

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: RONALD SIDNEY HALEY, JR.

DOCKET NO. 23-DB-014 c/w 23-DB-025

REPORT OF HEARING COMMITTEE # 26

INTRODUCTION

This attorney disciplinary matter arises out of two sets of formal charges filed by the Office of Disciplinary Counsel (“ODC”) against Ronald Sidney Haley, Jr. (“Respondent”), Louisiana Bar Roll Number 30900.¹ ODC alleges that Respondent violated the following Rules of Professional Conduct: 1.3, 1.4(a)(3), 8.1(a), 8.4(a) (c) & (d).²

The 23-DB-014 formal charges were filed on February 28, 2023. Respondent filed an answer to the charges on April 14, 2023. The 23-DB-025 formal charges were filed on April 20, 2023. Respondent filed an answer to the charges on June 13, 2023. These matters were consolidated by order signed July 10, 2023. The hearing was initially set for September 3, 2023. However, Respondent was admitted to the hospital on September 2, 2023, and was not present at the hearing on September 3rd. Respondent made no effort to contact the LADB about his admission. While ODC made attempts to inform all of its witnesses to not appear, one witness did appear, Timothy Beasley, who had driven from Florida to be present. The Committee allowed ODC to present the testimony of Mr. Beasley, then adjourned the matter to be reset for another date. Respondent was given the opportunity to set the deposition of Mr. Beasley to conduct a cross-examination, but Respondent did not exercise this opportunity. The rescheduled hearing was held

¹ Respondent was admitted to the practice of law in Louisiana on April 26, 2007. Respondent is currently eligible to practice law.

² See the attached Appendix for the text of these Rules.

on November 13, 20223. Deputy Disciplinary Counsel Tammy Pruet Northrup appeared on behalf of ODC. Respondent appeared *pro se*.

For the following reasons, the Committee finds that the Respondent is in violation of Rules of Professional Conduct 1.3, 1.4(a)(3), 8.1(a), 8.4(a) (c) & (d). As such, the Committee recommends that the Respondent be suspended from the practice of law for a period of one (1) year and one (1) day.

FORMAL CHARGES – 23-DB-014

The 23-DB-014 formal charges read, in pertinent part:

The Office of Disciplinary Counsel ("ODC") received the instant complaint from Complainant, Timothy Terrell Beasley on January 31, 2022. Complainant was arrested on April 17, 2019, in West Baton Rouge Parish for Possession with intent to Distribute or Dispense a Schedule II Controlled Dangerous Substance. Complainant was stopped on I -10 for a traffic violation. After being stopped, Complainant consented to a search of his vehicle during which law enforcement officers found 51 pounds of cocaine. Complainant admitted to the law enforcement officers that the cocaine was his. Complainant was arrested and could not afford to make bail.

Respondent was initially hired by Complainant's parents who paid Respondent \$2,500.00 to file a Motion for Bond Reduction. The motion was successful, and Complainant was able to make bail. Respondent informed Complainant that he would charge \$15,000.00, less the \$2,500.00 paid for the bond reduction for representation, but to date, Complainant has only paid Respondent \$10,000.00. Complainant alleges Respondent never communicated with him or gave him status updates during the representation and was often late for court appearances. Respondent filed a Motion to Suppress on November 2, 2020. Said motion was heard on September 9, 2021. The district court denied the Motion to Suppress. Complainant alleges Respondent only cross-examined the law enforcement officers and did not introduce any evidence on his behalf. According to Complainant, Respondent did not offer the dash camera video footage to show there was no probable cause for the initial traffic stop though he informed Complainant that he would do so. When Complainant questioned Respondent about this, Complainant alleges that Respondent informed him he would be lodging a writ with the First Circuit Court of Appeal and that the appellate court would be able to watch the video. Complainant alleges the trial court gave Respondent until October 1, 2021, to lodge a writ with the Frist Circuit. Complainant continued to ask Respondent about the status of the appeal. Respondent informed Complainant he was working on the appeal and the matter was pending. Eventually, Complainant contacted the clerk of court for both the district court and the First Circuit Court of

Appeal and learned that no appeal had been lodged. When Complainant confronted Respondent about the status of the appeal in a text message, Respondent responded with a text message stating that he had filed a Motion for Extension of Time to File the Writ. The ODC contacted the West Baton Rouge Parish Clerk of Court's Office to verify that a Motion for Extension of Time to File the Writ had been filed by Respondent. According to the Clerk's office, Respondent never filed a Motion for Extension of Time to File the Writ in Complainant's criminal matter. Complainant terminated Respondent and hired new counsel. When providing a written response to the complaint, Respondent failed to address Complainant's allegation that Respondent lied to him about filing the writ with the First Circuit Court of Appeal.

