

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: LINDSEY J. LEAVOY

DOCKET NO. 25-DB-007

REPORT OF HEARING COMMITTEE # 50

INTRODUCTION

This attorney disciplinary matter arises out of formal charges filed by the Office of Disciplinary Counsel (“ODC”) against Lindsey J. Leavoy (“Respondent”), Louisiana Bar Roll Number 19004.¹ ODC alleges that Respondent violated the following Rules of Professional Conduct: 1.15(a)(b)(d)(f), 8.1(b)(c), 8.4(a)(b)(c) and La. S.C. Rule XIX, §28(A)(2).²

BACKGROUND AND PROCEDURAL HISTORY

On June 3, 2025, the Louisiana Supreme Court (“the Court”) suspended Respondent for twelve months, with six months deferred, for failing to act with reasonable diligence in representing a client, resulting in abandonment of the matter, failing to communicate with his client, and failing to obtain his client's consent to the representation and fee-splitting arrangement. *In re Leavoy*, 2024-1444 (La. 6/3/2025), 410 So.3d 769 (“*Leavoy I*”). The misconduct occurred between 2015 and March of 2024. The formal charges were deemed admitted pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3).³

¹ Respondent was admitted to the practice of law in Louisiana on October 7, 1988. Respondent is currently suspended from the practice of law. See *In re Leavoy*, 2024-1444 (La. 6/3/2025), 410 So.3d 769.

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

³ 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 with the chair of the hearing committee to which the matter is assigned requesting that the factual

In the present matter, the formal charges were filed on January 29, 2025. By letters dated February 4, 2025, the formal charges were mailed via certified mail to Respondent's primary and secondary registration addresses.⁴ Both mailings were returned. Respondent failed to file an answer to the charges. Accordingly, on May 6, 2025, ODC filed a motion to deem the factual allegations admitted pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3). By order signed May 22, 2025, the factual allegations contained in the formal charges were deemed admitted. On July 22, 2025, ODC filed its submission on sanction.

For the following reasons, the Committee finds based upon the documents, ODC submissions, including investigative reports, the facts deemed admitted by Respondent's failure to answer, the Respondent has violated duties owed to his clients, the public, the legal system, and the legal profession. It is the recommendation of this Committee that Respondent be disbarred.

FORMAL CHARGES

The formal charges read, in pertinent part:

2.

On August 7, 2024, the Supreme Court issued an Order suspending the Respondent on an interim basis pursuant to Supreme Court Rule XIX, § 19.2. The interim suspension involves the same facts and circumstances at issue in the instant Formal Charges.

3.

On July 1, 2024, the ODC received a notice from Chase bank stating that two ACH transactions were present to Respondent's Chase IOLTA account ending in 7170 on June 17, 2024, and were returned by Chase bank due to insufficient funds. The two transactions totaled \$19,210.00 and were issued to ICARS of Orlando, and appear to have been used to purchase a vehicle. On July 12, 2024, the ODC received a second overdraft notice from Chase bank, indicating that multiple additional items were presented to Respondent's Chase IOLTA account, ending in 7170, and were returned by Chase bank due to insufficient funds. These additional

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.

⁴ 10839 Perkins Rd., Baton Rouge, LA 70810 (primary), and 1767 Rue Desiree Baton Rouge, LA 70810 (secondary).

items caused the Respondent's Chase IOLTA account ending in 7170 to be overdrawn by over \$13,000.00 as of June 28, 2024.

On July 16, 2024, the ODC forwarded the Chase bank notices to the Respondent through both his primary and secondary LSBA registered addresses, via certified mail, and to his LSBA registered email for service to no avail. On August 6, 2024, the ODC again forwarded the Chase bank notices to the Respondent through both his primary and secondary LSBA registered addresses, via regular mail, and to his LSBA registered email for service to no avail. Due to the Respondent's failure to respond to the complaints, on August 19, 2024 the ODC issued a subpoena for the Respondent to appear at the ODC on September 16, 2024, to provide his sworn statement and to produce various documents previously requested by the ODC in its notices of complaints. The Respondent failed to appear for his sworn statement on September 16, 2024, and failed to produce the subpoenaed documents requested by the ODC. ODC's forensic auditor determined that Respondent's failure to cooperate with the ODC by providing requested client records and required bank reconciliations precluded an accurate analysis of the trust account activity and an accurate determination of what monies should have been maintained in the Respondent's Chase IOLTA account ending in 7170 to honor all client balances, third-party balances, and/or outstanding disbursements.

