

**ORIGINAL**

Louisiana Attorney Disciplinary Board	
FILED by: <i>Joseph J. Staudt</i>	
<u>Docket#</u>	<u>Filed-On</u>
17-DB-061	6/20/2018

**LOUISIANA ATTORNEY DISCIPLINARY BOARD**

**IN RE: DAVID GARDNER DeBLIEUX**

**DOCKET NO.: 17-DB-061**

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**REPORT OF HEARING COMMITTEE**

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**INTRODUCTION**

Formal charges were filed in this matter by the Office of Disciplinary Counsel (ODC) in this matter on October 23, 2017. ODC maintained that David Gardner DeBlieux (Respondent), bar roll number 29141, violated the following Rules of Professional Conduct: 8.4(a) (violate or attempt to violate Rules of Professional Conduct); and 8.4(b) (commission of a criminal act).<sup>1</sup>

The matter came for hearing on March 14, 2018 and was finished the following day. The parties stipulated to the facts as alleged in the formal charges and that ODC proved by clear and convincing evidence that the respondent violated Rules of Professional Conduct 8.4(a) and (b). The hearing in this matter was to determine mitigation only. For the following reasons, the committee concludes that the appropriate sanction should be suspension from the practice of law for one year and one day.

**FORMAL CHARGES**

The formal charges in the subject matter provide, in pertinent part:

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<sup>1</sup> 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; ...

1.

The Respondent in these proceedings is David Gardner DeBlieux, a thirty-nine year-old Louisiana licensed attorney born March 13, 1978 and admitted to the practice of law in the State of Louisiana on October 5, 2004 after graduating from Louisiana State University Law Center.

2.

At all times pertinent to these proceedings, the Respondent was married to SD. As a result of ongoing marital discord including instances of physical contact by Respondent, the parties physically separated from one another shortly after February 1, 2017. SD left the marital home and located a rental home within which to live beginning during the month of February of 2017. The residence of SD was her exclusive dwelling to which the Respondent did not enjoy access and to which he did not have a key.

3.

At approximately 2:00 a.m. on the morning of March 4, 2017, the Respondent drove his vehicle to the home of SD with his children in his vehicle after returning from a ski trip in Colorado. Believing that SD was in her rental home with a male guest, without permission or authority, Respondent kicked in the locked front door of SD's dwelling, entered the inhabited dwelling, and located his wife and her male guest. After pushing his wife aside, the Respondent committed a physical battery upon her male guest. When SD attempted to intercede, Respondent battered/pushed her once again until such time as SD could persuade the Respondent to leave the residence.

4.

The Respondent did so and drove to the marital home where he retrieved his wife's clothing articles and returned with the minor children still in the vehicle to her dwelling and tossed her clothes on the front lawn and driveway area. After departing briefly, Respondent returned to his wife's dwelling where, after attempting unsuccessfully to gain entry into her vehicle in order to retrieve items belonging to the children, he secured a nearby cement object/block and smashed it through the driver side rear side window. During the process of attempting to stop Respondent from damaging the vehicle, SD was again struck and pushed by Respondent while the children were in his vehicle crying.

5.

The Respondent was arrested on multiple counts including domestic abuse battery in violation of R.S. 14:35.3(I), simple battery in violation of R.S. 14:35, and criminal damage to property in violation of R.S. 14:56. Moreover, Respondent's conduct also included home invasion in violation of R.S. 14:62.8 and entry into an inhabited dwelling, a felony.

6.

The Respondent's conduct reflects violations of Rule 8.4(b)—the commission of a criminal act, and Rule 8.4(a)—Violating or attempting to violate the Rules of Professional Conduct.

### **EVIDENCE**

The committee considered the testimony of the various witnesses plus the exhibits that were stipulated to prior to the hearing. Some other exhibits were proffered and not

considered. Additionally, both parties submitted post-trial memoranda, which were also taken into consideration.

ODC called one of the supervising officers of the Baton Rouge City Police to testify about what he knew about the arrest. Also called by ODC was a supervisor in the 19<sup>th</sup> JDC District Attorney's Office as a rebuttal witness. The respondent called several acquaintances of him and his wife, including his father-in-law, his present employer, a former coworker, two therapists, a former client, friends of him and his wife, and his wife. He also testified on his behalf.

