

The Supreme Court of the State of Louisiana

IN RE: WILLIAM K. HAWKINS


No. 2022-B-00675

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

June 28, 2022

Disbarment imposed. See per curiam.

JDH
JLW
SJC
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
June 28, 2022


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2022-B-0675

IN RE: WILLIAM K. HAWKINS

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, William K. Hawkins, an attorney licensed to practice law in Louisiana, but currently ineligible to practice.¹

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. In 2008, respondent and the ODC filed in this court a petition for consent discipline based upon allegations that he mishandled client and third-party funds. For this misconduct, the parties proposed that respondent be suspended from the practice of law for one year, fully deferred, subject to one year of unsupervised probation with conditions. After review, we accepted the petition for consent discipline and imposed the proposed discipline. *In re: Hawkins*, 08-2543 (La. 11/14/08), 994 So. 2d 523.

Against this backdrop, we now turn to a consideration of the misconduct at issue in the instant proceeding.

¹ On May 31, 2019, respondent was declared ineligible to practice law for failure to comply with the mandatory continuing legal education requirements. He is also ineligible for failure to pay his bar dues and the disciplinary assessment and for failing to file his trust account disclosure statement.

FORMAL CHARGES

21-DB-037

Count I

Amber Matecun hired respondent to represent her in a workers' compensation matter. According to Ms. Matecun, after May 2019, respondent failed to communicate with her but did discuss her case with her sister-in-law without her permission. Ms. Matecun also claimed that respondent lied about settling the matter several times. Ms. Matecun stopped receiving medical benefits due to respondent's failure to pursue the matter, and she eventually hired attorney James Smith to complete the matter. Mr. Smith indicated he tried numerous times to contact respondent via telephone, text messages, fax, and email to request Ms. Matecun's client file but was unsuccessful. He was, however, ultimately able to settle the matter for Ms. Matecun.

In November 2019, Ms. Matecun filed a disciplinary complaint against respondent. The ODC mailed notice of the complaint to respondent via certified mail, but the notice was returned unclaimed. On March 9, 2020, the ODC's investigator hand-delivered a copy of the complaint to respondent. He failed to submit a response.

Count II

Jessica Weaver hired respondent to represent her in a worker's compensation matter. According to Ms. Weaver, after retaining respondent, he failed to communicate with her and failed to arrange for her medical treatment as promised. Ms. Weaver explained that respondent "kept pretending he was doing his best to get me care" but instead "strung me along for an entire year then disappeared." Ms. Weaver eventually hired a new attorney, who requested that respondent provide Ms. Weaver's client file. However, respondent failed to do so.

In February 2020, Ms. Weaver filed a disciplinary complaint against respondent. The ODC mailed notice of the complaint to respondent via certified mail, but the notice was returned unclaimed. On March 9, 2020, the ODC's investigator hand-delivered a copy of the complaint to respondent. He failed to submit a response.

Count III

Layne Poirrier hired respondent to represent him in a workers' compensation matter. After the initial meeting, respondent failed to communicate with Mr. Poirrier, who eventually hired attorney Robert Snyder. Mr. Snyder learned that respondent failed to file anything on Mr. Poirrier's behalf, causing the matter to be dismissed. According to Mr. Snyder, Mr. Poirrier was entitled to approximately \$50,000 for his injuries. In August 2020, Mr. Snyder filed a malpractice lawsuit against respondent on Mr. Poirrier's behalf. Respondent was served with the lawsuit but failed to timely answer same.

In June 2020, Mr. Poirrier filed a disciplinary complaint against respondent. The ODC mailed notice of the complaint to respondent via certified mail, but the notice was returned unclaimed. On September 16, 2020, the ODC personally served respondent with a subpoena to take his sworn statement on October 6, 2020. Respondent failed to appear for the sworn statement and failed to submit a response to Mr. Poirrier's complaint.

Count IV

In 2016, Cassia McGovern hired respondent to represent her in a workers' compensation matter. Ms. McGovern informed respondent that her workers' compensation payments had stopped, and he indicated he would refile her claim. However, he failed to do so. By June 2017, Ms. McGovern had been fired from her

job for failing to return to work. When workers' compensation refused to approve her medical treatment, she was unable to continue receiving care. Ms. McGovern tried to contact respondent for months, but he failed to communicate with her.

