04/08/2025 "See News Release 016 for any Concurrences and/or Dissents."

The Supreme Court of the State of Louisiana

IN RE: PAUL H. HATTAWAY

No. 2024-B-01405

– – – – – –

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

– – – – – –

April 08, 2025

Suspension imposed. See per curiam.

JDH

WJC

PDG

JMG

CRC

Weimer, C.J., dissents.

Supreme Court of Louisiana
April 08, 2025

Katie Marjanovic

Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2024-B-1405

IN RE: PAUL H. HATTAWAY

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel ("ODC") against respondent, Paul H. Hattaway, an attorney licensed to practice law in Louisiana.

UNDERLYING FACTS

In 2022, the ODC received a complaint from Sarah Watson, the Legal Director for the Louisiana Fair Housing Action Center, Inc. ("LFHAC"). Respondent, who had no experience in defending claims brought under the Fair Housing Act, represented Kevin Belton in a federal civil suit for alleged housing discrimination initiated by the LFHAC against Mr. Belton on behalf of plaintiffs Deborah Olsen and Clifford Osborne, III. The complaint advised of the following:

In May 2020, respondent filed a waiver of service for summons. Therein, he acknowledged that an answer was due within sixty days. Respondent requested and was granted an extension of time to file Mr. Belton's answer, but he failed to do so. Plaintiffs then moved for entry of default against Mr. Belton. The clerk of court issued a notice of entry of default, but over the next year, respondent took no action in the litigation. In June 2021, plaintiffs moved for entry of default judgment. Thereafter, respondent filed a motion to set aside entry of default, representing, in pertinent part, as follows:

> [U]ndersigned counsel was diagnosed with "Institutional Betrayal Trauma" manifesting symptoms of high anxiety, post-traumatic stress disorder, and other symptoms which prohibited and made difficult his ability to practice law at a level normal attorneys are able to do. These symptoms began manifesting in late 2019 and were treated beginning in June 2020. These symptoms severely inhibited the undersigned's ability to practice law through December of 2020.

The district court granted the motion to set aside, and respondent then filed an answer on behalf of Mr. Belton. The court issued a scheduling order which set a discovery completion deadline for May 23, 2022, with written discovery required to be served more than thirty days before that deadline.

In January 2022, respondent received plaintiffs' interrogatories, requests for production of documents, and requests for admissions, but he failed to respond to the discovery requests by the deadline of February 23, 2022. As a result, plaintiffs' requests for admissions were deemed admitted. Respondent acknowledged that he was aware of a procedure within the Federal Rules of Civil Procedure to "undo those admissions," but he failed to take any action in that regard. In addition, respondent did not serve discovery requests on plaintiffs until 11:00 p.m. on May 23, 2022, the discovery completion deadline. During his sworn statement, respondent testified that the untimely requests were the result of a calendaring mistake.

In June 2022, plaintiffs filed a motion for summary judgment. Notice of the motion was mailed to respondent, but because he failed to regularly check his email account, he missed the notice. As a result, respondent did not file an opposition to the motion, and the court granted the motion. Respondent did not appeal from, or otherwise seek reconsideration of, that judgment. He became aware of the negative decision after the fact, but then failed to timely disclose same to Mr. Belton.

On September 2, 2022, plaintiffs filed a motion to enforce judgment. The clerk of court issued a notice of motion setting, therein advising that Mr. Belton's opposition to the motion was due by September 27, 2022. On September 13, 2022,

Ms. Watson asked respondent whether he planned to file an opposition to the motion to enforce. Respondent replied in the affirmative, but then failed to do so.

On September 16, 2022, respondent was declared ineligible to practice law in Louisiana due to his failure to pay his bar dues and the disciplinary assessment. Despite his ineligibility, respondent remained enrolled as Mr. Belton's counsel and otherwise held himself out as an attorney licensed to practice law in Louisiana. Respondent did not file a motion to withdraw as counsel in the litigation.

In September 2022, the court issued a ruling which granted in part and denied in part the motion to enforce. The court also ordered Mr. Belton to pay plaintiffs $89,991.80 in total damages, consisting of $29,991.80 in attorney's fees, $50,000.00 in compensatory damages, and $10,000.00 in punitive damages. Respondent did not appeal from, or otherwise seek reconsideration of, that judgment. He also failed to advise Mr. Belton of these negative decisions.

