

SUPREME COURT OF LOUISIANA

In re Beck

109 So. 3d 897 (La. 2013) · No. 07-DB-033, 09-DB-050, 10-DB-090 · Decided March 28, 2013

SUMMARY

The Louisiana Supreme Court reviews consolidated attorney disciplinary proceedings against Kenneth J. Beck involving improper ex parte communications with a judge, failure to comply with a court order, neglect of succession matters, and inadequate client communication. The court adopts a disciplinary board recommendation and suspends Beck from practicing law for one year, with all but three months deferred.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per curiam
JURISDICTION	Louisiana
DECIDED	March 28, 2013
DOCKET	07-DB-033, 09-DB-050, 10-DB-090
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from formal charges filed by the Office of Disciplinary Counsel. After consolidated hearing committee proceedings and a disciplinary board recommendation, the matter came before the Louisiana Supreme Court for original-jurisdiction review and determination of the appropriate sanction.
STANDARD OF REVIEW	Because attorney disciplinary matters fall within the court's original jurisdiction, the Louisiana Supreme Court acts as the trier of fact and independently reviews the record to determine whether alleged misconduct was proven by clear and convincing evidence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Office of Disciplinary Counsel v. Kenneth J. Beck

TOPICS

appellate procedure

standard of review

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the record established by clear and convincing evidence that Beck violated the Louisiana Rules of Professional Conduct.
2. Whether Beck's conduct warranted suspension from the practice of law.
3. Whether the disciplinary board's recommended sanction of a one-year suspension with all but three months deferred was appropriate.

HOLDINGS

1. The record supported the disciplinary board's findings that Beck violated the Rules of Professional Conduct through improper ex parte communications with a judge, failure to comply with a court order, neglect of a succession matter, and failure to communicate with a client.
2. Suspension was the appropriate baseline sanction because Beck's misconduct caused actual harm and included knowing participation in improper ex parte communications, while the aggravating and mitigating factors supported the recommended degree of discipline.
3. The court adopted the disciplinary board's recommendation and suspended Beck from practicing law for one year, with all but three months deferred.

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." (109 So. 3d at 907)

"Accordingly, we will adopt the board's recommendation and suspend respondent from the practice of law for one year, with all but three months deferred." (109 So. 3d at 907)

FACTUAL BACKGROUND

Beck represented Bail Bonds Unlimited and was involved in matters concerning cash campaign contributions to Judge Alan Green and an ex parte communication with Green while a client's K-Mart case was pending before him. Beck also handled succession matters for Octavia Brown and Brandon Pitre but failed to comply with court-ordered deadlines, delayed obtaining judgments of possession, and failed to communicate adequately with Pitre. The disciplinary proceedings found that Beck engaged in improper ex parte communications, failed to comply with a court order, neglected a succession matter, and failed to communicate with a client.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel filed three sets of formal charges against Beck in 2007, 2009, and 2010. The charges were heard in separate and consolidated proceedings, then consolidated by the disciplinary board, which recommended a one-year suspension with all but three months deferred. Neither Beck nor the ODC objected to

the board's recommendation. The Supreme Court independently reviewed the record, adopted the board's findings and recommendation, and ordered the suspension.

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: Regan, 04-1365 (La. 10/15/04), 885 So. 2d 514
- In re: Green, 06-0141 (La. 2/8/06), 920 So. 2d 861
- Lousteau v. K-Mart Corp., 03-1182 (La. App. 5th Cir. 3/30/04), 871 So. 2d 618
- Lousteau v. K-Mart Corp., 03-1182 (La. App. 5th Cir. 3/30/04), 871 So. 2d 618, writ denied, 04-1027 (La. 6/25/04), 876 So. 2d 835