BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS

IN THE MATTER OF	§	
MICHAEL STEPHEN SEPCICH	§	**CAUSE NO.** 57696
STATE BAR CARD NO. 24056843	§	

PETITION FOR RECIPROCAL DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

Petitioner, the Commission for Lawyer Discipline (hereinafter called "Petitioner"), brings this action against Respondent, Michael Stephen Sepcich, (hereinafter called "Respondent"), showing as follows:

1. This action is commenced by Petitioner pursuant to Part IX of the Texas Rules of Disciplinary Procedure. Petitioner is also providing Respondent a copy of Section 7 of this Board's Internal Procedural Rules, relating to Reciprocal Discipline Matters.

2. Respondent is a member of the State Bar of Texas and is licensed but not currently authorized to practice law in Texas. Respondent may be served with a true and correct copy of this Petition for Reciprocal Discipline at Michael Stephen Sepcich, 1047 Whitetail Drive, Mandeville, Louisiana 70448.

3. On or about May 22, 2015, an Order Per Curium (included in Exhibit 1), was entered by the Supreme Court of the State of Louisiana in a matter styled: *In Re: Michael Stephen Sepcich,* Case No. 2015-B-0709, which states in pertinent part as follows:

> IT IS ORDERED that the Petition for Consent Discipline be accepted and that Michael S. Sepcich, Louisiana Bar Roll number 24877, be and he hereby is disbarred, retroactive to July 9, 2010, the date of his interim suspension. His name shall be stricken from the roll of attorneys and his license to practice law in the State of Louisiana shall be revoked.

4. On or about April 12, 2015, a Joint Motion for Consent Discipline Pursuant to Supreme Court Rule XIX, §20 was filed, which states in pertinent part: Respondent conditionally admits:

> The Respondent is currently the subject of formal charges...which allege that Respondent submitted false billing for work not performed in connection with his representation of clients.
>
> The Respondent conditionally admits his violation of Rule 8.4(c) in exchange for a stated form of discipline, to wit: disbarment.

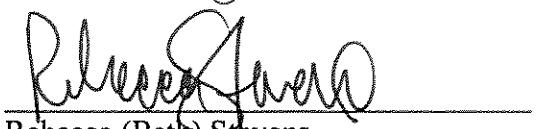
5. A certified copy Petitioner's Exhibit 1, which consists of the Order Per Curium of the Supreme Court of the State of Louisiana which includes a Joint Motion for Consent Discipline Pursuant to Supreme Court Rule XIX, §20, Formal Charges, Joint Stipulation of Fact, Memorandum in Support of Joint Motion for Consent Discipline Pursuant to Supreme Court Rule XIX §20, and a Waiver of Opportunity to Withdraw is attached hereto as and made a part hereof for all intents and purposes as if the same were copied verbatim herein. Petitioner expects to introduce a certified copy of Exhibit 1 at the time of the hearing in this case.

6. Petitioner prays that, pursuant to Rule 9.02, Texas Rules of Disciplinary Procedure, that this Board issue notice to Respondent, containing a copy of this Petition with exhibits, and an order directing Respondent to show cause within thirty (30) days from the date of the mailing of the notice, why the imposition of the identical discipline in this state would be unwarranted. Petitioner further prays that upon trial of this matter that this Board enter a judgment imposing discipline identical with that imposed by the Supreme Court of the State of Louisiana and that Petitioner have such other and further relief to which it may be entitled.

Respectfully submitted,

Linda A. Acevedo
Chief Disciplinary Counsel

Rebecca (Beth) Stevens
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
Telephone: 512.427.1350
Telecopier: 512.427.4167
Email: bstevens@texasbar.com



Rebecca (Beth) Stevens
Bar Card No. 24065381
ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I certify that upon receipt of the Order to Show Cause from the Board of Disciplinary Appeals, I will serve a copy of this Petition for Reciprocal Discipline and the Order to Show Cause on Michael Stephen Sepcich, by personal service.

Michael Stephen Sepcich
1047 Whitetail Drive
Mandeville, Louisiana 70448

Rebecca (Beth) Stevens

INTERNAL PROCEDURAL RULES

Board of Disciplinary Appeals

Effective February 19, 2015

Contents

SECTION 1: GENERAL PROVISIONS

Rule 1.01 Definitions

(a) "BODA" is the Board of Disciplinary Appeals.

(b) "Chair" is the member elected by BODA to serve as chair or, in the Chair's absence, the member elected by BODA to serve as vice-chair.

(c) "Classification" is the determination by the CDC under TRDP 2.10 or by BODA under TRDP 7.08(C) whether a grievance constitutes a "complaint" or an "inquiry."

(d) "BODA Clerk" is the executive director of BODA or other person appointed by BODA to assume all duties normally performed by the clerk of a court.

(e) "CDC" is the Chief Disciplinary Counsel for the State Bar of Texas and his or her assistants.

(f) "Commission" is the Commission for Lawyer Discipline, a permanent committee of the State Bar of Texas.

(g) "Executive Director" is the executive director of BODA.

(h) "Panel" is any three-member grouping of BODA under TRDP 7.05.

(i) "Party" is a Complainant, a Respondent, or the Commission.

(j) "TDRPC" is the Texas Disciplinary Rules of Professional Conduct.

(k) "TRAP" is the Texas Rules of Appellate Procedure.

(l) "TRCP" is the Texas Rules of Civil Procedure.

(m) "TRDP" is the Texas Rules of Disciplinary Procedure.

(n) "TRE" is the Texas Rules of Evidence.

Rule 1.02 General Powers

Under TRDP 7.08, BODA has and may exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining disciplinary proceedings. But TRDP 15.01 applies to the enforcement of a judgment of BODA.

Rule 1.03 Additional Rules in Disciplinary Matters

Except as varied by these rules and to the extent applicable, the TRCP, TRAP, and TRE apply to all disciplinary matters before BODA, except for appeals from classification decisions, which are governed by TRDP 2.10 and by Section 3 of these rules.

Rule 1.04 Appointment of Panels

(a) BODA may consider any matter or motion by panel, except as specified in (b). The Chair may delegate to the Executive Director the duty to appoint a panel for any BODA action. Decisions are made by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting en banc. Nothing in these rules gives a party the right to be heard by BODA sitting en banc.

(b) Any disciplinary matter naming a BODA member as Respondent must be considered by BODA sitting en banc. A disciplinary matter naming a BODA staff member as Respondent need not be heard en banc.

Rule 1.05 Filing of Pleadings, Motions, and Other Papers

(a) **Electronic Filing.** All documents must be filed electronically. Unrepresented persons or those without the means to file electronically may electronically file documents, but it is not required.

(1) **Email Address.** The email address of an attorney or an unrepresented party who electronically files a document must be included on the document.

(2) **Timely Filing.** Documents are filed electronically by emailing the document to the BODA Clerk at the email address designated by BODA

for that purpose. A document filed by email will be considered filed the day that the email is sent. The date sent is the date shown for the message in the inbox of the email account designated for receiving filings. If a document is sent after 5:00 p.m. or on a weekend or holiday officially observed by the State of Texas, it is considered filed the next business day.

(3) It is the responsibility of the party filing a document by email to obtain the correct email address for BODA and to confirm that the document was received by BODA in legible form. Any document that is illegible or that cannot be opened as part of an email attachment will not be considered filed. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from BODA.

(4) **Exceptions.**

(i) An appeal to BODA of a decision by the CDC to classify a grievance as an inquiry is not required to be filed electronically.

(ii) The following documents must not be filed electronically:

a) documents that are filed under seal or subject to a pending motion to seal; and

b) documents to which access is otherwise restricted by court order.

(iii) For good cause, BODA may permit a party to file other documents in paper form in a particular case.

(5) **Format.** An electronically filed document must:

(i) be in text-searchable portable document format (PDF);

(ii) be directly converted to PDF rather than scanned, if possible; and

(iii) not be locked.

(b) A paper will not be deemed filed if it is sent to an individual BODA member or to another address other than the address designated by BODA under Rule 1.05(a)(2).

(c) **Signing.** Each brief, motion, or other paper filed must be signed by at least one attorney for the party or by the party pro se and must give the State Bar of Texas card number, mailing address, telephone number, email address, and fax number, if any, of each attorney whose name is signed or of the party (if applicable). A document is considered signed if the document includes:

(1) an "/s/" and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or

(2) an electronic image or scanned image of the signature.

(d) **Paper Copies.** Unless required by BODA, a party need not file a paper copy of an electronically filed document.

(e) **Service.** Copies of all documents filed by any party other than the record filed by the evidentiary panel clerk or the court reporter must, at or before the time of filing, be served on all other parties as required and authorized by the TRAP.

Rule 1.06 Service of Petition

In any disciplinary proceeding before BODA initiated by service of a petition on the Respondent, the petition may be served by personal service; by certified mail with return receipt requested; or, if permitted by BODA, in any other manner that is authorized by the TRCP and reasonably calculated under all the circumstances to apprise the Respondent of the proceeding and to give him or

her reasonable time to appear and answer. To establish service by certified mail, the return receipt must contain the Respondent's signature.

Rule 1.07 Hearing Setting and Notice

(a) **Original Petitions.** In any kind of case initiated by the CDC's filing a petition or motion with BODA, the CDC may contact the BODA Clerk for the next regularly available hearing date before filing the original petition. If a hearing is set before the petition is filed, the petition must state the date, time, and place of the hearing. Except in the case of a petition to revoke probation under TRDP 2.23, the hearing date must be at least 30 days from the date that the petition is served on the Respondent.

(b) **Expedited Settings.** If a party desires a hearing on a matter on a date earlier than the next regularly available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the request. Unless the parties agree otherwise, and except in the case of a petition to revoke probation under TRDP 2.23, the expedited hearing setting must be at least 30 days from the date of service of the petition, motion, or other pleading. BODA has the sole discretion to grant or deny a request for an expedited hearing date.

(c) **Setting Notices.** BODA must notify the parties of any hearing date that is not noticed in an original petition or motion.

(d) **Announcement Docket.** Attorneys and parties appearing before BODA must confirm their presence and present any questions regarding procedure to the BODA Clerk in the courtroom immediately prior to the time docket call is scheduled to begin. Each party with a matter on the docket must appear at the docket call to give an announcement of readiness, to give a time estimate for the hearing, and to present any preliminary motions or matters. Immediately following the docket call, the Chair will set and announce the order of cases to be heard.

Rule 1.08 Time to Answer

The Respondent may file an answer at any time, except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

Rule 1.09 Pretrial Procedure

(a) Motions.

(1) **Generally.** To request an order or other relief, a party must file a motion supported by sufficient cause with proof of service on all other parties. The motion must state with particularity the grounds on which it is based and set forth the relief sought. All supporting briefs, affidavits, or other documents must be served and filed with the motion. A party may file a response to a motion at any time before BODA rules on the motion or by any deadline set by BODA. Unless otherwise required by these rules or the TRDP, the form of a motion must comply with the TRCP or the TRAP.

