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Louisiana Attorney Disciplinary Board

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**LOUISIANA ATTORNEY DISCIPLINARY BOARD**

**IN RE: DONALD R. DOBBINS**

**DOCKET NO. 22-DB-044**

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**REPORT OF THE HEARING COMMITTEE # 1**

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Before this committee is the application for reinstatement to the practice of law brought by Donald R. Dobbins, Louisiana Bar Roll Number 20537, following his suspension by the Louisiana Supreme Court on May 13, 2021, in *In Re: Donald R. Dobbins*, No. 2020-B-1403.

**INTRODUCTION AND PROCEDURAL HISTORY**

Mr. Dobbins was admitted to the practice of law in 1991. Thereafter he received three admonitions, the first was in April of 1998, then in February 1999 and again in 2001. He received a partially deferred suspension, with probation, in 2002. *In re Dobbins*, 2001-2022 (1/15/2002), 805 So. 2d.133. He also received a public reprimand in 2005. *In re Dobbins*, 2005-1464 (6/15/2005), 903 So.2d 1129.

On January 29, 2020, the Louisiana Supreme Court suspended Mr. Dobbins for one year and one day and ordered him to pay restitution to Linder Smith and Patsy Godfrey, former clients. *In re Dobbins*, 2019-1346 (La. 1/29/2020), 340 So.3d 601 ("*Dobbins I*").

On May 13, 2021, the Court suspended Mr. Dobbins for three years, the effective date of which was made retroactive to the effective date of the 2020 suspension. *In re Dobbins*, 2020-1403 (La. 5/13/2021), 320 So.3d 1016 ("*Dobbins II*").

Mr. Dobbins filed a petition and application for reinstatement to the practice of law on September 15, 2022. On December 7, 2022, the Office of Disciplinary Counsel ("ODC") filed its response to the petition. The hearing was held on February 7, 2023. Colette M. Greggs, appeared

on behalf of Mr. Dobbins. Chief Disciplinary Counsel Charles B. Plattsmier appeared on behalf of ODC.

Mr. Dobbins' application for reinstatement was reviewed by this committee pursuant to Rule 19, Sections 24 and 26, as well as the mandates set forth by the Court to Mr. Dobbins in the Court's May 13, 2021 decision issued in *Dobbins II*, in which Mr. Dobbins was suspended from the practice of law for three years. The Court's ruling in *Dobbins II*, and which this reinstatement application applies, specifically states as follows:

We further order respondent to make full restitution of all unearned fees. Before any application for reinstatement will be considered, respondent shall be required to show full compliance with all requirements of Supreme Court Rule XIX, § 24, including a showing under subsection E(3) that any alcohol abuse issues have been addressed. (*Dobbins II* at 1021; Exhibit ODC 1(g))

Based on the evidence submitted at the Hearing, it is the Committee's finding that Mr. Dobbins has not met the prerequisites imposed upon him by the Court for reinstatement and his Application should be denied.

#### **RESPONSE OF ODC TO THE APPLICATION FOR REINSTATEMENT**

ODC opposed the petition for reinstatement, which required a hearing of the matter pursuant to Louisiana Supreme Court Rule XIX, §24(F).

It should be noted that Mr. Dobbins raised the issue that the ODC did not timely advise Applicant or the board whether the ODC concurred, opposed or took no position on Applicant's petition for reinstatement within the 60-day period following of the filing of his petition, as required under Rule 19, Section 24(F), and that time period was not extended during that time by the Chair of this Committee. This issue was raised previously in the *Motion to Dismiss Office of*

*Disciplinary Counsel's Response to Application for Reinstatement* filed on behalf of Mr. Dobbins, which motion was denied by the Committee Chair prior to the hearing.

The motion was re-urged at the hearing. Based on the briefs previously filed by both parties and the information/evidence submitted, the Committee adopted its prior ruling and reasoning on this issue, denying Mr. Dobbins' motion to dismiss. As stated in its prior ruling, unless the ODC had actually concurred in the reinstatement application, which it did not, according to the rules, a hearing would still have had to have been scheduled and held in this matter.

### EVIDENCE

The following evidence was submitted and filed into the record in this proceeding as follows.

