

SUPREME COURT OF LOUISIANA

NO. 2020-B-0119

IN RE: J. RENEE MARTIN

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, J. Renee Martin, an attorney licensed to practice law in Louisiana but currently on interim suspension for threat of harm to the public. *In re: Martin*, 17-0220 (La. 2/15/17), 211 So. 3d 378.

FORMAL CHARGES

Count I – The Hunter Matter

In 2011, Vegenna Hunter hired respondent to represent her in a property dispute with her ex-husband, paying her approximately \$6,500 for the representation. Thereafter, respondent failed to return Ms. Hunter’s telephone calls, failed to attend meetings, and cancelled scheduled meetings. On September 10, 2012, Ms. Hunter appeared for a scheduled hearing in the matter only to find out that respondent had rescheduled the hearing without informing her.

Ms. Hunter was ultimately able to resolve the matter with her ex-husband without respondent’s assistance. She requested a refund of unearned fees, an accounting, and the return of her file. Respondent failed to refund any portion of the fee or provide an accounting.

On December 18, 2014, the ODC received a complaint from Ms. Hunter. On February 5, 2015, notice of the complaint was delivered to respondent via certified mail. Respondent failed to cooperate with the ODC in its investigation of the matter.

The ODC alleged that respondent's conduct violated Rules 1.3 (failure to act with reasonable diligence and promptness in representing a client), 1.4 (failure to communicate with a client), 1.5(f)(5) (failure to refund an unearned fee), 1.16(d) (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) of the Rules of Professional Conduct.

Count II – The Robinson Matter

In December 2011, Ronald Robinson, Sr. hired respondent to quiet title on three pieces of property. Mr. Robinson paid respondent for these services, but respondent never completed the work. Throughout the representation, respondent also failed to communicate with Mr. Robinson, including refusing to open her office door more than a crack to speak with him.

In May 2015, Mr. Robinson fired respondent and requested a copy of his file. Respondent's staff informed Mr. Robinson that he would have to pay for the copying of the file, and Mr. Robinson provided a \$48 money order for the copying fee. Nevertheless, he did not receive a copy of his file until it was delivered to his new attorney on November 3, 2016, more than one year after his request and payment. Respondent also never refunded the unearned portion of the fee.

On October 31, 2015, the ODC received a complaint from Mr. Robinson. In response to the complaint, respondent claimed Mr. Robinson was not due a refund because he owed her money. Despite the ODC's requests, respondent failed to provide an accounting. Respondent also failed to respond to subpoenas issued for the client file and for her trust account records.

The ODC alleged that respondent's conduct violated Rules 1.3, 1.4, 1.5(f)(5), 1.16(d), 8.1(c), and 8.4(a) of the Rules of Professional Conduct.

Count III – The Williams Matter

Adeline Williams hired respondent to represent her in an ancillary divorce proceeding. Between June 2010 and January 2016, respondent filed numerous continuances via telephone and failed to appear in court without explanation on four occasions. On one occasion, respondent filed a motion to compel, which motion was ultimately dismissed due to respondent's failure to appear at the related hearing. Despite court minutes to the contrary, respondent asserted that she only missed court once due to illness.

In her last appearance in court on January 8, 2016, the judge ordered respondent to file the total amount of spousal support owed by the opposing party within thirty days. Although Ms. Williams repeatedly reminded respondent of the deadline, she failed to comply with the order. On February 12, 2016, the judge denied Ms. Williams' request for spousal support payments. Ms. Williams only learned of the denial when she contacted the court to inquire whether respondent had submitted the required information.

Respondent also failed to communicate with Ms. Williams by refusing to return her telephone calls and refusing to meet with her. Once when Ms. Williams went to respondent's office, respondent's assistant denied respondent was in the office, but Ms. Williams looked through a window and saw respondent sitting at her desk. On another occasion, Ms. Williams knocked on respondent's door, but respondent refused to answer.

On March 14, 2016, the ODC received a complaint from Ms. Williams. Respondent failed to cooperate with the ODC in its investigation and failed to respond to subpoenas issued for the client file and for her trust account records.

