

**IN THE SUPREME COURT OF MISSISSIPPI**

**NO. 2017-BR-01553-SCT**

***JOE GREGORY STEWART***

**v.**

***THE MISSISSIPPI BAR***

ATTORNEY FOR PETITIONER:	S. WAYNE EASTERLING
ATTORNEY FOR RESPONDENT:	MELISSA SELMAN MARTIN
NATURE OF THE CASE:	CIVIL - BAR MATTERS
DISPOSITION:	REINSTATEMENT DENIED - 07/25/2019
MOTION FOR REHEARING FILED:	
MANDATE ISSUED:	

**EN BANC.**

**GRIFFIS, JUSTICE, FOR THE COURT:**

¶1. This is Joe Gregory Stewart’s third petition for reinstatement to the practice of law following his disbarment in 2004. After a thorough review of the record, we find that Stewart has failed to meet the jurisdictional requirements for reinstatement and has not met his burden of proving that he has rehabilitated his conduct and moral character. Accordingly, Stewart’s petition for reinstatement is denied.

**FACTS & PROCEDURAL HISTORY**

¶2. The facts leading to Stewart’s disbarment are set out in this Court’s opinion in *Stewart*

**v. *Mississippi Bar*:**

[On May 30, 2003,] Stewart pleaded guilty to one count of conspiracy to commit extortion under color of official right in the United States District Court for the Northern District of Mississippi. See *United States v. Stewart*,

No. 2:03CR00048-001 (N.D. Miss. 2004). This felony charge was made against him for engaging in a pattern of paying Ferrell Hunter, a Tunica County Sheriff's deputy who cited Stewart's clients for driving under the influence (DUI), to intentionally absent himself from the justice court proceedings on the DUI citations. Hunter's absence resulted in the dismissal of the cases against Stewart's clients. Stewart testified he self-reported this illegal activity to the Federal Bureau of Investigation.<sup>[1]</sup> He was sentenced to serve three years on probation and to pay a \$20,000 fine and a \$100 special assessment. The probation term ended March 3, 2007.

*Stewart v. Miss. Bar* (“*Stewart II*”), 5 So. 3d 344, 346 (Miss. 2008) (footnote omitted).

Following Stewart's guilty plea, the Mississippi Bar filed a complaint seeking to have him disbarred. *Id.* Stewart did not respond to the Bar's complaint. *Id.* On September 1, 2004, this Court disbarred Stewart, finding that his crime “is the type of crime contemplated by Rule 6 of the Rules of Discipline, in that the crime is a felony which warrants the imposition of disbarment.” *Miss. Bar v. Stewart*, 890 So. 2d 900, 900 (Miss. 2004) (“*Stewart I*”).

¶3. Stewart filed his first petition for reinstatement on January 22, 2008. *Stewart II*, 5 So. 3d at 346. In support of his petition, Stewart submitted his own affidavit and ten letters of support. *Id.* at 349 n.2. Stewart also passed the Multi-State Professional Responsibility Exam prior to filing his petition. *Id.* at 347. The Bar opposed Stewart's petition, arguing that Stewart had committed too serious an offense to be considered for reinstatement.<sup>2</sup> *Id.*

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<sup>1</sup> Stewart asserts he self-reported his conduct to the FBI in 1998, but was not contacted by law enforcement until January 20, 2003. Stewart testified that he did not approach the FBI until after a chance encounter in Oxford with attorney Gail Thompson, who told him that she was representing the Chief Deputy Sheriff from Tunica, who was in trouble with the FBI. Stewart did not self-report his conduct to the Mississippi Bar.

<sup>2</sup> The Bar noted that Stewart's “expressed desire to enter the military should he be readmitted [was] admirable . . . .” *Stewart II*, 5 So. 3d at 346. Yet, in *Stewart III*, the

at 350. After reviewing the evidence presented by Stewart, this Court concluded that, “[d]ue to the seriousness of his offense, . . . the civic, church, and charitable involvement offered by Stewart lacked sufficient substance to clearly show a fundamental change in his character.” *Id.* at 352. Accordingly, this Court denied Stewart’s first petition. *Id.*

¶4. Stewart filed a second petition for reinstatement on December 11, 2009. *Stewart III*, 84 So. 3d at 11. The Bar again opposed Stewart’s reinstatement, asserting that Stewart had been untruthful and misleading during the Bar’s investigation of his petition. *Id.* at 11. This Court found that Stewart had improved upon his first petition by presenting additional and more detailed evidence of his personal involvement in civic, church, and charitable activities and that he had supported his petition with eighteen new letters of support. *Id.* at 20. However, finding that Stewart had not been forthcoming to the Bar about a prior conviction that had been expunged from his record and that he had not cooperated with the Bar in its investigation of the expungement, this Court denied Stewart’s second petition. *Id.*

¶5. On November 7, 2017, thirteen years after his disbarment and almost seven years after his second petition was denied by this Court, Stewart filed his third petition for reinstatement. The Bar opposed Stewart’s reinstatement, maintaining that Stewart’s misconduct was too damaging to the structure of the legal system to allow him to return to the practice of law.

