

The Supreme Court of the State of Louisiana

IN RE: QUIANA MARIE HUNT

No. 2022-B-01792

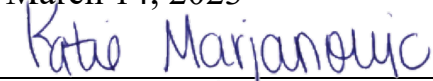
IN RE: Disciplinary Counsel - Applicant Other; Findings and Recommendations
(Formal Charges);

March 14, 2023

Suspension imposed. See per curiam.

JB
JLW
JDH
JTG
WJC
PDG

Crichton, J., dissents and assigns reasons.

Supreme Court of Louisiana
March 14, 2023


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2022-B-1792

IN RE: QUIANA MARIE HUNT

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Quiana Marie Hunt, an attorney licensed to practice law in Louisiana but currently ineligible.

FORMAL CHARGES

The Probation Violation Matter

In November 2019, respondent was suspended from the practice of law for one year and one day, fully deferred, subject to two years of supervised probation with conditions, for mishandling her trust account and failing to cooperate with the ODC in its investigation. *In re: Hunt*, 19-1412 (La. 11/12/19), 282 So. 3d 213 (“*Hunt I*”). On January 2, 2020, respondent executed a probation contract, which required her to: (1) comply with her annual professional obligations; (2) promptly notify the ODC of any change of address during the probationary period; and (3) respond to all requests by, and make herself reasonably available for conference with, the ODC.

On June 18, 2021, during her probationary period, respondent was certified ineligible to practice law for failing to comply with mandatory continuing legal education requirements. On June 25, 2021, also during her probationary period, respondent was certified ineligible to practice law for failing to pay the costs associated with her discipline in *Hunt I*. On October 1, 2021, again during her

probationary period, respondent was certified ineligible to practice law for failing to file her annual trust account disclosure form.

The ODC made several attempts to contact respondent via telephone, email, regular mail, and personal service regarding her ineligibility. However, the ODC's attempts were unsuccessful.

The Morgan Matter

On February 11, 2022, the ODC received a disciplinary complaint against respondent from her client, Patricia Morgan. Ms. Morgan alleged that she had been trying to contact respondent via telephone, text messages, and social media with no success. Between February 23, 2022 and April 28, 2022, the ODC made several attempts to notify respondent of Ms. Morgan's complaint via certified mail, regular mail, email, and telephone. These attempts were unsuccessful, and respondent never submitted a response to the complaint or otherwise cooperated with the ODC's investigation.

DISCIPLINARY PROCEEDINGS

In June 2022, the ODC filed formal charges against respondent, alleging that her conduct, as set forth above, violated the following provisions of the Rules of Professional Conduct: Rules 1.1(b) (failure to comply with MCLE requirements), 1.1(c) (failure to comply with professional obligations), 8.1(b) (knowing failure to respond to a lawful demand for information from a disciplinary authority), 8.1(c) (failure to cooperate with the ODC in its investigation), and 8.4(a) (violation of the Rules of Professional Conduct).

Respondent failed to answer the formal charges. Accordingly, the factual allegations contained therein were deemed admitted and proven by clear and convincing evidence pursuant to Supreme Court Rule XIX, § 11(E)(3). No formal

hearing was held, but the parties were given an opportunity to file with the hearing committee written arguments and documentary evidence on the issue of sanctions. Respondent filed nothing for the hearing committee's consideration.

Hearing Committee Report

After considering the ODC's deemed admitted submission, the hearing committee determined that the record supports the deemed admitted facts. Based on these facts, the committee determined respondent violated the Rules of Professional Conduct as alleged in the formal charges.

The committee then determined respondent knowingly violated duties owed to the legal profession. Her conduct caused actual harm to the disciplinary system and potential harm to her clients. After considering the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is suspension.

The committee found the following aggravating factors present: a prior disciplinary record, a pattern of misconduct, and bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency. The committee found no mitigating factors present.

After further considering this court's prior case law addressing similar misconduct, the committee recommended respondent be suspended from the practice of law for one year and one day.

Neither respondent nor the ODC filed an objection to the committee's report. Therefore, pursuant to Supreme Court Rule XIX, § 11(G), the disciplinary board submitted the committee's report to the court for review.

DISCUSSION

Bar disciplinary matters fall within the original jurisdiction of this court. La. Const. art. V, § 5(B). Consequently, we act as triers of fact and conduct an independent review of the record to determine whether the alleged misconduct has been proven by clear and convincing evidence. *In re: Banks*, 09-1212 (La. 10/2/09), 18 So. 3d 57.

In cases in which the lawyer does not answer the formal charges, the factual allegations of those charges are deemed admitted. Supreme Court Rule XIX, § 11(E)(3). Thus, the ODC bears no additional burden to prove the factual allegations contained in the formal charges after those charges have been deemed admitted. However, the language of § 11(E)(3) does not encompass legal conclusions that flow from the factual allegations. If the legal conclusion the ODC seeks to prove (i.e., a violation of a specific rule) is not readily apparent from the deemed admitted facts, additional evidence may need to be submitted in order to prove the legal conclusions that flow from the admitted factual allegations. *In re: Donnan*, 01-3058 (La. 1/10/03), 838 So. 2d 715.

The record in this deemed admitted matter supports a finding that respondent failed to fulfill her professional obligations, failed to pay costs associated with a prior disciplinary matter, and failed to cooperate with the ODC in two investigations. Based upon these facts, respondent has violated the Rules of Professional Conduct as charged.

Having found evidence of professional misconduct, we now turn to a determination of the appropriate sanction for respondent's actions. In determining a sanction, we are mindful that disciplinary proceedings are designed to maintain high standards of conduct, protect the public, preserve the integrity of the profession, and deter future misconduct. *Louisiana State Bar Ass'n v. Reis*, 513 So. 2d 1173 (La. 1987). The discipline to be imposed depends upon the facts of each case and

the seriousness of the offenses involved considered in light of any aggravating and mitigating circumstances. *Louisiana State Bar Ass’n v. Whittington*, 459 So. 2d 520 (La. 1984).

Respondent violated duties owed to her clients and the legal profession, causing actual harm to the disciplinary system and potential harm to her clients. In light of her prior disciplinary history, she acted knowingly, if not intentionally. We agree with the hearing committee that the baseline sanction is suspension. Based upon the record submitted, we agree with the committee’s finding of aggravating factors as well as its finding that no mitigating factors are present.

Turning to the issue of an appropriate sanction, the instant matter presents an almost identical factual scenario as the case of *In re: Fahrenholtz*, 09-0748 (La. 10/2/09), 18 So. 3d 751. In *Fahrenholtz*, an attorney was declared ineligible to practice law for failure to pay his bar dues and the disciplinary assessment and separately for failure to comply with MCLE requirements. He also failed to cooperate with the ODC in two investigations. For this knowing, if not intentional, misconduct, we suspended the attorney from the practice of law for one year and one day. In light of *Fahrenholtz* and the aggravating factors present, we find the committee’s recommended sanction is appropriate.

Accordingly, we will adopt the hearing committee’s recommendation and impose a suspension from the practice of law for one year and one day.

DECREE

Upon review of the findings and recommendations of the hearing committee, and considering the record, it is ordered that Quiana Marie Hunt, Louisiana Bar Roll number 35835, be and she hereby is suspended from the practice of law for one year and one day. All costs and expenses in the matter are assessed against respondent

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.