

SUPREME COURT OF LOUISIANA

NO. 14-BA-2608

IN RE: COMMITTEE ON BAR ADMISSION CFN-3313

CLARK, J., dissenting.

I dissent and assign reasons, and additionally dissent for the reasons assigned by Justice Crichton.

This Court denied petitioner's admission to the bar nearly two years ago. Then, the Court found that petitioner had "engaged in a pattern of conduct which is fundamentally inconsistent with a lawyer's duties of truth and honesty." This pattern of conduct included petitioner's omitting a civil lawsuit from bankruptcy pleadings that she signed under penalty of perjury; giving false testimony under oath that all of her assets were listed in the bankruptcy petition; and, after having been granted a discharge in bankruptcy, agreeing to a settlement of the civil suit and then retaining the settlement funds for herself. This conduct constituted bankruptcy fraud and caused significant harm to petitioner's creditors, as by the time the bankruptcy trustee learned of the settlement, petitioner had spent the money she received and the trustee had to abandon any claim on behalf of her creditors. These circumstances, the Court agreed, supported our conclusion that petitioner lacked the moral fitness for admission to the bar.

The burden of proving reform rests on the petitioner, and merely showing that she is now living and doing those things that she should have done throughout life does not prove rehabilitation. Neither is the passage of time alone sufficient to demonstrate a change in circumstances. Based on the information contained in her present filing, petitioner has made no showing of changed circumstances since this

Court's March 2012 action denying her admission. Her explanation of the bankruptcy matter was considered in the earlier proceeding and thus cannot possibly represent "changed circumstances." She contends that she obtained religious and financial counseling, but she provides no evidence of such. She also claims to have sought counsel with a bankruptcy attorney to "discover" if restitution was an "option," but she failed to take this important step until eight years had passed from her discharge in bankruptcy and restitution through the bankruptcy court was no longer available. Finally, petitioner's attendance at a seven-hour CLE course in 2013 contributes nothing to the consideration of her good moral character.

In *In re: Jordan*, 00-3006 (La. 12/15/00), 775 So. 2d 1065, this Court denied an application for admission on the ground that the applicant had failed to show any evidence of changed circumstances since her original application had been denied. A similar order would be appropriate here.

By admitting petitioner to the Louisiana Bar, the Court is lowering the standards demanded of members of the Bar.