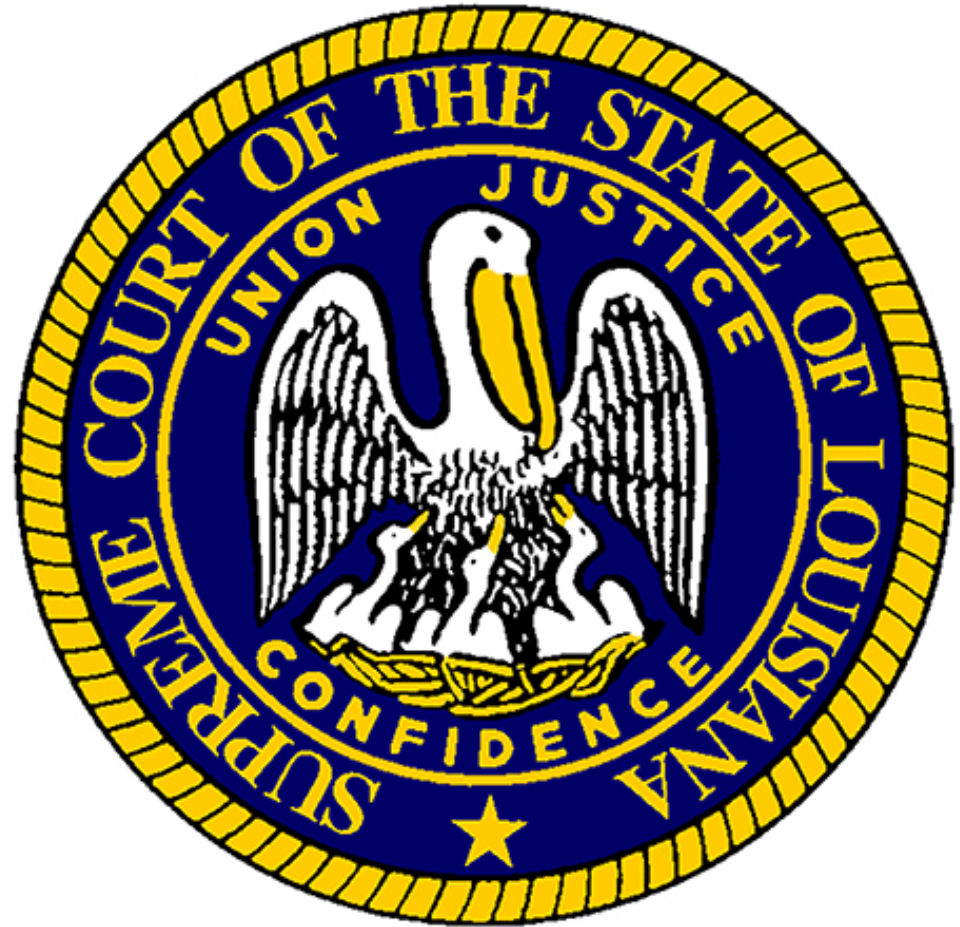


Ethics: Recent Developments

Shreveport Bar Association
September 17, 2025

Justice Cade R. Cole
Louisiana Supreme Court

400 Royal Street
New Orleans, LA 70130



Part I: Recent Lawyer Discipline Cases

Rule 1: Client-Lawyer Relationship

In re: Steel, 24-1471 (La. 6/3/25), 410 So. 3d 755: Involves multiple formal charges dating back to 2016. Respondent neglected legal matters, failed to communicate with clients, failed to refund unearned fees, failed to obtain consent to settle, converted client funds, entered into a prohibited business transaction with a client by borrowing thousands of dollars and ignoring requests to refund the loan (including ignoring a lawsuit brought against him), knowingly made a false statement of material fact in connection with a disciplinary investigation, and failed to cooperate with the ODC. The hearing committee recommended disbarment and the disciplinary board recommended permanent disbarment. (Rules 1.3, 1.4(a)(3), 1.5(f)(5), 1.8(k), 1.15(d), 1.18(a), 8.1(a), 8.4(a), and 8.4(c))

