

ORIGINAL

LOUISIANA ATTORNEY DISCIPLINARY BOARD
IN RE: KEVIN DOUGLAS MCCLEARY
DOCKET NO. 25-DB-009

LA ATTORNEY DISCIPLINARY BOARD
SEP 16 2025 4:11:06

REPORT OF THE HEARING COMMITTEE #01

This is a proceeding based upon a filing of a petition and application for readmission to the practice of law following the disbarment of Kevin Douglas McCleary, Louisiana Bar Roll Number 25167.

INTRODUCTION AND PROCEDURAL HISTORY

On February 2, 2018, the Louisiana Supreme Court disbarred Mr. McCleary retroactive to his May 28, 2015, interim suspension. *In re McCleary*, 2017-B-2158 (02/02/18), 234 So.3d 875.

Mr. McCleary filed a petition and application for readmission to the practice of law on February 26, 2025. On April 22, 2025, the Office of Disciplinary Counsel ("ODC") filed its response to Mr. McCleary's petition. The hearing was held on July 28, 2025. Lewis B. Blanche appeared on behalf of Mr. McCleary. Chief Disciplinary Counsel Anderson O. Dotson III appeared on behalf of ODC.

RESPONSE OF ODC

ODC takes no position regarding Mr. McCleary's petition for readmission, which requires a hearing of the matter pursuant to Louisiana Supreme Court Rule XIX, §24(F).

DOCUMENT EVIDENCE INTRODUCED

Petitioner introduced 28 exhibits.

- 1 JLAP Letter of Compliance from Jennifer Gros and JLAP Contract
- 2 Polygraph Examination
- 3 George Pierson, JLAP Monitor Report

- 4 Letter from Julie Alleman
- 5 Letter from Gary Eldridge
- 6 Professional Wellness Evaluation Center
- 7 Character Letter from Patrick McCleary
- 8 Character Letter from Christine McCleary
- 9 Character Letter from Marc Dunn
- 10 Character Letter from Michael Metz
- 11 Character Letter from Phyllis "Susie" Munoz
- 12 Character Letter from Jason Michenheim
- 13 Character Letter from Michelle Silvio
- 14 Character Letter from Brian Buck
- 15 Character Letter from John Murphey
- 16 Character Letter from Nicole Robinson
- 17 Character Letter from Michele Peterson
- 18 Character Letter from Thomas Bates
- 19 Character Letter from Brad Price
- 20 MCLE Transcripts
- 21 Client Assistance Fund Certificate of No Distributions
- 22 Newman Mathis Payment Plan and Ledger
- 23 Disciplinary Cost Statement
- 24 La. Bar Journal Notice of Intent to Petition for Reinstatement
- 25 Capital City Press Proof of Publication of Notice
- 26 Affidavit of Rosalynd Willard

- 27 Pine Grove Evaluation and Records (Admitted Under Seal)
- 28 Affidavit of Patrick McCleary
- ODC introduced 8 exhibits.
- 1 Correspondence from Jared Svetka Objecting to Respondent's Readmission
- 2 JLAP Notice of Compliance
- 3 JLAP Contract
- 4 Joint Petition for Consent Discipline
- 5 LASC Order of Discipline
- 6 Applicant's PWEC Evaluation (Admitted Under Seal)
- 7 Applicant's Polygraph Assessment (Admitted Under Seal)
- 8 Affidavit of Gayle Poole

TESTIMONIAL EVIDENCE

Witnesses called by Petitioner:

1. Jennifer Gros

Jennifer Gros, the clinical director of JLAP, testified that Petitioner is in compliance with his JLAP contract and has fulfilled all his obligations thus far. She testified that he had never failed a drug test. Petitioner has approximately two years remaining on his JLAP contract.

2. George Pierson

George Pierson, a retired attorney, and JLAP monitor assigned to Mr. McCleary, testified that Mr. McCleary is an active participant in AA meetings and that he meets the JLAP standard for sobriety and abstinence. He has been stable and sober since reengaging with JLAP. He further testified that he supports his readmission to the practice of law.

