LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: JONATHAN CURRY HARRIS

DOCKET NO. 25-DB-020

REPORT OF HEARING COMMITTEE # 28

INTRODUCTION

This attorney disciplinary matter arises out of formal charges consisting of eight counts filed by the Office of Disciplinary Counsel ("ODC") against Jonathan Curry Harris ("Respondent"), Louisiana Bar Roll Number 06627.[1] ODC alleges that Respondent violated the following Rules of Professional Conduct: 1.1(a), 1.3, 1.4(a)(b), 4.2(a), 8.1(c), and 8.4(a).[2]

PROCEDURAL HISTORY

The formal charges were filed on May 8, 2025. By letters dated May 13, 2025, the formal charges were mailed via certified mail to Respondent's primary registration and preferred addresses.[3] The mailing to the primary registration address was received on May 16, 2025. The mailing for to the preferred address was returned. Respondent failed to file an answer to the charges. Accordingly, on June 10, 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 June 16,

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[1] Respondent was admitted to the practice of law in Louisiana on September 5, 1969. Respondent is currently eligible to practice law.

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

[3] Primary: 19528 Chanticleer Ct., Baton Rouge, LA 70809; Preferred: PO Box 4112 Baton Rouge, LA 70821-4112.

[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 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

2025, the factual allegations contained in the formal charges were deemed admitted. On August 12, 2025, ODC filed its submission on sanction.

For the following reasons, the Committee finds Respondent violated the Rules as charged and recommends that he be suspended from the practice of law for one year and one day.

FORMAL CHARGES

The formal charges read, in pertinent part:

> V.
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> On February 8, 2024, the Office of Disciplinary Counsel ("ODC") opened for further investigation a complaint from Dewey and Mildred Johnson against Respondent. *In re: Harris*, ODC 0041659.
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> VI.
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> Despite multiple requests and actual notice from the ODC, Respondent did not submit an initial response to the Johnsons' complaint until after being served with an ODC subpoena to appear for purposes of providing a sworn statement and to produce an initial response to the complaint. Respondent then failed to submit an ODC-requested supplemental response until after receiving notice of the ODC's intention to proceed with formal charges.
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> VII.
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> The ODC investigation reflects that Respondent was representing the Johnsons in a legal dispute with an opposing party, who also was represented by counsel. Recognizing that he (Respondent) could not communicate directly with the opposing party about the matters at issue in the legal dispute, Respondent prepared correspondence for Ms. Johnson to send directly to the opposing party under Ms. Johnson's signature. Respondent also failed to appear at a scheduled pretrial conference and failed to file a required pre-trial order. Respondent had not advised the Johnsons that he failed to file the pretrial order, and Respondent's neglect resulted in the Johnsons being prohibited from presenting documentary or testimonial evidence at trial. Judgment was rendered against the Johnsons.
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> VIII.
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> The ODC respectfully submits that the evidence is clear and convincing, as a matter of law, that Respondent, Jonathan Curry Harris, has violated the Rules of Professional Conduct, Rules 1.1(a) (competent representation), 1.3 (diligence), 1.4(a) and (b) (communication), 4.2(a) (communication with represented party), 8.1(c) (cooperation), and 8.4(a) (violate or attempt to violate the Rules of Professional Conduct and/or do so through the actions of another).

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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.

EVIDENCE

The Committee reviewed the exhibits submitted by ODC, which are Exhibits ODC 1-ODC 26. 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 allegations in the formal charges are deemed admitted pursuant to Rule XIX, §11(E)(3). Additional findings of the Committee will be addressed in the sections below.

RULES VIOLATED

Rule 1.1(a) states that a lawyer shall provide competent representation to a client. Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client. Respondent failed to comply with a pre-trial order, resulting in his clients being prevented from presenting a defense at trial. *See* ODC 18, Bates 0147. This conduct demonstrates a clear lack of competence and diligence, which resulted in harm to the clients. Accordingly, Respondent violated Rules 1.1(a) and 1.3.