In February 2019, Ms. McGovern filed a disciplinary complaint against respondent. The ODC mailed notice of the complaint to respondent via certified mail, but the notice was returned marked "not deliverable as addressed" and "unable to forward." On April 16, 2019, the ODC hand-delivered a copy of the complaint to respondent. On May 28, 2019, the ODC personally served respondent with a subpoena to take his sworn statement on June 6, 2019. Respondent failed to appear for the sworn statement and failed to submit a response to Ms. McGovern's complaint. He did, however, provide the ODC with a copy of Ms. McGovern's client file.

Count V

In October 2013, Veronica Dennis hired respondent to represent her in a workers' compensation matter. Respondent failed to communicate with Ms. Dennis and abandoned the representation. Ms. Dennis' doctor refused to continue her care because respondent was not pursuing the claim. According to Ms. Dennis, the insurance company wanted to settle the claim but could not do so because of respondent's failure to respond.

In May 2019, Ms. Dennis filed a disciplinary complaint against respondent. The ODC mailed notice of the complaint to respondent via certified mail, but the notice was returned marked "attempted – not known" and "unable to forward." The ODC then hand-delivered a copy of the complaint to respondent. On June 20, 2019, the ODC personally served respondent with a subpoena to take his sworn statement on August 12, 2019. Respondent failed to appear for the sworn statement and failed

to submit a response to Ms. Dennis' complaint. He did, however, provide the ODC with a copy of Ms. Dennis' client file.

21-DB-063

In January 2018, Shirley McLin hired respondent to complete the settlement of her deceased husband's workers' compensation claim, providing him with the documentation needed to proceed with the claim. At some point in 2018, respondent relocated his office. Thereafter, respondent failed to communicate with Ms. McLin despite her numerous attempts to contact him.

In an attempt to talk to respondent, Ms. McLin went to his new office location where she encountered his wife. According to respondent's wife, their bank accounts and cell phones were hacked, and they had to start over with everything; therefore, they were only using one cell phone at the moment. Respondent's wife scheduled an appointment for Ms. McLin with respondent, but he never showed up for the meeting. At their next scheduled meeting, respondent reviewed Ms. McLin's file and informed Ms. McLin he was working on the matter and would contact her soon. In October 2018, respondent informed Ms. McLin that he had filed a lawsuit on her behalf. Ms. McLin was not able to contact respondent again until January 2019 when he informed her that he was awaiting some documents and would contact her when he received them. In March 2020, respondent informed Ms. McLin that he was no longer handling workers' compensation matters and would provide her new attorney with her client file. Ms. McLin hired a new attorney, but respondent failed to provide the attorney with her file, despite numerous attempts to retrieve it. When Ms. McLin contacted the court where respondent had filed her lawsuit, she learned that the court dismissed the case in October 2019. She also learned that respondent had been ineligible to practice law since 2019.

In December 2020, Ms. McLin filed a disciplinary complaint against respondent. The ODC mailed notice of the complaint to respondent via certified mail, but the notice was returned marked “not deliverable as addressed” and “unable to forward.” On March 22, 2021, the ODC’s investigator attempted to hand-deliver notice of the complaint to respondent at his primary and secondary registration addresses. However, the investigator was unable to locate respondent and left a note for him to contact the ODC. Respondent never contacted the ODC.

DISCIPLINARY PROCEEDINGS

In June 2021, the ODC filed formal charges against respondent in 21-DB-037, alleging that his conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.1 (failure to provide competent representation to a client), 1.3 (failure to act with reasonable diligence and promptness in representing a client), 1.4 (failure to communicate with a client), 1.16 (obligations upon termination of the representation), 8.1(c) (failure to cooperate with the ODC in its investigation), and 8.4(a) (violation of the Rules of Professional Conduct). In November 2021, the ODC filed formal charges against respondent in 21-DB-063, alleging that his conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.3, 1.4, 1.16, 8.1(c), and 8.4(a). The ODC filed a motion to consolidate these matters, which motion was granted by the hearing committee in January 2022.

Respondent failed to answer either set of 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 that the factual allegations in the formal charges are deemed admitted. The committee found that respondent has abandoned his clients and the practice of law and consistently exhibited a reckless disregard for the Rules of Professional Conduct. After specifically noting respondent's prior disciplinary record and his lack of cooperation in this disciplinary proceeding, the committee determined respondent violated the Rules of Professional Conduct as alleged in the formal charges.