#### **By Applicant:**

A-1 A. Contract Byron Norris Client File – Sealed

A-2 LADB letter from Jennifer Stewart, Deputy Administrator, dated September 20, 2022.

A-3 LADB letter from Brittany Richardson, Forensic Auditor, dated September 22, 2022, with IRS Form 8821-Tax Information Authorization, and Louisiana Dept. of Revenue Tax Information Disclosure Authorization.

A-4 LADB Recommendation to the Louisiana Supreme Court in *In Re; Donald R. Dobbins*, No. 19-DB-034, filed on December 8, 2020.

A-5 Supreme Court of Louisiana, per curiam: *In Re: Donald R. Dobbins*, 2020-B-01403, dated May 13, 2021.

A-6 Letter from Arthur Williams, III, Licensed Professional Counselor, to Donald Dobbins.

A-7 Letter to ODC from Colette Greggs dated January 31, 2023/31/23 with *in globo* attachments of letters sent by Donald Dobbins to clients.

A-8 *In globo*: copies of U.S. Postal Service Certified Mail receipts.

A-9 *In globo*: copies of letters to various attorneys and district attorneys from Donald Dobbins re notice of his suspension.

A-10 Letter from Jennifer Stewart, Deputy Administrator LADB, dated September 20, 2022 re receipt of filing of the Petition for Reinstatement on September 15, 2022.

A-11 A. Copy of the Louisiana Bar Journal publication from February/March 2021 edition, Vol. 68, No. 5.

A-11 B. Copy of the Louisiana Bar Journal publication from October/November 2022, Vol. 70, No. 3.

A-12 The Advocate proof of publication from August 31, 2022.

A-13 Letter to Donald Dobbins from Brittany Richardson with signed authorizations for tax records.

**By the Office of Disciplinary Counsel:**

ODC 1. Applicant's prior disciplinary orders:

- a. Admonition issued April 21, 1998 for 1.5(c) violation related to fees.
- b. Admonition issued March 2, 1999 for 1.5(c) violation related to fees.
- c. Admonition issued July 26, 2011 for 8.2(b) violation related to a judicial campaign violation.
- d. Supreme Court decision imposing suspension for 1 year and 1 day with all but 6 months deferred, subject to probation, issued February 22, 2002 for a 1.15 violation involving commingling and conversion of funds. *See In Re: Dobbins 2001-2022 (La. 01/15/2002), 805 So.2d 133.*
- e. Public Reprimand issued June of 2005 for an 8.4(d) violation after engaging in conduct prejudicial to the administration of justice.
- f. Supreme Court decision imposing suspension for 1 year and 1 day, effective April 9, 2020 for multiple violations.
- g. Supreme Court decision imposing suspension for 3 years retroactive to the effective date of the prior suspension.

ODC 2. Petition for Reinstatement filed by Applicant together with all attachments thereto:

- a. Louisiana Bar Journal Invoice.
- b. Notice of petition to prior complainants.
- c. LADB and LSBA Assessment.
- d. LADB Promissory Note.
- e. LASC Receipt.
- f. Client Assistance Fund Certificate.
- g. Proof of payment/refund to past clients.
- h. Substance abuse evaluation report by Dr. Arthur *Williams (Under Seal)*.
- i. Balance forgiveness letter to Byron Norris.
- J. Publication in The Advocate.

ODC 3. Application for Reinstatement-Part I.

ODC 4. Application for Reinstatement together with all attachments thereto Part II (*Under Seal*).

- a. 2017 (*Under Seal*).
- b. 2018 (*Under Seal*).
- c. 2019 (*Under Seal*).
- d. 2020 (*Under Seal*).
- e. 2021 (*Under Seal*).

ODC 5. IRS Transcripts reflecting no return filed (*Under Seal*).

- a. 2019 (*Under Seal*).
- b. 2020 (*Under Seal*).
- c. 2021 (*Under Seal*)

ODC 6. Sworn Statement of the Applicant taken by the Office of Disciplinary Counsel on November 16, 2022.

ODC 7. ODC Letter to Colette Greggs confirming extension (11/18/22).

ODC 8.) Letter Dated September 15, 2022 to ODC from Byron Norris.

