

ORIGINAL

Louisiana Attorney Disciplinary Board

FILED by: *Dona P. Burgess*

Docket#

Filed-On

14-DB-058

10/12/2015

**LOUISIANA ATTORNEY DISCIPLINARY BOARD**

**IN RE: ROBERT A. BOOTH, JR.**

**DOCKET NO. 14-DB-058**

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**REPORT OF THE HEARING COMMITTEE #60**

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This is a proceeding based upon a filing of a petition and application for reinstatement to the practice of law following the suspension of Robert A. Booth, Jr.

**INTRODUCTION AND PROCEDURAL HISTORY**

On March 17, 2009, Mr. Booth was suspended for two years by the Louisiana Supreme Court. *In re Booth*, 2008-2353 (La. 3/17/09), 6 So.3d 158. The Court found that Mr. Booth failed to return unearned fees in two client matters and neglected one of the matters.

Mr. Booth filed a petition and application for reinstatement to the practice of law on November 17, 2014. On January 27, 2015, the Office of Disciplinary Counsel ("ODC") filed its response to the petition. ODC took "no position" regarding the petition. The matter was heard by Hearing Committee No. 60 on April 17, 2015. Appearing for ODC was Chief Disciplinary Counsel Charles B. Plattsmier. Mr. Booth appeared with counsel, Leslie J. Schiff.

**RESPONSE OF ODC**

ODC takes "no position" regarding Mr. Booth's petition for reinstatement, which requires a hearing of the matter pursuant to Louisiana Supreme Court Rule XIX, §24(F).

**EVIDENCE**

The following evidence and testimony was received and taken:

Exhibits:

- A-1 Advertising Receipt
- A-2 The Shreveport Sun Notice
- A-3 Notice to Mr. Carter

- A-4 Promissory Note with Confession of Judgment
- A-5 Client Assistance Fund Certificate
- A-6 Promissory Note with Confession of Judgment
- A-7 Capital One Bank Accounts Information
- A-8 Form SSA-1099, Robert A. Booth, Jr.
- A-9 Dean R. Veatch letter dated April 10, 2015
- A-10 Carla Stanford letter dated March 27, 2015
- A-11 Maurice Loridans letter dated March 27, 2015
- A-12 Kent Gill letter dated March 30, 2015
- A-13 Joseph A. Cannatell, Jr., March 30, 2015 letter
- A-14 April 2, 2015, Letter from Lori M. Taylor
- ODC-1 Prior Disciplinary Order
- ODC-2 Respondent's Petition for Reinstatement
- ODC-3 Previous Sworn Statement of Respondent
  
- Petitioner's Opening Statement by Mr. Schiff
- Disciplinary Counsel's Opening Statement by Mr. Plattsmier
- Direct Examination of Carla Stanford by Mr. Schiff
- Cross-examination of Carla Stanford by Mr. Plattsmier
- Direct Examination of Charles Douglas Strickland by Mr. Schiff
- Cross-examination of Charles Douglas Strickland by Mr. Plattsmier
- Direct Examination of Robert A. Booth, Jr. by Mr. Schiff
- Cross-examination of Robert A. Booth, Jr. by Mr. Plattsmier

Cross-examination by Ms. Tucker, Lawyer Member

Cross-examination by Mr. Batte, Committee Chair

Re-direct examination by Mr. Schiff

Petitioner's closing statement by Mr. Schiff

Disciplinary Counsel's Closing by Mr. Plattsmier

### **LAW AND FINDINGS OF FACT**

Reinstatement following suspension is governed by Louisiana Supreme Court Rule XIX, Section 24. Section 24(E) establishes the substantive criteria for reinstatement, which are as follows:

- E1. "The lawyer has fully complied with the terms and conditions of all prior discipline orders, except to the extent that they are abated under section 25."**
- E2. "The lawyer has not engaged nor attempted to engage in the unauthorized practice of law during the period of suspension or disbarment."**
- E3. Not Applicable**
- E4. "The lawyer recognizes the wrongfulness and seriousness of his conduct for which the lawyer was suspended or disbarred."**
- E5. "The lawyer has not engaged in any other professional misconduct since suspension or disbarment."**
- E6. "Notwithstanding the conduct for which the lawyer was disciplined, the lawyer has the requisite, honesty and integrity to practice law."**
- E7. The lawyer will be required to participate in the Louisiana State Bar Association Trust School and the Louisiana State Bar Association Ethics School and complete same.**  
**The lawyer shall also obtain a minimum of twelve and a half credits of continuing legal education a year for the remaining years of his career.**
- E8. "The lawyer has paid to the Louisiana State Bar Association currently owed bar dues."**

**E9 and E10. The lawyer has entered into an agreement to pay all Clerk of Court and all costs to the Disciplinary Board as well as administration and enforcement fees under Section 8(A) of this rule and has filed the registration statement required under Section 8(C) of this rule.**

**E11. The lawyer has entered into a promissory note to reimburse the Client Assistance Fund.**

### RECOMMENDATION

It is the recommendation of the Committee that Robert A. Booth, Jr., be reinstated to practice law under the following conditions:

- a) That he continue to make timely payments to the Client Assistance Fund and the Disciplinary Board in accordance with the promissory notes previously executed.
- b) That he maintain a Trust Account as required by the Louisiana State Bar Association.
- c) That he attend and complete successfully the Louisiana State Bar Association Trust School and Louisiana State Bar Association Ethics School as well as complete twelve and a half hours of Continuing Legal Education every year he continues to practice law.

This opinion is unanimous and has been reviewed by each committee member, who fully concur and who have authorized Gregory Holland Batte to sign on their behalf.

Shreveport, Louisiana, this 12<sup>th</sup> day of October, 2015.

**Louisiana Attorney Disciplinary Board  
Hearing Committee #60**

**Gregory Holland Batte, Committee Chair  
Zelda Wynnee Tucker, Lawyer Member  
Margaret L. Caplis, Public Member**



**BY: Gregory Holland Batte, Committee Chair  
FOR THE COMMITTEE**