

SOUTHERN UNIVERSITY LAW CENTER

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January 31, 2018

Dr. Ray Belton, President/Chancellor
Southern University System
4th Floor – J.S. Clark Administration Building
Baton Rouge, LA 70813

RE: Investigatory Committee – Professor Dorothy Jackson

Dear Dr. Belton:

I have had the opportunity to review the report and recommendation of the Investigatory Committee assigned to hear the matter involving Professor Dorothy Jackson. I have also had an opportunity to read the hearing transcript and to consider the comments from Vice Chancellor R. C. White.

The committee consisting of seven members authored “The Investigatory Panel Report, In Re: Professor Dorothy Jackson.” The committee made specific evidentiary findings relative to the charged offenses, which are detailed on pages 5, 6, and 7 of the report. The report is attached for your review.

The charges brought against Professor Jackson are as follows:

- 1) She engaged in conduct seriously prejudicial to the Southern University System and the Southern University Law Center;
- 2) She engaged in unethical and/or immoral behavior; and
- 3) She failed to perform her duties in a professional manner.

With respect to the first charge, the committee determined that Professor Jackson engaged in conduct that was seriously prejudicial to the Southern University System and the Southern University Law Center by a vote of six to one. With respect to the second charge, the committee determined that the Southern University System and the Southern University Law Center had not met its burden of providing by clear and convincing evidence that Professor Jackson engaged in unethical or immoral behavior. Three members of the committee found that there was clear and convincing evidence of unethical or immoral behavior, while four members of the committee did not find clear and convincing evidence of unethical or immoral behavior. With respect to the

Dr. Ray Belton
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third charge, the committee unanimously found by a vote of seven to zero, that Professor Jackson engaged in unprofessional behavior.

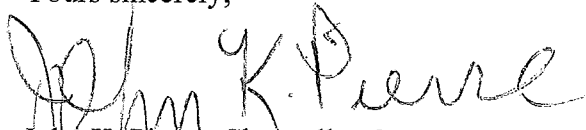
In finding that Professor Jackson (a) engaged in unprofessional behavior and (b) engaged in conduct that was seriously prejudicial to the Southern University System and the Southern University Law Center, the committee found that the Southern University System and the Southern University Law Center met its burden of proving both charges by "clear and convincing evidence." The committee indicated on page 7 of its report that the conclusions on each of the charges were not dependent upon any single factual or evidentiary finding.

The committee by a majority vote did not recommend termination. By majority vote, the committee recommended a penalty of a one-year suspension without pay, revocation of tenure, and a reduction of rank to Assistant Clinical Professor for Professor Dorothy Jackson. After a careful review of the record in this matter, I do not concur with the penalty recommendation of the committee as enunciated on page 8 of its report.

In my opinion, the cumulative effect of all of the committee's findings on the charges and the cumulative effect of the specific evidentiary findings relative to the charged offenses as enunciated by the committee on pages 5, 6, and 7 of its report warrant a recommendation of termination of the employment of Professor Dorothy Jackson.

If you have any questions regarding my recommendation, please feel free to contact me.

Yours sincerely,



John K. Pierre, Chancellor &
Vanue B. Lacour Endowed Professor

Attachments

cc: Attorney Tracie Woods
Attorney Winston Decuir Jr.



**SOUTHERN UNIVERSITY LAW CENTER
OFFICE OF ACADEMIC AND STUDENT AFFAIRS**

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MEMORANDUM

TO: John Pierre, Chancellor
Re: Investigatory Panel, Professor Dorothy Jackson
Investigation Report dated December 1, 2017

DATE: December 6, 2017

Chancellor:

I have had an opportunity to review the report and recommendation of the Investigatory Committee assigned to hear the matter involving Professor Dorothy Jackson (attached). The "Southern University Law Center Procedure for Termination of Faculty Employment" requires that after receiving the recommendation, I am to notify you and attach my comments to the recommendation. My comments are as follows:

Whereas the committee was in the best position to review evidentiary documentation and determine the credibility of witness testimony, I find that the report and recommendation of the committee appears to be consistent with the committee's investigatory hearing and subsequent deliberations. We may need to seek clarification on the timing of the suspension, and any related ancillary issues.

With these comments, I recommend that the committee's report and its recommendation be accepted.

If additional information is needed, please contact my office at 225-771-3811. Thank you.

