

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: DEBRA LOMAX CASSIBRY

NUMBER: 14-DB-040 c/w 16-DB-071

RECOMMENDATION TO THE LOUISIANA SUPREME COURT



INTRODUCTION

This attorney discipline matter arises out of two sets of formal charges filed by the Office of Disciplinary Counsel (“ODC”) against Debra Lomax Cassibry (“Respondent”), bar roll number 17029.¹ ODC alleges that Respondent violated the following Rules of Professional Conduct (“Rule(s)”): Rule 3.3 (false representations to a tribunal); Rule 8.1(c) (failure to cooperate with ODC in its investigations); Rule 8.4(a) (violated or attempted to violate the Rules of Professional Conduct); Rule 8.4(b) (committed a criminal act especially one that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects); 8.4(c) (engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation); and 8.4(d) (engaged in conduct that is prejudicial to the administration of justice).² Respondent allowed the formal charges in both matters to become and remain deemed admitted pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3).³ These matters were reviewed by separate hearing committees. The committee

¹ Respondent is currently suspended. *In re Cassibry*, 2013-B-1923 (11/1/13), 131 So.3d 22.

² See the attached Appendix for the text of the Rules.

³ This rule states:

The respondent shall file a written answer with the Board and serve a copy on disciplinary counsel within twenty (20) days after service of the formal charges, unless the time is extended by the chair of the hearing committee. In the event, Respondent fails to answer within the prescribed time, or the time as extended, the factual allegations contained within the formal charges shall be deemed admitted and proven by clear and convincing evidence. Disciplinary Counsel shall file a motion with the chair of the hearing committee to which the matter is assigned requesting that the factual allegations be deemed proven with proof of service of the formal charges upon the respondent. The order signed by the hearing committee chair shall be served upon respondent as provided by Section 13C. Within twenty (20) days of the mailing of the order of the hearing committee chair deeming the factual allegations contained in the formal charges proven, the respondent may move the hearing

assigned to 14-DB-040 concluded that Respondent violated the Rules as charged and recommended that she be disbarred. The committee assigned to 16-DB-071 concluded that Respondent violated the Rules as charged and recommended that she be permanently disbarred.

For the following reasons, the Board adopts the factual findings and legal conclusions of the committees, with two minor exceptions in 14-DB-040. As a sanction, the Board recommends that Respondent be disbarred.

RESPONDENT'S PRIOR DISCIPLINARY HISTORY

In March 2011, Respondent was convicted of DWI in Slidell City Court where she was placed on supervised probation for a year with conditions. These conditions included the requirement that she perform thirty-two hours of community service, pay a fine, and abstain from the use of alcohol. The respondent violated those conditions by failing to refrain from criminal activity, failing to report truthfully, failing to perform community service, failing to complete a driver's improvement class, failing to complete supervision payments, and failing to pay her fines. On September 1, 2011, the Slidell City Court issued a warrant for her arrest. On May 2, 2012 the Louisiana Supreme Court suspended Respondent on an interim basis for threat of harm to the public, pursuant Supreme Court Rule XIX, Section 19.2.⁴ ODC filed formal charges against Respondent based upon her conviction and her failure to cooperate with the ODC. Respondent failed to participate in the disciplinary hearings and the facts were deemed admitted. On November 12, 2013, the Court suspended Respondent from the practice of law for one year and one day. *In re Cassibry*, 2013-B-1923 (11/1/13), 131 So.3d 22. This was retroactive to her May 2, 2012

committee chair to recall the order thus issued upon demonstration of good cause why imposition of the order would be improper or would result in a miscarriage of justice.

⁴ Supreme Court Docket No. 2012-B-0931.

interim suspension. As of today, Respondent has not applied for reinstatement and remains suspended from the practice of law.

PROCEDURAL HISTORY

ODC filed formal charges in 14-DB-040 on September 5, 2014. The charges state, in pertinent part:

I.

...In 2013, Respondent was charged with *DRIVING WHILE INTOXICATED 2ND OFFENSE, IMPROPER LANE USAGE, DRIVING UNDER SUSPENSION, NO SEAT BELT* and *FAILURE TO APPEAR 2ND OFFENSE*. The matter was set for Trial on April 2, 2014. Respondent failed to appear and a warrant for her arrest was issued. Also, Respondent is a fugitive in the State of Mississippi for similar charges. A *Capias* was issued for Respondent in the State of Mississippi on May 22, 2013, for failure to pay fines associated with her conviction to the charges of *DRIVING UNDER THE INFLUENCE, DRIVING UNDER SUSPENSION AND DRIVING WITH NO INSURANCE*. Respondent is currently a fugitive of the law in at least two States.