Action: The Court imposed permanent disbarment. The Court considered "whether the gravity of respondent's misconduct warrants" permanent or regular disbarment. LASC Rule XIX, § 10(A)(1) provides that "the court shall only impose permanent disbarment upon an express finding of the presence of the following factors: (1) the lawyer's misconduct is so egregious as to demonstrate a convincing lack of ethical and moral fitness to practice law; and (2) there is no reasonable expectation of significant rehabilitation in the lawyer's character in the future." The Court found both factors satisfied here: "A review of the voluminous record of these proceedings plainly demonstrates the first factor is satisfied. Respondent victimized multiple clients and third parties, causing actual harm by converting at least \$45,000 in funds which did not belong to him. He acted with deceit and dishonesty, repeatedly failing to respond to requests for information from his clients. We have recognized such conduct warrants permanent disbarment. . . . The record further establishes there is no reasonable expectation that respondent's character may be rehabilitated in the future."

Griffin, J., dissents and would impose regular disbarment.

Rule 1: Client-Lawyer Relationship

In re: Leavoy, 24-1444 (La. 6/3/25), 410 So. 3d 769: Respondent's brother was hired to handle a personal injury claim on a contingency basis, but the client never signed a written contingency fee agreement. The brother subsequently associated respondent as co-counsel in the matter. Respondent did not work at the same firm as his brother. The client did not agree in writing to respondent's representation, nor was he advised in writing as to the share of the attorney's fees that respondent and his brother would each receive. Respondent met with the client's healthcare providers, took a deposition, and participated in an unsuccessful mediation in 2020, but he failed to file a motion to set the case for trial. Respondent suffered a heart attack in June 2022 and underwent surgery the following year, and the defendants filed a motion to dismiss the case as abandoned, which was granted. Respondent failed to answer the formal charges. (Rules 1.3, 1.4, 1.5(c), 1.5(e))

Action: The Court imposed a 12 month suspension with all but six months deferred.

Rule 1: Client-Lawyer Relationship

In re: Williams, 25-0200 (La. 4/23/25), 406 So. 3d 1151: Respondent neglected a matter, failed to communicate with a client, failed to safeguard and remit client funds amounting to over \$9000 resulting in conversion, and engaged in dishonest conduct. (Rules 1.3, 1.4, 1.15(a), 1.15(d), 8.1(c), 8.4(c))

Action: The Court imposed a suspension of one year and one day. The Court rejected the hearing committee finding of a Rule 8.1(c) violation, stating: "The record reveals that respondent appeared for the sworn statement, provided the ODC with multiple, written responses, and returned the money owed While there is some evidence in the record that respondent initially failed to timely respond to the ODC, it does not rise to the level of clear and convincing proof of a violation of Rule 8.1(c)." The Court also noted the mitigating factor of a delay in disciplinary proceedings.

Griffin, J., dissented, and would impose a lesser sanction.

Rule 1: Client-Lawyer Relationship

In re: Burns, 24-1119 (La. 11/27/24), 396 So. 3d 441: Respondent was admitted to practice in 1998, and had a disciplinary history, including a one year suspension in 2018. He was reinstated in 2019. This matter involves two charges. In the first, respondent was retained in a criminal case before his 2018 suspension. He failed to notify the client of his suspension and failed to return his client file or timely refund the unearned portion of his fee. Instead, he accepted 24 separate payments from the client's parents. He also failed to withdraw from the representation and, instead, "appointed" another attorney to handle the criminal case without the client's knowledge or prior consent. The client was ultimately sentenced to serve 40 years in prison. In the second charge, respondent was terminated by the client and failed to return the fee. (Rules 1.4, 1.5(f)(5), 1.16(d), 3.4(c), 5.5(e)(4), 8.1(a), 8.4(c)).

Action: The Court imposed a two year suspension, which requires respondent to file a petition for reinstatement. The Court noted the aggravating factors of a prior disciplinary record, a dishonest or selfish motive, multiple offenses, vulnerability of the victim, and substantial experience in the practice of law, though the Court did note he made full and free disclosure to the board and participated in the proceedings.