The ODC alleged that respondent's conduct violated Rules 1.3, 1.4, 1.16(d), 8.1(c), 8.4(a), 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) of the Rules of Professional Conduct.

Count IV – The Contempt of Court/Melton Matter

Despite receiving notice, respondent failed to appear as counsel for Sheldon Melton at a February 2, 2016 court date in the case of *Melton v. Johnson*, No. F202105 on the docket of the 19th Judicial District Court. On February 16, 2016, respondent again failed to appear in court, and a bench warrant was issued. The bench warrant and contempt hearing took place on March 22, 2016, during which respondent provided unsatisfactory answers about the missed court dates. The judge fined respondent \$100 to recall the bench warrant, found her in contempt of court for failing to appear, fined her \$500 for failing to appear, and sentenced her to thirty days in jail, which was suspended upon her payment of the \$500 fine.

On April 14, 2016, the ODC mailed notice of the disciplinary complaint to respondent via certified mail, but respondent failed to claim the mail. On June 22, 2016, the ODC's investigator hand-delivered a copy of the complaint to respondent. During her subsequent sworn statement to the ODC, respondent alleged that she failed to appear in court on February 2, 2016 because she believed the court date was February 23, 2016 due to an error on her copy of the notice. The ODC showed respondent the notice of the court date, which she had signed, that clearly read the matter was set for February 2, 2016. Furthermore, during the contempt hearing, respondent never alleged any problems with the notice. Thereafter, respondent failed to respond to the ODC's requests and subpoenas for the client file and for her trust account records.

The ODC alleged that respondent's conduct violated Rules 1.3, 1.4, 1.5(f)(5), 1.16(d), 8.1(c), and 8.4(a) of the Rules of Professional Conduct.

Count V – The Brooks Matter

Dexter Brooks retained respondent to represent him in a criminal matter. The court minutes show that respondent failed to appear in court on seven occasions despite being contacted by Mr. Brooks, his family, the assistant district attorney ("ADA"), and the court.

During her sworn statement to the ODC, respondent claimed that she did not recall missing any court dates for Mr. Brooks. Respondent also claimed that she recalled another attorney standing in for her for some of the court appearances; however, there is no reflection in the court minutes of any such substitution.

The ADA assigned to prosecute Mr. Brooks' case reported to the ODC that, between October 2014 and January 2016, respondent failed to comply with deadlines, failed to return telephone calls from both the court and the district attorney's office, and was untruthful in her statements to both the court and the district attorney's office. The ADA detailed an instance wherein respondent stated in open court that the State had failed to submit discovery despite the fact that respondent had not yet formally requested discovery. Later, after the State sent discovery, respondent denied having received it. Respondent also failed to timely file a motion to suppress despite representing to the court and the ADA that it had been filed multiple times.

On April 25, 2016, the ODC received a complaint from Mr. Brooks. Respondent failed to respond to the ODC's requests and subpoenas for the client file and for her trust account records. She also failed to return Mr. Brooks' file to him or provide an accounting despite multiple requests from Mr. Brooks and his family.

The ODC alleged that respondent's conduct violated Rules 1.3, 1.4, 1.5(f)(5), 1.16(d), 8.1(c), 8.4(a), and 8.4(d) of the Rules of Professional Conduct.

Count VI – The Lewis Matter

In 2011, Thyra Lewis hired respondent to represent her in a family law matter. Despite being paid to file several pleadings, respondent failed to complete those tasks. Additionally, respondent repeatedly failed to return Ms. Lewis' telephone calls and correspondence. She also failed to appear in court multiple times. Ms. Lewis fired respondent in August 2014 and hired another attorney to complete the matter. She also requested a refund of the fee she paid to respondent.

On September 15, 2016, the ODC received a complaint from Ms. Lewis. During her sworn statement to the ODC, respondent admitted that she did not complete Ms. Lewis' legal matter and agreed that Ms. Lewis was entitled to a refund. However, respondent did not make any attempt to refund the unearned fees until December 2016, nearly a year and a half after Ms. Lewis' request. Ms. Lewis asserted that the refund provided by respondent was incorrect, but respondent did not provide an accounting in order to verify whether the refunded amount was sufficient. Respondent also failed to respond to the ODC's requests and subpoenas for the client file and for her trust account records.

