

The Supreme Court of the State of Louisiana

**IN RE: RALEIGH L. OHLMEYER, III**

No. 2024-B-01091

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IN RE: Disciplinary Counsel - Applicant Other; Rule to Revoke Probation;

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**October 15, 2024**

Probation revoked. See per curiam.

JTK

JLW

JDH

SJC

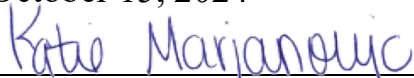
WJC

JBM

PDG

Supreme Court of Louisiana

October 15, 2024



Chief Deputy Clerk of Court  
For the Court

## SUPREME COURT OF LOUISIANA

NO. 2024-B-1091

IN RE: RALEIGH L. OHLMEYER, III

## ATTORNEY DISCIPLINARY PROCEEDING

## PER CURIAM

The instant disciplinary proceeding arises from a motion and rule to revoke probation filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Raleigh L. Ohlmeyer, III, for his alleged failure to comply with the conditions of probation imposed in *In re: Ohlmeyer*, 23-1164 (La. 10/10/23), 370 So. 3d 1060 (“*Ohlmeyer I*”).

**UNDERLYING FACTS AND PROCEDURAL HISTORY**

The record in *Ohlmeyer I* demonstrated that respondent failed to place an advance deposit into his client trust account and failed to timely refund an unearned fee. Prior to the filing of formal charges, respondent and the ODC submitted a joint petition for consent discipline in this court. The parties proposed that respondent be suspended from the practice of law for one year and one day, fully deferred, subject to a two-year period of supervised probation governed by the following conditions:

1. On a semi-annual basis during the probationary period, respondent shall submit to the ODC an audit of his trust account performed by an accountant of his choosing, subject to the ODC’s approval, with the costs and expenses of said audit paid by respondent;
2. During the probationary period, at least six hours of respondent’s mandatory continuing legal education (“MCLE”) requirements shall be obtained in the area of law office practice management;

3. During the probationary period, respondent shall successfully complete the Louisiana State Bar Association's ("LSBA") Trust Accounting School;
4. Respondent agrees that any subsequent disciplinary violations with alleged offenses arising during the probationary period are to be treated in a summary fashion by the ODC as probation violation matters; and
5. Respondent shall pay all costs and expenses associated with this proceeding.

We accepted the petition for consent discipline *Ohlmeyer I* on October 10, 2023. Our order provides that "[a]ny failure of respondent to comply with the conditions of probation, or any misconduct during the probationary period, may be grounds for making the deferred portion of the suspension executory, or imposing additional discipline, as appropriate."

Respondent's probation commenced on November 3, 2023, when he executed a formal probation agreement with the ODC. Among other conditions, respondent agreed to the following:

1. Promptly respond to all requests of the ODC and make himself reasonably available for conferences with the ODC;
2. Comply with all bar membership requirements, including maintaining current knowledge in the law by satisfying all MCLE requirements and timely paying all LSBA membership dues and disciplinary board annual disciplinary fee assessments;
3. On a semi-annual basis, and at his expense, submit his client trust account to audits by CPA approved by the ODC and provide the ODC with written audit reports and supporting documentation in a form and manner approved by the ODC by March 31st and September 30th of each year while on probation;
4. Acknowledge that all costs and expenses in this matter are assessed against him in accordance with Rule XIX, Section 10.1, with legal interest to commence thirty days from the date of the finality of the court's judgment

until paid, and that his failure to pay those costs in full or to execute and keep current a promissory note for same with the disciplinary board, within thirty days of the finality of the court's judgment, may result in his ineligibility to practice pursuant to Rule XIX, Section 10.1(E); and

5. Acknowledge that any violation of the Rules of Professional Conduct and/or this probation agreement may result in summary revocation of his probation and making the deferred suspension executory and/or may result in the imposition of additional discipline as deemed appropriate.

## **DISCIPLINARY PROCEEDINGS**

### *Motion to Revoke Probation and Make Deferred Suspension Executory*

On September 3, 2024, the ODC filed the instant motion to revoke probation and make deferred suspension executory, alleging that respondent failed to comply with his probation agreement in *Ohlmeyer I*. The ODC alleged that respondent failed to submit his trust account audit report, which was due on March 31, 2024, despite repeated requests for same. The ODC then learned that he is MCLE ineligible as of June 10, 2024, contrary to the requirements of probation, and that he did not pay his bar dues or the disciplinary assessment for 2024-2025. Respondent has also failed to pay any disciplinary costs, despite several notices advising him to do so.

Accordingly, the ODC prayed for revocation of respondent's probation and the imposition of the previously deferred one year and one day suspension. Respondent did not file an answer to the ODC's request to revoke probation.

