

The Supreme Court of the State of Louisiana

IN RE: MARGOT A. TILLMAN-FLEET

No.2020-B-01040

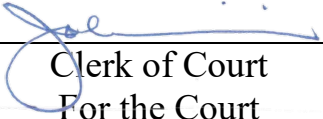
IN RE: Disciplinary Counsel - Applicant Other; Findings and Recommendations
(Formal Charges);

March 02, 2021

Disbarment imposed. See per curiam.

PDG
JLW
JDH
SJC
JTG
WJC
JBM

Supreme Court of Louisiana
March 02, 2021



Clerk of Court
For the Court

03/02/21

SUPREME COURT OF LOUISIANA

NO. 2020-B-1040

IN RE: MARGOT A. TILLMAN-FLEET

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Margot A. Tillman-Fleet, an attorney licensed to practice law in Louisiana.

UNDERLYING FACTS

The following facts are not in dispute, having been stipulated to by the parties.

In late February 2012, respondent self-reported to the ODC that she had been arrested in late July 2011 for theft, public payroll fraud, and filing false public records. Respondent’s arrest stemmed from an investigation conducted by the Louisiana Highway Safety Commission (“LHSC”) based on information received by that agency following a State audit.

The investigation revealed that, between October 2008 and September 2009, respondent, as an LHSC contractor, submitted invoices to the LHSC to be paid for certain activities that were funded by a federal grant program. Respondent’s primary role was to disseminate and otherwise educate the public on safe driving. The information she was tasked with sharing was anything from the effects of drinking and driving to the benefits of wearing a seat belt. Respondent’s misconduct resulted from her billing the LHSC for time and travel for events that did not occur. The

investigator's report found that respondent received more than \$50,000 through fraudulent means.¹

Respondent's criminal matter was resolved through a pre-trial diversion program in January 2013, and respondent was only required to make \$2,500 in restitution for her criminal conduct.² However, respondent admits she was paid some compensation that she did not earn.

DISCIPLINARY PROCEEDINGS

In February 2016, the ODC filed formal charges against respondent, alleging that her conduct violated the following provisions of the Rules of Professional Conduct: Rules 8.4(a) (violation of the Rules of Professional Conduct), 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer), and 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

Respondent answered the formal charges and admitted to the alleged rule violations. In her answer, she also requested a hearing in mitigation. Prior to the hearing in mitigation, respondent and the ODC filed joint stipulations wherein she admitted to the factual allegations of the formal charges as set forth above.

Hearing Committee Report

Based upon the joint stipulations, the evidence, and the testimony presented at the hearing, the hearing committee determined respondent violated the Rules of Professional Conduct as charged. The committee also determined that, although

¹ Specifically, the investigation revealed that respondent received a total of \$53,732 as reimbursements for expenses she never actually incurred.

² The record indicates that respondent actually paid a total of \$3,500 in restitution. She made a \$1,000 restitution payment on April 16, 2012 and a \$2,500 restitution payment on May 15, 2012.

respondent was not convicted of a crime because she completed a pre-trial diversion program instead, the evidence in the record proves a crime was committed.

The committee then determined respondent knowingly and intentionally violated duties owed to the public, the legal system, and the legal profession. Her conduct caused actual harm in that she collected approximately \$53,000 in funds to which she was not entitled and only repaid approximately \$3,600. After considering the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is disbarment.

In aggravation, the committee reiterated the fact that respondent violated the Rules of Professional Conduct. In mitigation, the committee found respondent was allowed to enter and did complete the pre-trial diversion program. The committee also noted that respondent introduced into evidence several character letters in mitigation.

In light of the above, the committee recommended respondent be suspended from the practice of law for two years.

Although neither respondent nor the ODC filed an objection to the committee's report, in their respective pre-argument briefs to the disciplinary board, they each objected to the recommended sanction. While respondent argued that the appropriate sanction is a public reprimand, the ODC argued that the appropriate sanction is disbarment.

Disciplinary Board Recommendation

After reviewing this matter, the disciplinary board noted that respondent stipulated to the factual allegations set forth in the formal charges. The board also adopted the additional factual findings made by the hearing committee. Additionally, the board found respondent repaid \$3,500 in restitution and no further restitution payments were required of her in connection with the pre-trial diversion

program she completed. Regarding rule violations, the board noted respondent stipulated to violating the Rules of Professional Conduct as alleged in the formal charges.

The board then determined respondent knowingly and intentionally violated duties owed to the public and the legal profession. Her conduct caused actual harm in that she was paid \$53,000 in public funds to which she was not entitled, and she only repaid \$3,500. Her conduct also reflects adversely on the legal profession. The board agreed with the committee that the baseline sanction is disbarment.

In aggravation, the board found a dishonest or selfish motive, substantial experience in the practice of law (admitted 1988), and illegal conduct. In mitigation, the board found the following: the absence of a prior disciplinary record, personal or emotional problems, full and free disclosure to the disciplinary board or a cooperative attitude toward the proceedings, character or reputation, physical disability, and a delay in the disciplinary proceedings.

After further considering this court's prior jurisprudence addressing similar misconduct, the board recommended respondent be disbarred.

After the deadline to oppose the board's recommendation had passed, respondent filed an objection with the court. On November 16, 2020, we rejected respondent's objection as untimely but permitted the parties to file briefs without oral argument. Both parties filed a brief in response to the court's order.

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. While we are not bound in any way by the findings and

recommendations of the hearing committee and disciplinary board, we have held the manifest error standard is applicable to the committee's factual findings. *See In re: Caulfield*, 96-1401 (La. 11/25/96), 683 So. 2d 714; *In re: Pardue*, 93-2865 (La. 3/11/94), 633 So. 2d 150.

The underlying facts of this matter are not in dispute, having been stipulated to by the parties. Essentially, respondent received approximately \$53,000 in federal grant funds through fraudulent means. Respondent also admitted to violating Rules 8.4(a), 8.4(b), and 8.4(c) of the Rules of Professional Conduct, and the record supports those rule violations.

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 knowingly, if not intentionally, violated duties owed to the public and the legal profession. Her misconduct caused significant actual harm, as she only repaid \$3,500 of the approximately \$53,000 in public funds. We agree with the hearing committee and the disciplinary board that the baseline sanction is disbarment.

Aggravating factors include a dishonest or selfish motive, a pattern of misconduct, substantial experience in the practice of law, and illegal conduct. The factors in mitigation are as follows: the absence of a prior disciplinary record,

personal or emotional problems, full and free disclosure to the disciplinary board or a cooperative attitude toward the proceedings, and character or reputation.

Turning to the issue of an appropriate sanction, we find guidance from *In re: Favorite*, 18-1078 (La. 11/5/18), 255 So. 3d 1026. In *Favorite*, an attorney engaged in a pattern of issuing worthless checks over a three-year period and presented a check drawn on a closed account in the name of her mother to pay for office furniture. We determined the attorney acted knowingly, if not intentionally, and caused actual harm. For this misconduct, we imposed disbarment. In light of *Favorite*, we agree with the board that respondent should be disbarred.

Accordingly, we will adopt the board's recommendation and impose disbarment.

DECREE

Upon review of the findings and recommendations of the hearing committee and disciplinary board, and considering the record and the briefs filed by the parties, it is ordered that Margot A. Tillman-Fleet, Louisiana Bar Roll number 18697, be and she hereby is 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. 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.