Rule 1: Client-Lawyer Relationship

In re: Sonnier, 24-0520 (La. 10/25/24), 395 So. 3d 850: This matter involves ten separate counts, including intentionally dishonest conduct. When respondent left his clients and legal practice, he took unearned fees and insurance payments due to his clients, then failed to disburse those payments. He failed to maintain communication and act diligently toward his clients, causing a delay in the legal matters of his clients and potentially caused the loss of their rights or defenses. The hearing committee recommended respondent be suspended from the practice of law for one year and one day and the LADB recommended disbarment. The board made certain factual findings important to the proceedings in the LASC, including: (i) declining to find a violation of Rule 8.1(c) in one of the counts, finding it was not clear whether respondent personally received notice of the complaints against him; and (ii) finding no misconduct in one count relating to an unpaid court reporter bill. The ODC objected to the board's findings of fact and conclusions of law, but not to the proposed sanction of disbarment. (Rule 1.3, 1.4, 1.5(f), 1.16(d), 8.4(a), 8.4(c), 8.4(d))

Action: The Court imposed disbarment. The Court disagreed with one of the disciplinary board's factual findings, noting that Rule 8.1(c) does not include a "knowing" component and can be found to have been negligently violated. The Court agreed with the disciplinary board's finding that there was no misconduct related to the failure to pay the court reporter.

Rule 1: Client-Lawyer Relationship

In re: Hjortsberg, 24-0149 (La. 6/28/24), 388 So. 3d 382: This matter involves two counts. Count I related to respondent's self-report that he would plead guilty to a federal misdemeanor related to a tax violation. Count II relates to respondent's representation of a client in a murder trial. During the trial, the client left the courthouse and did not return. Respondent moved for a continuance and a mistrial, but the trial court denied the motions. Respondent then advised the court that he would not participate in the trial and would simply sit at the counsel table, taking no role in the defense. The hearing committee found ODC did not carry its burden of proof as to Count II. The disciplinary board did find a violation but due to the unique circumstances it did not recommend any suspension above and beyond that imposed for Count I. (Rules 1.3, 8.4(a), 8.4(d))

Action: The Court imposed a suspension of six months, with all but 30 days deferred. The Court found a violation on Count II but imposed no additional period of suspension for this violation.

Crichton, J., additionally concurred: Because of the *res nova* nature of the issue, he agreed there should be no additional suspension imposed: "This rare situation occurred without warning and presents to the Court as a *res nova* issue in the professional responsibility context. Though respondent's initial confusion over the situation was understandable, a lawyer in this situation cannot opt to be the proverbial potted plant. The effect of respondent's decision was that, by absconding the courthouse during trial, his client was permitted a retrial due to respondent's choice to sit entirely mute---a result the justice system cannot condone."

Crain, J., dissents in part: He would not find a Rule 1.3 violation, noting that respondent "had no one to assist because the defendant absconded. Through this act, the respondent's ethical obligation to the defendant also disappeared. Further, a defendant must be competent to assist in his defense, or it is a violation of his rights to proceed. La. Code Crim. Proc. art. 641. Here, there was no competent defendant to assist counsel. Under these facts, counsel was not obligated to do anything."

Rule 1: Client-Lawyer Relationship

In re: Fields, 23-0343 (La. 11/17/23), 374 So. 3d 95: The matter involves multiple counts, including failure supervise non-lawyer staff, resulting in the conversion of approximately \$4.2 million belonging to third parties; intentionally continuing to convert third-party funds totaling approximately \$1.8 million to pay older third-party debts; failing to maintain a trust account for several years; lying on trust account disclosure statements that he did not handle client funds; allowing non-lawyers to sign trust account checks; charging clients for office expenses; settling a client's personal injury claim without the client's knowledge or consent; and lying to the ODC during its investigation. The hearing committee recommended disbarment and the disciplinary board recommended permanent disbarment. (Rules 1.1(c), 1.2, 1.8(e)(3), 1.8(k), 1.15(a), 1.15(d), 1.15(f), 1.15(g), 5.3, 8.1(b), 8.1(c), 8.4(a), 8.4(d))

Action: Court imposed a three year suspension. Despite numerous aggravating factors, the Court downwardly deviated from the baseline sanction. The Court noted the mitigating factors present, "in particular the significant restitution respondent has already made and continues to make."

Weimer, C.J., concurred in part and dissented in part, and would have imposed disbarment "based on respondent's prolonged and egregious course of misconduct."

Crichton, J., concurred in part and dissented in part, and would have imposed disbarment.