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record shows that Stewart had previously enlisted in the United States Marine Corps but, on February 11, 1987, was discharged and was not accepted to Officer Candidate School “due to not meeting the professional standards of the Marine Corps.” *Stewart v. Miss. Bar*, 84 So. 3d 9, 17 (Miss. 2011) (“*Stewart III*”)

¶6. On September 13, 2018, this Court ordered Stewart to produce additional documentation to the Bar for its review and further investigation. Upon completion of its duties, the Bar was ordered to file an amended answer, as well as all documents obtained, reviewed, and considered.

¶7. On October 12, 2018, Stewart delivered to the Bar the documents as ordered by this Court. Then, on October 31, 2018, Stewart filed an amended petition for reinstatement and described additional community activities in which he has participated.<sup>3</sup> On February 11, 2019, the Bar filed its amended answer, along with the requested documentation. The Bar later filed a “motion for reimbursement of costs and expenses” and sought a total reimbursement of \$1,935.45 for “the actual costs and expenses incurred in the investigation of this reinstatement matter.” The record reflects that Stewart has paid the requested costs and expenses.

### STANDARD OF REVIEW

¶8. This Court has exclusive jurisdiction over attorney-reinstatement cases. *In re Morrison*, 819 So. 2d 1181, 1183 (Miss. 2001). This Court conducts a de novo review of the evidence in such cases, acting as the trier of fact on a case-by-case basis. *Id.* The petitioner “carries the burden of proving that he has rehabilitated himself and has established

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<sup>3</sup> Stewart’s amended petition for reinstatement appears as an open motion on the Court’s docket. In his amended petition for reinstatement, Stewart incorporates by reference the third petition for reinstatement. We address both the third petition and the amended petition and will collectively refer to both petitions as “this petition.”

the requisite moral character to entitle him to the privilege of practicing law.” *Stewart II*, 5 So. 3d at 346-47 (citing *In re Holleman*, 826 So. 2d 1243, 1246 (Miss. 2002)). To that end, the petitioner must demonstrate “[a] firm resolve to live a correct life evidenced by outward manifestations sufficient to convince a reasonable mind clearly that the person has reformed . . . .” *Phillips v. Miss. Bar*, 427 So. 2d 1380, 1382 (Miss. 1983) (quoting *Ex parte Marshall*, 165 Miss. 523, 556, 147 So. 791, 798 (1933)). The standard of proof in reinstatement cases is clear and convincing evidence. *Wong v. Miss. Bar*, 5 So. 3d 369, 371 (Miss. 2008).

## DISCUSSION

¶9. The fundamental issue in a reinstatement case is whether the petitioner has rehabilitated himself in conduct and character since the disbarment. *In re Benson*, 890 So. 2d 888, 890 (Miss. 2004). The petitioner demonstrates such rehabilitation “by meeting the jurisdictional requirements of [Mississippi Rule of Discipline] 12.” *Id.* In *Benson*, this Court set forth five jurisdictional requirements that apply to Rule 12 reinstatement petitions.

### *Id.*

The petitioner must: (1) state the cause or causes for suspension or disbarment; (2) give the name and current address of all persons, parties, firms, or legal entities who suffered pecuniary loss due to the improper conduct; (3) make full amends and restitution; (4) show that he has the necessary moral character for the practice of law; and (5) demonstrate the requisite legal education to be reinstated to the privilege of practicing law.

### *Id.*

“Though not a jurisdictional requirement, we consider the Bar’s position as to reinstatement

as a factor in determining whether to grant the petition.” *Id.* (citing *In re Holleman*, 826 So. 2d at 1248).

¶10. While we separately address each requirement, we do so out of order. The fourth requirement, whether Stewart has shown the necessary moral character for the practice of law, will be addressed last, because it is the most critical factor at issue in Stewart’s petition.

### **I. Cause for Disbarment**

¶11. Stewart was disbarred after he pleaded guilty to one count of conspiracy to commit extortion under color of official right. *Stewart I*, 890 So. 2d at 900. This Court found that Stewart’s crime was one that warranted disbarment under Rule 6(a) of the Mississippi Rules of Discipline. *Id.* Stewart’s third petition adequately states the cause for his disbarment. Accordingly, Stewart has satisfied this requirement.

### **II. Names and Addresses of Those Who Suffered Pecuniary Loss**

¶12. Stewart asserts that no person, party, firm, or legal entity suffered any pecuniary loss as a result of his misconduct. The Bar does not contest this assertion. This Court notes that the Bar previously argued that the State had suffered a pecuniary loss due to Stewart’s misconduct, since Stewart’s clients may have been required to pay certain fines if their cases had not been dismissed and if they had been convicted. But this Court rejected that argument in *Stewart III*, finding that Stewart could not be held accountable for hypothetical losses to the State. *Stewart III*, 84 So. 3d at 13. Therefore, we find Stewart has satisfied this requirement.

