

The Supreme Court of the State of Louisiana

IN RE: DANIEL E. BECNEL, III

No.2020-OB-01351

IN RE: Disciplinary Counsel - Applicant Other; Daniel E. Becnel, III - Applicant
Other; Findings and Recommendations (Reinstatement);

January 26, 2021

Conditional reinstatement granted. See per curiam.

JBM

JLW

JDH

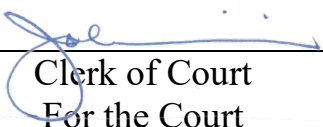
SJC

JTG

PDG

Crichton, J., concurs in part and dissents in part and assigns reasons.
Crain, J., would grant unconditional admission.

Supreme Court of Louisiana
January 26, 2021



Clerk of Court
For the Court

01/26/2021

SUPREME COURT OF LOUISIANA

NO. 2020-OB-1351

IN RE: DANIEL E. BECNEL, III

ON APPLICATION FOR REINSTATEMENT

PER CURIAM

This proceeding arises out of an application for reinstatement to the practice of law filed by petitioner, Daniel E. Becnel, III, a suspended attorney.

UNDERLYING FACTS AND PROCEDURAL HISTORY

Petitioner failed to promptly disburse \$9,574.50 owed to a client, made several mathematical errors in handling his trust account, and failed to promptly transfer earned attorney's fees out of his trust account. Because petitioner had already been disciplined twice for similarly mishandling client funds but had not improved his accounting practices, we suspended him from the practice of law for one year and one day. *In re: Becnel*, 18-0848 (La. 1/30/19), 281 So. 3d 634.

In November 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 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 committee recommended that petitioner be reinstated to the practice of law without conditions. Neither petitioner nor the ODC objected to the 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. Nevertheless, further precautions are warranted to insure that the public will be protected upon petitioner's return to practice. See Supreme Court Rule XIX, § 24(J).

Accordingly, we will order that petitioner be conditionally reinstated to the practice of law, subject to a two-year period of probation governed by the following conditions:

1. Regular audits of petitioner's trust account during the period of probation shall be performed by a CPA of petitioner's choosing, subject to the approval of the ODC, and shall be submitted quarterly to the ODC, with the cost and expense of the audits paid by petitioner;
2. At least six hours of petitioner's mandatory continuing legal education requirements during the probationary period shall be obtained in law office practice/client trust account management;
3. Petitioner shall successfully complete the Louisiana State Bar Association's Trust Accounting School during the first year of his probationary period;
4. Petitioner shall cooperate with the ODC, shall comply with any and all requirements imposed upon him by the ODC, and shall self-report to the ODC any failures in his ability to satisfy these conditions; and
5. Should petitioner fail to comply with these conditions, or should he commit any misconduct during the period of probation, his conditional right to practice may be terminated immediately, or he may be subjected to other discipline, as appropriate.

DECREE

Upon review of the recommendation of the hearing committee, and considering the record, it is ordered that Daniel E. Becnel, III, Louisiana Bar Roll number 20692, be immediately reinstated to the practice of law in Louisiana, subject to a two-year period of probation governed by the conditions set forth herein. The probationary period shall commence from the date petitioner and the ODC execute a formal probation plan. Should petitioner fail to comply with the conditions of probation, or should he commit any misconduct during the period of probation, 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.