Rule 2: Counselor

In re: Pierson, 22-B-1439 (La. 5/5/23), 362 So. 3d 371: The underlying facts here are complex and involve three separate instances of respondent entering into business transactions with clients. (1) Respondent persuaded his client to provide a \$500,000 loan to an LLC of which he was part owner, without fully disclosing the terms of the transaction and without advising her to seek the advice of independent counsel. Respondent benefited from the loan and was partly responsible for the LLC's default, to his client's detriment. The client is owed \$790,255. (2) Respondent obtained a personal loan from a client in the amount of \$5,000. He failed to pay interest, took years to repay the loan, did not reduce it to writing, and did not inform the client to seek the advice of independent counsel before agreeing to the loan. (3) Respondent obtained a personal loan from a client for over \$27,000. The loan was reduced to writing and the client obtained a lien on the vehicle to secure the loan, but at the time of the loan, respondent represented the client and never advised him to seek the advice of independent counsel before providing the loan. (Rules 1.8(a), 2.1, 8.4(a), 8.4(c))

Action: The Court imposed disbarment and ordered restitution. The Court particularly noted the "numerous aggravating factors" and absence of mitigating factors.

Rule 3: Advocate

In re: Klein, 23-0066 (La. 5/18/23), 362 So. 3d 392: Respondent has an extensive disciplinary history attorney dating back to 1975. The instant charges relate to filing duplicative and unnecessary pleadings in state and federal court in order to delay a case. Before a hearing occurred in the district court, respondent filed two writ applications in the LASC seeking "protection" from possible Orders of Contempt (which were forwarded to ODC, who, in turn, opened an investigation). Respondent also sought to recuse the district judge, accusing him of being partial towards the opposing law firm (Kean Miller) and stating that his integrity had been compromised. During its investigation of this matter, ODC discovered that respondent threatened the managing partner of Kean Miller with a legal malpractice claim and demanded a settlement of \$3 million. Respondent also asserted in pleadings that Kean Miller was complicit in aiding and abetting criminal activity on the part of its client and began sending harassing and threatening messages to other non-attorney employees of the firm. After being charged with the violations, respondent answered the formal charges and denied misconduct. He did not appear at the hearing, which proceeded in his absence. (Rules 3.1, 3.3(1), 3.4(c), 3.5(a), 3.5(b), 3.5(d), 4.4(a), 8.2(a), 8.4(a), 8.4(c), 8.4(d).)

Action: The Court imposed a suspension of one year and one day. The Court noted, in part:

"Respondent's actions in the instant case clearly crossed the boundary between zealous advocacy and professional misconduct. . . . He filed multiple pleadings into the record without leave of court, in clear violation of the trial court's order. He improperly entered into ex parte communications with the trial court's law clerk, which the committee found represented an 'inappropriate and disruptive attempt to influence the court.' Finally, he has repeatedly made unfounded accusations of improper conduct against opposing counsel and the trial court.

Significantly, respondent's harassing conduct did not abate after the filing of formal charges but has continued during the course of these disciplinary proceedings. Respondent's filings in this disciplinary matter are replete with unsubstantiated attacks on the integrity of the ODC, the trial judge, and opposing counsel. . . . Such unsupported attacks clearly exceed the bounds of mere advocacy. . . . Taken as a whole, respondent's actions, both in the context of the underlying litigation and the disciplinary proceedings, display a disturbing lack of respect for the judicial system and his obligations as a professional.

As aptly stated by Justice Crichton, "[i]t is unfortunate that respondent does not seem to understand that being a zealous advocate does not equate to such repugnant disrespect for the system we are charged to honor and serve." *In re: McCool*, 15-0284 (La. 6/30/15), 172 So. 3d 1058, 1090 (Crichton, J. concurring). It is beyond question that the formal charges have been proven by clear and convincing evidence."

Crichton, J., dissented as to the sanction only, which he found "unduly lenient."

Rule 3: Advocate

In re: Perricone, 18-B-1233 (La. 12/5/18), 263 So. 3d 309:

Respondent, an Assistant United States Attorney, posted over 2600 comments on nola.com, including 100-200 comments on cases he and/or his colleagues were prosecuting. The ODC alleged the comments constituted extrajudicial statements about the guilt or innocence of defendants and/or others under investigation or prosecution that had a substantial likelihood of materially prejudicing proceedings and heightening public condemnation of the accused. Respondent admitted the factual allegations, and offered testimony from a psychologist that he suffered from PTSD and his postings were the result of his PTSD. He testified that he thought his online activities would help him deal with the stress of his work as an AUSA. (Rules 1.7(a)(2), 3.6, 3.8(f), 8.4(d), 8.4(a))

