

SUPREME COURT OF LOUISIANA

NO. 2018-B-1555

IN RE: FRANK STANTON HARDEE, III

ATTORNEY DISCIPLINARY PROCEEDING

CRICHTON, J., dissents, would reject petition for consent discipline, and assigns reasons:

I would reject the petition for consent discipline in this matter, as I find it unduly harsh. The Louisiana Constitution vests this Court with original jurisdiction in all “disciplinary proceedings against a member of the bar.” La. Const. art. V, §5(B). Notwithstanding the fact that petitioner and the Office of Disciplinary Counsel have submitted this matter as a joint petition for consent discipline, I believe – as our Constitution provides – that the seven justices determine if violations of the Rules of Professional Conduct have been proven by clear and convincing evidence and, if so, the appropriate punishment after consideration of applicable aggravating and mitigating circumstances. While I do not condone Mr. Hardee’s conduct in any form, in my view, he has satisfied all requirements imposed upon him as a result of these proceedings. Considering the lack of any previous disciplinary record and the positive contributions by Mr. Hardee to his community, I find that in this particular instance, as I have in others, the consent discipline is too severe in light of petitioner’s misconduct. *See In Re: John Roumain Peters III*, 15-775 (La. 5/22/15), 165 So.3d 916 (Crichton, J., would reject petition for consent discipline as unduly harsh); and *In Re: Jesse Phillip Terrell, Jr.*, 15-B-0499 (La. 5/1/15), 166 So.3d 238 (Crichton, J., would reject petition for consent discipline as unduly harsh). Thus, I

would instead order a lesser punishment tailored to fit the circumstances surrounding the violations of Rules of Professional Conduct 8.4(a) and (b).