

LOUISIANA DISCIPLINARY BOARD

IN RE: JAMES MECCA

DOCKET NO. 15-DB-001

INTRODUCTION

This attorney disciplinary matters arises out of formal charges consisting of one count filed against Respondent, James Mecca, Bar number 28148. The Office of Disciplinary Counsel ("ODC") alleges Mr. Mecca violated Rule 8.4(b), commission of a criminal act which reflects on a lawyer's fitness to practice.

PROCEDURAL HISTORY

The formal charges were filed on January 6, 2014. On March 23, 2014, Respondent, through counsel, filed a formal Answer to the charges. The ODC and counsel for Mr. Mecca, Elizabeth Alston, both timely filed Pre Hearing and Post Hearing Memoranda for the Committee to consider.

A hearing was held on July 10, 2015 at the 22nd Judicial District Courthouse in Covington, Louisiana. Chief Disciplinary Counsel Charles Plattsmier argued on behalf of ODC and Elizabeth Alston argued on behalf of Mr. Mecca. Both parties submitted documentary evidence along with testimony from witnesses.

FORMAL CHARGES

James Mecca is a licensed Louisiana attorney who was admitted to the practice of law in Louisiana on October 18, 2002. He testified that he practices primarily in the area of criminal defense in St. Tammany and Washington Parishes. Prior to becoming an attorney, he was in law enforcement. He was arrested in St. Tammany Parish on December 20, 2013 and booked with

possession with intent to distribute marijuana, which he subsequently admitted to receiving in exchange for rendering legal services to a prospective criminal defense client. The District Attorney's Office of St. Tammany amended the Bill of Information to a charge of simple possession of marijuana, first offense, a misdemeanor. On August 8, 2014, Mr. Mecca pled guilty to simple possession of marijuana. He was sentenced to six (6) months, suspended, in the parish jail, conditioned on his successful completion of one (1) year probation under the supervision of the Lawyer's Assistance Program ("LAP") and the payment of a \$200 fine.

He was formally charged with violation of Rule 8.4(b) of the Rules of Professional Conduct prohibiting the commission of a criminal act, especially one that reflects adversely on a lawyer's fitness.

EVIDENCE

The facts are largely not in dispute. Mr. Mecca, as evidenced by his Answer filed in the record on March 23, 2014, admits that he was indeed arrested for possession of marijuana with intent to distribute on December 20, 2013. He self-reported to the ODC on January 15, 2014 via a letter from his counsel, Ms. Alston, admitting to the arrest. Due to the fact that there is no real dispute as to whether Mr. Mecca violated Rule 8.4(b), the committee was left with the determination of what is an appropriate sanction or punishment for such a violation.

The Committee first heard from the arresting officers. The arrest was the result of a "sting" operation conducted by the St. Tammany Sheriff's Office ("STSO"). A confidential informant ("CI"), posed as a potential criminal client who needed legal representation for his son. The CI informed the STSO that he had "paid" Mr. Mecca for representation with marijuana in previous representation, which Mr. Mecca admitted. Mr. Mecca told the CI at that time that if future legal

services were required they could work out “same old same old”, meaning payment of marijuana in lieu of or addition to money.

On December 16-17, 2013, the CI placed several phone calls to Mr. Mecca requesting his legal representation of his/her son. The parties discussed the matter and Mr. Mecca proposed the sum of \$2,500.00 to handle the case. The CI subsequently informed Mr. Mecca that he had a “crap load of smoke” and a “backpack full of marijuana”. Mr. Mecca then mentioned the sum of \$700.00 and that he would get back in touch with the CI.

On December 20, 2013, the parties made arrangements to meet at the Target parking lot in Covington, Louisiana. The parties met in a vehicle and discussed a cash payment for legal serviced while the police conducted surveillance. The CI asked Mr. Mecca is he would take \$400 instead of \$700 and Mr. Mecca agreed, then stated he would accept \$300. When the CI left, Mr. Mecca asked about the “other thing. [T]hat’s what I am most concerned about” according to the police report. The CI gave Mr. Mecca a backpack, which he examined and took with him. He got into his car and left. Shortly thereafter, he was pulled over by law enforcement in front of his law office and arrested by STSO deputies. It should be noted that the STSO placed a scale in the backpack along with the marijuana and arrested him for possession with intent to distribute.

Mr. Mecca’s testimony largely was identical to the STSO deputies and the police report insofar as what led up to the arrest. He testified that he did indeed make arrangements with the CI to barter his legal services for marijuana and cash. However, he did dispute that he ever planned to distribute the marijuana further and that it was all for his own personal use. The committee found that portion of the testimony from Mr. Mecca credible and evidently the District Attorney’s Office felt the same way as it reduced the charge to simple possession.

Mr. Mecca went on to testify that while he was extremely remorseful for the arrest and embarrassment it caused his family and the legal profession, the arrest was the best thing to happen to him. He testified that following the death of his father in 2011, he began to spiral downward and isolate himself from his family. He testified that he had no positive ways to cope with his grief as he had few friends and no close family. He testified that the stresses of the legal practice began to wear on him emotionally and to cope he began to escape through excessive consumption of alcohol and marijuana in the evenings. He testified that drinking and use of marijuana compromised his ability to exercise prudent judgment which culminated in the decision to trade legal services for an illegal drug which ultimately led to his arrest. He speculated that if he hadn't been arrested, something more serious could have occurred if he had not gotten sober. He testified that the arrest forced him to confront his addictions and get sober, which has subsequently led to him becoming a better "son, brother, lawyer and friend".

