



# DECEMBER CLE BY THE HOUR

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**The Shreveport Bar Association**

**ETHICS**

***Jeffrey Little***

*Office of Louisiana Attorney Disciplinary Board*

# **Recent Developments in Attorney Discipline and the Implications for your Practice**

Presented by Jeffrey L. Little

## **RECENT CASES**

*Reciprocal Discipline:*

**IN RE EVERETT H. MECHEM (Atlanta, GA), 2019-B-0862 (9/6/2019):** The Court disbarred the respondent based upon an order of the Supreme Court of Tennessee.

**IN RE ERICH WEBB BAILEY (Castle Rock, CO), 2019-B-0702 (9/6/2019):** The Court publicly reprimanded the respondent based upon an order of the Supreme Court of Tennessee.

**IN RE WILLIAM A. PIGG (Dallas, TX), 2019-B-0912 (9/6/2019):** The Court publicly reprimanded the respondent based upon discipline imposed by the State Bar of Texas.

**IN RE FREDERICK ARTHUR LOVEJOY, 2019-B-1041 (9/24/2019):** The Court publicly reprimanded the respondent based upon discipline imposed by the Statewide Grievance Committee for the State of Connecticut.

**IN RE LIONEL H. SUTTON III (New Orleans), 2019-B-1216 (8/2/2019):** The Court suspended the respondent for twelve months, based upon an order of the U.S. District Court, Eastern District of Louisiana, which found that the respondent engaged in misconduct in violation of Rules 1.5(e), 3.3, 8.4(a), 8.4(c), and 8.4(d) of the Rules of Professional Conduct.

**IN RE WARNER H. ANTHONY, JR. (Greensboro, NC), 2019-B-0186 (4/29/2019):** The Court suspended the respondent for one year based upon an order of the District of Columbia Court of Appeals.

**IN RE MAURICE R. FRANKS (Baker), 2018-B-1483 (5/28/2019), (6/26/2019):** Rehearing denied: The Court disbarred the respondent based upon an order of the Supreme Court of Colorado.

**IN RE ROBERT WIEGAND II (Denver, CO), 2019-B-0170 (4/8/2019):** The Court suspended the respondent for one year and one day, fully deferred, based upon an order of the Supreme Court of Colorado.

**IN RE RICHARD JOSEPH DEAGUERO (Dallas, TX), 2019-B-0187 (4/22/2019):** Based upon three different orders of suspension from varying Grievance Committees in Texas, the Court suspended the respondent for varying lengths of time, two of which are fully deferred and one of which is partially deferred.

**IN RE PHILIP MARTIN KLEINSMITH (Colorado Springs, CO), 2018-B-2010 (2/18/2019):** The Court disbarred the respondent based upon an order of the Supreme Court of Colorado.

**IN RE SABINUS A. MEGWA (Phoenix, AZ), 2019-B-1205 (10/15/19):** The Court suspended the respondent for six months and one day based upon an order of the Supreme Court of Arizona.

*Permanent Resignation in Lieu of Discipline:*

**IN RE PAUL E. BROWN (Houma), 2019-B-0864 (8/28/2019).**

**IN RE JACK F. OWENS, JR. (Harrisonburg), 2019-OB-0985 (6/26/19).**

*Conditional Admission Revoked:*

**IN RE BRIAN D. WILLIAMS (Marrero), 2019-B-0865 (9/24/19).**

*Probation Revoked:*

**IN RE GREGORY COOK (Baton Rouge), 2019-OB-0406 (6/3/2019),(9/17/2019):** Application for rehearing not considered. : The Court previously suspended the respondent for six months, with all but thirty days deferred, subject to one year of unsupervised probation. Before the probationary period began, ODC learned that the respondent engaged in the unauthorized practice of law during the active period of his suspension. Based upon this information, the Court made executory the entire six-month suspension that was previously imposed.

**IN RE TODD A. HARRIS (Mansura), 2019-B-0827 (6/17/2019):** The Court revoked the probation of the respondent, making executory a previously-deferred six month and one day suspension.

