

11/25/2019 “See News Release 050 for any Concurrences and/or Dissents.”

SUPREME COURT OF LOUISIANA

NO. 2019-OB-1497

IN RE: APPEAL OF DECISION OF THE
DISCIPLINARY BOARD NO. 19-PDB-022

ORDER

On the showing made, we are unable to determine whether the disciplinary board acted arbitrarily, capriciously or unreasonably in approving the dismissal of the complaint against respondent. Supreme Court Rule XIX, § 30(C). However, given the allegations made by the complainants, we believe the disciplinary board erred in not directing that the matter be investigated further pursuant to Supreme Court Rule XIX, § 30(A). Accordingly, this matter is remanded to the Office of Disciplinary Counsel to conduct further investigation pursuant to Supreme Court Rule XIX, § 11(B). During its investigation, the ODC should take additional evidence for the purpose of determining whether respondent failed to disclose exculpatory material. The issue of prescription is not relevant at this stage as the ODC should accept the allegations of the complaint as true; however, the issue may be raised by respondent as a defense if and when formal charges are filed. *See In re: Stanford*, 10-1547 (La. 12/17/10), 50 So. 3d 151. The ODC is further authorized to investigate any other relevant issues raised by the complaint.

NEW ORLEANS, LOUISIANA, this ____ day of _____, 2019.

FOR THE COURT:

JUSTICE, SUPREME COURT OF LOUISIANA

Johnson, C.J., and Chehardy, J. *pro tempore*, recused.