

ORIGINAL

Louisiana Attorney Disciplinary Board

FILED by: *Donna P. Burgess*

Docket#

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22-DB-043

2/10/2023

**LOUISIANA ATTORNEY DISCIPLINARY BOARD**

**IN RE: MEREDITH WIGGINS BENOIT**

**DOCKET NO. 22-DB-043**

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**REPORT OF HEARING COMMITTEE # 46**

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**INTRODUCTION**

This attorney disciplinary matter arises out of formal charges filed by the Office of Disciplinary Counsel (“ODC”) against Meredith Wiggins Benoit (“Respondent”), Louisiana Bar Roll Number 26798.<sup>1</sup> ODC alleges that Respondent violated the following Rules of Professional Conduct: 8.4(a, b, c).<sup>2</sup>

**PROCEDURAL HISTORY**

The formal charges were filed on September 9, 2022. By letter dated September 14, 2022, the formal charges were mailed via certified mail to Respondent’s primary registration address.<sup>3</sup> The mailing was received on September 21, 2022. Respondent failed to file an answer to the charges. Accordingly, on October 17, 2022, ODC filed a motion to deem the factual allegations admitted pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3).<sup>4</sup> By order signed November

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<sup>1</sup> Respondent was admitted to the practice of law in Louisiana on October 6, 2000. Respondent is currently ineligible to practice law. She has been ineligible since October 20, 2020, for failure to fulfill her annual obligations.

<sup>2</sup> Rule 8.4 states, in pertinent part: “It is professional misconduct for a lawyer to: (a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) Commit a criminal act especially one that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects; (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation; ...”

<sup>3</sup> 2533 Jefferson Ave., New Orleans, LA 70115.

<sup>4</sup> This rule states:

The respondent shall file a written answer with the Board and serve a copy on disciplinary counsel within twenty (20) days after service of the formal charges, unless the time is extended by the chair of the hearing committee. In the event, Respondent fails to answer within the prescribed time, or the time as extended, the factual allegations contained within the formal charges shall be deemed admitted and proven by clear and convincing evidence. Disciplinary Counsel shall file a motion with the chair of the hearing committee to which the matter is assigned requesting that the factual allegations be deemed proven with proof of service of the formal charges upon the respondent. The

1, 2022, the factual allegations contained in the formal charges were deemed admitted. On December 13, 2022, ODC filed its submission on sanction.

For the following reasons, the Committee finds Respondent engaged in criminal conduct evidencing violation of multiple ethical rules. The committee finds that, consistent with prior precedence, that suspension of not less than three (3) years from the practice of law is appropriate in this matter.

### **FORMAL CHARGES**

The formal charges read, in pertinent part:

On February 10, 2022 Respondent self-reported that she had been arrested for shoplifting at the Target store located at 4500 Veterans Memorial Blvd., in Metairie, Louisiana. As a result, file number 0039795 was opened for investigation and copies of the incident and arrest report were secured from the Jefferson Parish Sheriff's office. On or about July 18, 2021 Respondent entered the Target store on Veterans Memorial Blvd. in Metairie with reusable Target canvas style shopping bags. She was initially observed by Target security personnel opening a container of pet flea medication and emptying the content into the shopping bag, returning the empty container to the shelf. Focused camera surveillance was begun and video evidence captured Respondent placing various items of merchandise into the reusable shopping bags as she moved throughout the store. Eventually she exited the Target into the parking garage without paying for any of the items placed in her bags.

Using video surveillance, the security team was able to identify the items taken by Respondent totaling \$324.91 and a full report was generated then filed with the Jefferson Parish Sheriff's office. ODC was advised that Target security was unable to capture the license plate of Respondent's vehicle so as to make a positive identification at that time. Moreover, no attempt was made to apprehend Respondent on this first shoplifting occasion pursuant to COVID policy restrictions then in effect.

On or about July 28, 2021 the same security officer noted and positively identified Respondent as the same female who had engaged in shoplifting at the store on July 18, 2021 and focused camera surveillance was again commenced. Security noted that once again Respondent had entered the store with several Target reusable shopping bags and commenced placing items into those bags. Note was

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order signed by the hearing committee chair shall be served upon respondent as provided by Section 13C. Within twenty (20) days of the mailing of the order of the hearing committee chair deeming the factual allegations contained in the formal charges proven, the respondent may move the hearing committee chair to recall the order thus issued upon demonstration of good cause why imposition of the order would be improper or would result in a miscarriage of justice.

specifically made that Respondent located and selected a pair of shoes from a shelf, removed them from the box, placed them on her feet and confirmed the fit. Respondent was then observed placing her old shoes into the shoe box and returning the box to the store shelf as she continued shopping.

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 her efforts. Overall, her shoplifting activities spanned nearly four (4) hours. Law enforcement satisfied themselves that Respondent's activities were consistent with shoplifting which, when coupled with her prior July 18th shoplifting efforts provided probable cause to detain and arrest the Respondent.

