



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

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RELEASE OF INFORMATION
RE: JAMES AUSTIN DUKES, BPR #026731
CONTACT: JERRY MORGAN
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

March 11, 2020

TENNESSEE LAWYER SUSPENDED

On March 11, 2020, the Tennessee Supreme Court suspended James Austin Dukes from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Mr. Dukes was found guilty of theft of \$25,000.00 or more; theft of assets of aged; and exploitation of the infirmed in Docket 1-703267 in the State of Louisiana, Parish of Tangipahoa.

Pursuant to the Order of the Supreme Court, the matter has been referred to the Board to institute formal proceedings to determine the extent of the final discipline to be imposed upon Mr. Dukes as a result of his conviction of a serious crime.

Mr. Dukes must comply with Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys.

Dukes 3081-0 rel.doc

FILED

03/11/2020

Clerk of the
Appellate Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: JAMES AUSTIN DUKES, BPR #026731

An Attorney Licensed to Practice Law in Tennessee
(Hammond, Louisiana)

No. M2020-00399-SC-BAR-BP
BOPR No. 2020-3081-0-JM-22.3

ORDER OF ENFORCEMENT

This matter is before the Court pursuant to Tenn. Sup. Ct. R. 9, § 22.3, upon a Notice of Submission filed by Disciplinary Counsel for the Board of Professional Responsibility consisting of a certified copy of the Criminal Minutes of the State of Louisiana, Parish of Tangipahoa, 21st Judicial District, Docket #1-703267 (attached as Exhibit A) demonstrating that James Austin Dukes, a Tennessee attorney, was found guilty of theft of \$25,000.00 or more; theft of assets of aged; and exploitation of the infirmed.

IT IS THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

1. James Austin Dukes is suspended from the practice of law on this date pending further orders of this Court, pursuant to Tenn. Sup. Ct. R. 9, § 22.3;
2. This matter shall be referred to the Board of Professional Responsibility for the institution of a formal proceeding in which the sole issue to be determined shall be the extent of the final discipline;
3. James Austin Dukes shall fully comply with the provisions of Tenn. Sup. Ct. R. 9, § 28, concerning disbarred or suspended attorneys; and
4. The Board of Professional Responsibility shall cause notice of this suspension to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM

TANGIPAHOA PARISH CLERK OF COURT

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Appellate Courts

1 CRIMINAL MINUTES DATE: 1/27/20 NOELP

STATE OF LOUISIANA

21ST JUDICIAL DISTRICT

PARISH OF TANGIPAHOA

DOCKET: 1-703267

STATE OF LOUISIANA VS DUKES, JAMES A

CNT: 1 BILLED: THEFT OF \$25K OR MORE DISP:
CNT: 2 BILLED: THEFT OF ASSETS OF AGED/D DISP:
CNT: 3 BILLED: EXPLOITATION OF THE INFIR DISP:

DATE: 12/07/17 DIV: E JUDGE: BRENDA RICKS

Accused not present but represented by ALBERT BENSABAT State represented by JOEY OUBRE. The defendant failed to appear for Arraignment. Bench warrant was issued. Execution stayed until December 21st 2017. Court recused in this matter due to this division having the Civil Case. The Clerk was ordered to randomly realloot this matter and it was randomly reallocated via computer in open court to Division 'D'.

DATE: 12/21/17 DIV: D JUDGE: M. DOUGLAS HUGHES

Accused present in open court with counsel ALBERT BENSABAT. State represented by KIMBERLY FULTZ. Defendant was advised of his rights, waived reading of the Bill Entered plea of not guilty to all charges. Alloted to Division this matter to Division D. Motion date set for January 23rd 2018. Notice of Court Dates Filed. Open court notice to Defendant. Counsel given 15 days to file pleadings.