RE White

R.C. White
Vice Chancellor for Academic and Student Affairs

CommentsJackson

THE INVESTIGATORY PANEL REPORT IN RE: PROFESSOR DOROTHY JACKSON

In the matter of Southern University System and the Southern University Law Center versus Professor Dorothy Jackson, the investigatory panel hereby submits the following report of its findings and recommendations in accordance with the procedures set forth in the Southern University Law Center Procedures for Termination of Faculty Employment.

Investigatory Hearing

The investigatory panel convened on Friday, November 17, 2017 at 10:00 AM and on Monday, November 27, 2017 at 10:00 AM to consider the following charges brought by the Southern University System and the Southern University Law Center against Professor Jackson:

- 1) She engaged in conduct seriously prejudicial to the Southern University System and the Southern University Law Center;
- 2) She engaged in unethical and/or immoral behavior; and
- 3) She failed to perform her duties in a professional manner.

Members of the investigatory panel considering the above charges included:

- 1) Professor Donald North, Chairperson
- 2) Professor Shenequa Grey, Vice-Chairperson
- 3) Professor Paul Race
- 4) Professor Ruby Andrew
- 5) Professor Mark Thurmon
- 6) Professor Prentice White
- 7) Associate Vice Chancellor Shawn Vance

Southern University System and the Southern University Law Center was represented by Attorney Winston Decuir, Jr. and Vice Chancellor Alfreda Diamond was present representing the Southern University Law Center. Professor Dorothy Jackson was also present at the hearing and was represented by attorneys William D. Aaron, Jr. and Dwayne Williams of Aaron & Gianna, PLC.

In coming to its conclusions, the investigatory panel considered all witness testimony and exhibits presented by both parties. Throughout the entire process members of the investigatory panel were given an opportunity to question all witnesses called by either party. The Southern University System presented into evidence the testimony of the following witnesses, who were cross-examined by the accused's attorney: SULC Chancellor John Pierre, SULC Vice Chancellor Alfreda Diamond, Ms. Chaquita Kado, Ms. Susan Nelson, and Professor Virginia Listach. The SUS/SULC also offered the following exhibits into evidence:

- SU-1: Client Interview Form from the Elder Law Clinic for Mrs. Helen Plummer
- SU-2: Screenshots of Plummer File in Clinical Client Database
- SU-3: Clinical File Closure Form for Mrs. Helen Plummer dated 9/19/16
- SU-4: Clinical Faculty Case Management Procedure
- SU-5: Temporary Restraining Order, Permanent Injunction, and Succession of Helen Plummer
- SU-6: Memo from Professor Listach to Vice Chancellor Diamond dated 4/27/17
- SU-7: Memo of Comparative Profile of Elder Law Case Files dated 5/2/17
- SU-8: Chronology of Events prepared by Vice Chancellor Alfreda Diamond
- SU-9: Email from Dytasha Clark-Amar to Professor Jackson naming the children to be included in the trust
- SU-10: Last Will and Testament of Helen Plummer
- SU-11: System Policy on Disclosure of Outside Employment
- SU-12: AARP Grant
- SU-13: Letter from Chancellor Freddie Pitcher to Professor Jackson dated March 11, 2008 regarding her presumptive renewable contract
- SU-14: Chancellor's Letter of Charges against Professor Jackson
- SU-15: Succession of Mrs. Plummer
- SU-16: Law Center Clinic AARP Brochure of Services

The accused presented the testimony of the following witnesses, who were cross-examined by the Southern University System attorney: Professor Dorothy Jackson and Professor Jaqueline Nash Grant. The accused also offered the following exhibits into evidence:

- D-1: The CV of Professor Dorothy Jackson
- D-2: Minutes of the Board of Supervisors Meeting noting Professor Jackson's promotion to full Clinical Professor
- D-3: Photos taken at the Council on Aging at the June 29, 2016
- D-4: Photo taken by Mrs. Clark-Amar on July 7, 2016 at Southern University Law Center Clinic
- D-5: SULC Policy on Conflict of Interest effective July 11, 2017

General Evidentiary Findings

After a review of all of the testimony and evidence, the investigatory panel finds the following facts:

- 1) At all times relevant to the investigation, Professor Dorothy Jackson was an employee of the Southern University Law Center as Supervising Attorney of the Elder Law Clinic;

