

## **CUTTING EDGE MUSIC BUSINESS CONFERENCE 2014**

01:30 PM - 2:30 PM, August 21, 2014, Future Business Dealing: Conflicts, Money, and Ethics [Legal/CLE 1.0 cr. hrs]

**Speakers: Judith A. DeFraites, Vernon P. Thomas, and David A. Dalia**

**Attached legal research spreadsheet graciously compiled by Janet LaRue, of the Tulane Paralegal Studies Program**

From August 1, 2013 to July 31, 2014 there were 59 separate Supreme Court attorney disciplinary orders. Not included were orders for interim suspension, transfers to disability inactive or active status, or voluntary resignations without accompanying allegations of misconduct or negligence.

Twenty eight of the orders have one or more financial components including commingling funds, failure to return unearned fees, overdrawing client trust accounts, borrowing client money, failure to repay client loans, and failure to remit or disburse funds. Five orders involve the failure to properly supervise non-attorney staff. Five orders concern improper notarial procedures. Four orders concern criminal charges. Four orders were for practicing law while ineligible. Eight orders were for general neglect including failure to communicate or return a file, and unauthorized settling of a case. Five were for miscellaneous reasons not otherwise listed here. Although one case resulted in disbarment and six in permanent resignation in lieu of discipline, the majority resulted in either public reprimands or license suspension, often deferred, and coupled with supervised or unsupervised probation.

Several cases included multiple allegations. Cases were sorted into the following categories; financial improprieties, criminal charges, ineligible to practice, general neglect, failure to supervise non-attorney employee, notary issues and miscellaneous, and are described on the following spreadsheet.

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DATE	ATTORNEY	BAR #	RULES VIOLATED	ALLEGATIONS	DISCIPLINE	NOTES
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**CRIMINAL**

7/8/14	Mannear, William	9098	Rule 5.5	Charged on a bill of information with receiving child pornography. Pleaded guilty May, 2014.	In lieu of discipline Mannear seeks permanent resignation. ODC concurs. It is granted	
5/21/14	Hill, Kenneth	6909	5.5	Arrested for third DUI	In lieu of discipline Hill seeks permanent resignation. ODC concurs. It is granted	
3/21/14	Holden, Timothy	34403	8.1(a),8.1(b),8.4(b),8.4©	Arrested for simple possession of marijuana and that he misrepresented his history of marijuana use to the Commision on Bar Admissions and the LAP	Suspended for three years	Submitted joint petition with ODC stipulating rules violated as listed.
9/20/13	Brignac, Rodney	1730	8.4(b)	Driving under the influence	Suspended for one year and one day	Submitted joint petition with ODC stipulating rules violated as listed.

**FINANCIAL**

7/9/14	Brooks, Donita	23667	Rules1.3, 1.4, 1.5(f), 8.1(c),8.4(a), and 8.4(c)	Neglected legal matter, failed to refund unearned fee, failure to communicate with client, failure to return client file.	Suspended for one year plus one day with all but six months deferred, subject to successful completion of one year probation.	Submitted joint petition with ODC stipulating rules violated as listed.
6/20/14	Capasso, David	24990	1.3, 1.5(f), 1.15	Neglected legal matter, failed to refund unearned fee,mishandled client trust account.	18 month suspension deferred for two years subject to successful completion of 2-year supervised probation.	Submitted joint petition with ODC stipulating rules violated as listed.

DATE	ATTORNEY	BAR #	RULES VIOLATED	ALLEGATIONS	DISCIPLINE	NOTES
6/20/14	Dillon, John	18586	1.15 and 8.4(a)	Mishandled client trust account letting it be overdrawn at one point	6 month suspension deferred in its entirety subject to successful completion of 2 year supervised probation	Submitted joint petition with ODC stipulating rules violated as listed.
6/20/14	Channing, Warner	29017		Allegations:neglected a legal matter, failed to communicate with client, commingled client funds, failed to promptly deliver settlement funds	Suspended for one year and one day, suspended in its entirety subject to successful completion of two years supervised probation.	Submitted joint petition for consent discipline with ODC
6/13/14	Baloney, Geraldine	24012		Engaged in conflict of interest causing one client to be overcharged, accepted aggregate settlement without informed consent of client	Suspended six months, deferred entirely subject to one year supervised probation	Submitted joint petition for consent discipline with ODC
6/13/14	Lain, Clyde	7922	5.5	Converted client funds to his own use	In lieu of discipline Lain seeks permanent resignation. ODC concurs. It is granted	
5/16/14	Davis, Craig	23024		Failed to timely remit funds, failed to provide full disclosure to the court regarding fund dispersal	Six months suspension, deferred entirely subject to completion of one year unsupervised probation	Submitted joint petition for consent discipline with ODC
4/4/14	Garrity, Robert	5951		Commingled fees with client funds in trust account, failed to provide reasonable periodic accounting to a client	Six months suspension, deferred entirely subject to completion of one year supervised probation	Submitted joint petition for consent discipline with ODC

