

SUPREME COURT OF LOUISIANA

In re Crittenden

717 So. 2d 215 (La. 1998) · Decided July 2, 1998

SUMMARY

The Louisiana Supreme Court revoked Walter J. Crittenden’s probation for violating the conditions of his prior disciplinary suspension, including failing to contact his probation monitor and practicing law while suspended. The court imposed a suspension of one year and one day, with six months deferred, followed by eighteen months of supervised probation, and assessed costs against him.

CASE DETAILS

COURT	Supreme Court of Louisiana
JURISDICTION	Louisiana
DECIDED	July 2, 1998
DISPOSITION	other
PROCEDURAL POSTURE	The Office of Disciplinary Counsel moved to revoke Crittenden's supervised probation based on alleged probation violations. After a disciplinary-board hearing, the board recommended revocation and additional suspension; neither party objected, and the Supreme Court of Louisiana reviewed and adopted the recommendation.
STANDARD OF REVIEW	Review of the disciplinary board's findings and recommendation based on the record filed with the Supreme Court of Louisiana.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court disciplinary decision
PARTIES	Office of Disciplinary Counsel v. Walter J. Crittenden

TOPICS

- administrative law
- agency adjudication
- judicial review of agency action

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

- Whether Crittenden violated the terms of his probation by failing to contact his probation monitor, practicing law while suspended, and filing a false affidavit.

2. Whether failure to make full restitution, standing alone under the terms of the prior order, constituted a clear violation of probation.
3. What discipline should be imposed for the established probation violations.

HOLDINGS

1. Crittenden violated his probation by failing to contact his probation monitor, practicing law while suspended, and filing a false affidavit with the court stating that he had not practiced law while suspended.
2. Failure to pay full restitution was not, by itself, a clear violation of probation under the prior order because the order contemplated consideration of restitution payments or good-faith efforts upon reinstatement and permitted an application for abatement or modification.
3. Crittenden's probation was revoked, and he was suspended from practice for one year and one day, with six months deferred, followed by eighteen months of supervised probation and specified conditions.

KEY QUOTATIONS

“Upon review of the findings and recommendation of the disciplinary board, and considering the record filed herein, it is the decision of this court that the recommendation of the disciplinary board be adopted.” (216)

“Accordingly, it is ordered that the probationary status of the respondent, Walter J. Crittenden, be revoked, and that he be suspended from the practice of law for a period of one year and one day, with six months of this suspension deferred.” (217)

FACTUAL BACKGROUND

Crittenden had been suspended from practicing law for one year and then placed on supervised probation, with conditions requiring compliance with a probation monitor and restitution to a former client. After reinstatement, he failed to contact the monitor, practiced law while suspended, and filed an affidavit stating that he had not practiced law during the suspension. He made partial restitution but did not pay the full amount ordered and did not seek relief under the applicable rule.

PROCEDURAL HISTORY

Crittenden had previously been suspended for one year and placed on one year of supervised probation subject to conditions including restitution. Following allegations that he failed to contact his probation monitor, practiced law while suspended, filed a false affidavit, and failed to make full restitution, the Office of Disciplinary Counsel filed a motion to revoke probation. The disciplinary board recommended revocation, a one-year-and-one-day suspension with six months deferred, eighteen months of supervised probation, appointment of a monitor, and costs. The Louisiana Supreme Court adopted that recommendation.

DISPOSITION

other

CASES CITED

- In re Crittenden, 666 So. 2d 649 (La. 1996)

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