(2) **For Extension of Time.** All motions for extension of time in any matter before BODA must be in writing, comply with (a)(1), and specify the following:

(i) if applicable, the date of notice of decision of the evidentiary panel, together with the number and style of the case;

(ii) if an appeal has been perfected, the date when the appeal was perfected;

(iii) the original deadline for filing the item in question;

(iv) the length of time requested for the extension;

(v) the number of extensions of time that have been granted previously regarding the item in question; and

(vi) the facts relied on to reasonably explain the need for an extension.

(b) **Pretrial Scheduling Conference.** Any party may request a pretrial scheduling conference, or BODA on its own motion may require a pretrial scheduling conference.

(c) **Trial Briefs.** In any disciplinary proceeding before BODA, except with leave, all trial briefs and memoranda must be filed with the BODA Clerk no later than ten days before the day of the hearing.

(d) **Hearing Exhibits, Witness Lists, and Exhibits Tendered for Argument.** A party may file a witness list, exhibit, or any other document to be used at a hearing or oral argument before the hearing or argument. A party must bring to the hearing an original and 12 copies of any document that was not filed at least one business day before the hearing. The original and copies must be:

(1) marked;

(2) indexed with the title or description of the item offered as an exhibit; and

(3) if voluminous, bound to lie flat when open and tabbed in accordance with the index.

All documents must be marked and provided to the opposing party before the hearing or argument begins.

Rule 1.10 Decisions

(a) **Notice of Decisions.** The BODA Clerk must give notice of all decisions and opinions to the parties or their attorneys of record.

(b) **Publication of Decisions.** BODA must report judgments or orders of public discipline:

(1) as required by the TRDP; and

(2) on its website for a period of at least ten years following the date of the disciplinary judgment or order.

(c) **A**bstracts of Classification Appeals. BODA may, in its discretion, prepare an abstract of a classification appeal for a public reporting service.

Rule 1.11 Board of Disciplinary Appeals Opinions

(a) BODA may render judgment in any disciplinary matter with or without written opinion. In accordance with TRDP 6.06, all written opinions of BODA are open to the public and must be made available to the public reporting services, print or electronic, for publishing. A majority of the members who participate in considering the disciplinary matter must determine if an opinion will be written. The names of the participating members must be noted on all written opinions of BODA.

(b) Only a BODA member who participated in the decision of a disciplinary matter may file or join in a written opinion concurring in or dissenting from the judgment of BODA. For purposes of this rule, in hearings in which evidence is taken, no member may participate in the decision unless that member was present at the hearing. In all other proceedings, no member may participate unless that member has reviewed the record. Any member of BODA may file a written opinion in connection with the denial of a hearing or rehearing en banc.

(c) A BODA determination in an appeal from a grievance classification decision under TRDP 2.10 is not a judgment for purposes of this rule and may be issued without a written opinion.

Rule 1.12 BODA Work Product and Drafts

A document or record of any nature—regardless of its form, characteristics, or means of transmission—that is created or produced in connection with or related to BODA's adjudicative decision-making process is not subject to disclosure or discovery. This includes documents prepared by any BODA member, BODA staff, or any other person acting on behalf of or at the direction of BODA.

Rule 1.13 Record Retention

Records of appeals from classification decisions must be retained by the BODA Clerk for a period of at least three years from the date of disposition. Records of other disciplinary matters must be retained for a period of at least five years from the date of final judgment, or for at least one year after the date a suspension or disbarment ends, whichever is later. For purposes of this rule, a record is any document, paper, letter, map, book, tape, photograph, film, recording, or other material filed with BODA, regardless of its form, characteristics, or means of transmission.

Rule 1.14 Costs of Reproduction of Records

The BODA Clerk may charge a reasonable amount for the reproduction of nonconfidential records filed with BODA. The fee must be paid in advance to the BODA Clerk.

Rule 1.15 Publication of These Rules

These rules will be published as part of the TDRPC and TRDP.

SECTION 2: ETHICAL CONSIDERATIONS

Rule 2.01 Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases

(a) A current member of BODA must not represent a party or testify voluntarily in a disciplinary action or proceeding. Any BODA member who is subpoenaed or otherwise compelled to appear at a disciplinary action or proceeding, including at a deposition, must promptly notify the BODA Chair.

(b) A current BODA member must not serve as an expert witness on the TDRPC.

(c) A BODA member may represent a party in a legal malpractice case, provided that he or she is later recused in accordance with these rules from any proceeding before BODA arising out of the same facts.

Rule 2.02 Confidentiality

(a) BODA deliberations are confidential, must not be disclosed by BODA members or staff, and are not subject to disclosure or discovery.

(b) Classification appeals, appeals from evidentiary judgments of private reprimand, appeals from an evidentiary judgment dismissing a case, interlocutory appeals or any interim proceedings from an ongoing evidentiary case, and disability cases are confidential under the TRDP. BODA must maintain all records associated with these cases as confidential, subject to disclosure only as provided in the TRDP and these rules.

(c) If a member of BODA is subpoenaed or otherwise compelled by law to testify in any proceeding, the member must not disclose a matter that was discussed in conference in connection with a disciplinary case unless the member is required to do so by a court of competent jurisdiction.

Rule 2.03 Disqualification and Recusal of BODA Members

(a) BODA members are subject to disqualification and recusal as provided in TRCP 18b.

(b) BODA members may, in addition to recusals under (a), voluntarily recuse themselves from any discussion and voting for any reason. The reasons that a BODA member is recused from a case are not subject to discovery.

(c) These rules do not disqualify a lawyer who is a member of, or associated with,

the law firm of a BODA member from serving on a grievance committee or representing a party in a disciplinary proceeding or legal malpractice case. But a BODA member must recuse him- or herself from any matter in which a lawyer who is a member of, or associated with, the BODA member's firm is a party or represents a party.

SECTION 3: CLASSIFICATION APPEALS

Rule 3.01 Notice of Right to Appeal

(a) If a grievance filed by the Complainant under TRDP 2.10 is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in TRDP 2.10 or another applicable rule.

(b) To facilitate the potential filing of an appeal of a grievance classified as an inquiry, the CDC must send the Complainant an appeal notice form, approved by BODA, with the classification disposition. The form must include the docket number of the matter; the deadline for appealing; and information for mailing, faxing, or emailing the appeal notice form to BODA. The appeal notice form must be available in English and Spanish.

Rule 3.02 Record on Appeal

BODA must only consider documents that were filed with the CDC prior to the classification decision. When a notice of appeal from a classification decision has been filed, the CDC must forward to BODA a copy of the grievance and all supporting documentation. If the appeal challenges the classification of an amended grievance, the CDC must also send BODA a copy of the initial grievance, unless it has been destroyed.

SECTION 4: APPEALS FROM EVIDENTIARY PANEL HEARINGS

Rule 4.01 Perfecting Appeal

(a) **Appellate Timetable.** The date that the evidentiary judgment is signed starts the appellate timetable under this section. To make TRDP 2.21 consistent with this requirement, the date that the judgment is signed is the "date of notice" under Rule 2.21.

(b) **Notification of the Evidentiary Judgment.** The clerk of the evidentiary panel must notify the parties of the judgment as set out in TRDP 2.21.

(1) The evidentiary panel clerk must notify the Commission and the Respondent in writing of the judgment. The notice must contain a clear statement that any appeal of the judgment must be filed with BODA within 30 days of the date that the judgment was signed. The notice must include a copy of the judgment rendered.

(2) The evidentiary panel clerk must notify the Complainant that a judgment has been rendered and provide a copy of the judgment, unless the evidentiary panel dismissed the case or imposed a private reprimand. In the case of a dismissal or private reprimand, the evidentiary panel clerk must notify the Complainant of the decision and that the contents of the judgment are confidential. Under TRDP 2.16, no additional information regarding the contents of a judgment of dismissal or private reprimand may be disclosed to the Complainant.

(c) **Filing Notice of Appeal.** An appeal is perfected when a written notice of appeal is filed with BODA. If a notice of appeal and any other accompanying documents are mistakenly filed with the evidentiary panel clerk, the notice is deemed to have been filed the same day with BODA, and the evidentiary panel clerk must immediately send the BODA Clerk a copy of the notice and any accompanying documents.

(d) **Time to File.** In accordance with TRDP 2.24, the notice of appeal must be filed within 30 days after the date the judgment is signed. In the event a motion for new trial or motion to modify the judgment is timely filed with the evidentiary panel, the notice of appeal must be filed with BODA within 90 days from the date the judgment is signed.

(e) **Extension of Time.** A motion for an extension of time to file the notice of appeal must be filed no later than 15 days after the last day allowed for filing the notice of appeal. The motion must comply with Rule 1.09.

Rule 4.02 Record on Appeal

(a) **Contents.** The record on appeal consists of the evidentiary panel clerk's record and, where necessary to the appeal, a reporter's record of the evidentiary panel hearing.

(b) **Stipulation as to Record.** The parties may designate parts of the clerk's record and the reporter's record to be included in the record on appeal by written stipulation filed with the clerk of the evidentiary panel.

(c) **Responsibility for Filing Record.**

(1) Clerk's Record.

(i) After receiving notice that an appeal has been filed, the clerk of the evidentiary panel is responsible for preparing, certifying, and timely filing the clerk's record.

(ii) Unless the parties stipulate otherwise, the clerk's record on appeal must contain the items listed in TRAP 34.5(a) and any other paper on file with the evidentiary panel, including the election letter, all pleadings on which the hearing was held, the docket sheet, the evidentiary panel's charge, any findings of fact and conclusions of law, all other pleadings, the judgment or other orders appealed from, the notice of decision sent to each party, any postsubmission pleadings and briefs, and the notice of appeal.

(iii) If the clerk of the evidentiary panel is unable for any reason to prepare and transmit the clerk's record by the due date, he or she must promptly notify BODA and the parties, explain why the clerk's record cannot be timely filed, and give the date by which he or she expects the clerk's record to be filed.

(2) Reporter's Record.

(i) The court reporter for the evidentiary panel is responsible for timely filing the reporter's record if:

a) a notice of appeal has been filed;

b) a party has requested that all or part of the reporter's record be prepared; and

c) the party requesting all or part of the reporter's record has paid the reporter's fee or has made satisfactory arrangements with the reporter.

(ii) If the court reporter is unable for any reason to prepare and transmit the reporter's record by the due date, he or she must promptly notify BODA and the parties, explain the reasons why the reporter's record cannot be timely filed, and give the date by which he or she expects the reporter's record to be filed.

(d) Preparation of Clerk's Record.

(1) To prepare the clerk's record, the

evidentiary panel clerk must:

(i) gather the documents designated by the parties' written stipulation or, if no stipulation was filed, the documents required under (c)(1)(ii);

(ii) start each document on a new page;

(iii) include the date of filing on each document;

(iv) arrange the documents in chronological order, either by the date of filing or the date of occurrence;

(v) number the pages of the clerk's record in the manner required by (d)(2);

(vi) prepare and include, after the front cover of the clerk's record, a detailed table of contents that complies with (d)(3); and

(vii) certify the clerk's record.

(2) The clerk must start the page numbering on the front cover of the first volume of the clerk's record and continue to number all pages consecutively—including the front and back covers, tables of contents, certification page, and separator pages, if any—until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number at the bottom of each page.

