

# SUPREME COURT OF LOUISIANA

## In re Demoruelle

123 So. 3d 1209 (La. 2013) · Decided October 4, 2013

### SUMMARY

The Louisiana Supreme Court granted John E. Demoruelle’s application for reinstatement to the practice of law after a two-year suspension. Reinstatement was conditioned on limits to his practice and supervision of his trust-account, accounting, and office-management procedures; noncompliance could result in interim suspension.

### CASE DETAILS

|                       |                                                                                                                                                                                     |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Louisiana                                                                                                                                                          |
| WRITING FOR THE COURT | Per Curiam; Hughes, J.                                                                                                                                                              |
| JURISDICTION          | Louisiana                                                                                                                                                                           |
| DECIDED               | October 4, 2013                                                                                                                                                                     |
| DISPOSITION           | other                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Petition for reinstatement to the practice of law following a disciplinary suspension.                                                                                              |
| STANDARD OF REVIEW    | The court reviewed the record and the hearing committee's recommendation to determine whether clear and convincing evidence established compliance with the reinstatement criteria. |
| PRECEDENTIAL VALUE    | Published Louisiana Supreme Court opinion                                                                                                                                           |
| PARTIES               | John E. Demoruelle v. Office of Disciplinary Counsel                                                                                                                                |

### TOPICS

trust administration trustee duties trusts appellate procedure

### PRACTICE AREAS

legal ethics and professional responsibility attorney reinstatement trust administration

### QUESTIONS PRESENTED

1. Whether Demoruelle established by clear and convincing evidence that he complied with the criteria for reinstatement to the practice of law.

2. Whether reinstatement should be conditioned on restrictions and supervision to protect the public.

## HOLDINGS

1. Demoruelle demonstrated by clear and convincing evidence that he complied with the reinstatement criteria and possessed the requisite competence, honesty, and integrity to return to the practice of law.
2. The court may reinstate a suspended attorney subject to conditions reasonably necessary to protect the public, including limits on the attorney's practice and supervision of law-practice compliance.

## KEY QUOTATIONS

*“As found by the committee, the record provides clear and convincing evidence of petitioner's compliance with the reinstatement criteria.”* (1210)

*“Under these circumstances, petitioner has shown that he possesses the requisite competence, honesty, and integrity to be reinstated to the practice of law.”* (1210)

## FACTUAL BACKGROUND

Demoruelle was serving a two-year suspension imposed for inadequate trust-accounting records, failure to keep a client informed about a trust's financial status, failure to obtain approval of trustee compensation, and allowing his professional judgment to be compromised. He also previously failed to communicate with another client, neglected her legal matter, and failed to provide an accounting and refund of unearned fees. In his reinstatement proceeding, the hearing committee found clear and convincing evidence that he complied with the reinstatement criteria and recommended reinstatement subject to conditions.

## PROCEDURAL HISTORY

The Supreme Court of Louisiana previously suspended Demoruelle for two years for misconduct involving trust accounting, client communication, trustee compensation, professional judgment, and a separate neglected client matter. Demoruelle later applied for reinstatement under Supreme Court Rule XIX, § 24(E). After a formal hearing, the hearing committee recommended reinstatement subject to conditions, and the Supreme Court adopted that recommendation.

## DISPOSITION

other

## CASES CITED

- In re Demoruelle, 08-2356 (La. 4/24/09), 9 So. 3d 94

## OPINION

PER CURIAM.

\*1210ON APPLICATION FOR REINSTATEMENT PER CURIAM. I,This proceeding arises out of an application for reinstatement filed by petitioner, John E. Demoruelle, an attorney currently

suspended from the practice of law in Louisiana. UNDERLYING FACTS AND PROCEDURAL HISTORY In In re: Demoruelle, 08-2356 (La.4/24/09), 9 So.3d 94, we imposed a two-year suspension upon petitioner for failing to maintain adequate accounting records for a trust, failing to keep his client informed about the financial status of the trust, failing to obtain approval of the fee he charged as compensation for his duties as trustee, and allowing his professional judgment to be compromised by the requests of other parties.

In a separate matter, petitioner failed to communicate with a client, neglected her legal matter, and failed to provide her with an accounting and a refund of any unearned fees. Petitioner subsequently filed an application for reinstatement with the disciplinary board, alleging he has complied with the reinstatement criteria set forth in Supreme Court Rule XIX, § 24(E).

The ODC took no position regarding the application for reinstatement. Accordingly, the matter was referred for a formal hearing before a hearing committee. ^Following the hearing, the hearing committee recommended that petitioner be reinstated to the practice of law, subject to conditions. Neither petitioner nor the ODC objected to the hearing committee's recommendation.

After considering the record in its entirety, we will adopt the committee's recommendation and reinstate petitioner to the practice of law. As found by the committee, the record provides clear and convincing evidence of petitioner's compliance with the reinstatement criteria.

Under these circumstances, petitioner has shown that he possesses the requisite competence, honesty, and integrity to be reinstated to the practice of law. Nevertheless, we find further precautions are warranted to insure that the public will be protected upon petitioner's return to practice. See Supreme Court Rule XIX, § 24(J).

Accordingly, we will grant the petition for reinstatement and reinstate petitioner to the practice of law, subject to the following conditions: 1. Petitioner shall limit his practice to criminal defense law with the Allen Parish Public Defender's Program and civil cases involving property matters, successions, and notary work; and 2. A supervising attorney shall monitor petitioner's law practice for compliance with trust account rules, accounting procedures, and office management.

Any failure of petitioner to comply with these conditions may be grounds for immediately placing him on interim suspension. DECREE Upon review of the recommendation of the hearing committee, and considering the record, it is ordered that John E. Demoruelle, Louisiana Bar Roll number 4860, be immediately reinstated to the practice of law in Louisiana, subject |sto the conditions set forth herein.

All costs of these proceedings are assessed against petitioner. HUGHES, J., would deny.