

The Supreme Court of the State of Louisiana

IN RE: JOSEPH HAROLD TURNER, JR.

No. 2021-B-00786

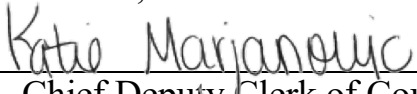
IN RE: Disciplinary Counsel - Applicant Other; Notice of Discipline in Another
Jurisdiction Pursuant to Rule XIX, Section 21 and Motion to Initiate Reciprocal
Discipline Proceedings;

October 01, 2021

Reciprocal discipline imposed. See per curiam.

WJC
JLW
JDH
SJC
JTG
JBM
PDG

Supreme Court of Louisiana
October 01, 2021



Chief Deputy Clerk of Court
For the Court

10/01/21

SUPREME COURT OF LOUISIANA

NO. 2021-B-0786

IN RE: JOSEPH HAROLD TURNER, JR.

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

Pursuant to Supreme Court Rule XIX, § 21, the Office of Disciplinary Counsel (“ODC”) has filed a petition seeking the imposition of reciprocal discipline against respondent, Joseph Harold Turner, Jr.,¹ an attorney licensed to practice law in Louisiana and Georgia, based upon discipline imposed by the Supreme Court of Georgia.

UNDERLYING FACTS AND PROCEDURAL HISTORY

The following matters were before the Supreme Court of Georgia on two notices of discipline, both seeking respondent’s disbarment. Respondent failed to respond to the notices, and the matters were considered deemed admitted.

Count I

Respondent was hired to represent a client in a civil matter. He subsequently settled the claim, and the client executed a release. A check for the settlement funds was issued and deposited by respondent; however, he did not disburse the funds to the client. Respondent also failed to respond to the client’s subsequent requests for information or to those from the Bar’s Office of the General Counsel (“State Bar”).

¹ Respondent is currently ineligible to practice law in Louisiana for failing to fulfill mandatory continuing legal education requirements, failing to pay bar dues and the disciplinary assessment, and failing to file a trust account disclosure statement.

Count II

The State Bar received notice from Wells Fargo Bank that an overdraft occurred in respondent's client trust account. Thereafter, respondent failed to respond to inquiries concerning the overdraft from the State Bar's Overdraft Notification Coordinator or to the State Bar's notice of investigation.

On April 5, 2021, the Supreme Court of Georgia disbarred respondent for violating several provisions of Georgia's Rules of Professional Conduct.

After receiving notice of the Georgia order of discipline, the ODC filed a motion to initiate reciprocal discipline proceedings in Louisiana, pursuant to Supreme Court Rule XIX, § 21. A copy of the decision issued by the Supreme Court of Georgia was attached to the motion. On June 7, 2021, this court rendered an order giving respondent thirty days to demonstrate why the imposition of identical discipline in this state would be unwarranted. Respondent failed to file any response in this court.

DISCUSSION

The standard for imposition of discipline on a reciprocal basis is set forth in Supreme Court Rule XIX, § 21(D). That rule provides:

Discipline to be Imposed. Upon the expiration of thirty days from service of the notice pursuant to the provisions of paragraph B, this court shall impose the identical discipline ... unless disciplinary counsel or the lawyer demonstrates, or this court finds that it clearly appears upon the face of the record from which the discipline is predicated, that:

- (1) The procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- (2) Based on the record created by the jurisdiction that imposed the discipline, there was such infirmity of proof establishing the misconduct as to give rise to the clear conviction that the court could not, consistent with its duty, accept as final the conclusion on that subject; or

- (3) The imposition of the same discipline by the court would result in grave injustice or be offensive to the public policy of the jurisdiction; or
- (4) The misconduct established warrants substantially different discipline in this state; ...

If this court determines that any of those elements exists, this court shall enter such other order as it deems appropriate. The burden is on the party seeking different discipline in this jurisdiction to demonstrate that the imposition of the same discipline is not appropriate.

In the instant case, respondent has made no showing of infirmities in the Georgia proceeding, nor do we discern any from our review of the record. Furthermore, we find there is no reason to deviate from the sanction imposed in Georgia, as only under **extraordinary circumstances** should there be a significant variance from the sanction imposed by the other jurisdiction. *In re: Aulston*, 05-1546 (La. 1/13/06), 918 So. 2d 461. *See also In re Zdravkovich*, 831 A. 2d 964, 968-69 (D.C. 2003) (“there is merit in according deference, for its own sake, to the actions of other jurisdictions with respect to the attorneys over whom we share supervisory authority”).

Under these circumstances, we find it is appropriate to defer to the Georgia judgment imposing discipline upon respondent. Accordingly, we will impose reciprocal discipline in the form of disbarment.

DECREE

Considering the Petition to Initiate Reciprocal Discipline Proceedings filed by the Office of Disciplinary Counsel, and the record filed herein, it is ordered that respondent, Joseph Harold Turner, Jr., Louisiana Bar Roll number 26134, be and he hereby is disbarred. His name shall be stricken from the roll of attorneys, and his license to practice law in the State of Louisiana shall be revoked.