### *Hearing on Revocation of Probation*

This matter proceeded to a hearing before an adjudicative panel of the disciplinary board on August 22, 2024. The ODC was represented by Deputy Disciplinary Counsel Gregory L. Tweed. Respondent did not appear at the hearing.

The ODC introduced documentary evidence and called Deputy Disciplinary Counsel Brianne Hemmans to testify at the hearing. Ms. Hemmans, an attorney employed by the ODC, investigates and prosecutes disciplinary complaints, drafts probation agreements, and monitors attorney compliance with probation agreements.

Ms. Hemmans testified that she reached out to respondent's attorney, Ralph Alexis, who gave her permission to communicate directly with respondent about his probation. When she did not receive the audit report due on March 31, 2024, Ms. Hemmans emailed respondent at his bar registered email address on April 15, 2024, requesting he send the report to the ODC within ten days. When he did not respond, the ODC issued a subpoena duces tecum for respondent to produce the audit report by May 24, 2024. Despite being personally served with the subpoena, respondent did not produce the audit report.

Ms. Hemmans testified that she spoke with Mr. Alexis on May 29, 2024. At that time, she advised Mr. Alexis about respondent's noncompliance, and Mr. Alexis stated that he would make efforts to contact respondent. A few days later, Mr. Alexis informed Ms. Hemmans that he was unable to reach respondent. On July 14, 2024, Mr. Alexis contacted Ms. Hemmans and stated that he no longer represented respondent but would advise respondent to contact her.

On July 15, 2024, respondent contacted Ms. Hemmans and admitted there was no reason for the audit report being late. He also stated that he was not practicing law or communicating with clients, and that he had clients he needed to refer to other attorneys. He acknowledged that there was no good reason for not complying with the probation agreement or the subpoena duces tecum. This was the last call Ms. Hemmans received from respondent.

Ms. Hemmans testified that during her communications with respondent and Mr. Alexis, she learned that respondent was experiencing depression. Although she sent information to respondent concerning the resources available through the

Judges and Lawyers Assistance Program (“JLAP”), he did not follow up with JLAP or provide any proof of depression or disability to the ODC. In addition, she was advised by Mr. Alexis and respondent’s uncle that they were unsuccessful in getting respondent to contact JLAP.

Finally, Ms. Hemmans testified that an additional complaint was recently filed against respondent. Although notice of the complaint was served to respondent on July 29, 2024, the ODC has not received his response.

### *Disciplinary Board Recommendation*

After considering the evidence and testimony presented at the hearing, the record, and the applicable law, the disciplinary board found that the ODC presented sufficient evidence to demonstrate that respondent failed to comply with the terms and conditions of his probation. Specifically, respondent failed to promptly respond to all requests by the ODC, failed to complete his MCLE requirement, causing him to become ineligible effective June 10, 2024, failed to pay his bar dues and the disciplinary assessment for 2024-2025, failed to provide the ODC with his trust account audit report due on March 31, 2024, and failed to pay his disciplinary costs associated with *Ohlmeyer I*. In addition, respondent did not appear at the hearing to present any evidence, much less clear and convincing evidence, to show that he did not violate the conditions of his probation agreement.

On September 3, 2024, the disciplinary board filed its report with this court, recommending that the ODC’s motion to revoke probation be granted. The board found that the ODC has presented sufficient evidence to demonstrate that respondent has violated the terms of his probation agreement, which constitutes grounds for the revocation of his probation. Accordingly, the board recommended that respondent’s probation be revoked and that the deferred one year and one day suspension imposed

in *Ohlmeyer I* be made executory. The board also recommended that he be assessed with all costs and expenses of these proceedings.

### **DISCUSSION**

A review of the record reveals that respondent has not complied with the requirements set forth in his probation agreement of November 3, 2023. He failed to provide the required trust account audits, failed to cooperate with the ODC in its efforts to contact him, including ignoring a subpoena duces tecum, failed to comply with his bar membership requirements, and failed to pay the costs associated with his prior discipline in *Ohlmeyer I*. Under the circumstances, we feel it is necessary to revoke respondent's probation and impose the previously-deferred suspension.

Accordingly, we will accept the disciplinary board's recommendation and grant the motion to revoke respondent's probation, making the one year and one day suspension imposed in *Ohlmeyer I* immediately executory.

### **DECREE**

For the reasons assigned, respondent's probation is revoked and the previously-deferred one year and one day suspension imposed in *In re: Ohlmeyer*, 23-1164 (La. 10/10/23), 370 So. 3d 1060, is hereby made immediately executory. All costs and expenses in the matter are assessed against respondent, Raleigh L. Ohlmeyer, III, Louisiana Bar Roll number 27594, 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.