II.

Respondent contacted Attorney Stephen Richard on or around January 29, 2014, indicating that she wanted him to file a *Motion* requesting the Court to refund monies that she recently paid towards her fees and Court cost. Mr. Richard replied to the Respondent via correspondence, which was hand delivered to her. Mr. Richard informed Respondent that he strongly disagreed with the filing of such *Motion* and that if she insisted on filing such a pleading, she could do so directly. He instructed her to put in the language of the *Motion* that "I granted you permission to file". Instead, the Respondent drafted the pleading and forged Mr. Richard's signature to it. Thereafter, she submitted the forged document to the Court by filing the same into the Court Record. This conduct is a violation of the following *Rules*: Rule 3.3, knowingly making false statements of fact to Tribunal and engaging in criminal activity related to the proceeding; Rule 8.4(a), violating the *Professional Rules of Conduct*; Rule 8.4(b), committing a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; and Rule 8.4(c), engaging in conduct involving dishonesty, fraud, deceit, and misrepresentation.

III.

On April 2, 2014, Respondent failed to appear in Court for her Trial regarding the charge *Driving While Intoxicated 2nd* in the Slidell City Court, Docket No. 13KS0538. As a result, a warrant for her arrest was issued. On or around January 17, 2013, Respondent was pulled over on I-10W in Slidell, Louisiana, under the suspicion of impairment. The arresting officer suspected drug

use and requested that Respondent submit a urine sample for analysis, which she refused. Respondent was then booked in the Slidell Jail for *Driving While Intoxicated Second Offense, Improper Lane Usage, Driving Under Suspension and No Seat Belt*. The Respondent was scheduled to appear in Court on March 6, 2014, for her arraignment but failed to appear in the matter of *State of Louisiana v. Debra L. Cassibry*, Docket No. 13KS0538, City Court of Slidell, Louisiana. Also, Respondent failed to appear at the Bond Forfeiture hearing on May 08, 2013. As a result, her Bond was forfeited. On August 22, 2013, a bail bondsman on behalf of Financial Casualty and Surety, Inc., delivered and surrendered Respondent to the Custody of the Slidell Police Department. She was subsequently arraigned on August 27, 2013, whereby she plead not guilty to all charges and her Bond was reinstated. The matter was set for Trial on April 2, 2014. Respondent failed to appear for Trial, resulting in warrant for her arrest being issued on April 15, 2014, and the forfeiture of a second Bond. Respondent was given an additional charge of *Failure to Appear 2nd Offense*. Currently the warrant remains outstanding and Respondent is evading prosecution in this matter. Respondent's conduct violates Rule 3.3, knowingly making false statements of fact to Tribunal; Rule 8.4(a), violating the Professional Rules of Conduct; Rule 8.4(b), committing a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; Rule 8.4(c), engaging in conduct involving dishonesty, fraud, deceit, and misrepresentation and Rule 8.4(d), engaged in conduct that is prejudicial to the administration of justice.

IV.

On or around January 4, 2012, Respondent Debra Cassibry aka Debra Denise Womack, was arrested for *DRIVING UNDER THE INFLUENCE, DRIVING UNDER SUSPENSION AND DRIVING WITHOUT INSURANCE*. The arrest came after the Respondent struck another vehicle and attempted to leave the scene. The other driver physically prevented Respondent from leaving the scene. When the Investigating Officer arrived at the scene, he observed Respondent swaying in all directions while trying to stand still, her speech was slurred and eyes "pin point". Respondent advised officers that she had taken a Percocet earlier that morning. A Blood Sample was obtained pursuant to a warrant. Thereafter Respondent was transported to the Biloxi State Police and booked with the charges. On or around May 22, 2013, Respondent plead *No Contest* to the charges. She was put on probation with the condition that she would pay certain fines and costs. She failed to pay the fines and costs as agreed. On July 9, 2013, a *Capias* was issued regarding Respondent by the Municipal Court of the City of Biloxi, Harrison County, State of Mississippi, Docket NR: 1200000449, Citation Number: 12-000060, for failure to comply with the orders of the Court. Currently, Respondent is a fugitive from justice in the State of Mississippi. Respondent's conduct is a violation of the following *Rules*: Rule 3.3, knowingly making false statements of fact to Tribunal; Rule 8.4(a), violating the Professional Rules of Conduct; Rule 8.4(b), committing a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; Rule 8.4(c), engaging in conduct involving dishonesty, fraud, deceit, and

misrepresentation, and Rule 8.4(d), engaged in conduct that is prejudicial to the administration of justice.

