

**ORIGINAL**

<b>FILED</b>	
<b>DISCIPLINARY BOARD</b>	
Date:	August 9, 2011
Clerk:	C. Martin

**LOUISIANA ATTORNEY DISCIPLINARY BOARD**

**IN RE: DEREK TERRELL RUSS**

**NUMBER: 10-DB-014**

**RULING OF THE LOUISIANA ATTORNEY DISCIPLINARY BOARD**

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This is a disciplinary proceeding based on the filing of formal charges against Derek Terrell Russ ("Respondent") by the Office of Disciplinary Counsel ("ODC"). The charges are based upon Respondent notarizing certain documents and attesting to the authenticity of signatures that he did not actually witness, knowing that these documents would be recorded in judicial proceedings. The Hearing Committee found that Respondent violated Rules of Professional Conduct 5.5(a)<sup>1</sup>, 8.4(a), 8.4(c), and 8.4(d)<sup>2</sup> and recommended a public reprimand as the appropriate sanction under the circumstances.

For the reasons stated below, the Disciplinary Board ("Board") adopts the factual findings and legal conclusions of the Hearing Committee with regard to the formal charges. The Board also adopts the Committee's recommended sanction of public reprimand. In addition, the Board orders that Respondent attend the Louisiana Bar Association Ethics School and he be assessed with all costs associated with these disciplinary proceedings.

<sup>1</sup> Rule 5.5. Unauthorized Practice of Law

- (a) A lawyer shall not practice law in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

<sup>2</sup> Rule 8.4. Misconduct

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;

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- (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) Engage in conduct that is prejudicial to the administration of justice;

## **PROCEDURAL HISTORY**

Formal charges, consisting of one count, were filed by ODC against Respondent on March 10, 2010. In the charges, ODC alleges that Respondent violated Rule 5.5(a) and Rules 8.4(a), 8.4(c), and 8.4(d) of the Rules of Professional Conduct when he notarized petitions filed on behalf of Katrina victims by a non-attorney and notarized affidavits of said victims outside of their presence. The formal charges were served upon Respondent via certified mail at his primary registration address on July 13, 2010.

On August 6, 2010, Ernest L. Jones enrolled as counsel of record and filed an answer to the formal charges on behalf of Respondent. In the answer, Respondent admitted to certain factual allegations in the formal charges but denied others.

The Board Administrator set the matter for hearing on November 23, 2010 before Hearing Committee No. 55 ("Committee"). ODC filed a Pre-hearing Memorandum on December 3, 2010 in which it requested a more lenient sanction than the misconduct would otherwise warrant because of the significant mitigating factors weighing heavily in Respondent's favor. These mitigating factors include Respondent's inexperience in the practice of law, the altruistic motive with which he engaged in the misconduct, and his full and free disclosure and cooperative attitude toward the proceedings. In light of these factors, ODC recommended a suspension of short duration, six to nine months, with most or all deferred.

Respondent did not file a Pre-hearing Memorandum. However, Respondent prepared a Stipulation in which he admitted the allegations and Rule violations contained in the formal charges. This Stipulation was later introduced by ODC as a Joint Stipulation of the parties.

After a brief continuance, the matter was ultimately heard on December 9, 2010. Deputy Disciplinary Counsel, Eric R. McClendon, appeared on behalf of ODC. Respondent and his

counsel, Mr. Jones, also appeared. At the hearing, Respondent and ODC introduced the Joint Stipulation into the record. In addition to stipulating to all of the allegations and Rule violations in the formal charges, the Respondent acquiesced to the admissibility into evidence of the “attachments that accompanied the complaint.” These were admitted into the record as Exhibits ODC-A, B, and C. The hearing was allowed to proceed for the sole purpose of presenting evidence in mitigation. At the conclusion of the hearing, the record was held open for an additional 30 days to allow Respondent to file a post-hearing memorandum and an additional 15 days to allow ODC to file same. Neither Respondent nor ODC filed a post-hearing memorandum.

The Committee issued its report on March 3, 2011. Based on the Joint Stipulation of the parties, the Committee concluded that Respondent violated the Rules of Professional Conduct as charged. Having found misconduct, the Committee recommended that Respondent be sanctioned with a public reprimand and that he be assessed with the costs of the disciplinary proceedings.