In December 2022, Mr. Belton filed a pro se motion for a hearing in the litigation. As a basis for the request, Mr. Belton advised the court that respondent had moved out of state and had been non-responsive to correspondence regarding the case. Mr. Belton subsequently retained new counsel who filed a motion for relief from summary judgment, but the court denied the motion.

In his response to the disciplinary complaint, respondent stated: "I admit I should have contacted my client when I became aware of the negative information surrounding this matter. I accept responsibility for this failure on my part." Respondent also suggested that he suffers from one or more mental conditions which materially impaired his ability to represent Mr. Belton in the litigation:

> Beginning in the fall of 2019, I began to experience panic attacks, loss of confidence in myself (including my judgment), and other symptoms of extreme anxiety as it related to my work in Louisiana. … I reached out the [sic] JLAP for assistance. Then [Covid] lockdown occurred, and I was confined to my residence, without staff, and surrounded by everyone's problems. I was unable to open

> the mail, answer calls, or text messages due to extreme anxiety.
>
> * * *
>
> In December of 2020, I moved to Bend, Oregon. I took time away from the practice of law to recover. …

During his sworn statement, respondent testified that he "had diminished capacity," "was a disabled attorney that wasn't capable of providing answers to anyone," and was "not in a place to handle" the representation of Mr. Belton.

DISCIPLINARY PROCEEDINGS:

In January 2024, the ODC filed formal charges against respondent, alleging that his conduct as set forth above violated Rules 1.1(a) (failure to provide competent representation to a client), 1.3 (failure to act with reasonable diligence and promptness in representing a client), 1.4 (failure to communicate with a client), 1.16(a) (failure to withdraw from the representation of a client), 1.16(d) (obligations upon termination of the representation), 3.2 (failure to make reasonable efforts to expedite litigation), 5.5(a)(e)(3) (engaging in the unauthorized practice of law), 8.4(a) (violation of the Rules of Professional Conduct), 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and 8.4(d) (engaging in conduct prejudicial to the administration of justice) of the Rules of Professional Conduct.

Respondent answered the formal charges, stipulated to the alleged facts, and requested a hearing in mitigation. Prior to the hearing, respondent and the ODC filed joint stipulations wherein respondent again admitted to the factual allegations of the formal charges and also stipulated to the rule violations as set forth above.

Mitigation Hearing

The mitigation hearing was conducted by the hearing committee on August 14, 2024. Both respondent and the ODC introduced documentary evidence. Respondent called the following character witnesses to testify via remote video before the committee: Oregon attorney Joseph Harder (respondent's former employer); Oregon attorney Tim Williams (respondent's current employer); Oregon attorney Sarah Harlos (respondent's opposing counsel in several cases); Dr. Michael Conner (respondent's landlord); and Shawn Eves (respondent's former therapist). Respondent also testified on his own behalf and on cross-examination by the ODC.

Respondent testified that he graduated from Mississippi College of Law, and later served as an adjunct professor at Grambling State University. After clerking for the Mississippi Supreme Court, he worked for the Mississippi Attorney General's Office and the United States Attorney's Office. Thereafter, respondent began working on political campaigns and then in criminal defense. However, he would soon become discouraged with the criminal justice system and lost confidence in his ability to help his clients. He testified: "After four years of defending someone without pay. And in that moment, my mind broke. My spirit broke. … and my confidence was completely gone." As his problems began to interfere with his ability to practice law, respondent voluntarily contacted the Judges and Lawyers Assistance Program ("JLAP") for assistance:

> … I called JLAP because I didn't know what else to do. It was not a substance abuse problem. It was a lack of - - I didn't know what was wrong and I didn't know who to go to, but I knew there was a problem. Then, of course, we got locked up. And by locked up, I mean, shut down in Covid. I had moved out of my law firm, because I could not longer practice criminal law …
>
> * * *
>
> So I reach out in February, right? They connect with me in June. And again, part of that is part of the pandemic. I'm not blaming anyone, right. But when you're having a

