

LOUISIANA ATTORNEY DISCIPLINARY BOARD**IN RE: LUKE JOSEPH THIBODEAUX II****DOCKET NO. 23-DB-042****SUPPLEMENTAL REPORT OF THE HEARING COMMITTEE # 2**

This is a proceeding based upon a filing of a petition and application for reinstatement to the practice of law following the suspension of Luke Joseph Thibodeaux II ("Mr. Thibodeaux" or "Petitioner"), Louisiana Bar Roll Number 32287.

INTRODUCTION AND PROCEDURAL HISTORY

On January 18, 2023, the Louisiana Supreme Court suspended Mr. Thibodeaux for two years, with all but one year and one day deferred, based upon his plea of no contest to charges of domestic battery and simple battery. In re Thibodeaux, 2022-1487 (1/18/2023), 352 So.3d 965. Mr. Thibodeaux filed a petition and application for reinstatement to the practice of law on June 5, 2023. On June 28, 2023, the Office of Disciplinary Counsel ("ODC") requested an extension of time in which to file its response to the petition. The request was granted, giving ODC until September 3, 2023, to file its response. On August 23, 2023, ODC filed its response, taking "no position" regarding the petition for reinstatement. A hearing was held on October 10, 2023. However, the hearing was not able to proceed because of a lack of quorum.¹ Nonetheless, the Committee accepted the party's exhibits into the record. The hearing was rescheduled for November 16, 2023. However, on October 26, 2023, Mr. Thibodeaux filed an unopposed motion for continuance without date, which was granted. On October 30, 2023, ODC filed an amended response, in which it opposed the petition for reinstatement.

¹ The public member was unable to appear.

A hearing was held on August 20, 2024, Michael S. Walsh and Harry J. Philips, Jr., appeared on behalf of Petitioner. Deputy Disciplinary Counsel Susan C. Kalmbach appeared on behalf of ODC. The Hearing Committee submitted its Report of Hearing Committee #2 on October 28, 2024. The Hearing Committee found that Petitioner did not carry his burden of proving by clear and convincing evidence that he satisfied the criteria of Louisiana Supreme Court Rule XIX, Section 24(E)(3) and recommended that Petitioner's Petition for Reinstatement be denied. This triggered a twenty-day period for the parties to object to the report. So Petitioner would have an opportunity to carefully consider the report and further consider his options, the Office of Disciplinary Counsel agreed to three separate extensions of this twenty-day period, all of which the Board granted. During this time Petitioner weighed options available to him to cure deficiencies in compliance with the provisions of Section 24(E)(3) of Rule XIX of the Louisiana Supreme Court where alcohol abuse is a causative factor in his misconduct.

The stay of the proceedings was lifted and Petitioner moved to remand this matter to the Hearing Committee to submit further evidence of Petitioner's efforts to fully comply with the provisions of Section 24(E)(3) and to permit him to provide argument that the Hearing Committee should recommend that he be reinstated.

A supplemental hearing was scheduled on May 20, 2025, and conducted on that date. Harry J. Philips, Jr., appeared on behalf of Petitioner. Deputy Disciplinary Counsel Susan C. Kalmbach appeared on behalf of ODC.

RESPONSE OF ODC

In connection with the Supplemental Hearing ODC maintained its opposition to Petitioner's petition for reinstatement. This required a supplemental hearing of the matter pursuant to Louisiana Supreme Court Rule XIX, §24(F). At the close of Petitioner's case, ODC declared that based on the supplemental evidence presented it now takes no position on Petitioner's petition for reinstatement. However, in the event there is a recommendation that Petitioner be readmitted to the practice of law his ability to practice should be conditional and subject to Petitioner's continuing compliance with the terms of his JLAP agreement and Petitioner continuing to take reasonable steps to satisfy his tax liability with the IRS.

SUPPLEMENTAL EVIDENCE

Petitioner introduced four additional exhibits.

1. A Professional Wellness Evaluation Center Substance Use Disorder Evaluation dated 1/10/25.
2. The Recovery Center of Baton Rouge Intensive Outpatient Program Treatment Plan dated 1/28/25.
3. The Recovery Center of Baton Rouge Continuing Care Plan executed by Petitioner on 2/11/25.
4. JLAP Monitoring Substance Use Disorder Recovery Agreement with a five (5) year term executed by Petitioner on February 24, 2025.

Witnesses called by Petitioner:

1. Luke Joseph Thibodeaux, II – Petitioner

Witnesses called by ODC:

None.

