

SUPREME COURT OF LOUISIANA

In re Elise M. Beauchamp

70 So. 3d 781 (La. 2011) · No. 2011-B-1144 · Decided September 23, 2011

SUMMARY

The Louisiana Supreme Court reviews attorney disciplinary charges against Elise M. Beauchamp arising from multiple client matters, including alleged neglect, inadequate communication, failure to refund unearned fees, and failure to cooperate with disciplinary investigations. The court independently evaluates the deemed-admitted factual allegations and determines which Rules of Professional Conduct violations are supported by clear and convincing evidence. The hearing committee and disciplinary board recommended permanent disbarment based on the respondent's repeated misconduct and prior disciplinary history.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Louisiana
DECIDED	September 23, 2011
DOCKET	2011-B-1144
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-disciplinary proceeding arising from formal charges filed by the Office of Disciplinary Counsel. Respondent failed to answer the formal charges, so the factual allegations were deemed admitted under Supreme Court Rule XIX, § 11(E)(3).
STANDARD OF REVIEW	Because attorney-disciplinary matters fall within the court's original jurisdiction, the Supreme Court acts as trier of fact and independently reviews the record to determine whether misconduct was proven by clear and convincing evidence.
PRECEDENTIAL VALUE	Published state supreme court opinion; precedential within Louisiana.

TOPICS

appellate procedure

standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether factual allegations in unanswered formal disciplinary charges are deemed admitted under Supreme Court Rule XIX, § 11(E)(3), and whether the resulting legal conclusions or rule violations are likewise admitted.
2. Which alleged violations of the Louisiana Rules of Professional Conduct were established by the deemed-admitted facts and the record.
3. Whether permanent disbarment was the appropriate sanction for respondent's repeated intentional conversion of client funds and related misconduct.

HOLDINGS

1. When a lawyer fails to answer formal charges, the factual allegations are deemed admitted under Supreme Court Rule XIX, § 11(E)(3), but legal conclusions and alleged rule violations are not automatically admitted; the court must determine whether the admitted facts establish each violation.
2. The record established multiple violations of the Louisiana Rules of Professional Conduct, including failures of diligence and communication, failure to terminate representation properly, failure to expedite litigation, failure to cooperate with disciplinary investigations, dishonesty or misrepresentation, and failure to refund unearned fees under Rule 1.5(f)(5), as specified by matter in the opinion.
3. Permanent disbarment was warranted because respondent committed repeated or multiple instances of intentional conversion of client funds causing substantial harm, within Guideline 1 of the permanent-disbarment guidelines.

KEY QUOTATIONS

“However, the language of § 11(E)(3) does not encompass legal conclusions that flow from the factual allegations.” (70 So. 3d at 791)

“Therefore, we find respondent's conduct amounts to repeated or multiple instances of intentional conversion of client funds with substantial harm as required by Guideline 1 of the permanent disbarment guidelines set forth in Supreme Court Rule XIX, Appendix E.” (70 So. 3d at 794)

FACTUAL BACKGROUND

Elise M. Beauchamp represented numerous clients in child-support, custody, paternity, divorce, community-property, succession, and related matters. Across thirteen matters, she neglected or failed to complete legal work, failed to communicate with clients, failed to refund unearned fees and unused costs, failed to cooperate with disciplinary investigations, and in some matters provided false information. The court found that she failed to timely refund unearned fees and unused costs totaling \$11,425, of which \$7,975 remained unpaid, and that her conduct caused substantial harm to clients and the disciplinary system.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel filed formal charges alleging thirteen counts of professional misconduct. Respondent failed to answer, and the factual allegations were deemed admitted. The hearing committee recommended permanent disbarment, the disciplinary board adopted the deemed-admitted facts and also recommended permanent disbarment, and neither respondent nor the ODC objected. The Supreme Court of Louisiana independently reviewed the record, determined which rule violations were supported by clear and convincing evidence, and permanently disbarred respondent.

DISPOSITION

other

CASES CITED

- In re Beauchamp I, 02-1389 (La. 6/13/02), 821 So. 2d 1281
- In re Banks, 09-1212 (La. 10/2/09), 18 So. 3d 57
- In re Donnan, 01-3058 (La. 1/10/03), 838 So. 2d 715
- Louisiana State Bar Ass'n v. Reis, 513 So. 2d 1173 (La. 1987)
- Louisiana State Bar Ass'n v. Whittington, 459 So. 2d 520 (La. 1984)

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