

## LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: DONOVAN KENNETH HUDSON

DOCKET NO. 23-DB-013

---

**REPORT OF HEARING COMMITTEE # 15**

---

**INTRODUCTION**

This attorney disciplinary matter arises out of formal charges filed by the Office of Disciplinary Counsel (“ODC”) against Donovan Kenneth Hudson (“Respondent”), Louisiana Bar Roll Number 20873.<sup>1</sup> ODC alleges that Respondent violated the following Rules of Professional Conduct: 1.3, 1.4, 1.5(f), 8.1(c) and 8.4(a) (b) (c) (d).<sup>2</sup>

**PROCEDURAL HISTORY**

The formal charges were filed on February 28, 2023. By letters dated March 6, 2023, the formal charges were mailed via certified mail to Respondent’s primary and secondary registration addresses.<sup>3</sup> The mailings were returned to the Board. Respondent failed to file an answer to the charges. Accordingly, on May 15, 2023, ODC filed a motion to deem the factual allegations admitted pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3).<sup>4</sup> By order signed May 18,

---

<sup>1</sup> Respondent was admitted to the practice of law in Louisiana on October 11, 1991. Respondent is currently suspended from the practice of law on an interim basis.

<sup>2</sup> See the attached Appendix for the text of these Rules.

<sup>3</sup> 1109 W. Vine St., Opelousas, LA 70570 (primary); 10705 Leigh Ellen Dr., Baton Rouge, LA 70810 (secondary).

<sup>4</sup> This rule states:

The respondent shall file a written answer with the Board and serve a copy on disciplinary counsel within twenty (20) days after service of the formal charges, unless the time is extended by the chair of the hearing committee. In the event, Respondent fails to answer within the prescribed time, or the time as extended, the factual allegations contained within the formal charges shall be deemed admitted and proven by clear and convincing evidence. Disciplinary Counsel shall file a motion with the chair of the hearing committee to which the matter is assigned requesting that the factual allegations be deemed proven with proof of service of the formal charges upon the respondent. The order signed by the hearing committee chair shall be served upon respondent as provided by Section 13C. Within twenty (20) days of the mailing of the order of the hearing committee chair deeming the factual allegations contained in the formal charges proven, the respondent may move the hearing

2023, the factual allegations contained in the formal charges were deemed admitted. On July 14, 2023, ODC filed its submission on sanction.

For the following reasons, the Committee finds that respondent, Donovan K. Hudson be disbarred from the practice of law in Louisiana, retroactive to the date of his interim suspension. Further, this committee recommends that he be ordered to pay restitution to the LSBA Client Assistance Fund in the amount of \$3,000 plus legal interest and to pay all costs associated with these proceedings.

### **FORMAL CHARGES**

The formal charges read, in pertinent part:

#### **COUNT I.**

On March 9, 2022 the Office of Disciplinary Counsel received complaints against Respondent from Judge Brian K. Abels and Judge Jeffrey S. Johnson in Livingston, Louisiana. The matter was opened under investigative file number 0039862 and revealed that in connection with efforts to cure title to property, Respondent generated two bogus court orders, using manufactured docket numbers, and forged the signatures of each of the judges in the matter. When the judges were confronted with the “orders”, each were able to verify that the signatures on the orders were forgeries and that there was no proceeding and/or docket number as reflected on the bogus orders. The judges alerted law enforcement and a warrant was issued for Respondent’s arrest on two (2) counts of forgery, two (2) counts of presenting forged court orders all in violation of R.S. 14:17. The criminal charges remain pending against the Respondent. Investigators with the Office of Disciplinary Counsel determined that the Respondent failed to appear for a pretrial on August 4, 2022 and an attachment was issued on that date.

Respondent “self-report” his arrest to the Office of Disciplinary Counsel but provided no details nor did he acknowledge his conduct. Despite request for a response to inquiries provided to him by the Office of Disciplinary Counsel, he has never responded or provided any explanation for his conduct, nor has he asserted a Fifth Amendment privilege against self-incrimination. As a result of his failure to cooperate with an ongoing disciplinary investigation he was served with an investigative subpoena to appear at the ODC offices on May 2, 2022 to provide a response. Despite being personally served with the subpoena, the Respondent

---

committee chair to recall the order thus issued upon demonstration of good cause why imposition of the order would be improper or would result in a miscarriage of justice.

ignored same and did not appear. Respondent's conduct reflects violations of Rule 8.4(b)—commission of a criminal act; Rule 8.4(c)—conduct involving dishonesty, fraud, deceit or misrepresentation; Rule 8.1(c)—failure to cooperate with an ODC investigation; and Rule 8.4(a)—violate or attempt to violate the Rules of Professional Conduct.