(3) The table of contents must:

(i) identify each document in the entire record (including sealed documents); the date each document was filed; and, except for sealed documents, the page on which each document begins;

(ii) be double-spaced;

(iii) conform to the order in which documents appear in the clerk's record, rather than in alphabetical order;

(iv) contain bookmarks linking each description in the table of contents (except for descriptions of sealed documents) to the page on which the document begins; and

(v) if the record consists of multiple volumes, indicate the page on which each volume begins.

(e) **Electronic Filing of the Clerk's Record.** The evidentiary panel clerk must file the record electronically. When filing a clerk's record in electronic form, the evidentiary panel clerk must:

(1) file each computer file in text-searchable Portable Document Format (PDF);

(2) create electronic bookmarks to mark the first page of each document in the clerk's record;

(3) limit the size of each computer file to 100 MB or less, if possible; and

(4) directly convert, rather than scan, the record to PDF, if possible.

(f) Preparation of the Reporter's Record.

(1) The appellant, at or before the time prescribed for perfecting the appeal, must make a written request for the reporter's record to the court reporter for the evidentiary panel. The request must designate the portion of the evidence and other proceedings to be included. A copy of the request must be filed with the evidentiary panel and BODA and must be served on the appellee. The

reporter's record must be certified by the court reporter for the evidentiary panel.

(2) The court reporter or recorder must prepare and file the reporter's record in accordance with TRAP 34.6 and 35 and the Uniform Format Manual for Texas Reporters' Records.

(3) The court reporter or recorder must file the reporter's record in an electronic format by emailing the document to the email address designated by BODA for that purpose.

(4) The court reporter or recorder must include either a scanned image of any required signature or "/s/" and name typed in the space where the signature would otherwise appear.

(5) A court reporter or recorder must not lock any document that is part of the record.

(6) In exhibit volumes, the court reporter or recorder must create bookmarks to mark the first page of each exhibit document.

(g) **Other Requests.** At any time before the clerk's record is prepared, or within ten days after service of a copy of appellant's request for the reporter's record, any party may file a written designation requesting that additional exhibits and portions of testimony be included in the record. The request must be filed with the evidentiary panel and BODA and must be served on the other party.

(h) **Inaccuracies or Defects.** If the clerk's record is found to be defective or inaccurate, the BODA Clerk must inform the clerk of the evidentiary panel of the defect or inaccuracy and instruct the clerk to make the correction. Any inaccuracies in the reporter's record may be corrected by agreement of the parties without the court reporter's recertification. Any dispute regarding the reporter's record that the parties are unable to resolve by agreement must be resolved by the evidentiary panel.

(i) **Appeal from Private Reprimand.** Under TRDP 2.16, in an appeal from a judgment of private reprimand, BODA must mark the record as confidential, remove the attorney's name from the case style, and take any other steps necessary to preserve the confidentiality of the private reprimand.

Rule 4.03 Time to File Record

(a) **Timetable.** The clerk's record and reporter's record must be filed within 60 days after the date the judgment is signed. If a motion for new trial or motion to modify the judgment is filed with the evidentiary panel, the clerk's record and the reporter's record must be filed within 120 days from the date the original judgment is signed, unless a modified judgment is signed, in which case the clerk's record and the reporter's record must be filed within 60 days of the signing of the modified judgment. Failure to file either the clerk's record or the reporter's record on time does not affect BODA's jurisdiction, but may result in BODA's exercising its discretion to dismiss the appeal, affirm the judgment appealed from, disregard materials filed late, or apply presumptions against the appellant.

(b) **If No Record Filed.**

(1) If the clerk's record or reporter's record has not been timely filed, the BODA Clerk must send notice to the party responsible for filing it, stating that the record is late and requesting that the record be filed within 30 days. The BODA Clerk must send a copy of this notice to all the parties and the clerk of the evidentiary panel.

(2) If no reporter's record is filed due to appellant's fault, and if the clerk's

record has been filed, BODA may, after first giving the appellant notice and a reasonable opportunity to cure, consider and decide those issues or points that do not require a reporter's record for a decision. BODA may do this if no reporter's record has been filed because:

(i) the appellant failed to request a reporter's record; or

(ii) the appellant failed to pay or make arrangements to pay the reporter's fee to prepare the reporter's record, and the appellant is not entitled to proceed without payment of costs.

(c) **Extension of Time to File the Reporter's Record.** When an extension of time is requested for filing the reporter's record, the facts relied on to reasonably explain the need for an extension must be supported by an affidavit of the court reporter. The affidavit must include the court reporter's estimate of the earliest date when the reporter's record will be available for filing.

(d) **Supplemental Record.** If anything material to either party is omitted from the clerk's record or reporter's record, BODA may, on written motion of a party or on its own motion, direct a supplemental record to be certified and transmitted by the clerk for the evidentiary panel or the court reporter for the evidentiary panel.

Rule 4.04 Copies of the Record

The record may not be withdrawn from the custody of the BODA Clerk. Any party may obtain a copy of the record or any designated part thereof by making a written request to the BODA Clerk and paying any charges for reproduction in advance.

Rule 4.05 Requisites of Briefs

(a) **Appellant's Filing Date.** Appellant's brief must be filed within 30 days after the clerk's record or the reporter's record is filed, whichever is later.

(b) **Appellee's Filing Date.** Appellee's brief must be filed within 30 days after the appellant's brief is filed.

(c) **Contents.** Briefs must contain:

(1) a complete list of the names and addresses of all parties to the final decision and their counsel;

(2) a table of contents indicating the subject matter of each issue or point, or group of issues or points, with page references where the discussion of each point relied on may be found;

(3) an index of authorities arranged alphabetically and indicating the pages where the authorities are cited;

(4) a statement of the case containing a brief general statement of the nature of the cause or offense and the result;

(5) a statement, without argument, of the basis of BODA's jurisdiction;

(6) a statement of the issues presented for review or points of error on which the appeal is predicated;

(7) a statement of facts that is without argument, is supported by record references, and details the facts relating to the issues or points relied on in the appeal;

(8) the argument and authorities;

(9) conclusion and prayer for relief;

(10) a certificate of service; and

(11) an appendix of record excerpts pertinent to the issues presented for review.

(d) **Length of Briefs; Contents Included and Excluded.** In calculating the length of a document, every word and every part

of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of the parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of the jurisdiction, signature, proof of service, certificate of compliance, and appendix. Briefs must not exceed 15,000 words if computer-generated, and 50 pages if not, except on leave of BODA. A reply brief must not exceed 7,500 words if computer-generated, and 25 pages if not, except on leave of BODA. A computer-generated document must include a certificate by counsel or the unrepresented party stating the number of words in the document. The person who signs the certification may rely on the word count of the computer program used to prepare the document.

(e) **Amendment or Supplementation.** BODA has discretion to grant leave to amend or supplement briefs.

(f) **Failure of the Appellant to File a Brief.** If the appellant fails to timely file a brief, BODA may:

(1) dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure, and the appellee is not significantly injured by the appellant's failure to timely file a brief;

(2) decline to dismiss the appeal and make further orders within its discretion as it considers proper; or

(3) if an appellee's brief is filed, regard that brief as correctly presenting the case and affirm the evidentiary panel's judgment on that brief without examining the record.

Rule 4.06 Oral Argument

(a) **Request.** A party desiring oral argument must note the request on the front cover of the party's brief. A party's failure to timely request oral argument waives the party's right to argue. A party who has requested argument may later withdraw the request. But even if a party has waived oral argument, BODA may direct the party to appear and argue. If oral argument is granted, the clerk will notify the parties of the time and place for submission.

(b) **Right to Oral Argument.** A party who has filed a brief and who has timely requested oral argument may argue the case to BODA unless BODA, after examining the briefs, decides that oral argument is unnecessary for any of the following reasons:

(1) the appeal is frivolous;

(2) the dispositive issue or issues have been authoritatively decided;

(3) the facts and legal arguments are adequately presented in the briefs and record; or

(4) the decisional process would not be significantly aided by oral argument.

(c) **Time Allowed.** Each party will have 20 minutes to argue. BODA may, on the request of a party or on its own, extend or shorten the time allowed for oral argument. The appellant may reserve a portion of his or her allotted time for rebuttal.

Rule 4.07 Decision and Judgment

(a) **Decision.** BODA may do any of the following:

(1) affirm in whole or in part the decision of the evidentiary panel;

(2) modify the panel's findings and affirm the findings as modified;

(3) reverse in whole or in part the panel's findings and render the decision that the panel should have rendered; or

(4) reverse the panel's findings and

remand the cause for further proceedings to be conducted by:

(i) the panel that entered the findings; or

(ii) a statewide grievance committee panel appointed by BODA and composed of members selected from the state bar districts other than the district from which the appeal was taken.

(b) **Mandate.** In every appeal, the BODA Clerk must issue a mandate in accordance with BODA's judgment and send it to the evidentiary panel and to all the parties.

Rule 4.08 Appointment of Statewide Grievance Committee

If BODA remands a cause for further proceedings before a statewide grievance committee, the BODA Chair will appoint the statewide grievance committee in accordance with TRDP 2.27. The committee must consist of six members: four attorney members and two public members randomly selected from the current pool of grievance committee members. Two alternates, consisting of one attorney and one public member, must also be selected. BODA will appoint the initial chair who will serve until the members of the statewide grievance committee elect a chair of the committee at the first meeting. The BODA Clerk will notify the Respondent and the CDC that a committee has been appointed.

Rule 4.09 Involuntary Dismissal

Under the following circumstances and on any party's motion or on its own initiative after giving at least ten days' notice to all parties, BODA may dismiss the appeal or affirm the appealed judgment or order. Dismissal or affirmance may occur if the appeal is subject to dismissal:

(a) for want of jurisdiction;

(b) for want of prosecution; or

(c) because the appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.

SECTION 5: PETITIONS TO REVOKE PROBATION

Rule 5.01 Initiation and Service

(a) Before filing a motion to revoke the probation of an attorney who has been sanctioned, the CDC must contact the BODA Clerk to confirm whether the next regularly available hearing date will comply with the 30-day requirement of TRDP. The Chair may designate a three-member panel to hear the motion, if necessary, to meet the 30-day requirement of TRDP 2.23.

(b) Upon filing the motion, the CDC must serve the Respondent with the motion and any supporting documents in accordance with TRDP 2.23, the TRCP, and these rules. The CDC must notify BODA of the date that service is obtained on the Respondent.

Rule 5.02 Hearing

Within 30 days of service of the motion on the Respondent, BODA must docket and set the matter for a hearing and notify the parties of the time and place of the hearing. On a showing of good cause by a party or on its own motion, BODA may continue the case to a future hearing date as circumstances require.

SECTION 6: COMPULSORY DISCIPLINE

Rule 6.01 Initiation of Proceeding

Under TRDP 8.03, the CDC must file a petition for compulsory discipline with BODA and serve the Respondent in accordance with the TRDP and Rule 1.06 of these rules.

