

ORIGINAL

Louisiana Attorney Disciplinary Board

FILED by: *Dona P. Burgess*

Docket#

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14-DB-052

8/4/2015

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: JULIE ANN FUSILIER

DOCKET NO. 14-DB-052

REPORT OF HEARING COMMITTEE NO. 52

INTRODUCTION

This attorney discipline matter arises out of formal charges consisting of one count filed by the Office of Disciplinary Counsel (“ODC”) against Julie Ann Fusilier (“Respondent”), bar roll number 19583. ODC alleges that Respondent violated the following Rules of Professional Conduct: 8.4(a) (violate or attempt to violate Rules of Professional Conduct); 8.4(b) (commission of a criminal act); and 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation).¹

PROCEDURAL HISTORY

ODC filed formal charges against Respondent on October 20, 2014. By letters dated October 23, 2014, the formal charges were sent to Respondent’s primary registration address and another known address via certified mail.² Both mailings were returned to the Board’s office as “unclaimed”. Respondent failed to file an answer to the charges within the time period allowed by Louisiana Supreme Court Rules XIX, §11(E)(3).³ Accordingly, ODC filed a motion to have

¹ Rule 8.4 states, in pertinent part:

It is professional misconduct for a lawyer to:

- (a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- b) Commit a criminal act especially one that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation; ...

² Respondent’s primary registration address is 6810 Jefferson Hwy., Apt. 6208, Baton Rouge, LA 70806. The other known address is 1114 Hodge St., Apt. #2, Lake Charles, LA 70601.

³ This rule states:

the formal charges deemed admitted on January 6, 2015. After several procedural issues, ODC's motion was ultimately granted on April 7, 2015. Respondent was granted twenty days in which to file a motion to recall the order, which she failed to do. ODC filed its written argument on sanctions, with supporting exhibits, on June 22, 2015. Respondent filed a memorandum on the issue of sanctions on July 7, 2015.

FORMAL CHARGES

The formal charges read, in pertinent part:

I.

On June 22, 2014 Respondent self-reported her arrest for felony theft and burglary of an inhabited dwelling to the Office of Disciplinary Counsel. On or about April 20, 2014 Respondent broke into the home of her former husband Robert Wooley and stole a man's diamond ring (valued at approximately \$13,000) and Mr. Wooley's wife's Rolex watch (valued at approximately \$6,000). Thereafter, Respondent took the items to Diamond Distributors Inc. where she sold the items for approximately \$2,700. The proceeds of the sale were used by Respondent to gamble.

II.

After investigation by the Baton Rouge Police Department in conjunction with the East Baton Rouge Parish Sheriff's Office, on May 19, 2014 an arrest warrant for Ms. Fusilier was prepared and signed by District Court Judge Trudy White. On May 20, 2014, the Respondent was arrested and booked into East Baton Rouge Parish Prison.

III.

The Respondent's actions reflects violations of Rules 8.4(b) -- commission of a criminal act; 8.4(c) -- conduct involving dishonesty, fraud, deceit or misrepresentation; and 8.4(a) -- violating or attempting to violate the Rules of Professional Conduct.

The respondent shall file a written answer with the Board and serve a copy on disciplinary counsel within twenty (20) days after service of the formal charges, unless the time is extended by the chair of the hearing committee. In the event, Respondent fails to answer within the prescribed time, or the time as extended, the factual allegations contained within the formal charges shall be deemed admitted and proven by clear and convincing evidence. Disciplinary Counsel shall file a motion with the chair of the hearing committee to which the matter is assigned requesting that the factual allegations be deemed proven with proof of service of the formal charges upon the respondent. The order signed by the hearing committee chair shall be served upon respondent as provided by Section 13C. Within twenty (20) days of the mailing of the order of the hearing committee chair deeming the factual allegations contained in the formal charges proven, the respondent may move the hearing committee chair to recall the order thus issued upon demonstration of good cause why imposition of the order would be improper or would result in a miscarriage of justice.

FINDINGS OF FACT

The Committee adopts ODC's findings of fact in this matter. Since the Respondent failed to answer the ODC, the charges are deemed admitted.

RULES VIOLATED

Respondent violated the following Rules of Professional Conduct: 8.4(a) (violate or attempt to violate Rules of Professional Conduct); 8.4(b) (commission of a criminal act); and 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation).

SANCTION

Louisiana Supreme Court Rule XIX, Section 10(C) states that in imposing a sanction after a finding of lawyer misconduct, the court or board shall consider the following factors:

1. whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;
2. whether the lawyer acted intentionally, knowingly, or negligently;
3. the amount of actual or potential injury caused by the lawyer's misconduct; and
4. the existence of any aggravating or mitigating factors.

The Louisiana Supreme Court also relies on the *ABA Standards for Imposing Lawyer Sanctions* ("ABA Standards") to determine the baseline sanction.

Since the Respondent admitted to the Rule violations, the only matter before the Committee is the appropriateness of the sanction. In a memorandum filed on July 7, 2015, the Respondent asked for a reduction in the sanction from an eighteen-month suspension from the practice of law to a one-year suspension, based on the need to be able to earn a living. ODC relies on *In re Sterling*, 2008-2399 (La. 1/30/99), 2 So.3d 408 in arriving at a sanction. The Committee notes that unlike *Sterling*, the Respondent herein was not charged with a crime of violence. Additionally, the Respondent herein has been Supreme Court ineligible to practice law since September 19, 2012. Accordingly, the Committee recommends that the sanction imposed be a suspension from the practice of law for one year and one day from final resolution in this

matter. This will require the Respondent to reapply for admission, thus giving the Supreme Court some oversight in determining the Respondent's rehabilitation, and coupled with the Respondent's ineligibility to practice since 2012, will result in at least a four-year suspension from the practice. It is the opinion of the Committee that the Respondent should have to demonstrate safety to the public and to the practice of law and the Committee's recommended sanction will achieve that end. Although not dispositive to the decision, the fact that the Respondent apparently suffered from undiagnosed bipolar disorder until recently and is now undergoing treatment was considered.

CONCLUSION

Given the Respondent's circumstances as well as the nature and seriousness of the Rule violations, the Committee recommends that the Respondent serve a suspension from the practice of law for one year and one day, beginning on the date that this matter is finalized.

Baton Rouge, Louisiana, this 31st day of July, 2015.

Louisiana Attorney Disciplinary Board

Hearing Committee #52

**Linda G. Rodrigue, Committee Chair
Joseph J. LaPlace, III, Lawyer Member
Roxanne B. Dupuy, Public Member**

By:

Joseph J. LaPlace, III
JOSEPH J. LAPLACE, III, FOR THE COMMITTEE