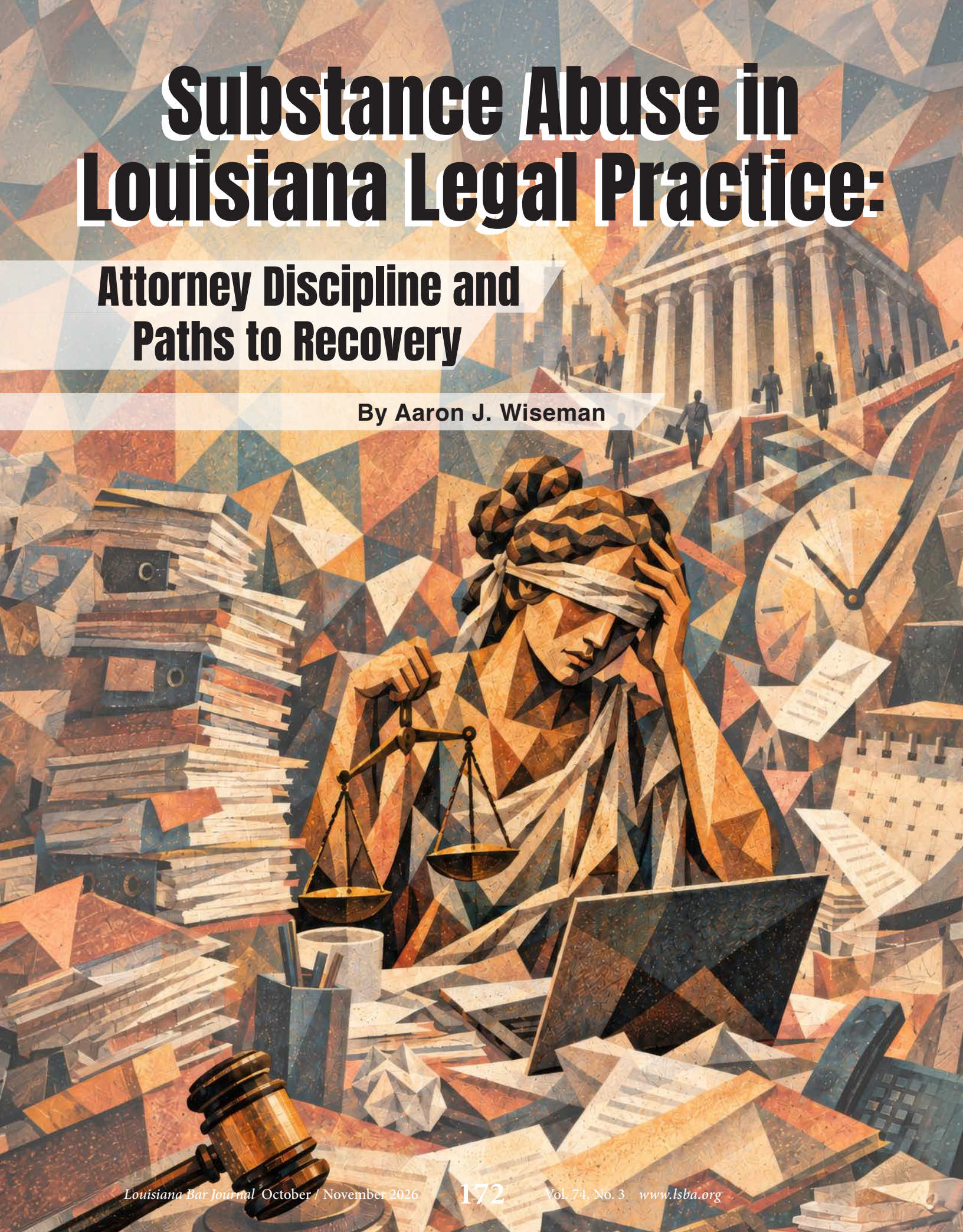


Substance Abuse in Louisiana Legal Practice:

Attorney Discipline and Paths to Recovery

By Aaron J. Wiseman





ubstance abuse in the legal profession is an important topic for our state bar because of the harm it can and does cause to the attorneys themselves, their families, their clients, the judiciary and opposing counsel. For the time period of November 2025 to March 2026, the Louisiana Supreme Court decided 25 cases related to attorney discipline.¹ Six of those cases involved alcohol, drugs or referrals to the Judges and Lawyers Assistance Program (JLAP).²