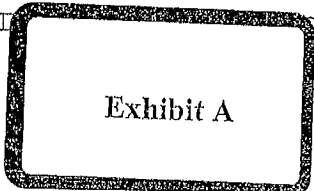
DATE: 1/23/18 DIV: D JUDGE: M. DOUGLAS HUGHES

Accused present in open court with counsel ALBERT BENSABAT. State represented by BRITAIN SLEDGE. Pre Trial date set for March 20th 2018. Open court notice to Defendant.

DATE: 3/20/18 DIV: D JUDGE: M. DOUGLAS HUGHES

Accused present in open court with counsel ALBERT BENSABAT. State represented by BRITAIN SLEDGE. Pre Trial date set for May 15th 2018, 09:00 AM Open court notice to Defendant. Defense counsel advised Motions are satisfied.

DATE: 5/15/18 DIV: D JUDGE: M. DOUGLAS HUGHES



(CONTINUED)

Accused present in open court with counsel ALBERT BENSABAT. State represented by BRITAIN SLEDGE. Pre Trial date set for August 8th 2018, 09:00 AM Open court notice to Defendant.

DATE: 8/08/18 DIV: D JUDGE: M. DOUGLAS HUGHES

Accused present in open court with counsel ALBERT BENSABAT. State represented by JOEY OUBRE. This day this matter came up for MOTION FOR PRELIMINARY EXAMINATION State witness sworn was Elizabeth Rainey . Motion continue to October 17th 2018, 10:30 AM

DATE:10/17/18 DIV: D JUDGE: M. DOUGLAS HUGHES

Accused present in open court with counsel ALBERT BENSABAT. State represented by JOEY OUBRE. This day this matter came up on Motion for Preliminary Examination continued from August 8th 2018. The Cross- Examination of the witness Elizabeth Rainey continued. Court advised the defendant was previously sworn. Defense counsel offered D # 1; Bank Records. Court finds probable cause. Pre Trial date set for December 19th 2018, 09:00 AM Open court notice to Defendant.

DATE:12/19/18 DIV: D JUDGE: M. DOUGLAS HUGHES

Accused present in open court with counsel ALBERT BENSABAT. State represented by BRITAIN SLEDGE. Pre Trial date set for March 26th 2019, 09:00 AM Open court notice to Defendant. Trial set for April 1st 2019, 09:00 AM

DATE: 3/26/19 DIV: D JUDGE: M. DOUGLAS HUGHES

No appearance was made by accused or by attorney. State represented by BRITAIN SLEDGE. On motion of the State, this matter is to be removed from the Docket.

DATE: 4/01/19 DIV: D JUDGE: M. DOUGLAS HUGHES

Accused present in open court with counsel ALBERT BENSABAT. State represented by BRITAIN SLEDGE. Pre Trial date set for May 2nd 2019, 09:00 AM Open court notice to Defendant. Defense counsel filed Motion to Continue in open court.

DATE: 5/02/19 DIV: D JUDGE: TERRY ALARCON

Accused present in open court with counsel ALBERT BENSABAT. State represented by JOEY OUBRE.

(CONTINUED)

Pre Trial date set for May 21st 2019, 09:00 AM Notice of Court Dates Filed. Open court notice to Defendant. Trial set for June 10th 2019, 09:00 AM Motion Continuance by defense.

DATE: 5/21/19 DIV: D JUDGE: M. DOUGLAS HUGHES

Accused not present but represented by ALBERT BENSABAT State represented by BRITAIN SLEDGE. Pre Trial date set for June 12th 2019, 10:30 AM Open court notice give through attorney of record. Set for Status Conference. Judge Winsberg will be the Judge presiding.

DATE: 6/10/19 DIV: D JUDGE: M. DOUGLAS HUGHES

No appearance was made by accused or by attorney. State represented by BRITAIN SLEDGE. On motion of the State, this matter is to be removed from the Docket.

