

SUPREME COURT OF LOUISIANA

In re Richardson

137 So. 3d 1200 (La. 2014) · Decided April 25, 2014

SUMMARY

The Louisiana Supreme Court revoked Kimberly Marie Richardson’s probation after finding that she repeatedly failed to comply with conditions requiring participation in the Lawyers Assistance Program. The court made executory the previously deferred suspension of one year and one day and assessed costs against Richardson.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Louisiana
DECIDED	April 25, 2014
DISPOSITION	other
PROCEDURAL POSTURE	The Office of Disciplinary Counsel moved to revoke respondent's probation and make executory a previously deferred one-year-and-one-day suspension. After an evidentiary hearing, the disciplinary board recommended revocation, and the Supreme Court of Louisiana reviewed and accepted that recommendation.
STANDARD OF REVIEW	The court reviewed the disciplinary record and determined whether respondent had complied with the conditions of probation and whether revocation was necessary to protect the public.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court disciplinary opinion

TOPICS

administrative law agency adjudication judicial review of agency action

PRACTICE AREAS

attorney discipline professional responsibility legal ethics substance-abuse-related attorney discipline

QUESTIONS PRESENTED

1. Whether respondent violated the conditions of probation by failing to comply with her Lawyers Assistance Program agreement.
2. Whether the court should revoke respondent's probation and make the previously deferred one-year-and-one-day suspension immediately executory.

HOLDINGS

1. Respondent was not in compliance with her LAP agreement and therefore failed to comply with the conditions of probation imposed in Richardson I.
2. The court revoked respondent's probation and made the previously deferred one-year-and-one-day suspension immediately executory.

KEY QUOTATIONS

“To protect the public, we find it is necessary to revoke her probation and impose the previously deferred suspension.” (1202)

“For the reasons assigned, respondent’s probation is revoked and the previously deferred one year and one day suspension imposed in In re: Richardson, 12-1213 (La.6/15/12), 90 So.3d 1032, is hereby made immediately executory.” (1203)

FACTUAL BACKGROUND

Respondent had previously signed another attorney's name as notary on two affidavits and received a fully deferred one-year-and-one-day suspension conditioned on five years of probation and participation in the Lawyers Assistance Program because her misconduct was substantially related to alcoholism. She repeatedly missed check-ins and drug screens, admitted consuming alcohol, failed to complete inpatient treatment, and later failed to comply with a new LAP agreement. The disciplinary board credited the testimony concerning her noncompliance and found that she had violated the court's probation order.

PROCEDURAL HISTORY

In Richardson I, the court imposed a one-year-and-one-day suspension, fully deferred, subject to five years of probation and conditions including participation in the Lawyers Assistance Program. After respondent repeatedly failed to comply with her probation and LAP agreements, the ODC filed a motion and rule to revoke probation. The disciplinary board found noncompliance and recommended revocation; the Supreme Court accepted the recommendation and made the deferred suspension immediately executory.

DISPOSITION

other

CASES CITED

- In re Richardson, 12-1213 (La. 6/15/12), 90 So. 3d 1032

