

The Supreme Court of the State of Louisiana

**IN RE: MELISSA MICHELLE
RAMSEY ELDRIDGE**

No. 2023-B-01391

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

January 10, 2024

Disbarment imposed. See per curiam.

WJC

JLW

SJC

JTG

JBM

PDG

Supreme Court of Louisiana

January 10, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2023-B-1391

IN RE: MELISSA MICHELLE RAMSEY ELDRIDGE

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Melissa Michelle Ramsey Eldridge, an attorney licensed to practice law in Louisiana but currently ineligible.¹

FORMAL CHARGES

Count I

In December 2020, Lauren LaMonica hired respondent to handle a custody matter, for which she paid respondent \$3,500 in cash. Ms. LaMonica last spoke with respondent in February 2021, and since that time, made numerous efforts to contact respondent with no success. Ms. LaMonica’s efforts to obtain a refund have likewise been unsuccessful, and she had to hire another attorney to complete her case.

Respondent was granted a fifteen-day extension to respond to the associated complaint, but she failed to do so. The ODC issued a subpoena directing respondent to appear for a sworn statement on April 21, 2022. Despite being personally served with the subpoena, she failed to appear for the sworn statement. Thereafter, the ODC received notice that respondent abandoned her law office.

¹ On September 16, 2022, respondent was deemed ineligible to practice law for failing to pay her bar dues and the disciplinary assessment. Thereafter, she was also ineligible for failing to comply with the mandatory continuing legal education requirements and failing to file her trust account registration statement.

Count II

In March 2020, Seth Templain met with respondent to discuss options for obtaining custody of his nephew. After respondent suggested he pursue adoption, Mr. Templain paid her an advance deposit of \$1,000 to start the process. One week after that initial meeting, the child's father agreed to joint custody with Mr. Templain being named domiciliary parent. Mr. Templain contacted respondent and asked her to draft the necessary paperwork and to schedule a time for the parties to sign the documents, but she did not respond to his requests. In February 2021, Mr. Templain went to respondent's office, but the office was closed, and the building was up for lease. Mr. Templain had to hire another attorney to complete the work.

Respondent failed to respond to the associated complaint, necessitating the issuance of a subpoena compelling her to appear for a sworn statement on April 21, 2022. Despite being personally served with the subpoena, she failed to appear for the sworn statement.

Count III

In November 2021, John Bailey, III, hired respondent to represent him in a custody matter, for which he paid respondent \$3,500. A hearing in the matter was scheduled for January 2022 and later reset by the judge for March 2022. Mr. Bailey has not been able to reach respondent and has never been provided with proof that respondent performed any services on his behalf.

Notices of the associated complaint were sent to each of respondent's known physical and email addresses, but respondent has failed to respond to the complaint.

Count IV

In February 2022, Tarva Jackson had a consultation with respondent about handling her divorce, for which she paid respondent a \$100 consultation fee. The

next day, Ms. Jackson paid respondent \$3,500 for the representation. Respondent added a petition for divorce to her online casefile, but she did not advise Ms. Jackson that she had done so. A few days later, Ms. Jackson reached out to respondent about setting a time to sign documents and to discuss filing a restraining order against her ex-husband, but respondent did not answer. Ms. Jackson went to respondent's office for a scheduled meeting to sign the paperwork, which respondent later filed with the court. Ms. Jackson then sent to respondent several messages in which she inquired about the status of her matter, but she never received a response. On May 3, 2022, she sent respondent another message in which she requested a refund. Two weeks later, Ms. Jackson consulted with another attorney who informed her about a missed court date on April 13, 2022. Ms. Jackson sent to respondent an additional message in which she requested a refund, but she never received a response.

Despite receiving notice of the associated disciplinary complaint, respondent failed to respond to the complaint.

Count V

In September 2020, Brooke Brumley hired respondent to handle a custody matter, for which she paid respondent \$5,000. Respondent failed to file any papers in the matter, which involved allegations of child abuse. Respondent was served with a court order regarding a hearing in the matter, but she failed to notify Ms. Brumley of same. Due to Ms. Brumley's lack of knowledge about the hearing, the court granted a continuance. Respondent did not return Ms. Brumley's phone calls and retained approximately \$3,000 of her money. Respondent also failed to notify Ms. Brumley that she became ineligible to practice law in September 2022.

The ODC mailed notice of the associated complaint to respondent's primary bar registration address, but the notice was returned marked unclaimed and unable to forward. To date, respondent has not responded to the complaint.

DISCIPLINARY PROCEEDINGS

In April 2023, the ODC filed formal charges against respondent, alleging that her conduct as set forth above violated the following provisions of the Rules of Professional Conduct: Rules 1.3 (failure to act with reasonable diligence and promptness in representing a client), 1.4 (failure to communicate with a client), 1.5 (failure to refund an unearned fee), 1.15(a) (safekeeping property of clients or third persons), 1.15(d) (failure to timely remit funds to a client or third party), 1.16(d) (obligations upon the termination of the representation), 8.1(b) (knowing failure to respond to a lawful demand for information from a disciplinary authority), 8.1(c) (failure to cooperate with the ODC in its investigation), 8.4(a) (violation of the Rules of Professional Conduct), and 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

Respondent failed to answer the formal charges. Accordingly, the factual allegations contained therein were deemed admitted and proven by clear and convincing evidence pursuant to Supreme Court Rule XIX, § 11(E)(3). No formal hearing was held, but the parties were given an opportunity to file with the hearing committee written arguments and documentary evidence on the issue of sanctions. Respondent filed nothing for the committee's consideration.

