

SUPREME COURT OF LOUISIANA

In re: Dante Jerome Butler

In re Dante Jerome Butler, No. 2018-B-1812 (La. May 8, 2019) · No. 2018-B-1812 · Decided May 8, 2019

SUMMARY

The Supreme Court of Louisiana disciplined Dante J. Butler for sharing legal fees with nonlawyers and assisting them in the unauthorized practice of law in connection with post-conviction matters. The court imposed an eighteen-month suspension, deferred all but one year, followed by one year of unsupervised probation and completion of Ethics School.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per curiam
JURISDICTION	Louisiana
DECIDED	May 8, 2019
DOCKET	2018-B-1812
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from formal charges filed by the Office of Disciplinary Counsel. The hearing committee found violations and recommended a three-year suspension; the disciplinary board recommended a fully deferred six-month suspension with probation; the Office of Disciplinary Counsel objected, and the Supreme Court considered the matter under its original disciplinary jurisdiction.
STANDARD OF REVIEW	The Supreme Court independently reviews the record in attorney disciplinary matters and determines whether misconduct was proven by clear and convincing evidence. It applies the manifest-error standard to the hearing committee's factual findings, while not being bound by the committee's or disciplinary board's recommendations.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court disciplinary opinion; binding as to the court's stated disciplinary rules and sanction analysis.

TOPICS

post-conviction relief

PRACTICE AREAS

legal ethics

attorney discipline

unauthorized practice of law

fee sharing

QUESTIONS PRESENTED

1. Whether clear and convincing evidence established that Butler shared legal fees with nonlawyers in violation of Rule 5.4(a).
2. Whether clear and convincing evidence established that Butler assisted nonlawyers in the unauthorized practice of law in violation of Rule 5.5(a).
3. Whether the charged violations constituted a derivative violation of Rule 8.4(a).
4. What sanction was appropriate in light of the knowing misconduct, harm to clients, aggravating and mitigating factors, and Louisiana disciplinary precedent.

HOLDINGS

1. Clear and convincing evidence established that Butler improperly shared legal fees with Taylor and Terrell, who were nonlawyers, in violation of Louisiana Rule of Professional Conduct 5.4(a).
2. Clear and convincing evidence established that Butler assisted Taylor and Terrell in providing legal services and practicing law without authorization, in violation of Louisiana Rule of Professional Conduct 5.5(a).
3. The violations of Rules 5.4(a) and 5.5(a) established a derivative violation of Rule 8.4(a).
4. The appropriate sanction was an eighteen-month suspension from the practice of law, with all but one year deferred, followed by one year of unsupervised probation and successful completion of Ethics School.

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.” (at 11)

“Based on these facts, respondent has violated the Rules of Professional Conduct as charged by the ODC.” (at 12)

“Rather, respondent shall be suspended from the practice of law for eighteen months, with all but one year deferred, subject to a one-year period of unsupervised probation.” (at 13)

FACTUAL BACKGROUND

Dante Butler agreed to work with Charles Taylor and Shawna Terrell, nonlawyers who provided post-conviction legal services through the Knowledge Center Temple, despite knowing they were not attorneys. Butler reviewed and commented on legal pleadings prepared for incarcerated clients, including Raymond Casaday and Jeremy Daigre, and received \$2,000 from each client's fee while the nonlawyers handled the clients' legal work and fee collection. The court found that Butler's involvement went beyond proofreading, that he assisted in the unauthorized practice of law, and that he shared legal fees with nonlawyers.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel filed formal charges alleging violations of Louisiana Rules of Professional Conduct 5.4(a), 5.5(a), and 8.4(a). After an evidentiary hearing, the hearing committee found the charged violations and recommended a three-year suspension with restitution. The disciplinary board agreed that violations occurred but recommended a fully deferred six-month suspension with one year of probation. The Supreme Court independently reviewed the record, rejected a fully deferred suspension, and imposed an eighteen-month suspension with all but one year deferred, followed by one year of unsupervised probation and Ethics School.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Butler was suspended for eighteen months, with all but one year deferred; after the active suspension, he was placed on one year of unsupervised probation and required to attend and successfully complete Ethics School.

CASES CITED

- State v. Casaday, 15-0607 (La. 2/5/16), 186 So. 3d 1162
- In re: Morris, 14-1067 (La. 10/15/14), 149 So. 3d 229
- In re: Mopsik, 04-2395 (La. 5/24/05), 902 So. 2d 991
- In re: Burns, 17-2153 (La. 5/1/18), 249 So. 3d 811
- 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: Watley, 01-1775 (La. 12/7/01), 802 So. 2d 593
- In Re: Abdalla, 17-453 (La. 10/18/17), 236 So. 3d 1223