

05/14/2020 "See News Release 017 for any Concurrences and/or Dissents."

**SUPREME COURT OF LOUISIANA**

**No. 2020-B-0116**

**IN RE: AKELLO PATRICE DANGERFIELD**

**ATTORNEY DISCIPLINARY PROCEEDING**

**CRICHTON, J. additionally concurs and assigns reasons:**

This Court finds itself once again faced with extremely serious violations of our Rules of Professional Conduct by a respondent who has demonstrated a stunning indifference to the disciplinary process, resulting in no viable and reasonable choice other than permanent disbarment. In my view, respondent's misconduct alone minimally warrants disbarment but her lack of response throughout these proceedings and to the victim leads me to conclude permanent disbarment is the only viable outcome. This mind-boggling display of indifference by a few lawyers to disciplinary proceedings has been noted in recent cases. *See In re: Jennifer Gaubert*, 18-1980 (La. 2/11/19), 263 So.3d 408 (Crichton, J., additionally concurring, noting the troublesome nature of an attorney refusing to participate meaningfully in disciplinary proceedings); *In re: Reid*, 18-0849 (La. 12/5/18), \_\_\_ So.3d \_\_\_, 2018 WL 6382109 (Crichton, J. dissenting, noting that "lack of cooperation with ODC, the Hearing Committee, the Disciplinary Board, and this Court demonstrates [a] stunning indifference to this noble profession"); *In re: Neil Dennis William Montgomery*, 18-0637 (La. 8/31/18), 251 So.3d 401 (Crichton, J., dissenting, finding disbarment appropriate where respondent made "zero effort" to respond to any of the accusations against him); *In re: Mendy*, 16-B-0456 (La. 10/19/16), 217 So.3d 260 (Crichton, J., dissenting in part and

assigning reasons, stating permanent disbarment was warranted because respondent's "evident lack of interest in defending these serious charges against him, coupled with his past sanctions, has no place in this noble profession"); *In re Hingel*, 2019-1459 (La. 11/19/19), --- So.3d ----2019 WL 7594603 ("As serious as [respondent's] violations are . . . by not producing mitigation evidence, we are unquestionably compelled to order disbarment.").

In this case, while respondent did provide a sworn statement to the Office of Disciplinary Counsel, she thereafter failed to file a formal answer to the ODC complaint or respond at the Hearing Committee and Disciplinary Board levels and failed to submit any response to this Court, leaving me to conclude that she has not paid one penny of restitution for her tortious conversion and/or Felony Theft (La. R.S. 14:67).

I also write separately to note that while this Court has ordered respondent to pay restitution of \$127,000.50, plus costs, to the victim, the per curiam unfortunately does not constitute a money judgment as set forth in the Louisiana Code of Civil Procedure. *See* La. C.Cr.P. art. 2253; La. C.Cr.P. art. 2291; *See also, King v. Illinois Nat. Ins. Co.*, 9 So. 3d 780 (La. 2009) (a cause of action on which suit has not yet been filed is a strictly personal right and, as such, is not subject to seizure under writ of fieri facias).

It is my view that as part of routine practice and policy of the Office of Disciplinary Counsel, victims of conversion or theft such as the one in this case should be advised of the specific purpose of attorney disciplinary proceedings – *i.e.*, to protect the public, maintain high standards of conduct, preserve the integrity of the profession, and deter future misconduct, *see Louisiana State Bar Ass'n v. Reis*, 513 So.2d 1173 (La.1987) – and that such proceeding is distinct from a civil tort action for conversion or a prosecution action for theft.

