Supreme Court of Louisiana

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FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Opinions handed down on the **13th day of May, 2021** are as follows:

PER CURIAM:

2020-B-01276 *IN RE: CECELIA F. ABADIE*

SUSPENSION IMPOSED. SEE PER CURIAM.

Weimer, C.J., concurs in part, dissents in part and assigns reasons.

Hughes, J., concurs in part, dissents in part for the reasons assigned by Weimer, C.J.

Crichton, J., additionally concurs and assigns reasons.

Griffin, J., concurs in part, dissents in part for the reasons assigned by Weimer, C.J.

05/13/21

SUPREME COURT OF LOUISIANA

NO. 2020-B-1276

IN RE: CECILIA F. ABADIE

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel ("ODC") against respondent, Cecilia F. Abadie, an attorney licensed to practice law in Louisiana.

UNDERLYING FACTS

By way of background, Latasha Jackson gave birth to a child in September 1997. Mark Jenkins was listed as the father on the child's birth certificate, and he signed an acknowledgment of paternity. Whether the acknowledgment was an authentic act is unknown.

Mark and Latasha married after the child's birth, but later divorced. Latasha sought child support from Mark through the Department of Children and Family Services ("DCFS"), which filed a case against Mark in the Jefferson Parish Juvenile Court ("the Juvenile Court case"). Mark and Latasha eventually agreed that Mark would pay monthly child support to Latasha in the amount of $220.74, and the judge handling the Juvenile Court case signed the consent judgment on October 27, 2003.

Sometime in 2011, Mark began to suspect he was not the biological father of Latasha's child, and he hired respondent to represent him in attempts to end his child support obligation to Latasha. In August 2011, the Louisiana Department of Health and Hospitals ("DHH") provided respondent with a copy of the signed birth

certificate of Latasha's child. The DHH also provided respondent with a letter verifying that Mark and Latasha signed an "acknowledgment of paternity," which was filed on November 4, 1997.[1]

In February 2012, respondent filed a "Petition for Revocation of Acknowledgment of Paternity, for Damages Due to Fraud, and for Restoration of Payments Not Due" against Latasha in the 24th Judicial District Court for the Parish of Jefferson ("the 24th JDC case"). In November 2012, respondent amended the petition to include the DCFS as a defendant.

In June 2012, Latasha's counsel filed an Exception of Prescription on the issue of the revocation of the acknowledgment of paternity, claiming Mark had only two years from the date he signed the acknowledgment to revoke same. On January 22, 2013, Judge Raymond Steib, Jr. denied the exception of prescription and granted Mark's motion for paternity testing. On Latasha's application for supervisory writs, the Fifth Circuit Court of Appeal reversed Judge Steib's ruling and granted the exception of prescription ("1st Fifth Circuit ruling"). In light of this reversal, the Fifth Circuit also vacated the order for paternity testing and remanded the matter to the trial court. Respondent filed a writ application in this court, but her application was denied as untimely on August 22, 2013. On June 30, 2014, respondent filed in the 24th JDC case a petition seeking to nullify the 1st Fifth Circuit ruling. However, she withheld service of the petition and never followed up.

Meanwhile, on June 27, 2013, Judge Steib again ordered paternity testing in the 24th JDC case, which test proved Mark was not the father of Latasha's child. On August 19, 2013, attorney Kristyl R. Treadaway enrolled as Latasha's counsel of record in the 24th JDC case.

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[1] The DHH indicated it did not have access to the original "acknowledgment of paternity" due to the effects of Hurricane Katrina.

In October 2014, respondent filed in the 24th JDC case a rule to show cause why Mark's name should not be removed from the birth certificate of Latasha's child. Following a show cause hearing, Judge Steib held that this was not the proper procedure to alter or amend a birth certificate because the Louisiana Bureau of Vital Records ("BVR") was not a party to the 24th JDC case.