### **III. Full Amends and Restitution**

¶13. In *Stewart III*, this Court found that Stewart had made full amends and restitution “[b]ecause [he] has paid all of the fines and costs he owes[.]” *Id.* at 13. Relying on this finding, Stewart maintains that he has made full amends and restitution for his misconduct. The Bar does not contest this assertion. We find Stewart has satisfied this requirement.

### **IV. Requisite Legal Education**

¶14. Stewart testified that he reads summaries of the new opinions from this Court and the Court of Appeals and that he has attended the Mississippi Bar’s New Lawyers Workshop, an expungement workshop, and a bankruptcy seminar. In addition, Stewart took the Multi-State Professional Responsibility Exam and received a scaled score consistent with the rules for admission to the Mississippi Bar. If reinstated to the practice of law, Stewart will be required to take the Mississippi Bar Exam. *See* Miss. R. Discipline 12.5.

### **V. Requisite Moral Character**

¶15. Of greatest concern to the Bar and this Court is whether Stewart possesses the necessary moral character for the practice of law. We find that Stewart fails to meet this jurisdictional requirement.

¶16. In *Stewart III*, this Court concluded that Stewart’s failure to respond truthfully to the Bar’s questions about his criminal history “reflects negatively on his character and may alone be sufficient grounds for denial of reinstatement.” *Stewart III*, 84 So. 3d at 16. In this petition, Stewart explains the circumstances surrounding his expunged criminal conviction

in an effort to atone for his failure to disclose the matter before. He also presents evidence of his civic and charitable involvement since his last petition.

#### A. Expungement

¶17. The Bar deposed Stewart as part of its investigation of his second petition for reinstatement. *Id.* at 13. During the deposition, Stewart was asked if he had ever had a criminal charge nonadjudicated or expunged from his record. *Id.* Stewart responded that he had not. *Id.* Later, however, the Bar received two letters opposing Stewart’s reinstatement, both of which indicated that Stewart had a criminal conviction expunged in the 1980s. *Id.* at 13-14. The Bar forwarded these letters to Stewart and then conducted a second deposition. *Id.* at 14. At the second deposition, Stewart asserted that he was previously unaware of the expungement and had discovered it only after the first deposition. *Id.* However, Stewart refused to discuss the conduct that led to the expungement, arguing that Mississippi law prevented the Bar from asking about expunged matters. *Id.*

¶18. In reviewing Stewart’s second petition for reinstatement, this Court, in *Stewart III*, found that the Bar had the right to ask Stewart about any expunged records and that Stewart had a duty to answer truthfully. *Id.* at 16. Stewart’s failure to do so was a critical factor, if not the deciding factor, in this Court’s denial of Stewart’s second petition in *Stewart III*, because this Court rejected each of the Bar’s other arguments opposing Stewart’s reinstatement. *See id.* (“Stewart’s failure to respond truthfully to the Bar’s clear, direct question . . . may alone be sufficient grounds for denial of reinstatement.”).

¶19. In this petition, Stewart fully discloses his expunged conviction and the circumstances leading to that conviction. Specifically, in 1983, while a sophomore at the University of Mississippi, Stewart worked as the night manager of a fast-food restaurant in Oxford. During this time, a female patron of the restaurant asked Stewart if he knew where she could obtain some marijuana. Stewart called one of his fraternity brothers, purchased some marijuana from him, and then gave the marijuana to the woman, who reimbursed Stewart. A few days later, the woman asked if Stewart knew where she could acquire some LSD. Stewart purchased some LSD from another patron of the restaurant and gave it to the woman.

¶20. Approximately four months later, Stewart was approached by representatives from the Mississippi Bureau of Narcotics (“MBN”), who explained that the female restaurant patron had been working as an MBN informant. The MBN representatives told Stewart that he would not be charged for his drug transactions if he also agreed to work as an informant. Stewart declined this offer and pleaded guilty to one count of sale of marijuana. He was sentenced to three years of probation. It does not appear that Stewart was ever prosecuted for the sale of LSD.

¶21. In 1986, after Stewart had served his term of probation, Circuit Judge W.W. Brown issued an order expunging Stewart’s conviction under Mississippi Code Section 41-29-150(d)(2) (Rev. 1981). The order provides that “[Stewart] shall not be held hereafter by any provisions of any law to be guilty of perjury or otherwise giving false statement by reason of his failure to recite or acknowledge his arrest, indictment, finding of guilty or trial in this

cause in response to any inquiry made of him for any purpose.” The MBN subsequently moved to set aside the expungement, but the trial court denied the motion.

¶22. Stewart admits that he did not disclose his 1983 drug conviction in his prior petitions for reinstatement and that he did not discuss the case during his previous depositions.<sup>4</sup> However, Stewart asserts that he believed the expungement order prohibited him from discussing the case. He also believed that the expungement statutes protected him from the requirement to disclose his conviction. While he concedes that this Court ultimately found his interpretation of the expungement statutes to be incorrect, he maintains that “there is a difference between being wrong and being deceitful.” The Bar now submits that Stewart has “fully disclose[d] the drug conviction, circumstances surrounding the conviction[,] and subsequent legal proceedings.”

