

The Supreme Court of the State of Louisiana

IN RE: J. MAURICE THOMAS

No. 2023-B-00136

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IN RE: Office of Disciplinary Counsel - Applicant Other; Findings and  
Recommendations (Formal Charges);  
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April 25, 2023

Permanent disbarment imposed. See per curiam.

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Hughes, J., dissents and assigns reasons.  
Crain, J., concurs and assigns reasons.  
Griffin, J., dissents and would order regular disbarment.

Supreme Court of Louisiana  
April 25, 2023  
  
\_\_\_\_\_  
Chief Deputy Clerk of Court  
For the Court

SUPREME COURT OF LOUISIANA

NO. 2023-B-0136

IN RE: J. MAURICE THOMAS

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

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

**FORMAL CHARGES**

In August 2007, the court interimly suspended respondent from the practice of law for threat of harm to the public. *In re: Thomas*, 07-1720 (La. 8/23/07), 962 So. 2d 1074. In 2009, the court considered three sets of formal charges against respondent and determined that he neglected legal matters, failed to communicate with clients, failed to refund unused costs, failed to pay a third-party medical provider despite signing a guarantee of payment, misrepresented the status of a case to a client, practiced law while ineligible to do so, allowed his trust account to become overdrawn, failed to file a proper registration statement with the Louisiana State Bar Association, failed to register his trust account with the ODC, and failed to cooperate with the ODC in its investigation. For this knowing and intentional misconduct, the court suspended respondent from the practice of law for three years, retroactive to the date of his interim suspension, and ordered him to pay restitution. *In re: Thomas*, 09-0867 (La. 6/19/09), 10 So. 3d 1223 (“*Thomas I*”). Respondent has not yet applied for reinstatement from his suspension imposed in *Thomas I* and remains suspended from the practice of law at this time.

Following his suspension in *Thomas I*, respondent began providing legal assistance to Albertha Dionne Badon with respect to a case she had pending in the United States District Court for the Middle District of Louisiana. Specifically, Ms. Badon paid respondent more than \$700 to review and prepare legal pleadings on her behalf, to coach her about how to file the documents *pro se*, and to help her rehearse for her deposition. Respondent advised Ms. Badon that he knew a lot about the law and agreed to assist her since she was representing herself. However, respondent failed to inform Ms. Badon that he was suspended from the practice of law.

At some point during the representation, Ms. Badon learned respondent was a suspended attorney and confronted him about misleading her. In a series of emails, he responded to her with extremely vulgar, aggressive, and threatening language.<sup>1</sup> In the emails, respondent also admitted to intentionally engaging in the unauthorized practice of law.

In July 2021, Ms. Badon filed a disciplinary complaint against respondent. Notices of the complaint sent to respondent's primary, secondary, and preferred addresses were returned. The ODC then issued a subpoena to obtain his sworn statement. The ODC's investigator attempted to serve respondent with the subpoena at several addresses but was unsuccessful. The investigator also tried to contact respondent via telephone and email, to no avail. To date, respondent has not responded to the complaint or otherwise contacted the ODC.

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<sup>1</sup> Some of respondent's tamer language toward Ms. Badon includes the following:

- "You're g\*dd\*mn right you don't think anything is wrong with you and that's the number one thing that is f\*\*\*ing wrong with you."
- "You ARE a f\*\*\*ing trouble maker and it is NOT helping you."
- "I am cursing because people f\*\*\*ing up p\*sses me off."
- "If I believed in that sort of thing I'd say you're possessed."
- "If you keep F-ing with me, directly or indirectly, in any way whatsoever, you might just p\*ss me off. If you force me to fight,... you can't begin to imagine how hard I will fight for ME."

## DISCIPLINARY PROCEEDINGS

In August 2022, the ODC filed formal charges against respondent, alleging that his conduct as set forth above violated the following provisions of the Rules of Professional Conduct: Rules 5.5(a)(b) (engaging in the unauthorized practice of law), 8.1(c) (failure to cooperate with the ODC in its investigation), and 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

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 committee's consideration.

### *Hearing Committee Report*

After considering the ODC's deemed admitted submission, the hearing committee made factual findings consistent with the deemed admitted factual allegations set forth in the formal charges. Based on those facts, the committee determined respondent violated the Rules of Professional Conduct as charged. Specifically, the committee determined respondent violated Rule 5.5(a)(b) by practicing law after being prohibited to do so in *Thomas I*, Rule 8.1(c) by failing to cooperate with the ODC's investigation of Ms. Badon's complaint, and Rule 8.4(c) by misleading Ms. Badon.

The committee then determined respondent intentionally violated duties owed to his client, the public, and the legal system. His conduct had the potential to cause serious harm to Ms. Badon because her legal rights could have been seriously impacted by his misrepresentations and deceit. Based on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is

disbarment. The committee then determined that respondent's conduct falls within Guideline 8 (Following notice, engaging in the unauthorized practice of law during the period of time in which the lawyer is suspended from the practice of law or disbarred) of the permanent disbarment guidelines set forth in Supreme Court Rule XIX, Appendix D.

In aggravation, the committee found the following factors present: a prior disciplinary record, a dishonest or selfish motive, a pattern of misconduct, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency, vulnerability of the victim, and illegal conduct. The committee found no mitigating factors present.

After further considering this court's prior case law addressing similar misconduct, the committee recommended respondent be permanently disbarred.

Neither respondent nor the ODC filed an objection to the hearing 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 practiced law during his period of suspension ordered in *Thomas I*, misled Ms. Badon about his status as a suspended attorney, and failed to cooperate with the ODC in its investigation. This conduct amounts to a violation of 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).

The record further supports a finding that respondent intentionally violated duties owed to his client, the public, the legal system, and the legal profession. His conduct had the potential to cause serious harm to these entities. We agree with the hearing committee that the applicable baseline sanction is disbarment. We also agree with the committee's determination that no mitigating factors are present. Aggravating factors include a prior disciplinary record, a dishonest or selfish motive, and bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency.

Turning to the issue of an appropriate sanction, the committee has recommended that respondent be permanently disbarred. On May 4, 2022, we adopted amendments to Supreme Court Rule XIX related to permanent disbarment. As is set forth in the order, permanent disbarment may be imposed only “upon an express finding of the presence of the following factors: (1) the lawyer’s conduct is so egregious as to demonstrate a convincing lack of ethical and moral fitness to practice law; and (2) there is no reasonable expectation of significant rehabilitation in the lawyer’s character in the future.” Respondent’s misconduct was undoubtedly egregious. He collected legal fees from Ms. Badon, provided her with legal services in such a way as to conceal his unauthorized practice of law, and intentionally misled her regarding his status as a suspended attorney. When Ms. Badon finally discovered his true identity and confronted him about being suspended from the practice of law, he verbally abused and threatened her. In light of this conduct and given his prior disciplinary history, we see no reasonable expectation of significant rehabilitation in respondent’s character in the future.

Accordingly, we will adopt the committee’s recommendation and permanently disbar respondent.

### **DECREE**

Upon review of the findings and recommendation of the hearing committee, and considering the record, it is ordered that J. Maurice Thomas, Louisiana Bar Roll number 27307, be and he hereby is permanently 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. Pursuant to Supreme Court Rule XIX, § 24(A), it is further ordered that respondent be permanently prohibited from being readmitted to the practice of law in this state. 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.