**-IN RE MARK G. SIMMONS (Baton Rouge), 2019-B-0908 (6/26/2019):** The Court revoked the probation of the respondent, making the previously-deferred portion of his one-year and one-day suspension executory.

**IN RE CHRISTA HAYES FORRESTER (Guaynabo, PR), 2019-B-1326 (10/15/19):** The Court made executory the previously-deferred six-month suspension.

*Deemed Admitted Matters (Louisiana Supreme Court Rule XIX, Section 11(E)(3)):*

**IN RE MURRAY NEIL SALINAS (Shreveport), 2019-B-1054 (9/24/2019):** The Court found the respondent, who was previously disbarred, guilty of engaging in additional misconduct that included: neglecting his clients' legal matters, failing to refund unearned fees, and failing to cooperate with the ODC in its investigations.

**IN RE EDWARD DUANE SCHERTLER II (Larose), 2019-B-1025 (9/24/2019):** The Court permanently disbarred the respondent for attempting to introduce contraband into a penal institution and possessing Suboxone, marijuana, a controlled dangerous substance with a firearm, a firearm with an obliterated serial number, and a stolen outboard motor. The respondent also pleaded guilty to the felony charges of attempting to introduce contraband into a penal institution and possession of stolen things over \$500.

**IN RE MICHAEL KEITH LeBLANC (Metairie), 2019-B-0165 (4/8/2019):** The Court permanently disbarred the respondent for stealing approximately \$4,000 from his employer. The respondent had been previously suspended for three years.

**IN RE JENNIFER E. GAUBERT (New Orleans), 2018-B-1980 (1/19/2019):** The Court suspended the respondent for one year and one day based upon her convictions for simple battery and criminal mischief.

*Deemed Admitted Matters (Louisiana Supreme Court Rule XIX, Section 11(E)(3)):*

**IN RE GRETA L. WILSON (New Orleans), 2018-B-1800 (1/19/2019):** The respondent was previously disbarred for unrelated misconduct. The Court adjudged the respondent guilty of additional violations of the Rules of Professional Conduct and also extended the minimum period for seeking readmission by a period of two years. The respondent neglected a legal matter, failed to communicate with a client, failed to return an unearned fee, and failed to cooperate with ODC's investigation.

**IN RE HAROLD D. REGISTER, JR. (Lafayette), 2019-B-1389 (10/21/19):** The Court permanently disbarred the respondent for neglecting his clients' legal matters, failing to communicate with his clients, converting client funds, and failing to cooperate with the ODC in its investigation.

**IN RE MICHAEL SEAN REID (Lafayette), 2019-B-1317 (10/21/19):** The Court permanently disbarred the respondent for abandoning his law practice, neglecting legal matters, failing to communicate with clients, failing to refund unearned fees, and failing to cooperate with the ODC in its investigations.

*Consent Discipline:*

**IN RE ELLA CORTLAND GOODYEAR (Abita Springs), 2018-B-2032 (1/28/2019):** The Court suspended the respondent for one year and one day based upon her arrest for driving under the influence of alcohol.

**IN RE LAUREN G. COLEMAN (Alexandria), 2018-B-2099 (2/11/2019):** The Court suspended the respondent for one year and one day, fully deferred, for employing a disbarred attorney as a paralegal in her law firm.

**IN RE CHRISTOPHER G. YOUNG (Baton Rouge), 2019-B-0006 (2/11/2019):** The Court suspended the respondent for one year and one day, retroactive to the date of his interim suspension (9/28/18), based upon his guilty plea to accessory after the fact to interstate transmission of obscene and child pornography images.

**IN RE AUBREY E. DENTON (Lafayette), 2019-B-0014 (2/11/2019):** The Court suspended the respondent for one year and one day, fully deferred, for mishandling his trust account.

**IN RE OSCAR AUGUSTO ARAUJO (Miami, FL), 2019-B-0007 (2/25/2019):** The Court suspended the respondent for one year and one day, with all but thirty days deferred, for mismanaging his trust account and making a false statement to ODC during the investigation.

**IN RE SEAN C. BRAZIL (New Orleans), 2019-B-0081 (2/25/2019):** The Court disbarred the respondent, retroactive to the date of his interim suspension (6/15/2018), for submitting false and inflated billing records to his law firm.