Because respondent continued to file pleadings on the issue of Mark's revocation of his acknowledgment of paternity, on November 20, 2014, Ms. Treadaway filed a second exception of prescription. In a judgment dated February 4, 2015, Judge Steib again denied the exception of prescription and made a finding that Mark was not the father of Latasha's child based upon the paternity test result. Ms. Treadaway then filed a writ application with the Fifth Circuit Court of Appeal. Respondent opposed the writ application, essentially arguing that, because neither the BVR nor the DCFS could produce a copy of the signed acknowledgment of paternity, the issue of whether Mark can revoke the acknowledgment was not prescribed. Because previous pleadings filed by respondent in the 24th JDC case indicated that Mark signed the birth certificate and signed an acknowledgment of paternity (considered a judicial confession by the Fifth Circuit) when Latasha's child was born, the Fifth Circuit reversed Judge Steib's ruling and granted the exception of prescription regarding the issue of Mark's revocation of his acknowledgment of legal paternity ("2nd Fifth Circuit ruling"). The Fifth Circuit, however, found no error in Judge Steib's finding that Mark is not the father of Latasha's child based on the paternity test (which issue relates to Mark's claims for damages due to fraud and for restoration of payments not due). The Fifth Circuit's ruling was dated July 31, 2015 and was signed by Judges Robert M. Murphy, Stephen J. Windhorst, and Hans J. Liljeberg. Respondent filed a writ application with this court, which the court denied on September 4, 2015.

While Ms. Treadaway's writ application was pending with the Fifth Circuit, respondent sent a copy of Judge Steib's February 4, 2015 judgment, in which he found that Mark was not the father of Latasha's child, to the BVR. Because the BVR was not aware of Ms. Treadaway's pending writ application, it reissued the birth certificate of Latasha's child on March 16, 2015, pursuant to respondent's request to remove Mark's name as the father and to change the child's last name. Neither Latasha nor Ms. Treadaway was aware of respondent's request to the BVR.

After respondent received the altered birth certificate, she filed an ex parte motion in the Juvenile Court case on March 30, 2015, requesting that Mark's child support obligation be terminated. Respondent then had ex parte communications, in the form of a telephone call and a letter, with the secretary of Juvenile Court Judge Barron Burmaster, asking the judge to address whether Mark is the legal father of Latasha's child.

Beginning in August 2013, respondent also filed several other pleadings in the Juvenile Court case, raising some of the same issues she raised in the pleadings she filed in the 24th JDC case. According to respondent, she filed these duplicative pleadings in the two courts because she was not sure which court was the proper venue. Judge Burmaster ruled consistently that the Juvenile Court does not have jurisdiction to revoke an acknowledgment of paternity and, until the acknowledgment is revoked, Mark must continue to pay child support. Nevertheless, an April 27, 2015 minute entry in the Juvenile Court case indicated that the "parties stipulate there is no authentic act of acknowledgment." On June 15, 2015, Ms. Treadaway requested and obtained a stay of the Juvenile Court case proceedings pending the 2nd Fifth Circuit ruling.

Thereafter, on September 15, 2015, in light of the 2nd Fifth Circuit ruling, respondent drafted a letter addressed to Jefferson Parish District Attorney Paul Connick and Louisiana Representative Chris Broadwater ("the collusion letter"). In

the collusion letter, respondent accused Fifth Circuit Judge Robert Murphy of colluding with the DCFS against Mark so Mark would not be reimbursed for the child support payments he had made to Latasha.[2] Respondent also accused Ms. Treadaway of requesting the stay in the Juvenile Court case as a way to give the Fifth Circuit time to collude with the DCFS. Respondent sent a copy of the collusion letter to Ms. Treadaway and attorney Timothy O'Rourke, who represented the DCFS in the Juvenile Court case. However, according to respondent, she did not send the collusion letter to Mr. Connick or Mr. Broadwater even though it was addressed to them.

In the meantime, in another attempt to fight the 2nd Fifth Circuit ruling, on March 10, 2016, respondent filed in the 24th JDC case a petition to nullify the 2nd Fifth Circuit ruling for lack of jurisdiction and ill-practice in Ms. Treadaway's writ application. In response, Ms. Treadaway filed exceptions of no cause of action and res judicata and asked for sanctions against respondent. In November 2016, Judge Steib granted the exceptions and dismissed the petition to nullify, but he denied the request for sanctions. The Fifth Circuit Court of Appeal affirmed this judgment on February 22, 2017, and this court denied respondent's writ application on September 6, 2017.

In March 2018, respondent filed a complaint in the United States District Court for the Eastern District of Louisiana on Mark's behalf and against Judge Murphy and Mr. O'Rourke ("the federal lawsuit"). The federal lawsuit accused

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[2] During a sworn statement given to the ODC on August 25, 2016, respondent gave the following reason for singling out Judge Murphy from the three-judge panel:

> …[T]he reason I cited [Judge Murphy] and mention him by name is because I called the Court of Appeal and I said if there's three signatures on a judgment how do you… know who wrote it? The first signature is the person who wrote the judgment. So since Judge Murphy's signature was the first signature I didn't do this – I didn't cite his name just, you know, without a basis.