When apprehended, the officers found a light bulb hidden inside of Respondent's purse. Upon further review, she had no cash, check book, credit cards or debit cards in her possession that would have evidenced a means of payment. The items were detailed once again using the items found in her carts totaling \$1,763.00. She was arrested for misdemeanor theft in connection with her earlier shoplifting in violation of R.S. 14:67(B)4. She was also arrested for felony theft in connection with her July 28th theft (over \$1,000) in violation of R.S. 14:67(B)3.

Additionally, during the investigation of this matter it was discovered that in or around June 7, 2014 Respondent was arrested 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 remains outstanding at the time of the ODC investigation in 2022. Moreover, she was also arrested in Jefferson Parish on October 11, 2017 for speeding, expired insurance, and driving while under suspension. There were three attachments outstanding when she was arrested on the theft charges stemming from her Target shoplifting activities.

Respondent's conduct reflects that she committed the crimes of misdemeanor theft and felony theft in violation of Rule 8.4(b)—commission of a criminal act; 8.4(c)—conduct involving dishonesty; and her conduct including failure to appear and/or pay associated fines or costs on her moving violations violate 8.4(a)—violate or attempting to violate the Rules of Professional Conduct.

## **EVIDENCE**

The Committee reviewed the exhibits submitted by ODC, which are Exhibits ODC 1-6. Respondent did not submit evidence or argument for the Committee's consideration, nor did she request to be heard in mitigation pursuant to Rule XIX, §11(E)(4).

## **FINDINGS OF FACT**

The Formal Charges outline multiple acts which violate the Rules of Professional Conduct, including multiple incidents of theft. Those allegations were deemed admitted and proven by clear and convincing evidence.

### **RULES VIOLATED**

Rule 8.4(a), Rule 8.4(b), and Rule 8.4(c): Respondent engaged in criminal acts – shoplifting – which involve dishonestly and a violation of the rules of professional conduct. Additionally, Respondent was arrested twice for speeding, expired insurance, and driving while under suspension. These acts are further in violation of Rule 8.4(a) and 8.4(b).

### **SANCTION**

Louisiana Supreme Court Rule XIX, §10(C), states that when imposing a sanction after a finding of lawyer misconduct, a committee shall consider the following factors:

- (1) Whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;
- (2) Whether the lawyer acted intentionally, knowingly, or negligently;
- (3) The amount of the actual or potential injury caused by the lawyer's misconduct; and
- (4) The existence of any aggravating or mitigating factors.

Here, Respondent violated duties owed to the public and the legal profession. She acted intentionally. Respondent's misconduct caused actual harm – to the public and to the legal system. Conduct of this type erodes the public trust in the legal profession and damages all lawyers who abide by the Rules of Professional Conduct and avoid bringing shame on the profession.

The *ABA Standards for Imposing Lawyer Sanctions*, particularly Standard 5.12, suggests that a lengthy suspension is the baseline sanction for Respondent's misconduct. The ABA standards provide a framework for analyzing the conduct of the lawyer subject to sanction, taking into account the lawyer's state of mind, prior disciplinary history, and any mitigating or aggravating factors.

In Respondent's case, the aggravating factors are dishonest or selfish motive, pattern of misconduct, multiple offenses, refusal to acknowledge the wrongful nature of her misconduct, substantial experience in the practice of law, and indifference to making restitution. Mitigating factors include the absence of prior discipline and self-report of the initial arrest. Taken together, these factors show no compelling reason to deviate from the guidelines. This matter is closely analogous to *In Re: Elise Marybeth Lamartina*, 2017-B-0430 (12/07/17), 235 So.3d 1061, where the Court imposed a three (3) year period of suspension.

### CONCLUSION

Respondent's conduct was reprehensible and clearly deserving of discipline. Based on prior decisions and analysis of the facts of this case, the Committee recommends a three (3) year suspension from the practice of law.<sup>5</sup> Respondent should also be assessed with the cost and expenses of the proceeding pursuant to Rule XIX, §10.1.

This opinion is unanimous and has been reviewed by each committee member, who fully concur and who have authorized Jeffrey W. Peters, to sign on their behalf.

New Orleans, Louisiana, this 6<sup>th</sup> day of February, 2023.

**Louisiana Attorney Disciplinary Board  
Hearing Committee # 46**

**Jeffrey W. Peters, Committee Chair  
Deidra C. Hill, Lawyer Member  
Lisa M. Berlin, Public Member**

BY:

  
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**Jeffrey W. Peters, Committee Chair  
For the Committee**

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<sup>5</sup> The Committee strongly considered the imposition of permanent disbarment. The facts certainly suggest that the Respondent has forfeited her right to practice law or call herself a lawyer. However, given the prevailing case law and the high hurdles for reinstatement, the Committee feels the recommended sanction is warranted. Should Respondent apply for readmission, the Committee hopes that upmost scrutiny is applied to such an application.