

The Supreme Court of the State of Louisiana

IN RE: KEVIN MICHAEL STEEL

No. 2024-B-01471

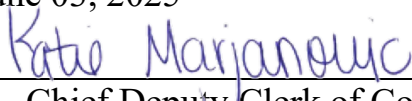
IN RE: Disciplinary Counsel - Applicant Other; Findings and Recommendations
(Formal Charges);

June 03, 2025

Permanent disbarment imposed. See per curiam.

JMG
JLW
JDH
WJC
JBM
CRC

Griffin, J., dissents and assigns reasons.

Supreme Court of Louisiana
June 03, 2025


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2024-B-1471
NO. 2025-OB-0428

IN RE: KEVIN MICHAEL STEEL

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

These consolidated disciplinary filings arise from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Kevin Michael Steel, an attorney licensed to practice law in Louisiana but currently on interim suspension for threat of harm to the public.¹ After the disciplinary board’s recommendation of permanent disbarment was filed in this court, respondent filed a petition for permanent resignation from the practice of law. For the reasons that follow, we permanently disbar respondent and deny the motion for permanent resignation as moot.

PRIOR DISCIPLINARY HISTORY

Before we address the current charges, we find it helpful to review respondent’s prior disciplinary history. Respondent was admitted to the practice of law in Louisiana in 1999. In 2004, respondent received an admonition for neglecting a legal matter and failing to communicate with a client. In 2015, pursuant to a joint petition for consent discipline, this court suspended respondent from the practice of law for three months, fully deferred, for neglecting a legal matter and failing to communicate with a client. *In re: Steel*, 14-2367 (La. 1/16/15), 155 So. 3d 513.

¹ *In re: Steel*, 24-0481 (La. 4/24/24), 383 So. 3d 909.

Against this backdrop, we now turn to a consideration of the misconduct at issue in the instant proceeding.

17-DB-018

FORMAL CHARGES

In the following count, the ODC alleged that respondent's conduct 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(a)(3) (failure to keep a client reasonably informed about the status of a matter), 1.5(f)(5) (failure to refund an unearned fee), 8.1(a) (knowingly making a false statement of material fact in connection with a disciplinary investigation), 8.4(a) (violation of the Rules of Professional Conduct), and 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

The Begovich Matter

In 2015, Donna Begovich hired respondent to represent her in an action against her insurance company after being denied coverage following an accident. Ms. Begovich paid respondent \$1,000, \$700 of which was designated for filing suit. Respondent indicated to Ms. Begovich that he would seek payment of his fee and expenses from the insurer and send the insurer a certified letter requesting a written explanation for denying the claim. Respondent informed Ms. Begovich that he had sent the letter. She requested a copy of same but heard nothing further from respondent. Ms. Begovich then sent a certified letter to respondent, terminating the representation and requesting a return of the \$700.

In response to the associated complaint, respondent indicated that he agreed to refund \$1,000 to Ms. Begovich and attempted to contact her by text message to determine how she wanted the money to be refunded. Ms. Begovich denied that she

ever received any such text. In December 2016, respondent sent correspondence to the ODC stating that he had issued a full refund to Ms. Begovich. In January 2017, Ms. Begovich sent correspondence to the ODC advising that she did not receive a refund and that she had not communicated with respondent.

DISCIPLINARY PROCEEDINGS

In April 2017, the ODC filed formal charges against respondent under disciplinary board docket number 17-DB-018. 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. In September 2017, respondent filed a motion to recall order and request to be heard in mitigation. The committee ordered respondent to submit a memorandum demonstrating good cause for calling the order, but he filed nothing in response.

Hearing Committee Report

After considering the ODC's deemed admitted submission, the hearing committee noted that the factual allegations contained in the formal charges were substantiated by clear and convincing evidence and accepted those facts as true and correct. The committee further noted that the documentary evidence submitted by the ODC provided a separate and independent basis of proof by clear and convincing evidence of the factual allegations. The committee also made the following factual findings: Respondent assured Ms. Begovich that he had forwarded communications to the insurance company. In fact, he either failed to send a certified letter to the insurer or sent the letter and failed to provide a copy of the correspondence to Ms.

Begovich, despite her repeated requests. He also failed to return the funds she had advanced to him, despite her repeated requests for same. Furthermore, respondent misrepresented to the ODC that he had, in fact, returned at least a portion of those funds. He also failed in his obligation to communicate with Ms. Begovich after she requested a return of the funds advanced to him. Based on these facts, the committee determined that respondent violated the Rules of Professional Conduct as alleged in the formal charges.