Rule 1.4 states, in general, that a lawyer shall keep a client reasonably informed about the status of the client's matter and reasonably consult with the client about the means by which the client's objectives are to be accomplished. Respondent violated this Rule by failing to inform his clients of his neglect with regard to the pre-trial order, which impacted their rights at trial.

Rule 4.2(a) states that a lawyer shall not communicate with a person the lawyer knows to be represented by another lawyer in the matter, unless the other lawyer consents. Rule 8.4(a) states, in pertinent part, that it is professional misconduct to violates the Rules through the acts of another. In his sworn statement, Respondent admitted to drafting letters for his clients to send to the opposing party in order to avoid communicating with the opposing party's lawyer. *See* ODC 10, Bates 0059-0060. This is a clear violation of Rule 4.2(a) and 8.4(a).

Rule 8.1(c) states that a lawyer shall not fail to cooperate with ODC's investigation of any matter before it. After Respondent's failure to respond to the complaint, despite multiple requests of ODC, ODC was forced to issue a subpoena for Respondent's appearance. *See* ODC 4, 6-8. Accordingly, Respondent violated Rule 8.1(c).

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 the profession. He acted knowingly, if not intentionally. Respondent's misconduct caused actual harm to his clients as they lost their right to present evidence at trial.

The *ABA Standards for Imposing Lawyer Sanctions* suggest that suspension is the baseline sanction for Respondent's misconduct. Standard 4.42(a) states, "Suspension is generally appropriate when … a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, …" Standard 6.32 states, "Suspension is generally appropriate when a lawyer engages in communication with an individual in the legal system when the lawyer knows that such communication is improper, and causes injury or potential injury to a party or causes interference or potential interference with the outcome of the legal proceeding." Here, Respondent knowingly failed to comply with the pre-trial order, resulting in actual harm to his clients.

Additionally, Respondent used his clients to communicate directly with a represented party, which had the potential to disrupt the proceeding. Accordingly, suspension is the baseline sanction in this matter.

The following aggravating factors are present: substantial experience in the practice of law (admitted in 1969) and prior disciplinary offenses. In 1988, Respondent received a formal private reprimand for failing to return an unearned fee. *See* ODC 19. In 1998, Respondent was admonished for neglecting a legal matter, failing to communicate with a client, and failing to cooperate with ODC. *See* ODC 20. The only mitigating factor present is the remoteness of the prior offenses. However, the Committee assigns this mitigating factor very little weight because the 1998 admonition is for the same misconduct that is present in this matter.

A. Communicating with a Represented Party – Rule 4.2(a)

In the past, the Board and Court have imposed sanctions ranging from probation to one-year suspensions in cases involving violations of Rule 4.2(a). In *In re Sanford*, the Board placed Mr. Sanford on probation for six months based upon his negligent violation of Rule 4.2(a) in one matter and his violation of Rule 8.4(d) in another matter.[5] Ruling of the Disciplinary Board, 01-DB-060 (5/9/02). With regard to the 4.2(a) violation, Mr. Sanford represented heirs in a succession matter. He communicated with the executor of the estate who was represented by another attorney with regard to the succession. The Board recognized several mitigating factors: absence of a prior disciplinary record, absence of a dishonest or selfish motive, personal or emotional problems, good faith effort to rectify the consequences of the misconduct, cooperative attitude towards the disciplinary proceeding, and remorse.

[5] This was a consent discipline matter.

In *In re Debose-Parent*, an attorney failed to safeguard funds belonging to a third party and communicated with a person represented by counsel without obtaining consent of opposing counsel. 2003-2422 (La. 2/20/04), 869 So.2d 80. The Court suspended the attorney for six months, four of which were deferred. The Court found that Ms. Debose-Parent's actions were negligent and did not cause actual harm. There was one aggravating factor present: prior disciplinary offenses. There was also one mitigating factor present: absence of a dishonest or selfish motive.

