

The Supreme Court of the State of Louisiana

IN RE: MEREDITH WIGGINS BENOIT

No. 2023-B-00342

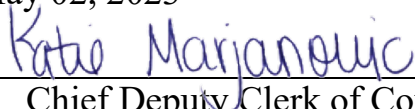
IN RE: Office of Disciplinary Counsel - Applicant Other; Findings and
Recommendations (Formal Charges);

May 02, 2023

Suspension imposed. See per curiam.

JDH
JLW
JTG
WJC
JBM
PDG

Crichton, J., concurs in part and dissents in part and assigns reasons.

Supreme Court of Louisiana
May 02, 2023


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2023-B-0342

IN RE: MEREDITH WIGGINS BENOIT

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Meredith Wiggins Benoit, an attorney licensed to practice law in Louisiana, but currently ineligible to practice.¹

FORMAL CHARGES

On July 18, 2021, respondent entered the Target store in Metairie with reusable shopping bags. She was initially observed by Target security personnel opening a container of pet flea medication and emptying the contents into her shopping bag, then returning the empty container to the shelf. Focused camera surveillance was begun and video evidence captured respondent placing various items of merchandise into her shopping bags as she moved throughout the store. Eventually she exited the store and went into the parking garage without paying for any of the items she had placed in her bags.

Using video surveillance, the security team was able to identify the items respondent had taken, totaling \$324.91; however, security was unable to capture the license plate of respondent’s vehicle so as to make a positive identification at that

¹ On October 20, 2020, respondent was declared ineligible to practice law for failure to pay her bar dues and the disciplinary assessment. She is also ineligible to practice for failure to comply with the continuing legal education requirements and for failure to file a trust account registration statement.

time. Moreover, no attempt was made to apprehend respondent on this occasion due to COVID policy restrictions then in effect.

On July 28, 2021, respondent returned to Target, again carrying reusable shopping bags. A security officer positively identified respondent as the same female who had engaged in shoplifting at the store ten days earlier, and focused camera surveillance was again commenced. Respondent was observed as she selected a pair of shoes from a shelf, removed them from the box, placed them on her feet and confirmed the fit, then placed her old shoes into the shoe box and returned the box to the store shelf.

Security officers contacted the Jefferson Parish Sheriff's Office about a shoplifting incident in progress. Officers arrived on the scene and gathered with security officers in the surveillance area of the store as they collectively watched respondent continue to place items in her shopping bags for nearly four hours. The officers apprehended respondent and found items totaling \$1,763.00. She had no cash, check book, credit cards, or debit cards in her possession that would have evidenced a means of payment. Respondent was arrested for felony theft (over \$1,000), in violation of La. R.S. 14:67(B)(3). She was also charged with misdemeanor theft in connection with the previous shoplifting incident.²

In February 2022, respondent self-reported her arrest to the ODC. In connection with its investigation, the ODC discovered that in 2014, respondent was arrested in Mississippi and charged with speeding and driving with a suspended driver's license. She was allowed to enter a plea and pay a fine of \$185. She failed to pay the fine and an attachment was issued and remained outstanding at the time of the ODC's investigation in 2022. Moreover, respondent was also arrested in Jefferson Parish in 2017 for speeding, expired insurance, and driving while under

² The Jefferson Parish District Attorney accepted charges and offered respondent a pre-trial diversion opportunity. Respondent was subsequently discharged from the program for failure to comply with the required terms and conditions.

suspension. There were three attachments outstanding when she was arrested on the theft charges stemming from her Target shoplifting activities.

DISCIPLINARY PROCEEDINGS

In September 2022, the ODC filed formal charges against respondent, alleging that her conduct as set forth above violated the following provisions of the Rules of Professional Conduct: Rules 8.4(a) (violation of the Rules of Professional Conduct), 8.4(b) (commission of a criminal act reflecting adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer), and 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

Respondent failed to answer the formal charges. Accordingly, the factual allegations contained therein were deemed admitted and proven by clear and convincing evidence pursuant to Supreme Court Rule XIX, § 11(E)(3). No formal hearing was held, but the parties were given an opportunity to file with the hearing committee written arguments and documentary evidence on the issue of sanctions. Respondent filed nothing for the hearing committee's consideration.