3. Julie Alleman

Julie Alleman, a JLAP approved licensed professional therapist, and addiction counselor, testified that she has been treating Mr. McCleary since 2015. There was a brief period at some point where Mr. McCleary did not treat with her, but mostly he has been consistent since 2015. She testified that Mr. McCleary is not required to treat with her per his JLAP contract, but he does so voluntarily. Other than the period when he was not monitored, she believes that Mr. McCleary has been abstinent since 2015. She further testified that she is treating Mr. McCleary for a sexual impulsive disorder. She testified that the therapy for this disorder has gone well, and Mr. McCleary has been “abstinent from all that.” When pressed by the committee regarding Mr. McCleary’s sexual compulsions, she testified that there is no real way to be objectively tested regarding his sexual compulsion disorder. However, Mr. McCleary’s sexual compulsions are monitored by polygraphs and “what he is doing at Pine Grove.” She further testified that she treats Mr. McCleary for depression, which has also gone well.

4. Brenda Evans

Ms. Brenda Evans, who is Mr. McCleary’s immediate supervisor at his place of employment (Louisiana Housing Corporation), testified that Mr. McCleary has done well at work, is liked and is very stable. In times of stress at work, Mr. McCleary stayed “even keeled.” Mr. McCleary has not been the subject of any professional misconduct, or had any internal disciplinary action taken against him. She testified that she never believed Mr. McCleary to be under the influence of any substances while at work.

5. Michael Metz

Michael Metz, who is Mr. McCleary's AA sponsor, testified that he was diligent in attending meetings, usually attends meetings twice a week, and now sponsors other members of the AA group. He has never suspected that Mr. McCleary was using at any time since reengaging with JLAP.

6. Gary Eldridge

Gary Eldridge, a JLAP approved licensed professional counselor, sex addiction therapist, and multiple addiction therapist testified that he first treated Mr. McCleary from March of 2016 to February of 2019. He then began treating Mr. McCleary again in 2023 on a weekly to biweekly basis. No explanation was provided for the gap in treatment. Mr. Eldridge testified that as far as he was aware, Mr. McCleary was compliant with all JLAP requirements. Further, that Mr. McCleary had fulfilled "every requirement that a therapist can have working a recovery program with substance addiction." Mr. McCleary has done an "excellent job of maintaining sobriety," and "working a very strong and robust recovery program."

7. Phyllis "Susie" Munoz

Ms. Phyllis Munoz, a family friend and former employee of Mr. McCleary's firm, testified that while she retired in 2011, she stayed connected with other employees of Mr. McCleary's firm. She learned that Mr. McCleary began missing closings and developed a multitude of issues. She, and other employees (along with Mr. McCleary's son) staged an intervention with Mr. McCleary. The intervention did not work at the time, but she testified that she still maintains contact with Mr. McCleary and since reengaging with JLAP he is "back to the old Kevin that I know and love."

8. Patrick McCleary

Patrick McCleary, Mr. McCleary's brother, testified that he maintains a close relationship with Mr. McCleary and that he believes Petitioner has been sober for around ten years, and that Mr. McCleary has attempted to make amends and restitution for the harm he caused.

He also testified about the accusations levied in the letter from Mr. Jared Svestka. Mr. Svestka claims that Mr. McCleary failed to make financial restitution to his mother (Mr. McCleary's mother, Mr. Svestka's Aunt), for "ongoing financial abuse." Patrick McCleary directly refuted these allegations and stated that Mr. McCleary was the caregiver for their mother and did so to the best of his ability. He testified that there was no financial abuse, and that the sale of their Mother's property referenced by Mr. Svestka was authorized by all the siblings including himself. An affidavit was produced that supported this contention. Mr. McCleary did in fact have a valid power of attorney for the sale of the home. He further testified regarding the poor living conditions of Mr. McCleary's mother as alleged by Mr. Svestka. He refuted these allegations as well as the allegation made by Mr. Svestka that "Louisiana Elder Advocates intervened and relocated Mr. McCleary's mother." Patrick McCleary stated this was not true and that he, along with his other siblings, worked with an elder care attorney who placed their mother in a nursing home. Mr. Svestka also raised an allegation that an elder abuse investigation was initiated. Patrick McCleary acknowledged this but stated that upon providing proper documentation to Louisiana Elder Advocates, that the case was dismissed. Patrick McCleary testified that Mr. McCleary has had access to approximately \$180,000 of his mother's funds but has never misused or misappropriated any of those funds. Finally, Patrick McCleary testified that he believes the reason that Mr. Svestka wrote the letter objecting to Mr. McCleary's readmission was because a protective order was granted against him due to physical abuse of his mother, Tammy (Patrick and Kevin's sister).