**TESTIMONY** – The following testimony was presented at the hearing.

**Mr. Arthur Williams**

Mr. Williams was called to testify by Applicant and his testimony was taken via video conferencing.

Mr. Williams testified he obtained his undergraduate degree in social work from Dillard University in 1981. He then obtained his Master's in social work from Southern University at New Orleans in 1986. Mr. Williams testified he worked for the State of Louisiana for about 12 years as an alcohol and drug abuse social work supervisor. He worked for both Aetna health plans and Human Affairs International as an Employee Systems Professional. Those companies would contract with Fortune 500 companies who would send their employees for admissions, counseling or evaluations for substance abuse and mental health evaluations.

Mr. Williams is currently licensed by the State of Louisiana, Board of Professional Counselors, and has been since 1990. He currently works as a Quality Assurance Consultant with Family Service of Greater Baton Rouge and has been there since 2015. He also works for Always Hope Counseling Center. Mr. Williams estimates he has been doing substance abuse counseling and evaluations for about 30 years and estimated about 300 cases.

Mr. Williams was tendered by Applicant as an expert in social work, substance abuse evaluator and counselor. ODC did not object to the tender but requested Mr. Williams' qualifications go to the weight his testimony given in this instance.

Mr. Dobbins was referred to Mr. Williams by Renee Taylor, Executive Director of Family Services of Greater Baton Rouge. Mr. Williams testified he did a complete initial evaluation of Mr. Dobbins and counseled Mr. Dobbins for approximately ten to twelve sessions of 30 to 45 minutes each, over approximately three months, from January to March of 2022. Mr. Williams stated that during those sessions he saw no problems or concerns and Mr. Dobbins never appeared impaired during any session.

Mr. Williams was questioned by Counsel for Mr. Dobbins

Q. So could you, in your professional opinion, determine whether or not Mr. Dobbins had an alcohol addiction?

A. Yes. I can determine it. And based on what the client said and what I had before me, I would say, no, at this time, no. (Hearing Transcript page. 27.)

Mr. Williams testified his assessment was based on the following:

My assessment was, based on the information I had before me and that there were -- the client had not actually received any DWIs, according to him, his drinking was vastly reduced, there were no other -- there was no other criteria to go on to determine whether or not, you know, he had a problem. Usually, there's a history

of situations that would indicate that person has a problem with substances, and I just did not see that during my counseling with him.

(Hearing Transcript page 27.)

Asked if he could render a diagnosis, Mr. Williams responded that "I could not substantiate one, so the answer would be no.... No diagnosis means that there was not enough information to be able to substantiate a diagnosis of any kind." (Hearing Transcript pages 27-28.)

Mr. Williams explained his counseling practice is individual, one on one, with the client, to determine whether or not they need outpatient counseling or need to go to inpatient treatment. He acknowledged that multi-disciplinary assessments with a team of providers are outside the scope of what he does. Mr. Williams testified he had never heard of the Judges and Lawyers Assistance Program ("JLAP"), and he is not one of its pre-approved providers. He assumes JLAP is similar to what every board has for their professionals - to determine if they should go through some kind of treatment program.

Upon cross examination, it was established that Mr. Williams saw Mr. Dobbins in private evaluation and counseling sessions. Mr. Williams recalls he took a history from Mr. Dobbins but did not have his file or any materials available from those sessions to refer to during his testimony before the Committee. Asked about the history he was provided and whether Mr. Dobbins told him that he had been arrested for DWI on one or more occasion, Mr. Williams recalled Mr. Williams telling him he had been stopped, but not arrested. "No. He -- I mean, I don't recall the word arrest. What I do recall is that he was never charged is what he described, to the best of my recollection." (Hearing Transcript page 30.)

Pressed further on whether Mr. Dobbins' history had included any information that he had five prior incidences of DWI stops or arrests, Mr. Williams stated: "I recall it was multiple. Whether it was five, I don't recall on that." (Hearing Transcript page 32.)

Asked whether the number of alcohol-related arrests is relevant to his evaluation, Mr. Williams responded: "Yes. If the client was in fact convicted of DWIs." Asked then if arrests are only relevant if a conviction occurs, Mr. Williams stated: "It's something I take in – into consideration, but if the client wasn't convicted, I don't really know the dynamics that really went upon with that in – in that situation." (Hearing Transcript page 32.)

