

SUPREME COURT OF LOUISIANA

In re Gordon L. Hackman

833 So. 2d 916 (La. 2002) · No. 2002-B-1692 · Decided December 4, 2002

SUMMARY

The Supreme Court of Louisiana considered disciplinary charges against attorney Gordon L. Hackman for commingling and converting client and third-party funds from his trust account. The court found violations involving improper conversion and dishonesty, and imposed a thirty-month suspension from the practice of law. The court also assessed costs against Hackman.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Louisiana
DECIDED	December 4, 2002
DOCKET	2002-B-1692
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from one count of formal charges filed by the Office of Disciplinary Counsel. The hearing committee and disciplinary board found professional-conduct violations and recommended suspension; both sides objected, bringing the matter to the Louisiana Supreme Court for oral argument and independent review.
STANDARD OF REVIEW	The Supreme Court independently reviews the record and determines whether misconduct was proven by clear and convincing evidence. Although the court is not bound by the hearing committee's or disciplinary board's findings and recommendations, the manifest-error standard applies to the committee's factual findings.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; precedential.
PARTIES	Office of Disciplinary Counsel v. Gordon L. Hackman

TOPICS

- appellate procedure
- remedies
- equitable relief

PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether Hackman violated Louisiana Rule of Professional Conduct 1.15 by commingling and converting client and third-party funds.
2. Whether the record established the charged misconduct by clear and convincing evidence.
3. What sanction was appropriate for Hackman's conversion of client and third-party funds in light of the applicable disciplinary guidelines and aggravating and mitigating circumstances.

HOLDINGS

1. Hackman's conversion of client funds for his personal use violated Rule 1.15 and was proven by clear and convincing evidence.
2. The conversion charge was established by clear and convincing evidence, while the charges for lack of diligence, failure to communicate, and commission of a criminal act were not sustained.
3. A thirty-month suspension from the practice of law was warranted.

KEY QUOTATIONS

“Bar disciplinary matters come within the original jurisdiction of this court.” (833 So. 2d at 920)

“Therefore, we find this charge is proven by clear and convincing evidence.” (833 So. 2d at 920)

“The aggravating and mitigating factors in this case are largely in equipoise and do not justify substantial deviation from the baseline suspension of three years.” (833 So. 2d at 921)

FACTUAL BACKGROUND

Between November 1, 1997, and June 30, 1998, Hackman commingled and converted \$113,272.27 in client and third-party funds from his client trust account. He withdrew funds held in escrow for four client settlements to satisfy personal financial obligations, without the clients' knowledge or consent. After the misconduct was discovered and reported, he obtained a bank loan to replenish the trust account and provided restitution to two third-party medical providers.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel charged Hackman with violations of Rules 1.3, 1.4, 1.15, 8.4(a), 8.4(b), and 8.4(c) of the Louisiana Rules of Professional Conduct. The hearing committee found violations of Rules 1.15, 8.4(a), and 8.4(c), but rejected the other charges, and recommended an eighteen-month suspension with six months deferred and supervised probation. The disciplinary board agreed as to the violations and recommended an eighteen-month suspension with all but one year and one day deferred. After both parties objected, the Supreme Court independently reviewed the record and imposed a thirty-month suspension.

DISPOSITION

other

CASES CITED

- In re: Quaid, 94-1316, p. 8 (La. 11/30/94), 646 So. 2d 343, 348
- Louisiana State Bar Association v. Boutall, 597 So. 2d 444, 445 (La. 1992)
- In re: Caulfield, 96-1401, p. 4 (La. 11/25/96), 683 So. 2d 714, 717
- In re: Pardue, 93-2865 (La. 3/11/94), 633 So. 2d 150
- In re: Vaughan, 00-1892, p. 4 (La. 10/27/00), 772 So. 2d 87, 89
- In re: Lain, 00-0148, p. 7 (La. 5/26/00), 760 So. 2d 1152, 1156
- Louisiana State Bar Association v. Levy, 400 So. 2d 1355, 1358 (La. 1981)
- In re: Redd, 95-1472, p. 2 (La. 9/15/95), 660 So. 2d 839, 840
- Louisiana State Bar Association v. Whittington, 459 So. 2d 520, 524 (La. 1984)
- Louisiana State Bar Association v. Hinrichs, 486 So. 2d 116, 122-123 (La. 1986)