Action: The Court imposed disbarment. The Court found respondent knew his postings were forbidden, and caused serious, actual harm in two cases, and "profound" harm to the reputation of the USAO. The Court noted that "any mental disability from which respondent suffered did not prevent him from knowing his actions were wrong," and found "no support for the conclusion that respondent has proven his mental condition caused the misconduct." The Court stated: "[C]onsidering respondent's position of public trust as a prosecutor, his knowing and intentional decision to post these comments despite his acknowledgment that it was improper to do so, and the serious harm respondent's conduct has caused both to individual litigants and to the legal profession as a whole, we must conclude he has failed to comply with the high ethical standards we require of lawyers who are granted the privilege to practice law in this state. The only appropriate sanction under these facts is disbarment."

Crichton, J., additionally concurred, noting the case "highlights the difference between disbarment and permanent disbarment in attorney disciplinary proceedings." Had respondent agreed to interim suspension and received disbarment upon conclusion of disciplinary proceedings, he would be entitled to file a petition for reinstatement sooner. "In other words, the sanction of disbarment imposed at this point in respondent's profession, at the age of 67, is arguably akin to permanent disbarment and essentially a legal profession death sentence. Whether respondent would ever be readmitted -- even conditionally readmitted -- is a question for another day, but the sanction of disbarment now precludes any consideration of it for five years from the date of this opinion."

Rule 5: Law Firms and Associations

In re: Johnson, 24-1159 (La. 12/11/24), 396 So. 3d 953: Respondent was admitted to the bar in 1979 and had a disciplinary history dating back to 1985. She was disbarred in 2020. In September 2023, the ODC received a complaint from a prosecutor at the Jefferson Parish DA's Office, which had been conducting an investigation into contractor fraud. During the investigation, respondent contacted the Kenner Police and identified herself as a "retired attorney." She advised the police that she would not represent the contractor but would try to help to resolve the matter, but she did not disclose her disbarment. She later represented the contractor as her "client" to the victims' attorney and engaged in settlement discussions on the contractor's behalf. (Rules 1.16(a)(1), 5.5(a), 8.1(c), 8.4(a)-(d))

Action: Court permanently disbarred respondent. The Court found this case met the standards for permanent disbarment in Supreme Court Rule XIX. Respondent's disregard of the already-existing disbarment order "demonstrates a convincing lack of ethical and moral fitness to practice law. Respondent has demonstrated multiple times that, given the chance, he will continue to engage in the unauthorized practice of law in defiance of our orders." Further, "given respondent's defiance of previous court orders and his complete lack of cooperation in this proceeding, there is no reasonable expectation of significant rehabilitation in his character in the future."

Crichton, J., additionally concurred: "Because respondent appears to have been undeterred by the order of disbarment, the district attorney might deem the facts of this matter to be worthy of further investigation."

Rule 5: Law Firms and Associations

In re: Walsh, 24-0026 (La. 3/5/24), 379 So. 3d 1251: Respondent had a disciplinary history dating back to 2018 and had not yet sought reinstatement from that suspension when he engaged in the unauthorized practice of law, failed to advise his client of his suspension, and fraudulently filed pleadings under his father's name and bar number to conceal his unauthorized practice of law. He was disbarred for this in 2021; he was later adjudged guilty of additional rule violations for first offense DWI. In the instant case, respondent informed an investigator from the East Baton Rouge Parish Coroner's Office that he was an attorney representing a client attempting to obtain reports related to her daughter's death. The investigator discovered respondent was disbarred and filed a disciplinary complaint. The client later confirmed she had hired respondent and paid him \$500. (Rules 1.16(a)(1), 5.5(a), 8.1(b), 8.1(c), 8.4(b), 8.4(c))

Action: Court permanently disbarred respondent. The Court found this case met the standards for permanent disbarment in Supreme Court Rule XIX. Respondent's disregard of the already-existing disbarment order "demonstrates a convincing lack of ethical and moral fitness to practice law. Respondent has demonstrated multiple times that, given the chance, he will continue to engage in the unauthorized practice of law in defiance of our orders." Further, "given respondent's defiance of previous court orders and his complete lack of cooperation in this proceeding, there is no reasonable expectation of significant rehabilitation in the future."