Rule 6.02 Interlocutory Suspension

(a) **Interlocutory Suspension.** In any compulsory proceeding under TRDP Part VIII in which BODA determines that the Respondent has been convicted of an Intentional Crime and that the criminal conviction is on direct appeal, BODA may suspend the Respondent's license to

practice law by interlocutory order. In any compulsory case in which BODA has imposed an interlocutory order of suspension, BODA retains jurisdiction to render final judgment after the direct appeal of the criminal conviction is final. For purposes of rendering final judgment in a compulsory discipline case, the direct appeal of the criminal conviction is final when the appellate court issues its mandate.

(b) **Criminal Conviction Affirmed.** If the criminal conviction made the basis of a compulsory interlocutory suspension is affirmed and becomes final, the CDC must file a motion for final judgment that complies with TRDP 8.05.

(1) If the criminal sentence is fully probated or is an order of deferred adjudication, the motion for final judgment must contain notice of a hearing date. The motion will be set on BODA's next available hearing date.

(2) If the criminal sentence is not fully probated:

(i) BODA may proceed to decide the motion without a hearing if the attorney does not file a verified denial within ten days of service of the motion; or

(ii) BODA may set the motion for a hearing on the next available hearing date if the attorney timely files a verified denial.

(c) Criminal Conviction Reversed. If an appellate court issues a mandate reversing the criminal conviction while a Respondent is subject to an interlocutory suspension, the Respondent may file a motion to terminate the interlocutory suspension. The motion to terminate the interlocutory suspension must have certified copies of the decision and mandate of the reversing court attached. If the CDC does not file an opposition to the termination within ten days of being served with the motion, BODA may proceed to decide the motion without a hearing or set the matter for a hearing on its own motion. If the CDC timely opposes the motion, BODA must set the motion for a hearing on its next available hearing date. An order terminating an interlocutory order of suspension does not automatically reinstate a Respondent's license.

SECTION 7: RECIPROCAL DISCIPLINE

Rule 7.01 Initiation of Proceeding

The Commission for Lawyer Discipline may initiate an action for reciprocal discipline by filing a petition with BODA under TRDP Part IX and these rules. The petition must request that the Respondent be disciplined in Texas and have attached to it any information concerning the disciplinary matter from the other jurisdiction, including a certified copy of the order or judgment rendered against the Respondent.

Rule 7.02 Order to Show Cause

When a petition is filed, the Chair immediately issues a show cause order and a hearing notice and forwards them to the CDC, who must serve the order and notice on the Respondent. The CDC must notify BODA of the date that service is obtained.

Rule 7.03 Attorney's Response

If the Respondent does not file an answer within 30 days of being served with the order and notice but thereafter appears at the hearing, BODA may, at the discretion of the Chair, receive testimony from the Respondent relating to the merits of the petition.

SECTION 8: DISTRICT DISABILITY COMMITTEE HEARINGS

Rule 8.01 Appointment of District Disability Committee

(a) If the evidentiary panel of the grievance committee finds under TRDP 2.17(P)(2),

or the CDC reasonably believes under TRDP 2.14(C), that a Respondent is suffering from a disability, the rules in this section will apply to the de novo proceeding before the District Disability Committee held under TRDP Part XII.

(b) Upon receiving an evidentiary panel's finding or the CDC's referral that an attorney is believed to be suffering from a disability, the BODA Chair must appoint a District Disability Committee in compliance with TRDP 12.02 and designate a chair. BODA will reimburse District Disability Committee members for reasonable expenses directly related to service on the District Disability Committee. The BODA Clerk must notify the CDC and the Respondent that a committee has been appointed and notify the Respondent where to locate the procedural rules governing disability proceedings.

(c) A Respondent who has been notified that a disability referral will be or has been made to BODA may, at any time, waive in writing the appointment of the District Disability Committee or the hearing before the District Disability Committee and enter into an agreed judgment of indefinite disability suspension, provided that the Respondent is competent to waive the hearing. If the Respondent is not represented, the waiver must include a statement affirming that the Respondent has been advised of the right to appointed counsel and waives that right as well.

(d) All pleadings, motions, briefs, or other matters to be filed with the District Disability Committee must be filed with the BODA Clerk.

(e) Should any member of the District Disability Committee become unable to serve, the BODA Chair may appoint a substitute member.

Rule 8.02 Petition and Answer

(a) **Petition.** Upon being notified that the District Disability Committee has been appointed by BODA, the CDC must, within 20 days, file with the BODA Clerk and serve on the Respondent a copy of a petition for indefinite disability suspension. Service may be made in person or by certified mail, return receipt requested. If service is by certified mail, the return receipt with the Respondent's signature must be filed with the BODA Clerk.

(b) **Answer.** The Respondent must, within 30 days after service of the petition for indefinite disability suspension, file an answer with the BODA Clerk and serve a copy of the answer on the CDC.

(c) **Hearing Setting.** The BODA Clerk must set the final hearing as instructed by the chair of the District Disability Committee and send notice of the hearing to the parties.

Rule 8.03 Discovery

(a) **Limited Discovery.** The District Disability Committee may permit limited discovery. The party seeking discovery must file with the BODA Clerk a written request that makes a clear showing of good cause and substantial need and a proposed order. If the District Disability Committee authorizes discovery in a case, it must issue a written order. The order may impose limitations or deadlines on the discovery.

(b) **Physical or Mental Examinations.** On written motion by the Commission or on its own motion, the District Disability Committee may order the Respondent to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. Nothing in this rule limits the Respondent's right to an examination by a professional of his or her choice in addition to any exam

ordered by the District Disability Committee.

(1) **Motion.** The Respondent must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(2) **Report.** The examining professional must file with the BODA Clerk a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the CDC and the Respondent.

(c) **Objections.** A party must make any objection to a request for discovery within 15 days of receiving the motion by filing a written objection with the BODA Clerk. BODA may decide any objection or contest to a discovery motion.

Rule 8.04 Ability to Compel Attendance

The Respondent and the CDC may confront and cross-examine witnesses at the hearing. Compulsory process to compel the attendance of witnesses by subpoena, enforceable by an order of a district court of proper jurisdiction, is available to the Respondent and the CDC as provided in TRCP 176.

Rule 8.05 Respondent's Right to Counsel

(a) The notice to the Respondent that a District Disability Committee has been appointed and the petition for indefinite disability suspension must state that the Respondent may request appointment of counsel by BODA to represent him or her at the disability hearing. BODA will reimburse appointed counsel for reasonable expenses directly related to representation of the Respondent.

(b) To receive appointed counsel under TRDP 12.02, the Respondent must file a written request with the BODA Clerk within 30 days of the date that Respondent is served with the petition for indefinite disability suspension. A late request must demonstrate good cause for the Respondent's failure to file a timely request.

Rule 8.06 Hearing

The party seeking to establish the disability must prove by a preponderance of the evidence that the Respondent is suffering from a disability as defined in the TRDP. The chair of the District Disability Committee must admit all relevant evidence that is necessary for a fair and complete hearing. The TRE are advisory but not binding on the chair.

Rule 8.07 Notice of Decision

The District Disability Committee must certify its finding regarding disability to BODA, which will issue the final judgment in the matter.

Rule 8.08 Confidentiality

All proceedings before the District Disability Committee and BODA, if necessary, are closed to the public. All matters before the District Disability Committee are confidential and are not subject to disclosure or discovery, except as allowed by the TRDP or as may be required in the event of an appeal to the Supreme Court of Texas.

SECTION 9: DISABILITY REINSTATEMENTS

Rule 9.01 Petition for Reinstatement

(a) An attorney under an indefinite disability suspension may, at any time after he or she has been suspended, file a verified petition with BODA to have the suspension terminated and to be reinstated to the practice of law. The petitioner must serve a copy of the petition on the CDC in the manner required by TRDP 12.06. The TRCP apply to a reinstatement proceeding unless they conflict with these rules.

(b) The petition must include the information required by TRDP 12.06. If the judgment of disability suspension contained terms

or conditions relating to misconduct by the petitioner prior to the suspension, the petition must affirmatively demonstrate that those terms have been complied with or explain why they have not been satisfied. The petitioner has a duty to amend and keep current all information in the petition until the final hearing on the merits. Failure to do so may result in dismissal without notice.

(c) Disability reinstatement proceedings before BODA are not confidential; however, BODA may make all or any part of the record of the proceeding confidential.

Rule 9.02 Discovery

The discovery period is 60 days from the date that the petition for reinstatement is filed. The BODA Clerk will set the petition for a hearing on the first date available after the close of the discovery period and must notify the parties of the time and place of the hearing. BODA may continue the hearing for good cause shown.

Rule 9.03 Physical or Mental Examinations

(a) On written motion by the Commission or on its own, BODA may order the petitioner seeking reinstatement to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. The petitioner must be served with a copy of the motion and given at least seven days to respond. BODA may hold a hearing before ruling on the motion but is not required to do so.

(b) The petitioner must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(c) The examining professional must file a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the parties.

(d) If the petitioner fails to submit to an examination as ordered, BODA may dismiss the petition without notice.

(e) Nothing in this rule limits the petitioner's right to an examination by a professional of his or her choice in addition to any exam ordered by BODA.

Rule 9.04 Judgment

If, after hearing all the evidence, BODA determines that the petitioner is not eligible for reinstatement, BODA may, in its discretion, either enter an order denying the petition or direct that the petition be held in abeyance for a reasonable period of time until the petitioner provides additional proof as directed by BODA. The judgment may include other orders necessary to protect the public and the petitioner's potential clients.

SECTION 10: APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS

Rule 10.01 Appeals to the Supreme Court

(a) A final decision by BODA, except a determination that a statement constitutes an inquiry or a complaint under TRDP 2.10, may be appealed to the Supreme Court of Texas. The clerk of the Supreme Court of Texas must docket an appeal from a decision by BODA in the same manner as a petition for review without fee.

(b) The appealing party must file the notice of appeal directly with the clerk of the Supreme Court of Texas within 14 days of receiving notice of a final determination by BODA. The record must be filed within 60 days after BODA's determination. The appealing party's brief is due 30 days after the record is filed, and the responding party's brief is due 30 days thereafter. The BODA Clerk must send the parties a notice of BODA's final decision that includes the information in this paragraph.

(c) An appeal to the Supreme Court is governed by TRDP 7.11 and the TRAP.

The Supreme Court of the State of Louisiana

IN RE: MICHAEL STEPHEN SEPCICH

NO. 2015-B-0709

- - - - - -

RE: Disciplinary Counsel; Michael Stephen Sepcich; - Other(s);
lying For Joint Petition for Consent Discipline

- - - - - -

22, 2015

t petition for consent discipline accepted. See per curiam.

SJC

BJJ

JLW

GGG

MRC

JDH

L, dissents, would reject the joint petition and
se manent disbarment.

