

SUPREME COURT OF MISSISSIPPI

In re Coleman for Reinstatement in the Mississippi Bar

949 So. 2d 680 (Miss. 2006) · Decided June 15, 2006

SUMMARY

Joe Price Coleman petitioned for reinstatement to the Mississippi Bar after serving a three-year suspension for commingling client funds and violating Mississippi Rules of Professional Conduct 1.15 and 8.4. The Mississippi Supreme Court found that Coleman satisfied the requirements for reinstatement, including demonstrating rehabilitation, moral character, restitution, and requisite legal education, and granted his petition.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Dickinson, Justice; Smith, C.J.; Cobb, P.J.; Carlson, J.; Diaz, J.; Dickinson, J.; Easley, J.; Graves, J.; Randolph, J.; Waller, P.J.
JURISDICTION	Mississippi
DECIDED	June 15, 2006
DISPOSITION	approved
PROCEDURAL POSTURE	Petition for reinstatement to the Mississippi Bar following a three-year suspension for professional-conduct violations.
STANDARD OF REVIEW	The petitioner bears the burden of proving rehabilitation and the requisite moral character for reinstatement by clear and convincing evidence.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Mississippi
PARTIES	Joe Price Coleman v. The Mississippi Bar

TOPICS

civil procedure

PRACTICE AREAS

legal ethics and professional responsibility attorney discipline bar reinstatement

QUESTIONS PRESENTED

1. Whether Coleman satisfied the Rule 12 requirements for reinstatement to the Mississippi Bar.
2. Whether Coleman proved by clear and convincing evidence that he was rehabilitated and possessed the requisite moral character and legal education to resume the practice of law.

HOLDINGS

1. A suspended attorney seeking reinstatement under Rule 12 of the Mississippi Rules of Discipline must state the cause for suspension, identify persons or entities suffering pecuniary loss, make full amends and restitution, demonstrate the necessary moral character, and demonstrate the requisite legal education.
2. Coleman satisfied the Rule 12 requirements and proved by clear and convincing evidence that he was rehabilitated, possessed the requisite moral character and legal education, and should be reinstated to the Mississippi Bar.

KEY QUOTATIONS

“the petitioner must (1) state the cause for suspension; (2) give the names and current addresses of all persons, parties, firms, or legal entities who suffered pecuniary loss due to the improper conduct; (3) make full amends and restitution; (4) show the necessary moral character for the practice of law; and (5) demonstrate the requisite legal education to be reinstated to the practice of law.” (949 So. 2d at 681)

“Coleman bears the burden of proving to this Court, by clear and convincing evidence, that he is rehabilitated and possesses the requisite moral character for reinstatement.” (949 So. 2d at 683)

FACTUAL BACKGROUND

Coleman deposited a \$14,904.94 check payable to the Arkansas Shared Counsel Defense Fund into his personal checking account while changing law firms. He intended to transfer the money to another joint defense fund but delayed the transfer for approximately one month because of other responsibilities and the transition between firms; the funds were ultimately delivered. The Mississippi Supreme Court suspended him for three years for violating Rules 1.15 and 8.4(a), (c), and (d), after which he presented evidence of remorse, civic and charitable activity, legal education, and compliance with the prohibition against practicing law during his suspension.

PROCEDURAL HISTORY

Coleman was suspended for three years after the Mississippi Supreme Court determined that he violated Mississippi Rules of Professional Conduct 1.15 and 8.4(a), (c), and (d) by depositing trust funds into his personal account and delaying their transfer. After the suspension expired, Coleman filed a petition for reinstatement. The Mississippi Bar supported reinstatement, and the Supreme Court granted the petition after finding that Coleman satisfied the requirements of Rule 12 of the Mississippi Rules of Discipline by clear and convincing evidence.

DISPOSITION

approved

CASES CITED

- The Mississippi Bar v. Joe Price Coleman, 849 So. 2d 867, 869-70, 877 (Miss. 2002)
- In re Benson, 890 So. 2d 888, 890 (Miss. 2004)

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