

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: MITCHEL M. EVANS II

NUMBER: 17-DB-003

RECOMMENDATION TO THE LOUISIANA SUPREME COURT

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INTRODUCTION

This is a disciplinary matter based upon the filing of formal charges by the Office of Disciplinary Counsel (“ODC”) against Mitchel M. Evans II (“Respondent”), Louisiana Bar Roll Number 19322.¹ The charges, which consist of one count, allege violations of Rules of Professional Conduct 1.1(a), 1.2(a), 1.3, 1.4(a), 1.5(f)(5), 8.4(c), 8.4(d), and 8.4(a).² The Hearing Committee assigned to this matter concluded that Respondent violated Rules 1.1(a), 1.2(a), 1.4(a), 1.5(f)(5), and 8.4(a), but not Rules 1.3, 8.4(c), and 8.4(d). The Committee declined to recommend a sanction, stating that Respondent’s current suspension and probation is “satisfactory punishment.” However, the Committee did recommend that Respondent provide restitution to the complainant.

For the following reasons, the Board adopts the factual findings and legal conclusions of the Committee, with two exceptions. The Board finds that Respondent violated Rules 8.4(c) and 8.4(d). As a sanction, the Board recommends that Respondent be suspended for one year and one day and provide restitution to the complainant.

PROCEDURAL HISTORY

ODC filed the formal charges on January 26, 2017. The charges state, in pertinent part:

¹ Respondent is currently suspended. *In re Evans*, 2016-1115 & 2016-1213 (12/6/16), 218 So.3d 1015. The Court suspended Respondent for three years, with two years deferred. Although eligible, Respondent has not sought reinstatement.

² The text of the Rules is contained in the attached Appendix.

Complainants, Rosalba and James McCoy, filed the instant complaint against Respondent with the Office of Disciplinary Counsel on May 14, 2016. A custody and child support matter was filed in Louisiana involving a minor child of Complainant, James McCoy. At the time of the filing, an existing case was open in the state of North Carolina. Complainants hired Respondent in August 2015, to have the Louisiana case dismissed because the North Carolina court retained jurisdiction. The Complainants paid Respondent \$1,200.00 for his representation and specifically discussed appearing at the upcoming hearing to dismiss the Louisiana proceedings via SKYPE because both are in the military. According to Complainants, the mother of the child was trying to get the Louisiana courts to enforce an old North Carolina child support judgment which had been reduced in the North Carolina proceedings. The mother also moved for a restraining order against Complainants. The Complainants allege the restraining order was without merit and based on false information. Complainant Rosalba McCoy was particularly concerned about the restraining order because it jeopardized her security clearance with the military. Complainants are adamant that it was very important to them that the Louisiana proceeding be dismissed as improperly filed because another state retained jurisdiction over the matter and to have the restraining order dissolved. Complainants attached text messages and E-mails between themselves and the child's mother which indicate the mother no longer wanted to maintain the restraining order. Despite their wishes, Respondent appeared on Complainants' behalf in the Louisiana proceeding and entered into a Consent Judgment with opposing counsel that gave sole custody of the child to the mother and maintained the restraining order. Respondent further informed the Complainants that the judge ordered this and neglected to tell them that he had consented to it. Complainants have recently been stationed in the State of Florida. It was not until they hired a Florida attorney to represent them in the custody matter that they learned Respondent had consented to terms of the Louisiana judgment. Complainants have provided the ODC with copies of numerous E-mails between Respondent and Complainants in which they clearly state their wishes. Respondent admits that he agreed to the Consent Judgment without speaking to Complainants but alleges his actions were appropriate because Complainants waived their appearance at the Louisiana court proceeding. Complainants dispute this and provide documentation that they would appear via SKYPE. Complainants state that would have [sic] gladly driven to Louisiana, if necessary, but Respondent assured them they could appear via SKYPE. Complainants requested a return of the unearned portion of the fixed fee paid to Respondent so they could hire a new attorney, but Respondent has refused to refund any portion of the fee. Because of Respondent's actions, Rosalba McCoy has lost her security clearance and John McCoy has been denied visitation he previously enjoyed with his minor child.

The actions of Respondent in this matter constitute providing incompetent representation, in violation of Rule 1.1(a) of the Rules of Professional Conduct; taking action on behalf of his clients without authority to do so, in violation of Rule 1.2(a) of the Rules of Professional Conduct; failing to act with reasonable diligence and promptness in representing his clients, in violation of Rule 1.3 of the Rules of Professional Conduct; failing to keep his clients reasonably informed about the

status of their matter, in violation of Rule 1.4(a) of the Rules of Professional Conduct; failing to return the unearned portion of a fixed fee, in violation for Rule 1.5(f)(5) of the Rules of Professional Conduct; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c) of the Rules of Professional Conduct; engaging in conduct prejudicial to the administration of justice, in violation of Rule 8.4(d) of the Rules of Professional Conduct; and violating or attempting to violate the Rules of Professional Conduct, in violation of Rule 8.4(a) of the Rules of Professional Conduct.

