

The Supreme Court of the State of Louisiana

**IN RE: LINDSEY J. LEAVOY**

No. 2024-B-01444

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

**June 03, 2025**

Suspension imposed. See per curiam.

PDG

JLW

JDH

WJC

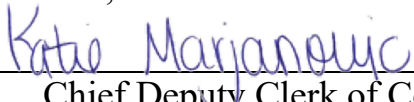
JBM

JMG

CRC

Supreme Court of Louisiana

June 03, 2025



\_\_\_\_\_  
Chief Deputy Clerk of Court  
For the Court

SUPREME COURT OF LOUISIANA

NO. 2024-B-1444

IN RE: LINDSEY J. LEAVOY

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Lindsey J. Leavoy, an attorney licensed to practice law in Louisiana, but currently on interim suspension for threat of harm to the public. *In re: Leavoy*, 24-0991 (La. 8/7/24), 390 So. 3d 763.

**FORMAL CHARGES**

In July 2015, Cornelius Jackson hired attorney Leslie R. Leavoy, Jr. to handle a personal injury claim on a contingency fee basis. Mr. Jackson did not sign a written contingency fee agreement. In June 2016, Leslie Leavoy filed suit on Mr. Jackson’s behalf.

Leslie Leavoy subsequently associated respondent, who is his brother, as co-counsel in Mr. Jackson’s matter. Respondent did not work in the same firm as Leslie Leavoy; nevertheless, Mr. Jackson did not agree in writing to respondent’s representation, and he was not advised in writing as to the share of the attorney’s fee that respondent and Leslie Leavoy would each receive.

Respondent met with Mr. Jackson’s health care providers, took a deposition, and participated in an unsuccessful mediation in 2020, but he failed to file a motion to set the case for trial. Indeed, little to nothing was done in Mr. Jackson’s case after the mediation. Respondent suffered a heart attack in June 2022 and underwent

surgery the following year. In February 2024, the defendants in Mr. Jackson's case filed a motion to dismiss the case on grounds of abandonment. The trial court granted the motion in March 2024.

## **DISCIPLINARY PROCEEDINGS**

In June 2024, the ODC filed formal charges against respondent, alleging that his 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(c) (a contingent fee agreement shall be in a writing signed by the client), and 1.5(e) (division of fee between lawyers who are not in the same firm).

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 acknowledged that the factual allegations set forth in the formal charges were deemed admitted. The committee found there was clear and convincing evidence that:

Despite taking on the responsibility of helping represent Cornelius Jackson in a personal injury suit, said suit was abandoned due to Respondent's failure to timely file a motion to set the matter for trial; Respondent failed to communicate with Cornelius Jackson for years; and Respondent failed to obtain Cornelius Jackson's informed,

written consent to both his representation and fee splitting with co-counsel.

Based on these facts, the committee determined respondent violated the Rules of Professional Conduct as charged.

The committee determined respondent knowingly violated duties owed to his client. Respondent's conduct caused actual harm to Mr. Jackson, whose case had value but was dismissed as abandoned. Relying on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is suspension.

The committee found the following aggravating factors present: substantial experience in the practice of law (admitted 1988) and a "complete lack of cooperation with the ODC in this particular case." The committee noted the only mitigating factor present is respondent's lack of prior discipline.

After further considering the court's prior jurisprudence addressing similar misconduct, the committee recommended that the respondent be suspended from the practice of law for twelve months, with all but six months deferred, followed by a one-year period of probation.

Neither respondent nor the ODC filed an objection to the committee's report and recommendation. Therefore, pursuant to Supreme Court Rule XIX, § 11(G), the disciplinary board submitted the committee's report directly 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 failed to act with reasonable diligence in representing a client, resulting in abandonment of the matter, failed to communicate with his client, and failed to obtain his client's consent to the representation and fee-splitting arrangement.

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 his client. His conduct was knowing and caused harm. The applicable baseline sanction is suspension. The hearing committee's assessment of aggravating and mitigating factors is supported by the record.

Under the circumstances, we agree that the appropriate sanction in this matter is a twelve-month suspension, with all but six months deferred, followed by a one-year period of probation. Pursuant to the provisions of Supreme Court Rule XIX, §24(A), this suspension shall be made retroactive to August 7, 2024, the date of respondent's interim suspension.

### **DECREE**

Upon review of the findings and recommendation of the hearing committee, and considering the record, it is ordered that Lindsey J. Leavoy, Louisiana Bar Roll number 19004, be and he hereby is suspended from the practice of law for a period of twelve months, with all but six months deferred. This suspension shall be retroactive to August 7, 2024, the date of respondent's interim suspension. Following the active portion of the suspension, respondent shall be placed on unsupervised probation for one year. The probationary period shall commence from the date respondent and the ODC execute a formal probation plan. Any failure of respondent to comply with the conditions of probation, or any misconduct during the probationary period, may be grounds for making the deferred portion of the 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.