The ODC alleged that respondent's conduct violated Rules 1.3, 1.4, 1.5(f)(5), 1.16(d), 8.1(c), 8.4(a), and 8.4(d) of the Rules of Professional Conduct.

Count VII – The Failure to Appear/Moffett Matter

On September 17, 2016, the ODC received a complaint from Judge Jules Edwards, III of the 15th Judicial District Court regarding respondent's repeated failures to appear on behalf of her criminal client, Jalynn Moffett. Judge Edwards' complaint, which was based on court records, provided the following information:

1. On January 23, 2014, respondent was present in court for a hearing on a rule for contempt and motions. At that time, respondent provided proof of payment of a previously ordered contempt fine and presented arguments about

why she had previously appeared late in open court. The motions that were to be heard that day were continued to April 3, 2014.

2. On April 3, 2014, respondent's client was present without counsel, and the matter was continued.
3. In May 2015, the matter was set for a pretrial hearing. However, neither respondent nor her client appeared, and a fugitive warrant was issued for respondent's client.
4. On February 18, 2016, respondent's client was present in court, but respondent again failed to appear.
5. On April 28, 2016, the matter came before the court for a pretrial hearing. Respondent's client was present, but respondent again failed to appear. That day, the court issued a rule for contempt for respondent to appear and show cause on May 26, 2016.
6. On May 26, 2016, respondent's client was present, but respondent was not. The rule for contempt and pretrial conference were reset for July 7, 2016 due to the inability to serve respondent at the address she had given to the clerk of court. Service was eventually perfected for the pretrial conference; however, despite several attempts by the Sheriff's Office and multiple conversations with respondent's secretary, service could not be perfected for the rule for contempt. Respondent contacted the clerk of court to inquire about the nature of the hearings set for July 7, 2016 and was informed of the contempt proceeding. Under the circumstances, Judge Edwards concluded that respondent was willfully attempting to avoid service.

On July 6, 2016, respondent filed a motion to continue the July 7, 2016 hearing, citing her attendance at a destination wedding. The motion to continue did not explain why she had failed to appear in court on the previously cited occasions. Simultaneously with the motion to continue, respondent filed a motion to withdraw.

Both motions were denied for lack of supporting evidence and the history of respondent's failure to provide her client with adequate representation. The pretrial conference and the rule for contempt were reset for September 12, 2016. The sheriff again made many attempts to serve respondent and contact her office, to no avail.

Respondent did not timely respond to the complaint filed against her by Judge Edwards. She also failed to submit any of the attachments referenced in her untimely response faxed to the ODC on November 1, 2016. Finally, respondent failed to respond to the ODC's requests and subpoenas for the client file.

The ODC alleged that respondent's conduct violated Rules 1.3, 1.4, 8.1(c), 8.4(a), and 8.4(d) of the Rules of Professional Conduct.

Count VIII – The Malesha Gallien Matter

Malesha Gallien retained respondent to represent her in a personal injury matter stemming from an April 2015 automobile accident that occurred while she was driving her boyfriend's vehicle. The day after the accident, Ms. Gallien signed a 36% contingency fee agreement with respondent.

Thereafter, respondent failed to keep Ms. Gallien informed of the status of her claim and failed to return her telephone calls. As a result of respondent's failure to communicate, Ms. Gallien contacted the insurance company directly and eventually provided the insurer with a recorded statement in order to move the claim forward.

After the recorded statement, Ms. Gallien's boyfriend received a check for the property damage to his vehicle. Several weeks later, respondent contacted Ms. Gallien and requested a \$350 attorney's fee for the property damage settlement. Ms. Gallien denied ever signing a contract with respondent related to the property damage claim and denied that her boyfriend hired respondent to represent him relative to the accident.