Supre Court of uisiana
May 2 015

Deputy Clerk of Court
For the urt

SUPREME COURT OF LOUISIANA
A TRUE COPY OF DOCUMENTS AS
SAME APPEARS IN OUR RECORD

Edwin C. Gonzales, Jr.
Deputy Clerk of Court

EXHIBIT
1

SUPREME COURT OF LOUISIANA

NO. 2015-B-0709

IN RE: MICHAEL S. SEPCICH

MAY 22 2015

ATTORNEY DISCIPLINARY PROCEEDING

SJC PER CURIAM

The Office of Disciplinary Counsel ("ODC") commenced an investigation into allegations that respondent submitted false billing for work not performed in connection with the representation of his clients. Following the filing of formal charges, respondent and the ODC submitted a joint petition for consent discipline, in which respondent acknowledges that his conduct constitutes a violation of Rule 8.4(c) of the Rules of Professional Conduct. Having reviewed the petition,

IT IS ORDERED that the Petition for Consent Discipline be accepted and that Michael S. Sepcich, Louisiana Bar Roll number 24877, be and he hereby is disbarred, retroactive to July 9, 2010, the date of his interim suspension. His name shall be stricken from the roll of attorneys and his license to practice law in the State of Louisiana shall be revoked.

IT IS FURTHER ORDERED that all costs and expenses in the matter are assessed against respondent in accordance with Supreme Court Rule XIX, § 10.1, with legal interest to commence thirty days from the date of finality of this court's judgment until paid.

Knoll dissents, would reject joint petition and impose permanent disbarment

SUPREME COURT OF LOUISIANA

NO. 15-B-0709

MAY 22 2015

IN RE: MICHAEL S. SEPCICH

ATTORNEY DISCIPLINARY PROCEEDINGS

KNOLL, J., dissents, would reject the joint petition and impose permanent disbarment.

B

SUPREME COURT OF LOUISIANA

DUPLICATE

IN RE: CONFIDENTIAL PARTY

SUPREME COURT DOCKET NO. 15 B 709

CONFIDENTIAL

JOINT MOTION FOR CONSENT DISCIPLINE PURSUANT TO SUPREME COURT RULE XIX, §20

NOW INTO THESE PROCEEDINGS Office of Disciplinary Counsel, through undersigned Chief Disciplinary Counsel, and the respondent Michael Stephen Sepcich, individually and through his counsel of record Dane S. Ciolino, who respectfully submit this Joint Motion for Consent Discipline pursuant to Rule XIX, Section 20:

I.

The Respondent is Michael Stephen Sepcich ("Respondent"), a 44-year-old Louisiana licensed lawyer born May 20, 1970. The Respondent was admitted to the practice of law in the State of Louisiana April 18, 1997 after graduating from Loyola University School of Law. The Respondent is also licensed in Texas effective December 14, 2007.

II.

But for the matter currently before the Court, the Respondent has no prior disciplinary complaints or discipline. He is currently interimly suspended on joint motion effective July 9, 2010.

III.

The Respondent is currently the subject of formal charges (a copy of which are attached) which allege that Respondent submitted false billing for work not performed in connection with his representation of clients.

IV.

The Respondent conditionally admits his violation of Rule 8.4(c) in exchange for a stated form of discipline, to wit: disbarment.

INPUT BY: ______ COPY

V.

The Respondent confirms that his consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting this consent petition; and he has consented because he knows that if the pending proceedings were prosecuted, he could not successfully defend against them.

VI.

The Respondent further acknowledges that he has had the benefit of knowledgeable and experienced counsel in these disciplinary proceedings.

WHEREFORE, the parties pray that this Joint Petition for Consent Discipline be filed and upon due consideration, that this Court *disbar* the Respondent retroactive to the date of his interim suspension, and order the Respondent to pay all costs associated with these proceedings.

Respectfully submitted,

By: _____

Michael S. Sepcich, #24877
Respondent
4421 Zenith Street
Metairie, LA 70001

By: _____

Dane S. Ciolino, #19311
Dane S. Ciolino, LLC
18 Farnham Place
Metairie, LA 70005
Phone: (504) 975-3263
Email: dane@daneciolino.com
Counsel for the Respondent

By: _____

Charles B. Plattsmier, #11021
Office of Disciplinary Counsel
Chief Disciplinary Counsel
4000 S. Sherwood Forest Blvd., Ste. 607
Baton Rouge, LA 70816
Phone: (225) 293-3900

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: MICHAEL S. SEPCICH
(Bar Roll No.: 24877)

DOCKET NO.: _____

FORMAL CHARGES

NOW INTO THESE PROCEEDINGS comes the Office of Disciplinary Counsel through undersigned Chief Disciplinary Counsel who alleges that the Respondent Michael S. Sepcich is guilty of engaging in conduct in violation or the Rules of Professional Conduct warranting the imposition of discipline on the following basis, to wit:

I.

The Respondent is Michael Stephen Sepcich, a Louisiana licensed attorney born May 20, 1970 and admitted to the practice of law in the State of Louisiana April 18, 1997 after graduating from Loyola University School of Law. The Respondent is also admitted to practice in the State of Texas having been admitted there December 14, 2007.

II.

The Shreveport law firm of Bradley, Murchison, Kelly & Shea received a billing inquiry from a client on a file for which the Respondent was responsible.

During the course of addressing that billing inquiry, the firm's management determined that there appeared to a pattern of billing irregularities on files handled by the Respondent. A full audit preformed by the law firm on the files being handled by the Respondent reflected that he billed clients for work not performed, but for which the firm had issued billing and was paid. As a result of the Respondent's fraud and dishonesty, the law firm was required to refund the clients a sum totaling $123,533.06. For billing issued but for which clients had not yet paid, the firm was further required to issue credits in the amount of $13, 392.00.

III.

The matter was initially reported to the Office of Disciplinary Counsel by the Respondent and subsequently reported by the law firm through their outside ethics counsel. The Respondent then joined with the Office of Disciplinary Counsel in submitting a Joint Petition for Interim Suspension to the Louisiana Supreme Court which issued its order effective July 9, 2010. The Respondent remains interimly suspended at this time.

IV.

The Respondent's conduct reflects violations of Rule 8.4(b)—the commission of a criminal act; Rule 8.4(c)—conduct involving dishonesty, fraud, deceit and misrepresentation; and Rule 8.4(a)—violating or attempting to violate the Rules of Professional Conduct.

WHEREFORE, the Office of Disciplinary Counsel prays that the Respondent be served with a copy of these formal charges and cited to answer same within the legal delays allowed by Supreme Court Rule XIX; then, after the lapse of all appropriate delays and due proceedings had that there be a finding that the Respondent has violated the Rules of Professional Conduct as set forth hereinabove and that appropriate discipline with the Respondent to bear all cost associated with these disciplinary proceedings.

Respectfully submitted:

OFFICE OF DISCIPLINARY COUNSEL

BY: 

CHARLES B. PLATTSMIER, #11021
Chief Disciplinary Counsel
4000 S. Sherwood Forest Blvd. – Ste. 607
Baton Rouge, LA 70816
Phone: (225) 293-3900

Please serve the respondent, Michael S. Sepcich at the following address:

1047 Whitetail Drive
Mandeville, Louisiana 70448

SUPREME COURT OF LOUISIANA

IN RE: CONFIDENTIAL PARTY

SUPREME COURT DOCKET NO. _____

JOINT STIPULATIONS OF FACT

NOW INTO THESE PROCEEDINGS come the Office of Disciplinary Counsel, thru undersigned Chief Disciplinary Counsel, and respondent Michael Stephen Sepcich, individually and thru his counsel of record Dane S. Ciolino, who respectfully submit these joint stipulations in support of their Joint Motion for Consent Discipline pursuant to Rule XIX, Section 20:

I.

The respondent is Michael Stephen Sepcich ("Respondent"), a 44-year-old Louisiana licensed lawyer born May 20, 1970. Mr. Sepcich was admitted to the practice of law in the State of Louisiana April 18, 1997 after graduating from Loyola University School of Law. The Respondent is also licensed in Texas effective December 14, 2007.

II.

But for the matter currently before the Court, the Respondent has no prior disciplinary complaints or discipline. He is currently interimly suspended on joint motion effective July 9, 2010.

III.

From the outset of his practice, the Respondent was an associate with the Lemle & Kelleher law firm in New Orleans. At Lemle, Kelleher, the Respondent maintained a litigation practice, which included the handling of medical malpractice defense matters. In 2009, the Respondent and others departed that firm to join the newly-created law firm of Bradley, Murchison, Kelly & Shea with offices in both Shreveport and New Orleans.

IV.

Shreveport lawyer Kay Medlin and the Respondent were designated as the co-managing partners of the firm. The Respondent was responsible for managing the New Orleans office; Ms. Medlin was responsible for managing the Shreveport office.

V.

While the Shreveport office of the new firm was merely the continuation of an existing law practice among attorneys under another firm, the New Orleans was an entirely new office under Respondent's supervision.

VI.

The Respondent's compensation as a partner in the firm was not dependent upon maintaining his previous record of billable hours largely because of the responsibilities attendant to his duties as managing partner in the New Orleans office. Nevertheless, the Respondent continued to service the legal needs of his clients in addition to the demands upon his time related to his managing partner duties.

VII.

Respondent's duties as managing partner for the New Orleans office of the firm commenced in February of 2009. Beginning in March of 2009, Respondent began submitting billable hours for work not performed on the files of his clients. He continued to do so thereafter through April of 2010.

VIII.

In mid-May of 2010, the firm received an unrelated billing inquiry from a client on a file for which the Respondent was responsible. That inquiry prompted a review of the Respondent's billing efforts to address what appeared to be irregularities. The firm took what was described as an extremely 'client friendly' approach to their review where any potential question was squarely resolved in favor of the client. Operating under that protocol, the firm identified fifty-one (51) instances where the records did not fully support work or effort by the Respondent on a file, but for which he nonetheless billed the client. The total of the irregularities was $136,925.06. Of that sum, the firm returned

to clients $123,533.06 in refunds as fees not earned; and issued credits against client accounts receivables in the amount of $13,392.00.

IX.

Upon discovery of the improper billing, the Respondent was advised of the firm findings and provided an opportunity to review firm documents and client files to prepare an explanation but declined to do so. Instead, Respondent accepted responsibility for his conduct, apologized to his partners, and separated from the firm shortly thereafter. Upon his separation from the firm, the Respondent's withdrawal payments were reduced to compensate the firm for the restitution payments it made to the clients harmed by the Respondent's misconduct. As a result, the Respondent currently owes the firm no additional sums for restitution.

X.

In satisfaction of their Rule 8.3(a) responsibility, the law firm reported the matter to the Office of Disciplinary Counsel by letter of June 30, 2010. The Respondent also reported his conduct to the Office of Disciplinary Counsel by letter of June 29, 2010.

XI.

The Respondent voluntarily executed a Joint Petition for Interim Suspension on consent pursuant to Rule XIX, section 19.3, which was filed with the Supreme Court on July 8, 2010. The Order granting the Joint Petition and placing the Respondent on interim suspension status was executed July 9, 2010. The Respondent requested and the Office of Disciplinary Counsel agreed to allow him to stay on interim suspension status since that date.

XII.

The Respondent's conduct was of benefit to him only because it caused him to appear more productive than was otherwise the case. The improper billing did not inure to his financial benefit.

XIII.

The Respondent's actions reflect a violation of Rule 8.4(c), conduct involving dishonest, fraud, deceit or misrepresentation. As such he has violated a duty owed to a

client and to the profession. His mental element was "knowing" as defined by the ABA Standards for Imposing Lawyer Discipline. The harm is quantifiable by the $123,533.06 which was improperly billed and paid by the clients affected, although that harm was ameliorated by the firm who fully refunded those sums in full. Additionally, the Respondent's actions harmed the profession which suffers any time a lawyer has violated the rules where dishonesty is involved. The baseline sanction under ABA Standard 4.61 is disbarment.

