

The Supreme Court of the State of Louisiana

IN RE: ARTHUR L. HARRIS, SR.

No. 2021-B-01301

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

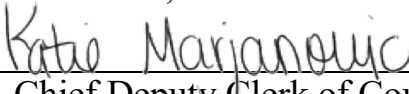
November 17, 2021

Permanent disbarment imposed. See per curiam.

JDH
SJC
JBM
PDG

Weimer, C.J., dissents and would grant and docket.
Genovese, J., dissents and would impose regular disbarment.
Crain, J., dissents and would impose regular disbarment.

Supreme Court of Louisiana
November 17, 2021



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2021-B-1301

IN RE: ARTHUR L. HARRIS, SR.

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Arthur L. Harris, Sr., an attorney licensed to practice law in Louisiana, but currently suspended from practice.

PROCEDURAL HISTORY

In June 2018, the ODC filed formal charges against respondent under disciplinary board docket number 18-DB-047. In November 2018, the ODC filed formal charges against respondent under disciplinary board docket number 18-DB-083. In August 2019, the ODC filed formal charges against respondent under disciplinary board docket number 19-DB-058. Respondent failed to answer all three sets of 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).

The formal charges in 18-DB-047 and 18-DB-083 were consolidated and considered by the same hearing committee. The formal charges in 19-DB-058 were considered by a separate hearing committee. Neither hearing committee held a formal hearing, but the parties were given an opportunity to file with the committees written arguments and documentary evidence on the issue of sanctions. Respondent filed nothing for either committee’s consideration.

Before being considered by the disciplinary board, all three matters were consolidated. The board then filed a recommendation in this court encompassing the three sets of formal charges.

PRIOR DISCIPLINARY HISTORY

Respondent was admitted to the practice of law in Louisiana in 1971. In 1987, he received a private reprimand for neglecting a legal matter. In 1997, he received an admonition for failing to communicate with a client.

In December 2013, we considered a joint petition for consent discipline in which respondent admitted to neglecting two legal matters, failing to communicate with his clients, failing to promptly refund unearned fees, and failing to cooperate with the ODC in its investigation. After review, we accepted the petition and suspended respondent from the practice of law for one year and one day, fully deferred, subject to a two-year period of supervised probation with conditions. *In re: Harris*, 13-2368 (La. 12/6/13), 129 So. 3d 526 (“*Harris I*”).

In October 2016, respondent finally executed a formal probation agreement with the ODC. In April 2018, the ODC filed with the disciplinary board a motion and rule to revoke respondent’s probation, alleging he failed to provide his probation monitor with written reports as required by his probation plan. Additionally, the ODC indicated that it had received three disciplinary complaints against respondent during the probationary period, which complaints were later made the subject of the formal charges in 18-DB-047. Respondent also failed to cooperate with the ODC’s investigations of these complaints.

Following a hearing before an adjudicative panel of the disciplinary board, the board determined the evidence demonstrated that respondent failed to comply with the terms and conditions of his probation. The board further determined that respondent engaged in additional misconduct during his probation. Based on these

findings, the board recommended respondent's probation be revoked and the deferred one year and one day suspension imposed in *Harris I* be made executory. We subsequently adopted the board's recommendation, revoked respondent's probation, and made the previously deferred one year and one day suspension immediately executory. *In re: Harris*, 18-0847 (La. 6/15/18), 245 So. 3d 1027 ("*Harris II*"). Respondent has not yet sought reinstatement from this suspension and remains suspended from the practice of law.

18-DB-047

FORMAL CHARGES

Count I – The Purvis Matter

In March 2016, Jon Purvis hired respondent to represent him in a criminal matter. On March 8, 2016, Mr. Purvis signed respondent's representation agreement, which improperly provided that "NO PART OF THE FEE WILL BE REFUNDED TO CLIENT(S)." Mr. Purvis paid respondent a total of \$7,500 for the representation.

