02/06/2024 "See News Release 007 for any Concurrences and/or Dissents."

The Supreme Court of the State of Louisiana

IN RE: JAMES ARTHUR GRAHAM, JR.

No. 2023-B-01551

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IN RE: Office of Disciplinary Counsel - Applicant Other; Notice of Discipline in Another Jurisdiction Pursuant to Rule XIX, Section 21 and Motion to Initiate Reciprocal Discipline Proceedings;

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February 06, 2024

Reciprocal discipline imposed. See per curiam.

JLW

JDH

SJC

JTG

WJC

JBM

PDG

Supreme Court of Louisiana
February 06, 2024

Katie Marjanovic

Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2023-B-1551

IN RE: JAMES ARTHUR GRAHAM, JR.

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

Pursuant to Supreme Court Rule XIX, § 21, the Office of Disciplinary Counsel ("ODC") has filed a petition seeking the imposition of reciprocal discipline against respondent, James Arthur Graham, Jr., an attorney licensed to practice law in Louisiana, based upon discipline imposed by the Board of Professional Responsibility of the Supreme Court of Tennessee.

UNDERLYING FACTS AND PROCEDURAL HISTORY

Respondent purchased a law firm in Tennessee and filed an application for comity admission. Pursuant to Tennessee Supreme Court Rule 7, § 10.97, he was then authorized to practice law "pending admission" in Tennessee.

Respondent later withdrew his application for comity admission to practice in Tennessee. Thereafter, respondent was notified that his ability to practice "pending admission" was revoked.

For approximately sixty days, respondent stated on his website that he was licensed in Tennessee, although his "practice pending admission" had been revoked. This false statement resulted in potential harm to the public.

On October 5, 2023, the Board of Professional Responsibility of the Supreme Court of Tennessee censured respondent for violating Rule 7.1 (communication concerning a lawyer's services) of the Rules of Professional Conduct.

After receiving notice of the Tennessee order of discipline, the ODC filed a motion to initiate reciprocal discipline proceedings in Louisiana, pursuant to Supreme Court Rule XIX, § 21. A copy of the decision issued by the Board of Professional Responsibility of the Supreme Court of Tennessee was attached to the motion. On November 28, 2023, this court rendered an order giving respondent thirty days to demonstrate why the imposition of identical discipline in this state would be unwarranted. Respondent failed to file any response in this court.

DISCUSSION

The standard for imposition of discipline on a reciprocal basis is set forth in Supreme Court Rule XIX, § 21(D). That rule provides:

> Discipline to be Imposed. Upon the expiration of thirty days from service of the notice pursuant to the provisions of paragraph B, this court shall impose the identical discipline … unless disciplinary counsel or the lawyer demonstrates, or this court finds that it clearly appears upon the face of the record from which the discipline is predicated, that:
>
> (1) The procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
> (2) Based on the record created by the jurisdiction that imposed the discipline, there was such infirmity of proof establishing the misconduct as to give rise to the clear conviction that the court could not, consistent with its duty, accept as final the conclusion on that subject; or
> (3) The imposition of the same discipline by the court would result in grave injustice or be offensive to the public policy of the jurisdiction; or
> (4) The misconduct established warrants substantially different discipline in this state; …
>
> If this court determines that any of those elements exists, this court shall enter such other order as it deems appropriate. The burden is on the party seeking different discipline in this jurisdiction to demonstrate that the imposition of the same discipline is not appropriate.

In the instant case, respondent has made no showing of infirmities in the Tennessee proceeding, nor do we discern any from our review of the record. Furthermore, we feel there is no reason to deviate from the sanction imposed in Tennessee as only under **extraordinary circumstances** should there be a significant variance from the sanction imposed by the other jurisdiction. *In re: Aulston*, 05-1546 (La. 1/13/06), 918 So. 2d 461. *See also In re Zdravkovich*, 831 A. 2d 964, 968-69 (D.C. 2003) ("there is merit in according deference, for its own sake, to the actions of other jurisdictions with respect to the attorneys over whom we share supervisory authority").

Here, there is little doubt that respondent's conduct would warrant discipline in Louisiana. Under these circumstances, we agree that reciprocal discipline is warranted pursuant to Supreme Court Rule XIX, § 21. Because our rules do not provide for a public censure in bar disciplinary cases, we will impose a public reprimand, which is the closest equivalent available under our rules.

DECREE

Considering the Petition to Initiate Reciprocal Discipline Proceedings filed by the Office of Disciplinary Counsel and the record filed herein, it is ordered that respondent, James Arthur Graham, Jr., Louisiana Bar Roll number 34835, be publicly reprimanded.