- 2) At all times relevant to the investigation, Professor Dorothy Jackson was a member of the Council on Aging Board of Directors;
- 3) At all times relevant to the investigation, Professor Jackson was responsible for the proper administration of the AARP Grant;
- 4) Professor Jackson first met Mrs. Helen Plummer on June 29, 2016 at a presentation at the Council on Aging on Florida Boulevard. Mrs. Plummer inquired about whether she could write a will giving everything to her great grandchildren, to the exclusion of her children and grandchildren. Following the presentation, Mrs. Plummer spoke to Professor Jackson in a private room.
- 5) Mrs. Plummer gave a plausible reason as to why she wanted to exclude her children and grandchildren.
- 6) Sometime between June 29, 2016 and July 7, 2016 Professor Jackson drafted a will for Mrs. Plummer.
- 7) While drafting the will, Professor Jackson spoke to Dytasha Clark-Amar about the preparation of the will. The extent of their discussion and the exact content of their discussions is unclear.
- 8) Based on conversations between Professor Jackson and Dytasha Clark-Amar, on July 5, 2016 Mrs. Clark-Amar sent Professor Jackson an email with the names of the children that were to be included in the will.
- 9) On July 7, 2016, Mrs. Plummer went to the Law Center Clinic to sign the will. She was accompanied by: Dytasha Clark-Amar, who would be named the executrix of Mrs. Plummer's estate, and Trudy Bihm, who would be named the alternate executrix of the estate. Both Mrs. Clark-Amar and Ms. Bihm are employees of the Council on Aging.
- 10) It is unclear as to when the preparation of the will commenced, however the will was completed on July 7, 2016 on the day Mrs. Plummer signed it at the Law Center.
- 11) Mrs. Plummer appeared to be of sound mind to all parties and witnesses present at the time she signed the will and at the presentation at the Council on Aging on June 29, 2016.
- 12) The final draft of the will was read to Mrs. Plummer prior to her signing it in presence of the following witnesses: Chiquita Kado and Karen Moore. Also present when the will was read were the named executrix, Dytasha Clark-Amar, and the alternate executrix, Trudy Bihm.
- 13) It is unclear as to how engaged Mrs. Plummer was on the day of the will execution at the Law Center Clinic on July 7, 2016.
- 14) While Mrs. Plummer was advised that Dytasha Clark-Amar would receive \$500 per month for her services, she was never informed of the total amount of her estate that Mrs. Clark-Amar would receive of the entire course of the trust, which would likely come to over \$100,000.
- 15) It is unlikely that Mrs. Plummer understood the full terms and consequences of the will that she was signing.
- 16) The will did satisfy Mrs. Plummer's intention to exclude her children and grandchildren. However, it is unlikely she intended that a large portion of her estate would go to Mrs. Clark-Amar as executrix.

- 17) Professor Jackson either knew of the full value of Mrs. Plummer's estate, or was negligent in failing to inquire about it, in order to fully advise Mrs. Plummer of which terms would be in her best interest for paying the executrix of her estate.
- 18) Professor Jackson did not advise Mrs. Plummer of alternate options for paying the executrix to give her an opportunity to pick the option that would be in her best interest.
- 19) Professor Jackson did not advise Mrs. Plummer of certain details surrounding the trust because she believed that since the judge would ultimately have to approve the trust, it would not be approved if the terms were not feasible.
- 20) The file was not timely entered in the Law Center Clinic database in accordance with the Law Center Clinic policy. The Clinic file was not opened in the Clinic Database until at least two months after the signing of the will.
- 21) Helen Plummer died on March 2, 2017.
- 22) Professor Jackson took the only copy of the will from the file on March 3, 2017 and delivered it to Mrs. Clark-Amar, and wrote on the file form "*Client Passed Away. Original will taken and delivered to executrix, Mrs. Tasha Amar, Signed, DFJ 3/3/17.*" No copy of the will was retained in the file.
- 23) On March 9, 2017 Mrs. Clark-Amar filed a petition and order to file Notarial Will and be Appointed Independent Administrator of Mrs. Plummer's estate and was appointed by Judge Don Johnson, and Letters of Independent Administration were issued the same day.
- 24) Following Mrs. Plummer's death, on March 17, 2017, Professor Jackson took action in her private capacity representing the executrix and Mrs. Plummer's estate to protect the assets of the estate. Professor Jackson filed a petition for a restraining order against Tracie Davis and Jacquelyn Antoine to prevent them from taking and secreting property and assets of Mrs. Plummer's estate. These actions began to draw negative media attention for the Clinic, the Law Center and the Southern University System.
- 25) The AARP Grant allowed Mrs. Plummer to be served by the Elder Law Clinic under the grant because she was older than 50.
- 26) The AARP Grant enabled the Elder Law Clinic to serve clients older than 50 without regard to income.
- 27) Dytasha Clark-Amar could not have been represented by the Elder Law Clinic, as executrix of Mrs. Plummer's estate under the AARP grant because she was not low income nor was she over the age of 50.
- 28) The Elder Law Clinic could have been named at the Executor of the Plummer Estate under the AARP Grant.
- 29) Professor Listach first became aware of the controversy surrounding the will after it was reported in the news.
- 30) Following the media stories, Professor Jackson withdrew as attorney for the estate and Mrs. Clark-Amar withdrew as executrix of Mrs. Plummer's estate.
- 31) There have been numerous news reports regarding the incident that have portrayed Professor Jackson, the Elder Law Clinic, and the Law Center in a negative light.
- 32) The incident led to a lawsuit being filed against the Law Center by WBRZ and The Advocate to obtain information about the investigation.