**IN RE DAVID CARTAN LOKER GIBBONS, JR. (New Orleans), 2018-B-1793 (1/8/2019):** The Court suspended the respondent for one year and one day, with all but six months deferred, for neglecting a client's legal matters, some of which had prescribed, failing to communicate with his client, failing to timely disclose the malpractice, and misleading his client regarding the status of the matters.

**IN RE DAVID W. ARDOIN (Thibodaux), 2018-B-1810 (1/8/2019):** The Court suspended the respondent for one year and one day, fully deferred, based upon his arrest for driving while intoxicated.

**IN RE SEAN P. MOUNT (New Orleans), 2018-B-1823 (1/8/2019):** The Court suspended the respondent for one year and one day, fully deferred, based upon his arrest for driving while intoxicated.

**IN RE BRIAN P. QUIRK (New Orleans), 2018-B-1857 (1/14/2019):** The Court disbarred the respondent for submitting phantom billing entries to his law firm for work not performed but not billed to clients.

**IN RE MICHAEL A. BETTS (Denham Springs), 2018-B-1870 (1/14/2019):** The Court suspended the respondent for one year and one day, fully deferred, for mishandling his client trust account.

**IN RE GERALD JOSEPH ASAY (Baton Rouge), 2018-B-2002 (1/18/2019):** The Court suspended the respondent for three years, retroactive to the date of his interim suspension (7/21/2015), based upon his Alford plea to one count of negligent injuring.

**IN RE DANIEL J. HUNTER (Monroe), 2019-B-0158 (3/6/2019):** The Court suspended the respondent for one year, fully deferred, for mismanaging his client trust account.

**IN RE JAMES E. MOORE, JR. (Baton Rouge), 2019-B-0163 (3/6/2019):** The Court suspended the respondent for one year, retroactive to the date of his interim suspension (1/31/2018), based upon being charged with multiple criminal offenses relating to substance abuse.

**IN RE SHANNON JAY THOMAS (Baton Rouge), 2019-B-0230 (3/18/2019):** The Court suspended the respondent for one year and one day, retroactive to the date of his interim suspension (12/20/2018), based upon being arrested and charged with simple battery.

**IN RE SANGBAHN Y. SCERE (Shreveport), 2019-B-0082 (4/15/2019):** The Court suspended the respondent for two years based upon her arrest for possession of marijuana, providing a false identity to the arresting officer, and multiple DWIs.

**IN RE REBECCA LYNN VISHNEFSKI (Shreveport), 2019-B-0163 (4/22/2019):** The Court suspended the respondent for one year and one day, fully deferred, based upon her violation of Rules 1.3 and 8.4(b).

**IN RE JOHN M. MONSOUR (Baton Rouge), 2019-B-0469 (5/6/2019):** The Court suspended the respondent for one year and one day, with six months deferred, for practicing law while ineligible to do so.

**IN RE CONNIE M. EASTERLY a/k/a CONNIE M. EVERSBERG (Baton Rouge), 2019-B-0467 (5/6/2019):** The Court suspended the respondent for one year and one day, retroactive to the date of her interim suspension (1/8/2019), based upon her arrest for driving under the influence of alcohol.

**IN RE IAIN A. DOVER (New Orleans), 2019-B-0401 (5/6/2019):** The Court publicly reprimanded the respondent for engaging in an inappropriate verbal exchange with opposing counsel in open court.

**IN RE CHERIE ELIZABETH TEAMER (New Orleans), 2019-B-0353 (4/29/2019):** The Court suspended the respondent for one year, fully deferred, for notarizing signatures to a quitclaim deed, which signatures were made outside of her witness, and then filing the deed, which contained false information, into a succession proceeding.

**IN RE KIMBERLY ELIZABETH DeBROCK (Covington), 2019-B-0370 (5/20/2019):** The Court suspended the respondent for one year and one day, fully deferred, based upon being arrested and charged with felony possession of a Schedule II controlled dangerous substance, misdemeanor theft, and misdemeanor illegal possession of stolen things.