SUPPLEMENTAL TESTIMONIAL EVIDENCE

Petitioner testified about his continued steps in recovery, his reengagement with JLAP, JLAP's recommendations, his compliance with JLAP recommendations, participation in a evaluation of substance use disorder at the Professional Wellness Evaluation Center, his participation in a three-day intensive outpatient treatment at the Recovery Center of Baton Rouge and his related Continuing Care Plan. Petitioner acknowledged the importance of remaining in recovery and explained his decision to sign a five-year JLAP Monitoring Substance Use Disorder Recovery Agreement. Petitioner has not received a response from the IRS in connection with his resolution proposal.

SUPPLEMENTAL FINDINGS OF FACT

1. Since October 28, 2024 Petitioner obtained a list of approved substance abuse evaluators from JLAP.
2. The health care providers Petitioner consulted since October 28, 2024 are JLAP approved providers.
3. Petitioner underwent an evaluation at the Professionals' Wellness Evaluation Center (PWEC) between December 2, 2024, and December 8, 2024.
4. Petitioner completed a recommended intensive outpatient relapse prevention program at The Recovery Center of Baton Rouge.
5. Petitioner was successfully discharged from the outpatient program with a summary of a discharge/continuing care plan on February 13, 2025.
6. Petitioner entered into a new 5-year Substance Abuse Recovery Agreement with Waiver of Confidentiality and Mandatory Reporting with JLAP.
7. Petitioner established that he has now satisfied the requirements of Section 24(E)(3) of Rule XIX.
8. Petitioner has continued to maintain abstinence from the use of alcohol.
9. Petitioner's tax liability to the IRS is unresolved.

SUPPLEMENTAL CONCLUSIONS OF LAW

Reinstatement following suspension is governed by Louisiana Supreme Court Rule XIX, Section 24 ("Section 24). The burden of proof is on the petitioner. A petitioner must establish by clear and convincing evidence *each* of the eleven criteria or present "good and sufficient reason why petitioner should nevertheless be reinstated or readmitted." Section 18(C) and Section 24(G). Section 24(E) establishes the substantive criteria for reinstatement, which are as follows:

E1. "The lawyer has fully complied with the terms and conditions of all prior discipline orders, except to the extent that they are abated under section 25."

E2. "The lawyer has not engaged nor attempted to engage in the unauthorized practice of law during the period of suspension or disbarment."

E3. "If the lawyer was suffering under a physical or mental disability or infirmity at the time of suspension or disbarment, including alcohol or other drug abuse, the disability or infirmity has been removed. Where alcohol or other drug abuse was a causative factor in the lawyer's misconduct, the lawyer shall not be reinstated or readmitted unless all three conditions noted below are met:

(a) the lawyer has pursued and complied with the treatment recommendations of the Judge's and Lawyer's Assistance Program ("JLAP") and has complied with the conditions of the monitoring contract;

(b) the lawyer has offered evidence of sustained abstinence from addictive substances or processes and/or has offered evidence of compliance with recommended healthcare regimen prescribed by provider(s) that meet JLAP standards; and

(c) A health care provider or team of providers that meets JLAP standards who has been involved with the care of the lawyer indicates in writing that the lawyer's prognosis is sufficiently good to predict that the lawyer will continue to manage any condition or disability effectively.

E.4 “The lawyer recognizes the wrongfulness and seriousness of his conduct for which the lawyer was suspended or disbarred.”

E5. “The lawyer has not engaged in any other professional misconduct since suspension or disbarment.”

E6. “Notwithstanding the conduct for which the lawyer was disciplined, the lawyer has the requisite, honesty and integrity to practice law.”

E7. “The lawyer has kept informed about recent developments in the law and is competent to practice and has satisfied MCLE requirements for the year of reinstatement or readmission even if the lawyer seeking reinstatement or readmission is exempt from satisfying MCLE requirements because of age.”

E8. “The lawyer has paid to the Louisiana State Bar Association currently owed bar dues.”

E.9 “The lawyer has paid all filing fees owed to the Clerk of Court and all disciplinary costs to the Disciplinary Board. In the event the lawyer has executed a payment plan with the Disciplinary Board for these costs, the lawyer must be current on all payments in order to qualify to petition for reinstatement or readmission.”

E10. “The lawyer has paid to the Disciplinary Board currently owed disciplinary administration and enforcement fees required under Section 8 (A) of this rule and has filed the registration statement required under Section 8 (c) of this rule.”

