

ORIGINAL

Louisiana Attorney Disciplinary Board

FILED by: *Donna P. Burgeon*

Docket#

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18-DB-028

9/6/2018

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: MICHAEL KEITH LEBLANC  
(Bar Roll No.: 27834)

DOCKET NO. 18-DB-028

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RECOMMENDATION OF DISCIPLINARY HEARING COMMITTEE NO. 55

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On March 26, 2018, the following Formal Charges were filed by the Office of Disciplinary Counsel (“ODC”) with the Louisiana Attorney Disciplinary Board (“LADB”) against Respondent Michael Keith LeBlanc (Bar No: 27834):

I.

“The Respondent in these proceedings is Michael Keith Leblanc (Bar No. 27834), a Louisiana licensed attorney born September 9, 1966 and admitted to the practice of law in the State of Louisiana April 19, 2002 after graduating from Loyola University School of Law.

II.

“The Respondent has a prior disciplinary history including an admonition issued to him in August of 2007 for a conflict of interest and conduct prejudicial to the administration of justice. Additionally, on or about July 29, 2008 the Respondent was interimly suspended for threat of harm to the public having eighteen separate matters under investigation by the Office of Disciplinary Counsel alleging multiple violations of the Rules of Professional Conduct. Finally, the Respondent was suspended by Order of the Louisiana Supreme Court on consent for a period of three years retroactive to his interim suspension of October 29, 2008 [sic]. The rule violations forming the basis for his consent discipline was [sic] lack of diligence, failure to return an unearned fee, lack of communications, and failing to return client files. Additionally, he failed to cooperate with an ongoing disciplinary investigation. The Respondent remains suspended at this time.

III.

“On or about August 5, 2017, the Office of Disciplinary Counsel was contacted by law enforcement with the Jackson County Sheriff Department in Pascagoula, Mississippi. The Office of Disciplinary Counsel was advised that, Michael Keith LeBlanc was the subject of an arrest warrant stemming from a report of theft from his employer, Premier Crane Works. The corporate president of Premier Crane Works reviewed his bank statement and noticed two checks that had cleared the bank but which were issued out of sequence. One was in the amount of

\$1,955.83 and the other in the amount of \$1,956.38 both made payable to Kimberly Ruben, the girlfriend of the Respondent Michael LeBlanc. Investigation by law enforcement established that the Respondent, without permission, consent or authority, took the two checks from the offices of Premier Crane Works, made those checks payable to his girlfriend, and she subsequently cashed them. Since the date of the discovery of the stolen checks, the Respondent failed to return to his employer's office and fled the jurisdiction of Mississippi. Law enforcement described Respondent as a fugitive from justice. Recently, the Office of Disciplinary Counsel was advised that the Respondent was apprehended on an open warrant while in Miami, Florida and had been extradited to the State of Mississippi.

#### IV.

“The Respondent has stolen nearly \$4,000 of funds from his employer. His conduct reflects violations of Rule 8.4(c) – Conduct involving dishonesty, fraud, deceit and misrepresentation; Rule 8.4(b) – It is professional misconduct for a lawyer to commit a criminal act, particularly one that reflects on his honesty and trustworthiness; and Rule 8.4(a) – Violate or attempt to violate the Rules of Professional Conduct.”

ODC urges this Committee to recommend that Respondent be permanently disbarred and be ordered to pay all costs of these proceedings.

#### ANALYSIS

Respondent was admitted to the practice of law on April 19, 2002, after graduating from the Loyola College of Law. He was interimly suspended by the Louisiana Supreme Court on July 29, 2008, and later suspended on consent for a period of three (3) years by order dated September 14, 2012 retroactive to the effective date of his interim suspension. See *In Re: Leblanc* 2012-1487 (La. 09/14/2012), 98 So.3d 288.

According to ODC, Respondent was participating in the Louisiana Attorney's Assistance Program and was under a monitoring agreement when he petitioned for reinstatement on September 14, 2014. Before his hearing on that petition could be held, he relapsed, and ODC's Motion to Dismiss the petition without prejudice was granted. Accordingly, Respondent has been suspended from practice of law since July 29, 2008.