On February 21, 2017, Respondent filed an answer to the charges, in which he denied violating the Rules. On June 6, 2017, ODC filed its prehearing memorandum, in which it argued that a one to three-year suspension was appropriate. Respondent did not file a prehearing memorandum.

The hearing of this matter was held on August 2, 2017, before Hearing Committee #31 (“the Committee”).³ The Committee heard testimony from Respondent, Jodi Andrews (opposing counsel in underlying matter), Rosalba McCoy (complainant), and James L. McCoy, Jr. (complainant). The Committee also admitted into evidence ODC Exhibits 1-8. The Committee made the following findings and conclusions:

FINDINGS OF FACT

Rosalba McCoy and James McCoy testified consistent with the formal charges in this matter. They both testified that they sought the assistance of Mitchel Evans in having the Louisiana filings regarding Child Support and a request for restraining order dismissed. The McCoy's instructed Mr. Evans that they did not believe the Louisiana Court had jurisdiction and specifically did not want any restraining order entered.

In his testimony, Mr. Evans acknowledged that these concerns were voiced to him by the McCoy's. Mr. Evans further acknowledged that he entered into a stipulation with the court, which resulted in a stipulated judgment inconsistent with the wishes of the clients. Mr. Evans' justification for the statutory judgment was that he believed he was acting in the best interest of the clients and that the stipulation entered into would allow the clients to have the matter reopened in another jurisdiction.

While Mr. Evans testified that he informed the clients of the consent decree on the night after it was entered by the court, he readily admitted that he did not discuss his intended actions with the clients beforehand, and that he did not have the authority of his clients to enter into the consent decree in the first place.

³ The Committee was composed of V. Ed McGuire III (Chair), Alan K. Breaud (Lawyer Member), and Andrew W. Vanchiere (Public Member).

RULES VIOLATED

It is the opinion of this committee that through his actions, Mitchel M. Evans, II violated Rule 1.1(a) in providing incompetent representation as his representation was inconsistent with his client's specific instructions; violated Rule 1.2(a), in entering into the consent decree on behalf of his clients without the authority to do so; violated rule 1.4(a) in failing to keep his clients reasonably informed of the status of the matter prior to the entering of a consent decree on behalf of the clients; violated Rule 1.5(f)(5) in failing to return his fee to the clients when he acknowledged that did not act in accordance with the client's wishes; and violated Rule 8.4(a) in violating or attempting to violate the rules of professional conduct as noted above.

The Committee does not specifically find that Mr. Evans violated Rule 1.3, as there was testimony that he did inform the clients of his actions and reasoning shortly after the described events took place. The Committee also finds that Mr. Evans did not violated [sic] Rule 8.4(c) or 8.4(d) in that he did inform the clients of his actions, and that his actions were not prejudicial to the administration of justice.

Hearing Committee Report, pp. 4-5. The Committee also found that Respondent acted intentionally and caused actual harm to the McCoys. The Committee declined to recommend a sanction, finding that his current suspension is “satisfactory punishment.” *Id.* at 6. However, the Committee did recommend that Respondent refund the entire fee the McCoys paid. “[T]he Committee does find that Respondent was retained for a very specific and limited purpose, accepted fees for that purpose, and did not abide by his clients' wishes. It is therefore [recommended] that as an additional condition of Respondent's supervised probation, that he shall refund to the McCoys the \$1,200 fee charges in this matter.” *Id.* at 6.

On February 8, 2018, ODC filed an objection to the Committee’s report and recommendation. ODC objected to the Committee’s failure to find that Respondent violated Rules 1.3, 8.4(c), and 8.4(d). ODC also objected to the Committee’s failure to recommend a sanction. ODC filed its brief on March 6, 2018. Respondent did not file a brief.

Oral argument of this matter was heard on April 5, 2018, before Board Panel “B.”⁴ Deputy Disciplinary Counsel Tammy Pruet Northrup appeared on behalf of ODC. Respondent did not appear.