According to Mr. Purvis, respondent advised him three months later that he would be withdrawing from the representation unless Mr. Purvis fired the other two attorneys on his legal team. In a June 24, 2016 letter to respondent, Mr. Purvis confirmed the termination of respondent's services and requested a full refund of the fee he paid. After receiving no response, Mr. Purvis wrote to respondent again on July 20, 2016. In this second letter, Mr. Purvis again requested a full refund but also requested that respondent secure any amount of the fee he disputed as being unearned in a client trust account. Respondent requested a meeting with Mr. Purvis to discuss the status of the criminal case and resolution of their representation agreement. However, Mr. Purvis told respondent he did not wish to meet. In a final letter dated August 23, 2016, Mr. Purvis again requested that respondent provide

him with a full refund or place the disputed funds in a trust account. Respondent never responded and never refunded any portion of the fee.

In October 2016, Mr. Purvis filed a disciplinary complaint against respondent. The ODC sent notice of the complaint to both respondent's primary and secondary registration addresses on file with the Louisiana State Bar Association ("LSBA"). The notice to respondent's secondary address was returned because respondent had moved. Respondent failed to respond to the ODC's notice of the complaint, necessitating the issuance of a subpoena to obtain his sworn statement. Despite being personally served with the subpoena, respondent failed to appear for the sworn statement scheduled for February 7, 2018.

The ODC alleged that respondent's conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.1(c) (failure to pay bar dues, failure to pay the disciplinary assessment, failure to timely provide change of address information, or failure to submit trust account information), 1.5(a) (charging an unreasonable fee), 1.5(f)(5) (failure to refund an unearned fee), 1.16(d) (obligations upon termination of the representation), 8.1(b) (knowing failure to respond to a lawful demand for information from a disciplinary authority), 8.1(c) (failure to cooperate with the ODC in its investigation), and 8.4(a) (violation of the Rules of Professional Conduct).

Count II – The Vangure/Barker Matter

Respondent represented Wilford Vangure as trial counsel in a criminal matter. Mr. Vangure was convicted in 2012. In 2016, Mr. Vangure hired attorney Edward Marquet to handle his post-conviction relief. Mr. Marquet began efforts to obtain Mr. Vangure's client file from respondent, to no avail. On April 26, 2016, Mr. Marquet filed a motion to issue a subpoena duces tecum seeking Mr. Vangure's file from respondent. The judge granted the motion, and respondent was ordered to

produce the file on or before June 1, 2016. On June 1, 2016, respondent's attorney filed a motion to quash the subpoena duces tecum. The judge denied the motion and ordered respondent to produce the file within five days. Respondent failed to comply with the order.

Attorney Paul Barker then assumed the representation of Mr. Vangure in the post-conviction relief proceeding. On January 10, 2018, Mr. Barker called respondent, who requested two weeks to assemble the file. Respondent did not respond to Mr. Barker's text message confirmation the next day. On January 24, 2018, Mr. Barker emailed respondent at his LSBA registered email address to remind him of their agreement. Respondent did not deliver the file but did call Mr. Barker to advise that the file was forthcoming. On February 14, 2018, after still not receiving the file from respondent, Mr. Barker filed a motion for contempt of court, which was set for hearing on April 2, 2018. A citation was issued for respondent's appearance; however, respondent was not able to be served because he was not at the address provided for personal service, which was the same address respondent had registered with the LSBA as his primary/preferred address.

In January 2018, Mr. Barker filed a disciplinary complaint against respondent. The ODC sent notice of the complaint to respondent at his LSBA primary registration address via certified mail, but this notice was returned to the ODC as "unable to forward." In May 2018, the ODC sent the notice via certified mail to respondent's last known address, which he had not registered with the LSBA. The certified mail green card indicated that the notice was received on May 19, 2018. Nevertheless, respondent failed to respond to the complaint.

The ODC alleged that respondent's conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.1(c), 1.16(d), 3.4(c) (knowing disobedience of an obligation under the rules of a tribunal), 8.1(b), 8.1(c), 8.4(a), and 8.4(d) (engaging in conduct prejudicial to the administration of justice).