The matter was set for oral argument before Panel “A” of the Disciplinary Board on May 19, 2011. Deputy Disciplinary Counsel, Eric R. McClendon, appeared on behalf of ODC. Respondent and his counsel, Mr. Jones, also appeared.

### **FORMAL CHARGES**

The formal charges, which were filed on March 10, 2010, read, in pertinent part, as follows:

#### **COUNT I**

A public adjustor named S. Roy Ellison filed several suits on behalf of individuals seeking insurance proceeds with respect to Hurricane Katrina. Mr. Ellison is not an attorney and licensed member of the State Bar of Louisiana. Mr. Ellison filed the

following four suits in Civil District Court for the Parish of Orleans:

1. Kenneth Brigalia and Andrea Brigalia vs. Allstate Insurance Company, Docket No. 07-11874;
2. Melba Venison vs. Allstate Insurance Company, Docket No. 0711877;
3. Maria Cloter vs. St. Paul Travelers Insurance Company, Docket No. 07-11880; and
4. Sheletia Cambell vs. Allstate Insurance Company, Docket No. 2007-11883.

In each of the four cases, Mr. Ellison signed the petition. No attorney signed the petition. In each of the cases, Mr. Ellison executed an affidavit stating that he was the petitioner in the petition and that the facts were true and correct to the best of his information, knowledge, and belief. Respondent, Derek Terrell Russ, Louisiana Bar No. 29667, notarized Mr. Ellison's signature on the affidavits. In three of the suits filed by Mr. Ellison, numbers 1, 2, and 3 above, Respondent notarized a Power of Attorney and Declaration of Representative empowering Mr. Ellison to act on behalf of Mr. Ellison's clients.

Respondent notarized these documents without witnessing the parties sign in his presence.

Respondent admitted the forgoing facts at his Sworn Statement taken April 21, 2008 at the Office of Disciplinary Counsel in Baton Rouge.

By his acts and omissions, Respondent has violated the Rules of Professional Conduct 5.5(a), aiding another in the unauthorized practice of law; 8.4(a), violating the Rules of Professional Conduct; 8.4(c), engaging in conduct involving misrepresentation; and 8.4(d), engaging in conduct prejudicial to the administration of justice.

#### **THE PARTIES' JOINT STIPULATION OF FACTS**

On December 8, 2010, Respondent executed a Stipulation that ODC introduced into the record as a Joint Stipulation. The Joint Stipulation reads as follows:

1. Respondent stipulates to and admits the allegations of the Formal Charges as written;

2. Respondent was admitted to the State Bar of Louisiana on April 22, 2005;
3. Respondent has no prior discipline;
4. Respondent was an inexperienced member of the Bar at the time of the misconduct in and about March 2006 and June – August 2007;
5. Respondent notarized the signature of S. Roy Ellison, a non-lawyer, who personally appeared before him;
6. Kenneth Brigalia, Andrea Brigalia, Melba Venison, Maria Cloter, and Sheletia Campbell, whose signatures Respondent notarized, were not known by Respondent, did not appear before Respondent, and did not affix their signatures in Respondent's presence;
7. The documents notarized by Respondent and containing the signatures of S. Roy Ellison, Kenneth Brigalia, Andrea Brigalia, Melba Venison, Maria Cloter, and Sheletia Campbell by Respondent were filed in Orleans Civil District Court in the respective records of:
  - a. Kenneth Brigalia and Andrea Brigalia vs. Allstate Insurance Company, Docket No. 07-11874;
  - b. Melba Venison vs. Allstate Insurance Company, Docket No. 07-11877;
  - c. Maria Cloter vs. St. Paul Travelers Insurance Company, Docket No. 07-11880; and
  - d. Sheletia Campbell vs. Allstate Insurance Company, Docket No. 2007-11883;
8. Respondent stipulates that the Complaint filed against him in this matter, along with the attachments that accompanied the complaint, Respondent's written answer to the complaint dated March 3, 2008, and the transcript of Respondent's sworn statement taken April 21, 2008, are admissible into evidence without objection; and
9. Respondent's conduct as stipulated herein constitutes violations of Rule 5.5(a) - aiding another in the unauthorized practice of law, and Rule 8.4(a, c, and d) - engaging in conduct in violation of the Rules of Professional Conduct, engaging in conduct involving dishonest, fraud, deceit or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice.