However, the ODC was able to subpoena bank records in compliance with La. R.S. 9:3571 and La. R.S. 6:333, which were reviewed and analyzed by ODC's forensic auditor. [FN1]. ODC served the Respondent with the proposed bank subpoena, along with the subpoena for Respondent's sworn statement and duces tecum personally on August 28, 2024. The Respondent did not file a motion to quash the bank subpoena, and on September 20, 2024, more than fifteen (15) days from the date the Respondent was served with the proposed bank subpoena, Ouachita Parish Sheriff's Office served the bank with the subpoena.] The forensic auditor's review of the bank records strongly suggested that the Respondent engaged in bank fraud through check-kiting, finding that in June of 2024, a total of \$111,844.38 was deposited into the Respondent's Chase IOLTA account ending in 7170 and subsequently returned by the bank in the following days. However, prior to the deposits being returned, Respondent used the artificially inflated trust account balance to transfer a total of \$30,810.77 from the trust account to Respondent's Chase account ending in 8655. The funds were then utilized to make seemingly personal purchases.

Further, the forensic auditor found that the Respondent potentially converted clients' funds because the entirety of the \$124,048.18 beginning trust account balance on June 1, 2023, was completely disbursed from the trust account by June 21, 2024, and used to pay personal expenses directly from the trust account, fund transfers from the trust account to Respondent's other bank accounts which were used to make personal purchases, cover charges that were later credited back to the trust account, and/or to cover deposits that were debited back to the trust account. The Respondent provided no client records or explanation to confirm whether any of these funds belong to him and/or if there were any client and/or third-party balances that should have remained in the trust account at the end of the audit period.

Copies of checks deposited (and later returned) into the Respondent's Chase IOLTA account ending in 7170 were further investigated by an ODC investigator. The investigator contacted the various people who allegedly issued these checks to the Respondent (and in one instance to his wife). None of the people were familiar with the Respondent. Some of the accounts from which these checks were issued had been closed previous to their issuance. Some of these individuals had filed police reports for fraud, which investigations are currently pending.

4.

The ODC respectfully submits there is clear and convincing evidence that the Respondent, Lindsey J. Leavoy, has violated Louisiana Rules of Professional Conduct 1.15(a)(b)(d)(f), 8.1(b)(c), 8.4(a)(b)(c) and La. S.C. Rule XIX, §28(A)(2).

EVIDENCE

The Committee reviewed the exhibits submitted by ODC, which are Exhibits ODC 1 – ODC 9. Respondent did not submit evidence or argument for the Committee's consideration, nor did he request to be heard in mitigation pursuant to Rule XIX, §11(E)(4).

FINDINGS OF FACT

The factual findings of the Committee are based upon the submissions by ODC and a reasonable extrapolation of the information investigated by ODC, which provides clear and convincing evidence of rule violation. Further, the Committee deemed admitted all facts set forth in the Formal Charges. Despite multiple attempts, Respondent failed to respond to any communication from ODC. The ODC's forensic auditor's review of Respondent's Chase IOLTA bank records strongly suggests Respondent engaged in bank fraud, potentially converting client funds. The Respondent provided no client records or accounting details to confirm whether any of the audited funds belong to the Respondent, a client, or a third party. Check deposits into the Respondent's Chase IOLTA were investigated by ODC. The various individuals who allegedly issued the investigated checks to the Respondent, were not familiar with the Respondent. Some of the individuals contacted by ODC investigators filed police reports for fraud.

The Respondent's lack of communication with the ODC, resulting in deemed admitted charges, absolves the Hearing Committee from opining on the Respondent's credibility.

RULES VIOLATED

Rule 1.15(a) states that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Rule 1.15(b) states that a lawyer may deposit the lawyer's own funds in a trust account for the sole purpose of paying bank services charges or avoiding such charges and only in the amount necessary for that purpose. Here, ODC's forensic auditor's report indicates that Respondent commingled his funds with those of clients and/or third-parties given that balance of the trust account was over \$100,000 at one point. *See* ODC Exhibit 8. The report also states that Respondent potentially converted funds, but because of the lack of evidence the auditor could not make a definitive determination. However, the auditor's report clearly indicates Respondent maintained funds in his account that were in excess of those allowed by Rule 1.15(b). Accordingly, Respondent violated these Rules.

Rule 1.15(d) states, in pertinent part, that upon "receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person." There is not clear and convincing evidence Respondent violated this Rule. While there is evidence that Respondent commingled, and possibly converted, client and/or third-party funds, there is insufficient evidence and allegations that Respondent failed to promptly notify clients and/or third-parties of his receipt of funds in which they had an interest.

Rule 1.15(f) states that a lawyer shall: 1) authorize all withdrawals from a trust account, 2) not use a debit or ATM card to withdraw funds from a trust account, 3) not make cash withdrawals

or issue checks to “Cash” from a trust account, and 4) reconcile a trust account quarterly and maintain records of such reconciliation. There is not clear and convincing evidence Respondent violated this Rule. There is no evidence or allegation Respondent made cash withdrawals from his trust account or used a debit/ATM card to withdraw funds from his trust account. Nor is there evidence or allegation Respondent did not authorize all withdrawals from his trust account or did not reconcile his trust account quarterly. Certainly, Respondent failed to submit evidence of his reconciliations to ODC. However, this does not prove he failed to complete the reconciliations or maintain records of such.