The committee determined that respondent violated duties owed to his client, the public, and the legal profession. He acted intentionally and knowingly, at a minimum. His misconduct caused actual harm, and due to his complete lack of cooperation, the ODC had to expend its limited resources in its efforts to investigate and address his misconduct. Relying on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined that the baseline sanction is suspension.

The committee determined that the following aggravating factors are present: a prior disciplinary record, multiple offenses, submission of false evidence, false statements, or other deceptive practices during the disciplinary process, substantial experience in the practice of law (admitted 1999), and indifference to making restitution. The committee found no mitigating factors present.

After further considering this court's prior jurisprudence addressing similar misconduct, the committee recommended that respondent be suspended from the practice of law for one year and one day. The committee also recommended that he be ordered to provide full restitution of unearned fees to Ms. Begovich and ordered to pay all costs and expenses incurred in this matter.

Disciplinary Board Recommendation

After review, the disciplinary board acknowledged that the factual allegations of the formal charges have been deemed admitted and proven and are supported by

the evidence submitted. The board found that the committee correctly applied the Rules of Professional Conduct. The board further found that the legal conclusions of the committee are supported by the factual allegations set forth in the formal charges and by the evidence in support of the allegations.

The board determined that respondent violated duties owed to his client and the legal profession. He acted knowingly and intentionally, and his conduct caused actual harm to his client and the profession. He accepted \$1,000 from his client, presented no evidence to show that he performed any work on her behalf, and failed to return the unearned fee. His misconduct caused a delay in the analysis and pursuit of the client's claim and a loss of the fee she paid. He made false statements to the ODC regarding communications with his client and regarding the return of the fee she paid. Such conduct causes the unnecessary expenditure of the limited resources of the disciplinary agency, delays resolution of complaints, and causes damage to the reputation of the profession. Relying on the ABA's *Standards for Imposing Lawyer Sanctions*, the board determined that the baseline sanction is suspension.

The board determined that the following aggravating factors are present: a prior disciplinary record, dishonest or selfish motive, 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, submission of false evidence, false statements, or other deceptive practices during the disciplinary process, substantial experience in the practice of law, and indifference to making restitution. The board noted that the record fails to establish any mitigating factors.

After further considering this court's prior jurisprudence addressing similar misconduct, the board recommended that respondent be suspended from the practice of law for one year and one day. The board further recommended that he be ordered to provide full restitution (\$1,000) to Ms. Begovich. The board also recommended that he be assessed with the costs and expenses of this matter.

FORMAL CHARGES

In the following counts, the ODC alleged that respondent's conduct violated Rules 1.3, 1.4(a)(3), 1.18(a) (a lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security, or other pecuniary interest adverse to a client), 1.15(d) (failing to promptly deliver funds to a third party), 8.1(c) (failing to cooperate with the ODC in its investigation), 8.4(a), 8.4(c), and 8.4(d) (engaging in conduct prejudicial to the administration of justice) of the Rules of Professional Conduct.

Count I - The Noujaim Matter

In 2015, Andre Noujaim retained respondent to represent him in a domestic matter, paying \$6,000 for the representation. Despite numerous requests, respondent failed to provide Mr. Noujaim with an itemized invoice for the work performed. He also delayed the matter, failed to communicate with Mr. Noujaim, and borrowed \$5,000 from Mr. Noujaim. Mr. Noujaim made numerous demands for repayment of the loan, to no avail, and communication between them ceased. Mr. Noujaim filed suit against respondent in an attempt to get the funds. Respondent never answered the suit, and on March 1, 2018, Mr. Noujaim obtained a judgment against respondent for funds owed. Thereafter, respondent filed a motion to set for new trial in the suit, but he did not appear for the hearing which was held on July 11, 2018.

Respondent failed to respond to the associated complaint, necessitating the issuance of a subpoena to appear for a sworn statement at the ODC on June 7, 2018. Respondent communicated with the ODC's investigator via email and agreed to accept service of the subpoena as well as a subpoena duces tecum via email. Despite receiving actual notice of same, respondent did not appear for the statement and did not return any of the requested documents to the ODC. On July 6, 2018, the ODC

contacted respondent by phone, at which time respondent stated that he would be filing a written response. To date, respondent has filed nothing in the matter.