V.

On March 12, 2014, ODC forwarded notice of the complaint to Respondent by certified mail, return receipt numbers 7196 9979 7490 0030 3051 and 7196 9979 7490 0030 3044, addressed to both of her Bar registered addresses at 911 Veterans Blvd., Suite 203, Metairie, Louisiana 70005 and at P.O. Box 24574, Metairie, Louisiana 70184-4574. Both complaints were returned to ODC undelivered on April 24, 2014 and April 11, 2014, respectively, stamped, "Return to Sender, Not Deliverable as Addressed, Unable to Forward". ODC made contact with Respondent via telephone on March 25, 2014. She indicated that her current and only address at that time was P.O. Box 24807, New Orleans, LA 70184. On March 25, 2014, ODC forwarded another notice and copy of the complaint to Respondent by certified mail, return receipt number 7196 9979 7490 0030 4010 address to P.O. Box 24807, New Orleans, Louisiana 70184, the address provided to ODC by the Respondent. The complaint was returned to ODC undelivered on April 24, 2014 stamped, "Return to Sender, Not Deliverable as Addressed, Unable to Forward". Respondent has failed to cooperate with ODC. Respondent's conduct is a violation of Rule 8.1(c) (failure to cooperate with ODC in its investigation).

VI.

The Respondent's conduct as outlined herein above reflects adversely on her fitness to practice law in violation of Rules 3.3, 8.1(c), 8.4(a), 8.4(b), 8.4(c), and 8.4(d). The Office of Disciplinary Counsel sought and obtained permission to file these formal charges on September 2, 2014.

By letters dated September 9, 2014, the formal charges were sent to Respondent's primary address via certified mail as well as two other addresses.⁵ The charges were returned. Respondent failed to file an answer to the charges within the time period allowed by Louisiana Supreme Court Rules XIX, §11(E)(3). Accordingly, ODC filed a motion to have the formal charges deemed admitted on November 14, 2014. The Hearing Committee Chair signed an order declaring the formal charges deemed admitted and proven by clear and convincing evidence on November 21, 2014. Respondent was granted twenty days in which to file a motion to recall the order, which she failed to do. ODC filed its written argument on sanctions, with supporting exhibits, on January 16, 2015. As stated above, the Committee assigned to 14-DB-040 concluded that Respondent violated the

⁵ Respondent's primary address is 911 Veterans Blvd., Ste 203, Metairie, LA 70005.

Rules as charged and recommended that she be disbarred. On May 19, 2015, the Board remanded 14-DB-040 to a hearing committee for the limited purpose of determining whether the complaints underlying the formal charges were appropriately served upon the Respondent. ODC demonstrated appropriate service, which is reflected in the supplemental committee report filed on October 25, 2016. On October 28, 2016, 14-DB-040 was stayed until 16-DB-071 reached the Board.

The formal charges in 16-DB-071 were filed on August 29, 2016. The charges state, in pertinent part:

COUNT 1 - (Criminal Conduct) - On or around September 27, 2014, the Respondent was arrested in Jefferson Parish for the crime of *ENTRY/REMAINING AFTER FORBIDDEN*, LA R.S. 14:63.3. Respondent remained at the Extended Stay America Hotel, 3300 S. 1-10 Service Road, Metairie, Louisiana, after being asked to leave by the staff. Respondent was asked to leave because she continued to smoke in a non-smoking room, and was requested several times to refrain from doing so. The charges were subsequently amended to JP20-102 *LOUD NOISE*. On September 17, 2015, the Respondent plead guilty to the amended charge. On or around September 29, 2015, the ODC transmitted notice of the complaint to Respondent to her Primary Bar Registered Address via certified registered mail. The notice was returned undelivered on October 15, 2015. The ODC has also made several attempts to have Respondent personally served with notice of the complaint at all known addresses.

The Respondent's conduct as outlined herein above reflects adversely on her fitness to practice law in violation of Rule 8.1(c), failed to cooperate with ODC in its investigation of lawyer misconduct, Rule 8.4(a), violated or attempted to violate the *Rules of Professional Conduct*; and Rule 8.4(b), committed a criminal act, especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

COUNT 2 - (Criminal Conduct) - On or around November 1, 2014, the Respondent was arrested by the Slidell Police Department on an outstanding warrant. On that day, the Slidell Police Department was contacted by a bail bondsman. Respondent was placed under arrest for two outstanding warrants (Warrants 49980 and 50053). While incarcerated pursuant to this arrest, Respondent became combative with correctional officers and suffered injuries. Respondent stated that she needed medical treatment and requested to go to the hospital. After arriving at the hospital, the Respondent made several attempts to leave her bed, ignoring the correctional officer's commands to stay in the bed. When correctional officer Sciambia attempted to handcuff Respondent's arm to the bed,

she grabbed his arm and attempted to bite him on his left forearm. Thereafter, Respondent was booked for simple assault. On December 8, 2015, the Respondent pled guilty to *SIMPLE ASSAULT*.

