

CASE NO 25 A 1178

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**IN THE SUPREME COURT  
OF THE UNITED STATES OF AMERICA**

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IN THE MATTER OF KENNETH MICHAEL PLAISANCE

*Petitioner,*

VS.

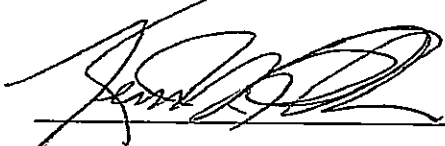
TEXAS COMMISSION FOR LAWYERS DISCIPLINE

*Respondents.*

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**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

The Petitioner asks leave to file the attached petition for writ of certiorari without prepayment of costs. Petitioner has not previously been granted leave to proceed in forma pauperis in any other court. Petitioner's affidavit of this motion is attached hereto.



Kenneth M Plaisance

**AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

I Kenneth M Plaisance, am the petitioner in the above entitled case. In support of my motion to proceed in forma pauperis, I state that because of my poverty I am unable to pay the cost of this case or to give security, therefore, and I believe I am entitled to redress.

<b>Income source</b>	<b>Average monthly amount during the past 12 months</b>	<b>Amount expected next month</b>
.		\$ 1401.00
<b>TOTAL MONTHLY</b>	<b>\$ 1401.00</b>	<b>\$ 1401.00</b>

**List your employment history for the past two years**

<b>Employer</b>	<b>Address</b>	<b>Date of Employment</b>	<b>Gross monthly pay</b>
None			

**List your spouse's employment history**

Do not have a spouse

**How much cash do you have?**

<b>Type of account</b>	<b>Amount you have</b>	<b>Amount your spouse has</b>	<b>List</b>
Checking	1401.00 today (SS)	I don't have a spouse	

**List the assets which you own or your spouse owns.**

Due to the two-year suspension and the additional disciplinary action from another state , my home may change ownership at any minute due to failure to pay property taxes.

My car has been repossessed.

**State every person, business, or organization owning you or your spouse money, and the amount owed.**

Zero

**State the person who on you for support.**

DP jr disabled	Brother	age is 67
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Estimate the average monthly expenses of you and your family. I have no spouse

Rent or home mortgage	\$ 3333.00
Utilities	600.00
Real estate taxes are not include	
Property is not insured	
Home maintenance	300.00
Food	400.00
Clothing	don't buy any more.
Laundry	I do my own laundry
Medical and dental	A and B medical care
Transportation	Car was repossessed I Uber or catch the bus
Recreation, entertainment, new papers, magazines	Zero
Insurance	
Homeowners	Zero
Life	Zero
Health	A and B Medicare
Motor Vehicle	Zero
Taxes	4000.00 Can't pay
Installment payment	350.00
Alimony Maintinance	Zero
Regular expenses for operating of business	Zero

**TOTAL MONTHLY EXPENSES** **\$ 8983.00**

Do you expect any major changes to your monthly income or expenses No

Have you paid, or will you pay an attorney any money for service No

Have you paid or will you pay anyone other than an attorney No

STATE OF LOUISIANA  
PARISH OF ORLEANS

I declare under penalty of perjury that the foregoing is true and correct.

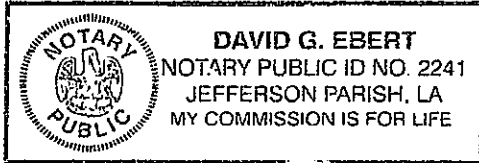
Executed on April 30 2026

Signed Before Me the Notary Public on this

30<sup>th</sup> day of April 2025

David G. Ebert

Kenneth M. Plaisance  
KENNETH M. PLAISANCE  
Affiant



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*Petitioner,*

VS.

TEXAS COMMISSION FOR LAWYERS DISCIPLINE

*Respondent.*

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**On Petition for Writ of Certiorari To The Texas Supreme Court**

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**PETITION FOR A WRIT OF CERTIORARI**

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Kenneth M. Plaisance  
Attorney at Law  
2202 Touro Street  
New Orleans, Louisiana 70119  
Telephone: (504) 905-1888  
*Attorney for Petitioners*

**QUESTIONS PRESENTED FOR REVIEW**

The issues for review are:

