Texas if the plaintiff is 51 percent at fault he or she is not entitled to damages. On the other hand in Louisiana if the plaintiff is 51 percent at fault for the accident, he or she may be entitled to 49 percent of general and special damages. The significance is that the outcome in Texas with the same set of facts and occurrences would have reached a different result or conclusion, and thus the legal representation of a client that was 51 percent at fault would not have been wise or done.

Finally, the publication of the Original Petition for Reciprocal Discipline on the internet and social media before the Board of Disciplinary Appeal could have rendered a decision, placed Respondent in a false light before the public, his peers and the Texas Supreme Court, and therefore was a violation of Respondent due process as well.

### **Conclusion**

In conclusion, Respondent reported an unfair and unlawful practice exposing LABD and La. Disciplinary Counsel of improprieties. Thereafter, LABD did not allow Respondent to be cleared by his doctor, and in doing so, LABD did not allow Respondent to submit his evidence into the trial record. Respondent was allowed to put on his case in chief. This was clearly an unfair hearing and a clear violation of Respondent's due process. Respondent was retaliated against and accused of possible fraud. Then, the LABD

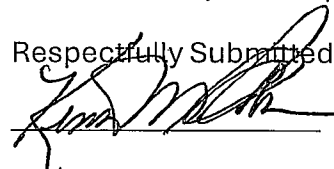
publicly humiliated and exposed Respondent to hatred, ridicule, and impair his chance from getting a job or maintaining a livelihood by publicizing its recommendations on the internet and social media before the Louisiana Supreme Court made its decision. Respondent's name and character were defamed by the LABD. This was a public castration and character assassination through the media and internet in retaliation for reported an illegal practice of impropriety.

### **Prayer for Relief**

WHEREFORE, Respondent prays that this honorable tribunal sees and gleans from the Respondent's pleadings, affidavit and exhibits, that to apply reciprocal discipline would be an injustice. Moreover, Respondent respectfully requests that this Honorable Tribunal:

1. Dismiss the Original Petition for Reciprocal Discipline because it was publicized before the BODA could have render a decision;
2. Dismiss the Second Amended Petition for Reciprocal Discipline because the Original Petition was publicized on the internet and social media in violation of Respondent's due process rights under the Texas Constitution and United States Constitution as well
- 3 In the alternative, deny the imposition of reciprocal discipline or any discipline because to imposed the discipline by the other jurisdiction would result in grave injustice; the alleged misconduct does not give rise to the clear conviction that the BODAs should accept as final the conclusion on the evidence reached in the other jurisdiction; that the alleged misconduct for which the Attorney was discipline in the other jurisdiction does not constitute Professional Misconduct in this State;
4. Grant Respondent such other and further relief as this Court deems just and proper.

Respectfully Submitted,



Kenneth Michael Plaisance  
2202 Touro Street  
New Orleans Louisiana 70119  
504-905-1888

### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing pleading has been served upon opposing counsel by first class mail, facsimile, electronically or hand delivery on this 31<sup>st</sup> day of March, 2025.



KEN PLAISANCE