

SUPREME COURT OF LOUISIANA

In re O'Quinn

976 So. 2d 1265 (La. 2008) · Decided March 7, 2008

SUMMARY

The Louisiana Supreme Court imposed reciprocal discipline on Kathy R. McCoy O'Quinn based on attorney discipline imposed by the Supreme Court of Arizona. The court ordered a six-month-and-one-day suspension and required proof of continued participation in an appropriate lawyer assistance program if she later sought reinstatement in Louisiana.

CASE DETAILS

COURT	Supreme Court of Louisiana
JURISDICTION	Louisiana
DECIDED	March 7, 2008
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding initiated by the Louisiana Office of Disciplinary Counsel based on disciplinary orders entered by the Supreme Court of Arizona.
STANDARD OF REVIEW	Under Louisiana Supreme Court Rule XIX, § 21(D), the court imposes identical reciprocal discipline unless the lawyer or disciplinary counsel establishes a due-process deficiency, an infirmity of proof, grave injustice or conflict with public policy, a basis for substantially different discipline, or another specified exception.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion

TOPICS

appellate procedure

administrative law

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Louisiana should impose reciprocal discipline identical to the discipline imposed by the Supreme Court of Arizona.

2. Whether any exception under Louisiana Supreme Court Rule XIX, § 21(D) warranted declining to impose identical discipline.

HOLDINGS

1. Louisiana must impose reciprocal discipline of a six-month-and-one-day suspension because respondent failed to establish any basis under Supreme Court Rule XIX, § 21(D) for deviating from the Arizona sanction.
2. If respondent applies for reinstatement in Louisiana after becoming eligible, she must provide competent proof of continued participation in an appropriate lawyer's assistance program.

KEY QUOTATIONS

“only under extraordinary circumstances should there be a significant variance from the sanction imposed by the other jurisdiction.” (976 So. 2d at 1267)

FACTUAL BACKGROUND

The Supreme Court of Arizona disciplined respondent for multiple instances of attorney misconduct, including trust-account violations, neglect of client matters, and failure to cooperate with the State Bar's investigation. Respondent stipulated to most of the relevant facts and rule violations, and Arizona ultimately ordered a six-month-and-one-day suspension, restitution, and continued participation in a lawyer-assistance program as a condition of reinstatement. Arizona also imposed a separate concurrent six-month suspension for additional misconduct.

PROCEDURAL HISTORY

The Supreme Court of Arizona imposed a six-month-and-one-day suspension and restitution against respondent Kathy R. McCoy O'Quinn, along with a concurrent six-month suspension in a separate matter. After receiving certified copies of the Arizona orders, the Louisiana Office of Disciplinary Counsel moved for reciprocal discipline under Louisiana Supreme Court Rule XIX, § 21. The Louisiana Supreme Court gave respondent an opportunity to assert grounds against identical discipline; respondent filed an opposition, but the court found no procedural infirmity, extraordinary circumstance, or basis for imposing a different sanction.

DISPOSITION

other

CASES CITED

- In re: Aulston, 05-1546 (La. 1/13/06), 918 So. 2d 461
- In re Zdravkovich, 831 A.2d 964, 968-69 (D.C. 2003)