Count III – The Pollard Matter

Bernell Pollard hired respondent to represent him in a criminal matter. At the end of 2017, Mr. Pollard sought a copy of his client file, sending respondent two written requests. Respondent failed to contact Mr. Pollard or provide him with his file.

In January 2018, Mr. Pollard filed a disciplinary complaint against respondent. Prior to opening a formal complaint, the ODC had its investigator contact respondent to obtain Mr. Pollard's file. The investigator made several attempts to obtain the file from respondent, to no avail. Therefore, the ODC opened a formal complaint and sent notice of the complaint to respondent at his LSBA primary registration address via certified and regular mail. Both items were returned to the ODC as "unable to forward." The ODC also sent notice of the complaint to respondent's last known address, which was not registered with the LSBA. That notice was not returned to the ODC, indicating respondent received same. Nevertheless, respondent failed to respond to the complaint.

The ODC alleged that respondent's conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.1(c), 1.16(d), 8.1(b), 8.1(c), and 8.4(a).

18-DB-083

FORMAL CHARGES

The Ashley Matter

In October 2017, LaMarko Ashley hired respondent to represent him in a pending criminal matter. Mr. Ashley's mother paid respondent \$3,000 toward the agreed-upon \$5,000 fee.

Respondent failed to appear at the November 17, 2017 arraignment, and the matter was continued. Respondent also failed to appear at the second arraignment set for November 20, 2017, and the matter was continued to the next day.

Respondent appeared with Mr. Ashley the next day, and Mr. Ashley entered his plea of not guilty.

Respondent failed to appear at the next setting of January 3, 2018, and the court issued a subpoena for respondent to appear on January 30, 2018. However, service of the subpoena was not accomplished. Nevertheless, respondent appeared with Mr. Ashley on January 30, 2018.

Respondent failed to appear on March 8, 2018, and the court again issued a subpoena for respondent's appearance on April 3, 2018. Although the subpoena could not be served, respondent appeared on April 3, 2018 and joined the State in moving for a continuance. Respondent again failed to appear on May 29, 2018.

The next setting was July 16, 2018, which was after respondent's probation was revoked in *Harris II*. Respondent did not appear, and the trial court advised Mr. Ashley that respondent would not be able to continue with the representation. When Mr. Ashley's mother contacted respondent by telephone, respondent told her that he would no longer represent Mr. Ashley because his full fee had not been paid and because he was ill. Respondent did not advise the Ashleys of his suspension imposed in *Harris II*. Instead, the Ashleys later learned from another source that respondent was suspended from the practice of law.

Respondent did not return any portion of the fee Mr. Ashley's mother paid him. Because Mr. Ashley did not have the funds to hire new counsel, a public defender was appointed to represent him.

In August 2018, Mr. Ashley's mother filed a disciplinary complaint against respondent. The ODC sent notice of the complaint via certified mail to respondent's LSBA primary registration address, which item was returned to the ODC. The ODC also sent the notice via certified mail to respondent's last known address, which was signed for on September 15, 2018. Respondent failed to respond to the complaint.

The ODC alleged that respondent's conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.3 (failure to act with reasonable diligence and promptness in representing a client), 1.16(d), 3.2 (failure to make reasonable efforts to expedite litigation), 8.1(b), 8.1(c), 8.4(a), and 8.4(d).

18-DB-047 & 18-DB-083

HEARING COMMITTEE REPORT

The hearing committee found that the deemed admitted facts, as supplemented and supported by the ODC's documentary evidence, demonstrate clear and convincing evidence of respondent's violations of the Rules of Professional Conduct as alleged in both sets of formal charges. The committee then determined respondent knowingly, if not intentionally, violated duties owed to his clients, the public, the legal system, and the legal profession. Respondent's conduct harmed his clients by depriving them of their funds when he failed to refund unearned fees, which the committee determined amounts to conversion of client funds. Specifically, the committee determined respondent caused financial harm in the amount of \$7,500 to Mr. Purvis, who has sought relief through the LSBA Client Assistance Fund, and in the amount of \$3,000 to Mr. Ashley. His conduct also harmed Mr. Vangure and Mr. Pollard when he failed to provide them with their files. Additionally, the committee determined respondent's conduct harmed the disciplinary system by forcing the ODC to use its limited resources to investigate these complaints without his cooperation. After considering the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is suspension.