**IN RE RICHARD C. OUSTALET, JR. (Jennings), 2019-B-0486 (5/20/2019):** The Court suspended the respondent for two years for neglecting his clients' legal matters, failing to communicate with his clients, relocating and accepting a position as an attorney with the State without giving notice to his clients, continuing to represent clients while employed with the State, and failing to return unearned fees and client files upon request.

**IN RE ALAN B. TUSA (Covington), 2019-B-0512 (5/20/2019):** The Court publicly reprimanded the respondent for neglecting a legal matter, failing to communicate with a client, and failing to timely remit funds to the client and two third-party medical providers.

**IN RE FORREST E. GUEDRY (Baton Rouge), 2019-B-0558 (5/28/19):** The Court suspended the respondent for one year and one day, fully deferred, for violating Rules of Professional Conduct 8.4(a) and 8.4(b).

**IN RE DANIEL JAMES STANFORD (Lafayette), 2019-B-0626 (5/28/2019):** The Court disbarred the respondent, retroactive to the date of his interim suspension (9/17/14), based upon his conviction for conspiracy to introduce and cause to be introduced misbranded drugs into interstate commerce, money-laundering conspiracy, and money laundering.

**IN RE KEVIN LOVELL JAMES (Baton Rouge), 2019-B-0653 (6/3/2019):** The Court suspended the respondent for one year and one day, with all but thirty days deferred, for mismanaging her client trust account and failing to cooperate with ODC's investigation.

**IN RE CHANNING J. WARNER (Gretna), 2019-B-0663 (6/3/2019):** The Court suspended the respondent for three years for neglecting his clients' legal matters, failing to communicate with his clients, failing to refund unearned fees, failing to place advanced deposits for costs and expenses into

his client trust account, and failing to return his clients' files upon the termination of the representation. The respondent also practiced law while he was ineligible to do so, failed to cooperate with the ODC in its investigation, and was charged with issuing worthless checks.

**IN RE JOHN C. ALEXANDER (Baton Rouge), 2019-B-0664 (6/3/2019):** The Court publicly reprimanded the respondent for engaging in conduct that was prejudicial to the administration of justice.

**IN RE VICTOR ROY LORASO III (Baton Rouge), 2019-B-0688 (6/17/19):** The Court permanently disbarred the respondent based upon his conviction for possession and distribution of child pornography.

**IN RE MATTHEW VANCE SHELTON (Pineville), 2019-B-0791 (6/17/19):** The Court suspended the respondent for three years, with all but six months deferred, based upon his no contest plea to felony possession of a Schedule II CDS and first offense DWI.

**IN RE LUCRETIA PATRICE PECANTTE (New Iberia), 2019-B-0892 (6/17/19):** The Court suspended the respondent for two years, retroactive to the date of her interim suspension (9/22/17), for pleading guilty to failure to file a tax return and, in connection with her guilty plea, admitting that she engaged in acts which constitute the felony crimes of tax evasion and filing false tax returns.

**IN RE LYNDEN JAMES BURTON (New Iberia), 2019-B-0893 (6/17/19):** The Court suspended the respondent for two years, retroactive to the date of his interim suspension (9/22/17), for pleading guilty to failure to file a tax return and, in connection with his guilty plea, admitting that he engaged in acts which constitute the felony crimes of tax evasion and filing false tax returns.

**IN RE ASHTON DEVAN PARDUE (Springfield), 2019-B-0901 (6/17/19):** The Court suspended the respondent for one year for neglecting a legal matter, failing to communicate with a client, and engaging in a personal relationship with a current client.

**IN RE DONALD C. DOUGLAS, JR. (Mandeville), 2019-B-0984 (6/26/19):** The Court publicly reprimanded the respondent for violating Rule of Professional Conduct 8.4(d).

**IN RE ERNEST L. JOHNSON (Baton Rouge), 2019-B-0682 (6/26/19):** The Court suspended the respondent from the practice of law for a period of six months, fully deferred, for violating Rules of Professional Conduct 3.3(a)(1), 3.3(a)(2), 8.4(a), and 8.4(d).