XIV.

Aggravating factors recognized under the ABA Standards include:

- Dishonest or selfish motive;
- Pattern of misconduct; and,
- Substantial experience in the practice of law (admitted 1997).

Mitigating factors recognized under the ABA Standards include:

- Absence of a prior disciplinary record;
- Personal or emotional problems—stress and excessive alcohol consumption;
- Good faith efforts to rectify the consequences of misconduct;
- Full cooperation with the disciplinary investigation;
- Character and reputation; and,
- Remorse.

Although neither an aggravating factor nor a mitigating one, at the time of his admitted misconduct, Mr. Sepcich abused alcohol. Thereafter, Mr. Sepcich initiated a request for assistance from the Louisiana Lawyers' Assistance Program. He was referred by Bill Leary, director of the program, to Barry Pilson, Ph.D.\LCSW to undergo an evaluation for alcohol abuse. He has been treated continuously by Dr. Pilson over the past 4 and a half years since July 9, 2010. The respondent's recovery from the alcohol abuse has been demonstrated by a meaningful and sustained period of successful rehabilitation.

Respectfully submitted,

By: _____

Michael S. Sepcich, #24877
4421 Zenith Street
Metairie, LA 70001
Respondent

By: _____

Dane S. Ciolino, #19311
Dane S. Ciolino, LLC
18 Farnham Place
Metairie, LA 70005
Phone: (504) 975-3263
Email: dane@daneciolino.com
Counsel for the Respondent

By: _____

Charles B. Plattsmier, #11021
Office of Disciplinary Counsel
Chief Disciplinary Counsel
4000 S. Sherwood Forest Blvd., Ste. 607
Baton Rouge, LA 70816
Phone: (225) 293-3900

SUPREME COURT OF LOUISIANA

IN RE: CONFIDENTIAL PARTY

SUPREME COURT DOCKET NO. _____

MEMORANDUM IN SUPPORT OF JOINT MOTION FOR CONSENT DISCIPLINE PURSUANT TO SUPREME COURT RULE XIX §20

NOW INTO THESE PROCEEDINGS come the Office of Disciplinary Counsel, through undersigned Chief Disciplinary Counsel, and the respondent Michael Stephen Sepcich, individually and through his counsel of record Dane S. Ciolino, who respectfully submit this Memorandum in Support of Joint Motion for Consent Discipline Pursuant to Supreme Court Rule XIX § 20.

I. FACTS

The respondent, Michael Stephen Sepcich ("Respondent"), is a 44-year-old Louisiana licensed lawyer. Mr. Sepcich was admitted to the practice of law in the State of Louisiana on April 18, 1997 after graduating from Loyola University New Orleans School of Law. He is also licensed in Texas. *See* Joint Stipulations of Fact ¶ I.

From the outset of his practice, the Respondent was an associate with the Lemle & Kelleher law firm in New Orleans. At Lemle & Kelleher, he maintained a litigation practice, which included the handling of medical malpractice defense matters.

In 2009, the Respondent and others departed Lemle & Kelleher to join the newly-formed law firm of Bradley, Murchison, Kelly & Shea. Once formed, the Bradley, Murchison firm opened offices in both Shreveport and New Orleans. *See* Joint Stipulations of Fact ¶ III. Shreveport lawyer Kay Medlin and the Respondent were designated as the co-managing partners of the firm. Respondent was responsible for managing the New Orleans office; Ms. Medlin was responsible for managing the Shreveport office. *See id.* ¶ IV.

The Respondent's compensation as a partner at the Bradley, Murchison firm was not solely dependent upon maintaining his previous record of billable hours. *See id.* ¶ VI. Indeed, the firm understood that the Respondent's responsibilities as managing partner in the New Orleans

office would result in fewer billable hours. Nevertheless, the Respondent continued to service the legal needs of his clients. *See id.* ¶ VI.

Beginning in March of 2009, Respondent began submitting billable hours for work not performed on the files of his clients, a practice which continued from time to time and extending through April of 2010. *See id.* ¶ VII. In mid-May of 2010, the firm received a billing inquiry from a client for whom the Respondent worked. That inquiry prompted a review of the Respondent's billing practices. The firm took what was described as an extremely 'client friendly' approach to their review under which any potential question was squarely resolved in favor of the client. Operating under that protocol, the firm identified fifty-one instances over a period of sixty-one weeks (thirteen months) in which a time entry in a matter did not fully support billed work that the Respondent claimed he had performed. The total of the billing irregularities identified by the firm was $136,925.06. Of that sum, the firm refunded to its clients approximately $123,533.06, and issued credits against accounts receivables in the amount of $13,392.00. *See id.* ¶VIII.

Upon discovery of the improper billing, the firm advised the Respondent of its findings and provided him with an opportunity to review its documents and client files to prepare an explanation. He declined to do so. Instead, Mr. Sepcich accepted responsibility for his conduct, apologized to his partners, and separated from the firm shortly thereafter.

II. DISCUSSION

The respondent and the Office of Disciplinary Counsel have stipulated that the respondent's conduct involved dishonesty, fraud, deceit or misrepresentation in violation of Louisiana Rule of Professional Conduct 8.4(c). *See id.* ¶ XIII. Under Louisiana Supreme Court Rule XIX, once a violation of the Rules of Professional Conduct has been proven by clear and convincing evidence—as it has here—the Court must impose a sanction after considering the factors set forth in Section 10(c).[1] Those factors include the following:

(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;

[1] In addition to considering the factors set forth in Rule XIX, the Court routinely relies upon the ABA Standards for Imposing Lawyer Sanctions to evaluate the appropriate baseline sanction, and the existence of any aggravating and mitigating factors. *See, e.g., In re Fradella*, 2013 WL 1776958 (La. Apr. 26, 2013); *In re Charles*, 2013 WL 1694813 (La. Apr. 19, 2013); *In re James*, 108 So. 3d 747, 749 (La. 2013); *In re Ransome*, 106 So. 3d 98, 101 (La. 2013).

(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, the parties have stipulated that the Respondent's misconduct violated duties owed to a client and to the profession. *See id.* ¶ XIII. They have stipulated that his mental element was "knowing." *See id.* They have stipulated that his conduct harmed his clients, although that harm was ameliorated by the firm's efforts to reimburse and credit the affected clients. *See id.*

A. Baseline Sanction

Under the ABA Standards, "disbarment" is the applicable baseline sanction. Under those standards, "disbarment is generally appropriate when a lawyer knowingly deceives a client with the intent to benefit the lawyer or another, and causes serious injury or potential serious injury to a client." *See* ABA Stds. for Imposing Lawyer Sanctions std. 4.61. The parties have stipulated that the baseline sanction under ABA Standard 4.61 is disbarment. *See* Joint Stipulations ¶ XIII.

Louisiana case law is in accord that the baseline sanction is disbarment. In its most recent case involving irregular billing practices, *In re Mitchell*, 145 So. 3d 305 (La. 2014), this Court found that the "applicable baseline sanction [was] disbarment" for a lawyer who "submitted hundreds of questionable and undocumented requests for expense reimbursement," including charges for "purported travel to court proceedings on weekends or holidays." *Id.* at 318.

B. Aggravating and Mitigating Factors

In imposing the appropriate sanction, this Court has stated that "mitigating factors are entitled to great weight." *See, e.g., In re Cabibi*, 922 So. 2d at 497 (La. 2006). Likewise, the ABA Standards provide for a reduction in the degree of discipline imposed if significant mitigating factors are present. *See* ABA Stds. for Imposing Lawyer Sanctions std. § 9.31.

Here, the parties have stipulated to the existence of the following mitigating factors: (1) cooperative attitude toward the disciplinary process; (2) timely and good faith efforts to rectify the consequences of misconduct; (3) outstanding character or reputation, (4) remorse, and (5) personal or emotional problems. *See* Joint Stipulations ¶ XIV. They have also stipulated to the existence of the following aggravating factors: (1) dishonest or selfish motive; (2) pattern of misconduct; and, (2) substantial experience in the practice of law. *See id.* Finally, while neither a mitigating factor nor an aggravating one, Mr. Sepcich abused alcohol at the time of his admitted misconduct, and that he is now in an extended period of successful recovery.

1. **Mitigating Factors**

Providing "full and free disclosure" and having a "cooperative attitude" toward disciplinary proceedings are mitigating factors. *See* ABA Stds. for Imposing Lawyer Sanctions std. 9.32(e). The Court frequently considers a respondent's cooperative attitude and truthful disclosure when fashioning the appropriate sanction. *See, e.g., In re Spruel*, 24 So. 3d 198, 203 (La. 2009) (recognizing "full and free disclosure to the disciplinary board and a cooperative attitude toward the proceedings" as mitigating factors); *In re Bolton*, 820 So. 2d 548, 554 (La. 2002) (citing "[n]umerous mitigating factors" including "full and free disclosure to the disciplinary board or cooperative attitude toward the proceedings"). Here, the respondent has been candid, truthful and forthcoming in these disciplinary proceedings. He has met with Disciplinary Counsel on several occasions over the past four and a half years, has always been forthcoming about his wrongdoing and has taken full responsibility for his actions. He also immediately requested to be placed on interim suspension, a status that he has maintained for the past 4.5 years.

The use of timely and good faith efforts to rectify the consequences of misconduct is a mitigating factor. *See* ABA Standards for Imposing Lawyer Sanctions Std. 9.32(d). The Court has repeatedly cited timely and good faith efforts to make restitution or rectify the consequences of misconduct when imposing an appropriate sanction. *See, e.g., In re Williams*, 52 So. 3d 864, 872 (La. 2011) (citing "timely good faith effort to make restitution or to rectify the consequences of the misconduct" as a mitigating factor); *In re LeBlanc*, 884 So. 2d 552, 559 (La. 2001) ("In mitigation, we recognize respondent's . . . efforts to make at least partial restitution . . . ."). Here, the respondent's firm made full restitution to all affected clients who were overbilled by the Respondent. The Respondent, in turn, made financial arrangements with his firm upon withdrawal to fully reimburse it for the restitution paid. *See* Ex. 1 (letter from Bill Bradley of the Bradley Murchison firm confirming that full restitution was timely made, that the affected clients were fully satisfied, and that Mr. Sepcich has satisfied all restitution obligations to the firm).

Outstanding character and reputation within the legal community is a mitigating factor. *See* ABA Standards for Imposing Lawyer Sanctions std. 9.32(g); *see, e.g., In re Stanford*, 48 So. 3d 224, 232 (La. 2010) (recognizing outstanding character and reputation as a mitigating factor warranting "downward deviation from the baseline sanction"). Here, the parties have stipulated to the Respondent's good character and reputation. Moreover, the character letters attached hereto attest to the Respondent's good character. *See* Exhibit 2.

