

The Supreme Court of the State of Louisiana

**IN RE: SALLY HARRISON LONGMIRE
HINGEL**

No.2020-B-00992

IN RE: Disciplinary Counsel - Applicant Other; Findings and Recommendations
(Formal Charges);

November 10, 2020

Permanent disbarment imposed. See per curiam.

BJJ

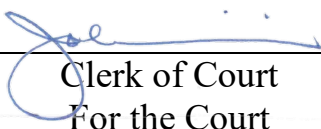
JLW

SJC

JHB

Hughes, J., would impose regular disbarment.
Genovese, J., would impose regular disbarment.
Crain, J., would impose regular disbarment.

Supreme Court of Louisiana
November 10, 2020



Clerk of Court
For the Court

11/10/20

SUPREME COURT OF LOUISIANA

NO. 2020-B-0992

IN RE: SALLY HARRISON LONGMIRE HINGEL

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Sally Harrison Longmire Hingel, a disbarred attorney.

PRIOR DISCIPLINARY HISTORY

Before we address the current charges, we find it helpful to review respondent’s prior disciplinary history. Respondent was admitted to the practice of law in Louisiana in 2002. On November 19, 2019, we disbarred respondent for failing to perform any services for a client, misleading a client about the status of her case, soliciting and purchasing prescription medication from a client, and failing to cooperate with the ODC in its investigation. *In re: Hingel*, 19-1459 (La. 11/19/19), 300 So. 3d 815 (“*Hingel I*”).

Against this backdrop, we now turn to a consideration of the misconduct at issue in the instant proceeding.

FORMAL CHARGES

On October 31, 2018, agents of the Narcotics Division of the Jefferson Parish Sheriff’s Office investigated a complaint at respondent’s residence. After obtaining a search warrant, the agents located marijuana which had been separated into

numerous vacuum-sealed bags. Respondent was arrested and charged with possession with intent to distribute marijuana.

In April 2019, respondent appeared in the 24th JDC for a pre-trial conference in her criminal matter. Respondent applied to participate in a diversion program, but her application into the program was rejected. On September 17, 2019, respondent withdrew her original plea of not guilty and entered a guilty plea. She was subsequently sentenced to serve three years at hard labor, suspended, and placed on two years of active probation.

After several unsuccessful attempts to provide respondent with a copy of the complaint, the ODC obtained an address in Tennessee and mailed the complaint to that address on June 7, 2019. The correspondence was delivered on June 10, 2019, but respondent did not respond to the complaint or otherwise contact the ODC.

The ODC alleged that respondent's conduct violated Rules 8.1(c) (failure to cooperate with the ODC in its investigation), 8.4(a) (violation of the Rules of Professional Conduct), and 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer) of the Rules of Professional Conduct.

DISCIPLINARY PROCEEDINGS

In October 2019, the ODC filed formal charges against respondent as set forth above. Respondent failed to answer the formal charges. Accordingly, the factual allegations contained therein were deemed admitted and proven by clear and convincing evidence pursuant to Supreme Court Rule XIX, § 11(E)(3). No formal hearing was held, but the parties were given an opportunity to file with the hearing committee written arguments and documentary evidence on the issue of sanctions. Respondent filed nothing for the hearing committee's consideration.

Hearing Committee Report

After considering the ODC's deemed admitted submission, the hearing committee made factual findings consistent with the deemed admitted factual allegations set forth in the formal charges. Based on those facts, the committee determined that respondent violated the Rules of Professional Conduct as alleged in the formal charges.

The committee determined that respondent violated duties owed to the public, the legal system, and the legal profession. She acted negligently, knowingly, and intentionally, as reflected in her guilty plea to possession with intent to distribute marijuana. Her misconduct caused harm to those to whom she helped distribute marijuana and to the legal profession, which is seriously degraded whenever an attorney engages in such criminal activities. After considering the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined that the baseline sanction is disbarment.

The committee found the following aggravating factors present: a prior disciplinary record, a dishonest or selfish motive, a pattern of misconduct, "failure to cooperate in the disciplinary process," substantial experience in the practice of law (admitted 2002), and an apparent lack of remorse. The committee added that since respondent has failed to respond and has submitted absolutely no evidence, there are no mitigating factors to consider and nothing to suggest that a departure from the baseline sanction of disbarment is warranted.

In determining an appropriate sanction, the committee considered respondent's conduct in light of the permanent disbarment guidelines set forth in Supreme Court Rule XIX, Appendix D. Citing Guideline 9 (instances of serious attorney misconduct or conviction of a serious crime preceded by suspension or disbarment for prior instances of serious attorney misconduct or conviction of a serious crime), the committee recommended that respondent be permanently

disbarred. The committee further recommended that respondent be assessed with the costs and expenses of this proceeding.