ANALYSIS OF THE RECORD BEFORE THE BOARD

I. Standard of Review

The powers and duties of the Disciplinary Board are defined in §2 of Louisiana Supreme Court Rule XIX. Rule XIX, §2(G)(2)(a) states that the Board is “to perform appellate review functions, consisting of review of the findings of fact, conclusions of law, and recommendations of hearing committees with respect to formal charges ... and petitions for reinstatement, and prepare and forward to the court its own findings, if any, and recommendations.” Inasmuch as the Board is serving in an appellate capacity, the standard of review applied to findings of fact is that of “manifest error.” *Arceneaux v. Domingue*, 365 So. 2d 1330 (La. 1978); *Rosell v. ESCO*, 549 So. 2d 840 (La. 1989). The Board conducts a *de novo* review of the hearing committee’s application of the Rules of Professional Conduct. *In re Hill*, 90-DB-004, Recommendation of the Louisiana Attorney Disciplinary Board (1/22/92).

A. The Manifest Error Inquiry

The factual findings of the Committee do not appear to be manifestly erroneous and are supported by the record.

B. De Novo Review

The Committee’s conclusion that Respondent violated Rules 1.1(a), 1.2(a), 1.4(a), 1.5(f)(5), and 8.4(a) is correct. However, the Committee erred in concluding that Respondent did not violate Rules 8.4(c) and 8.4(d). Rule 8.4(c) states that it is professional misconduct for a lawyer

⁴ The Panel was composed of Pamela W. Carter (Chair), Dominick Scandurro, Jr. (Lawyer Member), and Sheila E. O’Leary (Public Member).

to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. Here, Ms. McCoy testified that Respondent informed her that the judge in the underlying matter made the ruling on the custody and restraining order issues. Transcript, p. 137. It was not until January of 2016, several months after the ruling, that Ms. McCoy learned Respondent entered into a consent judgement with opposing counsel granting sole custody to the opposing party and maintaining the restraining order against Ms. McCoy. *Id.* at pp. 137-138, 143. Thus, the record demonstrates that Respondent lied to Ms. McCoy as to how the ruling came about. This constitutes dishonest conduct. Accordingly, the Board finds that Respondent violated Rule 8.4(c).

Rule 8.4(d) states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice. In the past, the Court has found violations of Rule 8.4(d) when attorneys have taken actions that are inconsistent with the scope of the representation and/or the interests of their clients. *See In re Bruscato*, 99-0287 (6/4/99), 743 So.2d 645; and *In re Sims*, 2008-2176 (11/21/08), 994 So.2d 1280 (discussed below). Here, Respondent consented to issues to which his clients did not want him to consent. He subsequently failed to inform his clients of how those issues were decided by the court. Accordingly, the Board finds that Respondent violated Rule 8.4(d).

ODC argues that the Committee also erred in failing to find that Respondent violated Rule 1.3. Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client. Here, Respondent was hired in August 2015 for a hearing that was held on September 10, 2015. The scope of the representation was limited. At the conclusion of the hearing, Respondent informed his client of the outcome. While Respondent went beyond the scope of the representation and deceived his clients as to how the ruling came about, the facts do not

suggest that Respondent failed to diligently or promptly pursue the legal matter. Accordingly, the Board adopts the Committee's conclusion that Respondent did not violate Rule 1.3.

II. The Appropriate Sanction

A. Rule XIX, §10(C) Factors

Louisiana Supreme Court Rule XIX, §10(C) states that when 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.

Here, Respondent violated his duties to his clients by intentionally deviating from their clear instructions. His conduct caused actual harm to the McCoys. Mr. McCoy never consented to allowing sole custody of his daughter to be granted to the mother, which impacted his ability to see his child. Additionally, despite her clear instructions that the restraining order was impacting her career, Respondent consented to the continuation of the order. The continuation of the order has negatively affected Ms. McCoy's employment. While the court could have granted sole custody and continued the restraining order after a hearing on the merits, the McCoys never had the opportunity to have their day in court on those issues because of Respondent's misconduct.

The following aggravating factors are supported by the record: prior disciplinary offenses,⁵ dishonest and selfish motive, refusal to acknowledge the wrongful nature of the conduct, and

⁵ On December 6, 2016, Respondent was suspended from the practice of law for three years, with two years deferred, for neglecting numerous legal matters, failing to communicate with numerous clients, failing to provide competent representation, failing to refund unearned fees, failing to provide accountings to clients, failing to reduce contingency fee agreements to writing, failing to properly supervise non-lawyer assistants, failing to keep one client's information confidential, and failing to cooperate with the ODC in two investigations. *In re Evans*, 2016-1115 & 2016-1213 (12/6/16), 218 So.3d 1015. Respondent also received an admonition in 1997 for violating Rule 4.2 (communicating with a person who is represented by counsel).

substantial experience in the practice of law.⁶ The only mitigating factor supported by the record is Respondent's cooperation in this proceeding.