In aggravation, the committee found the following: 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, refusal to acknowledge the wrongful

nature of the conduct, vulnerability of the victims, substantial experience in the practice of law, and indifference to making restitution. Based on the evidence presented, the committee determined that no mitigating factors are present.

After further considering this court's prior jurisprudence addressing similar misconduct, the committee recommended respondent be suspended from the practice of law for three years. The committee also recommended respondent be ordered to return the client files addressed in the formal charges and account for and refund unearned fees to his clients or the LSBA Client Assistance Fund, as applicable.

Neither respondent nor the ODC filed an objection to the committee's report.

19-DB-058

FORMAL CHARGES

Count I – The Berry Matter

Aubrey Berry hired respondent to represent him in a criminal matter. Between September 2017 and November 2018, Mr. Berry's sister paid respondent a total of \$4,550. During a meeting with Mr. Berry in jail, respondent provided Mr. Berry with an attorney-client representation agreement, which set forth a \$5,000 fixed fee if Mr. Berry's matter was resolved before trial. On September 12, 2017, respondent filed several pre-trial motions on Mr. Berry's behalf, and he appeared in court on Mr. Berry's behalf on October 12, 2017.

On June 15, 2018, respondent's probation was revoked and he was suspended from the practice of law pursuant to *Harris II*. Nevertheless, respondent failed to inform Mr. Berry of his inability to practice law, and he continued to collect legal fees from Mr. Berry. In November 2018, after several continuances, the prosecutor informed Mr. Berry of respondent's suspension. Because Mr. Berry did not have the funds to hire new counsel, he was appointed a public defender. Mr. Berry

requested a refund of the unearned fee, but respondent failed to provide same. Mr. Berry also has not received a copy of his client file.

In June 2019, Mr. Berry filed a disciplinary complaint against respondent, stating:

At no time did [respondent] make me aware that he lost his license. Instead, after he was made aware of this information in June, he continued to request money and represent himself as a capable and licensed lawyer.... He continued to make promises to appear in court and defend me knowing that he would not be able to. I appeared July 9th, September 10th, and November 26th after he was aware he could no longer serve as a licensed attorney. I called him after I learned this information and he denied the validity.

The ODC sent notice of the complaint to respondent's LSBA primary registration address, but the item was returned marked "unable to forward." The ODC also sent notice to respondent's last known address, which is not registered with the LSBA, and respondent signed for the item on July 12, 2019. Nevertheless, respondent failed to respond to the complaint.

The ODC alleged that respondent's conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.3, 1.4 (failure to communicate with a client), 1.5(f)(5), 1.16(a)(1) (a lawyer shall withdraw from a representation if the representation will result in a violation of the Rules of Professional Conduct or other law), 1.16(c) (a lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation), 1.16(d), 5.5(a) (engaging in the unauthorized practice of law), 5.5(e)(4) (a suspended lawyer shall not receive, disburse, or otherwise handle client funds), 8.1(b), 8.1(c), 8.4(a), and 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

Count II – The Hatcher Matter

In June 2016, Rodney Hatcher hired respondent to represent him in a pending criminal matter. Thereafter, respondent missed several court appearances. On at least one occasion, a subpoena was issued for respondent to appear.

Mr. Hatcher's trial court matter concluded with his sentencing as a habitual offender in August 2017. Since that time, Mr. Hatcher has made numerous attempts to obtain his client file from respondent. In December 2017 and July 2019, Mr. Hatcher sent letters to respondent at his LSBA primary registration address. Both letters were returned to Mr. Hatcher as undeliverable.

