LOUISIANA SUPPORT ENFORCEMENT ASSOCIATION

ETHICS

Presentation and Written Materials

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Third Circuit Court of Appeal

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CODE OF PROFESSIONAL RESPONSIBILITY FOR COURT-EMPLOYED ATTORNEYS

I. Louisiana Supreme Court Rule XIV

A. The Louisiana Attorney Disciplinary Board (LADB) was created by Louisiana Supreme Court Rule XIX, adopted April 1, 1990.

B. LADB duties include establishing lawyer disciplinary and disability proceedings, appointing chief disciplinary counsel and staff, and informing the public about imposed discipline

C. Rule XIX sets up the framework for lawyer discipline – hearing committees, disciplinary counsel and staff, filing of formal charges, sanctions, etc.

II. Louisiana Supreme Court Rule XV

A. Court-employed or appointed attorneys "shall not engage in the practice of law" or be involved in "any business, calling, or employment which interferes with proper discharge of their duties."

B. Exceptions – We may act *pro se* and perform routine legal work for our own personal affairs or the personal affairs of our immediate family.

1. The work cannot present an appearance of impropriety, be done on work time, or interfere with our primary job of court employment.

2. Family work must be done without compensation and cannot involve an appearance in any contested matter in any state court.

III. Rules of Professional Conduct

A. These are what the LADB enforces.

B. Current reenacted version became effective March 1, 2004 (with amendments).

C. Most rules are geared toward private practice attorneys. However, all of them also apply to court-employed attorneys, and some are particularly applicable to court-employed attorneys.

IV. Rule 1.1. Competence

(a) A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
(b) A lawyer is required to comply with the minimum requirements of continuing legal education as prescribed by Louisiana Supreme Court rule.
(c) A lawyer is required to comply with all of the requirements of the Supreme Court's rules regarding annual registration, including payment of Bar dues, payment of the disciplinary assessment, timely notification of changes of address, and proper disclosure of trust account information or any changes therein.

A. Surprisingly, the obligation to provide "Competent representation" does not apply to court employed attorneys. It does apply to District Attorneys and their Assistants. Apparently, if you are a court employed attorney, you do not have an ethical obligation to be competent. The purpose of this requirement of competency is the protection of the client. If you are court employees, you can't have clients pursuant to Louisiana Supreme Court Rule XV.

B. You do, however, have the employment obligation to be competent. While incompetency doesn't get you reported to the LADB, it will probably put you in the unemployment line!

V. Rule 1.11. Special Conflicts of Interest for Former and Current Government Officers and Employees

(a) Except as law may otherwise expressly permit, a lawyer who has formerly served as a public officer or employee of the government:

(1) is subject to Rule 1.9(c); and

(2) shall not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.

(b) When a lawyer is disqualified from representation under paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:

1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.

(c) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this Rule, the term "confidential government information" means information that has been obtained under governmental authority and which, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom.

(d) Except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee:

(1) is subject to Rules 1.7 and 1.9; and

(2) shall not:

(i) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed in writing; or

(ii) negotiate for private employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially, except that a lawyer serving as a law clerk to a judge, other adjudicative officer or arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and subject to the conditions stated in Rule 1.12(b).

(e) As used in this Rule, the term "matter" includes:

(1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties; and

(2) any other matter covered by the conflict of interest rules of the appropriate government agency.

Rule 1.7. Conflict of Interest: Current Clients

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client; or

(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law;

(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and

(4) each affected client gives informed consent, confirmed in writing.

Rule 1.9. Duties to Former Clients

(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.

(b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client

(1) whose interests are materially adverse to that person; and

(2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter; unless the former client gives informed consent, confirmed in writing.

(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

A. *State v. Clausen*, 12-2167 (La. 12/14/12), 104 So.3d 410 – Getting your entire new firm disqualified from a case doesn't make a good impression.

B. *In Re Smith*, 09-2447 (La. 3/5/10), 29 So.3d 1232, reinstatement granted 13-313 (La. 3/8/13), 108 So.3d 1164 – after a lawyer was sworn as an Orleans Parish Assistant District Attorney, he continued to represent clients in criminal district court. He was suspended from practice for one year and one day and was conditionally reinstated on March 8, 2013.