9. Kevin McCleary

Petitioner testified about his continued steps in recovery, his reengagement with JLAP, JLAP's recommendations, his compliance with JLAP recommendations, participation in an evaluation of substance use disorder at the Professional Wellness Evaluation Center, his participation in a ninety-day intensive inpatient treatment at the Pine Grove and his related Continuing Care Plan. Petitioner explained that the reason he did not complete his original JLAP contract was that he decided that he did not want to practice law. Since he did not want to practice law, there was no need to continue with the rigors of a JLAP contract. However, when he decided that he wanted to work towards regaining his law license, he began a new five-year contract with JLAP. He testified regarding successful personal therapy with Gary Eldridge and Julie Alleman. Petitioner acknowledged the importance of remaining in recovery and explained his decision to sign a five-year JLAP Monitoring Substance Use Disorder Recovery Agreement in 2023. Mr. McCleary credited JLAP for saving his life.

Witnesses called by ODC:

1. Jared Svestka

Mr. Svestka sent in a letter to ODC objecting to the readmission of Petitioner. Mr. Svestka is the Petitioner's nephew. Mr. Svestka testified that he has always had a strained relationship with Petitioner due to Petitioner's substance abuse. Mr. Svestka did testify that his relationship with Petitioner has gotten better since 2015 when Petitioner became sober. Mr. Svestka testified that Petitioner took advantage of Mrs. Barbara McCleary (Petitioner's Mother, Mr. Svestka's Grandmother) financially. Mr. Svestka said that Petitioner sold Mrs. McCleary's home and refused to give an accounting to the family. Mr. Svestka never identified who those family members were. Mr. Svestka further testified that the police were called to a domestic disturbance in which Mr.

McCleary took part during his suspension. Mr. Svestka testified that when the police arrived, that Petitioner identified himself as an attorney to the officers. No other explanation or testimony was given regarding this event. Petitioner did not re-take the stand to rebut this accusation. However, as discussed below, ODC stipulated prior to the hearing that Petitioner was compliant with Louisiana Supreme Court Rule XIX, Section 24(E)(2) regarding the unauthorized practice of law. ODC did not attempt to revoke this stipulation at the close of testimony. As such, the committee did not consider Petitioner's possible violation of Louisiana Supreme Court Rule XIX, Section 24(E)(2) due to identifying himself as an attorney to the police. Mr. Svestka was asked "after listening to all of the testimony today, do you still object to Mr. McCleary's readmission." Mr. Svestka responded with "no comment." The committee takes this statement as a withdrawal of his objection to Mr. McCleary being readmitted to practice.

LAW AND FINDINGS OF FACT

Readmission following disbarment is governed by Louisiana Supreme Court Rule XIX, Section 24. Section 24(E) establishes the substantive criteria for reinstatement, which are as follows:

- E1. "The lawyer has fully complied with the terms and conditions of all prior discipline orders, except to the extent that they are abated under section 25."**
- E2. "The lawyer has not engaged nor attempted to engage in the unauthorized practice of law during the period of suspension or disbarment."**
- E3. "If the lawyer was suffering under a physical or mental disability or infirmity at the time of suspension or disbarment, including alcohol or other drug abuse, the disability or infirmity has been removed. Where alcohol or other drug abuse was a causative factor in the lawyer's misconduct, the lawyer shall not be reinstated or readmitted unless all three conditions noted below are met:
(a) the lawyer has pursued and complied with the treatment recommendations of the Judge's and Lawyer's Assistance Program ("JLAP") and has complied with the conditions of the monitoring contract;
(b) the lawyer has offered evidence of sustained abstinence from addictive substances or processes and/or has offered evidence of compliance with recommended healthcare**