### **B. Civic, Church, and Charitable Involvement**

¶23. In *Stewart II*, Stewart’s evidence of rehabilitation focused primarily on his ownership and management of a Holiday Inn in Gulfport after Hurricane Katrina. *Stewart II*, 5 So. 3d at 351. For instance, Stewart’s hotel offered free rooms to several volunteer groups who had come to Gulfport to assist with hurricane cleanup. *Id.* at 348. The hotel also hosted several pool parties for volunteer groups. *Id.* However, this Court found that Stewart had presented little evidence of his personal involvement in these events. *Id.* This Court concluded that

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<sup>4</sup> Stewart also admits that he did not disclose the drug charge when he applied for admission to the Mississippi Bar.

“[r]ehabilitative actions showing some relationship with the wrong committed would have weighed more heavily in Stewart’s favor.” *Id.* at 351.

¶24. In *Stewart III*, Stewart presented evidence of his participation in a much wider variety of charitable and civic activities:

(1) joining his son and the Boy Scouts on a one-week, thirty-mile hike along the Appalachian Trail and on a week-long summer camp; (2) serving as a member of the Nutrition Board for the Gulfport City Schools; (3) serving on the Board of Directors of the Orange Grove–Lyman Chamber of Commerce; (4) volunteering for the Korean MIA Project, which helps connect the remains of lost servicemen with their families or hometowns; (5) participating in six community-theater productions; (6) volunteering regularly to clean up beaches in Harrison County; (7) serving as a poll worker during the 2008 general election; (8) serving actively in the Harrison County Republican Women; (9) helping sponsor the Heritage Festival in Laurel, which celebrates Celtic music and heritage; (10) spearheading efforts to clean up a cemetery in Tallahatchie County where several of Stewart’s distant relatives are buried; (11) re-indexing a seventy-year-old Works Project Administration cookbook and a fifty-year-old Wesleyan Guild cookbook; and finally (12) serving as a member of the Sons of Confederate Veterans.

*Stewart III*, 84 So. 3d at 17 (footnote omitted). This Court found that this evidence was an improvement on Stewart’s first petition. *Id.* at 20.

¶25. In this petition, Stewart presents additional evidence of his more recent volunteer efforts in his community. This evidence focuses on three main topics: (1) Stewart’s service at Beauvoir, the Jefferson Davis home and presidential library; (2) Stewart’s service with the Boy Scouts of America; and (3) Stewart’s participation in various other community organizations.

### **1. Beauvoir**

¶26. In May 2014, Stewart took on a full-time volunteer position as the executive director of Beauvoir. According to Stewart, Beauvoir was on the brink of closing, with reported losses of \$25,000 per month. Stewart asserts that he was able to utilize his professional experience in property management to reverse this loss and to stabilize Beauvoir's financial position. Stewart claims that when he left Beauvoir, the institution's cash reserve had increased from \$250,000 to \$2.5 million.

¶27. The Bar asserts that Stewart's service at Beauvoir would be better categorized as employment rather than charitable or civic work, because he received a salary for at least part of his time there. The Bar further asserts that Stewart's petition exaggerates his level of involvement in stabilizing Beauvoir's financial position, although the Bar does not believe that Stewart did so in an effort to deceive this Court. At his deposition, Stewart acknowledged that the increase in Beauvoir's cash reserves was the result of legal settlements with which he had little involvement that were pending before his employment began.

¶28. Several individuals involved with Beauvoir have submitted letters in support of Stewart's reinstatement, praising Stewart's efforts to save Beauvoir. For example, Richard V. Forte, chairman of the Combined Boards of Beauvoir, credits Stewart with the survival and restoration of the historic home. Forte also explains that Stewart managed an annual budget of around \$900,000 during his time at Beauvoir. Additionally, Owen McDowell, the current president of the Board of Directors of Beauvoir, states that Stewart often worked

more than sixty hours a week during his time at Beauvoir and served as a good steward of the property's financial resources. McDowell contends that Stewart "achieved the near impossible in keeping the doors of Beauvoir open." Yet documentation provided to the Bar from Beauvoir indicates that Stewart, at times, conducted himself in an unprofessional manner.

¶29. Correspondence from Beauvoir staff members shows Stewart's sarcastic, offensive, and demeaning management style. Examples include:

- a. May 9, 2014 complaint from the chairman of the board of trustees of the Personnel Committee regarding Stewart's dismissal of the events coordinator. The chairman notes that he attempted to discuss the situation with Stewart. Stewart advised that he did not like the events coordinator's attire and "wanted to talk to [the events coordinator]'s husband about the way [she] dresse[d]," stating that "[the events coordinator]'s husband . . . would have to make sure she was dressed properly." The chairman notes the demeaning nature of such a statement and questions whether "any member of this committee [would] let another man tell you that you will have to make sure that before you[r] wife leaves for work . . . she is dressed properly."
- b. March 1, 2016 letter of resignation from Dennie Britton Spence who claimed Stewart "repeatedly and publically demeaned and criticized workers . . . in a manner unbecoming the work place." Spence concluded that the work environment under Stewart was not "healthy."
- c. May 24, 2016 letter of resignation from the facilities manager in which he stated that he would not wish the last six months of his employment on his worst enemy. The letter includes a "synopsis of issues with . . . Stewart" and references Stewart's poor hiring and management decisions. Of significance, in August 2014, Stewart hired Leroy Waller, a convicted felon, as his assistant director. In November 2016, a member of the Sons of Confederate Veterans brought charges against Waller due to his convicted felon status.

