



FILED

Mar 21 2025

BEFORE THE BOARD OF DISCIPLINARY APPEALS

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

THE SUPREME COURT OF TEXAS

IN THE MATTER OF
KENNETH MICHAEL PLAISANCE
STATE BAR CARD NO. 24045166

*
*
*

CAUSE NO. 69894

**MOTION TO DISMISS THE ORIGINAL AND FIRST AMENDED PETITION
FOR RECIPROCAL DISCIPLINE**

NOW COMES made Respondent in the above-captioned matter, files this Motion to Dismiss the Original and First Amended Petition for Reciprocal Discipline filed by the Commission for Lawyer Discipline and the Office of the Chief Disciplinary Counsel State Bar of Texas, and in support thereof would respectfully states as follows:

1. The Respondent is a licensed attorney in the State of Texas, and the petitioner's allegations stem from disciplinary actions in Louisiana.
2. While conducting legal research this morning on the internet, Respondent learned that on August 13, 2024, the petitioner filed a Petition for Reciprocal Discipline against the respondent.
3. The Respondent was not served with the Original Petition for Reciprocal
4. The Respondent contends that Petitioner was allowed and submitted the Original Petition for Reciprocal Discipline with hearsay and highly prejudicial evidence without proper foundation and authentication on to the internet and social media to defame the Respondent.
5. Respondent moves to strike all documents attached to the Petitions for Reciprocal Discipline.
6. The Respondent screams and asserts that the petitioner failed to allow Respondent adequate notice and opportunity to be heard before publicizing the Original and First Amended Petitions for Reciprocal Discipline on the internet and social media. Petitioner made it difficult to present a fair defense and impaired Respondent from being employed, impaired Respondent ability to have a livelihood in Texas and impaired his pursuit of life liberty and happiness as the Preambles of the United States Constitution guarantees.

7. On or about March 21, 2025, Respondent was emailed through the State Bar of Texas an unsigned United States Postal Service green card indicating that on March 19, 2025, Petitioner served Respondent with the Second Petition for Reciprocal Discipline.
8. The Petitioner by submitting the Petition to the Internet and Social Media ensured the Respondent would be ruled and assumed guilty before proving his innocence. This flies in the face of the Axiom of Presumption of Innocence until proven Guilty.
9. The petition lacks merit and fails to state a cause of action upon which relief can be granted in Texas.
10. Specifically, the Petition fails to demonstrate that the Respondent's actions in the original jurisdiction warrant similar disciplinary actions in this jurisdiction.
11. The Respondent was not afforded due process in the original disciplinary proceeding, in that, the Respondent was not allowed an attorney nor was allowed to present or offer, file and introduce evidence into the record in the original proceeding in Louisiana.
12. Respondent asserts that the lack of due process in the original jurisdiction renders the reciprocal discipline petition in Texas invalid and unenforceable in Texas jurisdiction

In the alternative, Respondent asserts and pleads that the Petition for Reciprocal Discipline is moot because the cause of action has been adjudged under the Axiom of Res Judicata, and is moot because of the 4 year time limitation rule in the Texas rules of Disciplinary Procedure 17.06. The cause action and the alleged misconduct appear to happen in 2017.

Conclusion

For the foregoing reasons, the respondent respectfully requests that the Court grant this Motion to Dismiss and dismiss All Petition for Reciprocal Discipline with prejudice.

Prayer for Relief

WHEREFORE, the respondent prays that this Court:

1. Grant the Motion to Dismiss;
2. Dismiss all of the Petitions for Reciprocal Discipline with prejudice; and
3. Grant any other relief deemed just and proper.

Respectfully Submitted,



Kenneth Michael Plaisance

ATTORNEY AT LAW


2202 Touro Street

New Orleans Louisiana 70119

504-905-1888

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Dismiss with Special Exception pleading has been served upon opposing counsel by first class mail, facsimile, electronically or hand delivery on this 21 day of March, 2025.



KENNETH M. PLAISANCE