Remorse is a mitigating factor. *See* ABA Standards for Imposing Lawyer Sanctions std. 9.32(l). Although remorse is perhaps the least tangible of all the mitigating factors, it has regularly been cited by the Court as a mitigating factor in fashioning appropriate sanctions. *See, e.g., In re Heisler*, 941 So. 2d 20, 23 (La. 2006); *In re Hansen*, 888 So. 2d 172 (La. 2004); *In re Kelly*, 857 So. 2d 451, 458 (La. 2003). Here the parties have stipulated that the Respondent is remorseful for his misconduct. He is genuinely remorseful for committing the misconduct in question.

The existence of "personal or emotional problems" is a mitigating factor. *See* ABA Standards for Imposing Lawyer Sanctions Std. 9.32(c). The Court has given this factor substantial weight in deviating from baseline sanctions. *See, e.g., In re Martin*, 888 So. 2d 178, 182-83 (La. 2004) (concluding that while the lawyer's personal and emotional problems in no way excuse his actions, "they justify a downward deviation from the baseline sanction of disbarment."); *In re Doyle*, 978 So. 2d 904, 911 (La. 2008). Here, the parties have stipulated to the existence of personal or emotional problems. Namely, the respondent at the time of the misconduct was subject to a great deal of stress as a result of being a young lawyer charged with co-managing a newly formed law firm and the establishment of a newly created office. Furthermore, the respondent at the time of the misconduct was suffering from uncontrolled alcohol abuse. Since then, the Respondent is in recovery from these personal and emotional problems and has been sober for many years.

Although neither a mitigating factor nor an aggravating one, at the time of his admitted misconduct, Mr. Sepcich abused alcohol. Thereafter, Mr. Sepcich initiated a request for assistance from the Louisiana Lawyers' Assistance Program. He was referred by Bill Leary, director of the program, to Barry Pilson, Ph.D.\LCSW to undergo an evaluation for alcohol abuse. He has been treated continuously by Dr. Pilson over the past 4 and a half years since July 9, 2010. *See* Exhibit 3. The respondent's recovery from the alcohol abuse has been demonstrated by a meaningful and sustained period of successful rehabilitation.

2. The Substantial Mitigating Factors That Exist Warrant Imposition of Disbarment Rather Than Permanent Disbarment

The parties respectfully submit that the substantial mitigating factors that are clearly present here outweigh the aggravating factors and confirm that the baseline sanction of "disbarment" is appropriate. Moreover, the parties submit that these substantial mitigating factors suggest that

"permanent disbarment"—although permissible under Guideline XIX, Appx. E—is not called for under the particular circumstances of this case. That permanent disbarment is not called for is apparent from a comparison of the facts of the present case with those of this Court's most similar recent case, *In re Mitchell*, 145 So. 3d 305 (La. 2014).

In *Mitchell*, the Court permanently disbarred the respondent. Mr. Sepcich's misconduct, however, is distinguishable from Mr. Mitchell's. In *Mitchell*, the respondent did engage in similar inappropriate billing practices (he billed clients for expenses that he did not incur). But unlike Mr. Sepcich, the respondent in *Mitchell* never accepted responsibility for his actions. Rather, Mr. Mitchell forced the matter to a hearing, to a board argument, and to oral argument before this Court. Unlike Mr. Sepcich's case, where immediate restitution was made to the satisfaction of the affected clients, the respondent in *Mitchell* never made restitution to his affected clients. Of significant note—and again unlike Mr. Sepcich—the respondent in *Mitchell* directly benefitted financially from his actions by converting unearned fees and cash disbursements for his personal use. In addition, substantial aggravating factors existed in *Mitchell* case that were not offset by any mitigation evidence. Said the Court:

> Aggravating factors include a prior disciplinary record (stemming from a federal tax evasion plea), a dishonest or selfish motive, a pattern of misconduct, multiple offenses, refusal to acknowledge the wrongful nature of the conduct, and substantial experience in the practice of law (admitted 1978). There are no mitigating factors present.

145 So. 3d at 318. Mr. Sepcich has no prior disciplinary record whatsoever – nor has he ever had any internal examples of firm wrongdoing that caused him to be supervised by a fellow partner like the respondent in *Mitchell*. In fact, as evidenced by the attached character letters, Mr. Sepcich's misconduct appears to be very much an isolated lapse of judgment – unlike the respondent in *Mitchell*. *See* Ex. 3 (character letters). In Mr. Sepcich's case, and again unlike in the *Mitchell* case, there exist numerous mitigating factors and few aggravating ones. These mitigating factors strongly suggest that imposition of the baseline sanction—disbarment—is far more appropriate here than the permanent disbarment sanction imposed by the Court in *Mitchell*.

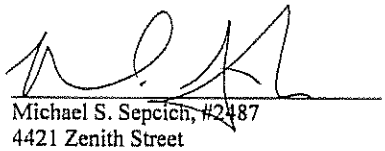
In similar cases involving substantial mitigating factors, the Court has imposed "regular" disbarment although the respondent's misconduct met the guidelines for permanent disbarment. For example, in the matter of *In re Van Dyke*, 129 So. 3d 1219 (La. 2014), among other misconduct, the respondent pled guilty to aggravated identity theft, which involved electronically accessing bank accounts of a former employee and of a former client and withdrawing money,

and fraudulently obtaining credit cards using the identity of a former client. However, the Court concluded that permanent disbarment was not an appropriate sanction because of the mitigating circumstances, which included stress-induced mental disability and drug use at the time of the misconduct. As a result, the Court ordered regular disbarment instead. *See id.* at 1228. Likewise, in *In re White*, 996 So. 2d 266 (La. 2008), the disciplinary board recommended permanent disbarment based on the respondent's intentional corruption of the judicial process related to former judge Bodenheimer. The Court, however, found that the mitigating factors were sufficient to cause it to reject the board's recommendation of permanent disbarment. *See id.* at 274, n.12. Finally, in *In re Morris*, 14-1067 (La. 10/15/14), the Court recognized that disbarment was the baseline sanction for the misconduct, but imposed a three-year suspension instead because of mitigating factors.

III. Conclusion

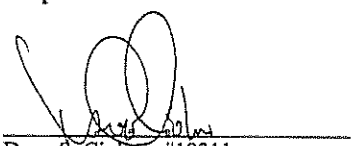
For the foregoing reasons, the parties respectfully request that the court *disbar* the respondent from the practice of law retroactive to the date of his interim suspension, and strike his name from the Roll of Attorneys.

Respectfully submitted,

By: 

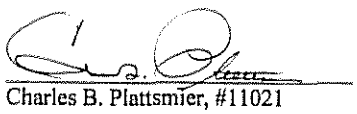
Michael S. Sepcich, #2487
4421 Zenith Street
Metairie, LA 70001

Respondent

By: 

Dane S. Ciolino, #19311
Dane S. Ciolino, LLC
18 Farnham Place
Metairie, LA 70005
Phone: (504) 975-3263
Email: dane@daneciolino.com

Counsel for the Respondent

By: 

Charles B. Plattsmier, #11021
Office of Disciplinary Counsel
Chief Disciplinary Counsel
4000 S. Sherwood Forest Blvd., Ste. 607
Baton Rouge, LA 70816
Phone: (225) 293-3900

BRADLEYMURCHISON
KELLY & SHEA LLC
SHREVEPORT | NEW ORLEANS | BATON ROUGE

BRADLEYFIRM.COM

C. WM. BRADLEY JR.
Partner
New Orleans Office
direct: (504) 596-6302
bbradley@bradleyfirm.com

July 31, 2014

Mr. Dane S. Ciolino
18 Farnham Pl.
Metairie, LA 70005

RE: LADB/Michael S. Sepcich

Dear Dane:

Much time has passed since 2010, so I wanted to confirm certain facts relevant to this inquiry.

In response to Michael's actions, our Firm took a very pro-client approach, directly advising both of the affected clients and recommending a solution. The Firm made full restitution to the affected clients, both of which expressed complete satisfaction. Accordingly, we long ago considered the matter closed, and no restitution is owed by Michael to the Firm.

On a personal note, I want to emphasize that there was no financial gain on Michael's part.

Yours truly,

C. Wm. Bradley Jr.

CWBjr/srt

EXHIBIT
1

C. Wm. Bradley Jr.
512 Governor Nicholls St.
New Orleans, LA 70116-2612

December 16, 2014

Dane S. Ciolino
18 Farnham Pl.
Metairie, LA 70005

Re: Michael S. Sepcich

Dear Dane:

I have known Mike Sepcich since August 1991 when he began working at Lemle & Kelleher as our federal court court runner. Mike moved up to a paralegal position and when he started law school we made him a law clerk. When he graduated law school, we hired him as an associate and in due time Mike became a Lemle partner. He was one of the founding members of Bradley Murchison Kelly & Shea LLC in February 2009, and served as one of the managing partners.

So as of this writing, I have known Mike for more than 23 years. Throughout this time, he showed amazing skills as a trial attorney, as a negotiator, and as a managing partner. Partners and associates loved him, as did clients.

I cannot account for Mike's momentary lapse of judgment and I will not engage in speculation and psychobabble. It was certainly not in keeping with the young lawyer I had known for so long, and in retrospect I feel confident in referring to it as "momentary."

I personally met with the two firm clients whose billings were affected. Each expressed surprise and disappointment, but no anger. The firm made immediate restitution that actually strengthened its ties with those clients.

I know that Mike is remorseful and has suffered, both personally and professionally, as a result. He has not practiced law since June 2010, which in my humble opinion is sanction enough. I hope that the Board and the Court will agree, and I look forward to his return to the practice of law.

Yours truly,

C. Wm. Bradley Jr.

EXHIBIT
2a

Terry A. Bell
Exceleration Church
PO Box 147
Belle Chasse, LA 70037

December 17, 2014

Dane S. Ciolino
18 Farnham Pl.
Metairie, LA 70005

Re: Michael S. Sepcich

Dear Dane:

I write to you (and to those who may read this letter) regarding Michael from a number of perspectives: as his father-in-law, as a fellow attorney, and currently, as a pastor who has counseled with him throughout the current situation.

I first met Michael in 1986 when he began to date our daughter, Suzanne. My wife, Sharon, and I knew from the start that he was a winner. He was respectful, honest and clearly had a vision and goal in life. He was an excellent student, an outstanding athlete, and a leader at Shaw High School.

Sharon and I have been involved in Michael's life since his first date with Suzanne. We watched as he worked his way through college, paying his own way through a combination of jobs and baseball scholarships. And we were overjoyed when he married Suzanne in May of 1991. In August of that same year, he went to work for Lemle, Kelleher as a court runner. (I like to think that I had some influence on him deciding to enter the legal profession.) Ultimately, he entered Loyola Law School, attending classes in the evening, so he would work and support his family during the day. Through it all, he continued to exhibit the finest behavior – as a father, as an employee, and as a man.

When Michael left Lemle with some of his partners to form the local Bradley, Murchison firm, we were understandably proud of our son-in-law. To have achieved so much in such a short period of time was, we felt, a testimony to Michael's dedication and hard work, not to mention his reputation in our profession. Regarding his reputation, as a plaintiff lawyer, I regularly met other plaintiff attorneys who had had cases against Michael. Their comments regarding him were consistent: he was honest, extremely capable, and forthright in all of his dealings with them.