Mr. Williams acknowledged that Mr. Dobbins did not provide Mr. Williams with any documentation regarding those prior alcohol-related arrests, such as police reports, nor did he provide any of the Court's prior discipline decisions regarding him, any prior substance abuse evaluations, or possible recommendation for an inpatient evaluation. Mr. Williams acknowledged that all of these items would be relevant to his evaluation of Mr. Dobbins. Mr. Williams also acknowledged that Mr. Dobbins was not tested for alcohol at any time during his evaluation/counseling of him.

**Ms. Renee Taylor**

Ms. Rene Taylor was called by Applicant and testified as follows.

Ms. Taylor is Executive Director of Family Services of Greater Baton Rouge ("Family Services") and has been with that organization for 15 years. Ms. Taylor testified that Family Services offers evaluation and counseling for substance abuse issues. Once a referral is received at Family Services a clinical team does an assessment and they decide whether the individual can be treated there on an outpatient basis, or the clinicians can refer the client to an outside agency if



they need intensive outpatient treatment or need inpatient treatment. The individual counselors and/or clinicians do the referrals themselves.

Ms. Taylor testified that Arthur Williams is a contract worker with Family Services. If Mr. Williams evaluated an individual through Family Services and he felt the individual needed additional treatment outside of Mr. Williams, he had the authority to refer the individual elsewhere if inpatient treatment was needed.

**Mr. Terry Bonnie**

Mr. Terry Bonnie was called to testify by Applicant. Mr. Bonnie stated he is an attorney in private practice and has been practicing since 1993. He has known Mr. Dobbins since he started practicing, as his office was across the street from Mr. Dobbins' office.

After Mr. Bonnie received his law license, he asked Bill Leary to let him monitor some lawyers who were experiencing drug and alcohol problems. Mr. Bonnie testified he knew Mr. Dobbins was having some problems and would talk to him about the disease of alcoholism. Mr. Bonnie stated "I know he has a - you know, the problem. He has an issue with alcohol. I - I know that. And I've always tried to talk to him about, you know, my experience. I've been sober like 34 years. And, you know, we'd sit and talk about, you know, what he could do, you know, if - if he wouldn't do the alcohol and he'd be so much of a better person." (Hearing Transcript pages 64-65.)

Mr. Bonnie knew Bill Leary was involved with the Lawyers Assistance Program<sup>1</sup> and is familiar with the work it does. He recalls discussing Mr. Dobbins' problems with him on several occasions and Mr. Bonnie suggested the JLAP program might be something that would help Mr. Dobbins.

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<sup>1</sup> Lawyers Assistance Program was the predecessor of the Judges and Lawyers Assistance Program.

Mr. Bonnie took over some of Mr. Dobbins' cases when he was suspended from the practice of law. Mr. Bonnie acknowledged that Mr. Dobbins never came to him to ask about alcohol, rather Mr. Bonnie shared his experiences with Mr. Dobbins.

Asked whether he believes Mr. Dobbins "has" or "had" an alcohol problem, Mr. Bonnie replied: "I don't know – I can't say if a man has an alcohol problem. I can only let that be his decision." (Hearing Transcript page 73.)

Mr. Bonnie testified that he never witnessed Mr. Dobbins come to his office impaired in any manner and has never seen him impaired. Pressed on what he bases his understanding on that Mr. Dobbins has an alcohol problem, Mr. Bonnie states he discussed that with Mr. Dobbins in their talks (Haring Transcript, page 72); the newspaper (Hearing Transcript page 74,); and through other folks talking about it from observation (Hearing Transcript page 76.)

**Mr. Terry Irby**

Mr. Terry Irby was called as a witness by Applicant. Mr. Irby is an attorney who has been practicing law for 42 years. He has known Mr. Dobbins since the fall of 1990. When Mr. Dobbins was just out of law school, Mr. Irby was a prosecutor at the prosecutor's office. He has worked with Mr. Dobbins numerous times and considers Mr. Dobbins a fine friend of his.

Mr. Irby stated he has seen Mr. Dobbins have a drink but has never seen him impaired. He acknowledged that he never knew Mr. Dobbins had gotten a DWI.