Crain, J., concurred: "I doubt that permanent disbarment will stop someone who was unfazed by his disbarment. The unauthorized practice of law is a crime. La. R.S. 37:213."

Rule 7: Information about Legal Services

In re: Hall, 23-0935 (La. 12/5/23), 373 So. 3d 692: This case relates to two separate charges. In the first, respondent engaged with a web development company for an advertising campaign with his law firm. He authorized his law firm staff to send a letter engaging the media firm under his signature. Later, respondent refused to pay for services and terminated the relationship. After the law firm was sued for failure to pay, respondent made false statements in legal proceedings, stating that he and his law firm were "unaware of the existence" of the web development company. During ODC's investigation, respondent testified that contrary to that statement, he was aware of the existence of the company.

In the second count, respondent violated advertising rules by not submitting an advertisement for LSBA review, failing to disclose his office location and omitting required disclaimers in the advertisement. (Rules 3.3(a)(1), 3.3(a)(3), 7.2(a)(2), 7.2(c)(1)(I), 7.7(c), 8.4(c), 8.4(d))

Action: The Court imposed a suspension of four months, fully deferred. Though there were several aggravating factors (prior disciplinary record, dishonest or selfish motive, multiple offenses, and substantial experience in the practice of law), the Court also recognized certain mitigating factors, including good faith effort to rectify the consequences of the misconduct, good character and reputation, and remorse.

Rule 7: Information about Legal Services

In re: Eugene P. Redmann, 21-0955 (La. 10/5/21), 325 So. 3d 366; *In re: John W. Redmann*, 21-1060 (La. 10/5/21), 325 So. 3d 364: In these cases, both respondents advertised on billboards without presenting the advertisements to the LSBAprior to or concurrently with dissemination of the advertisements. The content of the ads was not false, misleading, or deceptive, but it failed to include one or more bona fide office locations of the lawyer to perform the advertised services in accordance with Rule 7.2(a)(2). (Rules 7.2, 7.7.) Both cases involved petitions for consent discipline; in both cases, the parties agree that respondents acted negligently, causing no actual harm but creating the potential for harm.

Action: The Court imposed a public reprimand on both respondents, noting that each previously received private discipline for failure to comply with the advertising rules (private admonishments in 2013).

McCallum, J., concurred in both cases, and noted that no actual harm was caused and the infractions are minor, but reflect the Court's "continuing efforts to address widespread abuses in lawyer advertising."

Rule 8: Maintaining the Integrity of the Profession

In re: Neal, 23-0344 (La. 11/17/23) 374 So. 3d 125: Respondent was arrested for battery of his son's employer. After the employer notified respondent that his son was late for work and asked for his phone number, respondent replied with an abusive and racially improper text message. He then showed up at the restaurant in a rage, grabbed the victim's ankles, and pulled him the length of and off the preparation counter, causing the victim to fall on his back and head to the concrete floor. From there, respondent dragged the victim into the kitchen and knelt on his upper chest and neck. Respondent then grabbed the victim's head, which he repeatedly pounded into the floor, and was heard to say, "I will kill you." The attack ended when a female employee, in an effort to pull the victim free from respondent, reached out and grabbed the victim as he lay on the kitchen floor. Other employees who witnessed the attack called 911 and summoned police. Respondent disengaged and left the premises. During the disciplinary investigation, the ODC obtained text messages sent by respondent to the victim on the day after the event. In the messages, respondent asked the victim to provide false information to police and suggest to police that the attack was all a big misunderstanding. (Rules 8.4(a), 8.4(b))

Action: Court imposed a suspension of one year and one day, with six months deferred and two years probation.

Weimer, C.J., concurred in part and dissented in part. He found the respondent's "lack of candor" related to the text message sent to the victim to merit a lengthier period of actual suspension.

Crain, J., dissented, finding the suspension imposed too lenient.

