

The Supreme Court of the State of Louisiana

IN RE: ROBERT WIEGAND, II

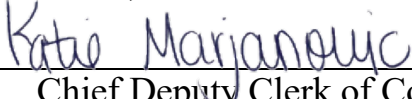
No. 2022-B-00043

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;

March 15, 2022

Reciprocal discipline imposed. See per curiam.

SJC
JLW
JDH
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
March 15, 2022


Chief Deputy Clerk of Court
For the Court

03/15/2022

SUPREME COURT OF LOUISIANA

NO. 2022-B-0043

IN RE: ROBERT WIEGAND, II

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, Robert Wiegand, II,¹ an attorney licensed to practice law in the States of Louisiana and Colorado, based upon discipline imposed by the Supreme Court of Colorado.

UNDERLYING FACTS AND PROCEDURAL HISTORY

On November 10, 2021, the ODC received notice that, effective December 15, 2021, William R. Lucero, William R. Lucero, in his capacity as Presiding Disciplinary Judge of the Supreme Court for the State of Colorado, publicly censured respondent in the matter entitled *The People of the State of Colorado v. Robert Wiegand, II*, No. 21PDJ081 based on his violation of Rules 1.4(b) (Communication) and 1.7(a)(2) (Conflict of Interest: Current Clients) of the Colorado Rules of Professional Conduct, as described in the Stipulation Agreement and Affidavit Containing the Respondent’s Conditional Admission of Misconduct.²

¹ In 2019, this court imposed reciprocal discipline upon respondent in the form of a one year and one day suspension from the practice of law, fully deferred, subject to a two-year period of probation based on discipline imposed by the Supreme Court of Colorado in 2018. *In re: Wiegand*, 19-0170 (La. 4/8/19), 267 So. 3d 64.

² The public censure imposed by the Supreme Court of Colorado is subject to the following conditions: (1) payment of costs in accordance with the parties’ stipulation, and (2) completion of a minimum of seven hours of CLE in estate planning with the understanding that it is preferred that some of these credits contain an ethics component.

After receiving notice of the Colorado 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 Colorado was attached to the motion. On January 10, 2022, 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 Colorado proceeding, nor do we discern any from our review of the record. Furthermore, we feel there is no reason to deviate from the sanction imposed in Colorado 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”).

Here, there is little doubt that respondent’s conduct would warrant discipline in Louisiana. Under these circumstances, we agree that reciprocal discipline is warranted pursuant to Supreme Court Rule XIX, § 21. Because our rules do not provide for a public censure in bar disciplinary cases, we will impose a public reprimand, which is the closest equivalent available under our rules.

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, Robert Wiegand, II, Louisiana Bar Roll number 13460, be publicly reprimanded.