#### COUNT II.

On or about April 8, 2022 the Office of Disciplinary Counsel received a complaint against Respondent from Shuamanda Papillion who alleged that she was a past client of Respondent who had hired him on or about December 23, 2021 to assist her in securing the promised financing agreement on a vehicle she purchased online via Vroom so as to allow her to make timely payments on her car. Complainant paid him \$3,000 and received his commitment that the issues would be remedied no later than January or February of 2022. Thereafter, Respondent invented explanations for what he claimed he was doing then ceased all communications with his client. Despite demand, he refused to return her original documents to her and has not refunded the clearly unearned fee, which, in the absence of any proof of work performed consistent with the mission for which he was hired, would be the entire \$3,000. The complainant was eventually able to resolve her vehicle problems with Vroom on her own but without Respondent's assistance. She has received none of her money back from Respondent.

Respondent was placed on notice of the complaint and instructed to provide a response within fifteen days. He failed to respond or acknowledge the complaint in any way and was subsequently served with an investigative subpoena to at the ODC offices on September 7, 2022 to provide a response to the complaint. Once again, the Respondent failed to honor the subpoena and did not appear. To this date, Respondent has refused to cooperate with the ongoing disciplinary investigation. Respondent's conduct reflects violations of Rule 1.3—lack of reasonable diligence; Rule 1.4—lack of reasonable communication; Rule 1.5(f)—failure to refund a clearly unearned fee; Rule 8.1(c)—failure to cooperate with a disciplinary investigation; and Rule 8.4(a)—violate or attempt to violate the Rules of Professional Conduct.

#### COUNT III.

On or about June 1, 2022 the Office of Disciplinary Counsel opened an investigation into information uncovered by an ODC lead investigator that revealed that in or around May 14, 2021 Respondent was arrested in St. Landry Parish on charges of “resisting an officer by force of violence, driving on a roadway laned for traffic, careless operation of a motor vehicle, and signal lamps required.” The events started when a Deputy Sheriff was stopped in traffic for a red light. Respondent drove his vehicle into the lane designated for a left-turn only, then executed a right-turn thru the red light. When the Deputy pulled him over Respondent reportedly made “racist comments towards the deputy” and refused to

follow instructions to keep his hands out of his vehicle. When he next inserted his hands into his pants pockets, the Deputy tried to restrain him (for the Deputy's safety), Respondent resisted while shouting at the officer who was required to deploy a Taser which was ineffective. Ultimately the Deputy was able to restrain both the Respondent's hands and effect his arrest.

The Office of Disciplinary Counsel placed respondent on notice of the complaint and the ongoing investigation but he has failed and refused to respond causing him to be served with an investigative subpoena to appear for a sworn statement scheduled for September 7, 2022. Once again, despite being personally served the Respondent failed to appear and has ignored a Supreme Court authorized investigative subpoena. Respondent's conduct reflects violation of Rule 8.4(b)—commission of a criminal act; Rule 8.1(c)—failure to cooperate with a disciplinary investigation; and Rule 8.4(a)—Violate or attempt to violate the Rules of Professional Conduct.

#### COUNT IV.

On or about March 31, 2022 the Office of Disciplinary Counsel received a complaint filed against him by opposing counsel Jacob H. Hargett who was representing a former client whose trip-and-fall suit was allowed to prescribe when Respondent failed to file the lawsuit in a timely fashion. After all attempts to discuss the matter with the Respondent failed, Hargett filed suit against Respondent for his legal malpractice in causing the client's case to prescribe. Respondent failed to file responses to request for production, failed to show up a hearing on a motion to compel discovery on at least two occasions, and then failed to show for a third hearing. The district court ordered Respondent to provide discovery by a deadline which he once again ignored. He was held in contempt for failure to abide by the court's earlier rulings.

Here, Respondent failed to exercise reasonable diligence which lead to the loss of his client's cause of action and he subsequently failed to obey orders of the court in the legal malpractice action, eventually resulting in his being held in contempt of court. Respondent's conduct reflects violations of Rule 8.4(d)—conduct prejudicial to the administration of justice, and 8.4(a)—violate or attempt to violate the Rules of Professional Conduct.