Last year, a national study by the ABA Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation showed that approximately 21% of lawyers and others in the legal profession were considered “problem drinkers.”³ As the survey added more specific questions to the surveyed participants, it showed approximately 36% of attorneys struggled with alcohol abuse.⁴ Over 9% of attorneys were found to struggle with prescription drug abuse.⁵ Statistics for attorney use of illicit drugs such as cocaine and heroin were difficult to reliably monitor as most people aren’t willing to admit such use.⁶ As the statistics show, attorney substance abuse is alarmingly prevalent. It logically follows that substance abuse is a contributing factor to many attorney disciplinary proceedings.

There are certain Louisiana Supreme Court Rules that focus on substance abuse. For example, Supreme Court Rule XIX, § 24(E) provides that if a lawyer previously suffered from a physical or mental disability or infirmity at the time he was suspended or disbarred, including alcohol or other drug abuse, it’s required the disability or infirmity has been removed.

Rule XIX, § 24(E) further provides that if alcohol or drug abuse was a causative factor in the lawyer’s previous misconduct, there are three requirements the lawyer must satisfy.⁷ First, the

lawyer must pursue and comply with the treatment recommendations of JLAP.⁸ Second, the lawyer must offer 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.⁹ Lastly, a health care provider or team of providers that meets JLAP standards, who has been involved with the care of the lawyer, must indicate in writing that the lawyer’s prognosis is sufficiently good to predict that the lawyer will continue to manage any condition or disability effectively.¹⁰

The Louisiana Rules of Professional Conduct are also significant for attorney discipline involving substance abuse. Rule 8.4(b) states that it is professional misconduct for a lawyer to commit a criminal act, especially one that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects.¹¹ This rule can quickly become relevant in attorney disciplinary proceedings if an attorney faces criminal charges for a DUI or drugs.

Generally, sanctions for lawyer misconduct are decided based on the following factors: whether the lawyer has violated a duty owed to a client, to the public, to the legal system or to the profession; whether the lawyer acted intentionally, knowingly or negligently; the amount of the actual or potential injury caused by the lawyer’s misconduct; and the existence of any aggravating or mitigating factors.¹² In the following two cases, the Louisiana Supreme Court provides insight into the aggravating and mitigating factors it considers for deciding attorney disciplinary proceedings involving substance abuse.

In re Mollere, 2024-00160 (La. 4/9/24), 382 So.3d 820 presents a case where an attorney was disbarred. On June 15, 2021, the attorney was arrested and charged with possession of cocaine and possession of a firearm while in

possession of a controlled dangerous substance.¹³ On July 28, 2021, the attorney entered Palmetto Addiction Recovery Center (Palmetto) for inpatient treatment.¹⁴ However, against medical advice, the attorney left Palmetto after 22 days.¹⁵ Before the attorney left, he was diagnosed with several types of substance use disorders, categorized as severe.¹⁶ Palmetto recommended that he immediately complete a long-term inpatient program and then sign a five-year JLAP recovery agreement.¹⁷

During his sworn statement to the Office of Disciplinary Counsel (ODC), the attorney admitted he had used cocaine with a client prior to and on the day of his arrest, that the narrative in the arrest record was substantially accurate, and that he converted between \$30,000 and \$40,000 of his parents’ money to fuel his “continuing [drug] use.”¹⁸ He further admitted that he had no contact with JLAP since July 2021 and that he continued to use illegal drugs.¹⁹

