

SUPREME COURT OF LOUISIANA

In re Stacy L. Morris

149 So. 3d 229 (La. 2014) · No. 14-B-1067 · Decided October 15, 2014

SUMMARY

The Louisiana Supreme Court reviewed consolidated attorney disciplinary proceedings involving Stacy L. Morris. The court found violations arising from several client matters, including inadequate representation, failure to account for or refund client funds, mishandling succession assets, and improper fee-sharing and trust-account practices. It suspended Morris from the practice of law for three years, ordered accounting and refunds in specified matters, and assessed costs against her.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per curiam
JURISDICTION	Louisiana
DECIDED	October 15, 2014
DOCKET	14-B-1067
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from two consolidated sets of formal charges filed by the Office of Disciplinary Counsel. The disciplinary board recommended a one-year-and-one-day suspension, and the Office of Disciplinary Counsel objected, resulting in review and oral argument before the Louisiana Supreme Court.
STANDARD OF REVIEW	Because attorney disciplinary matters fall within the Louisiana Supreme Court's original jurisdiction, the court acts as the trier of fact and independently reviews the record to determine whether misconduct was proven by clear and convincing evidence. The court is not bound by the hearing committee's or disciplinary board's recommendations, although 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. Stacy L. Morris

TOPICS

probate procedure

post-conviction relief

criminal procedure

standard of review

appellate procedure

PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

legal malpractice and client funds

QUESTIONS PRESENTED

1. Whether the record established by clear and convincing evidence that Morris violated the Louisiana Rules of Professional Conduct.
2. Whether Morris committed professional misconduct by neglecting client matters, failing to communicate, charging and retaining unreasonable or unearned fees, failing to safeguard and account for client funds, converting client funds, making false statements, and sharing fees with or facilitating the unauthorized practice of law by a nonlawyer entity.
3. What sanction was appropriate in light of the misconduct and aggravating and mitigating circumstances.

HOLDINGS

1. The record established by clear and convincing evidence that Morris committed professional misconduct, including neglect of a legal matter, failure to communicate, charging an unreasonable fee, failure to refund unearned fees, conversion of client funds, false statements to the Office of Disciplinary Counsel, fee sharing with a nonlawyer, facilitation of unauthorized practice of law, fee sharing with an unlicensed corporation, and dishonest, fraudulent, deceitful, or misrepresentative conduct.
2. A three-year suspension from the practice of law, together with accounting and refund or restitution obligations, was warranted despite disbarment being the ordinary sanction for the conversion misconduct.

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.” (18)

“While disbarment would ordinarily be appropriate under such circumstances, see Louisiana State Bar Ass’n v. Hinrichs, 486 So. 2d 116 (La. 1986), we find that in light of the mitigating circumstances present in this case, a downward deviation to a three-year suspension from the practice of law is warranted.” (19)

FACTUAL BACKGROUND

Morris represented clients in several matters but neglected an appeal, failed to communicate with clients, retained unearned fees, and failed to provide required accountings. In the cabdrivers matter, she collected \$21,400 in purported costs and fees, did not file pleadings or provide an accounting, and retained the funds. In the succession matter, she transferred \$7,258.10 belonging to the estate into her law-office account and converted some or all of it to her own use while making misleading statements about the funds. She also shared legal fees with and facilitated the unauthorized practice of law by CALA, a nonlawyer entity.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel filed formal charges in disciplinary board docket numbers 11-DB-081 and 12-DB-004. Hearing committees conducted formal hearings and made factual and legal recommendations; the matters were consolidated, and the disciplinary board modified the findings and recommended a one-year-and-one-day suspension with restitution. The Louisiana Supreme Court exercised its original jurisdiction, independently reviewed the record, found multiple violations of the Rules of Professional Conduct, and imposed a three-year suspension with accounting, refund, restitution, and costs.

DISPOSITION

other

CASES CITED

- In re: Banks, 09-1212 (La. 10/2/09), 18 So. 3d 57
- In re: Caulfield, 96-1401 (La. 11/25/96), 683 So. 2d 714
- In re: Pardue, 93-2865 (La. 3/11/94), 633 So. 2d 150
- 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)
- Louisiana State Bar Ass'n v. Hinrichs, 486 So. 2d 116 (La. 1986)