

The Supreme Court of the State of Louisiana

IN RE: DAVID R. OPPERMAN

No. 2024-B-00148

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

April 23, 2024

Permanent disbarment imposed. See per curiam.

JLW

SJC

JTG

WJC

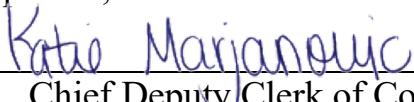
JBM

Hughes, J., dissents and would impose regular disbarment.

Griffin, J., dissents and would impose regular disbarment.

Supreme Court of Louisiana

April 23, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2024-B-0148

IN RE: DAVID R. OPPERMAN

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, David R. Opperman, an attorney licensed to practice law in Louisiana but currently on interim suspension based upon his conviction of a serious crime. *In re: Opperman*, 22-0937 (La. 6/15/22), 339 So. 3d 634.

UNDERLYING FACTS

In October 2020, respondent was charged in West Feliciana Parish with the aggravated rape of a thirteen-year-old victim in 2003. In December 2020, respondent was charged with felony carnal knowledge of a juvenile and accused of committing that crime with a sixteen-year-old victim between August 2000 and July 2001.

On June 10, 2022, pursuant to a plea bargain with the Louisiana Attorney General’s Office, respondent entered a plea to the amended offense of indecency with juveniles (two counts). Specifically, respondent entered a plea of *nolo contendere* to Count One, involving thirteen-year old victim E.B., and entered a plea of guilty to Count Two, involving sixteen-year old victim K.R. Respondent was sentenced to serve a total of fourteen years at hard labor, with a total of nine years suspended, on both counts, and he will be permanently registered as a sex offender. Respondent is currently in the custody of the Louisiana Department of Corrections.

DISCIPLINARY PROCEEDINGS

In February 2023, the ODC filed formal charges against respondent, alleging that his conduct as set forth above violated Rules 8.4(a) (violation of the Rules of Professional Conduct) and 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer) of the Rules of Professional Conduct. Respondent filed an answer to the formal charges, in which he admitted to his illegal conduct with the sixteen-year-old but denied any illegal conduct with respect to the thirteen-year-old. The matter then proceeded to a formal hearing on the merits.

Hearing Committee Report

The hearing committee found that respondent pleaded *nolo contendere* to Count One of the criminal charges and guilty to Count Two. His conviction in both counts is final. The evidence submitted by the ODC is conclusive evidence of respondent's guilt of the crime of indecency involving juveniles (two counts).

Based on these facts, the committee found that respondent violated Rules 8.4(a) and 8.4(b) of the Rules of Professional Conduct.

The committee determined respondent intentionally violated duties owed to the public and the legal profession. His conduct caused serious actual harm to the victims of his crimes. Respondent's misconduct, which was publicized in the media, also brought disrepute to the profession. Based on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is disbarment.

The committee found the following aggravating factors present: a selfish motive, a pattern of misconduct, vulnerability of the victims, substantial experience in the practice of law (admitted 1991), and illegal conduct. The committee found

the following mitigating factors present: absence of a prior disciplinary record and imposition of other penalties or sanctions.

Considering the foregoing, the committee recommended respondent be permanently disbarred.

Respondent filed an objection to the hearing committee's report.

Disciplinary Board Recommendation

After review, the board determined the hearing committee's factual findings are not manifestly erroneous and adopted same. The board also made the following additional findings of fact:

1. Sometime between the 24th day of October 2003 and the 31st day of October 2003, respondent committed Indecent Behavior Involving Juveniles with E.B., age 13, by committing a lewd or lascivious act with the intention of arousing the sexual desires of respondent, in violation of La. R.S. 14:81.
2. Between the 1st day of August 2000 and the 13th day of July 2001, respondent committed Indecent Behavior Involving Juveniles with K.R. by committing a lewd and lascivious act with another under the age of 17 years, and there was an age difference of greater than two years between the two persons, with the intent to gratify the sexual desires of either person, in violation of La. R.S. 14:81.

Based on these factual findings, the board determined respondent's conduct violated the Rules of Professional Conduct as charged.

The board found that respondent intentionally violated duties owed to the public and the legal profession, causing serious actual harm. The board agreed with the committee that the applicable baseline sanction is disbarment.

In aggravation, the board found a dishonest or selfish motive, a pattern of misconduct, multiple offenses, vulnerability of the victims, substantial experience in

the practice of law, and illegal conduct. In mitigation, the board found the absence of a prior disciplinary record and the imposition of other penalties or sanctions.

After further considering the court's prior case law addressing similar misconduct, the board recommended that respondent be permanently disbarred for his "egregiously unethical and abhorrent" misconduct involving "sexual crimes with two juveniles."

Neither respondent nor the ODC filed an objection to the disciplinary board's recommendation.

DISCUSSION

Bar disciplinary matters come within the original jurisdiction of this court. La. Const. art. V, § 5(B). When the disciplinary proceedings involve an attorney who has been convicted of a crime, the conviction is conclusive evidence of guilt and the sole issue presented is whether respondent's crimes warrant discipline, and if so, the extent thereof. Supreme Court Rule XIX, § 19(E); *In re: Boudreau*, 02-0007 (La. 4/12/02), 815 So. 2d 76; *Louisiana State Bar Ass'n v. Wilkinson*, 562 So. 2d 902 (La. 1990). The discipline to be imposed in a given case depends upon the seriousness of the offense, the circumstances of the offense, and the extent of the aggravating and mitigating circumstances. *Louisiana State Bar Ass'n v. Perez*, 550 So. 2d 188 (La. 1989).

In the instant case, respondent stands convicted of two counts of indecency with juveniles. These crimes are felonies under state law and clearly warrant serious discipline. The only issue to be resolved by this court is the appropriate sanction for respondent's misconduct.

Both the hearing committee and the disciplinary board have recommended that respondent be permanently disbarred. On May 4, 2022, the court adopted amendments to Supreme Court Rule XIX related to permanent disbarment. As is set

forth in the order, permanent disbarment may be imposed only “upon an express finding of the presence of the following factors: (1) the lawyer’s conduct is so egregious as to demonstrate a convincing lack of ethical and moral fitness to practice law; and (2) there is no reasonable expectation of significant rehabilitation in the lawyer’s character in the future.”

Here, respondent’s misconduct was clearly egregious. His convictions for two sexual offenses involving juveniles “demonstrate[s] a convincing lack of ethical and moral fitness to practice law.” Furthermore, the criminal offenses occurred when respondent was serving as an assistant district attorney. Despite his position of public trust, respondent engaged in serious criminal acts with very vulnerable victims, ages 13 and 16. He expressed no remorse for his conduct at the hearing in this matter. We therefore find there is no reasonable expectation of significant rehabilitation in respondent’s character in the future.

Based on these findings, we conclude the recommended sanction of permanent disbarment is adequately supported under Supreme Court Rule XIX. Accordingly, we will accept the disciplinary board’s recommendation and permanently disbar respondent.

DECREE

Upon review of the findings and recommendations of the hearing committee, and considering the record, it is ordered that David R. Opperman, Louisiana Bar Roll number 20477, be and he hereby is permanently disbarred. His name shall be stricken from the roll of attorneys and his license to practice law in the State of Louisiana shall be revoked. Pursuant to Supreme Court Rule XIX, § 24(A), it is further ordered that respondent be permanently prohibited from being readmitted to the practice of law in this state. 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.