Count II - The Lemieux-Steel Matter

In 2016, respondent's client, Carolyn Steel, began receiving treatment from Dr. Celine Lemieux. Respondent guaranteed payment for same. After the treatment was completed, Dr. Lemieux attempted to contact respondent to determine the status of the underlying case, and the \$3,620 fee owed to her. When she was unable to reach respondent, Dr. Lemieux contacted State Farm and learned the case had settled on December 1, 2017. She also learned that a check, made payable to respondent and his client, was sent to respondent. To date, respondent has not paid Dr. Lemieux.

Respondent failed to respond to the associated complaint, necessitating the issuance of a subpoena to appear for a sworn statement at the ODC on June 7, 2018. Respondent communicated with the ODC's investigator via text message and email. Therein, respondent agreed to accept service of the subpoena and a subpoena duces tecum via email. Despite receiving actual notice of same, respondent did not appear for the statement and did not produce any of the requested documents.

DISCIPLINARY PROCEEDINGS

In August 2018, the ODC filed formal charges against respondent under disciplinary board docket number 18-DB-056. 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). Thereafter, pursuant to a motion to remand filed by the ODC, the court remanded 17-DB-018 to the board for consolidation with 18-DB-056. In the order, the court directed the board to issue a single recommendation of discipline encompassing all disciplinary matters involving respondent.

FORMAL CHARGES

In the following counts, the ODC alleged that respondent's conduct violated Rules 1.3, 1.4 (failure to communicate with a client), 1.5(f)(5), 1.8(k) (a lawyer shall not solicit or obtain a power of attorney or mandate from a client which would authorize the attorney, without first obtaining the client's informed consent to settle, to enter into a binding settlement agreement on the client's behalf or to execute on behalf of the client any settlement or release documents),² 1.15(d), 8.1(a), 8.1(c),³ 8.4(a), 8.4(c), and 8.4(d) of the Rules of Professional Conduct.

Count I - The Lemieux-Arnold Matter

In 2016, respondent's client, Thomas Arnold, began receiving treatment from Dr. Celine Lemieux. Respondent guaranteed payment for same. After the treatment was completed, Dr. Lemieux attempted to contact respondent to determine the status of the case and of the \$2,485 fee owed to her, but she was not successful. Eventually, Dr. Lemieux's staff spoke with respondent, and he assured the staff that a suit would be filed on behalf of Mr. Arnold and that the matter had not yet been settled. Dr. Lemieux's staff then contacted the insurance company and learned that there was no pending claim. Dr. Lemieux's staff also contacted the clerks of court for Jefferson Parish, Orleans Parish, and the First City Court in New Orleans, all of which advised that no suit was filed for Mr. Arnold. To date, respondent has not paid Dr. Lemieux.

In response to the associated complaint, respondent indicated that he had filed suit and that the matter had not yet been settled. The ODC's investigator searched court records in Jefferson and Orleans Parishes to locate a petition, to no avail. The ODC attempted to contact respondent but was not successful. The ODC had asked

² In what appears to be a typographical error, the formal charges indicate a violation of Rule 8.4(k).

³ In what appears to be a typographical error, the formal charges indicate a violation of Rule 1.8(c).

respondent for a copy of the stamped suit on numerous occasions, but he has not provided any information to indicate that he filed suit.

Count II - The Brewster Matter

In 2016, Zachary Brewster hired respondent to represent him in a personal injury claim following an automobile accident. Mr. Brewster received treatment from Dr. David Edwards. He finished treatment in March 2017 and had incurred \$15,000 in medical expenses. Despite assurances to Mr. Brewster that the expenses would be paid, respondent failed to pay the expenses and stopped communicating with Mr. Brewster about the case. Mr. Brewster enlisted the help of attorney Donald Kearns, who spoke with respondent by phone on October 8, 2018. At that time, respondent indicated the \$15,000 would soon be reimbursed. Although respondent also promised to research the file and contact Mr. Kearns with specifics, respondent never provided any additional information to Mr. Kearns.

Mr. Kearns contacted GEICO and was provided a copy of a \$15,000 check, dated June 28, 2017, made payable to Mr. Brewster and respondent. Although the check appears to have been endorsed by both Mr. Brewster and respondent, Mr. Brewster insists that the signature of his name on the back of the check is not his own. GEICO's records also show that the check had been paid. Mr. Kearns sent respondent the correspondence that advised of the information received from GEICO and asked respondent to contact him, to no avail. Three days later, Mr. Kearns sent correspondence to respondent via certified mail requesting the funds be immediately remitted to Mr. Brewster, to no avail.