- 33) Professor Jackson's conduct led to complaints being filed against her by the family of the deceased.
- 34) Professor Jackson currently has other investigations taking place as a result of her conduct in this case, including investigations by the Attorney Disciplinary Board, Office of Disciplinary Counsel, and the State Ethics Board.
- 35) A review of clinic files handled by Professor Jackson in the Law Center Elder Law Clinic, conducted by Professor Listach, showed that Professor Jackson *has not* engaged in a regular practice of obtaining private clients from her capacity as supervising attorney of the Elder Law Clinic. Specifically, according to the report:
 - a. Of the wills drafted by Professor Jackson, Mrs. Plummer is the only case that resulted in a private client.
 - b. Of the 78 probate cases filed by Professor Jackson in the East Baton Rouge Clerk of Court System since 1998, Mrs. Plummer is the only client also contained in the SULC Case Management client database.
 - c. There were 11 wills in which Professor Jackson named herself to represent the estate as "SULC Elder Law Clinic Attorney" in her capacity as supervising attorney for the Elder Law Clinic, which appears not to be improper.

Specific Evidentiary Findings Relative to the Charged Offenses

Charge 1: With respect to the charge that Professor Jackson engaged in unethical or immoral behavior, the Panel makes the following relevant findings:

- Professor Jackson wrote herself into Mrs. Plummer's will as the private attorney for the executrix, the estate, and the trust.
- Professor Jackson removed the sole copy of Mrs. Plummer's will from the SULC Elder Law Clinic file and gave it to Mrs. Clark-Amar. In doing so, Jackson used her access and her position as the Director of the Elder Law Clinic to serve a private client.
- Professor Jackson used her position as Supervising Attorney for the Elder Law Clinic to put herself in a position to obtain income as the private attorney for Mrs. Plummer's estate, trust, and the executrix.
- Professor Jackson wrote a will that would grant to her friend and fellow member of the Board of the Council on Aging, Mrs. Clark-Amar, an amount likely to exceed \$100,000 of Mrs. Plummer's estate.
- Professor Jackson was assisted in drafting Mrs. Plummer's will by her friend and fellow member of the Board of the Council on Aging, Mrs. Clark-Amar, who was to benefit financially from the will.

Charge 2: With respect to the charge of whether Professor Jackson failed to perform her duties in a professional manner, the Panel makes the following relevant findings:

- Professor Jackson wrote herself into Mrs. Plummer's will as the private attorney for the executrix, the estate, and the trust.
- Professor Jackson removed the sole copy of Mrs. Plummer's will from the SULC Elder Law Clinic file and gave it to Mrs. Clark-Amar. In doing so, Jackson used her access and her position as the Director of the Elder Law Clinic to serve a private client.
- There is no evidence that Professor Jackson met with Mrs. Plummer, other than at the initial meeting at the Council on Aging on June 29, 2016, to adequately inform herself of the necessary information to prepare the will or the trust.
- Professor Jackson failed to properly advise Mrs. Plummer about the specific details of her will including the total amount of financial resources to be paid to the executor, and the long term contractual obligations of the executor and how that could ultimately be to the detriment of the intended beneficiaries.
- Professor Jackson failed to do a conflict check from the SULC database before engaging in an attorney client relationship with Mrs. Plummer.
- Professor Jackson failed to advise her client of any potential conflicts of interest with respect to her later representation of the executrix, the estate, and the trust. She also failed to secure a written waiver of any potential conflict of interest that might have existed.
- Professor Jackson did not engage in conduct that was in her client's best interest at all times.
- Professor Jackson wrote a will that would grant to her friend and fellow member of the Board of the Council on Aging, Mrs. Clark-Amar, an amount likely to exceed \$100,000 of Mrs. Plummer's estate.
- Professor Jackson was assisted in drafting Mrs. Plummer's will by her friend and fellow member of the Board of the Council on Aging, Mrs. Clark-Amar, who was to benefit financially from the will.
- Professor Jackson did not obtain a written client engagement agreement with Mrs. Plummer.