- d. May 22, 2016 email from Stewart to Beauvoir’s director of development and programs regarding Beauvoir’s garden in which Stewart refers to the garden as “an abomination” and “ugly and awful.”
- e. August 21, 2017 email from Stewart to Beauvoir’s director of development and programs regarding the “Bricks for Beauvoir project” in which Stewart advises that “they need to get the font exactly the same or the Walkway will look like s\*\*t.”
- f. January 24, 2018 email from Stewart to Beauvoir’s director of development and programs regarding the “Bricks for Beauvoir project” in which Stewart states, “There is an Executive Council meeting this Saturday where I expect the subject to come up and some kind of accounting. If I don’t have anything from Beauvoir . . . then the members will only have their imaginations. If Dr. Payne[,] [Beauvoir’s counsel,] has another tummy ache and doesn’t come . . . I have no information to head off any wild conjecture.”

Stewart acknowledges that his management style clashed with some of Beauvoir’s employees and board members.

¶30. Further documentation indicates Stewart’s disregard not only of Beauvoir’s best interests, but also his disregard of the law. In 2014, an examiner with the Charities Division of the Mississippi Secretary of State’s Office advised Stewart that due to his prior felony conviction, he could be employed by Beauvoir but could not have access to or control of the organization’s funds. Despite this information and knowledge of same, Stewart continued to have access to or control of Beauvoir’s charitable funds.

¶31. In a February 2017 examination summary report, the Charities Division found that during Stewart’s tenure as executive director at Beauvoir, Stewart had “access to charity funds and signed checks on multiple accounts.” The senior examiner noted that despite

“several conversations with [Stewart] . . . during which time [she] addressed [his] felony conviction and [his] role with Beauvoir,” Stewart continued to access or control Beauvoir’s funds in violation of Mississippi Code Section 79-11-509(1)(f) (Rev. 2013). As a result, the senior examiner advised that the Secretary of State’s Office could deny, suspend, or revoke Beauvoir’s charity under Section 79-11-509(1)(f).

¶32. Approximately one year later, in January 2018, Beauvoir’s counsel informed the Board that Stewart, who was working on the “Bricks for Beauvoir project,” had requested a check for \$3,100 in order to pay the brick engraver. Beauvoir’s counsel advised that due to Stewart’s status as a convicted felon, Stewart was unable to have any influence over, handle, or have access to the charitable funds. In Beauvoir’s counsel’s opinion, Stewart’s “choosing of the [brick] engraver and demand for payment [we]re clearly in violation of [Section 79-11-509(1)(f)] and could result in revocation of [Beauvoir’s] charity’s registration.” As a result, Beauvoir’s counsel informed the Board that he would not be answering any of Stewart’s correspondence or demands for payment.

¶33. Additionally, Beauvoir’s counsel noted that Stewart’s “emails ha[d] become increasingly sarcastic and inappropriate for a . . . staff member of the E[xecutive] C[ommittee]” and requested that Stewart be counseled “to cease his harassment and abuse of the staff at Beauvoir.”

¶34. Stewart’s social media posts also evince a disregard for Beauvoir’s best interests. In 2017, the director of development and programs at Beauvoir notified the board members that

Beauvoir had received a message on its Facebook page regarding Stewart. Specifically, the Board was advised as follows:

Gentlemen:

There is a page on Face Book that is set up for people who don't like President Trump. The creator of the page[,] Amy Schenkemeyer, sent us a message with screen shots of a conversation she had with Greg Stewart. From his post to her[,] she accessed his Face Book page. Which is the reason why we received her message. From his page[,] she noticed his affiliation with Beauvoir. If she decides to make [the conversation] public, Beauvoir will suffer. At this point[,] the conversation has not been made public.

¶35. The conversation between Stewart and Schenkemeyer was attached to the email. Throughout the conversation, Stewart uses profanity and offensive language, including racist and discriminatory language.<sup>5</sup>

## **2. The Boy Scouts**

¶36. Stewart's relationship with the Boy Scouts began in 2011 with the goal of helping his son attain the rank of Eagle Scout. He eventually was appointed Scout Master of Troop 301, which is sponsored by his church, Trinity United Methodist Church in Gulfport.<sup>6</sup> During his first year as Scout Master, Troop 301 doubled in size from twenty to forty members. Stewart later became a unit commissioner for the Spanish Trail District of the Pine Burr Area Council. After serving in this capacity for two years, Stewart was appointed Spanish Trail

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<sup>5</sup> For example, Stewart repeatedly refers to Schenkemeyer as a "dumb c\*\*t" as well as a "b\*\*h" and a "whore" and states that Schenkemeyer can "go suck that Mexican d\*\*k."