#### EVIDENCE

The Committee reviewed the exhibits submitted by ODC, which are Exhibits ODC 1-33. Respondent did not submit evidence or argument for the Committee's consideration, nor did he request to be heard in mitigation pursuant to Rule XIX, §11(E)(4).



## **FINDINGS OF FACT**

The allegations outlined for each count against respondent herein were deemed admitted by order of this committee on May 18, 2023. Thus, this Committee adopts all facts outlined in counts I through IV of the formal charges against Respondent.

## **RULES VIOLATED**

### **Rules Violated in Count I:**

Respondent's conduct outlined in count I violates Rules 8.4(a)-(c) and 8.1 (c). Respondent generated two bogus court orders, using manufactured docket numbers, and forged the signatures of each of the judges in the matter. When the judges were confronted with the "orders", each were able to verify that the signatures on the orders were forgeries and that there was no proceeding and/or docket number as reflected on the bogus orders. The judges alerted law enforcement and a warrant was issued for Respondent's arrest on two (2) counts of forgery, two (2) counts of presenting forged court orders all in violation of R.S. 14:17. Respondent also failed to cooperate with the ODC multiple times. Thus, Respondent has clearly violated Rule 8.4(a)-(c) and Rule 8.1 (c).

### **Rules Violated in Count II:**

Respondent's conduct outlined in count II violates Rules 1.3, 1.4, 1.5(f), 8.1(c), and 8.4(a). Shuamanda Papillion filed a complaint against Respondent to assist her in securing the promised financing agreement on a vehicle she purchased online via Vroom so as to allow her to make timely payments on her car. Respondent was paid \$3,000, did not communicate with her, nor did he return the clearly unearned fee. Respondent also failed to produce any proof of any work done on

behalf of Ms. Papillion. Respondent also failed act with diligence and failed to communicate with Ms. Paillion. Thus, Respondent clearly violated Rules 1.3, 1.4, 1.5(f), 8.1(c), and 8.4(a).

**Rules Violated in Count III:**

Respondent's conduct outlined in count III violates Rules 8.4(b), 8.1(c), and 8.4(a). in or around May 14, 2021 Respondent was arrested in St. Landry Parish on charges of "resisting an officer by force of violence, driving on a roadway laned for traffic, careless operation of a motor vehicle, and signal lamps required." The events started when a Deputy Sheriff was stopped in traffic for a red light. Respondent drove his vehicle into the lane designated for a left-turn only, then executed a right-turn thru the red light. When the Deputy pulled him over Respondent reportedly made "racist comments towards the deputy" and refused to follow instructions to keep his hands out of his vehicle. When he next inserted his hands into his pants pockets, the Deputy tried to restrain him (for the Deputy's safety), Respondent resisted while shouting at the officer who was required to deploy a Taser which was ineffective. Ultimately the Deputy was able to restrain both the Respondent's hands and effect his arrest. Thus, Respondent has clearly violated Rules 8.4(b), 8.1(c), and 8.4(a).

**Rules Violated in Count IV:**

Respondent's conduct outlined in count IV violates Rules 8.4(a) and 8.4(d) by allowing Bella Joseph's claim to prescribe, failing to respond to opposing counsel's discovery requests and failing to obey orders of the court in a suit filed against Respondent for malpractice. Respondent was held in contempt of court. Thus, these rules were also clearly violated.

**SANCTION**

Louisiana Supreme Court Rule XIX, §10(C), states that when imposing a sanction after a finding of lawyer misconduct, a committee shall consider the following factors:

- (1) Whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;
- (2) Whether the lawyer acted intentionally, knowingly, or negligently;
- (3) The amount of the actual or potential injury caused by the lawyer's misconduct; and
- (4) The existence of any aggravating or mitigating factors.

Here, Respondent violated duties owed to his clients, to the profession, and to the general public. He acted both intentionally and negligently. Respondent's misconduct caused harm to Mr. Hargett whose claim had prescribed as well as to Ms. Papillion.

The *ABA Standards for Imposing Lawyer Sanctions* suggest that disbarment is the baseline sanction for Respondent's misconduct. According to the ABA Standards relative to prior disciplinary order under Section 8.1, disbarment is appropriate when the lawyer intentionally or knowingly violates the terms of a prior disciplinary order and such violation causes or potentially causes injury to a client, the public, the legal system, or the profession. ABA Standard 7.1 also provides for disbarment when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another and causes serious or potential serious injury to a client, the public, or the legal system.

