

FOR IMMEDIATE NEWS RELEASE

NEWS RELEASE # 9

FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Opinions handed down on the 22nd day of February, 2006, are as follows:

PER CURIAM:

2004-OB-1079

IN RE: KOBY DEAN BOYETT

COMMITTEE ON BAR ADMISSIONS

Retired Judge Moon Landrieu, assigned as Justice ad hoc, sitting for Associate Justice Catherine D. Kimball; Retired Judge Philip C. Ciaccio, assigned as Justice ad hoc, sitting for Associate Justice Jeannette Theriot Knoll, recused

Accordingly, it is ordered that the application for admission be and hereby is granted.

CALOGERO, C.J., dissents.

VICTORY, J., dissents and assigns reasons.

WEIMER, J., dissents and assigns reasons.

02/22/2006

SUPREME COURT OF LOUISIANA

NO. 04-OB-1079

IN RE: KOBY DEAN BOYETT

ON APPLICATION FOR ADMISSION TO THE BAR

PER CURIAM*

The Committee on Bar Admissions (“Committee”) opposed the application of petitioner, Koby Dean Boyett, to sit for the Louisiana Bar Examination based on character and fitness concerns relating to his 1989 federal felony conviction of aiding and abetting the manufacture of methamphetamine. We subsequently granted petitioner permission to sit for the bar exam, with the condition that upon his successful completion of the exam, he apply to the court for the appointment of a commissioner to take character and fitness evidence.¹

Petitioner thereafter successfully passed the essay portion of the bar exam, and upon his application, we appointed a commissioner to take evidence and report to this court whether petitioner possesses the appropriate character and fitness to be admitted to the bar and allowed to practice law in the State of Louisiana. We also authorized the Office of Disciplinary Counsel to conduct an investigation into petitioner’s qualifications to be admitted to the bar.

The commissioner conducted a character and fitness hearing in November 2004, pursuant to Supreme Court Rule XVII, § 9(B). At the conclusion of the hearing, the commissioner filed his report with this court, recommending that

* Retired Judge Moon Landrieu, assigned as Justice *ad hoc*, sitting for Associate Justice Catherine D. Kimball; Retired Judge Philip C. Ciaccio, assigned as Justice *ad hoc*, sitting for Associate Justice Jeannette Theriot Knoll, recused.

¹ *In re: Boyett*, 00-2063 (La. 7/14/00), 766 So. 2d 1260.

petitioner be admitted to the practice of law. In his report, the commissioner concluded that petitioner “has demonstrated sufficient evidence of rehabilitation” and that “he has the requisite character, maturity and emotional make-up to be admitted to the bar.” The Committee objected to the commissioner’s recommendation, and oral argument was conducted before this court pursuant to Supreme Court Rule XVII, § 9(B)(3).

After hearing oral argument, reviewing the evidence, and considering the law, we conclude petitioner is eligible to be admitted to the practice of law in Louisiana.

Accordingly, it is ordered that the application for admission be and hereby is granted.

02/22/2006

SUPREME COURT OF LOUISIANA

No. 04-OB-1079

IN RE: KOBY DEAN BOYETT

ON APPLICATION FOR ADMISSION TO THE BAR

VICTORY, J., dissenting

The majority fails to mention that our court unanimously denied Boyett admission on June 29, 2001. *See, In Re: Boyett*, 00-2808 (La. 6/26/01), 789 So.2d 1289. Our law, reaffirmed only a few weeks ago, in *In Re: Hinson-Lyles*, 05-2446 (La. 1/24/06), ___ So. 2d ___, requires that an applicant who has previously been denied admission must show a change of circumstances. *See, In Re: Jordon*, 00-3006 (La. 12/15/00), 775 So.2d 1065. The majority fails to acknowledge that law and fails to discuss any change of circumstances.

Not only was Boyett convicted by a unanimous jury of aiding and abetting the manufacture of methamphetamine and sent to federal prison, he has since stated that he committed perjury at his federal trial at the suggestion of his attorney. This Court was so concerned about these matters that it unanimously denied him admission in 2001. Further, perjury is so serious that it is a grounds for permanent disbarment for a lawyer. As Justice Knoll in her concurrence in *In Re: Hinson-Lyles*, 02-2578 (La. 12/3/03), 864 So.2d 108, 114, *reh'ing denied 1/16/04*, notes: “[i]t is a mockery of our rules to allow someone to apply for admission when the disputed conduct at issue is a recommended grounds for permanent disbarment.”

As for his rehabilitation, Boyett testified at his character and fitness hearing on January 16, 2001, as follows: “[r]ehabilitation means to me that you’ve learned from

your mistakes, and you're going to try to do—you're going to try to conform to the norm now. I may have made a mistake in judgment, but I don't think I made any mistakes that warranted any type of rehabilitation." [Emphasis added]

In my view this Court makes an enormous mistake in admitting this applicant to the practice of law.

02/22/2006

SUPREME COURT OF LOUISIANA

No. 2004-OB-1079

IN RE: KOBY DEAN BOYETT

WEIMER, J., dissenting.

I respectfully dissent.

An applicant who has been denied admission to the bar by this court cannot reapply for admission in the absence of a showing of changed circumstances. See In re: Jordan, 00-3006 (La. 12/15/00), 775 So. 2d 1065 and In re: Woodard, 02-2397 (La. 11/5/02), 831 So. 2d 888. Mr. Boyett has not made a sufficient showing of changed circumstances related to his character and fitness to practice law since the denial of his first application for admission.¹

¹ See In Re: Boyett, 2000-2808 (La. 6/29/01), 789 So.2d 1289, in which this court unanimously denied Mr. Boyett admission to the bar.