### **FINDINGS OF FACT**

Since the respondent stipulated to the facts as recited in the formal charges, the committee adopts ODC's findings of fact in this matter.

### **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 severity of a sanction. ODC has recommended at least a 2-year suspension. The committee relied on sanctions applied in similar cases. ODC cites *In re Sterling*, 2008-2399 (La. 1/30/99), 2 So.3d 408, which resulted in a two-year suspension imposed on Sterling, who committed domestic violence. Mr. Sterling went to the address of his ex-girlfriend with two other gentlemen with the intention entering an inhabited dwelling. As a result, his conduct was premeditated. Additionally, his intentions were to take back gifts he had given his ex-girlfriend, a ring and an automobile, which would constitute theft of items over \$500. There were other violations of the Rules of Professional Conduct considered in that particular hearing. In contrast, the facts of the case regarding Mr. deBlieux do not appear to be as egregious as those in the Sterling case. Mr. deBlieux had been driving for twenty hours at the beginning of the incident involved here and was in the process of trying to reconcile with his wife. While not condoning his actions, the committee realizes he was somewhat emotionally disturbed when he found out an earlier affair between his wife and one of her co-workers was still going on.

The case of *In re Cardenas*, 2011-B-0031 (La. 5/6/11), 60 So.3d 609, is similar to what happened in the case at hand. The respondent in that case was charged with domestic abuse battery (child endangerment) and found guilty. Following his conviction in district court, the ODC initiated a hearing as to the formal charges against him. Ultimately, the Louisiana Supreme Court found that marital strife was a contributing factor in the respondent's behavior and the Court instituted a downward departure from the baseline sanction of a year-and-a-day suspension for similar matters. It eventually

imposed a one-year suspension with six months deferred, along with post hearing procedures the respondent had to follow. There was marital strife in the present case, also, and it had been going on for several years. At the time of the incident herein, the couple was in the beginning of a physical separation and had undergone marriage counseling.

The witnesses for the respondent, as expected, testified as to his character and to his remorse over the incident. (Trial Transcript, Day 1, pp. 30-31, 43, 164, 391). His psychologist deposed that the incident in question was out of character for Mr. deBlieux and that this behavior was not like to reoccur. (R. Exhibit 16, pp. 36-37). On the other hand, a First Assistant District Attorney who worked in the District Attorney's Office at the same time as the respondent cast some negative light on the respondent's reputation and reasons for his leaving their employ. (Trial Transcript, Day 2, pp. 210-62) It should be noted that there was an incident where some money was missing and the respondent was accused of having something to do with that; however, the parties implicating him were not deemed credible. (Trial Transcript, Day 2, 221-22, 226, 233). Other mitigating factors are the respondent's remorse, his lack of a prior disciplinary record, and his cooperation with ODC by stipulating to the facts of the case. He is presently undergoing therapy and is complicit with his treatment and medication at this time. These factors suggest a downward departure from the 2-year baseline.

The respondent is seeking a public reprimand or a fully deferred sentence; however, there are some aggravating factors to consider. There was an apparent selfish motive in the respondent's behavior, and it had the potential of putting several lives in danger. The crime he has admitted to is a crime of violence. Additionally, he has

substantial experience (12 years) in the practice of law and was somewhat deceptive in dealing with ODC during the disciplinary process. For example, he was not consistent in his reasons given for why he departed the District Attorney's Office. (Trial Transcript, Day 1, pp. 234, 241-46). Given the nature and seriousness of the offence, a suspension of one year and one day from the practice of law would seem appropriate.

### **CONCLUSION**

A sanction of one and one day is appropriate given the nature and seriousness of the offense and taking into consideration of all the mitigating circumstances in this case. A suspension of this length will require an assessment of the respondent's on-going therapy and whether or not he remains compliant before readmission to the practice of law.

**DONE AND SIGNED**, St. Gabriel, Louisiana, this 19th day of June, 2018.

**Louisiana Attorney Disciplinary Board  
Hearing Committee # 25**

**Joseph J. LaPlace III, Committee Chair  
Manard M. Lagasse, Jr., Lawyer Member  
Vallan B. Corbett, Public Member**

**BY:     /s/ Joseph J. LaPlace, III**

**Joseph J. LaPlace III, Committee Chair  
For the Committee**

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