Hearing Committee Report

After considering the ODC's deemed admitted submission, the hearing committee determined that the record supports the deemed admitted facts. Based on these facts, the committee determined respondent violated the Rules of Professional Conduct as alleged in the formal charges.

The committee then determined respondent intentionally violated duties owed to the public and the legal profession, causing actual harm. After considering the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is suspension.

The committee found the following aggravating factors present: a dishonest or selfish motive, a pattern of misconduct, multiple offenses, refusal to acknowledge the wrongful nature of the conduct, substantial experience in the practice of law (admitted 2000), and indifference to making restitution. The committee found the following mitigating factors present: absence of a prior disciplinary record and “self-report of the initial arrest.”

Turning to the issue of an appropriate sanction, the committee determined that this matter is very similar to *In re: LaMartina*, 17-0430 (La. 12/6/17), 235 So. 3d 1061. In *LaMartina*, the respondent pleaded guilty to two shoplifting charges and failed to cooperate with the ODC in its investigation. She had a prior disciplinary record, among other aggravating factors, and no mitigating factors were found to be present. The court suspended Ms. LaMartina for three years for her misconduct.

Based on *LaMartina*, the committee recommended respondent be suspended from the practice of law for three years. The committee also recommended that respondent be assessed with the costs and expenses of this proceeding.

Neither respondent nor the ODC filed an objection to the committee’s report. Therefore, pursuant to Supreme Court Rule XIX, § 11(G), the disciplinary board submitted the committee’s report to the court for review.

DISCUSSION

Bar disciplinary matters fall within the original jurisdiction of this court. La. Const. art. V, § 5(B). Consequently, we act as triers of fact and conduct an independent review of the record to determine whether the alleged misconduct has been proven by clear and convincing evidence. *In re: Banks*, 09-1212 (La. 10/2/09), 18 So. 3d 57.

In cases in which the lawyer does not answer the formal charges, the factual allegations of those charges are deemed admitted. Supreme Court Rule XIX, §

11(E)(3). Thus, the ODC bears no additional burden to prove the factual allegations contained in the formal charges after those charges have been deemed admitted. However, the language of § 11(E)(3) does not encompass legal conclusions that flow from the factual allegations. If the legal conclusion the ODC seeks to prove (i.e., a violation of a specific rule) is not readily apparent from the deemed admitted facts, additional evidence may need to be submitted in order to prove the legal conclusions that flow from the admitted factual allegations. *In re: Donnan*, 01-3058 (La. 1/10/03), 838 So. 2d 715.

The record in this deemed admitted matter supports a finding that respondent was arrested for shoplifting and has warrants outstanding for failure to appear and/or pay associated fines or costs in connection with moving violations. Based upon these facts, respondent has violated the Rules of Professional Conduct as charged.

Having found evidence of professional misconduct, we now turn to a determination of the appropriate sanction for respondent's actions. In determining a sanction, we are mindful that disciplinary proceedings are designed to maintain high standards of conduct, protect the public, preserve the integrity of the profession, and deter future misconduct. *Louisiana State Bar Ass'n v. Reis*, 513 So. 2d 1173 (La. 1987). The discipline to be imposed depends upon the facts of each case and the seriousness of the offenses involved considered in light of any aggravating and mitigating circumstances. *Louisiana State Bar Ass'n v. Whittington*, 459 So. 2d 520 (La. 1984).

Respondent intentionally violated duties owed to the public and the legal profession. Her conduct caused actual harm to Target and to the legal profession. The applicable baseline sanction is disbarment.

The record supports the following aggravating factors: a dishonest or selfish motive, a pattern of misconduct, multiple offenses, substantial experience in the

practice of law, and illegal conduct. The sole mitigating factor present is the absence of a prior disciplinary record.

Turning to the issue of an appropriate sanction, the instant matter presents an almost identical factual scenario as the *LaMartina* case cited by the hearing committee. In light of *LaMartina*, and considering the aggravating and mitigating factors present, we find the committee's recommended sanction is appropriate.

Accordingly, we will adopt the hearing committee's recommendation and impose a suspension from the practice of law for three years.

DECREE

Upon review of the findings and recommendations of the hearing committee, and considering the record, it is ordered that Meredith Wiggins Benoit, Louisiana Bar Roll number 26798, be and she hereby is suspended from the practice of law for three years. 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.