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LEGAL ETHICS

Former prosecutor's disbarment for anonymous online posts is lesson for other lawyers, court says

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[underlying-facts-of-this-cas.html](#)).

The court said Perricone had violated ethics rules regarding conduct that is prejudicial to the administration of justice and then cited his case as a lesson for other lawyers.

Perricone's "caustic, extrajudicial comments about pending cases strikes at the heart of the neutral dispassionate control which is the foundation of our system," the court said. "Our decision today must send a strong message to [Perricone] and to all the members of the bar that a lawyer's ethical obligations are not diminished by the mask of anonymity provided by the internet."

A former federal prosecutor has been disbarred for posting anonymous online comments about cases being handled by himself or by his office.

The Louisiana Supreme Court ordered the disbarment of Sal Perricone in a Dec. 5 decision

([https://www.ladb.org/DR/Default.aspx?](https://www.ladb.org/DR/Default.aspx?DocID=9113&TAB=SC)

[DocID=9113&TAB=SC](#)) noted by the Legal Profession Blog

(https://lawprofessors.typepad.com/legal_profession/2018/12/a-former-assistant-united-states-attorney-has-been-disbarred-by-the-louisiana-supreme-court-the-

Perricone had posted more than 2,600 comments on nola.com, the website of the New Orleans Times-Picayune, between November 2007 and March 2012. Between 100 and 200 comments related to matters being prosecuted by Perricone's office.

Perricone used at least five online pseudonyms: "campstblue," "legacyusa," "dramatis personae," "Henry L. Mencken1951" and "fed up." His posts did not reveal he had any connection to the cases on which he commented.

In one post, Perricone said he had read a federal indictment, and "there is no legitimate reason for this type of behavior. ... GUILTY!!!" In another, Perricone commented that a defense lawyer had "screwed his client" in a case he was prosecuting.

Perricone also commented on the federal prosecution of New Orleans police officers in connection with the shooting of unarmed civilians after Hurricane Katrina. "NONE of these guys should have ever been given a badge," he wrote during the trial, which was handled by other prosecutors.

A federal judge reversed the officers' convictions after the discovery of the online comments by Perricone and two other government lawyers. A federal appeals court affirmed the decision

(http://www.abajournal.com/news/article/anonymous_cyberbullying_by_prosecutors_deprived_cops_of_fair_trial_5th_circuit) in August 2015.

Perricone initially had maintained that he made the comments to relieve stress, and he didn't intend or reasonably expect that his anonymous conducts would prejudice the fairness of any legal proceeding. He later admitted violating legal ethics rules regarding conduct prejudicial to the administration of justice.

Perricone had argued that the court should consider in mitigation that he suffered from post-traumatic stress disorder. Perricone said the PTSD was the result of his experiences during his former careers as a police officer and FBI agent. During that time, Perricone said, he had witnessed the gruesome deaths of others and had been threatened with gunfire.

The Louisiana Supreme Court said it would not consider the PTSD as a mitigating factor in punishment because there was not clear and convincing evidence that it caused the misconduct. In fact, the court said, Perricone had admitted he knew he should not be making the comments.

"When asked why he engaged in commenting in a prohibited way," the court said, Perricone "candidly admitted that he was angry over public corruption, and he vented this anger in the caustic criticism leveled against all who, in his judgment, warranted accountability, even though he knew this was improper."

