

The Supreme Court of the State of Louisiana

IN RE: CHRISTOPHER DOWD HATCH

No. 2022-OB-01148

IN RE: Christopher Down Hatch - Applicant Other; Petition for permanent
resignation from the practice of law in lieu of discipline;

September 27, 2022

Petition for permanent resignation from the practice of law in lieu of discipline
granted. See order.

JDH

JLW

SJC

JTG

PDG

Crain, J., concurs for the reasons assigned by Justice McCallum.
McCallum, J., concurs and assigns reasons.

Supreme Court of Louisiana
September 27, 2022



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2022-OB-1148

IN RE: CHRISTOPHER DOWD HATCH

ORDER

The Office of Disciplinary Counsel (“ODC”) is currently investigating eleven disciplinary complaints filed against respondent. Respondent now seeks to permanently resign from the practice of law in lieu of discipline. The ODC has concurred in respondent’s petition.

Having considered the Petition for Permanent Resignation from the Practice of Law filed by Christopher Dowd Hatch, Louisiana Bar Roll number 32050, and the concurrence thereto filed by the ODC,

IT IS ORDERED that the request of Christopher Dowd Hatch for permanent resignation in lieu of discipline be and is hereby granted, pursuant to Supreme Court Rule XIX, § 20.1 and Rule 5.5 of the Rules of Professional Conduct.

IT IS FURTHER ORDERED that Christopher Dowd Hatch shall be permanently prohibited from practicing law in Louisiana or in any other jurisdiction in which he is admitted to the practice of law; shall be permanently prohibited from seeking readmission to the practice of law in this state or in any other jurisdiction in which he is admitted; and shall be permanently prohibited from seeking admission to the practice of law in any jurisdiction.

NEW ORLEANS, LOUISIANA, this ____ day of _____,
2022.

FOR THE COURT:

JUSTICE, SUPREME COURT OF LOUISIANA

SUPREME COURT OF LOUISIANA

No. 2022-OB-01148

IN RE: CHRISTOPHER DOWD HATCH

Attorney Disciplinary Proceeding

McCallum, J., concurs and assigns reasons.

I agree with the Office of Disciplinary Counsel and this Court that respondent should be allowed to permanently resign from the practice of law in order to protect the public in the most expeditious manner possible. I write separately to highlight an injustice that potentially results from this Court's Order. Given that the underlying charges against respondent have not been fully resolved, I express no opinion as to the merits of those charges nor pass judgment against respondent. However, where charges against an attorney include the failure to return unearned fees, this Court should do more than simply allow the attorney to resign.

As I noted most recently in *In re Jefferson*, 2021-00204, p. 2 (La. 3/23/21), 312 So. 3d 1091, 1092 (Crichton, J., additionally concurring)(McCallum, J., additionally concurring), "the victims of conversion or theft should be advised by the Office of Disciplinary Counsel of the purpose of attorney disciplinary proceedings, which are distinct and apart from a civil tort action for conversion or criminal prosecution for theft." My colleagues have made similar observations on numerous occasions. *See, e.g., In re: Kelly*, 20-00118 (La. 6/3/20), 298 So.3d 161 (Crichton, J., additionally concurring); *In re: Dangerfield*, 20-0116 (La. 5/14/20), 296 So. 3d 595 (Crichton, J., additionally concurring); *In re: Breeden*, 20-0315 (La. 4/27/20), 295 So. 3d 391 (Crain, J., concurring).

In the instant matter, it is alleged that respondent failed to return unearned fees in an amount exceeding \$47,000. Because of the posture of this case – respondent has not been adjudged of wrongdoing – this Court’s Order cannot include any provision for restitution. I, again, emphasize what I stated in *Jefferson*:

In addition to safeguarding the public, disciplinary proceedings are intended to maintain high standards of conduct by attorneys, preserve the integrity of the profession, and discourage future misconduct. *In re: Whalen*, 20-00869 (La. 9/29/20), 301 So.3d 1170, 1174. While respondent will no longer be allowed to practice law, this will not make the victim whole. Under such circumstances, victims should be advised to seek counsel to address prescriptive limitations of any legal rights which they may have.

Jefferson, 2021-00204, p. 2, 312 So. 3d at 1092. In *Jefferson*, this Court similarly did not order the respondent to make restitution and, as Justice Crichton noted in his concurrence, while “the request for permanent resignation ‘serves the purpose of attorney disciplinary proceedings . . . it unfortunately does not provide relief to respondent’s client from whom respondent allegedly converted a staggering \$250,000 of settlement funds.” *Id.*

I further agree with Justice Crain’s concurrence in *Breeden*:

[When] allegations against [an attorney] include converting funds from clients and third parties[,] . . . [the attorney’s] permanent resignation should not exonerate him from restitution. In these type cases, I encourage the Office of Disciplinary Counsel to negotiate terms of restitution with respondents or to notify victims of their rights, including the right to file suit for civil conversion or malpractice, or to pursue criminal charges. The Rules of Professional Conduct exist, in part, to protect the public from unethical lawyers. Without in any way diminishing the significance of permanent resignation, we must remain mindful of the victims.

Breeden, 2020-0315, p. 1, 295 So. 3d at 392.