

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: NED FRANKLIN PIERCE SONNIER, SR.

DOCKET NO.23-DB-019

REPORT OF HEARING COMMITTEE # 5

INTRODUCTION

This attorney disciplinary matter arises out of formal charges consisting of ten counts filed by the Office of Disciplinary Counsel (“ODC”) against Ned Franklin Pierce Sonnier, Sr. (“Respondent”), Louisiana Bar Roll Number 37880.¹ ODC alleges that Respondent violated the following Rules of Professional Conduct: 1.3, 1.4, 1.5(f), 1.16(d), 8.1(c), and 8.4(a) (c) (d).²

PROCEDURAL HISTORY

The formal charges were filed on March 21, 2023. By letters dated March 24, 2023, the formal charges were mailed via certified mail to Respondent’s primary and secondary registration addresses as well as two other known addresses.³ The mailings were returned. Respondent failed to file an answer to the charges. Accordingly, on May 10, 2023, ODC filed a motion to deem the factual allegations admitted pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3).⁴ By order

¹ Respondent was admitted to the practice of law in Louisiana on October 19, 2017. Respondent is currently suspended on an interim basis. *In re Sonnier*, 2022-0584 (La. 4/8/2022), 335 So.3d 829.

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

³ 111 Park West Dr., Scott, LA 70583 (primary); 13615 W. Etienne Road, Maurice, LA 70555 (secondary); P.O. Box 1106, Scott, LA 70583; 605 North Gin Street, Erath, LA 70533.

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 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

signed May 10, 2023, the factual allegations contained in the formal charges were deemed admitted. On July 10, 2023, ODC filed its submission on sanction.

For the following reasons, the Committee finds that the facts deemed admitted do state violations of each of the counts as alleged in the formal charges and recommends that the Respondent be suspended from the practice of law for one year and one day. The Committee also recommends that Respondent be ordered to pay restitution and to pay the costs and expenses of this proceeding. The Committee also recommends that the suspension NOT be made retroactive to the date of Respondent's interim suspension. *See* Rule XIX, §24(A).

FORMAL CHARGES

The formal charges read, in pertinent part:

The Respondent in these proceedings is Ned Franklin Pierce Sonnier, Sr, (Bar No. 37880), a thirty-two (32) year old Louisiana licensed attorney admitted to the practice of law in the State of Louisiana on October 19, 2017 after graduating from Louisiana State University Law Center. On the basis of the misconduct which forms the basis for this request for permission to file formal charges, effective April 8, 2022 the Louisiana Supreme Court interrimly suspended Respondent from the practice of law and he remains suspended at this time.

The Respondent located his new practice in Scott, Louisiana, a small community outside of Lafayette, Louisiana. In or around December of 2021 the Respondent closed and locked his office door one day, packed up his belongings and abandoned his law practice. Information received by the Office of Disciplinary Counsel confirms that he traveled to California where, based on information and belief, he was essentially living out of his automobile. The Office of Disciplinary Counsel has no indication that he has returned to Louisiana and both his practice and clients remain abandoned.

COUNT 1 (0039823)

On March 7, 2022 the Office of Disciplinary Counsel received a complaint from Roseina Courville who stated that she was Respondent's client and that he had accepted her representation so as to seek to recover damages for injuries she sustained in a fall at a fast-food restaurant that occurred in or around February of 2021. After an ongoing lack of communication with the Respondent, Courville was

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.

able to verify that he had failed to timely file suit on her behalf, was not responsive to her communication efforts, and she was advised by others in the community that he had abandoned his law practice and had left the area. Efforts to discharge him in writing were unsuccessful as were her efforts to secure return of her file. His conduct reflects clear violations of Rules 1.3, 1.4, 1.16(d) and 8.4(a).