In *In re Juakali*, the Court suspended Mr. Juakali for one year, with six months deferred, for communicating with the opposing party in a domestic matter even though that party was represented by counsel, improperly charging fees in the domestic matter, and for failing to cooperate with ODC's investigations. 97-B-1460 (La. 9/5/97), 699 So.2d 361. The Court did not note any aggravating or mitigating factors.

In *In re Williams-Bansaadat*, the Court suspended Ms. Williams-Bensaadat for one year, with six months deferred, for communicating with a former client who was represented by counsel and mishandling a dispute over attorney's fees. 2015-B-1535 (La. 11/6/15), 181 So.3d 684. The attorney's conduct was knowing and there were no mitigating factors. The Court found as aggravating factors the lawyer's prior disciplinary record, a dishonest or selfish motive, and substantial experience in the practice of law.

In *In re Nguyen*, Mr. Nguyen was admitted pro hac vice in the United States Court for the Western District of Louisiana to defend a client in a criminal matter. 2017-B-0214 (4/13/17), 215 So.3d 668. During the course of the representation, Mr. Nguyen contacted a co-defendant without his counsel's consent. He was sanctioned by the presiding judge for his conduct. Mr. Nguyen was also charged with misconduct by ODC. He allowed the charges to become and remain deemed admitted. The Court found Mr. Nguyen's conduct to be knowing and recognized the following aggravating factor: bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency. In mitigation, the Court noted the following: absence of a prior disciplinary record and the imposition of other penalties or sanctions. Given that Mr. Nguyen did not hold a Louisiana law license, the Court enjoined him from seeking admission in Louisiana for a period of one year.

In *In re Alex*, the Court suspended Ms. Alex for one year for communicating with an opposing party who was represented by counsel. 2020-B-0916 (12/11/20), 314 So.3d 818. The circumstances were clear to Ms. Alex that the opposing party was represented by counsel: opposing counsel's name appeared on several pleadings and opposing counsel was present with her client at his deposition scheduled by Ms. Alex. Nonetheless, without contacting opposing counsel, Ms. Alex directly communicated with the opposing party and obtained his signature on an affidavit that she then used to oppose a motion for summary judgment filed by opposing counsel. The Court found Ms. Alex's conduct was knowing, if not intentional. The following aggravating factors were present: prior disciplinary record and substantial experience in the practice of law. There were two mitigating factors present: timely good faith effort to rectify the consequences of the misconduct and remorse.

B. Failing to Cooperate with ODC – Rule 8.1(c)

The Board or Court have imposed sanctions ranging public reprimand to a one year and one day suspension for failing to cooperate with ODC in an investigation(s). In *In re Blair*, the Board publicly reprimanded Mr. Blair for negligently failing to cooperate with ODC in one investigation. *Ruling of the Disciplinary Board*, 10-DB-038 c/w 11-DB-057 (8/20/13). The following aggravating factors were present: prior disciplinary offense (diversion) and substantial experience in the practice of law. The following mitigating factors were present: absence of a dishonest or selfish motive and full and free disclosure to the disciplinary board and a cooperative attitude at the hearing of this matter.

In *In re Augustine*, the Court suspended Mr. Augustine for thirty days for two instances of failure to cooperate with ODC. 97-1570 (La. 9/26/07), 707 So.2d 1. The hearing committee in the matter found that Mr. Augustine's failure to cooperate was "done knowingly and [was] of an inexcusable nature." *Id*. at 2. There were no aggravating factors present. The following mitigating factors were considered: absence of a prior disciplinary record and remorse.

In *In re Duhy*, the Court suspended Mr. Duhy for one year and one day with all but 3 months deferred for failing to cooperate with ODC's investigation of three matters. 2014-2052 (La. 11/21/14), 154 So.3d 541. The Court found that Respondent acted knowingly. The following aggravating factors were present: a prior disciplinary record, a pattern of misconduct, multiple offenses, and substantial experience in the practice of law. Notably, Mr. Duhy had been previously disciplined five times for failing to cooperate with ODC. The following mitigating factors were present: personal or emotional problems and remorse.

