

Original

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: ROBERT L. BONNAFFONS

NUMBER 99-DB-021

FILED
DISCIPLINARY BOARD

Date June 30, 1999
Clerk: H. Armat

RULING OF THE DISCIPLINARY BOARD

This is a disciplinary proceeding based on the filing of a petition for consent discipline before formal charges by Robert L. Bonnaffons of New Orleans, Louisiana.

PROCEDURAL HISTORY

On March 30, 1999, Respondent filed a petition for consent discipline for violating Rule 3.5(c)(engaging in conduct disruptive of a tribunal), prior to the filing of formal charges. Respondent seeks a public reprimand for this single act of misconduct. The Office of Disciplinary Counsel concurred in the proposed discipline on the same date.

A panel of the Disciplinary Board reviewed this matter on April 29, 1999. Chief Counsel Charles B. Plattsmier represented the Office of Disciplinary Counsel, and Respondent appeared with his attorney, Scott E. Delacroix.

FACTUAL BACKGROUND

The facts giving rise to this consent discipline were previously seen by the Board in *In re: Estiverne*, 96-DB-060. Respondent came to attorney Nicholas Estiverne's office on August 24, 1995 in order to conduct depositions of Mr. Estiverne's client and her sister in a personal injury case involving Respondent's client. During the deposition, Mr. Estiverne and Respondent became engaged in a dispute. An argument ensued and Mr. Estiverne accused Respondent of "leaning towards" making racial comments. Respondent stated that he had no intention of making racial remarks, but that if Mr. Estiverne continued to accuse him of making such remarks that the two of them should

perhaps "step outside." Respondent then cancelled the second deposition and both attorneys dictated a proces verbal. Mr. Estiverne left the room and Respondent prepared to leave. Mr. Estiverne then reappeared and threatened Respondent with a handgun.¹

APPLICATION OF FACTORS CONSIDERED IN IMPOSING SANCTIONS

Louisiana Supreme Court Rule XIX §10(C) states that in imposing a sanction after a finding of lawyer misconduct, the court or board 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 actual or potential injury caused by the lawyer's misconduct; and
- (4) the existence of any aggravating or mitigating factors.

The Board finds that Respondent has violated duties owed to the legal system, the profession and the public, has engaged in knowing misconduct and that a public reprimand is the appropriate sanction. In consent disciplines, the Board may reject proposed discipline as too lenient, but when Respondent and disciplinary counsel have agreed that a violation has occurred, it may not reject consent discipline claiming that there was no violation. *See In re: Lieberman*, 95-2628 (La. 6/7/96); 675 So.2d 272.

The Board does not find any aggravating circumstances to be present. The Board does find, however, the presence of the following A.B.A. Standard §9.32 mitigating factors: no prior disciplinary record;; lack of a selfish or dishonest motive; remorse; and cooperative attitude towards the disciplinary process.


¹ The Board recommended that Estiverne be suspended for one year, with all but sixty days deferred, and, as a condition of his suspension, he undergo a psychological examination with a report submitted prior to his reinstatement. The Board also recommended that Estiverne be placed on probation for the deferred portion of his suspension and that, as a condition of his probation, he undergo counseling.

RULING

Accordingly, the Disciplinary Board orders that Respondent, Robert L. Bonnaffons, receive a public reprimand and further orders that Respondent be assessed with all costs and expenses of these proceedings, with legal interest to commence running thirty days from the date of finality this Order until paid.

LOUISIANA ATTORNEY DISCIPLINARY BOARD

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By: 
REGINALD R. BROWN, SR.
FOR THE ADJUDICATIVE COMMITTEE

Robert E. Leake, Jr. - Recused.