Judge Murphy, Mr. O'Rourke, and Ms. Treadaway of conspiring "to allow Judge Murphy to usurp the issue of legal paternity from Juvenile Court." More specifically, the federal lawsuit alleged that "[t]he conspirators stopped Juvenile Court from deciding legal paternity, so that it could take the place of biological paternity, which was the issue decided in the district court." Respondent eventually added Ms. Treadaway and Judge Burmaster as defendants. The federal lawsuit was dismissed, but respondent appealed the dismissal. On January 10, 2020, the United States Fifth Circuit Court of Appeals affirmed the dismissal of the federal lawsuit. On December 14, 2020, the United States Supreme Court denied respondent's petition for writ of certiorari.

DISCIPLINARY PROCEEDINGS

In September 2015, Ms. Treadaway filed a disciplinary complaint against respondent. In September 2017, the ODC filed formal charges against respondent, alleging that her conduct as set forth above violated the following provisions of the Rules of Professional Conduct: Rules 1.1 (failure to provide competent representation to a client), 3.1 (meritorious claims and contentions), 3.3 (candor toward the tribunal), 3.5 (engaging in conduct intended to disrupt a tribunal), 8.2 (a lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge), and 8.4(a) (violation of the Rules of Professional Conduct). Respondent answered the formal charges, essentially denying any misconduct. Accordingly, the matter proceeded to a formal hearing on the merits.

Hearing Committee Report

After considering the testimony and evidence presented at the hearing, the hearing committee found that all of the witnesses were credible and that each witness

appeared to believe they were testifying truthfully to the best of their abilities. The committee further found that respondent drafted a letter to Mr. Connick and Mr. Broadwater, accusing Judge Murphy of colluding with the Juvenile Court and the DCFS, but respondent did not send the letter to its intended recipients. Instead, she sent the collusion letter to Mr. O'Rourke and Ms. Treadaway. Therefore, the committee found respondent did attack the integrity of a judge and continues to do so. Additionally, the committee found respondent did not provide competent representation to her client because she failed to file a writ application with the Supreme Court within the time delays, filed pleadings that were duplicative in both the Juvenile Court case and 24th JDC case, confused matters with multiple pleadings, failed to request service on certain pleadings, failed to allow a waiver of service in the federal lawsuit, confused the pending litigation and disrupted the tribunal by filing numerous and duplicative pleadings, failed to know certain procedural rules, and filed pleadings that unduly complicated the proceedings.

Based on these facts, the committee determined respondent violated Rules 1.1 and 8.2 of the Rules of Professional Conduct and, in violating these rules, also violated Rule 8.4(a). The committee, however, determined the ODC failed to prove by clear and convincing evidence that respondent violated Rules 3.1, 3.3, and 3.5 as alleged in the formal charges.

Specifically regarding Rule 1.1, the committee found respondent testified that Mark's case may have been the only filiation case she worked on during her more than 29-year-long law career. The committee also found that, for the last several years, Mark appears to have been respondent's only client. According to the committee, the record is replete with several filings that are curious and support the allegation that respondent failed to provide competent representation. One or two filings, procedural errors, or incidents do not rise to the level of incompetency in the committee's opinion, but in this case, there are numerous incidents that collectively

rise to incompetent representation. First, respondent admitted she missed a crucial deadline to file a writ application on a ruling against her client, but she was not upset by it because, as she testified, the missed deadline "had no effect on the case." Yet, Mr. O'Rourke, who worked with the DCFS in that specific area of practice, testified he told respondent to file the writ application because he thought she had a cause of action. The committee determined that, after this missed deadline, respondent became determined to pursue an alternate theory of relief for her client, which led to multiple filings in different courts. Additionally, the case is procedurally convoluted due to respondent filing multiple pleadings and actions simultaneously in two separate courts, and she failed to establish that both courts had subject matter jurisdiction over all the issues upon which she was requesting relief. Respondent also filed a motion to have the presiding judge correct the court minutes from a hearing without a contradictory hearing, without a certificate of service or requesting service on opposing counsel, and without requesting a transcript. Respondent requested that a lower court act as a supervisory court over its corresponding court of appeal. Additionally, she wrote a letter to a judge's secretary concerning legal issues and procedural matters and did not send a copy to opposing counsel. Respondent further showed her lack of legal knowledge and skill when she filed pleadings but did not serve opposing counsel or parties in the underlying cases. Respondent then filed the federal lawsuit but did not allow Ms. Treadaway and Mr. O'Rourke to waive service of the lawsuit, despite their testimony that they both filed a waiver of service. Her actions were not only inconsiderate but also did not conform to federal court procedures. She filed a motion to dismiss child support retroactive to a particular date, but when she decided she could request that the dismissal be retroactive to an earlier date, instead of amending the motion, she dismissed and refiled it. Other pleadings showed respondent to be naive and to not know the proper procedures. However, for the purpose of brevity, the committee chose the above

