

LOUISIANA DISCIPLINARY BOARD**HEARING COMMITTEE # 36****IN RE: CHRISTIAN GOUDEAU****DOCKET NUMBER 24-DB-023****REPORT AND RECOMMENDATIONS**

This matter came before the committee for recommendations regarding sanctions. Formal charges against the Respondent, Christian Goudeau, were deemed admitted by order of the chair on October 24, 2024, after Respondent failed to file a response to the formal charges despite three extension (Exhibits ODC 6,7, & 8). Those charges alleged, in pertinent part:

6.

On September 10, 2022, Ms. Laderer hired Respondent to represent her interests in the pending civil matter of *Toufic Eleid v. Noelle Alicia Laderer*, No. 2018-12756, Division H, Civil District Court, Parish of Orleans ("Litigation"). Respondent was retained in connection with Toufic Eleid's request that he be allowed to travel internationally with the parties' minor child and that he be granted authority to obtain a United States and/or French passport for the child. Ms. Laderer paid Respondent a \$10,000.00 retainer for work to be performed on her behalf in the Litigation. Respondent failed to enroll as Ms. Laderer's counsel in the Litigation, and he otherwise took no action on her behalf. As explained by Ms. Laderer in the Complaint:

In the duration of 7 weeks from officially retaining him on September 10, with a known October 31 court hearing approaching, by the 29th of October Mr. Goudeau had still not enrolled in my case nor performed the promised research for my case. During these 7 weeks, I received

numerous excuses and stories for why he had not yet performed the research concerning my court date nor enrolled in my case. I even offered to file the paperwork myself for him to enroll. Christian Goudeau did not act carefully and in a timely manner in handling my legal problem nor enrolling or preparing for my hearing. The unnecessary delays damaged my case.... Christian Goudeau did not provide the work he promised. He did not analyze legal issues to represent me effectively and professionally. In fact he did not do the work nor enroll to represent me....

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....He never filed a pleading on my behalf. He never sent me any correspondence or legal analyses.....

7.

In late October 2022, as a result of his inaction, Ms. Laderer was forced to terminate Respondent as her counsel. Ms. Laderer requested that Respondent provide a full refund of the retainer paid to him, as well as a copy of her client file. On November 29, 2022, Ms. Laderer's new counsel made identical requests of Respondent. More than a year and a half later, Respondent still has not provided Ms. Laderer with any refund or a copy of her client file.

8.

In sum, Respondent: failed to provide competent representation to Ms. Laderer; failed to act with reasonable diligence and promptness in representing Ms. Laderer; failed to make reasonable efforts to expedite the Litigation consistent with the interests of Ms. Laderer; failed to reasonably communicate with Ms. Laderer; failed to refund the unearned fee to Ms. Laderer; converted the full amount of the retainer without performing any work for Ms. Laderer; failed to provide a copy of the requested client file to Ms. Laderer; and failed to cooperate with the ODC's investigation of the Complaint.

On October 16, 2023, ODC issued a subpoena commanding Respondent's appearance at the ODC offices on November 15, 2023, for a sworn statement. It also commanded Respondent to bring a complete copy of Ms. Laderer's file, including financial records. (ODC 9). Respondent was personally served with the subpoena on October 31, 2023. (ODC 10). He failed to attend. (ODC 10).

In the committee's opinion, Respondent has been proven by clear and convincing evidence to have violated the following Rules of Professional Conduct: 1.1(a) (competent, knowledgeable, thorough, and prepared representation); 1.3 prompt, diligent representation); 1.4(a)(3) (reasonably informing the client); 1.4(A)(4) (prompt reply to reasonable requests for information); 1.4(b) (supplying the client with sufficient information to participate in decisions); 1.5(f)(5) (failing to immediately refund an unearned fee); 1.16(d) (improper termination of representation); 3.2 (failing to expedite litigation); 8.1(b) (knowing failure to respond to a lawful demand for information from a disciplinary authority); 8.1(c) (failing to cooperate with ODC); 8.4(a) (violating Rules of Professional Conduct); (c) (engage in conduct involving dishonesty, fraud, deceit or misrepresentation) , and 8.4(d) (conduct prejudicial to the administration of justice). The committee finds that Respondent's actions—or rather lack of action—breached duties to his client, the legal system, and the profession: Respondent owed his client the duty to communicate with her, to protect her interests to the greatest ethical extent possible,

and to refund unearned fees promptly; impeding the progress of litigation reflects poorly on and creates difficulties for the courts; and needless failure to expedite litigation and conversion of unearned fees creates a negative perception of the profession, and failing to cooperate with disciplinary authorities undermines the discipline system.

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.

The committee finds that Respondent's intentional and knowing conduct caused actual harm to Ms. Laderer. She has been deprived of as much as \$10,000.00 in retainer she paid to Respondent with no refund and no apparent prospect of refund. (ODC 12). She was forced to retain other counsel, which delayed her legal response to the attempt by her minor child's father to obtain an order allowing him to remove the child from the United States.

As stated in her complaint, Ms. Laderer was offered “numerous excuses and stories for why [Respondent] had not yet performed the research concerning [her] court date nor enrolled in [her] case. [She] even offered to file the paperwork [her]self for him to enroll.” The committee finds that the disingenuous communications with Ms. Laderer were knowing and intentional, as *is* the *persistent failure* to refund any portion of the retainer Respondent received, which the committee finds constitutes conversion. The committee finds that Respondent caused serious harm to Ms. Laderer for converting her retainer and potentially serious harm in disregarding her interests in the proceeding regarding her minor child.

Aggravating the conduct of Respondent in this case is his substantial experience in the practice of law, having been admitted to practice law in 1980 (ODC 1). Respondent was publicly reprimanded for misconduct in 2012 (ODC 2) and admonished for misconduct in 2018 (ODC 3). The committee notes that the admonition Respondent received in the 2018 matter also involved violations of Rules 1.3, 1.4(a)(3), 1.16(d), 3.2, 8.4(a), and 8.4(d), just as in this matter (ODC 3).

ABA Standards for Imposing Lawyer Sanctions 4.11 provides, “Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.” Standard 4.41 provides:

Disbarment is generally appropriate when: (a) a lawyer abandons the practice and causes serious or potentially serious injury

to a client; or (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

The *Standards* suggest that disbarment is appropriate in Respondent's case, before aggravating factors are considered. That is the request of ODC in this matter.

Disbarment is also the recommendation of the committee, for the reasons already stated. The committee also recommends that Respondent be ordered to refund the entirety of Ms. Laderer's retainer of \$10,000.00. In accordance with Louisiana Supreme Court Rule XIX, § 10.1, the committee recommends that Respondent also be taxed with all costs and expenses of these proceedings.

This opinion is unanimous and has been reviewed by each committee member, who have authorized Michael D. Hislop, Chair, to sign on their behalf.

Alexandria, Rapides Parish, Louisiana, this 30th day of January, 2025.

**Louisiana Attorney Disciplinary Board
Hearing Committee #36**



**Michael D. Hislop, Committee Chair
Andree B. Leddy, Lawyer Member
Alice P. Crochet, Public Member**