1. Whether the application of Sixth Amendment principles in a civil attorney disciplinary proceeding—where no criminal prosecution exists—violates the Due Process Clause by depriving the petitioner of fair notice and the procedural protections required in civil adjudication, contrary to this court’s recognition that the Sixth Amendment does not apply in civil matters. See *Turner v Rogers*, 564 U. S. 431 (2011)
2. Whether successive disciplinary sanctions imposed by separate sovereign states for the same underlying conduct constitute impermissible multiple punishment in violation of the Double Jeopardy Clause, where attorney disciplinary proceedings are quasi-criminal in nature. See *In re Ruffalo*, 390 U. S. 544 (1968)
3. Whether the premature and public dissemination allegations by both Louisiana and Texas disciplinary authorities’ social media outlets, prior to adjudications by the Louisiana and Texas Supreme Courts violates the Due Process Clause and protected liberty interests in reputation, where such dissemination imposes a “stigma-plus “ deprivation without adequate procedural safeguards. See *Paul v Davis*, 424 U. S. 693(1976) *Wisconsin v Constantineau* 400 U. S. 433 (1971) ;*Board of Regents v Roth*, U. S. 564 (1972)
4. Whether attorney disciplinary proceedings violate the Due Process Clause where an individual who was the subject of a complaint by the Petitioner is later placed in positions of adjudicatory authority over the Petitioner’s case, creating an unconstitutional risk of bias and depriving the Petitioner of a neutral decision maker.
5. Whether a state disciplinary authority violates the First Amendment and the Due Process clause by initiating or advancing disciplinary proceedings in retaliation for an attorney’s protected activity--namely filing a disciplinary complaint or reporting professional misconduct --thereby chilling the right to petition the government for redress of grievances.
6. Whether due process is violated where a disciplinary tribunal proceeds with a hearing in the Petitioner’s absence after denying a continuance supported by documented medical incapacity, thereby depriving Petitioner of a meaningful opportunity to be heard.
7. Whether the imposition of reciprocal discipline by a second state(Texas), without conducting an independent review of constitutional infirmities in the originating jurisdiction’s proceeding(Louisiana), violates the Due Process Clause.
8. Whether due process is violated where the Texas disciplinary authorities repeatedly amended (three times) its Petition for Reciprocal Discipline against Petitioner, thereby depriving the respondent of fair notice and creating a moving target that prevents a meaningful opportunity to respond.

**LIST OF PARTIES TO THE PROCEEDING**

The Texas Commission for Lawyer Discipline and  
Office of the Chief Disciplinary Counsel, State Bar of Texas.



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APPENDIX Due to the denial of the extension of time to file Petitioner shall amend the Petition to include the record

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1.

**OPINIONS BELOW**

The opinion of the Texas Supreme Court is unpublished and will be included in the appendix.  
(Petitioner shall amend the Petition)

**STATEMENT OF JURISDICTION**

The judgment of the Texas Supreme Court was entered on January 30, 2026. This Court has jurisdiction under 28 U. S.C. Section 1257 (a).

3.

**CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED**

U.S. CONST. AMEND. 1

U.S. CONST. AMEND V,

U.S. CONST. AMEND. VI,

U.S. CONST. AMEND XIV

## STATEMENT OF THE CASE

This case arises from attorney disciplinary proceedings initiated in Louisiana and subsequently through a Petition for Reciprocal Discipline in Texas. Petitioner filed a disciplinary complaint against another attorney alleging professional misconduct. That complaint was dismissed. The attorney that Petitioner complained about-- initiated a complaint against Petitioner. This culminated in proceedings before the Louisiana Board of Disciplinary Appeals. During the proceedings against the petitioner, the Louisiana Board of Disciplinary Appeals sent a letter to Petitioner indicating the attorney who had been the subject of Petitioner's complaint was assigned as chairman of in Petitioner's disciplinary process. Petitioner was aggrieved at this letter, and sent the letter, along with Petitioner's complaint against that same attorney to the Chief Justice of the Louisiana Supreme Court. Petitioner raised concerns regarding bias, lack of neutrality, and the possibility of retaliation against petitioner. Petitioner sought the services from a medical professional for these violations. While under medical care and supported by documentation established inability to attend proceedings, Petitioner sought a continuance. That request was denied. The disciplinary hearing proceeded in Petitioner's absents. Petitioner was still under the care of a medical professional. The hearing proceed forward and the Louisiana Board of Disciplinary Appeals recommended that Petitioner be sanction for violating the rules of Professional conduct. The major violation was based on the allegation that Petitioner's representation of two clients in a civil automobile case violated their Sixth Amendment rights due to a purported un-waivable conflict of interest. Soon thereafter, the Louisiana Board of Disciplinary Appeals published its recommendations on its website and social media platform--resulting in severe sanctions and adversely affected Petitioner's professional reputation. The Louisiana Supreme Court affirmed the Louisiana Board of Disciplinary Appeal's recommendation.