Charge 3: With respect to the charge that Professor Jackson engaged in conduct that was seriously prejudicial to Southern University Law Center and the Southern University System, the Panel makes the following relevant findings:

- Professor Jackson engaged in conduct that put her ability to practice law in jeopardy, which would prevent her from being able to perform her job duties at SULC.
- Professor Jackson's conduct led to at least two clients of the clinic wanting to no longer be represented by the Law Clinic, however, it is unclear as to whether those clients ultimately withdrew their files from the clinic.
- Professor Jackson's conduct resulted in multiple negative stories and investigative reports that led to the Law Center's Elder Law Clinic being portrayed in the media in a negative light.

- Professor Jackson's conduct resulted in at least two complaints to the Law Center Clinic from existing or prospective clients.
- Professor Jackson's conduct resulted in calls from alumni questioning the conduct of Professor Jackson. These calls have given the Chancellor concerns about whether her conduct could impact contributions from alumni and donors of the Law Center.
- Professor Jackson's conduct led to expressions of concern from members of the legislature, which is responsible for providing funding to the Law Center, giving the Chancellor concerns about whether her conduct could impact its funding in the future.
- Professor Jackson's conduct has subjected the Law Center to the potential for litigation from the family of Mrs. Plummer.
- The incident has led to a lawsuit being filed against the Law Center by WBRZ and The Advocate to obtain information about the investigation.
- Professor Jackson's conduct led to the Law Center putting its malpractice insurer on notice of a potential claim.

Findings on the Charges

With respect to each charge, the investigatory panel finds the following with respect to each charge:

Charge 1: In a majority vote of 3 for the charges and 4 against the charges, the investigatory panel finds the Southern University System and the Southern University Law Center *has not* met its burden of proving by clear and convincing evidence that the accused, Professor Dorothy Jackson, engaged in unethical or immoral behavior.

Charge 2: In a unanimous vote of 7 for the charges and 0 against the charges, the investigatory panel finds the Southern University System and the Southern University Law Center has met its burden of proving by clear and convincing evidence that the accused, Professor Dorothy Jackson, engaged in unprofessional behavior.

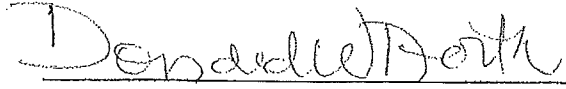
Charge 3: In a majority vote of 6 for the charges and 1 against the charges, the investigatory panel finds the Southern University System and the Southern University Law Center has met its burden of proving by clear and convincing evidence that the accused, Professor Dorothy Jackson, engaged in conduct that was seriously prejudicial to the Southern University Law Center and the Southern University System.

The panel's conclusions on each of the charges are a result of the cumulative effect of all of the above findings and are not dependent upon any single factual or evidentiary finding.

Recommendation of Penalty

The investigatory panel voted and by majority vote does not recommend termination. By a majority vote, the investigatory panel recommends a penalty of one year suspension without pay, revocation of tenure, and reduction of rank to Assistant Clinical Professor.

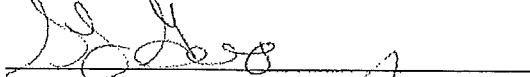
Signed:



Professor Donald North, Chair

12/1/17

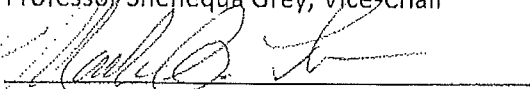
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Professor Shenequa Grey, Vice-Chair

12/1/17

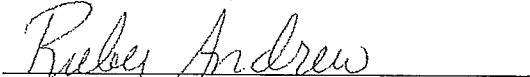
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Professor Mark Thurmon

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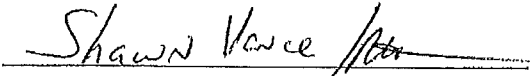
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Professor Ruby Andrew

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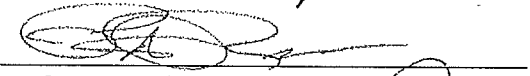
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Associate Vice Chancellor Shawn Vance

12/1/17

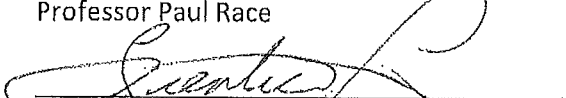
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Professor Paul Race

12/01/2017

Date



Professor Prentice White

12/1/17

Date