**IN RE ERICA MAY LOTZ (Nashville, TN), 2019-B-1103 (9/17/2019):** The Court suspended the respondent for one year and one day, with all but thirty days deferred, based upon allegations that she mismanaged her client trust account.

**IN RE DANTE JEROME BUTLER (New Orleans), 2019-B-1199 (9/24/2019):** The Court suspended the respondent for eighteen months, with all but one year and one day deferred, for mishandling his client trust account and not maintaining adequate financial or client records, failing to submit an opposition to a motion for summary judgment and then concealing his neglect, and failing to diligently pursue discovery on his client's behalf.

**IN RE KEELUS RENARDO MILES (Baton Rouge), 2019-B-1279 (10/21/19):** The Court publicly reprimanded the respondent for violating Rules of Professional Conduct 1.3, 1.4, 1.5(a), 1.5(f)(5), 1.16(d), 8.4(a), and 8.4(c).

**IN RE SUZAN E. JACKSON (New Orleans), 2019-B-1340 (10/8/19):** The Court suspended the respondent from the practice of law for one year and one day, with all but thirty days deferred, for mismanaging her client trust account.

**IN RE EVELYN S. ADAMS (Grove Hill, AL), 2019-B-1267 (10/1/19):** The Court suspended the respondent for eighteen months, with all but six months deferred, based upon her failure to refund an unearned fee and her arrest for driving under the influence of alcohol.

**IN RE THOMAS E. LOEHN (Metairie), 2019-B-1278 (10/1/19):** The Court suspended the respondent for one year and one day, fully deferred, for mismanaging his law firm's client trust account.

#### **Recent Decisions From the Louisiana Supreme Court**

##### *Formal Charges:*

**IN RE PATRICK A. GIRAUD (Chalmette), 2018-B-1646 (6/26/19):** The Court suspended the respondent for one year and one day, with all but six months deferred, for mishandling his client trust account, resulting in conversion of client funds, and using funds from his trust account to support his addiction to OxyContin.

**IN RE DORIS McWHITE WESTON (Baton Rouge), 2018-B-1799 (3/26/2019):** The Court suspended the respondent for one year and one day, fully deferred, for failing to promptly remit funds owed to a third-party medical provider.

**IN RE WILLIAM MAGEE (Covington), 2018-B-0383 (1/30/2019):** The Court suspended the respondent for two years for creating three fictitious quitclaim deeds, forging the name of the purported seller on the deeds, listing himself as buyer on the deeds, and filing the deeds into the public record. The respondent then used the fictitious deeds to gain ownership of the properties in a default proceeding.

**IN RE DANIEL E. BECNEL III (LaPlace), 2018-B-0848 (1/30/2019,3/26/2019):** Rehearing denied : The Court suspended the respondent for one year and one day for failing to disburse funds to a client and for mishandling his trust account.

**IN RE FELIX DEJEAN IV (Baton Rouge), 2018-B-1333 (1/30/2019):** The Court suspended the respondent for one year and one day for committing a battery on another attorney during a conference in a judge's chambers.

**IN RE ALICIA JOHNSON BUTLER (New Iberia), 2018-B-1472 (1/30/2019):** The Court suspended the respondent for one year and one day, with all but six months deferred, for failing to communicate with her client, failing to promptly remit funds to her client and to third-party medical providers, and failing to place disputed funds into her trust account.

**IN RE DANTE JEROME BUTLER (New Orleans), 2018-B-1812 (5/8/2019):** The Court suspended the respondent for eighteen months, with all but one year deferred, for improperly sharing legal fees with non-lawyers and assisting them in the unauthorized practice of law.

**IN RE JOHN JULIUS STEGER IV (Kenner), 2018-B-1979 (5/8/2019):** The Court suspended the respondent for eighteen months, with all but six months deferred, based upon several alcohol related

arrests.

**IN RE YOLANDA JULIE KING (Slidell), 2019-B-0356 (5/20/2019):** The Court suspended the respondent for one year, retroactive to the date of her interim suspension (3/14/2016), based upon her guilty plea to a misdemeanor criminal offense involving statements as to her domicile in connection with qualifying as a candidate for public office.