## THE HEARING COMMITTEE'S REPORT

As noted above, the Committee issued its report on March 3, 2011. While the Committee adopted the facts set forth in the Joint Stipulation, it made some additional, independent findings of fact. These facts are reproduced in pertinent part as follows:

### FINDINGS OF FACT

Respondent was employed as a law clerk in First City Court during the summer of 2005. This was his first job as an attorney, having been admitted to the bar approximately three months earlier. He was hired a few days prior to Hurricane Katrina. He evacuated to Dallas where he tried to figure out what his next step would be. He returned to his job in New Orleans with First City Court in April 2006. In this position, he was routinely called upon to notarize *in forma pauperis* affidavits for plaintiffs. He was instructed, presumably by Judge Spears, to assist people in filling out these forms and to notarize them. Respondent held this job for approximately 15 months before the conduct giving rise to these proceedings occurred.

All four lawsuits filed by S. Roy Ellison, a public adjuster, alleged claims against insurance companies for damages by the plaintiffs in Hurricane Katrina. All were filed in August or September of 2007. While one of the documents notarized by Respondent—the “Power of Attorney and Declaration of Representative of Kenneth and Andrea H. Brigalia”—has a confusion of dates (March 30, 2005 and March 30, 2006), it seems likely that Respondent actually signed the document in or about August of 2007 when the Brigalia Petition and the Certificate of Service were signed and filed. The “March 2005” date is also likely to be wrong because Respondent had not then been admitted to the Bar or employed by First City Court; the “March 2006” date is also likely to be wrong because Respondent had not then been re-employed by the Court following his evacuation from Katrina.

Based upon the findings and the facts set forth in the joint stipulation, the Committee determined that Respondent violated Rule 8.4(d) by notarizing affidavits and declarations of affiants who were not physically present, knowing that the documents would be filed into the

judicial record.<sup>3</sup> Such conduct clearly was “prejudicial to the administration of justice.” The Committee also found that Respondent’s Rule 8.4(d) violation constituted, *ipso facto*, a violation of Rule 8.4(a). However, the Committee was less convinced that Respondent’s conduct constituted a Rule 8.4(c) violation even though he stipulated that it did. The Committee conceded, “[t]o the extent that such conduct might be termed a ‘misrepresentation,’ it may also constitute a Rule 8.4(c) violation, though the purpose of that Rule would seem to be to prohibit intentionally bad acts. The Committee does not believe that Respondent intended to manipulate the legal system or produce an improper result.”<sup>4</sup>

In a similar vein, the Committee found that there was insufficient evidence to independently conclude that Respondent violated Rule 5.5(a), despite the presumption created by his stipulations. The Committee noted that there was little in the record to confirm that the unauthorized practice of law occurred. It pointed to a letter in the record from Respondent’s counsel to ODC that addresses this very issue:

We have contacted Mr. Ellison and the office of the District Attorney for the Parish of Orleans, and we have no information which would indicate that anyone—other than the complainant—has deemed Mr. Ellison’s conduct to constitute unauthorized practice. Whatever his conduct, there is no allegation that Mr. Russ acted in concert with him. [Exhibit ODC-B].

Even if Mr. Ellison’s conduct constituted the unauthorized practice of law, the Committee was unable to conclude (absent the Joint Stipulation) “that Respondent’s

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<sup>3</sup> See Exhibit-A: Respondent notarized affidavits submitted by Mr. Ellison with each of the four Petitions filed on behalf of Hurricane Katrina victims Kenneth and Andrea Brigalia, Melba Venison, Maria Cloter, and Shelitia Campbell. Each affidavit attested to Mr. Ellison being the Petitioner and to the allegations of fact in the Petition being true and correct. Respondent also notarized “Power of Attorney and Declaration of Representative” forms for three of these claims empowering Mr. Ellison to act on behalf of Kenneth and Andrea Brigalia, Melba Venison, and Maria Cloter. Respondent did not notarize any such form regarding Shelitia Campbell. Respondent stipulated that he notarized these forms without witnessing the parties sign in his presence.

