

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: YOLANDA JULIE KING

DOCKET NO. 16-DB-029

REPORT OF HEARING COMMITTEE # 18

INTRODUCTION

This attorney disciplinary matter arises out of formal charges consisting of one count filed by the Office of Disciplinary Counsel (“ODC”) against Yolanda Julie King (“Respondent”), Louisiana Bar Roll Number 22096.¹ ODC alleges that Respondent violated the following Rules of Professional Conduct: 8.4(b), 8.4(c), and 8.4(a).²

PROCEDURAL HISTORY

The formal charges were filed on March 15, 2016. On July 21, 2016, the formal charges became deemed admitted pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3), because of Respondent’s failure to file a timely answer. However, on November 9, 2016, through counsel, Respondent filed an unopposed motion to recall the deemed admitted order and to stay the proceedings pending the outcome of Respondent’s criminal appeal. The motion was granted on November 15, 2016. ODC filed supplemental and amending formal charges on April 27, 2018. On May 17, 2018, Respondent filed an answer to the charges, waived a formal hearing, and

¹ Respondent was admitted to the practice of law in Louisiana on April 23, 1993. Respondent is currently suspended from the practice of law on an interim basis. *In re King*, 2016-0331 (La. 3/14/16), 186 So.3d 649.

² 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; ...

requested to submit written argument on the issue of sanction. Respondent and ODC filed their written arguments on sanction on August 20 and 22, 2018, respectively.

For the following reasons, the Committee finds that Respondent, Yolanda Julie King, has violated the Rules of Professional Conduct as follows: Rule 8.4(a) (violate or attempt to violate the Rules of Professional Conduct), 8.4(b) (Commission of a criminal act) and 8.4(c) (Conduct involving dishonesty, fraud, deceit or misrepresentation). Based upon her violations, this Committee finds that one year suspension, retroactive to the date of Respondent's March 14, 2016 interim suspension is proper. We also recommend that Respondent be assessed with one half of the costs and expenses associated with the disciplinary proceedings.

FORMAL CHARGES

The supplemental and amending formal charges read, in pertinent part:

1.

The Office of Disciplinary Counsel reiterates paragraphs I. thru VI. of the originally filed Formal Charges and are copied here in their entirety.

I.

Yolanda Julie King is a Louisiana licensed attorney born September 6, 1957 and admitted to the practice of law in the State of Louisiana April 23, 1993 after graduating from Southern University School of Law. The Respondent has no prior disciplinary record.

II.

The Respondent was a candidate for Orleans Parish Juvenile Court Judge and in connection with same was required to submit an affidavit to election officials reflecting her true domicile in Orleans Parish. Following her successful campaign and election, the Respondent was indicted by an Orleans Parish Grand Jury on two counts including a violation of R. 2 (knowingly, willfully or intentionally filing an affidavit with the Orleans Parish Clerk's office stating that she was a domiciliary of the Parish of Orleans when in fact she was a domiciliary of the Parish of St. Tammany); and a violation of R.S. 14:133a(3) (filing an affidavit for record in a public office or with a public official with knowledge of its falsity, specifically a document containing a false statement or false representation of a material fact).

III.

Following the Respondent's indictment by an Orleans Parish Grand Jury, she was ordered suspended from her juvenile court judge duties by Order of the Louisiana Court.

IV.

On or about November 10, 2015, the Respondent was found guilty by a jury in Orleans Parish of both counts of the indictment. On or about February 18, 2016, the Respondent was sentenced to one year of incarceration on each count, with the sentence suspended accompanied by an order that the Respondent serve two years of an inactive probation, pay a \$1,000 fine and court costs, and perform 100 hours of community service.

V.

Each of the offenses for which the Respondent has been convicted is a felony offense. Respondent's conduct reflect violations of Rule 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); Rule 8.4(b) (the commission of a criminal act); and Rule 8.4(a) (violate or attempt to violate the Rules of Professional Conduct).

VI.

Following a motion filed by the Office of Disciplinary Counsel, on March 14, 2016 the Louisiana Supreme Court interimly suspended the Respondent from the practice of law in the State of Louisiana pursuant to the provisions of Supreme Court Rule XIX, §19.

2.

The following paragraphs are added to supplement and amend the Formal Charges as follows:

VII.

After her conviction and sentence, Respondent sought and obtained permission to file an 'out of time appeal'. The record was lodged with the Fourth Circuit Court of Appeal with two assignments of error: (1) The Respondent contended that the evidence was insufficient to support her two convictions; and (2) the Respondent contended that her trial attorney rendered ineffective assistance of counsel by failing to object to inadmissible hearsay testimony.

VIII.

The appellate court panel found that there existed sufficient evidence upon which the unanimous jury could have found beyond a reasonable doubt that Respondent was guilty of the criminal conduct charged. This assignment of error was found to be without merit. A majority of the appellate court panel found that there was insufficient evidence to determine if trial counsel's failure to object to hearsay testimony was part of a trial strategy used by defense counsel; and the matter was ordered remanded to the district court 4 to conduct an evidentiary hearing on the claim of ineffective assistance of counsel. One member of the appellate panel dissented from the remand and would have affirmed her conviction and sentence, leaving the ineffective assistance of counsel claim for postconviction relief.

