

SUPREME COURT OF LOUISIANA

NO. 2014-BA-1941

IN RE: COMMITTEE ON BAR ADMISSIONS CFN-2202

ON APPLICATION FOR RECONSIDERATION

CRICHTON, J., dissents from the denial of reconsideration and assigns reasons:

As an initial matter, I must emphasize that I recognize the seriousness of the offenses contained in the record. Nevertheless, upon further reflection, I would grant reconsideration and admit petitioner to the bar on a conditional basis.

After the Committee on Bar Admissions and the applicant filed a joint petition for conditional admission, this Court appointed a Commissioner to conduct a hearing into the issues surrounding the character and fitness of this petitioner. The Commissioner recommended we grant conditional admission after hearing all the evidence. The evidence presented to the commissioner was persuasive, but I found two letters to be particularly compelling. One letter was from a federal magistrate judge for whom petitioner formerly clerked, and the other was written by the federal district judge who presently employs petitioner as a law clerk. These letters demonstrate in a convincing fashion that petitioner has the strong support of the judges, both of whom are aware of petitioner's history and the challenges he faces.

Moreover, after the court initially denied admission in this case, No. 2014-BA-1941 (La. 3/13/15), --- So. 3d ---, we granted conditional admission to another applicant whose situation was similar to that of petitioner. *See In re: Committee on Bar Admissions CFN-919381*, 15-0248 (La. 3/27/15), --- So. 3d ---. We should be consistent in our rulings; if not, our rulings appear arbitrarily imposed. Further, the conditions for conditional admission are stringent:

1. Petitioner must execute a new five-year recovery agreement with the Lawyers Assistance Program (“LAP”).

2. The period of this conditional admission shall coincide with the period of petitioner’s LAP agreement. However, petitioner’s conditional admission status shall not be terminated until this court so orders.

3. Petitioner shall authorize the Executive Director of LAP to report any violations of the LAP agreement to the Office of Disciplinary Counsel (“ODC”).

4. Upon the expiration of the term of petitioner’s LAP agreement, the Executive Director of LAP shall forward to the ODC (a) a final report of petitioner’s progress and participation in LAP, and (b) a recommendation regarding the need for petitioner’s continued participation in LAP.

5. Following receipt of the report from LAP, the ODC shall file a report in this court in which it shall recommend whether the conditional admission shall be allowed to terminate or shall be extended.

6. Petitioner shall cooperate with LAP and the ODC, and shall comply with any and all requirements imposed upon him by LAP and the ODC.

Under these circumstances, considering how stringent the foregoing conditions for admission are, I would grant this application for rehearing and allow petitioner to be conditionally admitted to the bar.