COUNT 2 (0039897)

On March 31, 2022 the Office of Disciplinary Counsel received correspondence from Judge Laurie A. Hulin of the 15th Judicial District Court in Abbeville, Louisiana outlining the Respondent's failure to appear for a scheduled hearing in a criminal matter. Scott police officers were dispatched to locate the Respondent and learned in a phone call with him that he was in Laguna Beach, California, all as reported to Judge Hulin and as outlined in her letter to the Office of Disciplinary Counsel. Respondent's conduct reflects a violation of 8.4(d) and 8.4(a).

COUNT 3 (0039902)

On April 1, 2022 the Office of Disciplinary Counsel received correspondence from attorney Adrian P. Smith who outlined his former professional work with Respondent; his multiple attempts to communicate with him; his interaction with Respondent's mother and others who shared that Respondent may have mental health, drug and/or alcohol related substance use disorder difficulties; that Respondent was reportedly in California; and finally that Respondent appeared to have abandoned his practice and clients. In response to these concerns, on March 31, 2022 ODC forwarded an emergency letter to Judge Hulin in her capacity as the Chief Judge in the 15th JDC outlining Respondent's apparent abandonment of his practice and the need to appoint a curator to protect the interests of clients pursuant to Rule XIX, §27. It was this information which led the Office of Disciplinary Counsel to file with the Louisiana Supreme Court an emergency petition for interim suspension for threat of harm asking that the Court intermily suspend the Respondent until such time as formal disciplinary proceedings could be brought. The Supreme Court granted that request effective April 8, 2022. Respondent's conduct violates 8.4(d) and 8.4(a).

COUNT 4 (0039900)

On or about April 2, 2022 the Office of Disciplinary Counsel received a complaint against the Respondent from Hung Nguyen who hired the Respondent to assist him in 2018 in connection with an immigration matter. At Respondent's request, the Complainant paid him the sum of \$4,000 as an advanced deposit against which he would charge a \$150 hourly rate. Respondent informed the Complainant that he would file all necessary paperwork to address his immigration issues which involved having past criminal charges "forgiven" so that he would qualify for green card status in the United States with an ultimate goal towards becoming a citizen. Repeated efforts to communicate with the Respondent were unsuccessful and there is no evidence to indicate that Respondent ever took any positive steps forward in connection with the representation. In March of 2022 Mr. Nguyen learned that the

Respondent had apparently abandoned his practice and fled the State of Louisiana. Respondent's conduct reflects violation of Rule 1.3, 1.4, 1.5(f), 1.16(d), 8.4(c), and 8.4(a) There is currently pending with the Client Assistance Fund (2022-CAF-2152) a claim for \$4,000 which remains under review.

COUNT 5 (0039954)

On or about April 19, 2022 the Office of Disciplinary Counsel received a complaint against the Respondent from Roland and Melanie Landry who hired the Respondent in or around 2019 or 2020 to initiate litigation against an insurance company to recover under their homeowner's policy. Respondent was paid \$5,000 in advance against which he would bill for the time spent in the representation of the Landry's. While there is evidence that the Respondent apparently performed some work in connection with the representation, by December he had not resolved the matter, and he abandoned the Landry's and their claim. Information from the Respondent's file obtained through the curator's efforts shows that he secured receipt of a \$14,000 partial tender on the claim from the insurance carrier which he purportedly deposited to his trust account, rather than disbursing to his clients. His explanation was that he would wait until all funds were collected before making a final disbursement to them. At no time were any funds ever received by the clients from the Respondent. The evidence in Respondent's file supports the conclusion that he received additional insurance payments for a total of \$22,700 on behalf of his clients but disbursed none of the funds in their favor. Respondent has converted the client's funds and has failed to refund a clearly unearned fee. Respondent's conduct reflects violations of Rules 1.3, 1.4, 1.5(f), 1.16(d), 8.4(c), and 8.4(a). The Complainants made a successful claim with the Client Assistance fund (2022-CAF-2178) and were paid \$22,700.00 as a result of Respondent's conversion of their funds. Respondent should be ordered to make restitution to the Client Assistance Fund for that full amount.