B. The ABA Standards and Case Law

The *ABA Standards for Imposing Lawyer Sanctions* suggests that suspension is the baseline sanction. Standard 4.42 states, in pertinent part: "Suspension is generally appropriate when ... a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client ..." Here, Respondent ignored his client's wishes to dissolve the restraining order. Rather, he consented to its continuation. Likewise, Respondent consented to granting the opposing party sole custody of the child without the authorization of his clients. This conduct caused actual harm, as discussed above.

The Court has imposed short to lengthy suspensions when attorneys have dismissed client matters without the clients' knowledge or consent. In *In re Bruscato*, the Court suspended Mr. Bruscato for sixty days for failing to file a client's personal injury lawsuit before the prescriptive deadline. 1999-0287 (La. 6/4/99), 743 So.2d 645. Upon learning that the lawsuit would be met with an exception of prescription and without informing the client, Mr. Bruscato filed a motion to dismiss the suit without prejudice. Mr. Bruscato then urged the client to seek Social Security benefits instead of the personal injury matter. The following aggravating factors were present: vulnerability of the victim, refusal to acknowledge the wrongful nature of the conduct, and substantial experience in the practice of law. The following mitigating factors were present: absence of prior disciplinary record, absence of a dishonest or selfish motive, cooperative attitude toward the proceeding, remorse, and character and reputation.

⁶ Respondent was admitted to the practice of law in Louisiana on April 28, 1989.

In *In re Sims*, the Court suspended Mr. Sims for two years for misconduct in two matters, one of which was his dismissal of a client matter with prejudice without the client's knowledge or consent. 2008-B-2176 (11/21/08), 994 So.2d 1280. In another matter, Mr. Sims retained a settlement check after the settlement was revoked and after opposing counsel demanded the check's return. The following aggravating factors were present: prior disciplinary offenses, multiple offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency, and substantial experience in the practice of law. The only mitigating factor was the remoteness of Mr. Sims' prior disciplinary offense.

Here, like in *Bruscato*, there is only a single count of misconduct. However, unlike *Bruscato*, the aggravating factors clearly outweigh the mitigating factors. The most significant aggravating factor is Respondent's prior disciplinary offenses. While his prior misconduct was for negligent and knowing misconduct, some of which the Court attributed to poor practice management skills, the misconduct in this matter is for intentional conduct that caused actual harm. Thus, the Board finds that a sanction that would require Respondent to petition for reinstatement pursuant to Rule XIX, §24, is appropriate. Accordingly, the Board recommends that Respondent be suspended from the practice of law for one year and one day.

The Committee's recommendation is not justified based upon the facts of this case. The type of recommendation made by the Committee is reserved for cases in which the misconduct occurred at the same time of misconduct that was the subject of a prior disciplinary matter. *See La. State Bar Ass'n v. Chatelain*, 89-0703 (La. 1/22/1991), 573 So.2d 470.⁷ The misconduct that

⁷ In *La. State Bar Ass'n v. Chatelain*, the Court held:

Since the attorney-respondent cannot control the timing of the institution of disciplinary proceedings, it is generally inappropriate to disbar a previously disbarred attorney an additional time

was the subject of Respondent's prior disciplinary matter occurred from 2006 to 2013. Here, the misconduct was in 2015. Thus, the Court's holding in *Chatelain* does not apply.

CONCLUSION

The Board adopts the factual findings and legal conclusions of the Committee, with the modifications discussed above. As a sanction, the Board recommends that Respondent be suspended from the practice of law for one year and one day. The Board also recommends that Respondent provide a refund to the McCoy's and that he be assessed with the costs and expenses of this matter.

when the violations at issue occurred before or concurrently with the violations which resulted in the initial disbarment. When a second disciplinary proceeding against an attorney involves misconduct which occurred during the same time period as the first proceeding, the overall discipline to be imposed should be determined as if both proceedings were before the court simultaneously. [Citation omitted.]

573 So.2d 470, 471 n.2 (La. 1/22/91).

RECOMMENDATION

The Board recommends that Respondent, Mitchel M. Evans II, be suspended from the practice of law for one year and one day. The Board also recommends that Respondent provide a refund to the McCoy's and that he be assessed with the costs and expenses of this matter pursuant to Rule XIX, §10.1.

LOUISIANA ATTORNEY DISCIPLINARY BOARD

**Linda G. Bizzarro
Pamela W. Carter
Brian D. Landry
Sheila E. O'Leary
Danna E. Schwab
Evans C. Spiceland, Jr.
Charles H. Williamson, Jr.**

BY:


**Dominick Scandurro, Jr.
FOR THE ADJUDICATIVE COMMITTEE**

Melissa L. Theriot - Dissents with reason.