Mr. Hatcher tried to challenge his sentence but was unsuccessful. On June 10, 2019, the Louisiana First Circuit Court of Appeal denied Mr. Hatcher's writ application "on the showing made," citing certain documentation in respondent's client file.

In June 2019, Mr. Hatcher filed a disciplinary complaint against respondent. The ODC sent notice of the complaint to respondent's LSBA primary registration address, but the item was returned marked "not deliverable as addressed." The ODC also sent notice to respondent's last known address, which is not registered with the LSBA, and this item was returned to the ODC marked "unclaimed." Respondent did not respond to Mr. Hatcher's complaint and did not provide Mr. Hatcher with his file.

The ODC alleged that respondent's conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.1(c), 1.3, 1.16(d), 8.1(b), 8.1(c), 8.4(a), and 8.4(d).

HEARING COMMITTEE REPORT

The hearing committee found that the deemed admitted facts, as supplemented and supported by the ODC's documentary evidence, demonstrate clear and

convincing evidence of respondent's violations of the Rules of Professional Conduct. Specifically regarding the Berry matter, the committee found that respondent, while representing Mr. Berry, was suspended from the practice of law pursuant to *Harris II*. He then concealed his suspension from Mr. Berry, ignored Mr. Berry's legal matter, and continued to collect legal fees from Mr. Berry. The committee determined respondent's acts of misrepresenting to Mr. Berry that he was able to practice law when he was not, continuing to collect legal fees, failing to return those fees even after his termination, neglecting Mr. Berry's legal matter, and blatantly and intentionally disregarding the rule governing the unauthorized practice of law violated Rules 1.1(c), 1.3, 1.4, 1.5(f)(5), 1.16(a)(1), 1.6(c), 1.16(d), 5.5(a), 5.5(e)(4), 8.4(a), and 8.4(c). Respondent also failed to cooperate with the ODC's investigation of this matter in violation of Rules 8.1(b) and 8.1(c). Specifically regarding the Hatcher matter, the committee found that respondent missed several court appearances, ignored a court order to appear on at least one occasion, and failed to return his client's file upon his termination as Mr. Hatcher's attorney, despite requests to do so. The committee determined respondent's acts of failing to appear in court on his client's behalf, defying a court order, and absconding with his client's file violated Rules 1.1(c), 1.3, 1.16(d), 8.1(b), 8.4(a), and 8.4(d).

The committee then determined respondent violated duties owed to his clients, the public, the legal system, and the legal profession. He acted intentionally in certain respects and knowingly, if not intentionally, in other respects. His conduct caused substantial harm to his clients and the legal profession and also harmed the disciplinary system. 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: 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, refusal to acknowledge the wrongful nature of the conduct, vulnerability of the victims, substantial experience in the practice of law, and indifference to making restitution. Based on the evidence presented, the committee determined that no mitigating factors are present.

After further considering this court's prior jurisprudence addressing similar misconduct, the committee recommended respondent be permanently disbarred. The committee also recommended respondent be ordered to provide Mr. Berry with an accounting and a refund of any unearned fees.

Neither respondent nor the ODC filed an objection to the committee's report.

18-DB-047, 18-DB-083, & 19-DB-058

DISCIPLINARY BOARD RECOMMENDATION

After reviewing the three consolidated matters, the disciplinary board noted that the hearing committees made factual findings based on the deemed admitted facts. The board determined that the committees' factual findings are not manifestly erroneous and, thus, adopted same. The board also determined that the committees' findings regarding rule violations are supported by the deemed admitted facts and evidence. Regarding each rule violation, the board found the following:

Rule 1.1(c) – Respondent failed to timely update his primary and/or secondary registration address(es) with the LSBA in the Purvis, Vangure/Barker, Pollard, Berry, and Hatcher matters.

Rule 1.3 – Respondent neglected his clients' legal cases by failing to appear for scheduled court dates in the Ashley, Berry, and Hatcher matters.

Rule 1.4 – Respondent failed to adequately communicate with his client in the Berry matter when he failed to advise his client of his suspension from the practice of law imposed in *Harris II*.