In December 2015, again frustrated with the lack of communication, Ms. Gallien contacted the insurer and learned that it had sent several letters to respondent regarding a settlement and release related to her personal injury claim. A copy of the \$1,700 cashed settlement check revealed that respondent endorsed the check on her own behalf and on Ms. Gallien's behalf. Ms. Gallien was never informed of the settlement offer and never provided consent to settle the matter.

On January 19, 2016, Ms. Gallien went to respondent's office to inquire about the settlement and release. While in the parking lot, Ms. Gallien called respondent using a blocked number. Someone identifying herself as "Asia" answered the phone. While still on the phone with "Asia," Ms. Gallien knocked on respondent's office door. Respondent was in the office, and after making eye contact with Ms. Gallien, she hung up the phone and closed the blinds. Ms. Gallien confirmed her suspicion that respondent was pretending to be "Asia" to avoid communicating with her clients. After Ms. Gallien repeatedly knocked, respondent eventually opened the door. She and Ms. Gallien began arguing, but ultimately they decided to meet the following day.

Ms. Gallien returned to respondent's office the next day, and respondent gave her a \$400 check purporting to be her recovery for the personal injury claim. However, respondent had deducted her contingency fee as well as \$395 for the property damage claim. Another argument ensued, resulting in both Ms. Gallien and respondent calling the police.

A few days later, Ms. Gallien learned she was being charged with assault, battery, and disturbing the peace. Ms. Gallien appeared for a scheduled court date in the criminal matter in June 2016, but the matter was continued because respondent did not appear. At the continued date on July 28, 2016, respondent again did not appear, and the criminal charges against Ms. Gallien were dismissed.

On September 28, 2016, the ODC received a complaint from Ms. Gallien. On May 23, 2017, after still not receiving any settlement funds, Ms. Gallien filed a complaint against respondent with the police. The police charged respondent with felony theft and practicing law without a license. On September 28, 2018, respondent was arrested in Texas for being a fugitive from justice in Baton Rouge. Respondent was extradited to Baton Rouge where she was formally arrested on October 15, 2018.

The ODC alleged that respondent's conduct violated Rules 1.2(a) (scope of the representation), 1.3, 1.4, 1.5(f)(5), 1.15(d) (failure to timely remit funds to a client or third party), 1.16(d), 8.1(c), 8.4(a), 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer), 8.4(c), and 8.4(d) of the Rules of Professional Conduct.

Count IX – The Sammy Gallien Matter

In 2015, Sammy Gallien, Jr., hired respondent to represent him in a personal injury matter and a DWI matter. Respondent and Mr. Gallien agreed to a \$3,500 fee for the DWI representation, but he was only required to pay \$500 at the outset, with the remainder of the DWI fee to come out of his personal injury settlement.

Respondent failed to appear in court at Mr. Gallien's first scheduled criminal court date, and the matter was continued. Respondent did appear at the next court date, but she was unprepared and requested a continuance. Thereafter, she began to demand more money from Mr. Gallien even though the personal injury case had not settled. Respondent failed to appear at the next court appearance and failed to return telephone calls from both Mr. Gallien and his family.

Mr. Gallien began sending respondent documents pertinent to the personal injury matter, but he could not reach respondent to discuss the documents or his criminal matter. The day before he was scheduled to appear in court again on the

DWI charge, he repeatedly called respondent, to no avail. Respondent again failed to appear in court. Because respondent stopped communicating with Mr. Gallien, he hired new counsel, who sent certified letters to respondent asking her to withdraw from the DWI matter and return the file, neither of which respondent did.

On November 8, 2016, the ODC received a complaint from Mr. Gallien. Respondent failed to respond to the complaint despite receiving notice via certified mail on January 12, 2017.

The ODC alleged that respondent's conduct violated Rules 1.3, 1.4, 1.5(f)(5), 1.16(d), 8.1(c), and 8.4(a) of the Rules of Professional Conduct.

Count X – The Palmer Matter

Mark Palmer hired respondent to represent him in a child support matter. Despite receiving payment of her \$1,550 fee in August 2016, respondent failed to perform any work in the matter. On October 24, 2016, Mr. Palmer terminated respondent's representation and requested a refund. Respondent did not respond to Mr. Palmer's correspondence or refund the fee.

