

The Supreme Court of the State of Louisiana

IN RE: EUGENE P. REDMANN

No. 2021-B-00955

IN RE: Disciplinary Counsel - Applicant Other; Eugene P. Redmann - Applicant
Other; Joint Petition for Consent Discipline;

October 05, 2021

Joint petition for consent discipline accepted. See per curiam.

JTG

JLW

JDH

SJC

WJC

PDG

McCallum, J., concurs and assigns reasons.

Supreme Court of Louisiana

October 05, 2021



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2021-B-0955

IN RE: EUGENE P. REDMANN

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary proceeding arises from a joint petition for consent discipline filed by respondent, Eugene P. Redmann, and the Office of Disciplinary Counsel (“ODC”).

UNDERLYING FACTS

In August 2020, Richard Lemmler, the Louisiana State Bar Association’s (“LSBA”) Ethics Counsel, provided the ODC with a copy of a print advertisement for the services of respondent’s law firm. The advertisement was published in GAMBIT, a weekly New Orleans newspaper, and read as follows:

**Immigration. Criminal Law.
Traffic Tickets**
Don’t go to court without an Attorney
Call Eugene Redmann 504.834.6430
Se Habla Espanol
www.redmannlawnola.com

The content of the advertisement was not false, misleading, or deceptive. Nevertheless, respondent acknowledges that he did not submit the advertisement for review by the LSBA prior to or concurrently with the publication of the advertisement, and it has not been filed with the LSBA as a “late filing.” Furthermore, the advertisement did not disclose the city or town of respondent’s principal office location. Respondent subsequently revised the advertisement to comply with the Rules of Professional Conduct.

PETITION FOR CONSENT DISCIPLINE

On July 6, 2021, prior to the filing of formal charges against respondent, the parties filed a joint petition for consent discipline in this court, stipulating that respondent violated Rules 7.2(a)(2) (all advertisements shall disclose, by city or town, one or more bona fide office location(s) of the lawyer(s) who will actually perform the services advertised) and 7.7(c) (evaluation of advertisements by the LSBA Rules of Professional Conduct Committee required prior to or concurrently with the lawyer's first dissemination of the advertisement) of the Rules of Professional Conduct. For this misconduct, the parties propose that respondent be publicly reprimanded.

The parties agree that respondent acted negligently. He violated a duty owed to the legal profession, causing no actual harm but creating the potential for harm. Citing the ABA's *Standards for Imposing Lawyer Sanctions*, the parties agree that the baseline sanction is reprimand.

In aggravation, the parties stipulate to the following factors: a prior disciplinary record¹ and substantial experience in the practice of law (admitted 1992). In mitigation, the parties stipulate to the absence of a dishonest or selfish motive, a cooperative attitude toward the proceedings, efforts to rectify the misconduct, and remorse.

The parties represent that this is a case of first impression in Louisiana. However, the federal courts have addressed filing and review requirements similar to the program utilized in Louisiana. The United States Supreme Court first suggested that attorneys pre-file their advertisements with a state agency for review in *Shapiro v. Kentucky Bar Ass'n*, 486 U.S. 466 (1988). In *McDevitt v. Disciplinary Board*, 108 F.3d 341 (10th Cir. 1997), the United States Court of Appeals for the

¹ In 2013, respondent was admonished by the disciplinary board for failing to file an advertisement with the LSBA.

Tenth Circuit expressly approved the pre-filing system used in New Mexico.² Citing *Shapero*, the court of appeals held, “The Supreme Court has implicitly endorsed the ability of supervisory filing and review systems such as the one now in use in New Mexico to alleviate harms associated with attorney advertising. Moreover, the Court has noted that a filing system is a narrowly-tailored means for addressing such harms.”

Considering the facts of this case, the parties urge the court to accept the joint petition for consent discipline.

DISCUSSION

In this matter, respondent acknowledges that he failed to submit an advertisement for his law firm’s services to the LSBA for review either prior to or concurrently with the publication of the advertisement. The advertisement also did not contain the required disclosure of respondent’s principal office location. For this misconduct, the parties propose that respondent be publicly reprimanded.

In 2009, this court adopted the attorney advertising rules set forth in Rule 7.1 *et seq.* of the Rules of Professional Conduct. Rule 7.2 sets forth the required content of such advertisements, including a disclosure, “by city or town, [of] one or more bona fide office location(s) of the lawyer or lawyers who will actually perform the services advertised.” It is undisputed that respondent’s advertisement in GAMBIT did not include this disclosure. Further, Rule 7.7(c) requires that advertisements of a lawyer’s services published in any public media be filed with the LSBA Rules of Professional Conduct Committee “for evaluation of compliance with these Rules.

² The New Mexico system at issue in *McDevitt* appears to be identical to that used in Louisiana. New Mexico lawyers who advertised services through any public medium were required to file a copy of the advertisement with the Legal Advertising Committee of the Disciplinary Board for evaluation of compliance with the legal advertising rules. The copy was required to be filed either prior to or concurrently with the lawyer’s first dissemination of the advertisement.

The copy shall be filed either prior to or concurrently with the lawyer's first dissemination of the advertisement..." Respondent acknowledges that he did not pre-file his GAMBIT advertisement with the LSBA, and that he was admonished in 2013 for the same misconduct.

Louisiana's lawyer advertising rules generally reflect this court's efforts to identify and address forms of advertising and types of information that, unless adequately conveyed, may prove misleading or harmful to the consumer of legal services. The filing requirement is intended to not only create a central clearinghouse of all non-exempt lawyer advertising in Louisiana but provides for review by an LSBA committee to reasonably assure the membership that their advertisement is compliant. However, when lawyers fail or refuse to file an advertisement with the LSBA, they effectively defeat the purpose of creating a central registry and avoid the review process. In such a case, discipline is warranted.

Because respondent has previously received private discipline for failing to comply with the advertising rules, we agree that the increased sanction of a public reprimand is appropriate in this instance. Accordingly, we will accept the petition for consent discipline.

DECREE

Upon review of the joint petition for consent discipline, it is ordered that the petition be accepted and that Eugene P. Redmann, Louisiana Bar Roll number 21349, be publicly reprimanded. 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.