

SUPREME COURT OF LOUISIANA

In re Crittenden

854 So. 2d 318 (La. 2003) · Decided September 5, 2003

SUMMARY

The Louisiana Supreme Court considered disciplinary charges against Walter J. Crittenden, who accepted a legal fee and handled a criminal matter while suspended from practicing law. The court found violations including unauthorized practice, failure to communicate and account for fees, and failure to cooperate with the disciplinary investigation. In light of his misconduct and extensive disciplinary history, the court ordered permanent disbarment and prohibited his readmission to practice law in Louisiana.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	LIPER, J.
JURISDICTION	Louisiana
DECIDED	September 5, 2003
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from one count of formal charges filed by the Office of Disciplinary Counsel against a disbarred attorney. The hearing committee and disciplinary board recommended permanent disbarment, restitution, and assessment of costs; neither respondent nor the Office of Disciplinary Counsel objected.
STANDARD OF REVIEW	The Supreme Court of Louisiana reviewed the record, the findings and recommendations of the hearing committee and disciplinary board, and whether the formal charges were proven by clear and convincing evidence.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; precedential authority on the interpretation and application of Louisiana attorney-discipline rules.

TOPICS

- remedies
- restitution
- administrative law

PRACTICE AREAS

attorney discipline

professional responsibility

unauthorized practice of law

legal ethics

disciplinary sanctions

QUESTIONS PRESENTED

1. Whether the formal charges were proven by clear and convincing evidence when respondent failed to answer and the allegations were deemed admitted.
2. Whether respondent's unauthorized practice of law while suspended, combined with his extensive disciplinary history and related misconduct, warranted permanent disbarment rather than ordinary disbarment.

HOLDINGS

1. The formal charges were proven by clear and convincing evidence because respondent failed to answer or otherwise reply, causing the factual allegations to be deemed admitted under Supreme Court Rule XIX, § 11(E)(3).
2. Permanent disbarment was warranted because respondent intentionally practiced law while suspended, conduct falling within Guideline 8 of Appendix E to Supreme Court Rule XIX, and his lengthy disciplinary record demonstrated that he lacked the moral fitness to practice law in Louisiana.

KEY QUOTATIONS

“Nonetheless, we are firmly convinced that we would be remiss in our constitutional duty to regulate the practice of law if we did not impose that sanction here.” (321-322)

“By his callous disregard for his clients and for the authority of this court, respondent has forfeited his right to practice law in the State of Louisiana.” (322)

“It is ordered that Walter J. Crittenden be permanently disbarred.” (322)

FACTUAL BACKGROUND

While under interim suspension, Walter J. Crittenden accepted a fee from Theresa Matthews and Stephone Hamilton to handle a criminal matter for Hamilton. He did not disclose that he had been suspended since July 2, 1998, performed little work, failed to communicate adequately, failed to provide an accounting or refund the unearned portion of the fee, and failed to cooperate with the resulting disciplinary investigation. Crittenden had an extensive prior disciplinary history, including prior suspensions, probation revocation, unauthorized practice while suspended, and an earlier disbarment.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel filed formal charges alleging that respondent accepted a fee and undertook representation while suspended, failed to disclose his suspension, performed little work, failed to communicate and account for the fee, failed to refund unearned fees, and failed to cooperate with the investigation. Respondent did not answer, so the factual allegations were deemed admitted and proven by clear and convincing

evidence under Supreme Court Rule XIX, § 11(E)(3). The hearing committee recommended disbarment, and the disciplinary board recommended permanent disbarment, restitution, and costs. The Supreme Court of Louisiana accepted the board's recommendation and permanently disbarred respondent.

DISPOSITION

other

CASES CITED

- In re: Crittenden, 604 So. 2d 1297 (La. 1992)
- In re: Crittenden, 95-2050 (La. 1/16/96), 666 So. 2d 649
- In re: Crittenden, 98-0970 (La. 7/2/98), 845 So. 2d 1035
- In re: Crittenden, 01-1960 (La. 1/24/03), 839 So. 2d 936
- In re: Morphis, 01-2803 (La. 12/4/02), 831 So. 2d 934