

SUPREME COURT OF LOUISIANA

In re James

272 So. 3d 535 (La. 2019) · Decided June 3, 2019

SUMMARY

The Louisiana Supreme Court accepted a joint petition for consent discipline arising from the respondent's mismanagement of her client trust account and failure to cooperate with disciplinary investigations. The court imposed a one-year-and-one-day suspension, deferred all but 30 days, followed by two years of supervised probation, while some justices would have imposed a longer suspension.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam; Clark, J.; Genovese, J.; Crichton, J.
JURISDICTION	Louisiana
DECIDED	June 3, 2019
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-disciplinary proceeding arising from an investigation by the Office of Disciplinary Counsel, followed by formal charges and a joint petition for consent discipline.
PRECEDENTIAL VALUE	Published disciplinary opinion

TOPICS

trusts trustee duties breach of trust

PRACTICE AREAS

legal ethics attorney discipline trust-account management

QUESTIONS PRESENTED

1. Whether the joint petition for consent discipline should be accepted.
2. What discipline should be imposed for respondent's mismanagement of her client trust account and failure to cooperate with the Office of Disciplinary Counsel.

HOLDINGS

1. The court accepted the Petition for Consent Discipline.
2. Respondent was suspended from the practice of law for one year and one day, with all but thirty days deferred, followed by two years of supervised probation under the petition's conditions.

KEY QUOTATIONS

“Having reviewed the petition, IT IS ORDERED that the Petition for Consent Discipline be accepted and that Kevin Lovell James, Louisiana Bar Roll number 24129, be suspended from the practice of law for a period of one year and one day.” (536)

“All but thirty days of this suspension shall be deferred, followed by a two-year period of supervised probation governed by the conditions set forth in the petition for consent discipline.” (536)

FACTUAL BACKGROUND

The Office of Disciplinary Counsel alleged that respondent mismanaged her client trust account, including multiple overdrafts, and repeatedly failed to provide requested responses and documentation. Respondent stipulated that she was grossly negligent in managing the account and failed to cooperate with the ODC's investigation.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel investigated allegations that respondent mismanaged her client trust account and failed to cooperate with the investigation. After formal charges were filed, respondent and the ODC jointly petitioned for consent discipline. The Supreme Court of Louisiana accepted the petition and imposed a partially deferred suspension, while some justices would have rejected the consent discipline.

DISPOSITION

other