<sup>6</sup> Stewart was required to disclose his felony conviction when he began volunteering with the Boy Scouts.

District Commissioner. During Stewart’s tenure as district commissioner, troop membership in the Spanish Trail District increased by 20 percent. Stewart’s service to the Boy Scouts was recognized in 2016 when he was awarded the Silver Beaver Award, the highest honor available to adult volunteers.

¶37. Stewart turned over the title of district commissioner to a fellow leader but continues to work with the new district commissioner and has resumed his duties as a troop leader volunteer and committee chairman of his original Troop 301. Several individuals have submitted letters of support praising Stewart’s leadership in his troop and district-wide.

### **3. Other Community Involvement**

¶38. In addition to his service with Beauvoir and the Boy Scouts, Stewart has outlined several other community, religious, and charitable activities in which he has been involved since the denial of his last petition for reinstatement. Stewart participates in the Gulfport Little Theatre and has served on its board of directors. He assisted in efforts to erect the Mildrette Netter historical marker in Rosedale, Mississippi. He has participated in fundraising efforts and served on the board of directors for the TNT Ranch Recovery Home in Gulfport, a residential facility that assists the homeless population of the Gulf Coast.

¶39. Stewart has also served as a risk manager and board member for Children’s International Summer Villages (“CISV”). Stewart and his family have hosted foreign CISV delegations in their home, and he has traveled to other countries at his own expense to attend CISV training seminars. In July 2018, CISV hosted a summer village consisting of thirty-six

youths and their chaperones from all over the world. Stewart assisted in hosting the event and was in charge of obtaining suitable lodging for the visitors and compiling a list of emergency contacts and telephone numbers.

¶40. Additionally, Stewart received recognition from The Rotary Foundation of Rotary International naming him a “Paul Harris Fellow in appreciation of tangible and significant assistance given for the furtherance of better understanding and friendly relations among peoples of the world.” Stewart has completed training to become a Court Appointed Special Advocate for Children (“CASAC”) in Harrison County. He admits that his felony conviction has prevented him from taking cases at this time, but the executive director of his local chapter stated that his situation will be re-evaluated if he is reinstated to practice law. Stewart is active in his church and helps transport elderly members of his Bible study to church.

### C. Letters of Support

¶41. In *Stewart II*, Stewart submitted ten letters of support for his reinstatement.<sup>7</sup> *Stewart II*, 5 So. 3d at 349 n.2. In *Stewart III*, Stewart submitted updated letters of support from nine of these individuals, along with eighteen new letters of support.<sup>8</sup> *Stewart III*, 84 So. 3d

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<sup>7</sup> These letters were written by Robert Khayat, Guthrie Abbott, Shelton Hand, Norman Gillespie, Richelle Lumpkin, Keith Wiseman, John Cooke, William Hooper, Jr., Andre de Gruy, and Carl Ford. *Stewart II*, 5 So. 3d at 349 n.2.

<sup>8</sup> Richelle Lumpkin did not submit an updated letter of support because she had become a city judge after Stewart’s first petition was filed. *Stewart III*, 84 So. 3d at 18. The new letters were written by Steven Farese, Sr., Sherman Muths, III, Brad Walsh, William McDonough, Jr., William Weatherly, Alwyn Luckey, Robert Little, Jr., Cynthia

at 18. With this petition, Stewart has submitted thirty-seven letters of support, twelve of which were authored by individuals who submitted letters in support of Stewart's previous petitions.<sup>9</sup> The authors of these letters uniformly state that Stewart has been both honest and remorseful about the actions that resulted in his disbarment, and they share a high opinion of Stewart's honesty, humility, leadership, and dedication to his community.

¶42. As part of its investigation of this petition, the Bar received eight additional letters supporting Stewart's reinstatement.<sup>10</sup> The Bar also spoke with three Beauvoir employees, including one attorney, who voiced opposition to Stewart's reinstatement and provided documents they felt supported their allegations of Stewart's difficult demeanor and mismanagement of Beauvoir.

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Mitchell, Robert Crook, Mary Libby Payne, Paul Shelton, Robin S. Steward, William Faggert, George Church, Daniel Bomar, Nancy Ford, Jonathan Rawl, and Dr. B.H. Papasan. *Id.* n.7.

<sup>9</sup> Updated letters of support were submitted by Guthrie Abbot, George Church, Andre de Gruy, William Faggert, Carl Ford, Norman Gillespie, Robin Little, Jr., Alwyn Luckey, William McDonough, Jr., Sherman Muths, Jonathan Rawl, and Robin Steward. New letters were authored by Michael C. Barefield, Ed Blakeslee, Benjamin U. Bowden, J. Renee Cain, Bob Davidson, Dave Dennis, Francis G. Farmer, Collette Field, Richard V. Forte, Sr., Jonathan P. Dyal, James Bailey Halliday, Sr., Thomas R. Hearn, Jr., Jeannie Herrin, John L. Kelley, Michael B. Martz, John M. McCay, III, J. Owen McDowell, Robert S. Murphree, Bob Sawyer, Reverend Tony Stapeleton, Reverend Jeff Switzer, Thomas G. Taylor, Thomas W. Teel, Cal Walters, and G. Martin Warren, Jr.

