

SUPREME COURT OF MISSISSIPPI

THE MISSISSIPPI BAR

FILED

COMPLAINANT

v.

NOV 10 2016

CAUSE NO. 2016-80-1590

DAVID E. HUDGENS

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS
FORMAL COMPLAINT

RESPONDENT

The Mississippi Bar ("the Bar") files this Formal Complaint pursuant to Rule 13 of the Rules of Discipline for the Mississippi State Bar ("MRD") against David E. Hudgens ("Mr. Hudgens") as follows:

1. Mr. Hudgens is a resident of Louisiana who can be served with process at his last known address of 3017 Lac D'Or Avenue, Baton Rouge, Louisiana.

2. Mr. Hudgens is an active member in good standing with the Bar. Mr. Hudgens is subject to the disciplinary jurisdiction of the Supreme Court of Mississippi and its designated agencies.

3. On October 20, 2016, the Supreme Court of Alabama disbarred Mr. Hudgens from the practice of law in the State of Alabama effective September 20, 2016. A certified copy of the Court's Order is attached to this Formal Complaint as **Exhibit "A."**

4. By letter dated November 3, 2016, Mr. Hudgens self-reported his disbarment in Alabama. A copy of his self-report letter is attached as **Exhibit "B."**

5. Pursuant to Rule 13 of the Rules of Discipline for the Mississippi State Bar ("MRD"), the Bar is obligated to present a certified copy of the Order to this Honorable Court for the purpose of imposing reciprocal discipline in this Court.

6. Pursuant to Rule 13, MRD, the Supreme Court of Mississippi may impose less or more severe discipline than that imposed by the Supreme Court of Alabama.

7. The Bar is entitled to recover its costs and expenses incurred in the filing of this Formal Complaint.

WHEREFORE, the Bar requests the following relief:

A. That this Honorable Court appropriately discipline Mr. Hudgens;


B. That Mr. Hudgens pay the costs and expenses occasioned by the filing of this Formal Complaint; and

C. All other relief as the Court deems proper.

Dated this 11th day of November 2016.

THE MISSISSIPPI BAR

By: _____


James R. Clark
Deputy General Counsel

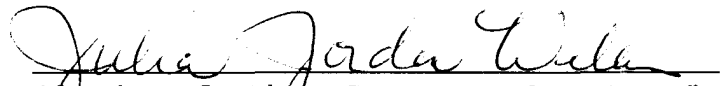
James R. Clark (MB #9719)
The Mississippi Bar
Post Office Box 2168
Jackson, MS 39225-2168
(601) 948-0568

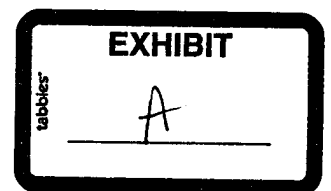
STATE OF ALABAMA

COUNTY OF MONTGOMERY

I, Julia Jordan Weller, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing, consisting of one (1) page, is a true and correct copy of the Order of Disbarment in the matter of David Erickson Hudgens, dated October 20, 2016, as the same appears of record in this Court.

Witness Julia Jordan Weller,
Clerk of the Supreme Court of
Alabama, with the Seal of the
Court attached, at the Judicial
Department, this the 7th day of
November, 2016.


Clerk of the Supreme Court of
Alabama



IN THE MATTER OF DISCIPLINARY COMMISSION OF

DAVID ERICKSON HUDGENS THE ALABAMA STATE BAR

ATTORNEY AT LAW RULE 23(a),
 PET. NO. 2016-1306

Julia Jordan Miller
Clerk, Supreme Court of Alabama

DAVID E. HUDGENS

POST OFFICE BOX 1574
DAPHNE, ALABAMA 36526

TELEPHONE: 251.232.3011

DEHUDGENS@HUDGENSLAW.COM

November 3, 2016

The Mississippi Bar
Post Office Box 2168
Jackson, Mississippi 39225-2168

RECEIVED
NOV 07 2016
THE MISSISSIPPI BAR

Attn: Adam Kilgore, Esquire

Re: Trust Account Violation

Dear Mr. Kilgore:

I appreciate you talking to me this morning. As I told you, until recently I was licensed to practice law in Alabama and am currently licensed to practice in Mississippi and, although I did not mention it, Florida as well. My practice in Mississippi has been extremely limited -- I can only remember two cases, both of which were concluded long ago.

I self-reported a trust account violation to the Alabama State Bar and consented to disbarment in Alabama and have forwarded the disbarment order to Florida. Attached is a copy of the order of disbarment which has an effective date of September 30, 2016 but which did not actually go into effect until adopted by the Alabama Supreme Court. I received a copy of it last week.

The circumstances are that I knowingly misappropriated a client's trust account funds and then misrepresented to the client that the funds were still available. Although another client put me in a position that I pretty badly needed funds, that other client did not make me take the funds out of the trust account -- I was the one that made that decision and I take full responsibility for it. The client whose funds I took and I are in frequent contact and are working towards an acceptable restitution program which I am certain we will accomplish.

I am sending an e-mail to the attorney handling my case at the Alabama Bar Association Office of General Counsel to see how I can get a certified copy of the Alabama Supreme Court disbarment order and will forward it as soon as I can get it.



The Mississippi Bar
November 3, 2016
Page 2

If you need anything further to begin the Mississippi disciplinary proceeding, please let me know

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Hudgens', with a long horizontal flourish extending to the right.

David E. Hudgens
dhudgens@hudgenslaw.com

IN THE MATTER OF	DISCIPLINARY COMMISSION OF
DAVID ERICKSON HUDGENS	THE ALABAMA STATE BAR
ATTORNEY AT LAW	RULE 23(a), PET. NO. 2016-1306

Julia Jordan Wynn
Clerk, Supreme Court of Alabama

cc: Alabama State Bar Disciplinary Board/Commission
Baldwin County Circuit Clerk
U.S. Treasury Inspector General for Tax Administration
11th Circuit
U.S. District Court
Clerk, Alabama Court of Civil Appeals
Clerk, Alabama Court of Criminal Appeals
Technology Division, Alabama Supreme Court
File
Minutes

Michael Upchurch
Attorney at Law
Post Office Box 1686
Mobile, AL 36633