The committee found Mr. Mecca's testimony extremely credible. He expressed genuine remorse for the arrest and was forthright in owning up to his problems and the bad decisions he made. It cannot be understated, though, that committing a crime is problematic enough for a member of the Bar. Bartering legal services for illegal drugs is further aggravating and should not be taken lightly. Mr. Mecca went on to testify that he immediately sought help for his dependence issues with alcohol and drugs after the arrest. He reached out to a local member of the bar who struggled with dependence issues and is active in AA and Joseph "Buddy" Stockwell, the executive director of the Lawyer's Assistance Program.

Mr. Mecca was advised to enter into an evaluation with Palmetto Addiction Recovery Center in Rayville, Louisiana. The initial evaluative report of January 20, 2014 was submitted to the

Committee. It indicates that Mr. Mecca was recommended to sign a minimum 5 year contract with LAP, complete long term treatment and further outpatient treatment regarding unresolved grief and depression. Testimony revealed that Mr. Mecca was in inpatient treatment for 90 days at Palmetto. On May 2, 2014 he executed a recovery agreement with LAP in which he agreed to be monitored for five (5) years. Requirements include random drug screens, three Alcoholic Anonymous meetings per week and provide monthly sobriety reports to his LAP monitor.

Mr. Stockwell testified that since his discharge from Palmetto, Mr. Mecca has gone above and beyond the requirements of his LAP contract. He testified that he is fully compliant and has been faithful in following all of the requirements. Mr. Stockwell testified that he is confident that Mr. Mecca will continue to follow the requirements of the LAP contract based on what he has observed thus far. Mr. Mecca testified, at times, emotionally, that he is committed to retaining 100% sobriety and that he hit bottom when he was arrested. He further offered that he is committed to helping others, both criminal clients and fellow legal professionals, if they struggle with addiction. Once again, the committee was impressed by Mr. Mecca's testimony that he is committed to his treatment plan and that he plans to use his unfortunate experience to help others in battling the disease of addiction.

Judge Scott Gardner and Judge Raymond Childress of the 22nd Judicial Court bench both testified on Mr. Mecca's behalf that he has been attentive to his clients, shown excellent skills in his representation and been respectful to the Court and opposing counsel since he has been discharged.

Mr. Mecca offered further testimony from family members, therapists and medical professionals treating him and all testimony offered was unanimous on the positive effect that rehabilitation has had on his personal relationships and coping skills with the inherent stress in the

legal profession. By all accounts, Mr. Mecca has worked hard to get past the dependence issues and has been an active participant in recovery.

There was no testimony offered or evidence submitted that Mr. Mecca neglected matters connected to client representation either before or after the arrest. Mr. Mecca admitted to an arrest for DWI when he was a police officer in the 1980s, but there was nothing in the record to evidence misconduct as an attorney prior to the arrest in 2013.

The sole determination by the Committee is an appropriate penalty for his admitted violation of Rule 8.4(b).

CONCLUSION

Both counsel did an excellent job of briefing the Committee and presenting the applicable law regarding cases involving violations of Rule 8.4(b). The ODC, in its post trial memoranda, references the Louisiana Supreme Court case *In Re: Clegg* 2013-0323 (La. 07/06/2010) regarding attorney misconduct through the use of illegal drugs. ODC further cites Justice Knoll's reference that a five year probationary period to ensure compliance with a LAP contract is appropriate in these cases. Other cases cited such as *In Re Bertucci*, 09-1349 (La. 9/26/08), 990 So.2d 1275, *In Re Hazard*, 05-1975 (La.12/12/05), 916 So.2d 117, and *In Re Steinhardt*, 04-0011 (La. 9/9/04), 883 So.2d 404 all point to the conclusion that suspension, sometimes deferred, sometime not deferred, is the most appropriate punishment in cases involving violation of Rule 8.4(b).

Mr. Mecca stipulated to a violation of Rule 8.4(b) and seeks a full deferment of any suspension assuming full compliance with the terms of the LAP contract. Considering all of the testimony and evidence entered into the record, the Committee firmly believes that Mr. Mecca's continued compliance with the five year LAP contract is absolutely essential to ensuring his long

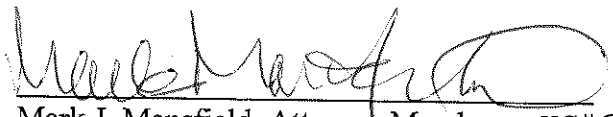
term success, both personally and professionally. While Mr. Mecca is to be commended for his hard work thus far and the Committee fully believes his sincerity when he testifies that his sobriety is incredibly important to him, the Committee agrees that continued compliance with the LAP contract for the existence of the contract is essential.

ODC does not submit that Mr. Mecca should be suspended from the practice of law without any deferment of such suspension. ODC submits that two to three years period of suspension is most appropriate in this instance.

Based on all of the evidence submitted and Mr. Mecca's acknowledgment, remorse and excellent compliance thus far, the Committee believes that a deferred suspension is appropriate in this situation contingent on continued compliance with the May 2, 2014 LAP contract.

Thus it is the Committee's finds that James Mecca is found to have violated Rule 8.4(b) and, as such, he shall be suspended from the practice of law for one year and one day, fully deferred, provided that he remains compliant with all of the terms and conditions of the LAP contract executed on May 2, 2014.

Covington, Louisiana this 19th day of October, 2015.

A handwritten signature in dark ink, appearing to read "Mark J. Mansfield", is written over a horizontal line.

Mark J. Mansfield, Attorney Member , HC#6
Michael T. Pulaski, Chairman
Kingsley B. Garrison, Public Member