

The Supreme Court of the State of Louisiana

IN RE: MICHAEL WAYNE KELLY

No.2020-OB-01436

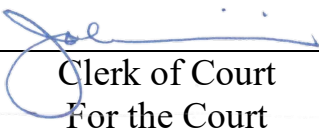
IN RE: Michael Wayne Kelly - Applicant Other; Petition for readmission;

March 02, 2021

Conditional readmission granted. See per curiam.

WJC
JLW
JDH
SJC
JTG
JBM
PDG

Supreme Court of Louisiana
March 02, 2021



Clerk of Court
For the Court

03/02/21

SUPREME COURT OF LOUISIANA

NO. 2020-OB-1436

IN RE: MICHAEL WAYNE KELLY

ON APPLICATION FOR READMISSION

PER CURIAM

This proceeding arises out of an application for readmission to the practice of law filed by petitioner, Michael Wayne Kelly, a disbarred attorney.

UNDERLYING FACTS AND PROCEDURAL HISTORY

Petitioner neglected legal matters, failed to communicate with his clients, failed to refund unearned fees, made false statements to his clients and the Office of Disciplinary Counsel (“ODC”), and accepted a representation while suspended from the practice of law. Petitioner and the ODC then filed with this court a joint petition for consent discipline, proposing that petitioner be disbarred. We accepted the petition for consent discipline and disbarred petitioner on October 26, 2012. *In re: Kelly*, 12-2105 (La. 10/26/12), 101 So. 3d 444.

In January 2020, petitioner filed an application for readmission with the disciplinary board, alleging he has complied with the readmission criteria set forth in Supreme Court Rule XIX, § 24(E). The ODC took no position regarding the application for readmission. Accordingly, the matter was referred for a formal hearing before a hearing committee.

Following the hearing, the committee recommended that petitioner be readmitted to the practice of law, subject to two years of supervised probation with

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 readmitted 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 readmitted to the practice of law, subject to a two-year period of probation governed by the following conditions:

1. Should circumstances warrant, petitioner consents to the extension of his probationary period for at least another two years;
2. Petitioner shall only return to the practice of law under the direct supervision of a full-time practicing attorney who is eligible and in good standing;
3. Petitioner must present proof on a quarterly basis that he is in compliance with his IRS installment payment plan and, if applicable, any payment plan he negotiates with the Louisiana Department of Revenue; and
4. Petitioner shall enter into a monitoring agreement with the ODC and a probation monitor selected by the ODC with terms including, but not limited to, the following: (a) petitioner is obligated to maintain his eligibility without interruption throughout his period of probation, (b) petitioner's files are subject to periodic review by his probation monitor with the monitor providing quarterly reports of all findings and observations to the ODC, (c) petitioner will cooperate fully with his probation monitor and with the ODC in any disciplinary investigations that may arise, and (d) petitioner will accept mentoring from Reginald W. Abrams.

DECREE

Upon review of the recommendation of the hearing committee, and considering the record, it is ordered that Michael Wayne Kelly, Louisiana Bar Roll number 23159, be immediately readmitted 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, the ODC, and the probation monitor 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.