

LAW FIRMS

Mandeville attorney makes career of defending legal eagles

By Ashton Daigle
Contributing Writer

MANDEVILLE ATTORNEY Elizabeth Alston built her law practice around defending other attorneys and judges against ethics complaints.

"I love what I do," Alston said. "I consider it a privilege to be able to serve my peers."

Alston, who grew up in Beaumont, Texas, received her undergraduate degree and law degree from the University of Texas and University of Texas School of Law, respectively.

Before graduating, she was offered a job in New Orleans with McGlinchey Stafford PLLC in 1980.

In her product liability defense work to McGlinchey Stafford, Alston discovered her gender and youth — at age 24, she was one of the youngest attorneys with the firm — were obstacles she would have to overcome.

"I worked on my own car all through college," Alston said, explaining that some of her earliest cases involved defense work for major automobile manufacturing companies. "In a way, that kind of saved me. Once I was able to actually show everyone that I knew a little bit about automobiles, I was accepted."

In 1984, Alston went to work for New Orleans-based Johnson & Carnahan where she specialized in insurance defense. In 1986, just a year after becoming a partner, she struck out on her own.

"I was a little burned out and a little disenchanted," she explained. "I was just ready for a change."

That change came in 1988 when the Louisiana Supreme Court appointed Alston to the Louisiana State Bar Association's Committee on Professional Responsibility, which investigated and prosecuted attorney wrongdoing.

"At that time I was 30 and the youngest member on the committee," she said. "The position was an uncompensated or pro bono position."

According to Alston, the state's Bar Association has not had investigative authority over attorney wrongdoing since 1990, when the state Supreme Court formed the Louisiana Attorney Disciplinary Board. Alston became vice chairwoman of that board during its first year and became the first female chairperson.

Alston said the board also lobbied the state Supreme Court for rule changes dealing with permanent disbarment.

"Our position was that people are entitled to a second chance if they can show rehabilitation of character," she said.

Although Louisiana is commonly perceived as a "good ol' boy" system, Alston said the state has no greater concentration of attorney wrongdoing than any other state.

"Lawyers are pretty much the same

everywhere," she said. "There are lots of good ones and a few bad ones everywhere."

Charles Plattsmier, chief disciplinary council for the Louisiana Supreme Court and member of the Louisiana Attorney Disciplinary Board, said Louisiana averages about 3,000 complaints against attorneys per year.

"We're really about average," he said. "That number tends to be about the same for similar-sized jurisdictions across the United States."

About 1,000 complaints are almost immediately screened out as unwounded. The disciplinary board actually investigates 2,000 complaints per year but few complaints make it to court.

"We tend to actually end up with 250 to 300 meritorious cases of attorney wrongdoing per year," Plattsmier said.

More often than not, Alston said, attorney wrongdoing is a result of negligence or ignorance than willful malevolence.

"The biggest piece of advice I can give to fellow attorneys is to read and become completely familiar with the state's rules of professional conduct. We've had new ones as of March of this year," Alston said. "It's actually pretty embarrassing how many attorneys haven't read them."

According to Alston, the chief complaint regarding ethics violations is a failure for attorneys to return phone calls or update clients on the status of their cases.

"Again, there are rules about this," she said.

A common complaint among personal injury claimants is settlement disbursements are too low.

"Sometimes they're right," Alston said.

According to Alston, personal injury attorneys tend to receive the most complaints followed by domestic lawyers and small firms or solo practitioners.

Alston handles these common complaints on a regular basis, but she said formerly unique situations are becoming more common.

"I've had a few lawyers who have called me and said they've come to realize that their law partner is addicted to crack cocaine," she said. "I have to tell these attorneys that ... they have a duty to turn their partners to turn them in to the appropriate groups."

Alston said the state's Lawyer Assistance Program usually works hand-in-hand with the Attorney Disciplinary Board in such cases. Alston said statistics show attorneys are twice as likely to have substance and alcohol abuse issues than the general public.

"It is a unique challenge. But it's extremely gratifying to help someone who faces their demons and decides to change their life," Alston said. "There is a lot of suffering in the practice of law. It's a high-stress job and a commonly maligned profession. It's not all money and power by a long shot."



Attorney Elizabeth Alston started her Mandeville law firm to defend other attorneys and judges accused of wrongdoing.

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