On December 7, 2016, the ODC received a complaint from Mr. Palmer. Respondent failed to respond to the complaint.

The ODC alleged that respondent's conduct violated Rules 1.3, 1.4, 1.5(f)(5), 1.16(d), 8.1(c), and 8.4(a) of the Rules of Professional Conduct.

Count XI – The Williamson Matter

In April 2016, Brandon and Linda Williamson paid respondent \$1,500 to handle a child custody matter. Several months later, respondent advised the Williamsons they had a court date in August 2016. They contacted respondent prior to the court date, and respondent advised that the court date was postponed because the opposing party had agreed to settle the matter. They repeatedly tried to contact

respondent for a status update, but respondent failed to respond. In January 2017, respondent contacted the Williamsons and explained that the only way to complete the matter was if they paid an additional \$200 in court costs. Ms. Williamson sent respondent the \$200.

On February 15, 2017, respondent was interimly suspended from the practice of law. On March 1, 2017, the ODC sent respondent notice via certified mail, notifying her of obligations under Supreme Court Rule XIX, § 26 to notify all clients of her interim suspension. On March 3, 2017, the ODC's investigator personally served respondent with a copy of this court's order interinly suspending her.

An e-mail exchange between respondent and Ms. Williamson, which began in April 2017, revealed that respondent purportedly sent the Williamsons a copy of their file in addition to a return of the \$200 in court costs. They denied ever receiving this package. Ms. Williamson continued to send e-mails, inquiring about the status of the matter. Respondent never informed them she had been interinly suspended or that she was otherwise withdrawing from the matter.

On June 1, 2017, Ms. Williamson sent an e-mail terminating respondent's services and requesting a refund of \$750. She also indicated that they never received any package from respondent. In reply, respondent stated that no refund was due because additional funds were owed for her legal work.

The Williamsons obtained new counsel, and the new attorney's research revealed that respondent had filed a Petition to Modify Custody in June 2016. Ms. Williamson denied ever being furnished with a copy of the petition or ever appearing in court to be heard on the matter. Ms. Williamson also asserted that, while the petition may have been filed, the child custody matter was not resolved until after respondent was fired.

On May 22, 2017, the ODC received a complaint from the Williamsons, which asserted, among other things, that respondent lied about the August 2016

settlement. On June 6, 2017, notice of the complaint was sent to respondent via certified mail but was returned as not deliverable. Respondent failed to respond to the complaint.

The ODC alleged that respondent's conduct violated Rules 1.3, 1.4, 1.5(f)(5), 1.16(d), 8.1(c), and 8.4(a) of the Rules of Professional Conduct.

Count XII – The Jones Matter

In February 2017, Latoya Jones paid respondent \$500 to represent her in a child support matter. In March 2017, respondent told Ms. Jones that she had a court date set on May 18, 2017. Ms. Jones indicated she repeatedly tried to contact respondent in advance of the court date, but respondent failed to respond to her inquiries. On May 18, 2017, Ms. Jones appeared in court and learned that nothing had been filed on her behalf and that her matter was not scheduled to be heard. Ms. Jones never received a refund of the fees paid.

Respondent was interimly suspended on February 15, 2017 and was personally served with notice of same on March 3, 2017. Nevertheless, she did not notify Ms. Jones of her interim suspension. Moreover, respondent engaged in the unauthorized practice of law by working on Ms. Jones' legal matter after she knew she was interimly suspended.

On May 19, 2017, the ODC received a complaint from Ms. Jones. On May 24, 2017, notice of the complaint was sent to respondent via certified mail but was returned as not deliverable. Respondent failed to respond to the complaint.

The ODC alleged that respondent's conduct violated Rules 1.3, 1.4, 1.5(f)(5), 1.16(d), 5.5 (engaging in the unauthorized practice of law), 8.1(c), and 8.4(a) of the Rules of Professional Conduct.