<sup>4</sup> Report of the Hearing Committee, p. 6.

uncompensated assistance of Mr. Ellison by notarizing the forms violated the Rule.”<sup>5</sup> The Committee found no ill intent on the part of Respondent and cited the following statements made by ODC at the hearing:

Mr. Russ, the Respondent, has been very cooperative with this office. At least he has convinced me in our interactions of his sincerity of the inexperience he had at the time and that he believed he was doing the right thing... [Hearing Transcript, p. 12].

In further addressing the issue of intent, the Committee cited the following remarks from Respondent’s counsel’s closing arguments at the hearing:

I’m not certain that that’s a correct conclusion... aiding in the unauthorized practice... seems to imply a certain degree of knowledge, a certain degree of intent. And certainly that was not the case here. [Hearing Transcript, pp.72-72].

Nevertheless, the Committee acknowledged that the Joint Stipulation in which Respondent admitted to violating all of the Rule violations alleged in the formal charges may be deemed conclusive as a matter of law.

Once the Committee determined that Respondent had engaged in professional misconduct, it undertook consideration of the factors set forth in Rule XIX, Section 10(c). The Committee found that Respondent violated a duty owed to the public, the legal system, and the profession. The Committee also found that Respondent acted intentionally and knowingly, in that he notarized at least some of the affidavits and declarations presented by S. Roy Ellison after he had learned that Mr. Ellison was not an attorney. However, the Committee found that there was no evidence in the record to suggest that any specific member of the public was harmed by Respondent’s conduct.

In determining the appropriate sanction, the Committee relied solely upon the *ABA Standards for Imposing Lawyer Sanctions*.<sup>6</sup> Specifically, the Committee looked to Standard 5.1,

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<sup>5</sup> Report of the Hearing Committee, p. 7.



which deals with failure to maintain personal integrity, and Standard 7.0, which deals with violation of duties owed to the profession.

Next, the Committee considered whether any aggravating or mitigating factors were present as set forth in Standards 9.22 and 9.32. The Committee acknowledged that Respondent notarized various documents over a period of several days; however, it did not find that this constituted a “pattern of misconduct” or “multiple offenses” as envisioned by Standards 9.22(c) and (d). Thus, the Committee found that there were no aggravating factors present.

Conversely, the Committee determined that there were a substantial number of mitigating factors, including: (1) absence of a prior disciplinary record; (2) absence of a dishonest or selfish motive; (3) full and free disclosure to the Disciplinary Board and cooperative attitude towards the proceedings; (4) inexperience in the practice of law; and (5) remorse. The Committee found Respondent to be a very credible witness and believed his explanation that he notarized the documents despite the fact that the affiants were not present based on a concern that the two-year prescriptive period for such claims was about to expire. Furthermore, the Committee found that Respondent exhibited remorse in his testimony, when he stated, “This has been a very humbling experience for me.”<sup>7</sup> Finally, the Committee noted that Respondent did not receive any compensation in return for notarizing the signatures of the litigants or Mr. Ellison.

In summary, the Committee concluded that Respondent violated Rules 8.4(a), 8.4(c) and 8.4(d). The Committee made an independent determination that Rules 8.4(a) and 8.4(d) were violated based upon the evidence and the testimony. The Committee conceded that if the Joint Stipulation is deemed conclusive, then Respondent also violated Rule 8.4(c) by engaging in

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<sup>6</sup> The Committee did not cite any case law regarding sanctions imposed in similar cases.

<sup>7</sup> Hearing Transcript, pp. 31, 33 and 63.

conduct involving misrepresentation. Moreover, the Committee determined that there was insufficient evidence in the record to independently conclude that Respondent violated Rule 5.5(a) but acknowledged that Respondent's admissions in the Joint Stipulation may be deemed conclusive as a matter of law.

After considering the ABA Standards and the substantial mitigating factors, the Committee recommended a public reprimand as the appropriate sanction for Respondent's misconduct.

As noted above, neither party filed an objection to the Committee's report.

