

ORIGINAL

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: STACEY L. THOMAS

DOCKET NO. 25-DB-003

REPORT OF HEARING COMMITTEE # 5

INTRODUCTION

This attorney disciplinary matter arises out of formal charges filed by the Office of Disciplinary Counsel (“ODC”) against Stacey L. Thomas (“Respondent”), Louisiana Bar Roll Number 27892.¹ ODC alleges that Respondent violated the following Rules of Professional Conduct: 1.1(c) and 8.1(c).²

PROCEDURAL HISTORY

The formal charges were filed on January 3, 2025. By letters dated January 7, 2025, the formal charges were mailed via certified mail to Respondent’s secondary registration and last known addresses.³ The mailing to the last known address was delivered on January 15, 2025. Respondent failed to file an answer to the charges. Accordingly, on March 11, 2025, ODC filed a motion to deem the factual allegations admitted pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3).⁴ By order signed March 31, 2025, the factual allegations contained in the formal charges were deemed admitted. On May 30, 2025, ODC filed its submission on sanction.

¹ Respondent was admitted to the practice of law in Louisiana on April 19, 2002. Respondent is currently suspended from the practice of law. See *In re Thomas*, 2013-2685 (La. 2/7/2014), 132 So.3d 1258.

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

³ 97 Little Chestang Road, McIntosh, AL 36553 (secondary); 2391 Polo Place W, Mobile, AL 36695 (last known).

⁴ This rule states:

The respondent shall file a written answer with the Board and serve a copy on disciplinary counsel within twenty (20) days after service of the formal charges, unless the time is extended by the chair of the hearing committee. In the event, Respondent fails to answer within the prescribed time, or the time as extended, the factual allegations contained within the formal charges shall be deemed admitted and proven by clear and convincing evidence. Disciplinary Counsel shall file a motion

For the following reasons, the Committee accepts the Disciplinary Counsel's Submission on Sanctions and Recommends that respondent be suspended from the practice of law for a period of one year and one day. In addition, Respondent should be ordered to pay all costs and expenses associated with this proceeding. *See* La. S.Ct. Rule XIX, §10.1.

FORMAL CHARGES

The formal charges read, in pertinent part:

4.

On October 30, 2023, the ODC received a complaint from Bruce Johnson ("Mr. Johnson") regarding Respondent. The complaint was opened for investigation as ODC 41479.

5.

On November 8, 2023, the ODC sent a copy of the complaint and a request for a response to the same to Respondent via certified mail to her Louisiana State Bar Association ("LSBA") registered primary address. On November 21, 2023, delivery was attempted at that address. On February 2, 2024, that correspondence was returned to the ODC for the following reason: "Return to Sender - No Mail Receptacle - Unable to Forward."

6.

On December 11, 2023, the ODC sent a copy of the complaint and a request for a response to the same to Respondent via certified mail to her LSBA-registered preferred address. On December 16, 2023, that correspondence was returned to the ODC for the following reason: "Return to Sender - Vacant - Unable to Forward."

7.

On December 11, 2023, the ODC sent an email to Respondent to her LSBA-registered public/service email address. That email, which attached a copy of the complaint and a cover letter, was rejected for the following reasons: "This mailbox is disabled."

8.

On December 11, 2023, the ODC sent an additional copy of the complaint and a request for a response to the same to Respondent via certified mail to her LSBA-registered secondary address. On December 26, 2023, delivery of that correspondence was accepted on Respondent's behalf. Respondent's response to the

with the chair of the hearing committee to which the matter is assigned requesting that the factual allegations be deemed proven with proof of service of the formal charges upon the respondent. The order signed by the hearing committee chair shall be served upon respondent as provided by Section 13C. Within twenty (20) days of the mailing of the order of the hearing committee chair deeming the factual allegations contained in the formal charges proven, the respondent may move the hearing committee chair to recall the order thus issued upon demonstration of good cause why imposition of the order would be improper or would result in a miscarriage of justice.

complaint was due on January 10, 2024. Respondent failed to provide a response by that deadline.

9.

On May 16, 2024, the ODC initiated a telephone call with Respondent. Therein, Respondent admitted that she previously had received a copy of, but never responded to, the complaint. As confirmed in a follow-up letter to Respondent on May 17, 2024, the ODC granted Respondent an extension of time until June 6, 2024, to provide her written response to the complaint. On May 23, 2024, the ODC granted Respondent an additional extension of time until June 21, 2024, to provide her written response to the complaint. Respondent failed to provide a response by that extended deadline.

10.