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4/4/14	Clark, Soncere	19275		Neglected a legal matter, failed to communicate with client, failed to promptly refund unearned fee.	Public reprimand	Submitted joint petition for consent discipline with ODC
2/21/14	Ackers, Samantha	32086	1.5(a) and 1.15(a)	Negligently commingled and converted client funds. Charged legal fees for non-legal services	Suspended for one year and one day.	Submitted joint petition with ODC stipulating rules violated as listed.
2/21/14	Jackson, Michael	22805		Commingled funds, converted client and third-party funds	Suspension for one year and one day, all deferred, subject to completion of two year supervised probation	Submitted joint petition for consent discipline with ODC
2/21/14	Sylvester, Danny	24228		Improperly handled client funds	In lieu of discipline Sylvester seeks permanent resignation. ODC concurs. It is granted	
2/14/14	Lewis, Gregory	31000	1.15 and 8.4(a)	Misused client trust account, failed to promptly remit funds to a third-party medical provider	Six month suspension, fully deferred with a one year supervised probation	Submitted joint petition with ODC stipulating rules violated as listed.
2/12/14	Bell, Murphy	24960		Commingled funds, converted client and third-party funds	Suspended for one year and on day, all deferred, with two years supervised probation	Submitted joint petition for consent discipline with ODC
1/27/14	Morris, Jeannie	11101	1.15 and 8.4(a)	Commingled fund and allowed account to be overdrawn.	Six month suspension, fully deferred with a two year probation	Submitted joint petition with ODC stipulating rules violated as listed.

DATE	ATTORNEY	BAR #	RULES VIOLATED	ALLEGATIONS	DISCIPLINE	NOTES
1/23/14	Debose-Parent, Ermence	20534		Neglected legal matters, failed to address fee disputes, improperly borrowed money from a client, allowed client trust account to be overdrawn, converted client and third party funds	In lieu of discipline Debose-Parent seeks permanent resignation. ODC concurs. It is granted	
1/17/14	Ford, Dieth	4939		Neglected legal matter, failed to deposit advance fee into client trust account, improperly reported on trust account disclosure that he does not handle client funds.	One year suspension with all but 90 days deferred and one year unsupervised probation	Submitted joint petition for consent discipline with ODC
1/17/14	Motter, David	21366		Failed to communicate with client, failed to hold disputed funds in trust, commingled client and personal funds, engaged in conflict of interest, engaged in conduct prejudicial to administration of justice	Suspended one year and one day, all deferred subject to completion of two years supervised probation	Submitted joint petition for consent discipline with ODC
1/10/14	Butler, Alicia	26613		Failed to promptly notify third party of receipt of funds in which they had an interest, failed to hold those funds separate from her personal funds, misinformed a federal court of the correct amount of a reimbursement she was due	Six month suspension, all deferred, and one year supervised probation	Submitted joint petition for consent discipline with ODC
1/10/14	Ross, Mark	11477	1.15	Commingled client and personal funds and allowed account to be overdrawn	Six month suspension, fully deferred with two years supervised probation	Submitted joint petition with ODC stipulating rules violated as listed.
12/6/13	Harris, Sr., Arthur	6608		Neglected legal matters, failed to communicate with clients, failed to return unearned fee	Suspended for one year and one day, all deferred. Two years supervised probation	Submitted joint petition for consent discipline with ODC
11/22/13	Bell, Michael	27740	1.4, 1.16(d), and 8.4(a)	No narrative but rules include failure to return unearned fees and failure to cooperate with the ODC	Suspended for year and one day, retroactive to Sept 19, 2012, date of interim suspension and all but one year deferred	Submitted joint petition for consent discipline with ODC