Respondent's conduct constitutes failing to act with reasonable and diligence and promptness in representing a client, in violation of Rule 1.3; failing to keep a client reasonably informed about the status of the matter, in violation of Rule 1.4(a)(3); violating or attempting to violate the Rules of Professional Conduct, in violation of Rule 8.4(a); engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c); and, engaging in conduct that is prejudicial to the administration of justice, in violation of Rule 8.4(d).

FORMAL CHARGES – 23-DB-025

The 23-DB-025 formal charges read, in pertinent part:

This office received the instant complaint from Tevin Scott on April 30, 2021. Respondent was incarcerated in East Baton Rouge Parish Prison on charges of stalking and terrorizing. Complainant alleges he was beaten by a corrections officer while incarcerated. Initially, Respondent instructed his mother, Carla T. Haney, to consult with Respondent about the beating he received in prison. Following the incident, Complainant was charged with Battery of a Corrections Officer. Thus, Complainant hired Respondent to represent him in both any potential future civil matter related to the beating and for defense of all criminal charges pending against him.

Complainant's mother, Ms. Haney, met with Respondent for the first time on February 12, 2019. Complainant agreed to be represented by Respondent, and Ms. Haney returned to Respondent's office on February 13, 2019, and paid Respondent's entire \$6,000.00 flat fee to represent Complainant in all matters.

Complainant had three charges related to a domestic situation with his former girlfriend. The district judge placed a hold on Complainant because of the nature of the charges, so Complainant was incarcerated when Complainant's mother hired Respondent. Complainant's pending charges were Battery of a Corrections Officer, Illegal Use of a Weapon, Stalking, Terrorizing, Entering into or remaining After Forbidden, Battery of a Dating Partner, and a separate charge for Battery of a Dating Partner. Respondent had three files on Complainant. Respondent states that on the Battery of a Corrections Officer, Complainant pled guilty and received a six-month sentence with credit for time served. On the Illegal Use of Weapon charge, Complainant received probation under the provisions of 893 for a period of two years. Complainant successfully completed his probation on May 7, 2020.

Complainant returned to court on January 28, 2021, and the 893/894 was granted. On the domestic violence charges, Complainant received two years which Respondent had reduced to 17 months.

According to Complainant, Respondent told him that the prosecution would allow him to plea to all matters as part of an 893/894 plea agreement. Respondent informed Complainant that he would be immediately released following the plea and then start probation. Complainant was not released for two and a half months.

When Complainant, who is a commercial truck driver with a hazmat and tanker endorsement, began applying for jobs after his 893/894 was granted, he learned for the first time that all charges were not removed from his record as promised by Respondent. Complainant again tried to contact Respondent to no avail. Finally, Complainant appeared at Respondent's office unannounced. Complainant met with Respondent to discuss his legal matter, and Respondent again assured Complainant that all charges should have been removed from his record. Complainant recorded his conversation with Respondent without Respondent's knowledge and provided the recording to the ODC. Respondent assured Complainant that he would resolve the matter. During this time, Complainant also realized that because Respondent convinced him to plea to Battery of a Corrections Officer, the civil action he wanted to bring against the state for the beating he claimed he endured in prison was now moot. Complainant states that Respondent did not discuss the effect his plea would have on the civil action he wanted to bring.

On December 7, 2021, Respondent was suspended from the practice of law for a year and day, with all but six months fully deferred, in another disciplinary matter. Respondent did not address Complainant's legal matter before he was suspended but did arrange for two other attorneys. Ryan Beaulieu and Lance Unglesby, to return to court with Complainant on July 1, 2022. These attorneys filed a Motion for Reconsideration of Sentence which the Court granted. The court deferred imposition of the sentence under articles 893 and 894, and Complainant was then again placed on probation with conditions. The new probation terms and conditions, such as attending Anger Management School, cost Complainant additional funds. Complainant also learned after he completed all conditions and probation that he had to file expungement paperwork to have the arrests removed from his record. Complainant states he was never told this by Respondent and Respondent informed him that after his initial plea, all charges and arrests would simply be removed from his record.

When Complainant was resentenced on July 1, 2022, the trial court set the matter for probation review on November 15, 2022, but informed Complainant that if he finished the conditions earlier than that, he could have his attorneys request an earlier court date. When complainant finished the conditions early, he again was unable to contact Respondent, Mr. Beaulieu or Mr. Unglesby. Consequently, Complainant had to hire new counsel which cost him \$4,500.00.