COUNT 6 (0040042)

On or about May 31, 2022 the Office of Disciplinary Counsel received a complaint from Frank Sonnier against the Respondent. The complainant hired the Respondent in or around April of 2019 to handle a case against his former business partner who owed complainant's mother \$124,000 which she loaned to their joint business venture. The Respondent's fee was \$4,000 as an initial advance deposit against which he was to charge an hourly fee. The client in this instance was Dorothea Sonnier but because she was (at that time) 84 years old, her son Frank (the complainant) was authorized to interact with Respondent on her behalf. Throughout the course of the representation the complainant and his mother consistently had a difficult time receiving timely communications from the Respondent. When the lack of communication became more problematic in the fall of 2021, the complainant drove to the offices of the Respondent only to find that his office was closed and all signage had been taken down. The Respondent abandoned his practice, abandoned the complainant and his mother, and failed to act with reasonable diligence in the representation for which he was retained. Respondent's conduct reflects violations of Rule 1.3, 1.4, 1.5(f), 1.16(d) and 8.4(a).

Complainant has filed a claim with the Client Assistance Fund (2022-CAF-2204) in the amount of \$4,000 and the claim remains pending.

COUNT 7 (0040205)

On or about July 18, 2022 the Office of Disciplinary Counsel received a complaint from Lawrence Leger against the Respondent where he advised that he had hired the Respondent on or about March 6, 2022 to represent him in his capacity as a landlord who had been sued by a renter for an alleged wrongful eviction. For this representation he received from Leger an advance deposit of \$3,000 against which he would charge his hourly rate. The complainant also engaged the Respondent on a second legal matter to address issues in connection with his mother's estate. For this representation he paid the sum of \$3,100 to the Respondent. As was the case in the other complaints filed against him, Respondent engaged in little or no communication with his client, failed to reasonably move the two representations forward, abandoned his practice without returning the client's file, and failed to return the clearly unearned fee. Respondent's conduct reflects violations of Rule 1.3, 1.4, 1.5(f), 1.16(d), 8.4 (c) and 8.4(a). Complainant has filed a claim with the Client Assistance fund (2022-CAF-2194) in the amount of \$6,100 which remains pending.

COUNT 8 (0040061)

On or about May 13, 2022 the Office of Disciplinary Counsel received a complaint from Tammy Price, a court reporter with Lori Heaphy & Associates Certified Court Reporters in Lafayette, Louisiana. The court reporting firm was engaged by the Respondent in January of 2021 and he requested a copy of a deposition transcript. As requested, the transcript was prepared and furnished for the total price of \$562.10. Despite requesting the transcript and agreeing to pay the cost associated with it, Respondent received the transcript but failed and refused to honor his commitment. The Respondent's conduct reflects violations of Rule 8.4(c), 8.4(d), and 8.4(a).

COUNT 9 (0040485)

On or about October 26, 2022 the Office of Disciplinary Counsel received a complaint from Samuel and Stephanie Anderson against the Respondent. Complainants hired the Respondent in or around September 2019 to assist them with an auto accident claim on a contingency basis. (Of note, Stephanie Anderson is the Respondent's sister.) The complainant's noted that the Respondent had abandoned them and their claim and they had to secure their file in order to hire another lawyer. The new attorney was successful in settling their claim but noted that there were funds missing. The insurance carrier involved had sent the Respondent two prior checks totaling \$9235.00 as good faith payments and which the Respondent converted to his own use. The Respondent's conduct involved violations of Rule 1.3, 1.4, 1.16(d), 8.4(c), and 8.4(a).