DATE	ATTORNEY	BAR #	RULES VIOLATED	ALLEGATIONS	DISCIPLINE	NOTES
11/22/13	Mulkey, Madison	31517		Failed to timely return funds borrowed from client, made false statement in court in connection with a judgement debtor examination. Initially did not cooperate with the ODC.	Suspended with two years. Must make full restitution with client	Submitted joint petition for consent discipline with ODC
11/15/13	Self, Jeananne	31539		Commingled client funds and failed to repay unearned fee	Suspended for two years, retroactive to 10/9/2012, date of interim suspension. All but one year deferred with two years supervised probation	Submitted joint petition for consent discipline with ODC in which she admitted allegations.
9/27/13	Monroe, William	9555	1.15(a) and (b)	Misused client trust account, commingling with personal funds and paying secretary directly from account.	Public reprimand and must attend next session of Trust Accounting School	Submitted joint petition with ODC stipulating rules violated as listed and that conduct was negligent
9/20/13	Calvo Broce, Maria	27193	1.15	Commingled personal and client funds	Suspended six months, all deferred with two years supervised probation	Submitted joint petition with ODC stipulating rules violated as listed.
9/18/13	Craft, Bruce	20766		Serious misconduct including accepting fees, failing to perform, failing to refund fees	In lieu of discipline Craft seeks permanent resignation. ODC concurs. It is granted	
8/30/13	Henderson, William	21291	1.15 and 8.4(b)	Pleaded guilty to one felony count of unauthorized use of movable valued at more than \$1000 (R.S. 14.68 (A)) stemming from misuse of client funds	Disbarred retroactive to 3/31/2010, date of interim suspension	Submitted joint petition with ODC stipulating rules violated as listed.

**INELIGIBLE TO PRACTICE LAW**

DATE	ATTORNEY	BAR #	RULES VIOLATED	ALLEGATIONS	DISCIPLINE	NOTES
6/20/14	Tyrell, Bridgette	29100		Practiced law while ineligible and failed to cooperate with ODC	Suspended for 18 months	Submitted joint petition for consent discipline with ODC
2/26/14	Beason, Ryan	30129		Practiced law while ineligible to do so.	Suspended for one year and one day with all but 90 days deferred, followed by two years of unsupervised probation.	Submitted joint petition for consent discipline with ODC
2/7/14	Montelepre, Philip	9562		Practiced law while ineligible to do so.	Public reprimand	Submitted joint petition for consent discipline with ODC
11/8/13	Larre, Frank	8049		Practiced law while ineligible to do so.	Suspended for one year and one day with all but 90 days deferred, followed by two years of unsupervised probation	Submitted joint petition for consent discipline with ODC in which he admitted allegations.

**MISCELLANEOUS**

7/8/14	Ljunberg, Robin			Motion to revoke conditional admission to LA bar.	Immediate revocation. May not reapply until can show one year of sobriety.	Must apply to Disciplinary Board who shall make recommendation to the court for readmission.
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6/20/14	Kendig, William	17644	1.7, 2.1, and 8.4(a)	Engaged in consensual sexual relationship with a client	Suspended for one year plus one day with all but six months deferred, followed by two years unsupervised probation	Submitted joint petition with ODC stipulating rules violated as listed.
5/16/14	Hilburn, James	20221		Filed a petition for damages for defamation for defendant based on his filing of a disciplinary complaint with the ODC	Public reprimand	Submitted joint petition for consent discipline with ODC
4/25/14	Richardson, Kimberly	23552		Non-compliance with court order and LAP program.Deferred suspension reinstated.	Suspended for one year and one day.	In Re. Richardson 12-1213, (La 6/15/2012) 90 So. 3d 1032....signed name of another attorney on affidavits on two occasions
11/8/13	Vessel, Heidi	29015		Made inappropriate comments to employees of East Baton Rouge Family Court's clerk's office	Public reprimand	Submitted joint petition for consent discipline with ODC