specific incidents that were brought out at the hearing and illustrated respondent's lack of competence.

Specifically regarding Rule 8.2, the committee noted that respondent acknowledges she wrote and transmitted the collusion letter, which attacked Judge Murphy's integrity. Her defense for sending the letter is that she only sent it to two people and did not publish it publicly. Respondent's unspoken defense, however, seemed to be that she believes the allegations contained in the collusion letter and the federal lawsuit. Respondent based her allegations against Judge Murphy on speculation and conjecture rather than on any solid evidence. Therefore, the committee found the ODC met its burden of proving that respondent violated Rule 8.2.

With respect to Rule 3.1, the committee determined that, while neither Ms. Treadaway nor Mr. O'Rourke may have agreed with all of respondent's legal theories, the ODC did not prove by clear and convincing evidence that respondent filed frivolous pleadings.

Regarding Rule 3.3, the committee determined that respondent intended to show candor to each tribunal. She appeared to believe the allegations she made in her pleadings and in the testimony she presented to the committee. Thus, the ODC did not establish that respondent knowingly made a false statement to a tribunal.

Finally, with respect to Rule 3.5, the committee determined the ODC did not prove that respondent intentionally disrupted court proceedings. All of respondent's actions were fueled by a sincere desire to assist her client, to argue for him before the tribunal, and to convince each tribunal that her position was correct, even when she was wrong. No evidence was presented that respondent acted as she did for the intended purpose of causing disruption, chaos, or confusion.

The committee determined respondent knowingly and intentionally violated duties owed to the legal system and the public. Her conduct caused actual harm to

the judges and attorneys she wrote about and filed suit against by harming their reputations, causing them stress and anxiety, and causing them to have to defend against a lawsuit. Specifically, Ms. Treadaway had to pay a $5,000 deductible towards her malpractice insurance to defend against the federal lawsuit. Mr. O'Rourke was distressed because he did not know if he would have to pay out of pocket to defend the lawsuit against him. If Mark had to pay for all of the filing fees and legal fees for respondent's duplicative filings and the legal fees for her untimely or improper filings, then he was also harmed.

In aggravation, the committee found substantial experience in the practice of law (admitted 1990) and a lack of remorse. In mitigation, the committee found the absence of a prior disciplinary record and the absence of a dishonest or selfish motive.

After considering respondent's conduct in light of this court's prior jurisprudence addressing similar misconduct, the committee recommended respondent be suspended from the practice of law for one year, with all but six months deferred. The committee further recommended that, following the active portion of the suspension, respondent be placed on supervised probation for two years, during which a probation monitor will meet with her monthly to monitor her practice and review her client files and any pleadings she signs.

Respondent filed an objection to the hearing committee's report.

Disciplinary Board Recommendation

After review, the disciplinary board determined that the hearing committee's factual findings are not manifestly erroneous, with one exception. The committee found that respondent filed a motion in the Juvenile Court case to have the presiding judge correct the court minutes from a hearing without requesting a contradictory hearing, without a certificate of service or requesting service on opposing counsel,

and without requesting a transcript, and the board determined that respondent did include a certificate of service on the order accompanying this motion. In all other respects, the board adopted the committee's factual findings. Based on those facts, the board determined the committee's conclusions regarding rule violations are supported by the evidence and testimony and adopted same.

