

The Supreme Court of the State of Louisiana

IN RE: BENJAMIN JOHN BARROW KLEIN

No. 2025-B-00927

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

September 16, 2025

Suspension imposed. See per curiam.

JMG

JLW

JDH

WJC

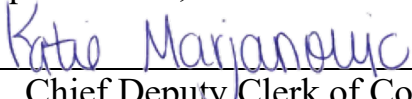
JBM

PDG

CRC

Supreme Court of Louisiana

September 16, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2025-B-0927

IN RE: BENJAMIN JOHN BARROW KLEIN

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Benjamin John Barrow Klein, an attorney licensed to practice law in Louisiana.

UNDERLYING FACTS

In 2019, Christopher Casselberry hired respondent to represent the interests of his company, Corporate Green, LLC, in debt collection matters. Thereafter, Mr. Casselberry had difficulty reaching respondent to obtain updates on the matters. Mr. Casselberry sent several emails to respondent that went unanswered.

On August 14, 2023, the ODC received a complaint from Mr. Casselberry. Following his receipt of the complaint, respondent emailed the ODC and requested an extension of time to submit a response. The request was granted. In his response, respondent acknowledged that he had overlooked the messages from his client and advised that he would take steps to prevent this from happening again.

A copy of the response was sent to Mr. Casselberry, who then sent the ODC a letter to advise that he was still having communication issues with respondent. A copy of the letter was sent to respondent along with a request for a response to same. When he failed to do so, a second letter was sent to respondent. In response to the second letter, respondent sent a fax to the ODC advising that he would “contact Mr. Casselberry directly to address and hopefully resolve the issues.”

In January 2024, the ODC sent a letter to respondent seeking the status of his communications with Mr. Casselberry. Respondent did not respond to the request, so the ODC sent a second letter. When he failed to respond, a third letter was sent. Again, he did not respond, so a subpoena was issued to obtain his sworn statement.

During his sworn statement of March 27, 2024, respondent acknowledged that he let the cases become abandoned but failed to offer a reasonable explanation for his failure to pursue the claims or communicate the status of the cases. Based on his sworn admissions, respondent was instructed to advise Mr. Casselberry of his potential malpractice and further advise that he consult with another attorney to discuss his options. The ODC asked respondent to provide confirmation that he had relayed this information to Mr. Casselberry by April 26, 2024.

On April 14, 2024, respondent requested and received an extension, until May 3, 2024, to provide the requested information. On May 3, 2024, respondent failed to provide proof that he communicated with Mr. Casselberry; instead, he requested a meeting with the ODC to discuss the matter. On that same date, the ODC sent a letter to respondent advising that he needed to provide the information by May 10, 2024. He was also encouraged to seek the advice of qualified ethics counsel.

On May 28, 2024, the ODC sent respondent a letter requesting that he either contact the ODC to discuss a resolution of these issues or provide any information to be considered before the filing of formal charges. On June 17, 2024, the ODC received a letter from respondent requesting an additional five days to respond to the letter. The ODC heard nothing further from respondent.

DISCIPLINARY PROCEEDINGS

In January 2025, 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: 1.3 (failure to act with reasonable diligence and promptness

in representing a client), 1.4 (failure to communicate with a client), 8.1(b) (knowing failure to respond to a lawful demand for information from a disciplinary authority), 8.1(c) (failure to cooperate with the ODC in its investigation), 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).

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 the factual allegations set forth in the formal charges had been deemed admitted. Based on other evidence in the record, the committee also made several findings of fact, including the following:

The focus of Mr. Casselberry's complaint against respondent involved three separate collection matters. Each had its own attorney-client agreement, all of which were executed on January 28, 2019. Mr. Casselberry paid a separate \$2,000 retainer fee for each matter. Mr. Casselberry's allegations are supported by multiple emails and email chains, beginning on January 28, 2019. At that time, he asked respondent to provide him with copies of the engagement letters and asked when the suits would be filed. The last communication from respondent to Mr. Casselberry occurred on January 12, 2023, or "214 days before and 20 emails" prior to the filing of the complaint. Prior to that time, a year had lapsed since the previous substantive

communication from respondent. There is no indication that respondent had any communication with Mr. Casselberry after January 12, 2023.

Based on these facts, the committee determined that respondent violated the Rules of Professional Conduct as charged. His actions were negligent, knowing, and intentional, and his conduct caused actual harm to his client. As aggravating factors, the committee cited respondent's prior disciplinary record,¹ dishonest or selfish motive, substantial experience in the practice of law, and indifference in making restitution. The committee found no mitigating factors.

After further considering the jurisprudence of this court in similar matters, the committee recommended that respondent be suspended from the practice of law for one year and one day. The committee also recommended that respondent be ordered to make restitution to Mr. Casselberry and his company.

Neither respondent nor the ODC filed an objection to the committee's report or 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

¹ Respondent was admonished in 2015 by the disciplinary board for neglecting a legal matter.

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 evidence in the record supports a finding that respondent neglected legal matters, failed to communicate with a client, engaged in dishonest conduct, engaged in conduct prejudicial to the administration of justice, and failed to cooperate with the ODC's investigation. This conduct violates the Rules of Professional Conduct as charged.

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).

Respondent violated duties owed to his client, the legal system, and the legal profession. His conduct was negligent, knowing, and intentional, and caused actual harm. The baseline sanction for this misconduct is suspension. The record supports the aggravating factors found by the hearing committee. No mitigating factors are evident from the record.

In similar instances of misconduct, we have imposed suspensions of one year and one day, which necessitates a formal application for reinstatement. See, e.g., *In re: Kehr*, 07-0071 (La. 3/23/07), 952 So. 2d 668 (lawyer suspended for one year and one day neglecting a legal matter, failing to communicate with a client, and failing to cooperate with the ODC); *In re: Kurzweg*, 03-2902 (La. 4/2/04), 870 So. 2d 978 (lawyer suspended for one year and one day for neglecting a legal matter causing actual injury to the client whose lawsuit was dismissed as abandoned). We see no reason to deviate from this jurisprudence based on the record before us.

Accordingly, we will suspend respondent from the practice of law for one year and one day and order him to make appropriate restitution to his client.²

DECREE

Upon review of the findings and recommendation of the hearing committee, and considering the record, it is ordered that Benjamin John Barrow Klein, Louisiana Bar Roll number 28639, be hereby is suspended from the practice of law for one year and one day. It is further ordered respondent make appropriate restitution to his client. 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.

² The committee also recommended that prior to being reinstated to the practice of law, respondent should clearly demonstrate that he has "system in place to timely deal with client communications and effectively represent clients in litigation." While this condition is not unreasonable, we decline to adopt it at this time. The imposition of any conditions on reinstatement are more properly addressed if and when respondent applies for reinstatement after being eligible to do so. See, e.g., *In re: Clark*, 09-1631 (La. 12/1/09), 25 So. 3d 728 (declining to impose any conditions on reinstatement in a suspension longer than one year, but noting that "[i]f and when respondent applies for reinstatement, the board may consider recommending appropriate conditions for reinstatement. . .").