**GENERAL NEGLECT**

5/30/14	Weddle, Christopher	29475		Failed to keep client informed and executed agreement contrary to objectives and without informed consent.	Three month suspension, all deferred subject to condition that any misconduct within following year may make suspension executory or be grounds for further punishment	Submitted joint petition for consent discipline with ODC
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5/23/14	Martin, J. Renee	30161		Failed to return client file	Public reprimand	Submitted joint petition for consent discipline with ODC
5/16/14	Hickman, Darrell	22797		Misled client regarding case status	One year suspension deferred in its entirety.	Submitted joint petition for consent discipline with ODC
5/16/14	Morris, Devin	30162	1.3, 1.4(a)(3)(4), 1.5(f)(3), 1.16, 8.1(c), 8.4(a)	No narrative but rules include general neglect, failure to consult, failure to cooperate with the ODC,	Suspension for one year and one day, all deferred, subject to completion of one year unsupervised probation	Submitted joint petition with ODC stipulating rules violated as listed.
1/27/14	Tucker, Robert	21920		Neglected legal matter, failed to effectively communicate with client, failed to properly withdraw from legal representation, failed to relinquish un-negotiated settlement check in a timely manner	Public reprimand	Submitted joint petition for consent discipline with ODC
12/6/13	Burns, Benjamin	3695		Neglected legal matters, failed to communicate with a client, failed to promptly disburse funds to a third party, failed to properly withdraw from representation of client	Suspended one year with all but six months deferred. One year supervised probation.	Submitted joint petition for consent discipline with ODC
12/6/13	Stampley, Gilbert	12392		Failure communicate with clients, neglected legal matter, failure to timely account for fees, engaged in conflict of interest and conduct prejudicial to the administration of justice	Suspended 18 months with all but one year deferred subject to successful completion of one year of unsupervised probation	Submitted joint petition for consent discipline with ODC

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9/20/13	Ashley II. Bruce	2577		Neglected a legal matter and failed to communicate with client	Suspended for six months, all deferred subject to attendance at the Bar Association's Ethics School	Submitted joint petition for consent discipline with ODC

#### NOTARIAL ISSUES

2/14/14	Aldige, Hugh	2368	3.3(a)(1),3.4(b),8.4(a) c)(d)	Notarized and caused to be entered into a succession an affidavit he knew or should have known contained false information	Six month suspension, all but 30 days deferred and six months unsupervised probatioin	Submitted joint petition with ODC stipulating rules violated as listed.
2/7/14	Colbert, Royal	27412		Notarized a document outside the presence of the signatory	Public reprimand	Submitted joint petition for consent discipline with ODC stipulating misconduct occurred
1/10/14	Pichon, Larry	19104		Attempted to violate the Rules of Professional Conduct by asking opposing party sign documents outside his presence and return to him to be notarized	Public reprimand	Submitted joint petition for consent discipline with ODC admitting allegations
12/6/13	Webb, Daniel	13294	8.4(a) and 8.4(c)	Caused wife's signature to be affixed to a mortgage act and IRS form without her consent. Requested other attorney notarize mortgage document knowing the signature was not authentic	Suspended six months with all of it deferred	Submitted joint petition with ODC stipulating rules violated as listed.

DATE	ATTORNEY	BAR #	RULES VIOLATED	ALLEGATIONS	DISCIPLINE	NOTES
10/25/13	Raspanti, Joseph	17897		Failed to communicate with three clients, settled case without client's informed consent, improperly notarized settlement release and failed to promptly deliver settlement funds	Suspended six months, all deferred	Submitted joint petition for consent discipline with ODC

**FAILURE TO SUPERVISE NON-LAWYER**

2/26/14	Thompson, Alphonse	17169	1.15(a)(f), 5.3, and 8.4(a)	Failure to properly supervise non-lawyer assistant and mishandled client trust account.	Public reprimand	Submitted joint petition with ODC stipulating rules violated as listed and that the misconduct was negligent.
11/1/13	Derouen, Lashonda	30841	1.15(a)(f), 5.3(a)(b), and 8.4(a)	Failure to properly supervise non-lawyer assistant and mishandled client trust account.	Suspended one year and one day, all deferred subject to completion of two years supervised probation	Submitted joint petition with ODC stipulating rules violated as listed.
9/27/13	Fowler, Richard	5803	1.15 and 5.3	Failed to properly supervise non-attorney employees leading to mishandling of client funds	Public reprimand and two years supervised probation	Submitted joint petition with ODC stipulating rules violated as listed and that conduct was negligent
9/27/13	Sweeney, Neil	2136	5.3	Failed to properly supervise non-attorney employees resulting in mishandling legal matters	Suspended one year and one day, all deferred subject to completion of two years unsupervised probation	Submitted joint petition with ODC stipulating rules violated as listed.
9/27/13	Baldone, Damon	21997	1.8(e)(5)(iii) and 5.3	Failed to properly supervise non-lawyer employees leading to excessive interest charge on living expense advances	Public reprimand	Submitted joint petition with ODC stipulating rules violated as listed and that conduct was negligent

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Not all orders indicated which Rules of Professional Conduct had been violated. When that information was available it was included.