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: MITCHEL M. EVANS II

DOCKET NO. 17-DB-003

DISSENT

I agree with the recommendation except with respect to the finding of a violation of Rule 8.4(c). The Board finds a violation by concluding that Respondent lied to the McCoys regarding the nature of the consent judgment. However, the Committee acknowledges that Respondent testified that he told the McCoys that he consented to the judgment. Determining that Respondent lied to the McCoys and that Respondent's testimony was false is a factual determination subject to the manifest error standard of review. The hearing committee made no finding that Respondent lied to the McCoys, and the Board opinion states, "The factual findings of the Committee do not appear to be manifestly erroneous and are supported by the record." This appears to be situation involving conflicting testimony. Absent a factual finding that the Respondent lied to the McCoys or a determination that the committee's failure to find that Respondent was lying constitutes manifest error, I dissent from any finding that Respondent violated Rule.

LOUISIANA ATTORNEY DISCIPLINARY BOARD

By: 
MELISSA L. THERIOT
Adjudicative Committee Member

APPENDIX

Rule 1.1. Competence

(a) A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

(b) A lawyer is required to comply with the minimum requirements of continuing legal education as prescribed by Louisiana Supreme Court rule.

(c) A lawyer is required to comply with all of the requirements of the Supreme Court's rules regarding annual registration, including payment of Bar dues, payment of the disciplinary assessment, timely notification of changes of address, and proper disclosure of trust account information or any changes therein.

Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer

(a) Subject to the provisions of Rule 1.16 and to paragraphs (c) and (d) of this Rule, a lawyer shall abide by a client's decisions concerning the objectives of representation, and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, religious, economic, social or moral views or activities. (c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent. (d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

Rule 1.3. Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

Rule 1.4. Communication

(a) A lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules; (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) The lawyer shall give the client sufficient information to participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued.

(c) A lawyer who provides any form of financial assistance to a client during the course of a representation shall, prior to providing such financial assistance, inform the client in writing of the terms and conditions under which such financial assistance is made, including but not limited to, repayment obligations, the imposition and rate of interest or other charges, and the scope and limitations imposed upon lawyers providing financial assistance as set forth in Rule 1.8(e).

Rule 1.5. Fees

(a) ...

(b) ...

(c) ...

(d) ...

(e) ...

(f) Payment of fees in advance of services shall be subject to the following rules: (1) When the client pays the lawyer a fee to retain the lawyer's general availability to the client and the fee is not related to a particular representation, the funds become the property of the lawyer when paid and may be placed in the lawyer's operating account. (2) When the client pays the lawyer all or part of a fixed fee or of a minimum fee for particular representation with services to be rendered in the future, the funds become the property of the lawyer when paid, subject to the provisions of Rule 1.5(f)(5). Such funds need not be placed in the lawyer's trust account, but may be placed in the lawyer's operating account. (3) When the client pays the lawyer an advance deposit against fees which are to accrue in the future on an hourly or other agreed basis, the funds remain the property of the client and must be placed in the lawyer's trust account. The lawyer may transfer these funds as fees are earned from the trust account to the operating account, without further authorization from the client for each transfer, but must render a periodic accounting for these funds as is reasonable under the circumstances. (4) When the client pays the lawyer an advance deposit to be used for costs and expenses, the funds remain the property of the client and must be placed in the lawyer's trust account. The lawyer may expend these funds as costs and expenses accrue, without further authorization from the client for each expenditure, but must render a periodic accounting for these funds as is reasonable under the circumstances. (5) When the client pays the lawyer a fixed fee, a minimum fee or a fee drawn from an advanced deposit, and a fee dispute arises between the lawyer and the client, either during the course of the representation or at the termination of the representation, the lawyer shall immediately refund to the client the unearned portion of such fee, if any. If the lawyer and the client disagree on the unearned portion of such fee, the lawyer shall immediately refund to the client the amount, if any, that they agree has not been earned, and the lawyer shall deposit into a trust account an amount representing the portion reasonably in dispute. The lawyer shall hold such disputed funds in trust until the dispute is resolved, but the lawyer shall not do so to coerce the client into accepting the lawyer's contentions. As to any fee dispute, the lawyer should suggest a means for prompt resolution such as mediation or arbitration, including arbitration with the Louisiana State Bar Association Fee Dispute Program.

Rule 8.4. Misconduct

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) ...
- (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) Engage in conduct that is prejudicial to the administration of justice; ...