On or around September 29, 2015, the ODC transmitted notice of the complaint to Respondent to her Primary Bar Registered Address via certified registered mail. The notice was returned undelivered on October 15, 2015. The ODC has also made several attempts to have Respondent personally served with notice of the complaint at all known addresses.

The Respondent's conduct as outlined herein above reflects adversely on her fitness to practice law in violation of Rule 8.1(c), failed to cooperate with ODC in its investigation of lawyer misconduct, Rule 8.4(a), violated or attempted to violate the *Rules of Professional Conduct*; and Rule 8.4(b), committed a criminal act, especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

By letters dated September 8, 2016, the formal charges were mailed via certified mail to Respondent's primary, secondary, and other known addresses.⁶ The mailing to Respondent's primary address was returned marked "attempted – not known" and "unable to forward." The mailings to Respondent's secondary and preferred addresses were returned marked "unclaimed." Respondent failed to file an answer to the charges. Accordingly, on October 28, 2016, ODC filed a motion to deem the factual allegations admitted pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3). By order signed December 15, 2016, the factual allegations contained in the formal charges were deemed admitted. On February 14, 2017, ODC filed its submission on sanction. On June 8, 2017, the committee assigned to 16-DB-071 filed its report finding that Respondent violated the Rules as charged and recommended that she be permanently disbarred.

Oral argument of this matter was heard by Board Panel "A" on September 21, 2017.⁷ Deputy Disciplinary Counsel Karen Hayes Green appeared on behalf of ODC. Respondent did not appear.

⁶ Respondent's primary address is 911 Veterans Blvd. Ste. 203, Metairie, LA 70005. Respondent's secondary address is 6838B Orleans Ave., New Orleans, LA 70124. Respondent's other known address is PO Box 24807, New Orleans, LA 70184.

⁷ Board Panel "A" was composed of Anderson O. Dotson, III (Chair), Linda G. Bizzarro (Lawyer Member), and Charles H. Williamson, Jr. (Public Member).

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 allegations in the formal charges have been deemed admitted and proven pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3). The factual findings of the Committee are supported by the factual allegations asserted in the formal charges and/or by the evidence submitted in support of the allegations. *See In re Donnan*, 2001-3058 (La. 1/10/03), 838 So.2d 715.

B. De Novo Review

The committees correctly applied the Rules of Professional Conduct with two minor exceptions. In Counts 2 & 3 (DWI matters) of 14-DB-040, ODC charged Respondent with violating Rule 3.3, with which the committee agreed. (Rule 3.3 prohibits false representations to a tribunal and offering false evidence.) However, neither the factual allegations in the formal

charges, nor the evidence submitted by ODC, support a violation of Rule 3.3 in Counts 2 & 3 of 14-DB-040. Otherwise, the legal conclusions of the committees are supported by the factual allegations asserted in the formal charges and/or by the evidence in support of the allegations.

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 intentionally violated duties to the public and the profession by engaging in criminal behavior. Respondent operated a motor vehicle while under the influence on several occasions, which had the potential to cause serious harm to others. She has also failed to comply with court orders relative to her criminal matters. Furthermore, she caused actual harm to the corrections officer when she committed physical violence against him and she intentionally forged the signature of another attorney and submitted the same to a court. Finally, Respondent also violated a duty owed to the profession by failing to cooperate with ODC in its investigations.

The following aggravating factors are present: prior disciplinary offenses, dishonest or selfish motive, pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency, substantial experience in the practice of the law, and illegal conduct. There are no mitigating factors supported by the record.

B. The ABA Standards and Case Law

The *ABA Standards for Imposing Lawyers Sanctions* suggests that disbarment is the baseline sanction in this matter. Standard 5.11 states:

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 misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

Similarly, Standard 7.1 states: "Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed to the profession with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system." Finally, Standard 8.1 states, in pertinent part: "Disbarment is generally appropriate when a lawyer ... has been suspended for the same or similar misconduct, and intentionally or knowingly engages in further acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession." Here, Respondent has engaged in several criminal acts, has forged the name of an attorney on a pleading that was filed with a court, has refused to participate in ODC's investigations and these proceedings, and has been suspended for the same misconduct (DWI) in the past. Accordingly, disbarment is the baseline sanction in this matter. Given the absence of mitigating factors, the only remaining question is whether Respondent's conduct warrants permanent disbarment.