Count XIII – The Kaufman Matter

On June 6, 2017, the ODC received a copy of a divorce petition filed in the matter of *Vernon Kaufman v. Khyra Jordan Kaufman*, No. 207099 on the docket of the Family Court for the Parish of East Baton Rouge. The petition was signed by Vernon Kaufman, in proper person. The petition was verified by an “Affidavit of Verification” signed by Mr. Kaufman and notarized by respondent on April 27, 2017.

On July 6, 2017, Mr. Kaufman appeared at the ODC’s office and provided a sworn statement. He testified that he hired respondent in September 2016 to represent him in a divorce, purportedly paying her \$1,200 for the representation. Initially, Mr. Kaufman filed a petition for divorce under La. Civ. Code art. 102. However, at some point, respondent explained to Mr. Kaufman that it would be quicker and easier for him if he “converted” his divorce by filing a petition for divorce under La. Civ. Code art. 103. After the time delays ran, Mr. Kaufman contacted respondent to inquire about the divorce. Respondent told Mr. Kaufman that her license to practice law had been suspended and she could no longer handle the case. Mr. Kaufman was upset because he had paid respondent to complete the divorce, and she explained that she could help him finalize the divorce by telling him what to do. Despite being interimly suspended, respondent prepared the pleadings and arranged to meet with Mr. Kaufman to provide him with the documents and notarize same. The “Affidavit of Verification” was notarized by respondent on April 27, 2017. The petition and affidavit were filed in the court record on the same date. At the time of his sworn statement, Mr. Kaufman was unaware of the status of his divorce and whether it was finalized. Mr. Kaufman also indicated respondent failed to return his telephone calls and text messages and failed to refund any portion of the \$1,200 fee.

The disciplinary complaint was sent to respondent via certified mail on June 14, 2017 but was returned on July 10, 2017 as “Attempted – Not Known Unable to Forward.” On August 18, 2017, the ODC’s investigator attempted to serve respondent with the complaint at her mother’s house in Natchitoches. Respondent’s mother informed the investigator that respondent was in Houston and would return on August 21, 2017. She also advised the investigator she would contact respondent so she could make arrangements to get the documents. Nevertheless, respondent did not contact the ODC.

The ODC alleged that respondent’s conduct violated Rules 1.4, 1.5(f)(5), 5.5, 8.1(c), and 8.4(a) of the Rules of Professional Conduct.

DISCIPLINARY PROCEEDINGS

In July 2019, the ODC filed formal charges against respondent as set forth above. 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 hearing committee’s consideration.

Hearing Committee Report

After considering the ODC’s deemed admitted submission, the hearing committee acknowledged that the factual allegations set forth in the formal charges are deemed admitted and proven by clear and convincing evidence. Based on these facts, the committee determined that respondent violated Rules 1.2(a), 1.3, 1.4, 1.15(d), 1.5(f)(5), 1.16(d), 5.5, 8.1(c), 8.4(a), 8.4(b), 8.4(c), and 8.4(d) of the Rules of Professional Conduct.

The committee then determined that respondent intentionally violated duties owed to her clients, the public, the legal system, and the legal profession. Her conduct caused significant, actual harm to her clients and unwarranted delay and wasted resources during the ODC's investigations. Relying on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is disbarment. After noting that respondent failed to submit any evidence of mitigating factors, the committee determined the following aggravating factors are present: a 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, refusal to acknowledge the wrongful nature of the conduct, indifference to making restitution, and illegal conduct. Although the committee did not consider respondent's prior disciplinary record as an aggravating factor, it did note that she was publicly reprimanded in 2014 for failing to return a client's file upon request. *In re: Martin*, 14-0895 (La. 5/23/14), 138 So. 3d 1229.

In determining an appropriate sanction, the committee considered respondent's conduct in light of the permanent disbarment guidelines set forth in Supreme Court Rule XIX, Appendix D. Specifically, the committee concluded that respondent's conduct falls within Guideline 8, which provides that permanent disbarment may be warranted when an attorney continues to practice law following notice of his or her suspension or disbarment. Accordingly, the committee recommended respondent be permanently disbarred.

