

The Supreme Court of the State of Louisiana

IN RE: LINDSEY J. LEAVOY

No. 2025-B-01325

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

January 21, 2026

Disbarment imposed. See per curiam.

JDH

PDG

JMG

CRC

AHP

Weimer, C.J., concurs in part and dissents in part and assigns reasons.

McCallum, J., concurs in part and dissents in part for the reasons assigned by Chief Justice Weimer.

Supreme Court of Louisiana

January 21, 2026



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2025-B-1325

IN RE: LINDSEY J. LEAVOY

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Lindsey J. Leavoy, an attorney licensed to practice law in Louisiana, but currently suspended from practice.

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 1988.

On August 7, 2024, we placed respondent on interim suspension for threat of harm to the public. *In re: Leavoy*, 24-0991 (La. 8/7/24), 390 So. 3d 763. In 2025, we suspended respondent from the practice of law for twelve months, with six months deferred, followed by a one-year period of probation, retroactive to the date of his interim suspension, 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 a fee-splitting arrangement. *In re: Leavoy*, 24-1444 (La. 6/3/25), 410 So. 3d 769 (“*Leavoy I*”).

Respondent has served the period of suspension imposed in *Leavoy I*; however, he has not filed a petition for reinstatement, and thus he remains suspended from the practice of law.

Against this backdrop, we now turn to a consideration of the instant misconduct.

FORMAL CHARGES

On June 17, 2024, two payments to ICARS of Orlando, totaling \$19,210, were initiated from respondent's client trust account at Chase Bank. These transactions, which were apparently for the purchase of a vehicle, were returned for insufficient funds. On June 25, 2024, two deposits that had been made to the trust account were returned. As of June 28, 2024, the trust account was overdrawn by more than \$13,000.

The ODC attempted to contact respondent on multiple occasions via his registered mailing and email addresses, requesting information about his client trust account and a response to the overdraft notices; however, respondent failed to respond to any of the ODC's attempt to contact him. The ODC then issued a subpoena for respondent to appear for a sworn statement and produce various trust account documents. Respondent failed to appear for the sworn statement and failed to provide the requested documents.

The ODC was able to subpoena records from the bank, which were reviewed and analyzed by the ODC's forensic auditor. The auditor found evidence suggesting that respondent engaged in a fraudulent check kiting scheme. In June 2024, multiple checks totaling \$111,844.38 were deposited in respondent's client trust account and subsequently returned by the bank. However, prior to the deposits being returned, respondent used the artificially inflated trust account balance to transfer some of the funds to a separate account. The transferred funds were then used to make what appeared to be personal purchases.

The auditor also determined that respondent potentially converted client funds. The balance of the trust account on June 1, 2023 was \$124,048.18, but the

entire amount had been completely disbursed by June 21, 2024. The funds were used by respondent for personal expenses and purchases, with a portion of the funds transferred to respondent's other bank accounts. Respondent also used a portion of the funds to cover charges that were later credited back to the trust account and to cover deposits that were debited back to the trust account. Respondent provided no client records or explanation to confirm whether any of these funds belonged 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.

During its investigation, the ODC contacted the various persons who had allegedly issued the checks that were deposited into respondent's trust account and later returned. None of these individuals were familiar with respondent. Some of the checks had been written on closed accounts, and some of the individuals involved have filed police reports alleging fraud.

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: Rules 1.15(a) (safekeeping property of clients or third persons), 1.15(b) (a lawyer may deposit the lawyer's own funds in a client trust account for the sole purpose of paying bank service charges, but only in an amount necessary for that purpose), 1.15(d) (failure to timely notify and remit funds to a client or third person), 1.15(f) (a lawyer shall subject all trust accounts to a reconciliation process at least quarterly), 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(a) (violation of the Rules of Professional Conduct), 8.4(b) (commission of a criminal act that reflects adversely

on the lawyer's honesty, trustworthiness, or fitness as a lawyer), and 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

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 and the exhibits in the record, the hearing committee determined that the facts establish by clear and convincing evidence that respondent violated Rules 1.15(a), 1.15(b), 8.1(b), 8.1(c), 8.4(a), 8.4(b), and 8.4(c) of the Rules of Professional Conduct.¹ The committee found respondent violated duties owed to his clients, the legal system, and the legal profession. He acted knowingly and intentionally, causing actual harm to purported clients and others through his fraudulent scheme. Relying on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is disbarment.

The committee did not mention the presence of any aggravating or mitigating factors. After considering the court's prior jurisprudence addressing similar misconduct, the committee recommended respondent be disbarred.

¹ The committee did not find clear and convincing evidence that respondent violated Rules 1.15(d) and 1.15(f). As to Rule 1.15(d), there is insufficient evidence that respondent failed to promptly notify clients and/or third parties of his receipt of funds in which they had an interest. As to Rule 1.15(f), there is insufficient evidence that respondent failed to perform the required reconciliations of his client trust account.

Neither respondent nor the ODC filed an objection to the hearing committee's report and 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 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 in this deemed admitted matter supports a finding that respondent misused his client trust account, converted client funds, engaged in a check kiting scheme, and failed to cooperate with the ODC. This conduct amounts to a violation of the Rules of Professional Conduct as found by the committee.

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 clients, the legal system, and the legal profession. His conduct was knowing and intentional, causing actual harm. The applicable baseline sanction is disbarment. The following aggravating factors are supported by the record: a prior disciplinary record, 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, and substantial experience in the practice of law. The record does not support any mitigating factors.

Considering the significant mitigating factors present in this case, a downward deviation from the baseline sanction is unwarranted. Accordingly, we will adopt the hearing committee's recommendation and disbar respondent.

DECREE

Upon review of the findings and recommendation of the hearing committee, and considering the record, it is ordered that Lindsey J. Leavoy, Louisiana Bar Roll number 19004, be and he hereby is 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. 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. 2025-B-01325

IN RE: LINDSEY J. LEAVOY

Attorney Disciplinary Proceeding

WEIMER, C.J., concurring in part and dissenting in part.

I agree that respondent should be disciplined; however, I would grant and docket to consider whether a harsher sanction should be imposed.