

The Supreme Court of the State of Louisiana

IN RE: KELLY RAE ENGLERT

No. 2025-B-00170

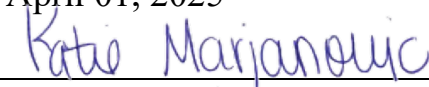
IN RE: Office of Disciplinary Counsel - Applicant Other; Rule to Revoke Probation;

April 01, 2025

Probation revoked. See per curiam.

JLW
WJC
JBM
PDG
JMG
CRC

Hughes, J., concurs and assigns reasons.

Supreme Court of Louisiana
April 01, 2025


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2025-B-0170

IN RE: KELLY RAE ENGLERT

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

The instant disciplinary proceeding arises from an unopposed motion to revoke probation and make deferred suspension executory filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Kelly Rae Englert, for her alleged failure to comply with the conditions of probation imposed in *In re: Englert*, 21-1819 (La. 2/8/22), 332 So. 3d 634 (“*Englert I*”).

UNDERLYING FACTS AND PROCEDURAL HISTORY

In *Englert I*, respondent was arrested for driving while intoxicated. For this misconduct, we accepted a petition for consent discipline and suspended respondent from the practice of law for one year and one day, deferred in its entirety, subject to a period of probation to coincide with the terms of a Judges and Lawyers Assistance Program (“JLAP”) monitoring agreement executed on June 1, 2021 as well as the conditions set forth in the petition for consent discipline. Our order also provided that any failure of respondent to comply with the conditions of probation, or any misconduct during the probationary period, may be grounds for making the deferred suspension executory, or imposing additional discipline, as appropriate.

In March 2022, respondent executed a probation agreement. As part of the probation agreement, respondent was required to, in pertinent part: (1) comply with the terms of her June 1, 2021 JLAP agreement; (2) fulfill the terms of any subsequent agreements with JLAP; (3) acknowledge and agree that JLAP is authorized to

provide quarterly reports to the ODC documenting her compliance; and (4) acknowledge that any violation of the Rules of Professional Conduct and/or the probation agreement may result in summary revocation of probation and making the deferred suspension executory and/or may result in the imposition of additional discipline.

On December 28, 2024, the ODC filed the instant “Unopposed Motion to Revoke Probation Pursuant to Rule XIX, Appendix C, Rule 6C, and Impose Previously Deferred Suspension” with the disciplinary board, submitting there is sufficient evidence demonstrating that respondent has violated the court’s order and her probation agreement.¹ Specifically, the motion asserts that respondent submitted her quarterly compliance report which revealed she tested positive for alcohol in October 2024, in violation of her JLAP agreement.² Thereafter, the ODC received a letter from JLAP advising that respondent contacted JLAP and informed them she no longer wanted to participate in JLAP monitoring and her file with JLAP was closed. The ODC contends that “[w]ithout the ability to monitor respondent’s recovery and sobriety in a meaningful way through a JLAP contract, the ODC is not in a position to represent to the Court that Respondent has complied with the conditions of probation.” Accordingly, the motion provides that respondent should not be allowed to continue to practice law and her probation should be revoked.

¹ The ODC included in its motion an email from Respondent confirming she had no opposition to the motion.

² The ODC represents that respondent does not dispute the result of her positive alcohol test, admitting that she drank alcohol on a work-related trip. Respondent is not currently practicing law; rather, the parties represent she is an insurance adjuster. Respondent advised the ODC that she has a small child and considering the expense and time associated with complying with the JLAP agreement relapse provisions, when she is not seeking to practice law, does not currently serve her best interests. She understands that when and if she should seek reinstatement to the practice of law, she will likely have to comply with JLAP and the reinstatement provisions related thereto.

Hearing on Revocation of Probation

The ODC and respondent filed a joint notice of consent to waive a hearing on the matter. As such, the matter was submitted to the board without a hearing.

Disciplinary Board Recommendation

After considering the “uncontested allegations” and exhibits submitted, the record, and the applicable law, the disciplinary board found that the ODC presented sufficient evidence to demonstrate that respondent failed to comply with the terms and conditions of her probation. On February 3, 2025, the board filed its report with this court, recommending that the ODC’s unopposed motion be granted. Accordingly, the board recommended that respondent’s probation be revoked and that the deferred one year and one day suspension be made executory. The board also recommended that she be assessed with all costs and expenses of these proceedings.

DISCUSSION

A review of the record reveals that respondent has not complied with the requirements of her probation agreement. She has admitted to and tested positive for consuming alcohol in violation of her JLAP agreement. Respondent has expressed that she is not seeking to practice law and no longer wishes to be monitored by JLAP with full understanding that same is a condition of her probation. Under the circumstances, we feel it is necessary to revoke respondent’s probation and impose the previously-deferred suspension.

Accordingly, we will accept the disciplinary board’s recommendation and grant the motion to revoke respondent’s probation, making the deferred suspension imposed in *Englert I* immediately executory.

DECREE

For the reasons assigned, respondent's probation is revoked and the deferred suspension of one year and one day imposed in *In re: Englert*, 21-1819 (La. 2/8/22), 332 So. 3d 634, is hereby made immediately executory. All costs and expenses in the matter are assessed against respondent, Kelly Rae Englert, Louisiana Bar Roll number 34536, in accordance with Supreme Court Rule XIX, § 10.1, with legal interest to commence thirty days from the date of finality of this court's judgment until paid.

SUPREME COURT OF LOUISIANA

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Attorney Disciplinary Proceeding

**Hughes, J., concurs and notes that respondent may seek reinstatement
in the future.**