

The Supreme Court of the State of Louisiana

IN RE: LAURA J. JOHNSON

No. 2024-B-01159

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

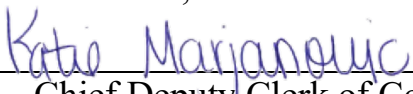
December 11, 2024

Permanent disbarment imposed. See per curiam.

WJC
JLW
JDH
SJC
JTK
JBM
PDG

Crichton, J., additionally concurs and assigns reasons.

Supreme Court of Louisiana
December 11, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2024-B-1159

IN RE: LAURA J. JOHNSON

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Laura J. Johnson, a disbarred attorney.

PRIOR DISCIPLINARY HISTORY

Before we address the current charges, we find it helpful to review respondent’s prior disciplinary history. Respondent was admitted to the practice of law in Louisiana in 1979.

In 1985, respondent received a formal private reprimand for failing to appear at the sentencing of a criminal client. Between 1990 and 1994, respondent received four admonitions for failing to cooperate and respond to disciplinary complaints. In 1996, respondent received an admonition for failing to comply with the local court rules in representing a client at a detention hearing.

In 1997, we suspended respondent from the practice of law for one year, with six months deferred, followed by two years of probation, for failing to refund an advanced payment for unused travel expenses and failing to cooperate with the ODC in its investigations by failing to appear for depositions. *In re: Johnson*, 97-0879, 97-0880 (La. 9/26/97), 700 So. 2d 1260 (“*Johnson I*”).

In 2003, respondent received an admonition for representing a client in a juvenile matter without authority. In 2007, respondent received an admonition for

engaging in conduct prejudicial to the administration of justice in connection with the signing of a judgment.

In 2014, we accepted a petition for consent discipline and publicly reprimanded respondent for engaging in conduct constituting a conflict of interest. *In re: Johnson*, 14-1942 (La. 10/24/14), 149 So. 3d 1233 (“*Johnson II*”).

In 2020, we disbarred respondent after she falsified a receipt showing that her client had paid restitution in his criminal case. *In re: Johnson*, 19-1128 (La. 12/11/19), 286 So. 3d 979 (“*Johnson III*”). The effective date of the disbarment is November 12, 2015, the date of respondent’s interim suspension.

Against this backdrop, we now turn to a consideration of the misconduct at issue in the instant proceeding.

FORMAL CHARGES

In September 2023, the ODC received a complaint against respondent from Michael Morales, a prosecutor in the Jefferson Parish District Attorney’s Office assigned to the Economic Crime Unit. Mr. Morales advised the ODC that the Kenner Police Department investigated an individual, Kenneth Stanford, for violations of La. R.S. 14:202.1 (residential contractor fraud). Respondent contacted the Kenner police during the investigation and identified herself as a “retired attorney.” Respondent also contacted Mr. Morales to inquire about the arrest warrant for Mr. Stanford. At the time, respondent advised that she would not represent Mr. Stanford if he was charged but would try to help to resolve the matter. She also indicated that Mr. Stanford was willing to pay restitution. Respondent did not inform Mr. Morales of her disbarment.

During the disciplinary investigation, the ODC spoke with attorney Shermin Kahn, who represented the victims of Mr. Stanford’s scheme. Ms. Kahn indicated that respondent contacted her and identified Mr. Stanford as “her client.” They

talked about reaching a potential settlement, including negotiations on the amount of restitution Mr. Stanford would pay to Ms. Kahn's clients, but no agreement was reached. Ms. Kahn indicated that respondent did not disclose her disbarment.

Respondent failed to respond to the complaint, necessitating the issuance of a subpoena compelling her to appear for a sworn statement. Despite being personally served with the subpoena, respondent failed to appear for the sworn statement.

DISCIPLINARY PROCEEDINGS

In March 2024, 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 1.16(a)(1) (a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the rules of professional conduct or other law), 5.5(a) (engaging in the unauthorized practice of law), 8.1(c) (failure to cooperate with the ODC in its investigation), 8.4(a) (violation of the Rules of Professional Conduct), 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer), 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and 8.4(d) (engaging in conduct prejudicial to the administration of justice).

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 acknowledged that the factual allegations set forth in the formal charges were deemed admitted. The committee also made the following findings of fact:

Despite her disbarment, which went into effect on November 12, 2015, respondent continued to engage in the practice of law in March and April of 2022. Specifically, respondent engaged in negotiations with the Jefferson Parish District Attorney's Office and with the victims' attorney on behalf of Mr. Stanford, all in an attempt to resolve the alleged contractor fraud committed by Mr. Stanford.

Based on these facts, the committee determined respondent violated the Rules of Professional Conduct as charged.

The committee determined respondent intentionally violated duties owed to the public and the legal profession. No actual harm is apparent in the record, but the potential harm to the public, the legal system, and the legal profession is significant when a disbarred attorney attempts to practice law. Here, respondent continued to practice law after her disbarment by trying to negotiate on behalf of Mr. Stanford in both his criminal and civil matters. Relying on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is disbarment.

The committee found the following aggravating 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, substantial experience in the practice of law (admitted 1979), and illegal conduct. The committee found no mitigating factors present.

After further considering the court's prior jurisprudence addressing similar misconduct and the permanent disbarment guidelines set forth in Supreme Court Rule XIX, Appendix D, the committee recommended respondent be permanently

disbarred. The committee also recommended that she be assessed with the costs and expenses of this proceeding.

Neither respondent nor the ODC filed an objection to the committee's report and recommendation. Therefore, pursuant to Supreme Court Rule XIX, § 11(G), the disciplinary board submitted the committee's report directly 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 following her disbarment in *Johnson III* 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 violated duties owed to the public, the legal system, and the legal profession. Her conduct was intentional and had the potential to cause significant harm. The applicable baseline sanction is disbarment. The hearing committee's assessment of aggravating and mitigating factors is supported by the record.

The committee has recommended respondent be permanently disbarred, based upon the permanent disbarment guidelines set forth in Supreme Court Rule XIX, Appendix D. Guideline 8 provides that permanent disbarment may be warranted when an attorney engages in the unauthorized practice of law during a period in which the attorney is suspended from the practice of law or disbarred. Guideline 9 provides that permanent disbarment may be warranted when serious attorney misconduct is preceded by suspension or disbarment for prior instances of serious attorney misconduct. Respondent's conduct meets these guidelines. She practiced law after she was disbarred, and this serious attorney misconduct was preceded by the serious attorney misconduct for which she was disbarred. As such, we agree that permanent disbarment is appropriate for respondent's misconduct.

On May 4, 2022, we adopted amendments to Supreme Court Rule XIX related to permanent disbarment. As set forth in our 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 conduct meets these factors. She continued to practice law in defiance of our order of disbarment in *Johnson III*, which demonstrates a convincing lack of ethical and moral fitness to practice law. And, given her defiance of the court’s order and failure to cooperate in this proceeding, there is no reasonable expectation of significant rehabilitation of her character in the future.

Accordingly, we will adopt the committee’s recommendation and impose permanent disbarment.

DECREE

Upon review of the findings and recommendation of the hearing committee, and considering the record, it is ordered that Laura J. Johnson, Louisiana Bar Roll number 7312, be and she hereby is permanently disbarred. 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.