Count III - The Poirrier Matter

In March 2018, Ryan Poirrier hired respondent to represent him in a criminal matter and to obtain an expungement of his arrest once charges were dismissed. Mr.

Poirrier initially paid respondent a \$5,000 fee for all services and then an additional \$1,100 for the court costs associated with filing the expungement. Since that time, respondent has not communicated with Mr. Poirrier, even after Mr. Poirrier made numerous phone calls to him and left over twenty messages with him. By fax on October 31, 2018, Mr. Poirrier terminated the representation and requested a return of the \$1,100 as well as a portion of the \$5,000 attributable to the legal work for the expungement. To date, respondent has not returned any funds.

Mr. Poirrier hired attorney Henry Weber for assistance. Mr. Weber had one phone conversation with respondent. At that time, respondent indicated that they would have to speak another time.

Notice of the associated complaint was sent to respondent via certified mail. A member of his office staff signed for the notice, but respondent failed to provide a written response to the complaint. Respondent was then personally served with a subpoena and a subpoena duces tecum to appear for a sworn statement at the ODC on October 3, 2019. Respondent was also instructed to provide his client file and all financial records pertaining to Mr. Poirrier. He failed to appear for the statement or produce any of the requested records.

Count IV - The SouthShore Physician Group Matter

Respondent referred his clients (Joseph Desmares, Carolyn Desmares, and Amber Touchet) to SouthShore Physician Group (“SouthShore”) to receive medical care and treatment for injuries sustained from automobile accidents. Respondent agreed to pay for any medical bills incurred as cases were settled or completed. Each case did settle, and he withheld the funds owed to Southshore from the settlements, but respondent never paid Southshore. After learning of the settlements, Southshore contacted respondent to inquire about his outstanding bill, which totaled \$21,190. Respondent informed SouthShore that he was having financial issues but would start

making payments as soon as he was able to do so. He eventually repaid \$7,885, but respondent ceased making payments and stopped communicating with SouthShore in 2017. He currently owes \$11,600 to SouthShore.

Notice of the associated complaint was sent to respondent via certified mail. A member of his office staff signed for the notice, but respondent failed to provide a written response to the complaint. Respondent was then personally served with a subpoena and a subpoena duces tecum to appear for a sworn statement at the ODC on October 3, 2019. Respondent was also instructed to provide his clients' files and all financial records pertaining to his clients. He failed to appear for the statement or produce any of the requested records.

Count V – The Simon Matter

In June 2017, Shawanda Simon hired respondent to represent her on traffic tickets she received in Westwego, paying respondent \$1,100. Thereafter, Ms. Simon received a letter from the City of Westwego informing her that the Office of Motor Vehicles was withdrawing her driving privileges. Ms. Simon learned she had two outstanding attachments for her arrest. Ms. Simon attempted to call respondent numerous times, to no avail. When she finally spoke with him, respondent assured Ms. Simon that he would be going to court on her behalf. Respondent never did so, and Ms. Simon went to the Westwego court on her own and paid the tickets, which cost her an additional \$725. Respondent did nothing on her behalf.

Notice of the associated complaint was sent to respondent via certified mail. A member of his office staff signed for the notice, but respondent failed to provide a written response to the complaint. Respondent was then personally served with a subpoena to appear for a sworn statement on October 3, 2019. Respondent was also instructed to provide his client's file and all financial records pertaining to his client. He failed to appear for the statement or produce any of the requested records.

DISCIPLINARY PROCEEDINGS

In October 2019, the ODC filed formal charges against respondent under disciplinary board docket number 19-DB-077. 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. The ODC filed a motion to consolidate 18-DB-056 and 19-DB-077, which was granted by the committee chair in April 2020.

18-DB-056 & 19-DB-077

Hearing Committee Report

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

The committee determined respondent violated duties owed to his clients, the public, the legal system, and the legal profession. He acted negligently, knowingly, and intentionally. His conduct caused harm. The financial harm to multiple clients and third parties is extensive. Relying on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined that the baseline sanction is disbarment.

The committee determined that the following aggravating factors are present: prior disciplinary record, a pattern of misconduct, and multiple offenses. In further aggravation, the committee noted respondent's failure to cooperate with the ODC in its investigations as well as his false statements to the ODC. The committee did not mention the presence of any mitigating factors.

With respect to an appropriate sanction, the committee stated:

The Committee is of the unanimous opinion that not only should the baseline be upheld, but because of the Respondent's egregious behavior and flagrant failure to cooperate despite actual service (as opposed to some Respondents who merely disappear) deserve an even more drastic action to protect possible future clients, the public, the legal system and the profession from Respondent's clear violations and the real harm they cause.