- regimen prescribed by provider(s) that meet JLAP standards; and
(c) A health care provider or team of providers that meets JLAP standards who has been involved with the care of the lawyer indicates in writing that the lawyer's prognosis is sufficiently good to predict that the lawyer will continue to manage any condition or disability effectively.
- E4. "The lawyer recognizes the wrongfulness and seriousness of his conduct for which the lawyer was suspended or disbarred."
- E5. "The lawyer has not engaged in any other professional misconduct since suspension or disbarment."
- E6. "Notwithstanding the conduct for which the lawyer was disciplined, the lawyer has the requisite, honesty and integrity to practice law."
- E7. "The lawyer has kept informed about recent developments in the law and is competent to practice and has satisfied MCLE requirements for the year of reinstatement or readmission even if the lawyer seeking reinstatement or readmission is exempt from satisfying MCLE requirements because of age."
- E8. "The lawyer has paid to the Louisiana State Bar Association currently owed bar dues."
- E9. "The lawyer has paid all filing fees owed to the Clerk of Court and all disciplinary costs to the Disciplinary Board. In the event the lawyer has executed a payment plan with the Disciplinary Board for these costs, the lawyer must be current on all payments in order to qualify to petition for reinstatement or readmission."
- E10. "The lawyer has paid to the Disciplinary Board currently owed disciplinary administration and enforcement fees required under Section 8 (A) of this rule and has filed the registration statement required under Section 8 (c) of this rule."
- E11. "The lawyer shall obtain a certification from the Client Assistance Fund that no payments have been made by the Fund to any of the lawyer's clients. To the extent that Client Assistance Funds have been paid to qualifying clients, the lawyer shall obtain a certification from the Fund that the Fund has been reimbursed in its entirety, or alternatively, that a payment plan is in effect which will result in reimbursement to the Fund. In the event the lawyer has executed a payment plan with the Fund for these costs, the lawyer must be current on all payments in order to qualify to petition for reinstatement or readmission."

Before the hearing, ODC stipulated that Petitioner has fulfilled his obligations under the following rules:

E (1)

E (2)

E (3)(a)

E (5)

E (7), only in regards to MCLE Transcripts

E (8)

E (9)

E (10)

E (11)

This means at the hearing that Petitioner was left to prove:

24(E)(3)(b)

24(E)(3)(c)

24(E)(4)

24(E)(6)

24(E)(7), in regard to he must prove that he has kept informed about recent developments in the law.

The committee finds that the Petitioner established by clear and convincing evidence that 1) he has fully complied with the terms and conditions of all prior disciplinary orders (Section 24(E)(1)); 2) Petitioner has not engaged nor attempted to engage in the unauthorized practice of law during his period of suspension (Section 24(E)(2)), 3) Petitioner recognizes the wrongfulness and seriousness of his conduct for which he was suspended (Section 24(E)(4)), 4) Petitioner has not

engaged in any other professional misconduct since suspension (Section 24(E)(5)), 5) Petitioner has the requisite honesty and integrity to practice law (Section 24(E)(6)), 6) and Petitioner satisfied the requirements of Section 24(E)(7) – 24(E)(11). Petitioner has now proved by clear and convincing evidence satisfaction of the requirements of Rule 24(E)(3) which in part provides: where alcohol abuse was a causative factor in the lawyer's misconduct, the lawyer *shall not be reinstated* or readmitted *unless all three conditions set forth therein are met*. In Section 24(E)(3), one of the underlying conditions to be met is: the lawyer has pursued and complied with the treatment recommendations of JLAP and complied with the conditions of his monitoring contract. Petitioner's sworn testimony and the evidence presented at the hearing confirms he has now satisfied all of the criteria for reinstatement. Specifically, he has actively pursued and complied with the treatment recommendations of JLAP and honored the conditions of his new JLAP monitoring contract. Petitioner offered evidence of sustained abstinence from addictive substances and offered evidence of compliance with recommended healthcare regimen prescribed by provider(s) that meet JLAP standards; and that a health care provider or team of providers that meets JLAP standards who has been involved with the care of Petitioner indicated in writing that the lawyer's prognosis is sufficiently good to predict that the lawyer will continue to manage any condition or disability effectively. Accordingly, the Committee finds and recommends that Petitioner's application for reinstatement should be conditionally granted.

