

The Supreme Court of the State of Louisiana

IN RE: TYRONE F. WATKINS

No.2020-B-00206

IN RE: Disciplinary Counsel - Applicant Other; Rule to Revoke Probation;

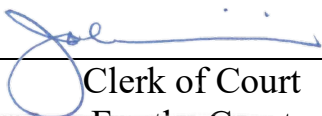
April 27, 2020

Probation revoked. See per curiam.

SJC
JLW
JTG
WJC
JHB

Hughes, J., dissents and assigns reasons.

Supreme Court of Louisiana
April 27, 2020



Clerk of Court
For the Court

04/27/20

SUPREME COURT OF LOUISIANA

NO. 2020-B-0206

IN RE: TYRONE F. WATKINS

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

The instant disciplinary proceeding arises from a motion and rule to revoke probation filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Tyrone F. Watkins, for his failure to comply with the conditions of probation imposed in *In re: Watkins*, 18-1332 (La. 11/14/18), 256 So. 3d 259 (“*Watkins I*”).

UNDERLYING FACTS AND PROCEDURAL HISTORY

The record in *Watkins I* demonstrated that respondent neglected a legal matter, failed to communicate with his client, and failed to refund an unearned fee. In 2017, the ODC filed formal charges against respondent. At the conclusion of the disciplinary proceedings, we suspended respondent from the practice of law for three months, fully deferred, subject to a one-year period of unsupervised probation with the conditions that he (1) make restitution to his client, with legal interest, in the amount of \$3,625 and (2) consult with the Louisiana State Bar Association’s (“LSBA”) Practice Assistance Counsel to create a proper law office management system. We concluded that “[a]ny failure of respondent to comply with these conditions, or any misconduct during the probationary period, may be grounds for making the deferred suspension executory, or imposing additional discipline, as appropriate.”

Respondent's probation commenced on December 21, 2018, when he executed a formal probation agreement with the ODC. Among other conditions, respondent agreed to the following:

- Make full restitution, with legal interest, to Shawn Sanne in the amount of \$3,625 and submit proof of payment to the ODC.
- Consult with the LSBA's Practice Assistance Counsel to create a law office management system with emphasis on client communication. [Following this consultation, respondent was directed to attend the LSBA's Ethics School.]
- Comply with all bar membership requirements, including satisfying all mandatory continuing legal education ("MCLE") requirements.
- Pay all costs and expenses assessed against him in *Watkins I*, including legal interest.

DISCIPLINARY PROCEEDINGS

Motion and Rule to Revoke Probation

On December 30, 2019, the ODC filed the instant motion and rule to revoke respondent's probation, alleging that he had failed to comply with the conditions of his probation in *Watkins I*. Essentially, the ODC alleged that respondent failed to make restitution to Mr. Sanne, as required by his probation plan. The ODC also alleged that respondent owes an outstanding balance of \$95 associated with his attendance at the LSBA's Ethics School and failed to complete his 2019 MCLE requirements. Finally, the ODC alleged that although respondent signed a promissory note for the costs assessed in *Watkins I*, he had made only one payment on the note and still owed \$2,362.73. Accordingly, the ODC prayed for revocation of respondent's probation and the imposition of the previously deferred three-month suspension.

Hearing on Revocation of Probation

This matter proceeded to a hearing before an adjudicative panel of the disciplinary board on January 23, 2020. The ODC was represented by Chief Disciplinary Counsel Charles Plattsmier. Respondent appeared pro se.

At the outset of the hearing, respondent stipulated to the essential facts alleged by the ODC in its motion to revoke probation. Respondent indicated that he does not have sufficient funds to pay the obligations required of him or to hire an attorney to represent him. The board panel heard brief argument from Mr. Plattsmier and the ODC's exhibits were introduced into evidence. No testimony was presented to the board panel.

Disciplinary Board Recommendation

On February 3, 2020, the disciplinary board filed its report with this court, recommending that the ODC's motion to revoke probation be granted in light of respondent's stipulations and the evidence in the record. The board also recommended that the deferred three-month suspension imposed in *Watkins I* be made executory, and that respondent be assessed with all costs and expenses of these proceedings.

Respondent filed a response to the disciplinary board's recommendation. He acknowledged that he failed to comply with the conditions of his probation; however, he suggested that his failure was solely attributable to financial difficulties and therefore requested that his probation be extended. The ODC filed an opposition to the relief requested by respondent.

DISCUSSION

A review of the record reveals that respondent has not complied with the requirements of his December 21, 2018 probation agreement. Respondent has

stipulated that he has failed to make any restitution to his former client, Shawn Sanne; has failed to pay the total amount due for attendance at Ethics School, which attendance was required pursuant to his consultation with the LSBA's Practice Assistance Counsel; has failed to fulfill his obligations in connection with the payment of the costs assessed against him in *Watkins I*; and has failed to complete his MCLE requirements for 2019.

We find that respondent has made no effort to rectify the deficiencies which prompted the filing of the motion to revoke. Under these circumstances, we agree that the revocation of respondent's probation is appropriate.

Accordingly, we will accept the disciplinary board's recommendation and grant the motion to revoke respondent's probation, making the previously deferred three-month suspension imposed in *Watkins I* immediately executory. Before being reinstated pursuant to Supreme Court Rule XIX, § 23, in addition to complying with all other requirements set forth in § 23, respondent shall be required to provide documentary evidence that he (1) has paid restitution to Mr. Sanne in the amount of \$3,625 plus legal interest; (2) has paid the LSBA the total amount due for his attendance at Ethics School; (3) is current on his payments due to the disciplinary board for costs; and (4) has complied with the MCLE requirements.

DECREE

For the reasons assigned, respondent's probation is revoked and the previously deferred three-month suspension imposed in *In re: Watkins*, 18-1332 (La. 11/14/18), 256 So. 3d 259, is hereby made immediately executory. Before being reinstated pursuant to Supreme Court Rule XIX, § 23, in addition to complying with all other requirements set forth in § 23, respondent shall be required to provide documentary evidence that he (1) has paid restitution to his former client, Shawn Sanne, in the amount of \$3,625 plus legal interest; (2) has paid the Louisiana State

Bar Association the total amount due for his attendance at Ethics School; (3) is current on his payments due to the Louisiana Attorney Disciplinary Board for costs; and (4) has complied with the MCLE requirements. All costs and expenses in the matter are assessed against respondent, Tyrone F. Watkins, Louisiana Bar Roll number 27321, in accordance with Supreme Court Rule XIX, § 10.1, with legal interest to commence thirty days from the date of finality of this court's judgment until paid.