Soon thereafter, the Texas Chief Disciplinary Counsel filed a Petition for Reciprocal Discipline against Petitioner and publicized the Petition for Reciprocal Discipline on its website

5.

and social media platforms before Petitioner was served the Petition for Reciprocal Discipline. The Texas Chief Disciplinary Counsel published a false statement that Petitioner “was not authorized to practice in Texas”. The Texas CDC by affirming the foreign jurisdiction judgment alleging that Petitioner’s representation of two clients in a civil matter violated their Sixth Amendment rights to conflict-free counsel, asserting the existence of an un-waivable conflict of interest. These allegations formed the basis of three successive amended petition for reciprocal discipline, culminating in a Third Amended Petition filed outside the procedural deadline established by the Texas Board of Disciplinary Appeals. The public dissemination occurred prior to any hearing or ruling, constituting a prejudgment of guilt and a “trial by internet.” The reputational harm was immediate and severe, undermining Petitioner’s professional standing and impairing his ability to maintain client relationships and impairing his opportunity to secure employment in his field. This statement that “Petitioner was not authorized to practice in Texas “ published via the Texas CDC’s official website and social media platforms, was: 1. Factually false and inaccurate; 2. Based solely on unauthenticated hearsay ; and 3. Released to the public without affording Petitioner any procedural safeguards or opportunity to respond.

On August 1, 2025, the Texas Board of Disciplinary Appeals issued a judgment imposing and twelve-month probated suspension. The Texas Board of Disciplinary Appeals by affirming the foreign jurisdiction judgment alleged that Petitioner’s representation of two clients in a civil disciplinary hearing to conflict-free counsel, asserting the existence of an un-waivable conflict of interest.

On January 30, 2026, the Texas Supreme Court affirmed the Texas Board of Disciplinary Appeals. Petition now seeks a Writ of Certiorari by this Honorable Court challenging both the procedural irregularities and the constitutional violations that tainted the disciplinary process.

## REASONS FOR GRANTING THE PETITION

### I. THE APPLICATION OF THE SIXTH AMENDMENT IN A CIVIL DISCIPLINARY PROCEEDING IS CONSTITUTIONALLY DEFECTIVE AND THUS, UNCONSTITUTIONAL

The Sixth Amendment governs criminal prosecution, not civil disciplinary proceedings. See: *Turner v. Rogers*, 564 U. S. 431 (2011) Here, Petitioner was accused, in a civil disciplinary case, of violating the alleged clients' Sixth Amendment rights of a conflict free counsel asserting the existence of an un-waivable conflict of interest. Those allegation formed the basis of discipline. Yet, Petitioner was not afforded Sixth Amendment protections. This creates a constitutional paradox; the State involved the Sixth Amendment as a sword, while denying it as a shield.

The Sixth Amendment of the United States Constitution provides:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury. . . to be confronted with the witnesses against him. . . and have **the assistance of counsel for his defense**

Here, the application of the Sixth Amendment right to have assistance of counsel for his defense only applies to criminal case and not to civil disciplinary cases.

### II. THE PREMATURE AND PUBLIC DISSEMINATION ALLEGATIONS BY BOTH LOUISIANA AND TEXAS' DISCIPLINARY AUTHORITIES' SOCIAL MEDICAL OUTLETS, PRIOR TO ADJUDICATIONS BY THE LOUISIANA AND TEXAS SUPREME COURTS VIOLATED THE DUE PROCESS CLAUSE AND PROTECTED LIBERTY INTEREST IN REPUTATION WHERE SUCH PUBLICATION IMPOSES A "STIGMA PLUS DEPRIVATION WITH ADEQUATE PROCEDURAL SAFEGUARDS See *Paul v Davis*, 424 U. S. 693(1976) *Wisconsin v Constantineau* 400 U. S. 433 (1971) ;*Board of Regents v Roth*, U. S. 564 (1972)

### III. SUCCESSIVE DISCIPLINE CONSTITUTES DOUBLE JEOPARDY IN QUASI-CRIMINAL PROCEEDINGS.

Attorney discipline, while labeled civil, carries punitive consequences, reputational destruction, and loss of livelihood—courts have repeatedly characterized such proceeding as quasi-criminal. Here, Louisiana imposed punishment then Texas imposed additional punishment for the same alleged misconduct. This raises a fundamental constitutional issue-- Whether multiple sovereigns may impose duplicative sanctions in quasi-criminal proceedings without violating the Double Jeopardy Clause. See: *In Re Ruffalo*, 390 U. S. 544( 1968)

The Fifth Amendment of the United States Constitution provides:

No person shall. . . **nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb.** . . . nor be deprived of life, liberty, or property, without due process of law.. .

