

The Supreme Court of the State of Louisiana

IN RE: SONYA ELOYACE HALL

No. 2024-B-00029

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

April 03, 2024

Suspension imposed. See per curiam.

JDH

JLW

JTG

WJC

JBM

PDG

Crichton, J., concurs in part, dissents in part, and assigns reasons.

Supreme Court of Louisiana

April 03, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2024-B-0029

IN RE: SONYA ELOYACE HALL

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Sonya Eloyace Hall, 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 1997.

In December 2021, respondent consented to be suspended from the practice of law for one year and one day, with all but thirty days deferred, followed by a two-year period of probation with conditions, for mishandling her client trust account and failing to cooperate with the ODC’s investigation. *In re: Hall*, 21-1389 (La. 12/21/21), 329 So. 3d 281 (“*Hall I*”). After respondent served the actual period of suspension, her probationary period began on February 7, 2022.

In September 2023, the ODC and respondent filed a joint motion to revoke probation based upon respondent’s violation of the conditions of her probation. We granted the motion, thereby making the previously deferred portion of the one year and one day suspension imposed in *Hall I* executory. *In re: Hall*, 23-1081 (La. 9/26/23), 370 So. 3d 714 (“*Hall II*”).

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

FORMAL CHARGES

In July 2020, Renee Michelle Darensbourg hired respondent to represent her in civil litigation pending in East Baton Rouge Parish. The parties entered into a written fee agreement that set forth a \$3,500 attorney's fee for representation through "pre-trial." Respondent confirms that she received \$3,500 from Ms. Darensbourg, who also paid court costs.

Pursuant to the representation, respondent filed an answer to the supplemental and amending petition, a third-party demand, and a corrected third-party demand, but the last activity of record is correspondence in which respondent provided the clerk of court with corrected service information. Although the correspondence is dated July 30, 2021, it was not filed into the record until October 6, 2021.

On January 6, 2022, Ms. Darensbourg contacted respondent seeking information concerning the status of her legal matter. Respondent advised that she was under active suspension and was unable to discuss the matter until the suspension ended. Although respondent satisfied the requirements for reinstatement as of January 24, 2022, Ms. Darensbourg was unable to contact respondent or confirm that any further action was taken on her behalf.

In August 2022, Ms. Darensbourg filed a complaint against respondent with the ODC. In February 2023, respondent advised Ms. Darensbourg by text message that she was withdrawing from the representation. However, respondent did not provide documentation to establish that she did, in fact, file a motion to withdraw with the district court, and the court record does not reflect such a filing. Respondent did not return any of the fee paid by Ms. Darensbourg.

Respondent failed to respond to the first notice of the complaint or comply with the ODC's request for a supplemental response, necessitating the issuance of a subpoena compelling her appearance at a sworn statement. The subpoena included an order instructing respondent to produce the supplemental response, a copy of the client file, and the financial records associated with the representation. Respondent appeared for the sworn statement and provided the ODC with a copy of the file; however, she did not produce the financial records or the supplemental response.

DISCIPLINARY PROCEEDINGS

In July 2023, the ODC filed formal charges against respondent, alleging her 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), 1.16(c) (a lawyer must comply with applicable law requiring notice or permission of a tribunal when terminating a representation), 1.16(d) (obligations upon termination of the representation), 3.2 (failure to make reasonable efforts to expedite litigation), 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.

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 and the exhibits in the record, the hearing committee adopted the deemed admitted factual allegations

set forth in the formal charges as its factual findings. The committee determined that these facts establish by clear and convincing evidence that respondent violated the Rules of Professional Conduct as charged.

The committee determined respondent violated duties owed to her client, the legal system, and the legal profession. Respondent acted negligently and intentionally, and her conduct caused actual harm. Relying on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is suspension.

The committee determined that the following aggravating factors are present: a prior disciplinary record, a pattern of misconduct, multiple offenses, substantial experience in the practice of law, and indifference to making restitution. The committee determined that the only mitigating factor is the absence of a dishonest or selfish motive.

Based upon the above findings, the committee recommended respondent be suspended from the practice of law for six months, with this suspension to run consecutively to the suspension imposed in *Hall II*. The committee also recommended respondent be ordered to provide an accounting to Ms. Darenbourg and provide restitution of any unearned fees. The committee further recommended respondent be assessed with all costs and expenses of this proceeding.

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.

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 a legal matter, failed to communicate with a client, improperly terminated a representation, and failed to cooperate with the ODC in its investigation. Based on these findings, respondent violated 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 supports a finding that respondent knowingly violated duties owed to her client, the legal system, and the legal profession. Her conduct caused actual harm. The baseline sanction for this type of misconduct is suspension. Aggravating factors include a prior disciplinary record, a pattern of misconduct, substantial experience in the practice of law, and indifference to making restitution. The only mitigating factor supported by the record is the absence of a dishonest or selfish motive.

Based on our review, we agree that a six-month suspension from the practice of law is appropriate for respondent's misconduct.¹ In *In re: Johnson*, 21-1558 (La. 1/26/22), 331 So. 3d 902, an attorney neglected a legal matter, failed to communicate with a client, failed to properly withdraw from a representation, failed to fulfill his professional obligations, and failed to cooperate with the ODC in its investigation. His conduct was knowing and caused actual harm. Aggravating factors included multiple offenses, vulnerability of the victim, and substantial experience in the practice of law. Mitigating factors included the absence of a prior disciplinary record, personal or emotional problems, full and free disclosure to the disciplinary board or a cooperative attitude toward the proceedings, and remorse. For this misconduct, we suspended the attorney from the practice of law for six months.

By comparison, we note that the attorney in *Johnson* had several mitigating factors present, including the absence of a prior disciplinary record. Respondent, on the other hand, has only one mitigating factor present. She has also been disciplined in the past. However, the attorney in *Johnson* had additional misconduct based on his failure to comply with his professional obligations. On balance, we believe these

¹ The misconduct in *Hall I* occurred between 2017 and 2019, while the misconduct in the instant matter occurred between 2021 and 2023. Because there is no overlap in these time periods, the sanction analysis set forth in *Louisiana State Bar Ass'n v. Chatelain*, 573 So. 2d 470 (1991), is not applicable.

considerations provide a sufficient basis for imposing the same sanction imposed in *Johnson*.

Accordingly, we will adopt the hearing committee's recommendation and suspend respondent from the practice of law for six months. This suspension shall run consecutively to the suspension imposed in *Hall II*. We will also order respondent to provide Ms. Darensbourg with an accounting and a refund of any unearned fees.

DECREE

Upon review of the findings and recommendations of the hearing committee, and considering the record, it is ordered that Sonya Eloyace Hall, Louisiana Bar Roll number 25323, be and she hereby is suspended from the practice of law for six months. This suspension shall run consecutively to the suspension imposed in *In re: Hall*, 23-1081 (La. 9/26/23), 370 So. 3d 714. It is further ordered that respondent shall provide an accounting and a refund of unearned fees, with legal interest, to Renee Michelle Darensbourg. 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.