The committee then determined respondent knowingly, and possibly intentionally, violated duties owed to his clients. His conduct caused significant harm to his clients as well as to the legal profession. Relying on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is disbarment.

In aggravation, the committee found the following factors: a prior disciplinary record, a dishonest or selfish motive, 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, vulnerability of the victims, substantial experience in the practice of law, and indifference to making restitution. The committee determined that no mitigating factors are present.

Turning to the issue of an appropriate sanction, the committee determined that the court has imposed sanctions ranging from a three-year suspension to permanent disbarment in cases involving attorneys who have harmed several clients by abandoning the practice of law. In support, the committee cited the following cases: *In re: Pittman*, 11-2203 (La. 12/16/11), 76 So. 3d 425 (a three-year suspension and payment of restitution for neglecting legal matters, failing to communicate with clients, failing to refund unearned fees and properly terminate representations, and

failing to cooperate with the ODC in its investigations); *In re: Boyer*, 09-1740 (La. 1/22/10), 26 So. 3d 139 (disbarment and payment of restitution for neglecting legal matters, failing to communicate with clients, failing to refund unearned fees, writing an NSF check to a client in the amount of \$10,354.88, and failing to cooperate with the ODC in its investigations); and *In re: Straub*, 08-2354 (La. 1/30/09), 999 So. 2d 1123 (permanent disbarment and payment of restitution for neglecting numerous legal matters, failing to communicate with numerous clients, failing to refund approximately \$43,000 in unearned fees, obtaining a loan from a client and then failing to repay the loan, and failing to cooperate with the ODC in its investigations).

Under these circumstances, the committee recommended respondent be permanently disbarred.

Neither respondent nor the ODC filed an objection to the hearing committee's report. Therefore, pursuant to Supreme Court Rule XIX, § 11(G), the disciplinary board submitted the committee's report 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. While we are not bound in any way by the findings and recommendations of the hearing committee and disciplinary board, we have held the manifest error standard is applicable to the committee's factual findings. *See In re: Caulfield*, 96-1401 (La. 11/25/96), 683 So.2d 714; *In re: Pardue*, 93-2865 (La. 3/11/94), 633 So.2d 150.

The record in this deemed admitted matter supports a finding that respondent neglected legal matters, failed to communicate with clients, failed to provide client

files upon request, and failed to cooperate with the ODC in its investigations. This conduct amounts to a violation of the Rules of Professional Conduct as alleged in the formal charges.

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).

The record further supports a finding that respondent knowingly, if not intentionally, violated duties owed to his clients, causing significant actual harm. The record supports the aggravating factors found by the committee with the exception of indifference to making restitution. There are no mitigating factors discernible from the record.

Based on our review of the record, we agree respondent's misconduct is serious in nature and warrants disbarment. However, we do not find the record demonstrates respondent's actions are so egregious as to demonstrate a convincing lack of ethical and moral fitness to practice law, nor do we find there has been a showing that there is no reasonable expectation of significant rehabilitation in respondent's character in the future. Supreme Court Rule XIX, § 10(A)(1). Accordingly, we decline to accept the committee's recommendation of permanent disbarment and instead impose disbarment.² In doing so, however, we caution

² Although neither party objected to the committee's recommendation, we do not find briefing or oral argument pursuant to Supreme Court Rule XIX, § 11(G)(1)(a) is necessary. As we have explained in prior cases, permanent disbarment is not a distinct sanction from disbarment; rather,

respondent that he will be required to show compelling evidence of rehabilitation before we consider any application for readmission.

DECREE

Upon review of the findings and recommendations of the hearing committee, and considering the record, it is ordered that William K. Hawkins, Louisiana Bar Roll number 18941, 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.

it is simply a limitation on the lawyer's right to seek readmission. *See In re: Laudumiey & Mann*, 03-0234 (La. 6/27/03), 849 So.2d 515, 521 (explaining that "the most serious sanction a lawyer may receive under Rule XIX is the sanction of disbarment" and that the amendment providing for permanent disbarment only "relates to the ability of a disbarred attorney to seek readmission"); *see also In re: Edwards*, 04-0290 (La. 7/2/04), 879 So. 2d 718, 723 at n.7 (explaining the amendments providing for permanent disbarment "do not represent a substantive change to the bar disciplinary rules, nor do they result in the adoption of a new sanction which did not previously exist").