

SUPREME COURT OF LOUISIANA

In re Blanche

90 So. 3d 1034 (La. 2012) · Decided June 22, 2012

SUMMARY

The Louisiana Supreme Court reviews disciplinary charges against Lewis B. Blanche arising from drug- and alcohol-related criminal convictions and neglect of a client matter. Although the baseline sanction was disbarment, the court imposed a three-year suspension retroactive to the date of his interim suspension, based in significant part on his demonstrated recovery from chemical dependency.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per curiam
JURISDICTION	Louisiana
DECIDED	June 22, 2012
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from formal charges filed by the Office of Disciplinary Counsel. The respondent failed to answer, so the factual allegations were deemed admitted; the hearing committee recommended disbarment, and the disciplinary board recommended a three-year retroactive suspension.
STANDARD OF REVIEW	The Supreme Court of Louisiana exercises original jurisdiction in bar disciplinary matters, acts as the trier of fact, and independently reviews the record to determine whether misconduct was proven by clear and convincing evidence.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; precedential
PARTIES	Office of Disciplinary Counsel v. Lewis B. Blanche

TOPICS

remedies

PRACTICE AREAS

attorney discipline

legal ethics

professional responsibility

substance abuse and lawyer rehabilitation

QUESTIONS PRESENTED

1. Whether the deemed-admitted factual allegations established violations of the Louisiana Rules of Professional Conduct.
2. What sanction was appropriate for Blanche's criminal convictions, neglect of a client matter, and failure to communicate, considering his substance dependence and rehabilitation.
3. Whether the mitigating circumstances justified a downward deviation from the baseline sanction of disbarment.

HOLDINGS

1. The deemed-admitted facts, together with the record, established that Blanche violated Rule 8.4(b) through his criminal conduct and violated Rules 1.3 and 1.4 through neglect of a client matter and failure to communicate with the client.
2. A three-year suspension from the practice of law, retroactive to November 9, 2010, was the appropriate sanction instead of disbarment.

KEY QUOTATIONS

“However, the language of § 11(E)(3) does not encompass legal conclusions that flow from the factual allegations.” (at 1038)

“We conclude that this mitigating factor, along with the other such factors present in this case, justifies a lengthy suspension, rather than disbarment.” (at 1040)

FACTUAL BACKGROUND

Lewis B. Blanche pleaded guilty to multiple felony drug-related charges involving the creation or operation of clandestine laboratories and possession of methamphetamine, and he also pleaded guilty to a DWI charge. In representing Radiation Technical Services, he failed to respond properly to requests for admissions, failed to appear at a hearing, failed to timely appeal a judgment, and failed to notify the client about garnishment proceedings, resulting in a garnishment of \$5,884.67. Blanche completed inpatient and halfway-house substance-abuse treatment, remained drug-free for nearly two years, and entered into a recovery agreement with a lawyer assistance program.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel filed formal charges alleging criminal conduct, substance-related misconduct, neglect of a client matter, and failure to communicate with the client. Because respondent did not answer, the factual allegations were deemed admitted under Supreme Court Rule XIX, § 11(E)(3). The hearing committee recommended disbarment, while the disciplinary board recommended a three-year suspension retroactive to the interim suspension date. The Supreme Court of Louisiana independently reviewed the record and accepted the board's recommendation.

DISPOSITION

other

CASES CITED

- In re: Blanche, 47 So. 3d 406 (La. 2010)
- In re: Banks, 18 So. 3d 57 (La. 2009)
- In re: Donnan, 838 So. 2d 715 (La. 2003)
- Louisiana State Bar Ass'n v. Reis, 513 So. 2d 1173 (La. 1987)
- Louisiana State Bar Ass'n v. Longenecker, 538 So. 2d 156, 163 (La. 1988) (on rehearing)
- In re: Williams, 52 So. 3d 864 (La. 2011)
- In re: Steinhardt, 883 So. 2d 404 (La. 2004)
- In re: Doyle, 978 So. 2d 904 (La. 2008)
- In re: Blanche, 892 So. 2d 580 (La. 2005)
- In re: Blanche, 47 So. 3d 405 (La. 2010)