**IN RE CAROL E. PARKER (Ponchatoula), 2019-B-1007 (10/15/19):** The Court suspended the respondent for six months, with all but thirty days deferred, for filing frivolous and dilatory motions to recuse two judges and misusing the legal process in order to delay proceedings.

**Reinstatement/Readmission Matters:**

**IN RE LEONARD E. YOKUM, JR. (Hammond), 2018-OB-1809 (1/14/2019):** The Court denied the petition for reinstatement filed by Mr. Yokum and ordered that he may not reapply for reinstatement until at least two years have passed from the date of the judgment.

**IN RE ARTHUR GILMORE, JR. (Monroe), 2018-OB-2092 (2/18/2019):** The Court readmitted the petitioner to the practice of law following his disbarment.

**IN RE ATTLAH DENIECE BURRELL (Houston, TX), 2019-OB-0243 (4/8/2019):** The Court reinstated the petitioner to the practice of law. The petitioner had been previously suspended for a period of three years.

**IN RE JULIE A. FUSILIER (Baton Rouge), 2019-OB-0375 (4/29/2019):** The Court reinstated the petitioner to the practice of law on a conditional basis. The petitioner had been previously suspended for eighteen months.

**IN RE STEPHEN J. HOLLIDAY (Baton Rouge), 2019-OB-0459 (5/20/2019):** The Court reinstated the petitioner to the practice of law on a conditional basis. The petitioner had been previously suspended for three years.

**IN RE: DARRYL BRENT JOHNSON, JR 2019-OB-1327 (Nixa, MO) (10/21/2019):** The Court reinstated after reciprocal discipline, indicating that the Supreme Court of Missouri reinstated him to the practice of law and ODC could not demonstrate any procedural irregularities in the Missouri procedure.

**IN RE WILLIAM FRANCIS HENDERSON (Alexandria), 2019-OB-1386 (10/21/19):**  
Readmission denied.

## Revisions to Louisiana Supreme Court Rule XIX

Effective May 15, 2019, the Louisiana Supreme Court made significant revisions to Louisiana Supreme Court Rule XIX ("Rule XIX"). Rule XIX governs matters that are investigated and prosecuted by the Office of Disciplinary Counsel and adjudicated by the Louisiana Attorney Disciplinary Board, as well as other attorney regulation matters. Below is a synopsis of some of the changes to Rule XIX.

- For attorneys licensed for fifty years or more, the requirement to pay the annual disciplinary assessment (\$235) has been eliminated. Rule XIX, §8(A).
- Formal charge matters no longer proceed automatically from the hearing committee to the disciplinary board. Rather, a party must now file an objection to the committee's report to seek the board's review. Otherwise, the matter will be filed directly with the Court. Rule XIX, §11(E)(5), (F), and (G).
- Revisions were made to Rule XIX, §11(H), to add clarity to the diversion process.
- Under Rule XIX, §13(C), "Service of Other Papers" may be made by email.
- Revisions were made to the discovery rule. Rule XIX, §15.
- Revocation of conditional admission proceedings are now confidential. Rule XIX, §16(D).
- The definition of "serious crime" was clarified. Rule XIX, §19(B).
- A section was added to allow the Court to "conditionally reject" a petition for consent discipline. Rule XIX, §20(G).
- A "permanent retirement" status and procedure was created. Rule XIX, §20.2.
- The reciprocal discipline rule was amended to allow for the imposition of reciprocal discipline based upon an order of discipline from a federal disciplinary authority. Rule XIX, §21.
- The board must now reject petitions and applications for reinstatement or readmission that do not comply with Rule XIX, §24(A-D). Rule XIX, §24(B).
- Rule XIX, §26, was amended to require notice to clients, adverse parties, and other counsel if an attorney serves any active period of suspension.
- Rule XIX, §27, was amended to create "receivership panel teams" that may be used when a lawyer is transferred to disability inactive status, suspended, disbarred, permanently disbarred, disappears, permanently retires, permanently resigns in lieu of discipline, or dies. (Rule XIX, Appendix D, was eliminated.)