RECOMMENDATION

Petitioner has proven by clear and convincing evidence his satisfaction of the requirements of Rule 24. The Committee respectfully recommends that Petitioner's application for readmission be granted and that he be readmitted subject to the following conditions:

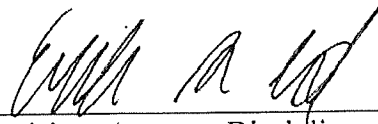
1. Petitioner must continue under his current JLAP contract until its conclusion, and then he must renew his contract for another five-year term.
2. Petitioner must authorize JLAP to provide quarterly updates to ODC on his compliance with all JLAP agreements.
3. Petitioner continue therapy with Julie Alleman for at least an additional two years. Should Julie Alleman for any reason be unwilling or unable to treat him, that he choose a new therapist in the same fields as Ms. Alleman and continue said treatment.
4. That Petitioner follow all treatment recommendations of Julie Alleman and/or her successor.
5. The committee finds that Petitioner has not taken sufficient steps to resolve his liability with First American Title Insurance.¹ Should the Court readmit Petitioner to the practice of law, Petitioner should be required to inform First American in writing that he has been conditionally re-admitted to the practice of law, and submit a written offer to First American to make full restitution through a payment plan. Petitioner shall notify ODC in writing of the response, if any, he receives from First American Title Insurance Company in this regard. The objective is to ensure that First American Title Insurance knows that Petitioner's employment status has changed and the door to potential restitution from Petitioner is an open if they are interested.
6. Petitioner has not practiced law in over ten years. As such, the committee recommends that Petitioner practice law under the supervision of a competent Louisiana attorney.
7. Petitioner must remain completely abstinent from drugs and alcohol, and refrain from abusing prescription and non-prescription medication.

¹ Petitioner admitted to converting over \$55,025.00 in funds from First American Title Insurance for his personal use. Pg. 178

8. That Petitioner follow all treatment recommendations of his treating physicians and/or healthcare providers.
9. The Committee also recommends that Petitioner be assessed with the costs and expenses of this proceeding pursuant to Rule XIX, §10.1.

This opinion is unanimous and has been reviewed by each Committee member, who fully concur and who have authorized Erik R. Noland, to sign on their behalf.

Baton Rouge, Louisiana, this 15th day of September 2025.



Louisiana Attorney Disciplinary Board
Hearing Committee # 1

W. Brett Mason, Committee Chair

Erik R. Noland, Lawyer Member

Andy Bush, Public Member

BY: Erik R. Noland, Lawyer Member

FOR THE COMMITTEE

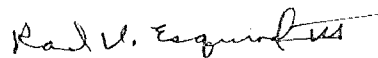
CERTIFICATE OF MAILING

**In re: Kevin Douglas McCleary
Docket No. 25-DB-009**

I, Raul V. Esquivel, the undersigned Board Administrator for the Louisiana Attorney Disciplinary Board, certify that a copy of the foregoing Hearing Committee Report and Initial Cost Statement has been mailed to the Respondent or his/her Attorney of Record, by E-mail and/or United States Mail and E-Filed to the Office of Disciplinary Counsel, on September 15, 2025 at the following address:

**Mr. Lewis Burdette Blanche
lewis@blanchelawfirm.com
Counsel of Record
704 S Foster Dr
Baton Rouge, LA 70806**

**Mr. Anderson Oliver Dotson III
Chief Disciplinary Counsel
4000 South Sherwood Forest Blvd.
Suite 607
Baton Rouge, LA 70816**



*Raul V. Esquivel III
Board Administrator*