Respondent's conduct constitutes failing to act with reasonable and diligence and promptness in representing a client, in violation of Rule 1.3; failing to keep a client reasonably informed about the status of the matter, in violation of Rule 1.4(a)(3); knowingly making a false statement of material fact in a disciplinary

investigation in violation of Rule 8.1(a); violating or attempting to violate the Rules of Professional Conduct, in violation of Rule 8.4(a); engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c); and, engaging in conduct that is prejudicial to the administration of justice, in violation of Rule 8.4(d).

EVIDENCE

The following persons provided testimony during the hearing:

September 9, 2023

Timothy Beasley- Complainant; Former client of Respondent

November 13, 2023

Ronald Haley- Respondent

Tevin Scott- Complainant; Former client of Respondent

Carla Haney- Mother of Tevin Scott; Attorney for Tevin Scott

ODC exhibits 1 through 21 were entered into the record jointly by counsel for the ODC and the Respondent.

STANDARD AND BURDEN OF PROOF

The ODC must prove that the Respondent engaged in the alleged misconduct by clear and convincing evidence. As the trier of fact in this matter, the Committee must determine whether the proven facts constitute a violation of the Rules of Professional Conduct that are alleged as violated in the formal charges. Clear and convincing evidence is evidence indicating that the thing to be proved is highly probable or reasonably certain. Black's Law Dictionary 596 (8th Ed. 2004). Clear and convincing evidence can be proven by circumstantial evidence. In Re St. Roumain, 1989-0252 (La. 4/30/90); 560 So.2d 820, 823, citing In Re Berlant, 458 Pa. 439, 328 A.2d 471 (1974), cert. denied, 421 U.S. 964, 95 S.Ct. 1953, 44 L.Ed.2d 451 (1975).

FINDINGS OF FACT

Over the course of a two-day hearing, the Committee heard the testimony of the complainants, Timothy Beasley and Tevin Scott, who relied on the Respondent to provide them with legal representation. In both instances, Mr. Beasley and Mr. Scott testified as to how the Respondent failed to adequately communicate with them regarding the defense of their respective criminal matters. Both complainants testified that the Respondent led them to believe that he would be able to negotiate plea deals that would result in probation, notwithstanding the fact that both complainants had been charged with very serious felonies. While the Respondent did engage with several assistant district attorneys on behalf of Mr. Beasley and Mr. Scott, both complainants testified that the Respondent was not direct with them in fully disclosing the terms of any proposed plea agreements. Lack of communication and failure to act on the part of the Respondent are key factors that link these two complaints.

Mr. Beasley testified that the Respondent proposed to negotiate a written plea agreement with the West Baton Rouge Parish District Attorney's Office. However, this written plea agreement was never drafted. Based upon the information conveyed to this Committee, the Respondent was in discussions with one assistant district attorney, Scottie Chabert, to establish a plea agreement, but those discussions were not completed before Mr. Chabert left his position at the West Baton Rouge Parish District Attorney's Office. When the Respondent attempted to continue discussions with Mr. Chabert's replacement, the proposed conditions discussed by the Respondent and Mr. Chabert were no longer available to Mr. Beasley. Additionally, Mr. Beasley testified that the Respondent told him that a writ of appeal and an emergency stay would be filed in conjunction with his matter. Mr. Beasley, after contacting the State of Louisiana, Court of

Appeal, First Circuit, discovered that neither of these pleadings were ever submitted to the court by the Respondent. The Respondent admitted that the writ was never filed.

As for Mr. Scott, the Respondent did not fully explain to him that all of his criminal charges would not be expunged and that the calculation of any time served by Mr. Scott would be based upon several factors that were not explained to Mr. Scott. It was the testimony of Mr. Scott that he expected to be released jail upon entering his guilty plea. However, the Respondent never communicated to Mr. Scott that he would be subject to serve an additional two (2) months post the entry of his plea agreement. To further establish the Respondent's failure to provide adequate legal representation, Mr. Scott was compelled to retain his mother, Carla Haney, an attorney, and to seek additional counsel attorneys Lance Unglesby and Ryan Beaulieu to get his pending charges placed in posture that would bring about the conversion of some of his felony charges to ones where Mr. Scott would be eligible to serve probation. Moreover, there were several motions that could have been filed by the Respondent to reduce the amount of time that Mr. Scott would have had to serve in the East Baton Rouge Parish Prison, namely a Motion to Consider Sentence and an Out of Time Motion to Reconsider Sentence, but in both instances, these motions were filed days and months after the Respondent should have filed these respective motions.