COUNT 10

At all times relevant to these proceedings, Respondent was otherwise eligible to practice law and had a primary bar registration address listed as 111 Park West Dr., Scott, Louisiana 70583; a residential address at XXXX, Maurice, Louisiana 70555; and a preferred mailing address at P.O. Box 1106, Scott, Louisiana 70583. Each and every complaint was forwarded to Respondent as his primary bar registration address as required by Rule XIX, as well as to his secondary residential address. In all instances, complaints were returned as Respondent did not pick up his certified mail nor cause anyone else to do so on his behalf. Most recently, the ODC received unverified information regarding yet another mailing address and send correspondence to Respondent there seeking 9 confirmation that he could be contacted at his new address. In all instances, Respondent responded to none of the letters and efforts made to notify him of the complaints lodged against him. Because Respondent has a duty to maintain current registration address information so that the Supreme Court and its regulatory agency can communicate with him but he has failed to do so, Respondent has violated his duty to cooperate with an ongoing disciplinary investigation in violation of Rule 8.1(c).

EVIDENCE

The Committee reviewed the exhibits submitted by ODC, which are Exhibits ODC 1-75. 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 Committee finds that the factual allegations alleged in the Formal Charges have been established by the evidence contained in Exhibits 1-75 submitted by the ODC. The Committee is unable to point to evidence that would establish whether the Respondent, in committing these violations, acted with specific intent, knowingly or negligently. However, the circumstances surrounding these violations indicate that Respondent at least acted knowingly, since even an inexperienced attorney would know that that abandoning his practice and moving out of state without notifying his clients and without making any arrangements to protect the clients' interest would be a violation of the Rules of Professional Conduct and even basic professional obligations. This is even more true of the obligation to safekeep client funds. The Committee adopts the

Findings of Fact Nos. 1-14 submitted by the ODC in connection with its Memorandum on Sanctions.

RULES VIOLATED

The Committee finds that the Respondent violated each rule set forth by the ODC in its Formal Charges (Rules of Professional Conduct: 1.3, 1.4, 1.5(f), 1.16(d), 8.1(c), and 8.4(a) (c) (d)), based on the deemed-admitted facts contained therein.

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 each of the clients referred to in the Formal Charges. For the reasons stated above the Committee finds that Respondent acted knowingly. Respondent's misconduct caused actual and potential harm to each client, each being left without a lawyer to represent him or her and without being able to timely discover that their respective claims had been abandoned by the attorney they hired and, in several cases, that the advanced deposit paid to Respondent had been converted for Respondent's personal use.

The *ABA Standards for Imposing Lawyer Sanctions* suggest that disbarment is the baseline sanction for Respondent's misconduct. ABA Standards 4.11 and 4.41 establish the baseline sanction, as follows:

- Standard 4.11 Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.

- Standard 4.41 Disbarment is generally appropriate when a lawyer abandons the practice and causes serious or potentially serious injury to a client; or knowingly fails to perform services for a client and causes serious or potentially serious injury to a client.

Due to the ODC's inability to contact the Respondent due to Respondent's failure to notify the Bar Association of any change of address, the Committee had no evidence of mitigation before it, save the absence of prior discipline. Aggravating factors (Standard 9.22) include: (b) dishonest or selfish motive; (c) a pattern of misconduct; and (d) multiple offenses.

Although the baseline sanction of disbarment is clearly appropriate, the Committee is reluctant to impose such a significant sanction without at least offering the hope that Respondent may in the near future wish to obtain assistance to return to a functioning way of life through professional intervention. The Committee notes the young age of Respondent (32) and his apparently successful practice prior to 2021, when he abandoned it.

However, mindful of the fact that these are indeed very serious violations of the Rules that have caused significant harm to his clients, the Committee wishes to ensure that Respondent can satisfy the Court that he is again capable of practicing law and that he has made restitution for the harm he has caused, at least by repaying those with monetary losses, whether restitution is made to the client or, in the appropriate case, to the Client Assistance Fund, to which several former clients have made application. The Committee therefore recommends that Respondent be suspended for one year and a day, with no credit received for the time served under interim suspension.

