

SUPREME COURT OF LOUISIANA

In re Ransome

106 So. 3d 98 (La. 2013) · Decided January 11, 2013

SUMMARY

The Louisiana Supreme Court addressed attorney disciplinary charges arising from respondent Darlene Sansone Ransome's cancellation of a collateral mortgage securing her company's obligations to Foley & Lardner. The court found that she violated Rule 8.4(c) of the Louisiana Rules of Professional Conduct through dishonest conduct and imposed an eighteen-month suspension, with all but six months deferred, followed by two years of supervised probation and completion of Ethics School.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Chief Justice Kimball (not participating)
JURISDICTION	Louisiana
DECIDED	January 11, 2013
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from formal charges filed by the Office of Disciplinary Counsel against respondent Darlene Sansone Ransome.
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 the alleged misconduct was proven by clear and convincing evidence.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; precedential attorney-discipline decision.

TOPICS

mortgages commercial litigation real estate remedies

PRACTICE AREAS

legal ethics attorney discipline real estate transactions commercial litigation

QUESTIONS PRESENTED

1. Whether respondent violated Rule 8.4(c) by failing to deliver the collateral mortgage note, falsely causing it to be marked paid, and obtaining cancellation of the mortgage to gain an advantage in negotiations with Foley.
2. What sanction was appropriate for respondent's dishonest conduct, considering the aggravating and mitigating factors and the civil penalties already imposed.

HOLDINGS

1. Respondent violated Rule 8.4(c) by engaging in dishonest conduct when she failed to deliver the collateral mortgage note to Foley, falsely caused the note to be marked paid, and obtained cancellation of the mortgage to gain an advantage in negotiations.
2. An eighteen-month suspension from the practice of law, with all but six months deferred, followed by two years of supervised probation and completion of the Louisiana State Bar Association's Ethics School, was appropriate.

KEY QUOTATIONS

“Bar disciplinary matters fall within the original jurisdiction of this court. La. Const, art. V, § 5(B). 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.” (102)

“In doing so, she intentionally violated a duty owed to the public, the legal system, and the legal profession, causing harm to Foley.” (102)

FACTUAL BACKGROUND

Respondent, an attorney and sole owner of Aldar Investments, Inc., proposed a collateral mortgage on Aldar property as security for legal fees owed to Foley & Lardner. Although respondent knew Foley needed possession of the collateral mortgage note to perfect its security interest, she retained the note, later instructed a paralegal to have it marked paid, and obtained cancellation of the mortgage without Foley's knowledge. A federal court subsequently found that respondent committed civil fraud and awarded Foley damages.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel charged respondent with violating Louisiana Rule of Professional Conduct 8.4(c). A hearing committee found violations of Rules 8.4(c) and 8.4(b) and recommended an eighteen-month suspension with all but six months deferred. The disciplinary board agreed that Rule 8.4(c) was violated but rejected the Rule 8.4(b) finding and recommended a twelve-month suspension with all but ninety days deferred. The Supreme Court of Louisiana independently reviewed the record and imposed an eighteen-month suspension with all but six months deferred, followed by two years of supervised probation.

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)
- Foley & Lardner, L.L.P. v. Aldar Invs., Inc., 491 F. Supp. 2d 595 (M.D. La. 2007)
- In re: Bordelon, 04-0759 (La. 1/7/05), 894 So. 2d 315

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