In both instances, the Respondent's clients are persons charged with crimes who are not sophisticated in criminal legal matters and who are dependent on him for sound legal representation. Whether a client is sophisticated or not sophisticated they should always be able to depend on his or her attorney for sound legal advice—that is why they hire an attorney. The clients' position is a common position. They have been charged with crimes and want to eliminate or minimize the criminal charges.

On the other hand, the Respondent was well-prepared to accept a fee for representation, gave assurances to his clients that he would protect them and take care of them, but in reality, gave them short shrift. The Respondent was not believable in his testimony. His interest was in the fee for the lawyer, which once collected, appeared to end any serious and committed representation of his clients.

RULES VIOLATED

Based upon the case set forth by the ODC and the responses provided by the Respondent, the Committee finds that the Respondent has violated the following Rules of Professional Conduct:

Rule 1.3. Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

Rule 1.4. Communication

(a) A lawyer shall: ... (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; ...

...

Rule 8.1. Bar Admission and Disciplinary Matters

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

(a) Knowingly make a false statement of material fact;

...

Rule 8.4. Misconduct

It is professional misconduct for a lawyer to:

(a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

...

(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) Engage in conduct that is prejudicial to the administration of justice;

...

SANCTION

Louisiana Supreme Court Rule XIX, §10(C), states that when imposing a sanction after a finding of lawyer misconduct, a committee shall consider the following factors:

- (1) Whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;
- (2) Whether the lawyer acted intentionally, knowingly, or negligently;
- (3) The amount of the actual or potential injury caused by the lawyer's misconduct; and
- (4) The existence of any aggravating or mitigating factors.

As to both matters, the Respondent has failed to act diligently in the practice of law as set forth in the complaints issued by Timothy Beasley and Tevin Scott. Moreover, the Respondent's failure to be diligent has contributed to a failure to communicate with his clients regarding the status of their respective legal matters while serving as legal counsel. This failure to act in a diligent manner, the misrepresentation of the status of the respective legal matters to his clients and the failure to communicate with his clients was done negligently, intentionally and knowingly. Moreover, it appears that this lack of diligence and communication is a pattern of the Respondent and should be addressed by way of additional continuing education or other corrective measures. As such, it is the opinion of this Committee that the Respondent's activities have resulted in harm to the public and the legal profession.

The *ABA Standards for Imposing Lawyer Sanctions* suggest that suspension is the baseline sanction for the Respondent's misconduct. Rule 2.3 of the *ABA Standards* defines suspension as "the removal of a lawyer from the practice of law for a specified minimum period of time. Generally, suspension should be for a period of time equal to or greater than six months, but in no event should the time period prior to application for reinstatement be more than three years. Procedures should be established to allow a suspended lawyer to apply for reinstatement, but a lawyer who has been suspended should not be permitted to return to practice until he has completed

a reinstatement process demonstrating rehabilitation, compliance with all applicable discipline or disability orders, and fitness to practice law.” In considering both matters addressed by this Committee, ABA Standard Rule 4.42 (a) provides that “Suspension is generally appropriate when a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client.

There are no mitigating factors that would suggest a baseline other than suspension. However, an aggravating factor would be that the Respondent has been the subject of a previous disciplinary matter.³

CONCLUSION

It is the finding of this Committee that the Respondent, Ronald Sidney Haley, Jr. is in violation of Rules of Professional Conduct: 1.3, 1.4(a)(3), 8.1(a), 8.4(a) (c) & (d). As such, this Committee recommends that the Respondent be suspended from the practice of law for a period of one year and one day. This Committee also recommends that the Respondent be assessed with the costs and expenses of the proceeding pursuant to Rule XIX, §10.1.

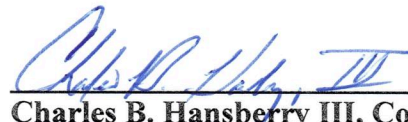
This opinion is unanimous and has been reviewed by each committee member, who fully concur and who have authorized Charles B. Hansberry, III, to sign on their behalf.

Baton Rouge, Louisiana, this 22nd day of March, 2024.

**Louisiana Attorney Disciplinary Board
Hearing Committee # 26**

**Charles B. Hansberry III, Committee Chair
Henry G. Terhoeve, Lawyer Member
Vance J. Normand, Jr., Public Member**

BY:



**Charles B. Hansberry III, Committee Chair
For the Committee**

³ In Re: Ronald S. Haley, Jr., (2015-B-2285) Supreme Court of Louisiana. Opinion issued on December 7, 2021.

APPENDIX

Rule 1.3. Diligence

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