After considering the permanent disbarment guidelines set forth in Supreme Court Rule XIX, Appendix D, the committee recommended that respondent be permanently disbarred. The committee further recommended that respondent be ordered to pay restitution for the sums he converted (approximately \$45,000) and that he be assessed with the costs and expenses of these proceedings.

Respondent objected to the committee's recommendation. Thereafter, the ODC filed a motion to consolidate 17-DB-018 with 18-DB-056 c/w 19-DB-077. In July 2020, the board ordered the matters consolidated and presented to a board panel for the issuance of a single recommendation of discipline.

Prior to oral argument, respondent and the ODC filed a joint petition seeking his transfer to disability inactive status. On February 17, 2021, the court granted the petition and transferred respondent to disability inactive status. *In re: Steel*, 21-0188 (La. 2/17/21), 310 So. 3d 552. On April 24, 2024, respondent was reinstated to active status and placed on interim suspension. *In re: Steel*, 24-0481 (La. 4/24/24), 383 So. 3d 909.

The board then filed a single recommendation in this court encompassing all three sets of formal charges.

17-DB-018 & 18-DB-056 & 19-DB-077

Disciplinary Board Recommendation

After reviewing the records for 18-DB-056 and 19-DB-077, the disciplinary board acknowledged that the factual allegations in the formal charges were deemed admitted and proven. The board determined that the hearing committee correctly adopted the facts, as alleged, and agreed that respondent had violated the Rules of Professional Conduct as charged. The board further determined that respondent had acted intentionally in his violations of 8.4(c).

With respect to all three matters, 17-DB-018, 18-DB-056, and 19-DB-077, the board determined that respondent violated duties owed to his clients, the public, the legal system, and the legal profession. He acted negligently, knowingly, and/or intentionally. His misconduct caused harm. In particular, the financial harm to his clients and third parties is extensive. Relying on the ABA's *Standards for Imposing Lawyer Sanctions*, the board determined that the baseline sanction is disbarment.

The board determined that the following aggravating factors are present: prior disciplinary record, 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, submission of false evidence, false statements, or other deceptive practices during the disciplinary process, substantial experience in the practice of law, and indifference to making restitution. The board found no mitigating factors present.

After further considering the permanent disbarment guidelines along with the court's prior case law addressing similar misconduct, the board recommended that respondent be permanently disbarred. The board also recommended that respondent be ordered to make restitution in the amount of \$1,000 to Ms. Begovich, \$5,000 to Mr. Noujaim, \$6,105 to Dr. Lemieux (\$3,620 for treatment of Ms. Steel and \$2,485 for treatment of Mr. Arnold), \$15,000 to Mr. Brewster (who owes the funds to Dr. Edwards), \$6,100 to Mr. Poirrier (\$1,100 in court costs and \$5,000 for the fee attributable to legal work for an expungement), \$11,600 to SouthShore Physicians

Group, and \$1,100 to Ms. Simon. The board further recommended that respondent be assessed with all costs and expenses of these proceedings.

The board's recommendation was filed with this court on December 4, 2024. On that same date, the court notified the parties of the filing of the recommendation, thereby commencing the twenty-day period for objections pursuant to Supreme Court Rule XIX, §11(G)(1). Neither party filed an objection to the recommendation within that deadline.

However, on January 6, 2025, respondent filed a "Notice of Objection to Board's Report and Request for Hearing." By order dated January 7, 2025, we rejected respondent's objection as untimely but permitted him to file a brief without oral argument within twenty days of the date of the order. Upon respondent's motion, this deadline was ultimately extended until April 3, 2025.

Respondent did not file a brief within that deadline. Instead, under docket number 2025-OB-0428, he filed a petition for permanent resignation from the practice of law in lieu of discipline pursuant to Supreme Court Rule XIX, §20.1.⁴ The ODC opposed the petition.

Upon our own motion, we consolidated the proceedings.

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.

⁴ Supreme Court Rule XIX, §20.1 provides, in pertinent part, "[a] lawyer against whom formal charges of misconduct have or may be filed may file a written request with the Louisiana Supreme Court seeking permanent resignation from the practice of law in lieu of discipline."

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 of these deemed admitted matters supports a finding that respondent neglected legal matters, failed to communicate with clients, failed to refund unearned fees, failed to obtain consent to settle, converted client funds, entered into a prohibited business transaction with a client, knowingly made a false statement of material fact in connection with a disciplinary investigation, failed to cooperate with the ODC in an investigation, and engaged in conduct prejudicial to the administration of justice. Based upon these facts, respondent has violated the Rules of Professional Conduct as alleged in the formal charges.