VI. Rule 1.12. Former Judge, Arbitrator, Mediator or Other Third-Party Neutral

(a) Except as stated in paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in writing.

(b) A lawyer shall not negotiate for employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator or other third-party neutral. A lawyer serving as a law clerk to a judge or other adjudicative officer may negotiate for employment with a party or lawyer involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge, or other adjudicative officer.

(c) If a lawyer is disqualified by paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless:

(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this rule.

(d) An arbitrator selected as a partisan of a party in a multi-member arbitration panel is not prohibited from subsequently representing that party.

A. The exception for law clerks allows them to look for a job with a lawyer or party involved in matters in which they are participating, but only after the clerk has notified the judge.

B. Reasonably, this also applies to staff attorneys, who should inform their department heads. The rule seems to apply only to matters in which the clerk is presently involved.

VII. Rule 4.4. Respect for the Rights of Third Persons

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.
(b) A lawyer who receives a writing that, on its face, appears to be subject to the attorney-client privilege or otherwise confidential, under circumstances where it is clear that the writing was not intended for the receiving lawyer, shall refrain from examining the writing, promptly notify the sending lawyer, and return the writing.

A. This could easily happen with modern technology.

B. This rule applies to "snail mail," faxes, emails, anything reduced to writing.

VIII. Rule 8.2. Judicial and Legal Officials

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.
(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

A. Does this rule make gossiping about a candidate a violation of the Rules of Professional Conduct? Arguably, it does. Why take a chance. Don't listen to or relay "gossip" about a judicial candidate.

B. Even though a judicial candidate is subject to the Code of Judicial Conduct, he/she is still subject to these rules for conduct involving his/her practice of law.

IX. Rule 8.3. Reporting Professional Misconduct

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the Office of Disciplinary Counsel.
(b) A lawyer who knows that a judge has committed a violation of the applicable rules of judicial conduct that raises a question as to the judge's honesty, trustworthiness or fitness for office shall inform the Judiciary Commission. Complaints concerning the conduct of federal judges shall be filed with the appropriate federal authorities in accordance with federal laws and rules governing federal judicial conduct and disability.
(c) This rule does not require the disclosure of information otherwise protected by Rule 1.6 or information gained by a lawyer or judge while participating in an approved lawyers assistance program or while serving as a member of the Ethics Advisory Service Committee.

A. *In Re Riehlmann,* 04-0680 (La. 1/19/05), 891 So.2d 1239
"[A] lawyer will be found to have knowledge of reportable misconduct, and thus reporting is required, where the supporting evidence is such that a reasonable lawyer under the circumstances would form a firm belief that the conduct in question had more likely than not occurred. As such, knowledge is measured by an objective standard that is not tied to the subjective beliefs of the lawyer in question."

B. *In re Steinhardt*, 04-0011 (La. 9/9/04), 883 So. 2d 404

A lawyer's failure to self-report her criminal conviction for being caught with eight pounds of marijuana in her car constituted a Rule 8.3 violation. "Both her conviction and failure to report this conviction to the ODC represent clear breaches of her fundamental duty as a lawyer to uphold the integrity of the bar."

C. *In re Soileau*, 99-0441 (La. 6/18/99), 737 So.2d 23

Failure to self-report a federal conviction for three violations of the Migratory Bird Treaty Act landed this attorney in prison for six months with a five-year probation. He was suspended from practice for two years, with one year deferred, and with credit for the period of his interim suspension. After completion of the active portion of his suspension, he was placed on supervised probation for two years, with the special condition that he enroll in the Lawyers Assistance Program.

X. Rule 3.3. Candor Toward the Tribunal

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures including, if necessary, disclosure to the tribunal. A lawyer may refuse to ffer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes to be false.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

A. *State v. Woodard*, 08-606 (La. 5/5/09), 9 So.3d 112 – Defendant, convicted of possession of a firearm by a convicted felon, had confided to his lawyer that he in fact was guilty. His attorney was thus prohibited from offering evidence contrary to that fact because he knew it would be false. (The lawyer did the right thing here – no Rule violations involved.)