Neither respondent nor the ODC filed an objection to the hearing committee's report. Therefore, pursuant to Supreme Court Rule XIX, § 11(G), the disciplinary board submitted the committee's report to the court for review.¹

DISCUSSION

Bar disciplinary matters fall within the original jurisdiction of this court. La. Const. art. V, § 5(B). Consequently, we act as triers of fact and conduct an independent review of the record to determine whether the alleged misconduct has been proven by clear and convincing evidence. *In re: Banks*, 09-1212 (La. 10/2/09), 18 So. 3d 57.

In cases in which the lawyer does not answer the formal charges, the factual allegations of those charges are deemed admitted. Supreme Court Rule XIX, § 11(E)(3). Thus, the ODC bears no additional burden to prove the factual allegations contained in the formal charges after those charges have been deemed admitted. However, the language of § 11(E)(3) does not encompass legal conclusions that flow from the factual allegations. If the legal conclusion the ODC seeks to prove (i.e., a violation of a specific rule) is not readily apparent from the deemed admitted facts, additional evidence may need to be submitted in order to prove the legal conclusions that flow from the admitted factual allegations. *In re: Donnan*, 01-3058 (La. 1/10/03), 838 So. 2d 715.

The record in this deemed admitted matter supports a finding that respondent pleaded guilty to possession with intent to distribute marijuana. She thereafter failed

¹ As amended effective May 15, 2019, Supreme Court Rule XIX, § 11(G) provides that “[i]f the parties do not file objections to the hearing committee report, the board shall promptly submit the hearing committee's report to the court.”

to cooperate with the ODC in its investigation. As such, she has violated the Rules of Professional Conduct as alleged in the formal charges.

Having found evidence of professional misconduct, we now turn to a determination of the appropriate sanction for respondent's actions. In determining a sanction, we are mindful that disciplinary proceedings are designed to maintain high standards of conduct, protect the public, preserve the integrity of the profession, and deter future misconduct. *Louisiana State Bar Ass'n v. Reis*, 513 So. 2d 1173 (La. 1987). The discipline to be imposed depends upon the facts of each case and the seriousness of the offenses involved considered in light of any aggravating and mitigating circumstances. *Louisiana State Bar Ass'n v. Whittington*, 459 So. 2d 520 (La. 1984).

Respondent violated duties owed to the public and the legal profession. Her actions were at least knowing, if not intentional, resulting in serious injury to the legal profession and potential serious injury to the public. We agree with the hearing committee that the applicable baseline sanction is disbarment. The record supports the aggravating factors found by the committee. The aggravating factor of illegal conduct is also present. Additionally, the record supports the mitigating factor of imposition of other penalties and sanctions.

The hearing committee has concluded that respondent's offenses are so egregious that she should be permanently disbarred. In support, the committee cites Guideline 9 of the permanent disbarment guidelines (instances of serious attorney misconduct or conviction of a serious crime preceded by suspension or disbarment for prior instances of serious attorney misconduct or conviction of a serious crime). However, Guideline 9 is inapplicable, as respondent's September 17, 2019 criminal conviction occurred prior to her November 19, 2019 disbarment in *Hingel I*.

Nevertheless, the permanent disbarment guidelines are illustrative and are not intended to bind the court in its decision-making. Moreover, we have imposed

permanent disbarment in similar cases. For example, in *In re: Richard*, 14-1684 (La. 10/3/14), 148 So. 3d 923, we permanently disbarred an attorney who had conspired and arranged to sell controlled dangerous substances to an undercover narcotics officer. Although none of the permanent disbarment guidelines applied, we ultimately concluded that, in order to protect the public and maintain the high standards of the legal profession, the attorney should be permanently disbarred.

The instant matter presents a similar situation to that presented in *Richard*. In order to protect the public and maintain the high standards of the legal profession, we agree that respondent should not be given the opportunity to return to the practice of law in the future.

Under these circumstances, we will adopt the hearing committee's recommendation and permanently disbar respondent.

DECREE

Upon review of the findings and recommendation of the hearing committee, and considering the record, it is ordered that Sally Harrison Longmire Hingel, Louisiana Bar Roll number 28125, be and she hereby is permanently disbarred. Her name shall be stricken from the roll of attorneys and her license to practice law in the State of Louisiana shall be revoked. Pursuant to Supreme Court Rule XIX, § 24(A), it is further ordered that respondent be permanently prohibited from being readmitted to the practice of law in this state. All costs and expenses in the matter are assessed against respondent in accordance with Supreme Court Rule XIX, § 10.1, with legal interest to commence thirty days from the date of finality of this court's judgment until paid.