Mr. Irby has observed Mr. Dobbins with clients and in his opinion, Mr. Dobbins has a great relationship with most of his clients. Mr. Irby's opinion is that Mr. Dobbins is an ethical man and would agree he has the integrity to return to the practice of law. Mr. Irby believes it would be a disservice to the community if Mr. Dobbins was not allowed to practice law.

**Ms. Christine Sparrow**

Ms. Christine Sparrow was called to testify by Applicant. Ms. Sparrow is currently an administrative assistant/secretary to attorney Jarvis Antwine. She worked for Mr. Dobbins for 27 years prior to his suspension.

Ms. Sparrow testified Mr. Dobbins would very rarely not come to the office and would come a lot of times even if sick. Mr. Dobbins never came to the office when she felt he was impaired or under the influence of anything.

Mr. Dobbins was always professional with his clients. She observed that some clients will never be pleased no matter what work you put into it, but overall the majority of his clients were pleased with his work.

**Mr. Donald R. Dobbins, Applicant**

Mr. Dobbins testified that he is from Evergreen, a rural community outside of Bunkie, Louisiana. He was the first of his family to attend college, Southern University, and first to attend law school, graduating in 1989. He began his legal career working as a paralegal with the Attorney General's Office, where for a year and a half he worked on prisoners' suits. After that he worked at Gail McKay's personal injury office.

After passing the bar in 1991, he moved into Murphy Bell's building, who he says taught him a lot of things. Mr. Dobbins estimates he has handled 5,000 cases over his career. He had 374 claimants in the Ingram Barge litigation involving a benzene leak from a barge in the mid 1990s. He also recalls having 248 claimants in the Reddy Ice ammonia leak litigation in south Baton Rouge. He has handled civil and criminal matters for 29 years, so has many clients and tried many cases.

Mr. Dobbins acknowledged that sometimes it doesn't matter what you do for a client, it's not going to be enough. He was familiar with the Louisiana State Bar Association fee dispute service which he has had to do in his career on two or three occasions.

Mr. Dobbins identified the exhibits introduced on his behalf to help satisfy the requirements of Rule 19, Section 24 for reinstatement. See Exhibits introduced by both ODC and Applicant listed above. Included in those exhibits introduced were the *in globo* exhibits of letters sent to clients notifying them of his suspension and notices to opposing counsel in those cases. He testified he withdrew from all cases and returned fees paid in advance that had not been earned at that point.

Mr. Dobbins testified he has not engaged in the practice of law or undertaken any legal matters since his suspension.

Mr. Dobbins testified he mailed his Petition for Reinstatement on September 8, and it was filed on September 15, 2022, which was within the six months of the expiration of his suspension. He received confirmation that it had been received and filed by the Louisiana Attorney Disciplinary Board (Exhibit A-10). He testified he also filed his application with the Disciplinary Counsel. He published his notice in the Bar Journal (Exhibit A-11a and b) and the Advocate (Exhibit A-12), all as required by Rule 19, Section 24.

Mr. Dobbins testified he has complied with all conditions of his prior disciplinary orders. He stated he has never been diagnosed with an alcohol problem and has never been ordered by the board or the Court to undergo treatment for alcohol abuse.

Mr. Dobbins discussed his sessions with Mr. Williams as an evaluation and testified that if Mr. Williams had referred him or stated that he needed further treatment, Mr. Dobbins would have attended JLAP:

If -- if Mr. Williams would have diagnosed me with alcohol abuse diagnosis, I don't think I would have had a choice, based on the way that rule is written. But as I stated earlier, that rule states, "if", and that's at the time of suspension. Okay? I was arrested in 2010, the first time. That's 13 years ago. I was arrested in 2016. That was seven years ago. I wasn't suspended until May the 13th, 2021. At which time, no one could -- could testify or say that I had any type of abuse issues. I've never had any type of abuse issues. (Hearing Transcript page 152.)

Mr. Dobbins testified he has satisfied all of his CLE requirements, paid his Bar dues, Louisiana Disciplinary assessments and disciplinary costs and submitted copies of those with his Application. He believes he has met all the requirements necessary for reinstatement under the rules.