Louisiana Supreme Court Rule XIX, §28(A)(2), requires lawyers to maintain trust account records for a period of five years after final disposition of the underlying matter. For the reasons stated above with regard to Rule 1.15(f), there is not clear and convincing evidence Respondent violated this Rule.

Rules 8.4(b) and (c) state that it is professional misconduct for a lawyer to engage in criminal conduct and to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation. ODC’s auditor’s report clearly indicates that Respondent used his trust account to kite checks. Such conduct is dishonest and constitutes a crime⁵, thereby violating these Rules.

Rules 8.1(b) and (c) state that a lawyer shall not knowingly fail to respond to a lawful demand from ODC and fail to cooperate with ODC’s investigation of a matter before it. The formal charges and record clearly indicate that Respondent failed to respond to all of ODC’s requests for information and otherwise failed to cooperate with ODC’s investigation in this matter. Accordingly, these Rules were violated.

⁵ See La.R.S. 14:71 and 14:71.1.

Rule 8.4(a) states that it is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct. By violating the Rules above, Respondent violated this Rule.

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 his clients, the legal system, and to the profession. He acted knowingly and intentionally. Respondent's misconduct caused actual harm to those purported clients and non-client individuals, interviewed by the ODC, whose checks were used in an ostensibly fraudulent manner to shift funds within Respondent's Chase IOLTA account. The ODC's investigation reveals that funds from the Respondent's Chase IOLTA account were used for the purchase of a vehicle and other personal expenses. There is no indication that the vehicle purchased or other personal expenditures were legitimate uses of client funds. Further, the Respondent's Chase IOLTA account was overdrawn on a number of occasions prompting the subpoena of records which support allegation that Respondent was engaged in check-kiting, along with the possible conversion of client funds.

The *ABA Standards for Imposing Lawyer Sanctions* suggest that disbarment is the baseline sanction for Respondent's misconduct.⁶ ABA Standard 5.11 suggests that a disbarment is

⁶ In *La. State Bar Ass'n v. Chatelain*, the Court held:

generally appropriate when: (a) a lawyer engages in serious criminal conduct, a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses; or (b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

ABA Standard 7.1 suggests that a disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain benefit for the lawyer or another and causes serious or potentially serious injury to a client, the public, or the legal system.

The Committee considered the appropriateness of permanent disbarment; however, Respondent's lack of communication, and the absence of individual client complaints, are barriers to findings of 1) repeated or multiple instances of intentional conversion of client funds with substantial harm, and/or 2) intentional corruption of the judicial process.

As such, the baseline ABA sanction appears to be disbarment.

Since the attorney-respondent cannot control the timing of the institution of disciplinary proceedings, it is generally inappropriate to disbar a previously disbarred attorney an additional time when the violations at issue occurred before or concurrently with the violations which resulted in the initial disbarment. When a second disciplinary proceeding against an attorney involves misconduct which occurred during the same time period as the first proceeding, the overall discipline to be imposed should be determined as if both proceedings were before the court simultaneously. [Citation omitted.]

573 So.2d 470, 471 n.2 (La. 1/22/91). In *Leavoy I*, Respondent was suspended for misconduct that occurred between 2015 and, at the latest, March of 2024. According to the audit report submitted by ODC, the misuse of the trust account occurred mostly in June of 2024, which was followed by Respondent's failure to cooperate with ODC's investigation. Thus, the misconduct in this matter does not appear to overlap with the misconduct in *Leavoy I*. Accordingly, the Court's holding in *Chatelain* does not apply to this matter.

In re: James S. Denhollem, the Court disbarred Mr. Denhollem for conversion of more than \$17,000.00 in client funds over a ten-month period. 2003-0935 (La. 6/6/2003); 849 So.2d 448. The allegations were deemed admitted due to a lack of response by Mr. Denhollem to the formal charges lodged by ODC. The Court found that Mr. Denhollem failed to keep client property safe and converted client funds through dishonesty, fraud, and deceit. The Court found Mr. Denhollem acted knowingly and intentionally.

In *In re Cooper*, the Court permanently disbarred Ms. Cooper for several acts of serious misconduct. 2009-1848 (12/11/2009), 23 So.3d 886. Ms. Cooper failed to provide competent representation to a client, neglected six legal matters, failed to communicate with those clients, failed to account for and refund unearned fees, converted client and/or third-party funds, misused her escrow account, committed criminal acts involving forgery and check kiting, abandoned her law practice, and failed to cooperate with the ODC in its investigations. Ms. Cooper converted at least \$168,000 in client and/or third-party funds. In addition, she forged her husband's signature on title transfer documents and kited checks in excess of \$60,000 between her escrow account and personal account. The Court found that Ms. Cooper acted knowingly and intentionally.