This Committee finds no mitigating factors. The Committee finds that there are several aggravating factors in this matter including: 1.) a dishonest and selfish motive; 2.) a pattern of misconduct; 3.) bad faith obstruction of the disciplinary proceedings by intentionally ignoring rules and orders of the ODC; 4.) vulnerability of the victim; 5.) and engaging in illegal conduct; 6.) substantial experience in the practice of law.

The most egregious of Respondent's misconduct involves the forgeries of the Judges' signatures. Such behavior is woefully inconsistent with how a member of the bar should conduct himself and is highly prejudicial to the administration of justice. This Committee finds *In Re:*

*Broussard*, 2021-0228 (La. 3/23/2021) 312 So.3d 1106 to be controlling in this case and recommends disbarment.

**CONCLUSION**

It is the conclusion of this committee that respondent, Donovan K. Hudson be disbarred from the practice of law in Louisiana, retroactive to the date of his interim suspension. Further, this committee recommends that he be ordered to pay restitution to the LSBA Client Assistance Fund in the amount of \$3,000 plus legal interest and to pay all costs associated with these proceedings.

This opinion is unanimous and has been reviewed by each committee member, who fully concur and who have authorized W. Brett Mason, to sign on their behalf.

Baton Rouge, Louisiana, this 21<sup>st</sup> day of August, 2023.

**Louisiana Attorney Disciplinary Board  
Hearing Committee # 15**

**W. Brett Mason, Committee Chair  
Jonathan D. Blake, Lawyer Member  
Bridgette K. Hardy, Public Member**

BY:   
**W. Brett Mason, Committee Chair  
For the Committee**



## APPENDIX

### Rule 1.3. Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

### Rule 1.4. Communication

(a) A lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules; (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) The lawyer shall give the client sufficient information to participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued.

(c) A lawyer who provides any form of financial assistance to a client during the course of a representation shall, prior to providing such financial assistance, inform the client in writing of the terms and conditions under which such financial assistance is made, including but not limited to, repayment obligations, the imposition and rate of interest or other charges, and the scope and limitations imposed upon lawyers providing financial assistance as set forth in Rule 1.8(e).

### Rule 1.5. Fees

...

(f) Payment of fees in advance of services shall be subject to the following rules: (1) When the client pays the lawyer a fee to retain the lawyer's general availability to the client and the fee is not related to a particular representation, the funds become the property of the lawyer when paid and may be placed in the lawyer's operating account. (2) When the client pays the lawyer all or part of a fixed fee or of a minimum fee for particular representation with services to be rendered in the future, the funds become the property of the lawyer when paid, subject to the provisions of Rule 1.5(f)(5). Such funds need not be placed in the lawyer's trust account, but may be placed in the lawyer's operating account. (3) When the client pays the lawyer an advance deposit against fees which are to accrue in the future on an hourly or other agreed basis, the funds remain the property of the client and must be placed in the lawyer's trust account. The lawyer may transfer these funds as fees are earned from the trust account to the operating account, without further authorization from the client for each transfer, but must render a periodic accounting for these funds as is reasonable under the circumstances. (4) When the client pays the lawyer an advance deposit to be used for costs and expenses, the funds remain the property of the client and must be placed in the lawyer's trust account. The lawyer may expend these funds as costs and expenses accrue, without further authorization from the client for each expenditure, but must render a periodic accounting for these funds as is reasonable under the circumstances. (5) When the client pays the lawyer a fixed fee, a minimum fee or a fee drawn from an advanced deposit, and a fee dispute arises between the lawyer and the client, either during the course of the representation or at the termination of the representation, the lawyer shall immediately refund to the client the

unearned portion of such fee, if any. If the lawyer and the client disagree on the unearned portion of such fee, the lawyer shall immediately refund to the client the amount, if any, that they agree has not been earned, and the lawyer shall deposit into a trust account an amount representing the portion reasonably in dispute. The lawyer shall hold such disputed funds in trust until the dispute is resolved, but the lawyer shall not do so to coerce the client into accepting the lawyer's contentions. As to any fee dispute, the lawyer should suggest a means for prompt resolution such as mediation or arbitration, including arbitration with the Louisiana State Bar Association Fee Dispute Program.

#### **Rule 8.1. Bar Admission and Disciplinary Matters**

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

...

(c) Fail to cooperate with the Office of Disciplinary Counsel in its investigation of any matter before it except for an openly expressed claim of a constitutional privilege.

#### **Rule 8.4. Misconduct**

It is professional misconduct for a lawyer to:

(a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) Commit a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) Engage in conduct that is prejudicial to the administration of justice;

...