

SUPREME COURT OF LOUISIANA

In re Shields

161 So. 3d 614 (La. 2015) · No. 12-DB-038; 13-DB-053 · Decided February 27, 2015

SUMMARY

The Louisiana Supreme Court reviewed consolidated disciplinary proceedings against attorney Ali Zito Shields involving improper instructions to a client concerning signatures, failure to return a client file, failure to provide fee accountings or refunds, and failure to cooperate with disciplinary authorities. The court suspended Shields for one year and one day, conditioned reinstatement on full refunds to the affected clients, and assessed the proceeding's costs against her.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Crichton; Knoll
JURISDICTION	Louisiana
DECIDED	February 27, 2015
DOCKET	12-DB-038; 13-DB-053
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding arising from two sets of formal charges consolidated by the disciplinary board and submitted to the Supreme Court of Louisiana for review of the recommended sanction.
STANDARD OF REVIEW	Because attorney-discipline matters fall within the court's original jurisdiction, the Supreme Court acts as the trier of fact and independently reviews the record to determine whether misconduct was proven by clear and convincing evidence.
PRECEDENTIAL VALUE	Published precedential opinion

TOPICS

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PRACTICE AREAS

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appellate and original jurisdiction

QUESTIONS PRESENTED

1. Whether the respondent's conduct was proven by clear and convincing evidence and violated the Louisiana Rules of Professional Conduct.
2. What sanction was appropriate for instructing a client to sign the respondent's name on pleadings, failing to return a client file, failing to provide accountings, failing to refund unearned fees, failing to appear or enroll as counsel, and failing to cooperate with disciplinary authorities.

HOLDINGS

1. The respondent violated the Rules of Professional Conduct by instructing a client to sign the respondent's name as attorney and notary on pleadings, failing to return a client file, failing to provide accountings, failing to refund unearned fees, failing to appear or enroll as counsel in a criminal matter, and failing to cooperate with the Office of Disciplinary Counsel.
2. A suspension from the practice of law for one year and one day was warranted, and reinstatement was conditioned on full refund of the legal fees paid by Miranda and the Sanders clients.

KEY QUOTATIONS

“Consequently, we act as triers of fact and conduct an independent review of the record to determine whether the alleged misconduct has been proven by clear and convincing evidence.” (619)

“In determining a sanction, we are mindful that disciplinary proceedings are designed to maintain high standards of conduct, protect the public, preserve the integrity of the profession, and deter future misconduct.” (619)

“Therefore, we will suspend respondent from the practice of law for one year and one day. Prior to submitting an application for reinstatement to the practice of law, respondent shall refund in full the legal fees paid by Ms. Miranda and Mr. and Mrs. Sanders.” (619-620)

FACTUAL BACKGROUND

Ali Zito Shields represented Melinda Miranda in a divorce matter after receiving a \$1,500 fee and instructed Miranda to sign Shields's name on attorney and notary lines of pleadings. Shields did not return Miranda's file, provide an accounting, or refund any unearned fee. In a separate criminal matter, Shields received \$6,000 to represent Shawn Sanders, failed to appear at his arraignment or enroll as counsel, refused to provide an accounting or refund, and caused the clients to retain other counsel. Shields also failed to cooperate with the Office of Disciplinary Counsel's investigation.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel filed formal charges under disciplinary board docket numbers 12-DB-038 and 13-DB-053. The respondent stipulated to the facts and violations in the first matter, while the allegations in the second matter were deemed admitted after she failed to answer. The hearing committees and disciplinary board recommended discipline, with the board recommending suspension for one year and one day. The Supreme Court independently reviewed the record and imposed that sanction, together with full fee refunds and costs.

DISPOSITION

other

CASES CITED

- In re: Banks, 09-1212 (La. 10/2/09), 18 So. 3d 57
- Louisiana State Bar Ass'n v. Reis, 513 So. 2d 1173 (La. 1987)
- In re: Torry, 10-0837 (La. 10/19/10), 48 So. 3d 1038

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