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SUPREME COURT OF LOUISIANA

No. 2006-B-1709

IN RE: GLEN EDWARD SMITH

ATTORNEY DISCIPLINARY PROCEEDINGS

Johnson, J. dissents and assigns reasons:

I find this case to be indistinguishable from our recent decision in *In re: Banks*, 06-0398 (La. 10/13/06), ___ So.2d ___. Had the Office of Disciplinary Counsel brought all the charges at the time of respondent's initial disbarment proceeding in 1999, he could not have been permanently disbarred, since the court had not yet adopted that sanction. Only by holding the charge over until 2004, was respondent exposed to the more severe sanction.

I question the Board's conclusion that respondent's acceptance of new representation after the submission of his petition for interim suspension, but prior to action by this Court, constitutes the unauthorized practice of law.

As per *Banks*, I would find respondent guilty of additional violations warranting disbarment.