Rule 1.5(a) – Respondent charged and collected a \$7,500 fee in the Purvis matter. Respondent then withdrew from the representation before completing the agreed-upon work and without providing his client with an accounting, which resulted in him charging his client an unreasonable fee.

Rule 1.5(f)(5) – In the Purvis matter, respondent’s client requested a refund of the \$7,500 fee. Respondent failed to provide his client with an accounting or a refund of any portion of the fee despite withdrawing from the representation before completing the work. In the Berry matter, respondent was paid \$4,550 and then was suspended from the practice of law before completing his client’s legal matter. Despite the fact that his client requested a refund, respondent failed to provide an accounting or a refund of any portion of the fee.

Rule 1.16(a)(1) – In the Berry matter, respondent continued to represent his client after he was suspended from the practice of law.

Rule 1.16(d) – In the Purvis matter, respondent withdrew from the representation but failed to provide his client with an accounting or refund any portion of the fee. In the Vangure/Barker matter, respondent failed to return his client’s file despite a court order to do so. In the Pollard matter, respondent failed to return his client’s file despite requests from his client and the ODC to do so. In the Ashley matter, respondent failed to inform his client when he was suspended from the practice of law. In fact, he lied to his client’s mother, claiming the reason he could not continue with the representation was because he had not been paid the full fee and because he was ill. He also failed to provide his client with an accounting or refund of the unearned fee. In the Berry matter, respondent failed to inform his client of his suspension. When his client finally learned of the suspension and confronted respondent, respondent claimed it was a misunderstanding and temporary. Respondent also failed to refund the unearned fee and failed to return

his client's file. Finally, in the Hatcher matter, respondent failed to return his client's file when he was suspended.

Rule 3.2 – In the Ashley matter, respondent failed to appear in court on his client's behalf on five occasions and, later, failed to inform his client of his suspension from the practice of law. Respondent's actions needlessly delayed the case while his client was in jail awaiting trial.

Rule 3.4(c) – In the Vangure/Baker matter, respondent failed to comply with a court order to produce his client's file.

Rules 5.5(a) and 5.5(e)(4) – In the Berry matter, respondent misrepresented to his client that he was able to continue with the representation and collected a fee from his client on three occasions after he was suspended from the practice of law.

Rules 8.1(b) and 8.1(c) – In the Purvis, Vangure/Barker, Pollard, Ashley, and Berry matters, respondent failed to respond to the disciplinary complaint after receiving notice of same. In the Hatcher matter, respondent refused to claim the certified mail containing notice of the disciplinary complaint despite previously claiming mail sent to the same address.

In addition to the foregoing misconduct, respondent failed to appear for a sworn statement in the Purvis matter despite being served with a subpoena. In the Pollard matter, respondent also failed to contact the ODC to reschedule his sworn statement and failed to update his address with the LSBA despite receiving the ODC's request to do so.

Rule 8.4(c) – In the Berry matter, respondent misrepresented to his client that he was able to continue with the representation following his suspension from the practice of law. He also continued to collect fees from his client after he was suspended.

Rule 8.4(d) – In the Vangure/Barker matter, respondent failed to comply with a court order to produce his client's file. In the Ashley matter, respondent repeatedly

failed to appear in court and failed to inform his client of his suspension from the practice of law, which resulted in the needless delay of his client's criminal case. In the Hatcher matter, respondent failed to appear in court and failed to return his client's file so his client could pursue post-conviction relief.

Rule 8.4(a) – By violating the Rules of Professional Conduct as detailed above, respondent also violated Rule 8.4(a).

The board then determined respondent violated duties owed to his clients, the public, the legal system, and the legal profession. He acted knowingly, if not intentionally, in certain respects and intentionally in other respects. His conduct caused substantial harm to his clients and the disciplinary system. After reviewing the ABA's *Standards for Imposing Lawyer Sanctions*, the board determined the baseline sanction is disbarment.