Mr. Dobbins and gave a sworn statement to the ODC on November 16, 2022. He does not believe doing so was required, but thought it was in his best interest to cooperate when asked to do so. He discussed additional information and items he was asked to produce, which were outside of the 60 day period for the ODC to provide notice of its position on his application. From the testimony, it appears Mr. Dobbins cooperated and complied with the requests for additional information.

#### **LAW AND FINDINGS OF FACT**

The rules governing reinstatement following suspension are governed by Louisiana Supreme Court Rule XIX, Section 24. Section 24(E), which set forth the substantive criteria for reinstatement as follows:

- E1. "The lawyer has fully complied with the terms and conditions of all prior discipline orders, except to the extent that they are abated under section 25."
- E2. "The lawyer has not engaged nor attempted to engage in the unauthorized practice of law during the period of suspension or disbarment."
- E3. "If the lawyer was suffering under a physical or mental disability or infirmity at the time of suspension or disbarment, including alcohol or other drug

abuse, the disability or infirmity has been removed. Where alcohol or other drug abuse was a causative factor in the lawyer's misconduct, the lawyer shall not be reinstated or readmitted unless all three conditions noted below are met:

(a) the lawyer has pursued and complied with the treatment recommendations of the Judge's and Lawyer's Assistance Program ("JLAP") and has complied with the conditions of the monitoring contract;

(b) the lawyer has offered evidence of sustained abstinence from addictive substances or processes and/or has offered evidence of compliance with recommended healthcare regimen prescribed by provider(s) that meet JLAP standards; and

(c) A health care provider or team of providers that meets JLAP standards who has been involved with the care of the lawyer indicates in writing that the lawyer's prognosis is sufficiently good to predict that the lawyer will continue to manage any condition or disability effectively.

E4. "The lawyer recognizes the wrongfulness and seriousness of his conduct for which the lawyer was suspended or disbarred."

E5. "The lawyer has not engaged in any other professional misconduct since suspension or disbarment."

E6. "Notwithstanding the conduct for which the lawyer was disciplined, the lawyer has the requisite, honesty and integrity to practice law."

E7. "The lawyer has kept informed about recent developments in the law and is competent to practice and has satisfied MCLE requirements for the year of reinstatement or readmission even if the lawyer seeking reinstatement or readmission is exempt from satisfying MCLE requirements because of age."

E8. "The lawyer has paid to the Louisiana State Bar Association currently owed bar dues."

E9. "The lawyer has paid all filing fees owed to the Clerk of Court and all disciplinary costs to the Disciplinary Board. In the event the lawyer has executed a payment plan with the Disciplinary Board for these costs, the lawyer must be current on all payments in order to qualify to petition for reinstatement or readmission."

E10. “The lawyer has paid to the Disciplinary Board currently owed disciplinary administration and enforcement fees required under Section 8 (A) of this rule and has filed the registration statement required under Section 8 (c) of this rule.”

E11. “The lawyer shall obtain a certification from the Client Assistance Fund that no payments have been made by the Fund to any of the lawyer’s clients. To the extent that Client Assistance Funds have been paid to qualifying clients, the lawyer shall obtain a certification from the Fund that the Fund has been reimbursed in its entirety, or alternatively, that a payment plan is in effect which will result in reimbursement to the Fund. In the event the lawyer has executed a payment plan with the Fund for these costs, the lawyer must be current on all payments in order to qualify to petition for reinstatement or readmission.”

**Section 24 E (1)**

The very first provision of Section 24(E) of Louisiana Supreme Court Rule XIX, provides as follows: E1. “The lawyer has fully complied with the terms and conditions of all prior discipline orders, except to the extent that they are abated under section 25.” The Court’s ruling in *Dobbins II* is a prior discipline order, and that decision sets forth specific conditions for Mr. Dobbins’ reinstatement. It was incumbent upon Mr. Dobbins to make sure those conditions were met prior to filing his application.

From the testimony and the evidence submitted by both ODC and Mr. Dobbins, the applicant, there are two shortfalls in the application in this specific instance, as identified and discussed below.