DATE: 6/12/19 DIV: D JUDGE: JEROME WINSBERG

Judge JEROME WINSBERG presided as Adhoc Judge. Accused present in open court with counsel ALBERT BENSABAT. State represented by JOEY OUBRE. Pre Trial date set for July 22nd 2019, 11:00 AM Open court notice to Defendant. A brief Status Conference was held off the record.

DATE: 7/22/19 DIV: D JUDGE: WILLIAM BURRIS

Judge JEROME WINSBERG presided as Adhoc Judge. Accused present in open court with counsel ALBERT BENSABAT. State represented by JOEY OUBRE. This day the State filed an AMENDED BILL OF INFORMATION adding Count 2 and Count 3. Count 1 remained the same with the exception of the victim Date of Birth. Defendant was advised of his rights, waived reading of the Bill Entered plea of not guilty to all charges. Pre Trial Conference date set for September 16TH, 2019 11:00 AM Open court notice to Defendant. Counsel given 15 days to file pleadings. Court advised defendant to his right to a jury trial. AMENDED BILL OF INFORMATION FILED INTO THE RECORD.

DATE: 9/16/19 DIV: D JUDGE: WILLIAM BURRIS

Judge JEROME WINSBERG presided as Adhoc Judge. Accused present in open court with counsel ALBERT BENSABAT. State represented by JOEY OUBRE. Trial date set for November 5th 2019, 09:00 AM Notice of Court Dates Filed. Open court

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notice to Defendant. Court advised the defendant as to trial by bench, confirmed his decision for bench trial and noted the Notice of Waiver of Trial by Jury was accepted by the Court. Defense satisfied with discovery.

DATE: 9/25/19 DIV: D JUDGE: JEROME WINSBERG

BY ORDER OF THE COURT: The bench trial set for November 5, 2019 has been reset to December 5th, 2019 at 10:00 A.M. Notices have been sent to all parties

DATE: 12/05/19 DIV: D JUDGE: JEROME WINSBERG

Judge JEROME WINSBERG presided as Adhoc Judge. Accused present in open court with counsel ALBERT BENSABAT and co-counsel NIKE ABBOTT. State represented by JOEY OUBRE. This day this matter came up on Bench Trial, pursuant to previous order of assignment. Counsel advised the Court there are no outstanding Motions to be heard. Court so noted. State offered, filed and introduced into evidence, Stipulations- State # 1A- Transcript from August 8th 2018; State # 1B- Transcript from October 17th 2018; State # 2A- Account Summary; State # 2B- Account Summary; State # 2C- Account Summary; State # 3A- Bank Account Summary; State # 3B- Debit Card Account Summary; State # 3C- Account Summary; State # 4- Expert Report from Mora. Opening argument made by State and Defense counsel Albert Bensabat. State called Det. Ronnie Domiano (Hammond Police Department) to the stand. Witness sworn and testimony adduced. State offered, filed and introduced into evidence: State # 5, Rights Form; State # 6 Compact Disc of Audio Recorded Statement; State # 7- Transcribed Statement. State requested both State # 6 and State # 7 be published at this time. Court so ordered. State offered, filed and introduced into evidence State # 8, 2016 Power of Attorney (unsigned).

Judge JEROME WINSBERG presided as Adhoc Judge. State offered, filed and introduced into evidence; State # 9, Email from the defendant to Detective Domiano; State # 10, Access Logs from Safety Deposit Box. Defense counsel, Al Bensabat, objects to State # 10 at this time. Argument made. Court ordered State # 10 be left out of evidence at this time. Joint counsel offered, filed and introduced into evidence, D # 1, Affidavit of Search Warrant.

Judge JEROME WINSBERG presided as Adhoc Judge. State called Elizabeth Rainey to the stand. Witness sworn and testimony adduced. A brief status conference was held in chambers. Court advises he will not allow further testimony of the witness Elizabeth Rainey for the reasons dictated to the court reporter. State called Chris Broadwater to the stand.