In aggravation, the board found the following: 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, refusal to acknowledge the wrongful nature of the conduct, vulnerability of the victims, substantial experience in the practice of law, and indifference to making restitution. The board determined that no mitigating factors are present.

After further considering this court's prior jurisprudence addressing similar misconduct, the board recommended respondent be permanently disbarred. The board also recommended respondent be ordered to provide Mr. Vangure, Mr. Pollard, Mr. Berry, and Mr. Hatcher with their client files. Finally, the board recommended that respondent be ordered to account for and refund any unearned fees to Mr. Ashley, Mr. Purvis, and Mr. Berry or to the LSBA Client Assistance Fund, as applicable.

Neither respondent nor the ODC filed an objection to the board's recommendation.

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 records of these three deemed admitted matters support a finding that respondent failed to timely update his addresses with the LSBA, neglected legal matters, failed to communicate with a client, failed to account for or refund unearned fees, failed to provide his clients with their files upon request, failed to comply with court orders and subpoenas, practiced law after being suspended, engaged in dishonest conduct, engaged in conduct prejudicial to the administration of justice, and failed to cooperate with the ODC in several investigations. Based on these facts,

respondent violated the Rules of Professional Conduct as detailed by the disciplinary board.

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 knowingly and intentionally violated duties owed to his clients, the public, the legal system, and the legal profession, causing significant harm. Disbarment is the baseline sanction for his misconduct, and the record supports the board's findings regarding the presence of aggravating and mitigating factors.

Turning to the issue of an appropriate sanction, respondent's conduct falls under Guideline 8 of the permanent disbarment guidelines set forth in Supreme Court Rule XIX, Appendix D. Guideline 8 states that permanent disbarment is warranted when a lawyer, "[f]ollowing notice, engag[es] in the unauthorized practice of law subsequent to resigning from the Bar Association, or during the period of time in which the lawyer is suspended from the practice of law or disbarred." After his suspension pursuant to *Harris II*, respondent continued to collect fees from Mr. Berry and lied to Mr. Berry that he was still able to practice law, all while neglecting his legal matter and failing to withdraw from the representation or provide Mr. Berry with a refund of the unearned fees. Mr. Ashley learned from the trial court that respondent would be unable to continue to represent him. When Mr. Ashley's mother contacted respondent, he failed to inform her of his suspension and, instead,

lied to her that the reason he would not be able to continue the representation was because his full fee had not been paid and because he was ill.

Case law further supports the imposition of permanent disbarment here. In the case of *In re: Gilbert*, 17-0524 (La. 9/22/17), 232 So. 3d 1221, we imposed permanent disbarment under Guidelines 8 and 9 after finding that a disbarred attorney neglected a legal matter, failed to communicate with a client, failed to account for or refund an unearned fee, failed to properly withdraw from a representation, engaged in the unauthorized practice of law by appearing in court following her disbarment, engaged in dishonest conduct, and failed to cooperate with the ODC in its investigation.

In light of the permanent disbarment guidelines, the relevant case law, and the numerous aggravating factors present, we find permanent disbarment is the appropriate sanction in this matter. Accordingly, we will adopt the board's recommendation and permanently disbar respondent. We will also order respondent to provide Mr. Vangure, Mr. Pollard, Mr. Berry, and Mr. Hatcher with their client files. Finally, we will order respondent to account for and refund any unearned fees owed to Mr. Ashley, Mr. Purvis, and Mr. Berry or to the LSBA Client Assistance Fund, as applicable.

DECREE

Upon review of the findings and recommendations of the hearing committees and disciplinary board, and considering the record, it is ordered that Arthur L. Harris, Sr., Louisiana Bar Roll number 6608, be and he hereby is permanently 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. 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 provide Wilford Vangure, Bernell Pollard, Aubrey Berry, and Rodney Hatcher with their client files. It is further ordered that respondent shall account for and refund any unearned fees owed to LaMarko Ashley, Jon Purvis, and Ashley Berry or to the LSBA Client Assistance Fund, as applicable. 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.