> crisis of confidence and you move out of your law practice and you move everyone else's problems into your home and then you get locked up in that home, because of the pandemic, it compounds the situation to - - to the point to where it was debilitating, completely debilitating.
>
> JLAP helped. They asked me to undergo two evaluations. I underwent both of them. I finally got permission to go see a therapist, because at the time, I was in such a poor ability to make decision that I didn't know if I could go and talk to a therapist about what was going on in my life, because so much of it revolved around my clients and I didn't know if that was permissible or not. I finally get, yeah, you can go talk to a therapist, so I go.
>
> * * *
>
> But that began a process of healing, right? And - - and what I found is that, through practice - - and guided exercises, right, like that I could get through things. That some PTSD developed, right? And some of the symptoms that I have developed are, one, paralyzation. You can kind of hear some of it in my speech patterns this morning. I don't typically stutter when I speak.
>
> The first time I came home, I had a full blown panic attack driving down the interstate. As soon as I drove into my hometown, I had to pull over because I had a panic attack driving down the roads that I grew up on. I don't go home as often anymore, because it triggers things in my body that are - - that I don't know how to explain to you. Then like it's a panic attack, you know, I get anxiety. My heart races. I have trouble breathing. My hands sweat. And these are all things that are real. And I was one of these people that - - not mental health, whatever, until it happened to me.
>
> And that does not make an excuse for what occurred. I accept responsibility for what occurred. But I wasn't being lazy. I didn't miss a deadline because I was lazy. I begged this client to get another lawyer. I missed this because when I touch my email, when I go to the mailbox, I have a panic attack. Still today, which is why I have not practiced in Louisiana since I left.

Respondent acknowledged that he participated in a three-day inpatient evaluation at the Professionals' Wellness Evaluation Center in July 2020. He further acknowledged that the report cited the following diagnostic impressions: alcohol use disorder, mild; generalized anxiety disorder; post-traumatic stress disorder;

obsessive compulsive personality disorder; cannabis use disorder, mild; and stimulant use disorder, mild. In addition, respondent acknowledged that JLAP had recommended that he undergo an intensive outpatient program and sign a two-year monitoring agreement. Respondent was questioned about those recommendations, and the following exchange occurred:

> Q. Okay. Thank you. Let me stop with that one. Is it a fair statement that you have not executed a JLAP monitoring contract?
>
> A. No. I offered to do so and I never heard back from them. They knew I was moving to Oregon, so I don't know - - I think the problem was, they weren't sure who - - part of the monitoring would have required me to check in and like provide certain things with people and they didn't know where in Bend, Oregon to partner with and I think they were supposed to get back to me and they just kind of didn't.
>
> Q. Okay. Another recommendation, complete intensive outpatient program at a JLAP approved provider. Does not look like that occurred; is that a fair statement?
>
> A. No. Again, same scenario. Whenever we received this, there was not enough time for me to complete it in Louisiana prior to moving to Bend, Oregon, and I offered to do it in Oregon, but they didn't identify a location and - - I forget the - - Ms. Duplantis [a clinical caseworker employed with JLAP] – she said she would look into it and try to find something, and I never heard back.

Respondent further testified:

> If you look at October 6, 2020, that's when this letter came out. I moved, sir, 30 days later. And I offered the JLAP program to identify a location in Bend, Oregon that I could participate. They never did that. And if they want to identify one today, I am happy to do it. It's not a problem for me to do it. But part of their recommendation is a JLAP approved facility. I sought out therapy for myself because I needed it, sir. And it's helped me maintain and be able to come here and have this conversation with you today. So if JLAP requires me to do something, I am happy to follow through with that.
>
> * * *

> Their recommendation was for a facility in Louisiana, which would require me to spend eight or nine weeks, which is fine, in Louisiana, not something I can do remotely. I physically relocated and moved my things out the second week of November. So there was not time for me to do a Louisiana approved program. I had conversations with Ms. Duplantis about that fact and said, if there's somewhere you can identify in Bend, Oregon, I am happy to do this. And they never identified anywhere in Bend, Oregon. If they were to identify somewhere today, I would be happy to complete their recommendation in this program.

Hearing Committee Report

After considering the evidence and testimony presented at the hearing, the hearing committee summarized the relevant testimony as follows:

Joseph Harder – Mr. Harder testified that respondent was well respected by colleagues and local judges during his two-year employment at the law firm. Mr. Harder further testified that respondent produced good results as a clerk and consistently received positive feedback from other attorneys during his tenure.

Tim Williams – Mr. Williams testified that respondent came to the firm highly recommended, and he was candid regarding his Louisiana disciplinary issues during the hiring process. Mr. Williams further testified that he has been very satisfied with respondent's performance to date.