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Witness sworn and testimony adduced. State offered, filed and introduced into evidence State # 11, Power of Attorney; and State #12, Living Will; State # 13, Update Living Will; State # 14, Will Updated (2015); State # 15, Power of Attorney; State # 16, Legal Memo from Lindon Magee; State # 17, Cashiers Check for Legal Services from Cashe, Coudrain and Sandage; State # 18, Revocation of Power of Attorney; State # 19, Text Messages exchanged between Chris Broadwater and James Dukes from July 13th and July 14th; State # 20, Envelope; State # 21, Note to Henry Cryer; State # 22, Check wrote to Henry Cryer; State # 23, Affidavit from Chris Broadwater (8/24/017); State # 24, Affidavit by Chris Broadwater. State called Robin Blanchard to the stand.

Witness sworn and testimony adduced. State offered, filed and introduced into evidence, State # 25, Signature Card of Safety Deposit Box; State # 26, Signature Card for Safety Deposit Box. State called Donna Drago to the stand. Witness sworn and testimony adduced. State offered, filed and introduced into evidence, State # 27 in globo, Certification of Documents; State # 28, Signature Card for for Safety Deposit; State called Gary Gambel to the stand. Witness sworn and testimony adduced. State offered, filed and introduced into evidence, State # 29, Petition for Interdiction; State # 30, Bank Stock; State # 31, Hancock Whitney Documents; State # 32, Motion to Appoint Expert; State # 33, Stipulations; State # 34, 2008 Power of Attorney and Contents of Jimmy Dukes' Safety Deposit Box; State # 35 in globo, Photographs.

Judge JEROME WINSBERG presided as Adhoc Judge. State called Henry Cryer Jr. to the stand. Witness sworn and testimony adduced. State called Lindon Magee to the stand. Witness sworn and testimony adduced. State offered, filed and introduced into evidence, State # 36, Email between Lindon Magee and Frank Divittorio. State called Brian Mora to the stand. Witness sworn and testimony adduced. State moved to tender the witness as an expert in Forensic Accounting. Defense counsel has no objection. Court so ordered. State rests. Defense counsel moves at this time for Judgment of Acquittal. Argument made by counsel. After hearing argument, Court denied the Motion. Court recessed until December 6th 2019 at 10:00 a.m.

Trial set for December 6th 2019, 09:00 AM

DATE:12/06/19 DIV: D JUDGE: JEROME WINSBERG

Judge JEROME WINSBERG presided as Adhoc Judge. Accused present in open court with counsel ALBERT BENSABAT. State represented by BRITAIN SLEDGE. This day this matter came on continuation of the Bench Trial. State offered, filed and introduced into evidence State 37, Timeline. Defense counsel called James Dukes to the stand. Witness sworn and testimony adduced. Defense counsel offered, filed and introduced into evidence, D # 3, Care Inc. Contract. State

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offered, filed and introduced into evidence, State # 38, Handwritten Notes. Defense counsel called Dr. Johnny Walker to the stand. Witness sworn and testimony adduced. Judge JEROME WINSBERG presided as Adhoc Judge. Defense counsel Orvel Rainey, Jr. to the stand. Witness sworn and testimony adduced. Defense counsel, Nick Abbott, called Debbie Mixon to the stand. Witness sworn and testimony adduced. Defense counsel called Wanda Bordelon to the stand. Witness sworn and testimony adduced. Defense called Susan Dukes to the stand. Witness sworn and testimony adduced. Defense counsel called Will Dukes to the stand. Witness sworn and testimony adduced. Defense rests. State has no rebuttal.

Judge JEROME WINSBERG presided as Adhoc Judge. State made closing arguments to the Court. Defense counsel made closing arguments to the Court. State makes rebuttal. Court finds the defendant GUILTY AS CHARGED. Court ordered the defendant be allowed to remain out on Bond pending sentencing. Sentencing set for January 31st 2020, 10:30 AM Open court notice to Defendant.

Approved: _____

Judge: ()

Attest: Noel Dayton
Deputy Clerk of Court ()