

SUPREME COURT OF LOUISIANA

In re Baum

825 So. 2d 1093 (La. 2002) · Decided August 30, 2002

SUMMARY

The Louisiana Supreme Court reviews and accepts John G. Baum’s petition for consent discipline arising from neglect of client matters, failure to communicate and refund unearned fees, failure to cooperate with disciplinary authorities, and unauthorized practice of law in Texas. The court orders an eighteen-month suspension, with all but one year and one day deferred, followed by one year of supervised probation upon reinstatement. The court also requires Baum to seek reinstatement because the suspension exceeds one year.

CASE DETAILS

COURT	Supreme Court of Louisiana
JURISDICTION	Louisiana
DECIDED	August 30, 2002
DISPOSITION	other
PROCEDURAL POSTURE	The Office of Disciplinary Counsel filed formal disciplinary charges against respondent attorney. Before resolution of the charges, respondent petitioned for consent discipline, and the Office of Disciplinary Counsel concurred. The Supreme Court of Louisiana reviewed the proposed sanction and accepted it.
STANDARD OF REVIEW	Under Supreme Court Rule XIX, § 20(B), the extent of discipline proposed in a petition for consent discipline is subject to review by the Supreme Court of Louisiana.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court disciplinary opinion; precedential as to the court's sanction-review framework and the disposition imposed on respondent.
PARTIES	Office of Disciplinary Counsel v. John G. Baum

TOPICS

administrative law

agency adjudication

judicial review of agency action

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the proposed consent-discipline sanction was appropriate in light of respondent's misconduct, injury, aggravating factors, and mitigating circumstances.
2. Whether an eighteen-month suspension, with all but one year and one day deferred and followed by one year of supervised probation, should be imposed for the stipulated misconduct.

HOLDINGS

1. The extent of discipline proposed in a petition for consent discipline remains subject to review by the Supreme Court of Louisiana.
2. An eighteen-month suspension from the practice of law, with all but one year and one day deferred, followed by one year of supervised probation, was appropriate.

KEY QUOTATIONS

"Although this matter arises from a petition for consent discipline, Supreme Court Rule XIX, § 20(B) provides that the extent of discipline to be imposed is subject to review." (1096)

"Accordingly, we will accept the petition for consent discipline." (1097)

FACTUAL BACKGROUND

John G. Baum accepted fees from clients for legal matters but failed to perform the promised services, failed to appear in court or at a parole hearing, failed to communicate, and failed to return or account for unearned fees. He also did not initially cooperate with the Office of Disciplinary Counsel's investigation. While ineligible to practice law in Texas, he represented a client there in a criminal matter. The misconduct occurred during a period when Baum experienced personal, emotional, substance-abuse, and mental-health problems.

PROCEDURAL HISTORY

A hearing committee found the charges in the Mitchell matter proven by clear and convincing evidence and recommended a six-month suspension subject to conditions. Proceedings on the other matters were continued while the parties negotiated consent discipline. Respondent then stipulated to misconduct involving neglect, failure to communicate, failure to refund unearned fees, failure to cooperate with the disciplinary investigation, and unauthorized practice of law. The disciplinary board recommended adoption of respondent's proposed eighteen-month suspension, with all but one year and one day deferred, followed by supervised probation.

DISPOSITION

other

CASES CITED

- 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)
- In re: Szuba, 797 So. 2d 41 (La. 2001)
- In re: Holley, 797 So. 2d 46 (La. 2001)
- In re: Boudreau, 776 So. 2d 428 (La. 2001)
- In re: Baum, 778 So. 2d 1105 (La. 2001)

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