Neither respondent nor the ODC filed an objection to the hearing committee's recommendation. Therefore, pursuant to Supreme Court Rule XIX, § 11(G), the disciplinary board submitted the committee's report to the court for review.¹

¹ As amended effective May 15, 2019, Supreme Court Rule XIX, § 11(G) provides that "[i]f the parties do not file objections to the hearing committee report, the board shall promptly submit the hearing committee's report to the court."

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 neglected legal matters, failed to communicate with clients, failed to refund unearned fees, settled a personal injury claim without a client's consent, failed to remit funds belonging to a client, failed to return client files upon termination of the representation, was held in contempt of court for failing to appear for scheduled hearings, practiced law after being interimly suspended, and failed to cooperate with the ODC in its investigations. Based on these facts and the evidence submitted in support thereof, respondent has violated the Rules of Professional Conduct as follows:

The Hunter Matter – The record supports a finding that respondent violated the Rules of Professional Conduct as charged. However, although respondent failed

to fully cooperate with the ODC during its investigation, in violation of Rule 8.1(c), we note her testimony during her November 4, 2016 sworn statement that she lost Ms. Hunter's file in the August 2016 flooding in Baton Rouge.

The Robinson Matter – The record supports a finding that respondent violated the Rules of Professional Conduct as charged. With respect to Rule 1.16(d), although respondent did eventually provide Mr. Robinson with his file, she did not promptly do so as required by this rule. Furthermore, although respondent failed to fully comply with the ODC's request for an accounting and her trust account records, in violation of Rule 8.1(c), we note her testimony during her November 4, 2016 sworn statement that she lost part of Mr. Robinson's file in the August 2016 flooding in Baton Rouge.

The Williams Matter – The record supports a finding that respondent violated the Rules of Professional Conduct as charged, with the exception of Rule 1.16(d) as neither the factual allegations nor the evidence indicate that the representation was ever terminated. Furthermore, although respondent failed to fully cooperate with the ODC during its investigation and did not comply with the ODC's requests for her trust account records, in violation of Rule 8.1(c), we note her testimony during her November 4, 2016 sworn statement that she lost Ms. Williams' file in the August 2016 flooding in Baton Rouge.

The Contempt of Court/Melton Matter – The record supports a finding that respondent violated Rules 1.3, 8.1(c), and 8.4(a). Furthermore, although respondent failed to fully comply with the ODC's request for her trust account records, in violation of Rule 8.1(c), we note her testimony during her November 4, 2016 sworn statement that she lost Mr. Melton's file in the August 2016 flooding in Baton Rouge. The record does not support a finding that respondent violated Rules 1.4, 1.5(f)(5), and 1.16(d) as neither the deemed admitted factual allegations nor the evidence indicate such violations.

The Brooks Matter – The record supports a finding that respondent violated the Rules of Professional Conduct as charged. Specifically regarding Rule 1.5(f)(5), the evidence reflects that both respondent and Mr. Brooks stated he paid her \$10,000 for the representation, and the record contains receipts to that effect; nevertheless, respondent failed to account for or refund any of this money. Furthermore, although respondent failed to fully comply with the ODC's request for her trust account records, in violation of Rule 8.1(c), we note her testimony during her November 4, 2016 sworn statement that she lost Mr. Brooks' file in the August 2016 flooding in Baton Rouge.

The Lewis Matter – The record supports a finding that respondent violated the Rules of Professional Conduct as charged.

The Failure to Appear/Moffett Matter – The record supports a finding that respondent violated the Rules of Professional Conduct as charged.

The Malesha Gallien Matter – The record supports a finding that respondent violated the Rules of Professional Conduct as charged.

The Sammy Gallien Matter – The record supports a finding that respondent violated the Rules of Professional Conduct as charged.

The Palmer Matter – The record supports a finding that respondent violated the Rules of Professional Conduct as charged.

The Williamson Matter – The record supports a finding that respondent violated the Rules of Professional Conduct as charged.