In *In re Fahrenholtz*, the Court suspended Mr. Fahrenholtz for one year and one day for two instances of failure to cooperate with ODC and for failure to maintain his professional obligations. 2009-0748 (La. 10/2/09), 18 So.3d 751. The Court found that Mr. Fahrenholtz's conduct was particularly egregious.

> [W]e find that respondent's failure to cooperate with the ODC is more egregious than the typical failure to cooperate case. At no point in this proceeding has respondent made any effort to respond to repeated inquiries from the ODC. Additionally, he has not complied with his other professional obligations as a lawyer, such as paying his bar dues and the disciplinary assessment and completing his mandatory continuing legal education requirements. As a result, respondent has been ineligible to practice law since 2005. Finally, respondent's misconduct is particularly troublesome because he was an elected official at the time.

Id. at 755-756. The Court noted several aggravating factors: pattern of misconduct; multiple offenses; bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency; and substantial experience in the practice of law. There was only one mitigating factor present: absence of a prior disciplinary record.

C. Conclusion

With regard to Respondent's communication with a represented party (Rule 4.2(a)), his conduct does not appear to be as egregious as that in *Nguyen* and *Alex* because it did not cause any actual harm that is apparent in the record before this Committee. Nonetheless, Respondent's conduct was knowing, if not intentional, and had the potential to cause harm. With regard to his failure to cooperate with ODC (Rule 8.1(c)), Respondent failed to cooperate with the investigation of a single complaint, as opposed to multiple investigations as in *Duhy* and *Fahrenholtz*. However, Respondent has prior discipline for failing to cooperate with ODC. Thus, when he was asked to respond to the complaint in this matter, he should have been aware of his obligation to promptly respond. On top of his violations of Rules 4.2(a) and 8.1(c), Respondent neglected his client's legal matter (Rules 1.3 and 1.4), resulting in actual harm, *i.e.*, his client being judicially barred from presenting any evidence in their defense of the case. He then further compounded his neglect of his client, by failing to timely advise them of his error in failing to submit a pretrial order or the court's ruling that he was barred from submitting evidence at trial, and failed to attempt any corrective action to try to mitigate or undo the harm he had caused his client. Given the totality of the circumstances in this matter, the Committee recommends that Respondent be suspended from the practice of law for one year and one day, which will necessitate an application for reinstatement pursuant to Rule XIX, §24, in order for him to return to the practice.

RECOMMENDATION

The Committee finds that Respondent violated the Rules as charged and recommends that he be suspended from the practice of law for one year and one day. The Committee also recommends that Respondent be assessed with the 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 Brian L. Coody, to sign on their behalf.

Lake Charles, Louisiana, this 29th day of September, 2025.

Louisiana Attorney Disciplinary Board
Hearing Committee # 28

Brian L. Coody, Committee Chair
Cynthia M. Bologna, Lawyer Member
Amelia T. Hebert, Public Member

BY: ______________________________
Brian L. Coody, Committee Chair
For the Committee

APPENDIX

Rule 1.1. Competence

(a) A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
…

Rule 1.3. Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

Rule 1.4. Communication

(a) A lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules; (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.
(b) The lawyer shall give the client sufficient information to participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued.
…

Rule 4.2. Communication with Persons Represented by Counsel

Unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order, a lawyer in representing a client shall not communicate about the subject of the representation with:
(a) a person the lawyer knows to be represented by another lawyer in the matter;
…

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.

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;

…

C E R T I F I C A T E OF M A I L I N G

IN RE: JONATHAN CURRY HARRIS
DOCKET NO. 25-DB-020

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, by E-mail and/or United States Mail and E-Filed to the Office of Disciplinary Counsel, on September 29, 2025 at the following address:

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Raul V. Esquivel III

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Board Administrator