Rule 8: Maintaining the Integrity of the Profession

In re: Soileau, 22-1764 (La. 3/7/23), 356 So. 3d 1012: Respondent's disciplinary history dates back to 1985 as an attorney. He was disciplined and suspended for six months without pay in 1987, while serving as a judge. In 1997 he pleaded guilty to federal crimes and was suspended from the practice of law for two years. In 2013, he was admonished for further violations of the Rules of Professional Conduct. This case consists of two counts. In the first, respondent was booked with third offense DWI after a traffic accident. In the second, respondent was arrested on charges of letting premises for prostitution, obstruction of justice, and prostitution. He was apparently financing illegal activities of a known crystal methamphetamine dealer, encouraging her to "get rid of whatever you have" when he knew police were nearby, thereby counseling a client engaged in criminal conduct. Respondent failed to answer the charges or otherwise cooperate in the investigation. (Rules 1.2(d), 8.4(a), 8.4(b), 8.4(c))

Action: The Court imposed permanent disbarment, stating in part: "Respondent's misconduct was undoubtedly egregious. By interfering with a police investigation and counseling a client to destroy evidence, respondent has demonstrated a convincing lack of ethical and moral fitness to practice law. Furthermore, respondent's long prior disciplinary history, both as an attorney and a judge, demonstrates that there is no reasonable expectation of significant rehabilitation in his character in the future."

Hughes, J., dissents, and would impose regular disbarment.

Rule 8: Maintaining the Integrity of the Profession: DWIs, Single Offense

In re: Baer, 09-B-1795 (La. 11/20/09), 21 So. 3d 941

This Court noted in a case involving multiple DWI charges: "Respondent caused tangible harm in the form of property damage; however, the committee felt the more serious harm results when members of the legal profession engage in criminal acts, which give rise to a *lack of confidence by members of the public in those who are officers of the court.*" (Emphasis added.) The Court further explained:

We have imposed sanctions ranging from actual periods of suspension to fully deferred suspensions in prior cases involving attorneys who drive while under the influence of alcohol. However, as a general rule, we tend to impose an actual suspension in those instances in which multiple DWI offenses are at issue, as well as in cases in which the DWI stems from a substance abuse problem that appears to remain unresolved.

Rule 8: Maintaining the Integrity of the Profession: DWIs, Single Offense

In re: Bensabat, 23-0620 (La. 12/8/23), 381 So. 3d 36: Three years, fully deferred

In re: Fontenot, 23-0759 (La. 9/19/23), 370 So. 3d 450: One year and one day

In re: Wilson, 2020-1488 (La. 5/13/21), 320 So. 3d 1064: One year and one day

In re: Crawford, 20-0691 (La. 7/2/20), 297 So. 3d 732: One year and one day

Rule 8: Maintaining the Integrity of the Profession: DWIs, Multiple Offenses

In re: Meche, 2024-0262 (La. 6/28/24), 388 So. 3d 325: Two year suspension for third offense DWI

In re: Groome, 20-0737 (La. 9/29/20), 301 So. 3d 1166: One year and one day for two DWI arrests

In re: Radziejewicz, 20-0641 (La. 8/5/20), 300 So. 3d 840: One year and one day for two DWI arrest

In re: Bopp, 20-0070 (La. 2/26/20), 290 So. 3d 172: One year and one day for two DWI arrests.

In re: Chadwick, 18-0691 (La. 6/15/18), 245 So. 3d 1041: One year and one day for two DWI arrests

Rule 8: Maintaining the Integrity of the Profession

In re: Andrus, 21-1508 (La. 1/19/22), 348 So. 3d 706: Respondent was retained to represent a client related to an insurance claim for property damage. He accepted insurance checks for his client and distributed funds to pay for home repairs, but the balance of the client trust account was regularly below the amount he was purportedly holding on the client's behalf. He failed to respond to the client's request for the return of his files. In response to the disciplinary complaint, respondent asserted his truck was burglarized, and his laptop containing his response to the ODC complaint was stolen. He provided to ODC a copy of a handwritten statement to the police in support of this claim, but the police department was unable to verify receiving the complaint and further noted irregularities in it, including the absence of a complaint number. Finally, when ODC attempted to serve its subpoena upon him, respondent pretended to be his twin brother. (Rules 1.5, 1.15, 8.1(a), 8.1(b), 8.1(c), 8.4(d))

Action: Court imposed disbarment. The Court noted the "numerous instances of deceptive behavior." The Court further stated: "From the incredible tale of a vehicle burglary offered as justification for failing to timely respond to the disciplinary complaint, to his attempt to evade service of a subpoena by claiming to be his identical twin brother, and finally to submitting fabricated receipts and invoices to the ODC, respondent has violated the most fundamental duty of an officer of the court. The utter absence of candor respondent has demonstrated in these proceedings calls his good moral character into serious question and warrants disbarment."

