

**SUPREME COURT OF LOUISIANA**

**No. 99-B-0522**

**IN RE: WALTER J. CUDZIK**

**ATTORNEY DISCIPLINARY PROCEEDINGS**

KIMBALL, Justice, dissenting.

The record fully supports the findings of fact made by the hearing committee, and considering those findings, I believe the recommendation to disbar Mr. Cudzik is the appropriate sanction. The record evidence applicable to Count I clearly shows that respondent took extraordinary means to regain control over the personal injury litigation to further his own monetary interests. His active solicitation of Mr. McDaniel and the filing of numerous motions adverse to Ms. Cooper, as well as his deceptive attempts to settle the case after being discharged, collectively warrant a severe sanction, such as the lengthy suspension that the majority has imposed. I believe that the sanctionable conduct, however, rose to the level of disbarment when the respondent instituted legal proceedings to have his former client declared unfit and to have custody of the severely disabled child placed with an individual that had shown no interest in her during her lifetime, that is, until he was solicited by the respondent and advised that the child was subject of a potentially lucrative personal injury lawsuit. This blatant disregard for his vulnerable client and the legal profession, as well as his lack of remorse, evidences that respondent is not morally fit to engage in the practice of law.

The evidence submitted in support of charges that respondent sanctioned the

unauthorized practice of law in his Kenner office is, in my view, equally troublesome. By allowing his office to be operated by a disbarred attorney without any meaningful supervision, Mr. Cudzik placed the public at risk and clearly violated his professional responsibilities. The record indicates that respondent allowed Mr. Olano, in his capacity as “paralegal,” to deal with all clients, draft all pleadings, and supervise and direct the entire office staff, including both lawyers and non-lawyers. It is apparent that respondent’s only interest in the Kenner operation was pecuniary in nature. Considering, as the hearing committee found, that there are no mitigating factors present, but rather several aggravating factors, including a selfish motive and prior discipline, I believe that the sanction of disbarment is appropriate in this case.

I respectfully dissent.