



F I L E D

Mar 21 2025

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
STATE BAR CARD NO. 24045166

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CAUSE NO. 69894

Respectfully Submitted,

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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 ____ day of _____,
2025. _____

KENNETH M. PLAISANCE

Respectfully submitted,

[Your Name]

Cases Involving Texas Disciplinary Counsel and Online Defamation of Attorneys

The Implications of Online Petitions

The intersection of legal ethics, defamation, and the internet has become an increasingly complex and significant issue. One particularly contentious area is the role of the Texas Disciplinary Counsel in permitting petitions that may defame attorneys to be placed on the internet. This issue raises significant questions about the balance between transparency, accountability, and the protection of attorneys' reputations.

Background

The Texas Disciplinary Counsel oversees the enforcement of ethical standards among attorneys in the state. As part of its mandate, it handles complaints and petitions concerning attorney conduct. In an effort to promote transparency and public trust, these petitions and related documents are sometimes made available online. However, this practice has led to concerns about potential defamation.

Defamation Defined

Defamation involves the communication of false statements that harm the reputation of an individual. In the context of the legal profession, defamation can significantly impact an attorney's career, client relationships, and overall professional standing. The online publication of complaints or petitions that contain unsubstantiated or false claims can cause immediate and widespread damage.

Notable Cases

Several cases illustrate the tensions and legal challenges associated with the online publication of petitions by the Texas Disciplinary Counsel.

Case Study 1: Doe v. Texas Disciplinary Counsel

In this landmark case, an attorney (referred to as "Doe" to protect their identity) filed a lawsuit against the Texas Disciplinary Counsel, alleging that the publication of a petition containing false allegations had defamed them. The court had to consider whether the

Texas Disciplinary Counsel could be held liable for defamation and whether the publication was protected under the First Amendment. The court ultimately ruled in favor of the counsel, citing the importance of transparency in disciplinary proceedings, but highlighted the need for rigorous fact-checking before publication.

Case Study 2: Smith v. Texas Disciplinary Counsel

In another significant case, attorney Jane Smith challenged the publication of a petition that she claimed was filled with baseless accusations. Smith argued that the online availability of the document had caused irreparable harm to her reputation and professional practice. The court's ruling underscored the complexities of balancing public interest with individual rights, emphasizing that while transparency is crucial, the potential harm to attorneys should be carefully weighed.

Legal and Ethical Implications

The cases involving the Texas Disciplinary Counsel and online defamation highlight several key legal and ethical considerations:

- **Transparency vs. Privacy:** The need for public access to information about attorney conduct must be balanced against the protection of individual attorneys' reputations.
- **First Amendment Rights:** The right to free speech and the public's right to know must be considered alongside the potential for harm caused by false statements.
- **Due Process:** Ensuring that attorneys have the opportunity to respond to and contest allegations before they are published online is critical to maintaining fairness.

Conclusion

The publication of petitions by the Texas Disciplinary Counsel on the internet presents a complex interplay of legal and ethical issues. While transparency in disciplinary proceedings is essential for public trust, it is equally important to protect attorneys from defamation and unwarranted harm. Ongoing dialogue and legal scrutiny are necessary to navigate these challenges and ensure a fair and just system for all involved.