Guideline 9 of the guidelines for permanent disbarment states that permanent disbarment is warranted in

[i]nstances 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 was previously suspended for one year and one day, which qualifies the misconduct for which she was suspended (DWI) as serious attorney misconduct. Here, Respondent has again engaged in serious attorney misconduct, as discussed above, which calls for a baseline sanction of disbarment. Thus, the facts of this matter fall within the scope of Guideline 9.

The Court has imposed permanent disbarment pursuant to Guideline 9 in a variety of unique circumstances. In *In re Dowell*, the Court permanently disbarred Mr. Dowell, who was previously sanctioned for acting as a notary while disbarred, for continuing to act as a notary. 2014-2038 (La. 11/21/14), 154 So.3d 545. In *In re Thomas*, the Court permanently disbarred Mr. Thomas based upon his conviction for failing to file tax returns. 2010-0593 (La. 6/25/10), 38 So.3d 248. Mr. Thomas had been previously suspended by the Court based upon a prior conviction for tax evasion. In *In re Banks*, the Court permanently disbarred Mr. Banks based upon a variety of misconduct: pleading no contest to misdemeanor theft, making false statements to a trial judge, failing to refund unearned fees, neglecting legal matters, converting client funds, making sexual advances toward the mother of a client, and making false statements to ODC. 2009-B-1212 (La. 10/2/09), 18 So.3d 57. Mr. Banks had been previously disbarred based upon a theft conviction and had been readmitted to the practice of law. While facts of these cases differ from the facts of this matter, they demonstrate that the Court has not hesitated to permanently disbar attorneys who have engaged in repeated serious attorney misconduct.

Nonetheless, the Board declines to recommend permanent disbarment in this matter. Although there is no evidence of such in the record, Respondent's misconduct in this matter appears to derive from significant personal issues (possible alcohol and drug abuse, and mental

and/or emotional problems). Because of these potential causative issues, the Board is hesitant to permanently close the door on Respondent's opportunity to regain her law license

CONCLUSION

The Board adopts the factual findings and conclusions of the committees, with the minor exceptions discussed above. As a sanction, the Board recommends that Respondent be disbarred. Finally, the Board hopes that Respondent will seek the services of the Judges and Lawyers Assistance Program.⁸

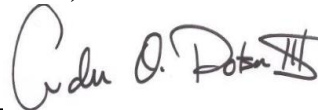
RECOMMENDATION

The Board recommends that Respondent, Debra Lomax Cassibry, be disbarred. The Board also recommends that Respondent be assessed with the costs and expenses of this matter.

LOUISIANA ATTORNEY DISCIPLINARY BOARD

Pamela W. Carter
Sheila E. O'Leary
Danna E. Schwab
Evans C. Spiceland, Jr.
Melissa L. Theriot
Walter D. White
Charles H. Williamson, Jr.

BY:



Anderson O. Dotson, III
FOR THE ADJUDICATIVE COMMITTEE

Linda G. Bizzarro – Dissents with reason.

⁸ The Board does not intend this to be a condition on Respondent's readmission to the practice of law. The Board recognizes that the Court does not impose conditions on sanctions that require a formal application for reinstatement or readmission. *In re Dunn*, 2002-2165 (La. 11/8/02); 831 So.2d 889, 896 FN9. However, given the nature of Respondent's misconduct and its repetitive nature, the Board wants to note this issue for the record so it can be adequately addressed by Respondent when and if she applies for readmission. *See* Rule XIX, §24(E)(3).

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: DEBRA L. CASSIBRY

DOCKET NO. 16-DB-071

DISSENT

This is a deemed admitted matter and in my opinion Respondent's multiple instances of serious misconduct satisfy Guidline 9, warranting permanent disbarment.”

LOUISIANA ATTORNEY DISCIPLINARY BOARD

By: _____



Linda G. Bizarro
Adjudicative Committee Member

APPENDIX

Rule 3.3. Candor Toward the Tribunal

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Rule 8.1. Bar Admission and Disciplinary Matters

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

(a) ...

(b) ...

(c) Fail to cooperate with the Office of Disciplinary Counsel in its investigation of any matter before it except for an openly expressed claim of a constitutional privilege.

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) 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;

(d) Engage in conduct that is prejudicial to the administration of justice...