

SUPREME COURT OF LOUISIANA

NO. 2019-B-1326

IN RE: CHRISTA HAYES FORRESTER

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

The instant disciplinary proceeding arises from a motion and rule to revoke probation filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Christa Hayes Forrester, for failure to comply with the conditions of probation imposed in *In re: Forrester*, 18-0287 (La. 3/23/18), 238 So. 3d 965 (“*Forrester I*”).

UNDERLYING FACTS AND PROCEDURAL HISTORY

The record in *Forrester I* demonstrated that respondent had neglected a legal matter and failed to communicate with a client. Prior to the filing of formal charges, respondent and the ODC submitted a joint petition for consent discipline, proposing that respondent be suspended from the practice of law for six months, fully deferred, followed by a one-year period of unsupervised probation with the condition that she attend the Louisiana State Bar Association’s (“LSBA”) Ethics School. On March 23, 2018, this court accepted the petition for consent discipline in *Forrester I*. The court’s order stated in pertinent part as follows:

The probationary period shall commence from the date respondent, the ODC, and the probation monitor execute a formal probation plan. **Any failure of respondent to comply with the conditions of probation, or any misconduct during the probationary period, may be grounds for making the deferred portion of the suspension executory, or imposing additional discipline, as appropriate.** [Emphasis added.]

On May 9, 2018, respondent executed a formal probation agreement with the ODC. Among other conditions, respondent agreed to the following:

Promptly respond to all requests by the Office of the Disciplinary Counsel;

Comply with all bar membership requirements including: maintaining current knowledge in the law by satisfying all mandatory continuing legal education requirements and timely paying all Louisiana State Bar Association membership dues and Louisiana Attorney Disciplinary Board annual disciplinary fee assessments; [and]

Respondent shall attend the Louisiana State Bar Association Ethics School and shall pay all costs of these proceedings.

DISCIPLINARY PROCEEDINGS

Motion and Rule to Revoke Probation

On July 8, 2019, the ODC filed a motion and rule to revoke respondent's probation, alleging that respondent failed to comply with the conditions of her probation in *Forrester I*.

Despite numerous reminders from the LSBA on October 5, 2018, November 8, 2018, January 29, 2019, February 27, 2019, and May 2, 2019, regarding the next regularly scheduled sessions of the LSBA's Ethics School, respondent failed to attend Ethics School, as required by her probation agreement. As confirmed in the LSBA's July 1, 2019 correspondence, respondent failed to attend either the January 25, 2019 or June 28, 2019 session of Ethics School.

During her probationary period, respondent was also rendered ineligible to practice law for failure to pay her bar dues and the disciplinary assessment. On October 26, 2018, respondent was notified in writing by the ODC that this failure violated her probation agreement. Respondent was asked to confirm payment by November 15, 2018, but she failed to do as requested. On May 31, 2019, respondent

was rendered ineligible for failure to comply with the mandatory continuing legal education requirements.

In addition, a new disciplinary complaint was filed against respondent on January 26, 2019. Despite receiving notice of the complaint via certified mail, she failed to respond to the complaint. The ODC attempted to contact respondent two additional times via email, but she failed to respond to these attempts.

Accordingly, the ODC prayed for revocation of respondent's probation and the imposition of the previously deferred six-month suspension.

Hearing on Revocation of Probation

This matter proceeded to a hearing before an adjudicative panel of the disciplinary board on August 2, 2019. Respondent did not appear at the hearing, but counsel appeared on her behalf. The ODC presented the following witnesses to testify before the panel: Deputy Disciplinary Counsel Katie Causey, who drafts probation agreements and monitors compliance with probation requirements, and attorney William King, who oversees the LSBA's Ethics School.

Ms. Causey testified that she reached out to respondent in October 2018, after learning that she failed to pay her bar dues. On October 29, 2018, respondent, who was living in Puerto Rico due to her husband's job, called Ms. Causey to ask about obtaining inactive status and fulfilling the Ethics School requirement online. Ms. Causey consulted with Chief Disciplinary Counsel Charles Plattsmier, who advised that the ODC could stay the probation period to allow respondent additional time to meet the conditions of her probation. Ms. Causey offered respondent this option, which would be accomplished via joint motion, but respondent did not respond to her voicemail messages. (Respondent had advised that phone communication was the best means by which to communicate with her while she was in Puerto Rico.) In January 2019, Ms. Causey spoke with respondent for the last time. At that time,

respondent indicated that she would attend Ethics School in June 2019, rather than January 2019, but expressed concern about the cost of flying to the United States. Ms. Causey received copies of correspondence from Mr. King's office to respondent relating to Ethics School. Ms. Causey learned from Mr. King that respondent did not attend Ethics School in 2019.