<sup>10</sup> The Bar's response to Stewart's petition actually states that seven letters were submitted, but eight letters are attached as exhibits to the response. These letters were written by John H. Cocke, Thomas G. Taylor, R. Douglas Vaughn, Darnell Felton, Phillip Scott Weinberg, M. Channing Powell, Kaleel "Teal" Salloum, Jr., and Gail P. Thompson.

#### **D. Employment Since Disbarment**

¶43. Following his disbarment, Stewart moved his family to Gulfport and purchased a Holiday Inn hotel, which he operated for approximately four years before selling it. Stewart acknowledged that after Hurricane Katrina his hotel rates were “high”<sup>11</sup> because “there was no other place to stay.” Stewart used the proceeds from this sale to finance a triple-net lease on three commercial properties operating as Wendy’s restaurant franchises. In 2010, Stewart purchased a UPS store, which he operated for about three years. And as previously discussed, Stewart received payment for his final year of service as executive director of Beauvoir.

#### **E. Future Plans**

¶44. During his deposition, Stewart testified that he planned to take over a bankruptcy practice from an attorney in Laurel. Previously, Stewart has stated that he plans to represent himself in business dealings and work with another attorney in a real-estate practice. Stewart testified that he will continue to remain active in his community regardless of whether he is reinstated to the practice of law.

#### **F. Mental and Emotional Status**

¶45. The Bar reports that Stewart appeared to be mentally and emotionally stable during the course of his depositions and indicated that he was not suffering from any serious medical

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<sup>11</sup> Stewart testified that, while he doubled his occupancy rate during Katrina, he also doubled the hotel rate. He testified that it opened “a whole gold mine for [him].”

problems. Stewart testified that he does not use illegal drugs, does not abuse alcohol, does not suffer from depression, and is generally in good health. The Bar notes that Stewart testified during his deposition that he once took his daughter's ADHD medicine "to see what she was taking." The Bar expressed concern about this testimony.

### ANALYSIS AND DECISION

¶46. Attorney-reinstatement cases are judged on a case-by-case basis in order to account for the unique circumstances of each petitioner. This Court has previously granted petitions for reinstatement filed by attorneys like Stewart who were disbarred for committing serious felony offenses. For example, Jack Parsons was disbarred by this Court in 1996 after he pleaded guilty in federal court to one count of conspiracy to commit money laundering. *In re Parsons*, 797 So. 2d 203, 204 (Miss. 2000). This Court granted Parsons's first petition for reinstatement. *Id.* at 206. Parsons's only rehabilitative evidence was his longtime membership in his local church, where he taught Sunday School and held various other positions. *Id.* Parsons also provided seven letters of support for his reinstatement. *Id.* This Court found that Parsons's evidence satisfied the jurisdictional requirements of Rule 12 and was sufficient for reinstatement to the practice of law. *Id.* at 207.

¶47. Similarly, Jimmy D. McGuire was disbarred by this Court in 1997 following his felony conviction in federal court for filing a false currency reporting form in violation of the Internal Revenue Code. *Miss. Bar v. McGuire*, 694 So. 2d 674, 674 (Miss. 1997) ("*McGuire I*"). McGuire "was taped conspiring with purported drug trafficking clients (who

were actually undercover agents) to accept cash payments in a manner shielding the source and purpose of the cash in violation of federal law.” *McGuire v. Miss. Bar*, 798 So. 2d 476, 477 (Miss. 2001) (“*McGuire II*”). This Court denied McGuire’s first two petitions for reinstatement, finding that he had shown no remorse for his misconduct and had provided little or no evidence of his rehabilitation through charitable and civic engagement. *McGuire II*, 798 So. 2d at 480; *In re Reinstatement of McGuire*, 849 So. 2d 880, 884 (Miss. 2003) (“*McGuire III*”).

¶48. However, this Court ultimately granted McGuire’s third petition for reinstatement, despite expressing disappointment with McGuire’s continued attempts to downplay his offense as mere “bad judgment.” *McGuire v. Miss. Bar*, 912 So. 2d 902, 906 (Miss. 2005) (“*McGuire IV*”). This Court found that McGuire was “extremely fortunate,” because he would have been ineligible for reinstatement under the amended version of Rule 12.<sup>12</sup> *Id.*

¶49. In *McGuire IV*, the attorney presented evidence that he was an active member of his church, spent ten to fourteen hours per week doing charitable work, and donated money to various charitable organizations. *Id.* at 904-05. The attorney also submitted sixty-six letters supporting his reinstatement. *Id.* at 905. We previously compared Stewart’s case to

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<sup>12</sup> Rule 12 was amended in 2002 to provide that an attorney who was disbarred after being convicted of a felony involving “interference with the administration of justice,” “extortion,” or “an attempt, conspiracy or solicitation of another to commit such a crime, shall be ineligible for reinstatement.” Miss. R. Discipline 12(c). However, this rule applies only to offenses that occurred after April 4, 2002. Stewart’s illegal activity occurred before April 4, 2002. *Stewart II*, 5 So. 3d at 346 n.1.