## **ANALYSIS**

### **I. The Standard of Review**

The powers and duties of the Disciplinary Board are defined in Section 2 of the Louisiana Supreme Court Rule XIX, Rules for Lawyer Disciplinary Enforcement. Subsection (G)(2)(a) states that the Board is "to perform appellate review functions, consisting of the findings of fact, conclusions of law, and recommendations of hearing committees with respect to formal charges...and prepare and forward to the court its own findings, if any, and recommendations." Inasmuch as the Board is serving in an appellate capacity, the standard of review applied to findings of fact is that of "manifest error." *Arceneaux v. Domingue*, 365 So. 2d 1330 (La. 1978); *Rosell v. ESCO*, 549 So. 2d 840 (La. 1989). The Board conducts a *de novo* review of the hearing committee's application of the Rules of Professional Conduct. *In re Hill*, 90-DB-004.

Here, the Committee was correct in adopting the facts as stipulated by the parties. Moreover, the Committee's independent factual findings are not manifestly erroneous. Therefore, the Board adopts the factual findings of the Committee.

*De novo* review of the Committee's application of the Rules of Professional Conduct indicates that, while the Committee was not necessarily wrong to undertake an independent (*de novo*) review of the record and draw its own conclusions regarding the Rule violations, it was correct in ultimately accepting the parties' joint stipulations to the Rule violations as conclusive. The Court has held that parties in disciplinary proceedings can freely enter into stipulations regarding rule violations, and that effect *must* be given to such stipulations unless they are withdrawn. *In re Gerard N. Torry*, 2010-B-0837 (10/19/10), 48 So.3d 1038 (emphasis added).

Therefore, the sole issue for the Board's consideration is the appropriate sanction for Respondent's misconduct.

## **II. THE APPROPRIATE SANCTION**

### **A. Application of Rule XIX, §10(C) Factors**

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.

Here, Respondent clearly violated his duties owed to the public, the legal system, and the profession when he notarized documents that were signed outside of his presence, knowing they would be filed into the judicial record. While no party appears to have been injured as a result of Respondent's conduct, such misrepresentations affect the integrity and reliability of the public

record. Respondent's actions were part negligent and part knowing,<sup>8</sup> but they were altruistic in nature and void of any dishonest or selfish motive. In fact, the record supports numerous mitigating factors, including: (1) absence of prior disciplinary record; (2) absence of a dishonest or selfish motive; (3) full and free disclosure to the Disciplinary Board and cooperative attitude towards the proceedings; (4) inexperience in the practice of law; and (5) remorse.

#### **B. The ABA Standards and Case Law**

As mentioned above, Standards 5.1 and 7.0 of the *ABA Standards for Imposing Lawyer Sanctions* are relied upon in determining the appropriate sanction in this matter. Standard 5.13 states, "[r]eprimand is generally appropriate when a lawyer knowingly engages in . . . conduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the lawyer's fitness to practice law." Standard 7.2 provides that "[s]uspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system."

Respondent's conduct clearly falls within the ambit of Standards 5.13 and 7.2, which places the baseline sanction for his misconduct between public reprimand and suspension. Even if suspension is considered the appropriate baseline sanction, there are enough mitigating factors to warrant a downward deviation. The Committee did not cite any cases to support its recommendation of public reprimand; however, a review of the applicable case law indicates that it is an appropriate sanction under the circumstances.

There are a number of cases involving attorneys improperly notarizing documents, with sanctions ranging from public reprimand to suspension. One such case, in which the Court imposed suspension, is *In re Landry*, 934 So.2d 694, 2005-1871 (La. 2006). In this case, the

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<sup>8</sup> Respondent acknowledged that he notarized some of the petitions after he learned that Mr. Ellison was not an attorney.

Court imposed a six-month suspension, with all but 30 days deferred, based on the respondent notarizing and then filing into court two affidavits that he knew or should have known contained false information. While the Court found that the respondent was largely negligent with regard to the first affidavit, it found that he notarized the second affidavit even though he knew the affiants lacked the requisite personal knowledge to execute the document. In deciding what sanction to impose, the Court recognized that there were substantial mitigating factors and not one aggravating factor present. *Id.* at 699, 700. One of the mitigating factors was the lack of motive to do harm.<sup>9</sup> The Court reasoned that respondent's actions were intended to expedite the proceedings on behalf of his client where time was of the essence. Similarly, the instant matter lacks a dishonest or selfish motive. Respondent did not benefit in any way from his actions and believed he was assisting plaintiffs in meeting the two-year prescriptive period for their claims. While there are obvious parallels between this case and the present matter, the respondent's conduct in *In re Landry* caused actual harm where none exists here. It should also be noted that both the hearing committee and the board recommended public reprimand in *In re Landry*.

