

SUPREME COURT OF LOUISIANA

In Re: Donald R. Dobbins

2019-B-01346 · No. 2019-B-01346 · Decided January 29, 2020

SUMMARY

The Louisiana Supreme Court disciplined attorney Donald R. Dobbins for misconduct arising from five client matters, including succession, custody, personal injury, and settlement representations. The court imposed a suspension of one year and one day, ordered restitution of \$2,440 to Linder Smith and \$2,000 to Patsy Godfrey, and assessed costs against him.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam; Chief Justice Weimer; Justice Crichton; Justice Crain; Retired Judge James H. Boddie, Jr., Justice ad hoc
JURISDICTION	Louisiana
DECIDED	January 29, 2020
DOCKET	2019-B-01346
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from formal charges filed by the Office of Disciplinary Counsel. The hearing committee and disciplinary board recommended suspension and restitution; respondent and the Office of Disciplinary Counsel objected, and the matter proceeded to oral argument before the Supreme Court of Louisiana.
STANDARD OF REVIEW	Because attorney disciplinary matters fall within the Supreme Court of Louisiana's original jurisdiction, the court acts as 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
PARTIES	Donald R. Dobbins v. Office of Disciplinary Counsel

TOPICS

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child custody

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personal injury

civil procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the record established by clear and convincing evidence that Dobbins violated the Louisiana Rules of Professional Conduct.
2. What sanction was appropriate in light of the misconduct, actual harm, aggravating and mitigating circumstances, prior discipline, and delay in the disciplinary proceedings.
3. Whether restitution should be ordered to Linder Smith and Patsy Godfrey and whether costs should be assessed against Dobbins.

HOLDINGS

1. The record established that Dobbins violated the Rules of Professional Conduct by failing to provide competent representation, neglecting legal matters, failing to communicate, failing to refund unearned fees and unused costs, failing to supervise non-lawyer staff, causing false affidavits to be filed, failing to reduce a contingency-fee agreement to writing, forging or permitting the forging of client signatures on settlement checks, and failing to place disputed funds in his trust account.
2. Although the Supreme Court is not bound by the findings or recommendations of the hearing committee or disciplinary board, the manifest-error standard applies to the hearing committee's factual findings.
3. A one-year-and-one-day suspension from the practice of law was appropriate, together with restitution of \$2,440 to Linder Smith and \$2,000 to Patsy Godfrey and assessment of costs.

KEY QUOTATIONS

“Bar disciplinary matters fall within the original jurisdiction of this court.” (21)

“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.” (21)

“The baseline sanction for respondent’s misconduct is suspension.” (22)

FACTUAL BACKGROUND

Dobbins represented clients in succession, child-custody, employment-related tort, personal-injury, and settlement matters. The record showed repeated failures of competence, diligence, communication, fee handling, and supervision, including an erroneous succession judgment, an incorrect custody pleading and missed hearing, false or forged affidavits, unauthorized settlement activity, forged or unauthorized endorsements on settlement checks, and failure to segregate disputed fees. Dobbins had multiple prior disciplinary matters, including a prior suspension and public reprimand.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel filed formal charges in June 2017 alleging violations of the Louisiana Rules of Professional Conduct arising from five client matters. After a formal hearing, the hearing committee recommended a partially deferred two-year suspension. The disciplinary board found additional violations, recommended suspension for two years with all but one year and one day deferred, and recommended restitution. The Supreme Court independently reviewed the record, adopted the board's misconduct findings, and imposed a one-year-and-one-day suspension with restitution and costs.

DISPOSITION

other

CASES CITED

- In re: Dobbins, 01-2022 (La. 1/15/02), 805 So. 2d 133
- In re: Dobbins, 05-1464 (La. 6/15/05), 903 So. 2d 1129
- In re: Banks, 09-1212 (La. 10/2/09), 18 So. 3d 57
- In re: Caulfield, 96-1401 (La. 11/25/96), 683 So. 2d 714
- In re: Pardue, 93-2865 (La. 3/11/94), 633 So. 2d 150
- 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: Evans, 16-1115 (La. 12/6/16), 218 So. 3d 1015
- In re: Jones, 12-1700 (La. 1/25/13), 106 So. 3d 1019