Sarah Harlos – Ms. Harlos testified that respondent has an excellent reputation and is a zealous advocate, always prepared, honest, and forthright.

Dr. Michael Conner and Shawn Eves – Dr. Conner and Ms. Eves provided testimony supporting respondent's representations, including the declaration that he would not move back to Louisiana to practice law.

The committee noted that respondent has stipulated to the factual allegations and the rule violations set forth in the formal charges and that those stipulations must

be given effect.[1] The committee found the testimony of respondent and his witnesses to be credible, noting that they "reliably asserted the Respondent's excellent reputation and good work on behalf of his clients in his new home state."

The committee determined that respondent violated duties owed to his client, the legal system, and the legal profession. The committee noted that respondent has stipulated that he acted negligently with respect to his violation of Rule 5.5 but acted negligently in part and knowingly in part with respect to all remaining rule violations. His conduct caused actual harm as his neglect of Mr. Belton's legal matter resulted in an $89,991.80 judgment being issued against his client. Based on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined that the baseline sanction is suspension. The committee also cited *In re: Trichel*, 00-1304 (La. 8/31/00), 767 So. 2d 694, wherein the court recognized that the baseline sanction for neglect, failure to communicate, and failure to properly terminate the representation of a client in a matter is a one-year suspension from the practice of law.

The parties stipulated to aggravating and mitigating factors. The stipulated aggravating factors are a pattern of misconduct and multiple offenses. The stipulated mitigating factors are the absence of a prior disciplinary record, personal or emotional problems, full and free disclosure to the disciplinary board and a cooperative attitude towards the proceedings, inexperience in the practice of law (admitted 2016), and remorse. As an additional mitigating factor, the committee found that respondent has good character and reputation.

Turning to the issue of an appropriate sanction, the committee cited several cases but found the facts in this matter to be most similar to those set forth in *In re: Rachal*, 22-1636 (La. 2/14/23), 354 So. 3d 1224. In *Rachal*, an attorney neglected a

[1] *See In re: Torry*, 10-0837 (La. 10/19/10), 48 So. 3d 1038 (respondent and the ODC are free to enter into stipulations, and "effect must be given to them unless they are withdrawn.").

legal matter, resulting in the dismissal of the client's lawsuit, and then failed to promptly communicate to the client that his malpractice caused the dismissal. For this negligent and knowing misconduct, the court suspended the attorney from the practice of law for sixty days, fully deferred. The committee noted that unlike the attorney in *Rachal*, respondent lacked the following aggravating factors: a dishonest or selfish motive, submission of a false statement during the disciplinary process, or substantial experience in the practice of law. The committee further noted that, notwithstanding the absence of these factors, an actual and substantial injury to the client occurred in the instant matter.

Based on this caselaw, the committee recommended respondent be suspended from the practice of law for sixty days, fully deferred. The committee also recommended he be assessed with the costs and expenses of this proceeding.

Neither respondent nor the ODC filed an objection to the 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. We subsequently issued an order directing the parties to submit written briefs addressing, among other issues, whether the sanction recommended by the committee is appropriate. Both respondent and the ODC submitted briefs in response to the court's order.

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. While we are not bound in any way by the findings and recommendations of the hearing committee and disciplinary board, we have held the manifest error standard is applicable to the committee's factual findings. *See In re:*

Caulfield, 96-1401 (La. 11/25/96), 683 So. 2d 714; *In re: Pardue*, 93-2865 (La. 3/11/94), 633 So. 2d 150.

Respondent has admitted the factual allegations of the formal charges as well as the rule violations contained therein. Accordingly, the only issue before the court is that of an appropriate sanction.

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).

Respondent's neglect of his client's legal matter caused actual harm to his client. Although respondent eventually did advise Mr. Belton's new attorney of his malpractice, he did not so immediately.

Clearly, the hearing committee was impressed by the mitigating factors present in this case, most notably respondent's significant personal and emotional problems. We agree that the mitigating factors justify a fully deferred suspension.

DECREE

Upon review of the findings and recommendations of the hearing committee, and considering the record and briefs filed by the parties, it is ordered that Paul H. Hattaway, Louisiana Bar Roll number 36870, be and he hereby is suspended from the practice of law for sixty days. This suspension shall be deferred in its entirety, with the condition that any misconduct during the deferral period may be grounds for making the deferred suspension executory or imposing additional discipline, 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.