The Jones Matter – The record supports a finding that respondent violated the Rules of Professional Conduct as charged. However, further explanation is necessary regarding the Rule 5.5 violation. In her disciplinary complaint, Ms. Jones indicated that she paid respondent \$500 on February 24, 2017; however, during her July 2, 2018 sworn statement, Ms. Jones told the ODC she paid respondent on February 15, 2017 based on text messages with respondent. As such, the record

indicates that respondent accepted fees for legal representation either on or after the day she was interimly suspended and never refunded those fees, in violation of Rule 5.5. Furthermore, the deemed admitted factual allegation that respondent engaged in the unauthorized practice of law by working on Ms. Jones' legal matter after she knew she was interimly suspended is manifestly erroneous given that the record indicates respondent did no work on the matter.

The Kaufman Matter – The record supports a finding that respondent violated the Rules of Professional Conduct as charged. With respect to Rule 1.5(f)(5), Mr. Kaufman told the ODC that he paid respondent \$1,200 in cash but did not get a receipt. He also seemed to indicate that the remainder of respondent's fee was paid through a trade of services. That is, he had already done some work on respondent's house when he requested her legal representation; instead of her paying him for that work, she agreed to provide him with legal services for only \$1,200. Nevertheless, she was not able to complete the representation because of her interim suspension. Therefore, arguably some of the \$1,200 is unearned and has not been refunded, in violation of Rule 1.5(f)(5). With respect to Rule 5.5, Mr. Kaufman told the ODC that respondent informed him of her interim suspension but indicated she would "help you and tell you what to do." Thereafter, Mr. Kaufman met with respondent, who presented him with the petition for 103 divorce, which he signed and she notarized, all of which occurred after respondent's interim suspension, in violation of Rule 5.5.

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 intentionally violated duties owed to her clients, the public, the legal system, and the legal profession, causing significant harm to her clients. We agree with the hearing committee that the applicable baseline sanction is disbarment. Aggravating factors include 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, substantial experience in the practice of law, and indifference to making restitution. No mitigating factors are discernible from the record.

In its report, the committee concluded that respondent’s offenses are so egregious that she should be permanently prohibited from applying for readmission to the bar. We agree. Respondent has failed to account for or refund approximately \$27,000 in client funds. In one instance, she settled a personal injury claim without her client’s consent. She then failed to remit the funds owed to the client from the settlement and took an unauthorized fee from the settlement for work she was not contracted to do. The record further indicates that respondent practiced law after being placed on interim suspension. Such conduct falls under Guideline 1 (repeated or multiple instances of intentional conversion of client funds with substantial harm) and Guideline 8 (following notice, engaging in the unauthorized practice of law during a period of time in which the lawyer is suspended or disbarred) of the permanent disbarment guidelines set forth in Supreme Court Rule XIX, Appendix D.

Under these circumstances, we will adopt the committee’s recommendation and permanently disbar respondent. Although the committee did not make a

recommendation regarding restitution, we will also order respondent to pay restitution to all clients, as appropriate.²

DECREE

Upon review of the findings and recommendation of the hearing committee, and considering the record, it is ordered that J. Renee Martin, Louisiana Bar Roll number 30161, be and she hereby is permanently disbarred. Her name shall be stricken from the roll of attorneys and her license to practice law in the State of Louisiana shall be revoked. Pursuant to Supreme Court Rule XIX, § 24(A), it is further ordered that respondent be permanently prohibited from being readmitted to the practice of law in this state. It is further ordered that respondent shall pay restitution to her clients, as appropriate. 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 record indicates that respondent was paid (or received) and has failed to account for the following funds: \$6,500 in the Hunter Matter; \$1,000 in the Robinson Matter; \$10,000 in the Brooks Matter; \$3,000 (\$150 of which was refunded) in the Lewis Matter; \$795 in the Malesha Gallien Matter; \$800 in the Sammy Gallien Matter; \$1,550 (\$150 of which was refunded) in the Palmer Matter; \$1,700 in the Williamson Matter; \$500 in the Jones Matter, and \$1,200 in the Kaufman Matter.