

SUPREME COURT OF RHODE ISLAND

In re Landry

185 A.3d 1254 (R.I. 2018) · Decided June 19, 2018

SUMMARY

The Rhode Island Supreme Court grants Joel D. Landry II's petition for reinstatement after his 2003 disbarment for diverting more than \$400,000 in client funds. Reinstatement is conditioned on at least two years of supervision by designated attorneys, quarterly reporting, and monthly review of his client and office account records by Disciplinary Counsel.

CASE DETAILS

COURT	Supreme Court of Rhode Island
JURISDICTION	Rhode Island
DECIDED	June 19, 2018
DISPOSITION	other
PROCEDURAL POSTURE	Petition for reinstatement to the practice of law following disbarment.
STANDARD OF REVIEW	The petitioner bears the burden of proving by clear and convincing evidence that he possesses the moral qualifications, competency, and learning required for admission and that his return to practice will not be detrimental to the integrity of the bar, the administration of justice, or the public interest.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Joel D. Landry, II

TOPICS

civil procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Landry satisfied the requirements for reinstatement under Article III, Rule 16(c) of the Supreme Court Rules of Disciplinary Procedure.

2. Whether reinstatement should be conditioned on strict supervision and regular review of Landry's legal and financial records.

HOLDINGS

1. Landry met his burden of demonstrating by clear and convincing evidence that he possessed the moral qualifications, competency, and learning required for admission and that his return to practice would not be detrimental to the bar, the administration of justice, or the public interest.
2. Reinstatement was appropriate subject to strict supervision of Landry's practice and monthly review of his client and office-account records, with the conditions continuing for at least two years.

KEY QUOTATIONS

*"has the moral qualifications, competency and learning in law required for admission to practice law in this State and that his * * * resumption of the practice of law within the State will be neither detrimental to the integrity and standing of the Bar or the administration of justice nor subversive of the public interest."* (185 A.3d at 1255)

"Accordingly, we hereby grant the petition for reinstatement, subject to the following conditions:" (185 A.3d at 1256)

FACTUAL BACKGROUND

Landry was disbarred after admitting that he diverted more than \$400,000 from a law-firm client account to pay office expenses, employees, himself, and his partner. The funds had been earmarked to pay medical bills of personal-injury clients, and the unpaid obligations were ultimately resolved or compromised by Landry's former partner. During more than fourteen years of disbarment, Landry performed title examinations, received favorable work references, obtained character recommendations, and participated in community activities. Disciplinary Counsel found no evidence during the disbarment period raising a question about Landry's current moral fitness.

PROCEDURAL HISTORY

Landry was disbarred by order of the Supreme Court of Rhode Island in 2003 after voluntarily consenting to disbarment while facing disciplinary charges involving diversion of client funds. He filed a petition for reinstatement in 2017. After an investigation and report by Disciplinary Counsel, the court reviewed the petition and heard representations at conference before granting reinstatement subject to supervision and financial-monitoring conditions.

DISPOSITION

other