

SUPREME COURT OF LOUISIANA

NO. 2019-B-1041

IN RE: FREDERICK ARTHUR LOVEJOY

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

Pursuant to Supreme Court Rule XIX, § 21, the Office of Disciplinary Counsel (“ODC”) has filed a petition seeking the imposition of reciprocal discipline against respondent, Frederick Arthur Lovejoy,<sup>1</sup> an attorney licensed to practice law in Louisiana and Connecticut, based upon discipline imposed by the Statewide Grievance Committee for the State of Connecticut.

**UNDERLYING FACTS AND PROCEDURAL HISTORY**

Respondent, as the sole member of Lovejoy & Associates, LLC (“Lovejoy & Associates”), utilized the reporting services of Computer Reporting Service, LLC (“CRS”) for depositions taken on June 24, 2010, August 20, 2010, and August 23, 2010. CRS performed the requested services, but the bills were not paid. CRS filed suit against respondent and Lovejoy & Associates. Respondent represented Lovejoy & Associates in the litigation, and Lovejoy & Associates represented respondent.

The parties went to trial in Superior Court, where CRS obtained a judgment against respondent personally and against Lovejoy & Associates. On appeal, the Connecticut Appellate Court found that respondent was not acting in his individual capacity but as a member of Lovejoy & Associates, a limited liability company, and

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<sup>1</sup> Respondent’s status with the Louisiana State Bar Association has been inactive since May 21, 1986.

therefore was not personally liable for the CRS debt. However, the trial court judgment was affirmed as to the liability of Lovejoy & Associates.

Seven days after this decision, respondent registered Lovejoy Law Firm, LLC (“Lovejoy Law Firm”) with the Secretary of State. Respondent is the sole member of Lovejoy Law Firm, which has the same last address of Lovejoy & Associates. By the end of August 2016, Lovejoy & Associates ceased to be operating. However, as of April 2018, the business status of Lovejoy & Associates was active with the Secretary of State. Lovejoy & Associates has not paid the civil judgment.

On December 14, 2018, the Statewide Grievance Committee for the State of Connecticut publicly reprimanded respondent for violating Rules 3.4(3) (knowingly disobeying an obligation under the rules of a tribunal) and 4.4(a) (in representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person) of the Connecticut Rules of Professional Conduct.

After receiving notice of the Connecticut order of discipline, the ODC filed a motion to initiate reciprocal discipline proceedings in Louisiana, pursuant to Supreme Court Rule XIX, § 21. A copy of the decision issued by the Statewide Grievance Committee for the State of Connecticut was attached to the motion. On June 27, 2019, this court rendered an order giving respondent thirty days to demonstrate why the imposition of identical discipline in this state would be unwarranted. Respondent failed to file any response in this court.

## **DISCUSSION**

The standard for imposition of discipline on a reciprocal basis is set forth in Supreme Court Rule XIX, § 21(D). That rule provides:

Discipline to be Imposed. Upon the expiration of thirty days from service of the notice pursuant to the provisions of paragraph B, this court shall impose the identical

discipline ... unless disciplinary counsel or the lawyer demonstrates, or this court finds that it clearly appears upon the face of the record from which the discipline is predicated, that:

- (1) The procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- (2) Based on the record created by the jurisdiction that imposed the discipline, there was such infirmity of proof establishing the misconduct as to give rise to the clear conviction that the court could not, consistent with its duty, accept as final the conclusion on that subject; or
- (3) The imposition of the same discipline by the court would result in grave injustice or be offensive to the public policy of the jurisdiction; or
- (4) The misconduct established warrants substantially different discipline in this state; ...

If this court determines that any of those elements exists, this court shall enter such other order as it deems appropriate. The burden is on the party seeking different discipline in this jurisdiction to demonstrate that the imposition of the same discipline is not appropriate.

In the instant case, respondent has made no showing of infirmities in the Connecticut proceeding, nor do we discern any from our review of the record. Furthermore, we feel there is no reason to deviate from the sanction imposed in Connecticut as only under **extraordinary circumstances** should there be a significant variance from the sanction imposed by the other jurisdiction. *In re: Aulston*, 05-1546 (La. 1/13/06), 918 So. 2d 461. *See also In re Zdravkovich*, 831 A. 2d 964, 968-69 (D.C. 2003) (“there is merit in according deference, for its own sake, to the actions of other jurisdictions with respect to the attorneys over whom we share supervisory authority”).

Under these circumstances, it is appropriate to defer to the Connecticut judgment imposing discipline upon respondent. Accordingly, we will impose the same discipline against respondent as was imposed in Connecticut and order that he be publicly reprimanded.

## **DECREE**

Considering the Petition to Initiate Reciprocal Discipline Proceedings filed by the Office of Disciplinary Counsel and the record filed herein, it is ordered that respondent, Frederick Arthur Lovejoy, Louisiana Bar Roll number 15076, be publicly reprimanded.