E11. “The lawyer shall obtain a certification from the Client Assistance Fund that no payments have been made by the Fund to any of the lawyer’s clients. To the extent that Client Assistance Funds have been paid to qualifying clients, the lawyer shall obtain a certification from the Fund that the Fund has been reimbursed in its entirety, or alternatively, that a payment plan is in effect which will result in reimbursement to the Fund. In the event the lawyer has executed a payment plan with the Fund for these costs, the lawyer must be current on all payments in order to qualify to petition for reinstatement or readmission.”

Petitioner established by clear and convincing evidence that 1) he has fully complied with the terms and conditions of all prior disciplinary orders (Section 24(E)(1)); 2) Petitioner has not engaged nor attempted to engage in the unauthorized practice of law during his period of

suspension (Section 24(E)(2)), 3) Petitioner recognizes the wrongfulness and seriousness of his conduct for which he was suspended (Section 24(E)(4)), 4) Petitioner has not engaged in any other professional misconduct since suspension (Section 24(E)(5)), 5) Petitioner has the requisite honesty and integrity to practice law (Section 24(E)(6)), 6) and Petitioner satisfied the requirements of Section 24(E)(7) – 24(E)(11). Petitioner has now proved by clear and convincing evidence satisfaction of the requirements of Rule 24(E)(3) which in part provides: where alcohol abuse was a causative factor in the lawyer's misconduct, the lawyer *shall not be reinstated or readmitted unless all three conditions set forth therein are met*. In Section 24(E)(3), one of the underlying conditions to be met is: the lawyer has pursued and complied with the treatment recommendations of JLAP and complied with the conditions of his monitoring contract. Petitioner's sworn testimony and the evidence presented at the hearing confirms he has now satisfied all of his criteria for reinstatement. Specifically, he has actively pursued and complied with the treatment recommendations of JLAP and honored the conditions of his new JLAP monitoring contract. Petitioner offered evidence of sustained abstinence from addictive substances and offered evidence of compliance with recommended healthcare regimen prescribed by provider(s) that meet JLAP standards; and that a health care provider or team of providers that meets JLAP standards who has been involved with the care of Peitioner indicated in writing that the lawyer's prognosis is sufficiently good to predict that the lawyer will continue to manage any condition or disability effectively. Accordingly, the Committee finds and recommends that Petitioner's application for reinstatement should be conditionally granted.

SUPPLEMENTAL RECOMMENDATION

Petitioner has proven by clear and convincing evidence his satisfaction of the requirements of Rule 24(E)(3). Accordingly, the Committee respectfully recommends that Petitioner's application for reinstatement be granted and that he be reinstated subject to Petitioner's absolute compliance with his new JLAP contract. Thus, upon reinstatement, the Committee recommends that Petitioner be placed on probation for a period that coincides with the remaining term of his JLAP contract. The Committee does not recommend that the reinstatement be subject to Petitioner exercising reasonable efforts to resolve his tax liability with the IRS. The Committee is satisfied that Petitioner has taken appropriate action to try to resolve his tax liability with the IRS.

The Committee also recommends that Petitioner be assessed with the costs and expenses of this proceeding pursuant to Rule XIX, §10.1.

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 5th day of June, 2025.



Louisiana Attorney Disciplinary Board
Hearing Committee # 2
Arlene D. Knighten, Committee Chair
W. Brett Mason, Lawyer Member
Terrence G. Ginn, Public Member
BY: W. Brett Mason, Lawyer Member
FOR THE COMMITTEE

CERTIFICATE OF MAILING

IN RE: LUKE JOSEPH THIBODEAUX II DOCKET NO. 23-DB-042

I, Raul V. Esquivel, the undersigned Board Administrator for the Louisiana Attorney Disciplinary Board, certify that a copy of the foregoing Hearing Committee Report and Initial Cost Statement has been mailed to the Respondent or his/her Attorney of Record, by E-mail and/or United States Mail and E-Filed to the Office of Disciplinary Counsel, this 6TH **day of JUNE, 2025** at the following address:

[Via Email to: skip.philips@taylorporter.com](mailto:skip.philips@taylorporter.com) AND
michael.walsh@taylorporter.com

Via U.S. Mail to:

Michael S. Walsh
Harry J. Philips, Jr.
Taylor, Porter, Brooks & Phillips LLP
Chase Tower, 450 Laurel St., Fl. 8
Baton Rouge, LA 70801

Susan C. Kalmbach
Deputy Disciplinary Counsel
4000 S. Sherwood Forest Blvd
Suite 607
Baton Rouge, LA 70816



Raul V. Esquivel III
Board Administrator