Hearing Committee Report

After considering the ODC's deemed admitted submission, the hearing committee adopted the deemed admitted factual allegations of the formal charges as its factual findings. Based on those facts, the committee determined respondent violated the Rules of Professional Conduct as charged.

The committee determined that respondent violated duties owed to her clients, the public, the legal system, and the legal profession. The facts demonstrate that she engaged in a pattern of neglect and abandoned her law practice. Respondent acted

knowingly and intentionally, and her conduct caused actual harm to multiple clients who paid for services not performed. By failing to cooperate with the ODC, she caused harm to the legal profession. Relying on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is disbarment.

The committee determined the following aggravating factors are present: a dishonest or selfish motive, a pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency, refusal to acknowledge the wrongful nature of the conduct, vulnerability of the victims, substantial experience in the practice of law (admitted 1999), and indifference to making restitution. The committee found absence of a prior disciplinary record to be the only mitigating factor present.

Based on these findings, the committee recommended respondent be disbarred. The committee also recommended respondent be ordered to make restitution to each of her former clients for the unearned fees she converted to her own use. The committee further recommended respondent be ordered to pay all costs and expenses associated with this proceeding.

Neither respondent nor the ODC filed an objection to the hearing committee's report. Therefore, pursuant to Supreme Court Rule XIX, § 11(G), the disciplinary board submitted the committee's report to the court for review.

DISCUSSION

Bar disciplinary matters fall within the original jurisdiction of this court. La. Const. art. V, § 5(B). Consequently, we act as triers of fact and conduct an independent review of the record to determine whether the alleged misconduct has been proven by clear and convincing evidence. *In re: Banks*, 09-1212 (La. 10/2/09), 18 So. 3d 57.

In cases in which the lawyer does not answer the formal charges, the factual allegations of those charges are deemed admitted. Supreme Court Rule XIX, § 11(E)(3). Thus, the ODC bears no additional burden to prove the factual allegations contained in the formal charges after those charges have been deemed admitted. However, the language of § 11(E)(3) does not encompass legal conclusions that flow from the factual allegations. If the legal conclusion the ODC seeks to prove (i.e., a violation of a specific rule) is not readily apparent from the deemed admitted facts, additional evidence may need to be submitted in order to prove the legal conclusions that flow from the admitted factual allegations. *In re: Donnan*, 01-3058 (La. 1/10/03), 838 So. 2d 715.

The record in this deemed admitted matter supports a finding that respondent neglected legal matters, failed to communicate with her clients, failed to refund unearned fees, failed to protect her clients' interests upon the abandonment of her law practice, and failed to cooperate with the ODC in its investigations. This conduct violates the Rules of Professional Conduct as charged.

Having found evidence of professional misconduct, we now turn to a determination of the appropriate sanction for respondent's actions. In determining a sanction, we are mindful that disciplinary proceedings are designed to maintain high standards of conduct, protect the public, preserve the integrity of the profession, and deter future misconduct. *Louisiana State Bar Ass'n v. Reis*, 513 So. 2d 1173 (La. 1987). The discipline to be imposed depends upon the facts of each case and the seriousness of the offenses involved considered in light of any aggravating and mitigating circumstances. *Louisiana State Bar Ass'n v. Whittington*, 459 So. 2d 520 (La. 1984).

The record further supports a finding that respondent violated duties owed to her clients, the public, the legal system, and the legal profession. She acted both knowingly and intentionally, and her conduct caused actual harm. The applicable

baseline sanction is disbarment. We agree with the hearing committee's assessment of the aggravating factors as well as its determination that the only mitigating factor present is the absence of a prior disciplinary record.

Based on our review, the committee's recommended sanction is appropriate to address respondent's misconduct. Accordingly, we will adopt the committee's recommendation and disbar respondent. We will further order respondent to make full restitution to each of her former clients and/or to the Client Assistance Fund, as appropriate.

DECREE

Upon review of the findings and recommendation of the hearing committee, and considering the record, it is ordered that Melissa Michelle Ramsey Eldridge, Louisiana Bar Roll number 26276, be and she hereby is disbarred. Her name shall be stricken from the roll of attorneys and her license to practice law in the State of Louisiana shall be revoked. It is further ordered that respondent shall make full restitution to Lauren LaMonica, Seth Templain, John Bailey, III, Tarva Jackson, and Brooke Brumley and/or to the Louisiana State Bar Association's Client Assistance Fund, as appropriate. All costs and expenses in the matter are assessed against respondent in accordance with Supreme Court Rule XIX, § 10.1, with legal interest to commence thirty days from the date of finality of this court's judgment until paid.