The board determined respondent knowingly and intentionally violated duties owed to her client, the public, and the legal system. She caused harm to Judge Murphy, Judge Burmaster, Ms. Treadaway, and Mr. O'Rourke by making unsupported "collusion" allegations against them. These individuals suffered stress, anxiety, and damage to their reputations. They also had to spend time and, in Ms. Treadaway's circumstances, money to defend against the federal lawsuit. Respondent also harmed Latasha, who had to pay Ms. Treadaway to respond to respondent's duplicative and unnecessary pleadings. Mark could have been harmed as well if he had to pay legal and filing fees for these pleadings. Citing the ABA's *Standards for Imposing Lawyer Sanctions*, the board determined the baseline sanction is in the range of a public reprimand to suspension.

The board agreed with the aggravating factors found by the committee. In additional aggravation, the board found a refusal to acknowledge the wrongful nature of the conduct. The board also agreed with the mitigating factors found by the committee. In additional mitigation, the board found that respondent has a good character or reputation.

After considering respondent's conduct in light of this court's prior jurisprudence addressing similar misconduct, the board recommended respondent be suspended from the practice of law for one year and one day.

Respondent filed an objection to the disciplinary board's recommendation. Accordingly, the case was docketed for oral argument pursuant to Supreme Court Rule XIX, § 11(G)(1)(b).

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 record of this matter supports a finding that respondent failed to provide competent representation to a client and made false statements about the integrity of a judge. The record is replete with examples, as listed by the hearing committee, of the improper pleadings filed by respondent and her failure to understand and follow court procedures. The record also contains a copy of the collusion letter, in which respondent attacked Judge Murphy's integrity with reckless disregard for the truth or falsity of her statements. Her explanation as to why she focused her allegations of collusion on Judge Murphy makes little sense in light of the fact that Judge Windhorst and Judge Liljeberg also signed the 2nd Fifth Circuit ruling. Respondent then filed a federal lawsuit against Judge Murphy, later adding Judge Burmaster as a defendant, alleging the same collusion. Respondent has provided absolutely no evidentiary support for these allegations of collusion by members of the judiciary, yet she continues to make them, even in her brief and oral argument presented to this court. Based on these facts, respondent has violated the Rules of Professional Conduct as found by the committee and adopted by the disciplinary board.

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 and intentionally violated duties owed to her client, the legal system, and the legal profession. Her conduct caused significant actual harm. The baseline sanction for this type of misconduct is suspension.

Aggravating factors include a pattern of misconduct, multiple offenses, refusal to acknowledge the wrongful nature of the conduct, and substantial experience in the practice of law. Mitigating factors include the absence of a prior disciplinary record, the absence of a dishonest or selfish motive, and character or reputation.

The heartland of respondent's misconduct is her violation of Rule 8.2, which prohibits a lawyer from making a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the integrity of a judge. It is clear respondent was frustrated that her client did not obtain the relief to which she believed he was legally entitled. It is an unfortunate fact that in many instances, litigation leaves one of the parties and its counsel disappointed by the outcome. However, this does not give an attorney license to make unsupported and reckless allegations of collusion and conspiracy on the part of the judges who participated in the matter. Rather, lawyers are expected to be professionals and to honor their obligations to the legal system and to the profession. Respondent failed to do so, and for this misconduct, she must be sanctioned.

Based on this reasoning, and considering respondent's complete lack of remorse, we find the board's recommended sanction is appropriate. Accordingly, we will suspend respondent from the practice of law for one year and one day.

DECREE

Upon review of the findings and recommendations of the hearing committee and disciplinary board, and considering the record, briefs, and oral argument, it is ordered that Cecilia F. Abadie, Louisiana Bar Roll number 19874, be and she hereby is suspended from the practice of law for one year and one day. 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.

05/13/21

SUPREME COURT OF LOUISIANA

NO. 2020-B-1276

IN RE: CECILIA F. ABADIE

ATTORNEY DISCIPLINARY PROCEEDING

WEIMER, C.J., concurs in part and dissents in part.

I concur in the opinion, but dissent as to the sanction.

Zealous advocacy must be tempered with the obligation of an attorney to serve as an officer of the court.

I note the hearing committee listed as mitigating factors no prior disciplinary record and the absence of a dishonest or selfish motive. The Disciplinary Board agreed with the mitigating facts described by the hearing committee and additionally found the Respondent has a good character or reputation. I believe the sanction of a one-year suspension recommended by the hearing committee would serve the ends of justice.