CONCLUSION

For the above reasons, Hearing Committee #5 recommends that Respondent, Ned Franklin Pierce Sonnier be suspended for one year and a day, and that he be assessed with the costs and

expenses of these proceedings, pursuant to Rule XIX §10.1, and that he be ordered to make restitution to the clients whose money he failed to return or which he converted to his personal use or, in the appropriate case, that he make restitution to the Client Assistance Fund. The Committee also recommends that the suspension NOT be made retroactive to the date of Respondent's interim suspension. *See* Rule XIX, §24(A).

This opinion is unanimous and has been reviewed by each committee member, who fully concur and who have authorized Catherine M. Landry to sign on their behalf.

Lafayette, Louisiana, this 8th day of August, 2023.

**Louisiana Attorney Disciplinary Board
Hearing Committee # 5**

**Catherine M. Landry, Committee Chair
Timothy A. Maragos, Lawyer Member
Douglas A. Cochran, Public Member**

BY:


Catherine M. Landry, Committee Chair
For the Committee

APPENDIX

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.

(c) A lawyer who provides any form of financial assistance to a client during the course of a representation shall, prior to providing such financial assistance, inform the client in writing of the terms and conditions under which such financial assistance is made, including but not limited to, repayment obligations, the imposition and rate of interest or other charges, and the scope and limitations imposed upon lawyers providing financial assistance as set forth in Rule 1.8(e).

Rule 1.5. Fees

...

(f) Payment of fees in advance of services shall be subject to the following rules: (1) When the client pays the lawyer a fee to retain the lawyer's general availability to the client and the fee is not related to a particular representation, the funds become the property of the lawyer when paid and may be placed in the lawyer's operating account. (2) When the client pays the lawyer all or part of a fixed fee or of a minimum fee for particular representation with services to be rendered in the future, the funds become the property of the lawyer when paid, subject to the provisions of Rule 1.5(f)(5). Such funds need not be placed in the lawyer's trust account, but may be placed in the lawyer's operating account. (3) When the client pays the lawyer an advance deposit against fees which are to accrue in the future on an hourly or other agreed basis, the funds remain the property of the client and must be placed in the lawyer's trust account. The lawyer may transfer these funds as fees are earned from the trust account to the operating account, without further authorization from the client for each transfer, but must render a periodic accounting for these funds as is reasonable under the circumstances. (4) When the client pays the lawyer an advance deposit to be used for costs and expenses, the funds remain the property of the client and must be placed in the lawyer's trust account. The lawyer may expend these funds as costs and expenses accrue, without further authorization from the client for each expenditure, but must render a periodic accounting for these funds as is reasonable under the circumstances. (5) When the client pays the lawyer a fixed fee, a minimum fee or a fee drawn from an advanced deposit, and a fee dispute arises between the lawyer and the client, either during the course of the representation or at the termination of the representation, the lawyer shall immediately refund to the client the

unearned portion of such fee, if any. If the lawyer and the client disagree on the unearned portion of such fee, the lawyer shall immediately refund to the client the amount, if any, that they agree has not been earned, and the lawyer shall deposit into a trust account an amount representing the portion reasonably in dispute. The lawyer shall hold such disputed funds in trust until the dispute is resolved, but the lawyer shall not do so to coerce the client into accepting the lawyer's contentions. As to any fee dispute, the lawyer should suggest a means for prompt resolution such as mediation or arbitration, including arbitration with the Louisiana State Bar Association Fee Dispute Program.

Rule 1.16. Declining or Terminating Representation

...

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. Upon written request by the client, the lawyer shall promptly release to the client or the client's new lawyer the entire file relating to the matter. The lawyer may retain a copy of the file but shall not condition release over issues relating to the expense of copying the file or for any other reason. The responsibility for the cost of copying shall be determined in an appropriate proceeding.

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) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) Engage in conduct that is prejudicial to the administration of justice;

...