CONCLUSION

Given the facts deemed to be admitted, the corresponding exhibits, the submissions of the ODC and in consideration of the Louisiana Supreme Court Rule XIX, §10(C) factors outlined above, the serious and repeated nature of the rule violations, and the Respondent's complete lack of communication with the ODC, disbarment is the appropriate sanction to be imposed. In addition, the Respondent should be assessed costs and expenses of the proceeding pursuant to Rule XIX, §10.1.

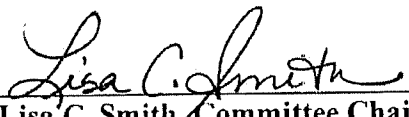
This opinion is unanimous and has been reviewed by each committee member, who fully concur and who have authorized Lisa C. Smith to sign on their behalf.

Baton Rouge, Louisiana, this 26th day of September, 2025.

**Louisiana Attorney Disciplinary Board
Hearing Committee # 50**

**Lisa C. Smith, Committee Chair
Christopher T. Grace III, Lawyer Member
Joseph J. Gipson, Public Member**

BY:



Lisa C. Smith, Committee Chair
For the Committee

APPENDIX

Rule 1.15. Safekeeping Property

(a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Except as provided in (g) and the IOLTA Rules below, funds shall be kept in one or more separate interest-bearing client trust accounts maintained in a bank or savings and loan association: ...

(b) A lawyer may deposit the lawyer's own funds in a client trust account for the sole purpose of paying bank service charges on that account or obtaining a waiver of those charges, but only in an amount necessary for that purpose.

...
(d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Third parties may have lawful claims against specific funds or other property of the client that are in a lawyer's custody. A lawyer has a duty to protect such third-party claims against wrongful interference by the client. In such cases the lawyer must refuse to surrender the property to the client until the claims are resolved. A lawyer should not unilaterally assume to arbitrate a dispute between the client and the third party, but when there is a dispute as to the person's claim to the funds, the lawyer shall advise the client and third party that the funds will remain in the lawyer's trust account until the dispute is resolved, or alternatively the lawyer may deposit the funds into the registry of the court and file an action to have the court resolve the dispute. The third person's interest which the lawyer must protect shall be one of which the lawyer has actual knowledge, and shall be limited to (i) a statutory lien or privilege, (ii) a final judgment addressing disposition of those funds or property, (iii) a written agreement by the client or the lawyer on behalf of the client guaranteeing payment out of those funds or property, or (iv) an instruction by the client to the lawyer to use any remaining funds or property not otherwise protected under (i), (ii), or (iii) to pay another obligation of the client. In all instances except as stated in this rule or as otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

...
(f) Every check, draft, electronic transfer, or other withdrawal instrument or authorization from a client trust account shall be personally signed by a lawyer or, in the case of electronic, telephone, or wire transfer, from a client trust account, directed by a lawyer or, in the case of a law firm, one or more lawyers authorized by the law firm. A lawyer shall not use any debit card or automated teller machine card to withdraw funds from a client trust account. On client trust accounts, cash withdrawals and checks made payable to "Cash" are prohibited. A lawyer shall subject all client trust accounts to a reconciliation process at least quarterly, and shall maintain records of the reconciliation as mandated by this rule.

...

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:

...

- (b) Fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6; or
- (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.

Rule 8.4. Misconduct

It is professional misconduct for a lawyer to:

- (a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) Commit a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- ...

Louisiana Supreme Court Rule XIX, §28(A)(2)

(2) Every lawyer engaged in the practice of law in Louisiana shall maintain and preserve for a period of at least five years, after final disposition of the underlying matter, the records, check stubs, vouchers, ledgers, journals, closing statements, accounts or other statements of disbursements rendered to clients or other parties with regard to trust funds or similar equivalent records clearly and expressly reflecting the date, amount, source, and explanation for all receipts, withdrawals, deliveries and disbursements of the funds or other property of a client.

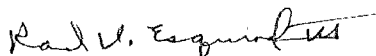
CERTIFICATE OF MAILING

**In re: Lindsey J Leavoy
Docket No. 25-DB-007**

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, on September 26, 2025 at the following address:

**Mr. Lindsey J Leavoy
lleavoy@kf-lawfirm.com
10839 Perkins Rd
Baton Rouge, LA 70810**

**Mr. Paul E Pendley
Deputy Disciplinary Counsel
4000 South Sherwood Forest Blvd.
Suite 607
Baton Rouge, LA 70816**

A handwritten signature in black ink, reading "Raul V. Esquivel". The signature is written in a cursive style with a horizontal line extending from the end.

*Raul V. Esquivel III
Board Administrator*