



BEFORE THE BOARD OF DISCIPLINARY APPEALS
Appointed By
THE SUPREME COURT OF TEXAS

IN THE MATTER OF §
SEAN PATRICK MOUNT § **CAUSE NO. 66334**
STATE BAR CARD NO. 24068950 §

JUDGMENT DENYING RECIPROCAL DISCIPLINE

On the 29th day of April, 2022, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner, the Commission for Lawyer Discipline, appeared by attorney and announced ready. Respondent, Sean Patrick Mount, appeared *pro se* and announced ready. All matters of fact and all issues of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals makes the following findings, conclusions, and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Sean Patrick Mount, State Bar Card Number 24068950, is licensed to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about November 7, 2018, a Joint Petition for Consent Discipline Pursuant to Rule XIX, § 20, which includes a Joint Memorandum in Support of Consent Discipline and Joint Stipulations of Facts was filed in the Supreme Court of Louisiana in a matter styled *In Re: Confidential Party*, Docket No. 18-B-1823.
- (3) On or about January 8, 2019, an Order/Per Curiam was entered by the Supreme Court of the State of Louisiana in a matter styled *In Re: Sean P. Mount*, No. 2018-B-1823, which states in pertinent part:

. . . The Office of Disciplinary Counsel (“ODC”) commenced an investigation into respondent’s arrest for driving while intoxicated. Prior

to the filing of formal charges, respondent and the ODC submitted a joint petition for consent discipline, in which the parties stipulated that respondent violated Rule 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer) of the Rules of Professional Conduct. Having reviewed the petition,

IT IS ORDERED that the Petition for Consent Discipline be accepted and that Sean P. Mount, Louisiana Bar Roll number 27584, be and he hereby is suspended from the practice of law for a period of one year and one day. It is further ordered that this suspension shall be deferred in its entirety and that respondent shall be placed on probation for a period to coincide with the term of his diagnostic monitoring agreement with the Judges and Lawyers Assistance Program. Any failure of respondent to comply with the terms of the agreement may be grounds for making the deferred suspension executory, or imposing additional discipline, as appropriate

- (4) Section IV of the Joint Stipulations of Fact contained in the Joint Petition for Consent Discipline Pursuant to Rule XIX, §20, states that the Respondent has violated Rule 8.4(b) of the Rules of Professional Conduct.
- (5) The referenced Louisiana Rules of Professional Conduct provide:
 - 8.4(b) It is professional misconduct for a lawyer to
[c]ommit a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.
- (6) On or about January 8, 2019, an Order/Per Curiam Opinion was entered by the Supreme Court of the State of Louisiana in a matter styled *In Re: Sean P. Mount, No. 2018-B-1823*, accepting the joint petition for consent discipline and suspending Respondent from the practice of law for a period of one year and one day, fully deferred subject to a two-year probationary period to coincide with Respondent's July 23, 2018 agreement to participate in a diagnostic monitoring program with the Louisiana Judges and Lawyers Assistance Program.
- (7) Respondent, Sean Patrick Mount, is the same person as the Sean P. Mount who is the subject of the Order/Per Curiam Opinion issued by the Supreme Court of the State of Louisiana.
- (8) The Order/Per Curiam entered by the Supreme Court of the State of Louisiana is final.
- (9) Respondent testified and provided evidence that he complied with all terms of his criminal probation, and he presented evidence that the conviction giving rise to the underlying discipline in Louisiana, referenced in

paragraph (3) above, was set aside and the prosecution dismissed. He further provided evidence that he complied with all terms of his disciplinary suspension and successfully completed the two years of probation in the disciplinary judgement referenced in paragraph (6), above.

- (10) There is no evidence that the conduct for which Respondent was disciplined in any way relates to his practice of law.
- (11) The Commission cited no instances of attorney discipline being imposed in Texas for conduct similar to that alleged against Respondent.
- (12) In *In re Cardenas*, the Board held that Louisiana Rule of Professional Conduct 8.4(b) and Texas Disciplinary Rule of Professional Conduct 8.04(a)(2) are substantially different. The Board explained:

[The Louisiana] rule allows for discipline of any crime, whether or not the underlying conduct related to the practice of law and making no distinction between misdemeanor and felony.

[The Texas rule] limits criminal acts which result in misconduct to “a serious crime or . . . any other criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects.”

In re Cardenas, BODA Case No. 48983 (Apr. 25, 2012).

- (13) The Board also held that a misdemeanor conviction for domestic abuse battery, “however reprehensible that conduct, does not necessarily render the attorney unfit to practice law.” *Id.* (citing *In re Lock*, 54 S.W.3d 305, 309 (Tex. 2001)).
- (14) Respondent cited *In the Matter of Carl B. Duke, Jr.*, BODA Case No. 65570 (Nov. 2, 2021), in which the Board denied reciprocal discipline, finding that the respondent had established one or more defenses under Texas Rule of Disciplinary Procedure 9.04, where the respondent has been disciplined under Louisiana Rule of Professional Conduct 8.4(b) for offenses related to driving while intoxicated.

Conclusions of Law. Based upon the foregoing findings of facts, the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TEX. RULES DISCIPLINARY P. R. 7.08(H).

- (2) Respondent has proven by clear and convincing evidence one or more of the defenses listed in Texas Rule of Disciplinary Procedure 9.04.
- (3) No reciprocal discipline is warranted in this case. *See* TEX. RULES DISCIPLINARY P. R. 9.04 (“If the Board of Disciplinary Appeals determines that one or more of the foregoing defenses have been established, it shall enter such orders as it deems necessary and appropriate.”).

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that the Petition for Reciprocal Discipline is **DENIED**.

Signed this 6th day of May 2022.

A handwritten signature in blue ink, appearing to read "Kevin H.", is written above a horizontal line.

CHAIR PRESIDING

Board members Jason Boatright and Cindy Tisdale did not participate in this decision.