

SUPREME COURT OF LOUISIANA

In re Norman Mopsik

902 So. 2d 991 (La. 2005) · No. 2004-B-2395 · Decided May 24, 2005

SUMMARY

The Supreme Court of Louisiana reviewed disciplinary charges against attorney Norman Mopsik arising from his failure to supervise a paralegal handling a domestic-relations matter and assisting in the unauthorized practice of law. The court found violations of Louisiana Rules of Professional Conduct 5.3 and 5.5(b) and imposed a sixty-day suspension, assessing costs against respondent.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Louisiana
DECIDED	May 24, 2005
DOCKET	2004-B-2395
DISPOSITION	other
PROCEDURAL POSTURE	The Office of Disciplinary Counsel sought review of a disciplinary board decision dismissing formal charges against attorney Norman Mopsik.
STANDARD OF REVIEW	The Supreme Court of Louisiana exercises original jurisdiction over attorney disciplinary matters, acts as the trier of fact, and independently reviews the record to determine whether misconduct was proven by clear and convincing evidence, while generally accepting credibility evaluations by hearing committee members who observed the respondent's testimony.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; precedential.
PARTIES	Office of Disciplinary Counsel v. Norman Mopsik

TOPICS

- family law procedure
- child custody
- civil procedure
- family law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the record established by clear and convincing evidence that Mopsik violated Rule 5.3 by failing to supervise his nonlawyer assistant.
2. Whether Mopsik violated Rule 5.5(b) by assisting Gai in the unauthorized practice of law through his failure to supervise and his delegation of responsibility.
3. What discipline was appropriate for the proven misconduct.

HOLDINGS

1. Mopsik violated Rule 5.3 because he failed to exercise meaningful supervisory oversight over Gai and abdicated his professional responsibilities for Schmitt's case to her.
2. Mopsik violated Rule 5.5(b) by assisting Gai in the unauthorized practice of law.
3. A sixty-day suspension from the practice of law was appropriate.

KEY QUOTATIONS

"Although lawyers are not prohibited from employing the services of non-lawyer assistants and delegating functions to them, the lawyer is required to supervise the delegated work and retains complete responsibility therefor." (995)

"We must conclude that respondent violated Rule 5.3 by failing to supervise Ms. Gai and violated Rule 5.5(b) by assisting her in the unauthorized practice of law." (995)

FACTUAL BACKGROUND

Norman Mopsik agreed to represent Randall Schmitt in a domestic dispute involving custody and a temporary restraining order, but delegated virtually all responsibility for the matter to paralegal Shirley Gai. Gai communicated with opposing counsel as though she were an attorney and presented an ex parte temporary joint-custody petition to a judge without disclosing the existing restraining and custody proceedings in another court. Mopsik failed to exercise meaningful supervision over Gai, and the order obtained from the second court was later vacated after authorities learned of the conflicting order.

PROCEDURAL HISTORY

The ODC filed formal charges alleging violations of multiple Louisiana Rules of Professional Conduct arising from Mopsik's inadequate supervision of a paralegal handling a client's domestic-relations matter. The hearing committee found a violation of Rule 5.3(b) and recommended a deferred one-year-and-one-day suspension. The disciplinary board rejected that finding and dismissed all charges. The Louisiana Supreme Court independently reviewed the record, found violations of Rules 5.3 and 5.5(b), and imposed a sixty-day suspension.

DISPOSITION

other

CASES CITED

- Louisiana State Bar Ass'n v. Keys, 567 So. 2d 588 (La. 1990)
- In re: Quaid, 94-1316 (La. 11/30/94), 646 So. 2d 343
- Louisiana State Bar Ass'n v. Boutall, 597 So. 2d 444 (La. 1992)
- In re: Bolton, 02-0257 (La. 6/21/02), 820 So. 2d 548
- In re: Comish, 04-1453 (La. 12/13/04), 889 So. 2d 236
- 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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