On July 2, 2024, Respondent belatedly provided a two-paragraph response to the complaint with no supporting documentation. On July 15, 2024, the ODC sent an email and letter to Respondent to request a copy of certain records regarding the legal matter described in the complaint. Respondent's deadline to produce those records was August 5, 2024. Respondent failed to produce those records by that deadline. On August 6, 2024, the ODC sent an email to Respondent to grant an additional extension of time until August 14, 2024, to produce those records. Respondent failed to produce those records by that extended deadline. On August 15, 2024, the ODC sent an email to Respondent to grant a final extension of time until August 16, 2024, to produce those records. Respondent failed to do so by or after that final extended deadline.

11.

Without the requested records from Respondent, the ODC cannot complete its investigation of the complaint.

12.

During the May 16, 2024, telephone call, Respondent admitted that her LSBA-registered primary and preferred addresses, as well as her LSBA-registered public/service and private email addresses, are not accurate. Respondent promised to correct that information with the LSBA. Respondent failed to do so.

13.

The ODC respectfully submits that there is clear and convincing evidence that Respondent's above-described misconduct has violated Rules 1.1(c) and 8.1(c) of the Rules of Professional Conduct.

EVIDENCE

The Committee reviewed the exhibits submitted by ODC, which are Exhibits ODC 1-12. Respondent did not submit evidence or argument for the Committee's consideration, nor did she request to be heard in mitigation pursuant to Rule XIX, §11(E)(4).

FINDINGS OF FACT

The Committee notes that the factual allegations against respondent were admitted by order on March 31, 2025. Additionally, the committee adopts the disciplinary history described by the Office of Disciplinary Counsel on pages 2 and 3 of the Submission.

RULES VIOLATED

The Committee finds that respondent violated the following Rules of Professional Conduct: 1.1(c) and 8.1(c). Specifically, in this matter, the facts deemed admitted on March 31, 2025, confirmed that the Respondent in this matter failed to cooperate with the ODC in its investigation of Mr. Johnson's Complaint made on October 30, 2023. The deemed admitted facts further confirmed that Respondent failed to comply with annual registration requirements regarding timely notification of changes in her address.

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.

Here, Respondent violated duties owed to the legal system and the legal profession. The ABA standards define "knowledge" as "the conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result." Additionally, the ABA standard define intent as "the conscious objective or purpose to accomplish a particular result." In this case, the respondent acted knowingly, if not intentionally, in failing to cooperate with ODC. Finally, Respondent's misconduct caused actual

harm to the disciplinary system because in failing to cooperate with the investigation, as well as the failure to keep her address information updated with the Bar Association made it impossible to investigate and resolve this complaint made by a member of the public.

The *ABA Standards for Imposing Lawyer Sanctions* and specifically ABA Standard 7 concerns violations of other duties as a professional. More specifically, ABA standard 7.2 provides that suspension is generally appropriate when a lawyer, like respondent, knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public or, as in this instance, the legal system.

The following ABA Standard 9.22 aggravating factors are present: (a) prior disciplinary offenses; (b) dishonest or selfish motive; (c) a pattern of misconduct; (d) multiple offenses; (e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency; (g) refusal to acknowledge wrongful nature of conduct; and (i) substantial experience in the practice of law (Respondent was admitted in 2002). There are no ABA Standard 9.32 mitigating factors apparent in the record.

In *In Re Meche*, at *4, the Louisiana Supreme Court recently provided the following guidance regarding sanction for an attorney's failure to cooperate with the ODC:

In the past, we have held that an attorney's failure to cooperate with the ODC, standing alone, is sufficient to warrant discipline. *In re: Fahrenholtz*, 09-0748 (La. 10/2/09), 18 So. 3d 751. The sanctions imposed typically have been in the range of a public reprimand to a six-month suspension from the practice of law. *See, e.g., In re: Tucker*, 23-1013 (La. 9/26/23), 370 So. 3d 714 (public reprimand for failing to respond to two disciplinary complaints and failing to appear for a sworn statement in response to a subpoena); *In re: Belfield*, 12-1690 (La. 9/28/12), 98 So. 3d 796 (public reprimand for failing to respond to three disciplinary complaints); *In re: Boudreau*, 03-1890 (La. 12/3/03), 860 So. 2d 1119 (six-month suspension for failing to cooperate with the ODC in its investigation; the attorney had recently been disciplined for similar misconduct, and his continued failure to cooperate was therefore found to be "particularly egregious"); *In re: Gold*, 98-2819 (La. 4/30/99), 734 So. 2d 1210 (public reprimand and probation for failing to cooperate with the ODC in five investigations); and *In re: Augustine*, 97-1570 (La. 9/26/97), 707 So.

2d 1 (thirty-day suspension for knowing failure to cooperate with the ODC in two investigations).

