

SUPREME COURT OF LOUISIANA

In re Vincent C. Cofield

26 So. 3d 729 (La. 2010) · No. 2009-B-2203 · Decided January 29, 2010

SUMMARY

The Supreme Court of Louisiana permanently disbarred Vincent C. Cofield after finding that he practiced law while disbarred, misrepresented his status to prison officials, failed to cooperate with disciplinary investigations, and pled guilty to possessing drug paraphernalia. The court found numerous aggravating factors, no mitigating factors, and concluded that the misconduct warranted permanent disbarment under the applicable guidelines.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per curiam
JURISDICTION	Louisiana
DECIDED	January 29, 2010
DOCKET	2009-B-2203
DISPOSITION	other
PROCEDURAL POSTURE	The Louisiana Supreme Court reviewed consolidated attorney-discipline charges against a previously disbarred attorney after the disciplinary board recommended permanent disbarment.
STANDARD OF REVIEW	The Louisiana Supreme Court exercises original jurisdiction in attorney-discipline 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 and precedential

TOPICS

- civil procedure
- administrative law

PRACTICE AREAS

- attorney discipline
- professional responsibility
- legal ethics

QUESTIONS PRESENTED

1. Whether the deemed-admitted facts established violations of the Louisiana Rules of Professional Conduct.
2. Whether respondent's unauthorized practice of law after disbarment, coupled with his other misconduct and aggravating factors, warranted permanent disbarment.

HOLDINGS

1. When a respondent fails to answer formal disciplinary charges, the factual allegations are deemed admitted, but legal conclusions flowing from those facts are not automatically admitted and must be supported when they are not readily apparent. Here, the admitted facts and record established the charged violations.
2. Permanent disbarment was appropriate because respondent engaged in the unauthorized practice of law after being disbarred, falsely held himself out as a licensed attorney, and demonstrated a fundamental lack of moral character and fitness, with numerous aggravating factors and no mitigating factors.

KEY QUOTATIONS

"However, the language of § 11(E)(3) does not encompass legal conclusions that flow from the factual allegations." (734)

"Such callous disregard for the authority of this court constitutes "indisputable evidence of a fundamental lack of moral character and fitness," warranting permanent disbarment." (735)

FACTUAL BACKGROUND

After being disbarred effective March 23, 2004, Vincent C. Cofield contacted a correctional facility in January 2007, provided his bar roll number, represented himself as actively practicing law, and attempted to arrange an attorney telephone call with an inmate. He failed to respond to the resulting disciplinary complaint and failed to appear for a subpoenaed sworn statement. In 2007, he was arrested while possessing a homemade pipe and later pleaded guilty to possession of drug paraphernalia. He did not answer the formal charges in the present proceeding, resulting in the factual allegations being deemed admitted.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel filed two sets of formal charges, which were consolidated. Respondent failed to answer, so the factual allegations were deemed admitted; the hearing committee found violations and recommended disbarment, while the disciplinary board recommended permanent disbarment. The matter was presented to the Louisiana Supreme Court for entry of an order of discipline under Supreme Court Rule XIX, § 11(G)(a).

DISPOSITION

other

CASES CITED

- In re: Cofield, 04-0033, 04-0558 (La. 3/23/04), 869 So. 2d 784
- In re: Cofield, 06-0577 (La. 9/1/06), 937 So. 2d 330
- In re: Quaid, 94-1316 (La. 11/30/94), 646 So. 2d 343
- Louisiana State Bar Ass'n v. Boutall, 597 So. 2d 444 (La. 1992)
- In re: Donnan, 01-3058 (La. 1/10/03), 838 So. 2d 715
- In re: Jefferson, 04-0239 (La. 6/18/04), 878 So. 2d 503

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