McGuire's and found that the two offenses were "arguably comparable." *Stewart II*, 5 So. 3d at 350.

¶50. Turning to this case, this Court acknowledges that the evidence of Stewart's rehabilitation rises at least to the level of what was presented in *Parsons* and *McGuire IV* when compared to the gravity of the offense. We previously recognized that Stewart has "made great strides toward rehabilitating his character, and has demonstrated a changed life in many ways." *Stewart III*, 84 So. 3d at 11. Stewart's third petition documents further evidence of rehabilitation through his employment and volunteer work on the Mississippi Gulf Coast. "[Stewart's] rehabilitation path naturally would be shorter than those who either refuse to acknowledge the gravity of their wrongdoing, or those who must be caught before repenting." *Stewart II*, 5 So. 3d at 352. This path took an unfortunate detour when Stewart failed to cooperate with the Bar in its investigation of his second petition, but he has taken steps to correct his course by disclosing the details of his expunged criminal record. And unlike the attorney in *McGuire*, Stewart consistently has acknowledged the severity of his offense and has expressed remorse for his actions.

¶51. The basis for the Bar's opposition to Stewart's petition is that "the underlying misconduct that led to Mr. Stewart's criminal conviction violated the basic principles that attorneys must live by in order to honorably serve their clients, the courts, and the legal system." In other words, the Bar views Stewart's original offense as so egregious that it cannot support his reinstatement, regardless of the rehabilitative evidence Stewart has

presented. However, while the gravity of Stewart’s offense certainly bears consideration, the relevant inquiry in a reinstatement case is the attorney’s “rehabilitation in conduct and character *since* disbarment.” *Matter of Reinstatement of Nixon*, 618 So. 2d 1283, 1287 (Miss. 1993) (emphasis in original) (quoting *Burgin v. Miss. Bar*, 453 So. 2d 689, 691 (Miss. 1984)).

¶52. In *Nixon*, the Bar opposed a disbarred attorney’s petition for reinstatement on the basis that the perjury conviction that had resulted in the attorney’s disbarment proved that he lacked the requisite moral character to practice law. *Id.* This Court rejected the Bar’s argument, finding that “the Bar should have focused on [Nixon’s] moral character since the time when the offense was committed.” *Id.* at 1289 (emphasis omitted).

¶53. Here, in focusing on Stewart’s moral character since disbarment, this Court cannot ignore Stewart’s disregard of Section 79-11-509(1)(f) “Morality” is defined as “[c]onformity with recognized rules of correct conduct . . . [a] system of duties; ethics.” *Morality*, Black’s Law Dictionary (7th ed. 2000). “As officers of the Court, [lawyers] are required to behave in accordance to certain high standards.” *Miss. Bar v. Lumumba*, 912 So. 2d 871, 883 (Miss. 2005). “It is a privilege to practice law, and the principle here is that [lawyers] give up many rights ordinary citizens have in order to be practicing lawyers.” *Id.*

¶54. As an attorney, Stewart is responsible for knowing and following the law. His disregard of Section 79-11-509(1)(f) and the Secretary of State’s direction regarding his prior felony conviction and his role at Beauvoir contradicts his duty and obligation to uphold the

laws of this State. Moreover, Stewart’s actions do not conform with the recognized rules of correct conduct or the high standards to which lawyers are held. Stewart must exhibit “[a] firm resolve to live a correct life evidenced by outward manifestations sufficient to convince a reasonable mind clearly that [he] has reformed . . . .” *Phillips*, 427 So. 2d at 1382 (quoting *Ex parte Marshall*, 147 So. at 798). Stewart has failed to prove by clear and convincing evidence that he has a “firm resolve to live a correct life.”

### CONCLUSION

¶55. After reviewing Stewart’s petition, the Bar’s response, Stewart’s reply, Stewart’s amended petition, the Bar’s amended answer, and all of the evidence in the record, we find that Stewart has not met the jurisdictional requirements of Rule 12 and has not provided clear and convincing evidence of his rehabilitation in conduct and character to convince a reasonable person that he has been reformed. Accordingly, Stewart’s third petition for reinstatement to the practice of law is denied.

¶56. Additionally, the Bar’s “motion for reimbursement of costs and expenses” is granted. The record shows that on May 2, 2019, Stewart paid the total amount of costs and expenses associated with the investigation. Thus, the Bar’s request has been satisfied.

¶57. **THIRD PETITION OF JOE GREGORY STEWART FOR REINSTATEMENT TO THE PRACTICE OF LAW IN THE STATE OF MISSISSIPPI IS DENIED.**

**RANDOLPH, C.J., KITCHENS AND KING, P.JJ., COLEMAN, BEAM AND CHAMBERLIN, JJ., CONCUR. MAXWELL AND ISHEE, JJ., NOT PARTICIPATING.**