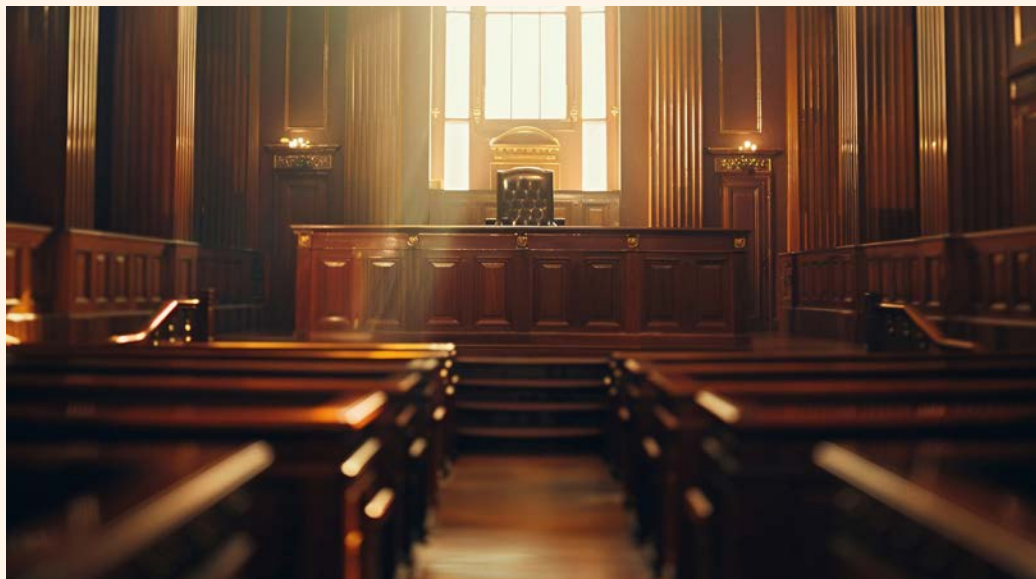
In the disciplinary proceeding, ODC alleged the attorney committed several violations of the Rules of Professional Conduct, including knowing failure to respond to a lawful demand for information from a disciplinary authority, failure to cooperate with the ODC in its investigation and commission of a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer.²⁰ The attorney also faced numerous allegations that he failed to act with reasonable diligence and promptness in representing a client and mishandled client funds.²¹ The attorney never answered the charges brought by ODC.²²

The hearing committee found that the attorney violated the Rules of Professional Conduct and duties owed to his clients, the public, the legal system and the legal profession.²³ The hearing committee found the following factors in aggravation: (1) a dishonest or selfish motive; (2) a pattern of misconduct; (3) multiple offenses; (4) bad faith obstruction of the disciplinary

proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency; (5) indifference to making restitution; and (6) illegal conduct, including that involving the use of controlled substances.²⁴ The only mitigating factor considered was the absence of a prior disciplinary record.²⁵ The hearing committee recommended the attorney be disbarred and to make full restitution to his clients, a client's medical provider, parents and the Louisiana State Bar Association's Client Assistance Fund.²⁶ The court adopted the hearing committee's recommendation.²⁷

In re Blanche, 2012-0552 (La. 6/22/12), 90 So.3d 1034 presents similar facts to *In re Mollere*. Yet, the outcome was much different. In January 2011, ODC filed formal charges against the attorney.²⁸ The charges were deemed admitted as the attorney did not answer them.²⁹ The first count was brought in relation to charges filed in 2010 for possession of methamphetamine and creating and operating a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance.³⁰ The attorney previously pled guilty to all charges in criminal court.³¹ The attorney's sentence was suspended and he was placed on probation for five years with special conditions.³² Most notably, the court required that he enroll at the Right Turn of Maryland Alcohol and Drug Treatment Facility by Aug. 20, 2010 and successfully complete the program.³³

The second count was brought in relation to the attorney's Aug. 31, 2004, arrest for DWI and speeding.³⁴ The attorney pled guilty to the DWI while the speeding charge was dismissed.³⁵ The state criminal court placed the attorney on probation with special conditions, including fines, the requirement that he refrain from other criminal conduct and community service.³⁶ On Dec. 7, 2004, the attorney failed to appear in court to show he satisfied his probation conditions. After the attorney appeared the following day, the court required him to obtain a substance abuse evaluation,



“...path depends on the willingness to ask for help, a willingness to change and a record showing that change...”

be drug tested that day, submit to random drug testing, not change addresses without the approval of his probation officer or the court and refrain from any mood-altering substances and alcohol.³⁷

ODC also alleged that in 2003 the attorney failed to timely respond to requests for admissions, failed to appear for a summary judgment hearing, failed to timely appeal the judgment and failed to timely answer two petitions for garnishments filed and served against the same client.³⁸