In *Meche*, the Court ultimately adopted the hearing committee's recommendation and suspended the respondent from the practice of law for sixty days, fully deferred, for failure to cooperate with the ODC in two disciplinary investigations. *Id.*

As the ODC argued in its brief, when appropriate, the Court has imposed sanctions beyond the discipline range discussed in *Meche* for failure to cooperate with the ODC. In *In re: Gray*, 17-1929 (La. 1/29/18), 234 So. 3d 65, the respondent previously had been suspended from the practice of law for two years. The prior misconduct resulting in that suspension included a failure to cooperate with the ODC, a failure to seek reinstatement and a failure to cooperate with the ODC's investigation of a new complaint. *Id.* The ODC filed formal charges alleging violation of Rule 8.1(c), the factual allegations of which were deemed admitted, alleging that the respondent's conduct was knowing, if not intentional, and caused actual harm. *Id.* There were two aggravating factors (a prior disciplinary record and substantial experience in the practice of law) and no mitigating factors present. *Id.* Regarding appropriate discipline, the Court provided the following discussion:

At first glance, the one-year suspension recommended by the board appears somewhat excessive given that the sanctions imposed by this court in failure to cooperate cases have resulted in no more than a six-month suspension from the practice of law. However, respondent's failure to cooperate with the ODC in the instant case is more egregious than the typical failure to cooperate case. The ODC went to great lengths to ensure that respondent had notice of the complaint and copy of the formal charges. Nevertheless, respondent made no effort to respond to the ODC's repeated inquiries, which is particularly troublesome since respondent was an elected official throughout the ODC's investigation.... The sanction recommended by the board is appropriate in this case. Accordingly, we will adopt the board's recommendation and suspend respondent from the practice of law for one year, followed by a one-year period of probation. *Id.*

This matter contains unique circumstances more like the *Gray* matter. Respondent has been suspended twice, she is, per the complaint, engaging in the unauthorized practice of law while still suspended and per the allegations in the complaint, committed misconduct similar to that for which she was already previously suspended. Despite receiving a number of extensions to respond to this most recent complaint, Respondent has failed to do so and has failed to produce any of the requested records, which resulted in the ODC being unable to investigate the allegations in this complaint. Finally, in addition to this failure to cooperate with the ODC, Respondent has also failed to comply with the annual registration requirements regarding timely notification of changes of address, despite promises made by Respondent to do so.

CONCLUSION

Given respondent's prior disciplinary history, her current suspension, her failure to cooperate with the ODC's efforts to investigate the allegations in this most recent complaint, and her failure to comply with annual registration requirements despite promising to do so, the committee recommends that the Respondent be suspended from the practice of law for a period of one year and one day. In addition, Respondent should be ordered to pay all the costs and expenses associated with this proceeding pursuant to La. S. Ct. Rule XIX §10.1.


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

Lafayette, Louisiana, this 23rd day of June, 2025.

**Louisiana Attorney Disciplinary Board
Hearing Committee # 5**

**Jennifer Frederick, Committee Chair
Monica Bowers, Lawyer Member
Elaine Dill, Public Member**

BY:



**Jennifer Frederick, Committee Chair
For the Committee**

APPENDIX

Rule 1.1. Competence

...

(c) A lawyer is required to comply with all of the requirements of the Supreme Court's rules regarding annual registration, including payment of Bar dues, payment of the disciplinary assessment, timely notification of changes of address, and proper disclosure of trust account information or any changes therein.

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:

...

(c) Fail to cooperate with the Office of Disciplinary Counsel in its investigation of any matter before it except for an openly expressed claim of a constitutional privilege.

ORIGINAL

Louisiana Attorney Disciplinary Board

FILED by:



Docket#

Filed-On

25-DB-003

6/24/2025

CERTIFICATE OF MAILING

**IN RE: STACEY L. THOMAS
DOCKET NO. 25-DB-003**

I, Raul V. Esquivel, the undersigned Board Administrator for the Louisiana Attorney Disciplinary Board, certify that a copy of the foregoing Hearing Committee Report and Initial Cost Statement has been mailed to the Respondent or his/her Attorney of Record, by E-mail and/or United States Mail and E-Filed to the Office of Disciplinary Counsel, this 24TH **day of JUNE, 2025** at the following address:

Via E-mail to: slthom19@yahoo.com and U.S. Mail to:

Respondent:

Stacey L. Thomas
97 Little Chastang Road
McIntosh, Alabama 36553
AND

2392 Polo Place
Mobile, Alabama 36695

(Via E-File)

Christopher D. Kiesel
Deputy Disciplinary Counsel
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Raul V. Esquivel III
Board Administrator