

SUPREME COURT OF LOUISIANA

NO. 2019-B-1205

IN RE: SABINUS A. MEGWA

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, Sabinus A. Megwa,<sup>1</sup> an attorney licensed to practice law in Louisiana and Arizona, based upon discipline imposed by the Supreme Court of Arizona.

**UNDERLYING FACTS AND PROCEDURAL HISTORY**

A client hired respondent to represent her in a personal injury claim following her involvement in an automobile accident on November 21, 2012. Between August 2013 and November 2014, the client requested several updates from and appointments with respondent, to no avail. On November 20, 2014 respondent filed a lawsuit on the client’s behalf but did not inform her of the filing until February 10, 2015. Respondent also failed to provide the defendant with a disclosure statement or responses to discovery requests, which were due on August 7, 2015.

Thereafter, the client’s lawsuit proceeded to arbitration, but respondent did not prepare his client for the arbitration hearing until they were on the way to same.

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<sup>1</sup> Respondent is currently ineligible to practice law in Louisiana for failing to pay bar dues and the disciplinary assessment, failing to fulfill mandatory continuing legal education requirements, and failing to file a trust account disclosure statement. Furthermore, in 2018, this court imposed reciprocal discipline upon respondent in the form of a thirty-day suspension from the practice of law based on discipline imposed by the Supreme Court of Arizona in 2017. *In re: Megwa*, 18-0778 (La. 9/14/18), 252 So. 3d 449. He never sought reinstatement from this suspension; thus, he remains suspended from the practice of law in Louisiana.

On April 21, 2016, the arbitrator awarded the client \$5,800. Respondent failed to submit his verified statement of costs, and as a result, each party was ordered to bear their own costs. Respondent again neglected the matter by filing an untimely appeal.

The defendant sent respondent a check for \$5,800. Respondent's office apparently sent the client a letter regarding the check. However, when she went to respondent's office on September 1, 2016, she was not told of the check or given any information about it. On March 5, 2018, the client went to respondent's office again and still was not given the check. The client's medical liens totaled more than \$13,000, and respondent agreed to waive his fees and costs.

In State Bar of Arizona File 12-2516, respondent received an admonition for unrelated conduct and was put on probation under the Law Office Management Assistance Program and the Trust Account Ethics Enhancement Program. This probationary period coincided with respondent's misconduct as set forth above.

In October 2014, another client retained respondent regarding the death of her husband following a confrontation with Phoenix police. The client did not sign a contingency fee agreement.

Respondent filed a lawsuit on the client's behalf on October 5, 2015 but failed to timely conduct discovery. On March 23, 2017, ten days before the discovery deadline, respondent requested an extension of time to depose the police officers, which was denied. The defense moved for summary judgment on April 21, 2017. Respondent failed to inform the client of the motion, and the defense prevailed on most of the issues raised. The attorney for the defense tried to communicate with respondent, but he never responded. The court found respondent "failed to pursue reasonable discovery and failed to represent Plaintiffs adequately."

In May 2019, respondent and the State Bar of Arizona filed an agreement for discipline by consent with the Supreme Court of Arizona. On May 30, 2019, the presiding disciplinary judge of the Supreme Court of Arizona accepted the parties'

proposed agreement and ordered that respondent be suspended from the practice of law for six months and one day, effective thirty days from the date of the order, with the suspension retroactive to April 9, 2019. The presiding disciplinary judge further ordered that, upon reinstatement to the practice of law, respondent shall be placed on probation for eighteen months.

After receiving notice of the Arizona order of discipline, the ODC filed a petition to initiate reciprocal discipline proceedings in Louisiana, pursuant to Supreme Court Rule XIX, § 21. A copy of the Final Judgment and Order issued by the Supreme Court of Arizona was attached to the petition. On August 2, 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 Arizona proceeding, nor do we discern any from our review of the record. Furthermore, we find there is no reason to deviate from the sanction imposed in Arizona 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 Arizona judgment imposing discipline upon respondent. Accordingly, we will impose reciprocal discipline in the form of a six months and one day suspension from the practice of law, followed by eighteen months of probation.

### **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, Sabinus A. Megwa, Louisiana Bar Roll number 9409, be and he hereby is suspended from the practice of law for a period of six months and one day, followed by an eighteen-month period of probation.