Crichton, J., additionally concurred, noting respondent's "astonishing level of deception and conversion of client funds." He wrote separately to "again highlight the potential availability of other legal remedies outside the disciplinary process."

Rule 8: Maintaining the Integrity of the Profession

In re: Nalls, 20-B-1126 (La. 3/24/21), 347 So. 3d 675: Respondent had a lengthy disciplinary history and has not been authorized to practice law in Louisiana since January 2009. In this matter, which involves two charges, respondent represented two clients, but never advised either client that he was disbarred and unable to practice law. (Rules 5.5(a), 8.4(a), 8.4(c))

Action: Court imposed disbarment, and extended the minimum period for readmission for an additional five years. The Court noted that respondent held himself out to be a lawyer after his disbarment and engaged in the unauthorized practice of law. "This conduct, combined with that involved in his prior disciplinary matters, indicates that respondent lacks the moral fitness to practice law and is a threat to his clients, the legal profession, and the public."

Weimer, C.J., dissented on the sanction, and would impose permanent disbarment.

Crichton, J. (joined by McCallum, J.), dissented, and would impose permanent disbarment. He noted respondent's "outrageous actions," specifically filing a motion to recuse the entire Louisiana Supreme Court and accusing seven justices of "racially motivated" bias, which implicated additional rules of professional misconduct.

Part II: Recent Judicial Discipline Cases

Recent Judicial Discipline Cases

In re: Judge Eboni Johnson Rose, 2025-00390 (La. 4/23/25), 406 So. 3d 1163: In 2024, the Judiciary Commission received complaints and media reports regarding alleged misconduct by Judge Rose in four separate criminal matters. This consisted of three cases involving serious legal errors regarding relatively straightforward issues of criminal procedure, and one case in which her comments in court indicative of bias against the District Attorney's Office. She used profane and offensive language, including a racial slur, in doing so. After an interim disqualification, Judge Rose and the Commission submitted a joint petition for consent discipline in which Judge Rose admitted that her conduct violated the Code of Judicial Conduct and La. Const. art. V, § 25(C).

The Court imposed a six month suspension, without pay, with all but two months deferred, and a two year period of probation. The Court did so upon consideration of a joint petition for consent discipline.

Recent Judicial Discipline Cases

In re: Judge Vercell Fiffie, 2024-O-0976 (La. 10/25/2024) 395 So. 3d 738: The case involved myriad violations, including: (1) engaging in a practice of asking or requiring law enforcement to seek consent before issuing a search warrant, which is not required by law and gives an appearance of bias against law enforcement or in favor of criminal suspects; (2) failing to take timely action on pending warrant requests; (3) failing to comply with a fellow judge's request not to recall her bench warrants without first consulting her; (4) violating an appellate court order, which necessitated a second writ application and an order threatening contempt; (5) requesting that his name not be included in the Sheriff's database as the issuing judge on bond orders; and (6) displaying indifference and being uncooperative with other judges and the Sheriff's office after they made attempts to address his conduct or practices. (Canons 1, 2, 2A, 2B, 3A(1), 3A(4), 3A(7), 3B(1), and La. Const. art. V, § 25)

The Court imposed a six month suspension, without pay.

Crichton, J., additionally concurred noting that the judge's "flagrant conduct in this case ran the gamut of canon violations that demonstrated persistent conduct prejudicial to the administration of justice." He explained that "most troubling" was Judge Fiffie's conduct before the Commission, including that he "did not appear to appreciate the gravity of the allegations against him" and was unable "to recognize the role of a judge within the judicial system or meaningfully acknowledge his errors."

McCallum, J., concurred, stating: "I join the majority in this result only because I was unable to gain a majority to impose a heavier sanction."

Weimer, C.J., concurred in part and dissented in part. He wrote that as to the discipline imposed, he would have agreed with the Commission's recommendation of a lesser sanction than the majority imposed. He stated: "There was no evidence Judge Fiffie wished to harm anyone or that he exploited his position as a judge for personal gain. Based on the record, I would accept the discipline recommended by the Commission, whose members viewed and heard Judge Fiffie's testimony live and in person."

Griffin, J., dissented, stating: "Considering his inexperience as a judge, I would impose a less severe sanction than the majority imposes."