The hearing committee found the attorney violated the Rules of Professional Conduct, duties owed to his client, the public, the legal system and the legal profession.³⁹ Based on its review of the ABA's Standards for Imposing Lawyer Sanctions, the committee determined that the baseline sanction was disbarment.⁴⁰

The committee found the following factors in aggravation: multiple offenses and illegal conduct, including that involving the use of controlled substances.⁴¹ In mitigation, the committee found only the absence

of a prior disciplinary record.⁴² The committee noted that it did not find the mitigating factor of chemical dependency because it had “no information upon which to conclude that [respondent] has been successfully rehabilitated from any chemical dependency or that the recurrence of the misconduct is unlikely.”⁴³

However, in response to the committee report, the attorney submitted documentation evidencing that he successfully completed an inpatient treatment program and a halfway house program at the Right Turn of Maryland, that he was diagnosed with opiate and cocaine dependence, and that he had been drug-free since Aug. 20, 2010.⁴⁴ Further, the attorney appeared at oral argument before a panel of the disciplinary board where he spoke to his past misconduct, his path to recovery, and that he had completed a year of substance abuse treatment.⁴⁵

The court ultimately suspended the attorney from the practice of law for three years, retroactive to the date of his interim suspension.⁴⁶ The court relied on

the mitigating factors of absence of a prior disciplinary record, personal or emotional problems, timely good faith effort to make restitution or to rectify the consequences of the misconduct, full and free disclosure to the disciplinary board and a cooperative attitude toward the proceedings, mental disability or chemical dependency, including alcoholism or drug abuse, imposition of other penalties or sanctions, and remorse.⁴⁷

These cases show that if an attorney finds himself in deep trouble stemming from alcohol or drug abuse, there can still be a path forward in the profession if the attorney shows he or she is rehabilitated from his or her prior condition. In a practical sense, that path depends on the willingness to ask for help, a willingness to change and a record showing that change.

Fortunately, there are many resources available for lawyers facing substance abuse issues.

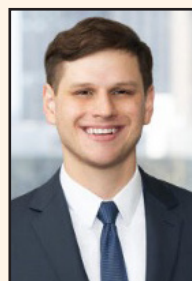
Support from JLAP, twelve step groups, trusted spiritual or religious counselors, and family members, friends or colleagues can be sought. Depending on the person, they may require some or all of these resources to fully recover. That is okay because it truly does take a village.

FOOTNOTE

1. See Louisiana Attorney Disciplinary Board, Decisions and Rules generally from November 6, 2025 to March 18, 2026. LADB: Decisions & Rules.
2. *Id.*
3. *Addiction & Substance Abuse in Lawyers: Statistics to Know*. American Addiction Centers. Priscilla Henson, MD. January 28, 2025.
4. *Id.*
5. *Id.* (citing to Addictions.com Medical Review. *Silent Suffering in the Courtroom: Lawyers Substance Abuse*).
6. *Id.*
7. La. Sup. Ct. R. XIX, § 24(E).
8. *Id.*
9. *Id.*
10. *Id.*
11. La. Rules of Prof'l Conduct R. 1.4(b).
12. La. Sup. Ct. R. XIX, § 10(C).
13. *In re Mollere*, 2024-00160 (La. 4/9/24), 382 So.3d 820, 822.
14. *Id.*
15. *Id.*
16. *Id.*
17. *Id.* at 822-823.
18. *Id.* at 823.
19. *Id.*
20. *Id.*
21. *Id.* at 824-825.
22. *Id.* at 825.
23. *Id.*
24. *Id.*
25. *Id.*
26. *Id.* at 825-826.
27. *Id.* at 827.
28. *In re Blanche*, 2012-0552 (La. 6/22/12), 90 So.3d 1034, 1037.
29. *Id.*
30. *Id.* at 1035.

31. *Id.*
32. *Id.*
33. *Id.*
34. *Id.* at 1036.
35. *Id.*
36. *Id.*
37. *Id.*
38. *Id.*
39. *Id.*
40. *Id.*
41. *Id.* at 1037.
42. *Id.*
43. *Id.*
44. *Id.*
45. *Id.* at 1038.
46. *Id.* at 1040.
47. *Id.* at 1039.

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