Another case involving improperly notarized documents that did result in public reprimand is *In re Sellers*, 95-2764 (La. 3/15/96); 669 So.2d 1204. In this case, the respondent failed to disclose the existence of a collateral mortgage to a third party and notarized mortgage certificates verifying that the property was free and clear of liens and encumbrances. Because the respondent had no prior discipline and received no monetary benefit from the transaction, the Court ordered public reprimand.

Also relevant are two Board opinions in which public reprimands were imposed for attorneys who improperly notarized documents. The first is *In re Guillory*, 01-DB-047 (Board

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<sup>9</sup> ABA Standards for Imposing Lawyer Sanctions

9.32 Factors which may be considered in mitigation:

(b) Absence of dishonest or selfish motive.

Op. 11/19/02). In this case, the respondent admitted that he notarized an Act of Exchange involving real property that was not signed by all of the owners in his presence. The Board imposed a public reprimand on the respondent, noting that several mitigating factors, including absence of a dishonest or selfish motive, were present.

The second case is *In re Deshotel*, 97-DB-063 (Board Op. 4/8/99). In this case, the respondent notarized and backdated a marriage contract to pre-date the signatories' marriage, knowing that a post-nuptial execution of a marriage contract without court authority was null. The Board found that respondent was sincere, although misguided, in his motives, which were fueled by his affection and loyalty to his client who begged him to help her execute the document. The Board also found numerous mitigating factors to be present, including no history of prior discipline, absence of a dishonest or selfish motive, full and free disclosure and cooperative attitude towards the proceedings, character or reputation, and remorse.

Two consent discipline cases in which the Court ordered public reprimands for improperly notarized documents are also worth mentioning. The first is *In re Davis*, 2009-2815 (La. 2/12/10), 27 So. 3d 272, and the second is *In re Vial*, 2010-0598 (La. 4/16/10), 33 So. 3d 176. While these cases are of limited jurisprudential value, the consent discipline accepted by the Court is consistent with discipline it has imposed for similar misconduct in other proceedings. *In re Davis* involved an act of sale that was notarized by an associate in the respondent's law firm, at his direction, without the respondent having first ascertained the authenticity of the signatures. The conduct resulted in actual harm. In the matter of *In re Vial*, the respondent notarized an act of sale which was signed by the parties outside of her presence. She then witnessed the accompanying mortgage document and filed all the papers into the public record.

Based on the cases highlighted above, an appropriate sanction for Respondent's misconduct is a public reprimand or a short-term suspension with all or most of the term deferred. In light of the numerous mitigating factors, the Board concurs with the Committee that a more lenient sanction is warranted. Accordingly, the Board adopts the Committee's recommendation of public reprimand as the appropriate sanction in this matter.

### **CONCLUSION**

The Board adopts the factual findings of the Committee as well as its findings with respect to mitigating factors. The Board further adopts the Committee's conclusion that Rules 5.5(a) and 8.4(a)(c) and (d) have been violated by Respondent as was stipulated by the parties. Moreover, the Board adopts the sanction recommended by the Committee of public reprimand, because of the significant mitigating factors weighing heavily in Respondent's favor. Finally, the Board orders that Respondent attend the Louisiana State Bar Association Ethics School and that he be assessed with all costs and expenses of these proceedings.

## **RULING**

For the foregoing reasons, the Board hereby rules that Respondent, Derek Terrell Russ, be publicly reprimanded for engaging in professional misconduct. The Board further orders that Respondent attend the Louisiana State Bar Association Ethics School. Additionally, the Board orders that Respondent be assessed with all costs and expenses of these proceedings pursuant to Rule XIX, § 10.1.

## **LOUISIANA ATTORNEY DISCIPLINARY BOARD**

**Carl A. Butler  
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**BY:**

  
**R. LEWIS SMITH, JR.**

**FOR THE ADJUDICATIVE COMMITTEE**