

SUPREME COURT OF LOUISIANA

In re Christenberry

132 So. 3d 388 (La. 2014) · No. 05-B-0193; consolidated with 03-DB-052 and 05-DB-055 · Decided January 27, 2014

SUMMARY

The Louisiana Supreme Court considered consolidated attorney-discipline proceedings against Andrew C. Christenberry involving neglect of two criminal matters, inadequate client communication, delayed expungement work, fee issues, and failure to cooperate with disciplinary authorities. The court found multiple violations of the Louisiana Rules of Professional Conduct and imposed a suspension of one year and one day, with all but three months deferred, followed by two years of supervised probation.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Louisiana
DECIDED	January 27, 2014
DOCKET	05-B-0193; consolidated with 03-DB-052 and 05-DB-055
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from two sets of formal charges consolidated by the Louisiana Supreme Court. The disciplinary board recommended a one-year-and-one-day suspension, with all but three months deferred, followed by two years of supervised probation.
STANDARD OF REVIEW	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. The manifest error standard applies to the hearing committee's factual findings.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Office of Disciplinary Counsel v. Andrew C. Christenberry

TOPICS

PRACTICE AREAS**QUESTIONS PRESENTED**

1. Whether the stipulated and record-supported conduct constituted violations of the Louisiana Rules of Professional Conduct.
2. Whether the respondent's misconduct warranted the disciplinary board's recommended sanction.
3. What standard governs the Supreme Court's review of factual findings and disciplinary recommendations in an attorney disciplinary proceeding.

HOLDINGS

1. The record established by clear and convincing evidence that Christenberry neglected two legal matters, failed to communicate with a client, failed to timely refund an unearned fee, and failed to cooperate with the Office of Disciplinary Counsel, in violation of the stipulated Rules of Professional Conduct.
2. The Louisiana Supreme Court exercises original jurisdiction over attorney disciplinary matters, independently reviews the record, and determines whether misconduct has been proven by clear and convincing evidence; the manifest error standard applies to hearing committee factual findings.
3. A one-year-and-one-day suspension was warranted, with all but three months deferred, followed by two years of supervised probation.

KEY QUOTATIONS

“Bar disciplinary matters fall within the original jurisdiction of this court. La. Const. art. V, § 5(B). 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.” (132 So. 3d at 393)

“The record also supports a finding that respondent knowingly violated duties owed to his clients, the legal system, and the legal profession. His conduct caused actual harm to his clients, although he did eventually complete both representations.” (132 So. 3d at 394)

FACTUAL BACKGROUND

Christenberry neglected two criminal-defense matters, failed to communicate adequately with clients, failed to timely pursue promised expungements and refunds, and failed to cooperate fully with the Office of Disciplinary Counsel. In the Hansen matter, he represented that charges had been dismissed and expunged when they remained active, and he failed to address the client's forfeited bond until after formal charges were filed. In the Blake matter, he failed for several years to obtain an expungement that was included in the agreed fee, ultimately obtaining it only after disciplinary proceedings began.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel filed formal charges against Christenberry under docket numbers 03-DB-052 and 05-DB-055. Separate hearing committees considered the matters, which were later consolidated by the Louisiana Supreme Court. The hearing committees and disciplinary board found stipulated violations of the Rules of Professional Conduct and recommended discipline. The Supreme Court independently reviewed the record and imposed a one-year-and-one-day suspension, with all but three months deferred and two years of supervised probation.

DISPOSITION

other

CASES CITED

- In re: Christenberry, 903 So. 2d 1128 (La. 2005)
- In re Banks, 18 So. 3d 57 (La. 2009)
- In re Caulfield, 683 So. 2d 714 (La. 1996)
- In re Pardue, 633 So. 2d 150 (La. 1994)
- Louisiana State Bar Ass'n v. Reis, 513 So. 2d 1173 (La. 1987)
- Louisiana State Bar Ass'n v. Whittington, 459 So. 2d 520 (La. 1984)
- In re Ford, 30 So. 3d 742 (La. 2010)