05/13/21

SUPREME COURT OF LOUISIANA

No. 2020-B-1276

IN RE: CECILIA F. ABADIE

ATTORNEY DISCIPLINARY PROCEEDING

CRICHTON, J. additionally concurs and assigns reasons:

After receiving an unsuccessful result for her client, and without a scintilla of evidence but her own incompetent representation, respondent launched a public and defamatory tirade against several individuals, including members of the judiciary, alleging that they "maneuvered… colluded…and conspired" to commit nefarious acts against her and her client. By filing a lawsuit in U.S. District Court, then seeking review in the U.S. Court of Appeals for the Fifth Circuit and later the Supreme Court of the United States, again with zero evidence, she exacerbated the actual damage to the named individuals, costing them resources and stress, and impugning both the legal profession and judiciary.

Compounding her misconduct, respondent has refused to acknowledge the wrongfulness of her actions and has displayed no remorse. Even during oral arguments before this Court, she was obtuse at best in her response to repeated inquiries regarding what, if any, evidence of this alleged collusion was in the record. Quite simply, there is none. At a minimum, and extending respondent the benefit of the doubt, she made these statements with reckless disregard. From an objective standpoint, however, the statements asserted in the Federal courts are patently false. Either way, the Office of Disciplinary Counsel has proven a violation of Rule 8.2(a) by clear and convincing evidence.

This Court in *Louisiana State Bar Ass'n v Karst*, 428 So.2d 406 (La. 1983) addressed Disciplinary Rule 1-102 and 8-102(B), the latter of which is the predecessor for Rule 8.2(a) of the Rules of Professional Conduct. In *Karst*, the Court adopted an objective standard, rather than an objective one, in determining whether a statement is knowingly or recklessly false for purposes of violation of the then-titled Disciplinary Rule 8-102(B). The *Karst* court concluded that when an attorney intentionally causes accusations to be published which he knows to be false or, in the exercise of ordinary care, should know to be false, he is in violation of the rule. The Court explained that the rationale for DR 8-102(B) appeared in Ethical Consideration 8-6, the pertinent part of which provided at the time:

> Adjudicatory officials, not being wholly freed to defend themselves, are entitled to receive the support of the Bar against unjust criticism. While a lawyer as a citizen has a right to criticize such officials publicly, he should be certain of the merit of his complaint, use appropriate language, and avoid petty criticisms, for unrestrained and intemperate statements tend to lessen public confidence in our legal system. Criticisms motivated by reasons other than a desire to improve the legal system are not justified.
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> *Karst*, 428 So.2d at 409, citing Ethical Consideration 8-6.[1]

In this matter, unhappy with her results in the underlying litigation, respondent had the absolute right to seek appellate review, which is favored in the law. La. C.C.P. art. 2082. *See also Fraternal Order of Police v. New Orleans*, 02-1801, p. 2 (La. 11/8/02), 831 So.2d 897, 899, citing *General Motors Acceptance Corp. v. Deep South Pest Control Inc.,* 247 La. 625, 173 So.2d 190, 191 (1965) ("It is well settled that appeals are favored in the law."). Instead, she chose to ignore the most basic procedural vehicles provided to seek relief for her aggrieved client. Furthermore, if respondent believed that the two targeted judges violated the

[1] *See also, In re Simon*, 04-2947 (La. 6/29/05), 913 So.2d 816 (the Court finding respondent violated Rule DR8-102(B) by filing motions to recuse judges, alleging various misrepresentations of truth and improper attorney/client relationships between a judge and respondent's opposing counsel).

Code of Judicial Conduct, the appropriate course of action would have been to file a complaint with the Judiciary Commission of Louisiana. *See* Code of Judicial Conduct, Canon 2(a) ("[a] judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary") and Rule 8.3(b) of the Rules of Professional Conduct ("[a] lawyer who knows that a judge has committed a violation of the applicable rules of judicial conduct that raises a question as to the judge's honesty, trustworthiness or fitness for office shall inform the Judiciary Commission.") However, respondent failed to do so, and her consistent pattern of dishonest, harmful, and outrageous behavior in judicial forums and the legal profession as a whole warrants the sanction imposed today. Accordingly, I wholeheartedly concur in the Court's imposition of a full suspension from the practice of law for one year and one day, necessitating her reapplication to this Court, should she choose to do so. *See* La. S. Ct. Rule XIX, §24(A) ("A disbarred lawyer or a suspended lawyer who has served an active suspension of more than one year shall be reinstated or readmitted only upon order of the court.")