**IV. THIS CASE PRESENTS IMPORTANT FIRST AMENDMENT AND 14<sup>TH</sup> AMENDMENT QUESTIONS REGARDING ATTORNEY SPEECH.**

This Court has long recognized that attorneys do not forfeit their First Amendment rights upon admission to the bar. Here, Petitioner filed a complaint against an attorney which was dismissed. However, the same attorney who made a complaint against Petitioner was later made a chairman of disciplinary proceeding against Petitioner. By accepting the disciplinary complaint against petitioner and dismissing Petitioner's complaint against an attorney with same set of facts and circumstances violates due process and equal protection of the 14<sup>th</sup> Amendment. The disciplinary action here directly targeted litigation advocacy which constitutes: a breach of petitioning activity, violates the core of legal speech, and circumvents protected argument within judicial proceedings.

Fourteenth Amendment of the United States Constitution provides that:

. . . No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of the law; or deny to any person within its jurisdiction the equal protection of the law.

**V. THIS CASE PRESENT IMPORTANT DUE PROCESS ISSUES REGARDING EXCESSIVE AMENDED PETITIONS FOR RECIPROCAL DISCIPLINE.**

The Due Process Clause is violated where the Texas disciplinary authorities repeatedly amended (three times) its Petition for Reciprocal Discipline against Petitioner, thereby depriving the respondent of fair notice and creating a moving target that prevents a meaningful opportunity to respond.

**CONCLUSION**

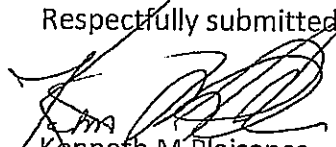
This petition presents a convergence of constitutional defects that go to the core of the integrity of adjudicatory proceedings. The decision below reflects not a routine error, but a structural breakdown of fundamental safeguards required by the Constitution. Petitioner was subjected to disciplinary proceedings in which the neutrality of the tribunal were compromised,

the opportunity to be heard was denied, and the charges evolved in a manner that deprived him of fair notice. Those proceedings were then given effect through reciprocal discipline without independent constitutional review, compounding the original defects. The proceedings also reflect the misapplication of constitutional doctrines in a manner that further undermined their validity. Principles associated with the Sixth Amendment which governs criminal prosecutions, which invoked or applied in a civil disciplinary context, depriving Petitioner of fair notice and distorting the procedural framework required by due process. At the same time, successive disciplinary sanctions imposed across jurisdictions raise substantial concerns regarding multiple punishments in quasi-criminal proceeding, implicating the protections embodied in the Double Jeopardy Clause. In addition, the record reflects the premature and public dissemination of disciplinary allegations resulting in reputational harm coupled with the deprivation of protected legal rights. This combination constitutes a classic “stigma plus” deprivation implicating liberty interest protected by the Due Process Clause. The proceedings further raise serious concerns that the disciplinary process was influenced by retaliation for protected petitioning activity, implicating core First Amendment and 14th Amendment protections and threatening to chill the reporting of professional misconduct. This Court has long recognized that due process requires a fair tribunal a meaningful opportunity to be heard and predictable standards of enforcement. It has likewise emphasized that the 1<sup>st</sup> and 14<sup>th</sup> Amendment protect the right to petition the government without fear of retaliation. The issues presented here call each of those principles into question. The questions presented are recurring and of national importance, particularly as attorney disciplinary systems increasingly operate across jurisdictions. Absent the Courts guidance, the constitutional protections afforded attorneys will remain uneven, and the risk of constitutional defective proceedings being replication through reciprocal enforcement will persist. The record raises substantial concerns that the disciplinary process was influenced by retaliation for protected petitioning activity implicating core First Amendment protection.

This case provides an appropriate vehicle to clarify the constitutional limits governing attorney discipline and to reaffirm the foundational requirement of neutrality, fairness and constitutional consistency in proceedings that function, in substance, as quasi-criminal adjudications affecting professional livelihood and reputation.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
Kenneth M Plaisance


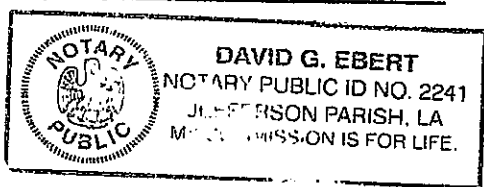
2202 Touro Street  
New Orleans LA 70119  
504 905-1888

**PROOF OF SERVICE**

I Kenneth M Plaisance do swear or declare that on this date of April 30, 2026, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceedings or that party's counsel, and on every person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first class postage prepaid, or by delivery to a third party commercial carrier for delivery within 3 calendar days. TO

Office of the Chief Disciplinary Counsel  
State Bar of Texas  
P.O. Box 12487,  
Capitol Station,  
Austin, Texas 787110  
512 427 1350, fax 512 427 4253

STATE OF LOUISIANA  
PARISH OF ORLEANS  
SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 30th DAY OF APRIL, 2026

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 30, 2026  
  
Kenneth M Plaisance