

SUPREME COURT OF LOUISIANA

In re Andrus

876 So. 2d 745 (La. 2004) · Decided June 25, 2004

SUMMARY

The Louisiana Supreme Court reviewed consolidated attorney disciplinary proceedings against Roxanne Denise Andrus, involving neglect of client matters, failure to communicate, mishandling and conversion of client funds, and failure to cooperate with disciplinary investigations. The court imposed permanent disbarment, ordered complete accountings and full restitution to the victims, and assessed costs and interest against respondent.

CASE DETAILS

COURT	Supreme Court of Louisiana
JURISDICTION	Louisiana
DECIDED	June 25, 2004
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Louisiana reviewed consolidated attorney-disciplinary proceedings and the disciplinary board's recommendation that respondent be permanently disbarred.
STANDARD OF REVIEW	The court reviewed the record, findings, and recommendations of the hearing committees and disciplinary board and independently determined the appropriate discipline.
PRECEDENTIAL VALUE	Published precedential opinion

TOPICS

- remedies
- costs
- civil procedure
- default

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

- Whether respondent committed the charged violations of the Louisiana Rules of Professional Conduct.
- Whether disbarment was the appropriate sanction for respondent's chronic and intentional misconduct.

3. Whether respondent's misconduct was sufficiently egregious to warrant permanent disbarment and prohibition from readmission.
4. Whether respondent should be ordered to provide accountings, make restitution, and pay the costs of the disciplinary proceedings.

HOLDINGS

1. The record supported the findings that respondent violated the Louisiana Rules of Professional Conduct through neglect of client matters, failure to communicate, mishandling and conversion of client funds, failure to refund or account for fees and property, and repeated failure to cooperate with the Office of Disciplinary Counsel.
2. Permanent disbarment was warranted because respondent engaged in repeated or multiple instances of intentional conversion of client funds causing substantial harm and demonstrated that she lacked the moral fitness to practice law and posed a danger to the public.
3. Respondent was required to provide complete accountings and full restitution to her victims and to pay all costs and expenses of the disciplinary proceedings, with legal interest beginning thirty days after finality of the judgment.

KEY QUOTATIONS

“The nature of the misconduct subject of the instant proceedings, coupled with respondent’s demonstrated indifference for the welfare of her clients, convincingly establishes that she does not possess the moral fitness to practice law and that she poses a threat of danger to the public in the event she is permitted to resume practicing law.” (752)

“Without question, respondent must be permanently disbarred.” (753)

FACTUAL BACKGROUND

Andrus, already disbarred, repeatedly neglected client matters, failed to communicate, failed to refund or account for unearned fees and client funds, and repeatedly failed to cooperate with disciplinary investigations. She converted or misused client funds, including \$4,834.81 entrusted for reimbursement of criminal-case victims, a \$2,000 personal-injury settlement, and funds belonging to a 92-year-old client, Margaret West, whose power of attorney she held. The misconduct caused substantial harm and included multiple instances of intentional conversion, unauthorized credit-card use, and failure to provide restitution.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel filed two sets of formal charges against Roxanne D. Andrus. After respondent failed to answer, the factual allegations were deemed admitted and proven by clear and convincing evidence under Supreme Court Rule XIX, § 11(E)(3). Hearing committees found extensive professional misconduct and recommended disbarment or permanent disbarment; the disciplinary board consolidated the matters, recommended permanent disbarment, restitution, and costs, and neither party objected.

DISPOSITION

other

CASES CITED

- Louisiana State Bar Ass'n v. Chatelain, 573 So. 2d 470 (La. 1991)
- 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)
- Louisiana State Bar Ass'n v. Haylon, 250 La. 651, 198 So. 2d 391 (La. 1967)
- In re Andrus, 814 So. 2d 1283 (La. 2002)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/louisiana-supreme-court-of-louisiana/2004/in-re-andrus-ur0rwism>