

# SUPREME COURT OF LOUISIANA

*No. 98-B-2646*

IN RE: FRANK P. LETELLIER

ATTORNEY DISCIPLINARY PROCEEDINGS

LEMMON, J., Dissenting in Part

I would impose the two-year suspension recommended by the Disciplinary Board. That was the penalty imposed in In re Levingston, 96-1379 (La. 12/6/96), 685 So. 2d 105, which was factual similar to the present case. I agree with the Board's report that demonstrated the insufficiency of the Hearing Committee's reasons for distinguishing this case from Levingston. Moreover, Levingston had a prior disciplinary record, while respondent has a completely spotless record in practice since 1967. Finally, as noted by the Board, respondent expended his own personal funds to care for Derby after Derby's money ran out.

Not all of the misconduct outlined in the majority opinion was established by clear and convincing evidence, and that misconduct which was established does not warrant more than the two-year suspension recommended by Board and not objected to by Disciplinary Counsel.