

SUPREME COURT OF LOUISIANA

In re Lawrence

38 So. 3d 256 (La. 2010) · Decided June 25, 2010

SUMMARY

The Louisiana Supreme Court reviewed disciplinary charges against attorney Stephanie M. Lawrence arising from neglect of a medical malpractice matter, failure to communicate with a client, and failure to cooperate with the disciplinary investigation. The court adopted the recommended sanction and suspended Lawrence from practicing law for one year and one day.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Louisiana
DECIDED	June 25, 2010
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from formal charges filed by the Office of Disciplinary Counsel against Stephanie M. Lawrence. The formal charges were deemed admitted after Lawrence failed to answer, and the hearing committee and disciplinary board recommended a suspension of one year and one day.
STANDARD OF REVIEW	The Supreme Court of Louisiana exercises original jurisdiction in bar disciplinary matters, acts as the trier of fact, and independently reviews the record to determine whether misconduct was proven by clear and convincing evidence.
PRECEDENTIAL VALUE	Published precedential opinion

TOPICS

- administrative law
- agency adjudication

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

1. Whether the factual allegations in the formal charges, deemed admitted after respondent failed to answer, established violations of the charged Rules of Professional Conduct.
2. Whether the appropriate sanction for respondent's admitted misconduct was suspension from the practice of law for one year and one day.

HOLDINGS

1. When a lawyer fails to answer formal charges, the factual allegations are deemed admitted, but the deemed-admitted allegations do not automatically establish legal conclusions or violations of particular professional-conduct rules unless those conclusions are readily apparent or supported by additional evidence.
2. The admitted facts and documentary evidence established that respondent violated the Rules of Professional Conduct as charged by abandoning the representation without adequate communication, neglecting the client's legal matter, and failing to cooperate with the disciplinary investigation.
3. A suspension from the practice of law for one year and one day was appropriate for respondent's knowing and, in some instances, intentional misconduct, which caused actual and substantial harm to her client and harmed the legal and disciplinary systems.

KEY QUOTATIONS

“However, the language of § 11(E)(3) does not encompass legal conclusions that flow from the factual allegations.” (259)

“A suspension of more than one year will require respondent to apply for reinstatement and demonstrate she meets the requirements of Supreme Court Rule XIX, § 24(E) should she want to return to the practice of law in the future.” (260)

FACTUAL BACKGROUND

Stephanie M. Lawrence represented Patricia Gaiennie Bennett in a medical malpractice matter. After Lawrence's office was destroyed by Hurricane Katrina, she discontinued her practice without notifying Bennett, failed to take further action after the medical review panel ruled for the healthcare provider, and allowed Bennett's claim to prescribe. Lawrence also failed to communicate with Bennett, return her file, or provide a substantive response during the disciplinary investigation.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel filed one count of formal charges alleging violations of multiple Louisiana Rules of Professional Conduct. Respondent failed to answer, so the factual allegations were deemed admitted; the hearing committee recommended a one-year-and-one-day suspension, and the disciplinary board adopted that recommendation. The Supreme Court of Louisiana independently reviewed the record and adopted the board's recommendation.

DISPOSITION

other

CASES CITED

- In re: Banks, 18 So. 3d 57 (La. 2009)
- In re: Donnan, 838 So. 2d 715 (La. 2003)
- 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)

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