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 supports a finding that respondent violated duties owed to his clients, the public, the legal system, and the legal profession. He acted negligently, knowingly, and intentionally, and his conduct caused actual harm. Clearly, the baseline sanction for this misconduct is disbarment.

We now turn to the question of whether the gravity of respondent's misconduct warrants that he be permanently prohibited from seeking readmission to the practice of law. Supreme Court Rule XIX, §10(A)(1) provides this court retains the discretion to permanently disbar the lawyer and permanently prohibit any such lawyer from being readmitted to the practice of law. However, the rule goes on to provide "the court shall only impose permanent disbarment upon an express finding of the presence of the following factors: (1) the lawyer's misconduct is so egregious as to demonstrate a convincing lack of ethical and moral fitness to practice law; and (2) there is no reasonable expectation of significant rehabilitation in the lawyer's character in the future."

A review of the voluminous record of these proceedings plainly demonstrates the first factor is satisfied. Respondent victimized multiple clients and third parties, causing actual harm by converting at least \$45,000 in funds which did not belong to him. He acted with deceit and dishonestly, repeatedly failing to respond to requests for information from his clients. We have recognized such conduct warrants permanent disbarment. *See* Guideline 1 of the Permanent Disbarment Guidelines in Supreme Court Rule XIX, Appendix D (explaining "[r]epeated or multiple instances of intentional conversion of client funds with substantial harm" may be grounds for permanent disbarment); *see also In re: Favors*, 06-1339 (La. 9/29/06), 938 So. 2d 677 (attorney permanently disbarred for failing to refund unearned fees, converted over \$40,000 of client and third-party funds to his use and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

The record further establishes there is no reasonable expectation that respondent's character may be rehabilitated in the future. Respondent's disciplinary history dates back over twenty years to his first admonition in 2004. In 2015, we accepted respondent's petition for consent discipline and imposed a fully-deferred suspension for conduct involving neglecting a legal matter and failing to communicate with a client. Rather than taking this opportunity to reform his actions, respondent continued to engage in the same misconduct, culminating in the present charges. These facts clearly demonstrate respondent has no interest in rehabilitating his character.

Considering these factors, we find permanent disbarment is appropriate under the circumstances presented. Accordingly, we will accept the board's recommendation and permanently disbar respondent. We will further order respondent to pay restitution as follows: \$1,000 to Donna Begovich, \$5,000 to Andre Noujaim, \$6,105 to Dr. Celine Lemieux, \$15,000 to Zachary Brewster, \$6,100 to Ryan Poirrier, \$11,600 to SouthShore Physicians Group, and \$1,100 to Shawanda Simon. Because of this finding, we deny respondent's petition for permanent resignation in lieu of discipline as moot.⁵

DECREE

Upon review of the findings and recommendations of hearing committee and the disciplinary board, and considering the record, it is ordered that Kevin Michael

⁵ In general, the procedures for permanent resignation in lieu of discipline set forth in Supreme Court Rule XIX, §20.1 provide an expedient way for a lawyer who acknowledges misconduct to resign from the practice immediately, thereby protecting the public while lessening the burden on the disciplinary system. However, these considerations are not present in the instant case, where respondent is currently on interim suspension, and the disciplinary proceedings have already reached their conclusion. *See, e.g., Disciplinary Counsel v. Lentz*, 120 Ohio St. 3d 431, 432, 900 N.E.2d 167, 169 (2008) (“[r]arely will this court accept a resignation tendered at the end of the proceedings, when the benefit to the public and the disciplinary process no longer remains.”).

Steel, Louisiana Bar Roll number 26125, be and he hereby is permanently disbarred. His name shall be stricken from the roll of attorneys and his license to practice law in the State of Louisiana shall be revoked. Pursuant to Supreme Court Rule XIX, § 24(A), it is further ordered that respondent be permanently prohibited from being readmitted to the practice of law in this state. It is further ordered that respondent shall make restitution to his clients and/or third parties as set forth in this opinion. Respondent's petition for permanent resignation from the practice of law in lieu of discipline is denied as moot. 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.

SUPREME COURT OF LOUISIANA

No. 2024-B-01471

IN RE: KEVIN MICHAEL STEEL

Attorney Disciplinary Proceeding

GRIFFIN, J., dissents and would impose regular disbarment.