At this point in the hearing, the ODC stipulated that respondent had paid all dues and fees after the motion to revoke probation was filed; however, respondent was still ineligible to practice law because she had not completed her MCLE requirements. The ODC also stipulated that since the filing of the motion to revoke probation, respondent had responded to the disciplinary complaint.

Mr. King testified that he sent letters about Ethics School to respondent via regular mail and email. None of this correspondence was returned undeliverable. On January 24, 2019, the day prior to the January 2019 Ethics School, Mr. King spoke with respondent. She expressed to him that she was trying to arrange a flight to get to school, but was concerned about the cost. She did not attend the January 2019 Ethics School. Respondent had been informed of the dates and costs of Ethics School, but Mr. King was unsure if she paid the costs and he saw nothing in the file to show that the costs had been paid. Mr. King informed respondent by letter that she would be registered for the June 2019 Ethics School.

On June 4, 2019, Mr. King's assistant emailed respondent to remind her about the June 28, 2019 Ethics School as well as its cost. In her response, respondent asked if she could attend the Ethics School online. After discussing this request with his supervisor, Mr. King told respondent that online Ethics School was not possible, as only four hours of MCLE hours could be taken online. He explained that, due to the serious nature of the circumstances under which attorneys are being referred, the LSBA believes Ethics School should be attended in person. He further explained

that a test is given at the end of Ethics School and that the LSBA wants the attorneys' full attention and wants attorneys to be able to ask questions.

Mr. King indicated that MCLE classes taken outside of Louisiana can be approved for Louisiana credit, which is a situation that routinely occurs. Mr. King added that respondent had obtained her MCLE hours in Alabama during the week of July 15, 2019 while visiting her husbands' parents. Mr. King indicated that if her MCLE classes were to be approved, then respondent would be eligible to practice and eligible to go inactive, assuming all back dues and fees were paid.

During the hearing, the panel asked Mr. King to step out of the hearing and call the LSBA to inquire about whether respondent had paid her 2019-2020 dues. After speaking with an LSBA staff member, he learned that the LSBA had not received payment from respondent for the 2018-2019 or 2019-2020 year, and he confirmed that MCLE classes could be approved after the fact.

Disciplinary Board Recommendation

On August 19, 2019, the disciplinary board filed its report with this court, recommending that the ODC's motion and rule to revoke probation be granted in light of the evidence in the record.

Pursuant to the conditions of her probation agreement, respondent was required to complete the LSBA's Ethics School. She had recently made an effort to become eligible again, having replied to the outstanding complaint filed against her, having paid her outstanding bar dues and disciplinary assessment fees, and having completed her outstanding MCLE requirements, but her efforts were all untimely.

Based on the above findings, the board concluded that respondent had failed to comply with certain terms and conditions of her probation as required by the court's order in *Forrester I* and the probation agreement. Accordingly, the board recommended that the motion to revoke probation be granted and that the

previously-deferred six-month suspension in *Forrester I* be made executory. Finally, the board recommended that respondent be assessed with all costs and expenses of this proceeding.

DISCUSSION

A review of the record reveals that respondent has not complied with the requirements of her probation agreement that she attend the LSBA's Ethics School, promptly respond to all requests by the ODC, and comply with all bar membership requirements. In order to protect the public, we believe it is necessary to revoke respondent's probation and impose the previously-deferred suspension.

Accordingly, we will accept the disciplinary board's recommendation and grant the motion to revoke respondent's probation, making the previously-deferred six-month suspension imposed in *Forrester I* immediately executory.

DECREE

For the reasons assigned, respondent's probation is revoked and the previously-deferred six-month suspension imposed in *In re: Forrester*, 18-0287 (La. 3/23/18), 238 So. 3d 965, is hereby made immediately executory. All costs and expenses in the matter are assessed against respondent, Christa Hayes Forrester, Louisiana Bar Roll number 33133, 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.