IX.

Following remand, the Respondent and the District Attorney's Office for Orleans Parish entered into a plea agreement whereby the original convictions were vacated and in exchange on December 18, 2017 Respondent entered a guilty plea to a violation of R.S. 18:1461.3 (c)(4)—disobeying any lawful instruction of a registrar, deputy registrar, or commissioner.

X.

Pursuant to the provisions of Rule XIX, Sections 11 and 19 the Respondent's conduct and conviction reflects a violation of Rules 8.4(c)—conduct involving dishonesty, fraud, deceit or misrepresentation; Rule 8.4(b)—the commission of a criminal act, particularly one that calls into question the lawyer's honesty or trustworthiness in other respects; and 8.4(a)—violate or attempt to violate the Rules of Professional Conduct.

EVIDENCE

Respondent admitted her convictions through an ultimate plea agreement of a misdemeanor violation of La. R.S. 18:1461.3(c)(4) and stipulated to violating Rules 8.4(a), (b) and (c) of the Rules of Professional Conduct.

FINDINGS OF FACT

This committee finds that Yolanda King has admitted her criminal activity for falsely filing erroneous domicile statements in her candidacy for Juvenile Court Judge for Orleans Parish. She was eventually convicted on two indictment counts and was sentenced; however, based upon an appeal and ultimate plea negotiations, Respondent's felony convictions were vacated and then she was nolle prosequi as to Count I of filing false public record in violation of La R.S. 14:133 and entered a guilty plea to La. R.S. 18:1461.3(c)(4).

Respondent has admitted her violations and cooperated with the Office of the Disciplinary Counsel.

RULES VIOLATED

Respondent has violated the following Rules of Professional Conduct: Rule 8.4(a) (violate or attempt to violate the 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, §10(C), states that when imposing a sanction after a finding of lawyer misconduct, a committee 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 the actual or potential injury caused by the lawyer's misconduct; and
- (4) The existence of any aggravating or mitigating factors.

Here, Respondent violated duties owed to the public of this State. She acted knowingly and intentionally in violating her duties owed to the public and the legal system in falsifying her domicile in an attempt to be elected a Juvenile Judge in Orleans Parish. Such actions by her caused harm, in this Committee's opinion, as to the public's trust in individuals running for a position that the Public upholds as one who upholds the law and the integrity of the judicial system. Her potential position as a Judge puts her in a position of enforcing the law...a law that she intentionally, voluntarily and knowingly violated. She has also admitted that her behavior caused an undue burden on the legal system and shed that "negative light on the judiciary and legal profession."

The *ABA Standards for Imposing Lawyer Sanctions* suggest that Standard 6.12 is applicable as follows: *Suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.* In this case, Respondent's filing false documents to qualify for a judicial position qualifies under this Standard. Further Standard 5.22 states that *Suspension is generally appropriate when a lawyer in an official or governmental position knowingly fails to follow proper procedures or rules, and causes injury or potential injury to a party or to the integrity of the legal process.* Further, Standard 5.12 states that *Suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in*

Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

Respondent's baseline sanction is suspension.

The aggravating factors found by this committee are: (1) Her substantial experience in the practice of law as she was admitted in April of 1993 and (2) A dishonest and selfish motive. The mitigating factors are (1) Cooperation with the investigation by the Disciplinary Counsel (2) Remorse (3) Absence of a prior disciplinary record and (4) Imposition of other penalties or sanctions. This committee does not find that her issues with her personal family life had any bearing on her choice to falsify documents.

Based upon the case cited by the Office of Disciplinary Counsel, *In Re: Cedric Richmond*, 08-0742 (La. 12/02/2008), 996 So. 2d 282, this Committee finds that case to be helpful but finds that (as pointed out by the Disciplinary Counsel), he was not charged criminally and Respondent was. Further, this Committee finds the fact that she filed false documents to be able to be elected to a judicial position a bit more serious simply because judges are mandated to uphold the law. Based upon the above case, this Committee recommends that Respondent be sanctioned as follows: One year from the practice of law, retroactive to the March 14, 2016 interim suspension. In addition, due to her financial strains, this Committee recommends that Respondent be assessed with one half of the costs and expenses associated with this proceeding.

CONCLUSION

In conclusion, this Committee recommends one year suspension, retroactive to the March 14, 2016 interim suspension and that Respondent be assessed with one half of the costs and expenses of this proceeding.

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

Monroe, Louisiana, this 28 day of November, 2018.

**Louisiana Attorney Disciplinary Board
Hearing Committee # 18**

**Jill B. Goudeau, Committee Chair
Barry W. Dowd, Lawyer Member
James D. Myers, Public Member**

BY: 
**Jill B. Goudeau, Committee Chair
For the Committee**