

The Supreme Court of the State of Louisiana

IN RE: MARK L. JAMES, II

No.2020-OB-00460

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IN RE: Disciplinary Counsel - Applicant Other; Findings and Recommendations  
(Reinstatement);

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May 26, 2020

Conditional reinstatement granted. See per curiam.

WJC

BJJ

JLW

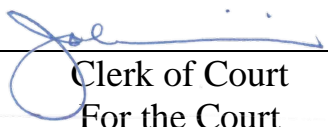
JDH

SJC

JTG

JHB

Supreme Court of Louisiana  
May 26, 2020

  
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Clerk of Court  
For the Court

05/26/20

SUPREME COURT OF LOUISIANA

NO. 2020-OB-0460

IN RE: MARK L. JAMES, II

ON APPLICATION FOR REINSTATEMENT

PER CURIAM

This proceeding arises out of an application for readmission to the practice of law filed by petitioner, Mark L. James, II, a suspended attorney.

**UNDERLYING FACTS AND PROCEDURAL HISTORY**

In February 2009, petitioner was arrested and charged with DWI. He pleaded *nolo contendere* to the charge and was placed on probation for two years.

In October 2009, petitioner was again arrested and charged with DWI. He pleaded guilty as charged and was placed on supervised probation for one year.

On March 1, 2013, we suspended petitioner from the practice of law for one year and one day for his two DWI convictions. *In re: James*, 12-2701 (La. 3/1/13), 108 So. 3d 747 (hereinafter referred to as “*James I*”). In *James I*, we noted that petitioner was no longer participating in the Judges and Lawyers Assistance Program (“JLAP”), and as such, “he should be required to show his compliance with the reinstatement criteria set forth in Supreme Court Rule XIX, § 24(E) before being reinstated to the practice of law.”

On November 22, 2012, petitioner was arrested and charged with third offense DWI. On June 8, 2015, petitioner pleaded guilty to second offense DWI.

Following his third DWI arrest, petitioner successfully completed an inpatient substance abuse treatment program. On December 3, 2015, petitioner executed a

five-year JLAP recovery agreement. He is currently in compliance with all terms and conditions of the agreement.

On May 27, 2016, we accepted a joint petition for consent discipline to resolve the matter of petitioner's second offense DWI conviction. *In re: James*, 16-0764 (La. 5/27/16), 193 So. 3d 125 ("*James II*"). In *James II*, we suspended petitioner from the practice of law for one year, subject to the conditions set forth in the petition for consent discipline, including the requirement that petitioner demonstrate a full year of sobriety and meet the reinstatement criteria of Rule XIX, § 24(E).

In October 2019, petitioner filed an application for reinstatement with the disciplinary board, alleging he has complied with the reinstatement criteria set forth in Supreme Court Rule XIX, § 24(E). The Office of Disciplinary Counsel ("ODC") took no position regarding the application for reinstatement. Accordingly, the matter was referred for a formal hearing before a hearing committee.

Following the hearing, the hearing committee recommended that petitioner be reinstated to the practice of law, subject to the condition that he continue to comply with his JLAP recovery agreement. Among other findings, the committee noted that petitioner successfully completed treatment for chemical dependency and is fully compliant with his JLAP agreement.

Neither petitioner nor the ODC objected to the hearing committee's recommendation.

## **DISCUSSION**

After considering the record in its entirety, we find petitioner has met his burden of proving that he is entitled to be reinstated to the practice of law on a conditional basis. Accordingly, we will order that petitioner be reinstated to the practice of law, subject to the condition that he comply with his JLAP recovery agreement. We will also require petitioner to complete an assessment at four months

after his reinstatement, follow any further recommendations thereafter, and complete the JLAP monitoring program successfully.

### **DECREE**

Upon review of the recommendation of the hearing committee, and considering the record, it is ordered that Mark L. James, II, Louisiana Bar Roll number 28622, be immediately reinstated to the practice of law in Louisiana, subject to the conditions set forth in this opinion. Should petitioner fail to comply with the conditions of reinstatement, his conditional right to practice may be terminated immediately, or he may be subjected to other discipline pursuant to the Rules for Lawyer Disciplinary Enforcement, as appropriate. All costs of these proceedings are assessed against petitioner.