When the issue regarding Michael's billable hours arose, I was one of the first people that Michael consulted with. His remorse was apparent at that time, and he felt very strongly that he had not only failed his firm, but had also failed as a son-in-law, father and husband. His remorse and

regret over this incident has, at times I fear, threatened to destroy him. He has repeated to me several times that "that is not who I am".

Michael and Suzanne have two wonderful children. The oldest, Katie, is now a sophomore at the University of Texas and is an outstanding student. The younger, Stephen, is a sophomore at Jesuit High School and is also an outstanding student. Michael never tried to hide his actions from them. Instead, he sat down with them and admitted his failure, using it to teach his children a valuable lesson in life. I am sure that having to admit such a failure to his children was more punishment than many fathers would wish to bear.

Another factor that cannot be overlooked in this matter is the extreme financial change that has been imposed on a family with two children in expensive schools. Since his earnings were so drastically reduced, Michael has had to watch as Suzanne had to work long hours to help make up the difference. She is not physically well, and the strain of the work has been very difficult on her. I know that Michael feels responsible for all of this, as he has expressed that to me repeatedly.

I say all of the above to say this: in my opinion AND experience, there is not one dishonest bone in Michael Sepcich's body. He simply got overcome by the pressure of his position. That, combined with his excessive consumption of alcohol at the time caused him to make a mistake – a mistake for which he has suffered now for over four years.

Once he realized his mistake, Michael immediately took steps to deal with the issues that led to the mistake. He entered counseling and rehabilitation through the LAAP. He sought counsel and advice from older, wiser, more experienced men, of which I was one. And every bit of advice that has been given, he has accepted and heeded.

I was admitted to the Louisiana bar in April of 1978. I remember our profession being an honorable profession. I remember cases against Harry McCall, Bill and Dick Christovich, Red Hailey and their contemporaries. I was in awe as a young, starting attorney. One thing stands out about those men and that time: they were men of integrity and if they told you something, you could bank on it. Michael would have fit well into that era of our profession. Yes, he has had a failing, but he is a man of integrity, and will I am sure, never make such a mistake again in his life.

Our bar gains nothing by refusing this fine young man the opportunity to once again practice the craft which he worked so hard to acquire.

Sincerely,

Terry A. Bell, J.D.
Pastor, Exceleration Church

AIMS Group, Inc.
Consulting Engineers

4421 Zenith Street
Metairie, LA 70001
Ph: (504) 887-7045
Fax: (504) 887-7088

December 17, 2014

Dane S. Ciolino, Esq.
18 Farnham Place
Metairie, LA 70005

Re: Michael S. Sepcich

Dear Mr. Ciolino:

Mike Sepcich has been employed by my company for more than four years now - since September 2010. Prior to his employment with AIMS Group, he served as one of our regular outside attorneys on a few business disputes that we had in the past. I have personally known Mike since our high school days, with our professional relationship developing more in the past ten years or so.

All-in-all, I have known Mike for more than 25 years. In those years, I have always believed Mike to be a tremendous guy – someone who was smart, incredibly driven and who would go the extra mile to help someone in need. He was an extremely talented attorney, and possesses tremendous business judgment.

Sometime in July 2010, Mike reached out to me and my partner, Kirk Juneau, to explain that he had parted with his law firm and had sought an interim suspension from practicing law due to some billing misconduct and to seek help for some personal issues. Our conversation then, while candid, was motivated by him wanting us to understand that the litigation matter that he was presently handling for us would be in good hands with another attorney in the Bradley firm. We were impressed by Mike's candor, and so we decided to take his advice and kept the matter with the Bradley firm.

It did not take my partner and I long after our July 2010 meeting to realize what a tremendous asset Mike could be for AIMS Group. We reached out to Mike in August of 2010 to explore employment opportunities. Mike came on board shortly thereafter and served as our Marketing Director from September 2010 until the end of 2012 when he was then promoted to Senior Vice President of AIMS Group. His job performance has been stellar; his professionalism has been unmatched. Mike is now involved in every single facet of our business and is an integral part of our management team. He has earned our complete trust.

My faith and my own life experiences have taught me that we are all imperfect, even attorneys. No doubt Mike showed a lapse of judgment. But I am confident that he has learned from his mistakes and I have personally witnessed a change in how he now lives. My confidence stems not only from my knowing him for the past 25 years, but also and more

EXHIBIT
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Importantly, my observing and working with him daily over the past four. I truly cannot think of a more deserving person worthy of a second chance.

Sincerely,

Thomas R. L'Hoste, P.E.
AIMS Group, Inc.
President

/me

Dane C. Ciolino

18 Farnham Pl.

Metairie, LA 70005 December 18, 2014

Hello. My name is Jamey Tarrh and I am writing on behalf of Michael Sepcich. I first met Mike in 2006 when our young boys were playing on the same youth baseball team in Mandeville, LA. Within a few months, our two families became very good friends. In 2008 Mike and I decided to coach a travel baseball team that we assembled with kids from the greater New Orleans area. We have coached literally hundreds of games together, in multiple states. As a result of our extensive travel with the baseball team, practice and game settings, and socializing after games, I became aware that Mike was an outstanding mentor to the boys we coached, a fantastic family man, and a solid sounding board of advice for not only me, but the other parents as well. Mike is one of the most sincere and caring people I have met, and always puts the interest' of others before his own. I have twice observed him take under his wing children who had lost a parent, and treated them like his own. I have observed him freely give his own financial resources to help out families of kids we coached, never expecting or wanting anything in return. I have watched him help an impoverished family get their children enrolled into quality private schooling. I have witnessed him give freely of his time and expertise to help others, including representing my wife pro bono after she had suffered a devastating dog attack. That is the quality of man that Mike is.

I am a senior Special Agent with the U.S. Drug Enforcement Administration and believe I am an excellent judge of character and forthrightness. I also know this to be true; every man, woman, and child makes mistakes. Mistakes do not define who we are, but how we overcome and learn from them certainly does. I have been the shoulder for Mike to lean on when under great remorse, he has poured out his heart to me. I have also witnessed how he has picked himself up and determined in his heart to be the best father, husband, and friend anyone can be. He is the most honorable man I know, my best friend, and I hope this letter helps to better explain who he is. Let me say this: Michael Sepcich is the man that everyone hopes they find when seeking a brother, friend, mentor, or advocate. I wish there were more like him.

Jamey L. Tarrh

(202) 578-2655

Jamey.L.Tarrh@usdoj.gov

EXHIBIT
2d

DARRYL J. FOSTER
1204 LAKE FRANCES DRIVE
GRETNA, LA 70056

December 22, 2014

Mr. Dane S. Ciolino
18 Farnham Pl.
Metairie, LA 70005

Re: Michael S. Sepcich

Dear Dane:

I have known Mike Sepcich since August 1991 when he began working at Lemle & Kelleher as a court runner. Mike moved up to a paralegal position and when he started law school we made him a law clerk. When he graduated law school, we hired him as an associate and in due time Mike became a Lemle partner. He was one of the founding members of Bradley Murchison Kelly & Shea LLC in February 2009, and served as one of our two initial managing partners.

As of this writing, I have known Mike Sepcich for more than 23 years. I consider him not only a skilled litigator, an excellent negotiator and an excellent managing partner, but also a dear friend.

I truly believe that Mike's conduct was an aberration. That conduct does not reflect the Mike Sepcich that I have known for so long, both as a lawyer and as a friend.

Importantly, no clients were harmed by the conduct. The firm made immediately restitution to the affected clients, and in fact refunded to the clients all of Mike's charges, even though some, if not most, of the charges were legitimate.

I have met with Mike on numerous occasions since the events in 2010. I know that he is remorseful and has suffered both personally and professionally as a result. He has voluntarily not practiced law since June 2010, which I believe is sanction enough. I hope that the Disciplinary Board and the Supreme Court will agree, and I look forward to his return to the practice of law.

Very truly yours,

Darryl J. Foster

DJF/srt

EXHIBIT
2e

Barry Dilson, Ph.D.
Clinical Social Worker

3217 35th Street, Suite 204
Metairie, Louisiana, 70001

Phone: 504-834-2455
Fax: 504-837-3411

July 30,2014

Charles Plattsmier, Attorney
Chief Disciplinary Counsel
4000 S. Sherwood Forest Blvd.
Suite 607
Baton Rouge, LA. 70816

RE: Mike Sepcich,

Dear Mr. Plattsmier,

This letter is to update you on my individual therapy work with Michael Sepcich. This follows previous status updates in letters, dated March 21, 2011 and June 6, 2012.

Mr. Sepcich has been in continual therapy with me since July 2010 since his referral to me by Bill Leary with the Louisiana Lawyers' Assistance Program (LLAP). The presenting problems at that time was alcohol abuse and symptoms of depression- DSM IV diagnoses of 305.00 and 309.0. He was in a career crisis related to recent behavior at his law firm, where he was the managing partner.

He sought my services to facilitate necessary behavioral and cognitive changes that would lead to more constructive decision making, address family consequences related to his decision making and to develop overall healthier coping strategies.

As of the above date, there are no longer identifiable depression symptoms. The alcohol abuse remains in remission and has not been a difficulty since the initial consultation in July, 2010.

He has improved coping strategies in the present, better understands his particular narrative and takes responsibility for his previous behavior.

EXHIBIT
3

He has remained consistently employed over the last 3 years, contributing to the growth of the company that employs him. In addition, has been focused on parenting his children and working to improve his marriage.

He has continued therapy on an ongoing voluntary basis. Most of the work at this time is maintenance in regard to his initial goals for change.

Sincerely,

Barry Pilson

Barry Pilson,Ph.D./LCSW

SUPREME COURT OF LOUISIANA

IN RE: CONFIDENTIAL PARTY

SUPREME COURT DOCKET NO. _____

WAIVER OF OPPORTUNITY TO WITHDRAW

NOW INTO THESE DISCIPLINARY PROCEEDINGS comes Respondent, MICHAEL STEPHEN SEPCICH (Bar Roll No. 24877), who has submitted a Joint Petition for Consent Discipline in the above numbered and entitled cause. As a specific material consideration for the agreement, consent, and concurrence by the Office of Disciplinary Counsel, Respondent specifically and irrevocably waives any opportunity to withdraw his consent to the agreed upon discipline prior to the final disposition of these proceedings.

Respectfully submitted,

MICHAEL STEPHEN SEPCICH

SUPREME COURT OF LOUISIANA

IN RE: CONFIDENTIAL PARTY

SUPREME COURT DOCKET NO. _____

ORDER

Considering the Joint Petition for Consent Discipline filed herein by the Chief Disciplinary Counsel, and the respondent Michael Stephen Sepcich, individually and through his counsel of record Dane S. Ciolino, and considering the facts as stipulated to by the parties:

IT IS ORDERED that the Petition for Consent Discipline is granted and the Respondent is disbarred from the practice of law in the State of Louisiana, retroactive to the date of his interim suspension.

IT IS FURTHER ORDERED that the Respondent be cast of all costs associated with these disciplinary proceedings.

THIS ORDER READ, RENDERED AND SIGNED in New Orleans, Louisiana, this _____ day of _____, 201___.

_____

SUPREME COURT JUSTICE