**Alcohol abuse questions**

In its review of Mr. Dobbins’ application for reinstatement, the Hearing Committee is cognizant of the Court’s decision in *Dobbins II*. That decision, which suspended Mr. Dobbins from the practice of law for three years, was based on two counts of misconduct, one of which specifically involved alcohol abuse. In its ruling, the Court stated “The record in this matter

supports a finding that respondent has been arrested for DWI on multiple occasions”. Exhibit ODC 1(g), *Dobbins II* at p. 9.

The Court’s ruling went on to state as follows: “Before any application for reinstatement will be considered, respondent shall be required to show full compliance with all requirements of Supreme Court Rule XIX, Sec. 24, including a showing under subsection E(3) that any alcohol abuse issues have been addressed.” (Exhibit ODC 1(g), *Dobbins II* at p. 10.) (Emphasis added.)

Despite the specific language in the Court’s ruling, Mr. Dobbins’ position is that a showing under subsection E(3) is not required for his readmission.

Subsection E(3) of Rule 19, Section 24, specifically provides as follows:

E3. If the lawyer was suffering under a physical or mental disability or infirmity at the time of suspension or disbarment, including alcohol or other drug abuse, the disability or infirmity has been removed. Where alcohol or other drug abuse was a causative factor in the lawyer's misconduct, the lawyer shall not be reinstated or readmitted unless all three conditions noted below are met:

- (a) the lawyer has pursued and complied with the treatment recommendations of the Judge's and Lawyer's Assistance Program ("JLAP") and has complied with the conditions of the monitoring contract;
- (b) the lawyer has offered evidence of sustained abstinence from addictive substances or processes and/or has offered evidence of compliance with recommended healthcare regimen prescribed by provider(s) that meet JLAP standards; and
- (c) A health care provider or team of providers that meets JLAP standards who has been involved with the care of the lawyer indicates in writing that the lawyer's prognosis is sufficiently good to predict that the lawyer will continue to manage any condition or disability effectively.



Mr. Dobbins' position that the provisions of Supreme Court Rule 19, Section 24(e)(3) do not apply to him are based upon his assertion that a) he was not and is not suffering from any alcohol issues and b) was not suffering from any alcohol issues at the time the Court's decision was issued in 2021, years after his last DWI arrest. He relies on the first sentence of this provision arguing that the rule only applies "If the lawyer was suffering under a physical or mental disability or infirmity at the time of suspension or disbarment ...".

The Committee viewed Mr. Dobbins' interpretation of the Court's decision, and the instructions the Court provided therein, as disingenuous. Reading the Court's decision in *Dobbins II*, including its findings of multiple DWI arrests, it was clear the Court had determined an alcohol issue was present. The second sentence in E(3) states: "Where alcohol or other drug abuse was a causative factor in the lawyer's misconduct, the lawyer shall not be reinstated or readmitted unless all three conditions noted below are met:..."

It is the Committee's view that the Court intended the provisions of Supreme Court Rule 19, Section 24 E(3) to be applicable to Mr. Dobbins' reinstatement application and therefore its terms must be met prior to Mr. Dobbins reinstatement.

While there is no debate that Mr. Williams is an able and well qualified counselor, it doesn't appear from the record that Mr. Williams was provided all the necessary facts to make a complete and accurate assessment or evaluation of Mr. Dobbins. Mr. Williams himself qualified his opinions rendered in this matter as being based on the information he had before him. He admitted he did not have the arrest records for any of Mr. Dobbins' DWIs, did not have any of the Court's prior discipline decisions, or any prior evaluations or possible recommendation for an inpatient evaluation. Mr. Williams acknowledged that all of these items would be relevant to his evaluation of Mr. Dobbins. For these reasons, it was determined that the evaluation of Mr. Dobbins by Mr.

Williams does not rise to the standard contemplated and imposed by the Court to prove any alcohol issues have been resolved prior to Mr. Dobbins' reinstatement.

**Unearned fees.**

In *Dobbins II*, a \$2,500 up-front payment was made by Mr. Norris to Mr. Dobbins for legal work Mr. Dobbins was to perform. Whether any part of that fee was unearned was one of the issues in that proceeding. Upon hearing the testimony and evidence, the Hearing Committee in *Dobbins II* recommended Mr. Dobbins be ordered to make restitution to Mr. Norris for any unearned fees. The Board's recommendation was that Mr. Dobbins be ordered to provide Mr. Norris with an accounting and a refund of any unearned fees, and the Court's decision required Mr. Dobbins to "make full restitution of all unearned fees." (Exhibit ODC 1(g), *Dobbins II* at page 10).