Following his reinstatement effort, a detective with the Jackson County, Mississippi, Sheriff's Department in Pascagoula advised ODC that Respondent was the subject of an arrest warrant alleging that he had committed embezzlement and forgery. ODC then opened an investigation into those allegations. ODC learned that Respondent had committed the alleged crimes while employed with Premiere Crane Works, LLC as an accountant in Pascagoula. Premier Crane Work's President complained that Respondent had written two checks on the company's account made payable to his girlfriend, Kimberly Ruben. The two checks totaled nearly \$4,000. When the President confronted respondent about the checks he denied knowing anything about them and fled to parts unknown.

In January 2018, Respondent was arrested in Miami and extradited back to Mississippi where he was incarcerated pending the embezzlement and forgery charges. The prosecution of the criminal matter in Mississippi is ongoing.

ODC effected service of the Formal Charges on Respondent pursuant to *Supreme Court Rule XIX, Section (C)*. When Respondent failed to answer the charges, ODC moved to have them deemed admitted. An order deeming the charges admitted was issued by this Committee on May 17, 2018, and Respondent failed to file any motion to recall the charges.

The deemed admitted facts reflect embezzlement and forgery by Respondent, each of which is a serious criminal act in violation of Rule of Professional Conduct 8.4(b). A conviction of such a crime is not required to establish a violation of Rule 8.4(b). *In Re: Estiverne* 1999-0949 (La. 09/24/1999), 741 So.2d 649. The crimes charged against Respondent reflect upon his lack of honesty and untrustworthiness and are also violations of Rule 8.4(c).

Respondent's actions in committing these crimes were, by definition, intentional. They reflect violations of his duties to the public and to the profession: nearly \$4,000 was stolen from

his employer; his flight from Mississippi caused law enforcement to expend valuable, time resources and efforts to locate and extradite him; and his criminal acts reflected adversely on the legal profession's image in the eyes of the public and the consumers of legal services.

ABA Standard 5.11 appears clearly applicable and provides:

Disbarment is generally appropriate when:

- (a) a lawyer engages in serious criminal conduct a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, **fraud**, extortion, **misappropriation, or theft**; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses; or
  
- (b) **a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresent that seriously adversely reflects on the lawyer's fitness practice.**

(Emphasis added.)

Thus, the baseline sanction in this case is disbarment. See *In Re: Pearson* 2012-0940 (La. 10/16/2012) 100 So.3d 313 (Respondent violated trust of his partners by embezzling funds from his firm; *In Re: Kelly* 1998-0368 (La. 06/05/1998), 713 So.2d 458 (Respondent converted refund checks payable to his firm from the clerk of court to his own use); *In Re: Sharp* 2009-0207 (La. 06/26/2009), 16 So.3d 343 (Respondent converted to his own use a personal injury settlement check sent to his firm).

There are several aggravating factors warranting an upward deviation from the baseline sanction of disbarment, and there are no applicable mitigating factors. The aggravating factors are prior disciplinary offenses, dishonest motive, pattern of misconduct, multiple offenses, vulnerability of the victim, substantial experience in the practice of law, indifference to making restitution, and illegal conduct.

Appendix E to Supreme Rule XIX sets forth guidelines for the types of misconduct that may warrant consideration of the imposition of permanent disbarment:

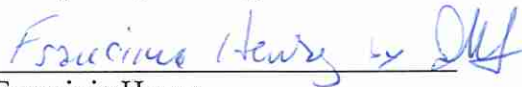
**GUIDELINE 9.** Instances of serious attorney misconduct or conviction of a serious crime, when the misconduct or conviction is preceded by suspension or disbarment for prior instances of serious attorney misconduct or conviction of a serious crime. Serious crime is defined in Rule XIX, Section 19. Serious attorney misconduct is defined for purposes of these guidelines as any misconduct which results in a suspension of more than one year.

Respondent's prior discipline imposed by consent was for the maximum three-year suspension and was for serious misconduct. It has now been followed by instance of criminal conduct, which, alone, would warrant the baseline sanction of disbarment.

Considering Supreme Court Guideline 9 and the other aggravating factors present in this case, this Committee recommends that Respondent Michael Keith LeBlanc be permanently disbarred and his name be permanently stricken from the roster of Louisiana attorneys. Additionally, he should be cast for all costs of these proceedings

Respectfully submitted,

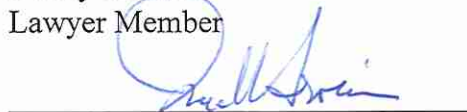
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