Although it has been Mr. Dobbins' position that he earned the entire fee charged, that issue has not been resolved with his former client, Mr. Norris. As Mr. Dobbins testified: "I had no unearned fees. There's no unearned fees, that's --- that's what I'm saying to you, that I'll be more than happy to go into a fee dispute with Mr. Norris." (Hearing Transcript page 190.) Mr. Dobbins testified he has attempted to communicate his willingness to conduct a fee arbitration with Mr. Norris, however the letter he references, attached as ODC 2(i), sent to Mr. Norris on July 30, 2021, states as follows: "Dear Mr. Norris. Please be advised that your previous balance has been discounted and forgiven, leaving a \$0.00 balance pertaining to your representation by my office. I hope all is well with you and wish you well in future endeavors. With Kindest regards, I am Sincerely yours, Donald R. Dobbins." (Exhibit ODC 2(i))

Questioned by the Committee's public member as to why he didn't pursue this and try to get it settled, Mr. Dobbins explained that "was one of the reasons I sent him the letter. because I

wanted to – I wanted to get a feel for where he was. And if he had sent me back something saying, no, I – you know, I still want all my money back, I was going to contact Louisiana State Bar Association and set up a fee agreement with Mr. Norris.” (Hearing Transcript pages 224-225)

Asked when he saw Mr. Norris’ objection to his reinstatement application, did he not think he needed to pursue this and try to get it cleared up as soon as possible, Mr. Dobbins explained “it would definitely be something that I would state – that I would state to this committee, my willingness to do that, to let them know that – let ya’ll know that – if I owe Mr. Norris some money and – and the committee says that I owe him some honey, I’ll give him whatever money they say I owe him.” (Hearing Transcript pages 226-227.)

Based on the record, the Committee finds the fee dispute issue remains outstanding, and that item set forth in the Court’s decision for his reinstatement has not been met. Accordingly, Mr. Dobbins has not met his burden with regard to 24E (1).

**Section 24E (2)**

Mr. Dobbins demonstrated that he has not engaged or attempted to engage in the unauthorized practice of law during his suspension. Accordingly, Mr. Dobbins has met his burden with regard to 24E (2).

**Section 24E (3)**

For the reasons set forth in the discussion of 24E (1), Mr. Dobbins has not met his burden with regard to 24E (3).

**Section 24E (4)**

Contrary to the findings by the Committee, the Board and the Court in *Dobbins II* that the evidence submitted was sufficient to establish Mr. Dobbins had alcohol related issues that led to his suspension, Mr. Dobbins maintains his innocence and reiterates that he has never been

convicted and denies having any alcohol issues. It did not appear from his testimony that Mr. Dobbins acknowledges any wrongdoing on his part. Accordingly, Mr. Dobbins has not met his burden with regard to 24E (4).

**Section 24E (5) through (11)**

Mr. Dobbins presented testimony and/or documentary evidence that he met the provision of Section 24E (5) through subsection (11). Accordingly, Mr. Dobbins has met his burden with regard to these criteria.

**RECOMMENDATION**


As set forth above, the Committee finds the Applicant's application deficient in that he has not met all the requirements set forth by the Supreme Court for reinstatement, specifically 24E (1, 3, and 4). Additionally, the Committee finds that Applicant has not presented good and sufficient reason why he should nevertheless be reinstated. Accordingly, the Committee recommends that the petition for reinstatement be denied. The Committee also recommends that Petitioner be assessed with the costs and expenses of this 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 the chair to sign on their behalf.

Baton Rouge, Louisiana, this 16th day of March, 2023.

**Louisiana Attorney Disciplinary Board  
Hearing Committee # 1**

**H. Price Mounger, Committee Chair  
Ron C. Henderson, Lawyer Member  
Shelby F. Guidry, Public Member**

BY:   
**H. Price Mounger, Committee Chair  
FOR THE COMMITTEE**