B. *In Re Banks*, 09-1212 (La. 10/2/09), 18 So.3d 57 – lawyer's false statement to judge that he had not timely filed an answer because he had been retained only the day before the hearing was a violation of the Rules of Professional Conduct.

C. We have a duty to report ethical violations appearing in the records and filings we review. Because this is a personal duty, it does not require approval from your superior.

XI. 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;
(b) Commit a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
(d) Engage in conduct that is prejudicial to the administration of justice;

(e) State or imply an ability to influence improperly a judge, judicial officer, governmental agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;
(f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable Rules of Judicial Conduct or other law; or
(g) Threaten to present criminal or disciplinary charges solely to obtain an advantage in a civil matter.

A. In light of Rule 8.3, do we have an obligation to report a lawyer who has committed a crime?

B. What is dishonesty? Deceit? Misrepresentation? Is this rule confined to dishonesty, fraud, deceit, or misrepresentation only as it applies to a lawyer's profession, or does it apply to his personal life too?

Don't just have friends in high places, but in ALL places.
See Louisiana Rules of Professional Conduct, Rule 3.5.

Be nice to the judge's staff, court reporters, and all those in the clerk's office.

The decisions you make early on affect your case before it is even started or presented to the trier of fact.

In 2009, a United States magistrate judge in the Western District of Louisiana issued a one-year suspension to a Louisiana attorney who disrespected the magistrate's law clerk while on a phone conference.

Do not let your clients make "Justin Bieber" mistakes.
Earlier this year, "Bieber" cursed at a court reporter and pretended to sleep during a deposition.

Court personnel are deserving of the same level of respect as you should give the judge and opposing counsel.

Most judges have the attitude that "what you do to the least of my brethren, you do to me."

Be brief!
See Louisiana Rules of Professional Conduct, Rules 3.1-3.5

Never say more than you need to.
This includes depositions, direct and cross examinations, memoranda, and appellate briefs.
If what you need to say can be done in fewer words, then do so.
In other words stop when you are ahead.

Don't give the judge a reason not to trust or respect you.
See Louisiana Rules of Professional Conduct, Rule 3.3

Be accurate.
Make sure the information that you include in your memoranda and briefing is accurate, clear, and to the point.
There is no room or time for name calling, sarcasm, or criticism when the main focus is the law and the facts.
For example: there is no need to refer to anything or anyone's argument as "ridiculous," "insane", or worse. If your memorandum or brief is well-reasoned and well-written based on the law and facts, the judge should be able to tell how "ridiculous" your opponent's argument is without your having to say it.

Be thorough.
Do not "forget" to cite a case that may be harmful to your argument or, even worse, neglect to mention that the case you cited has been overruled.

Mea culpa.
See Louisiana Rules of Professional Conduct, Rules 1.1, 1.3, 2.1 & 3.1-3.5

Take responsibility.

If something goes wrong, don't pass the buck.
Don't blame the clerk's office, your law clerk, or your secretary.

This is your case, take ownership, ensure that the mistake will not happen again, and move on.

Update the court and the parties.
See Louisiana Rules of Professional Conduct, Rules 3.1-3.5

Keep everyone informed.

This includes the court, opposing parties, and witnesses.
If something is settled or resolved, let everyone know.
Take everyone else's time into consideration. Don't let the parties, witnesses, and court prepare if you know you are not going to be there!
Don't postpone settlement to the morning of the trial or hearing judge to obtain a tactical advantage or to make your opponent "sweat." If you can settle the case earlier, do so.
Judges, their law clerks and staff, court personnel, and other litigants who may have a case scheduled behind you will all be appreciative.

If you do not have respect for the opposing attorney, his or her clients, or the court, why should you or your side of the case be respected?
See Louisiana Rules of Professional Conduct, Rule 3.5

Don't be disrespectful in the courtroom.
When taking the Lawyer's Oath, we each said, "I will maintain the respect due to courts of justice and judicial officers."
This includes turning off your cell phone, iPad, and laptop. You and your client should refrain from handling a cell phone or a multimedia device in the courtroom or as otherwise ordered by the court.
In 2013, a Michigan judge known for being a stickler about cell phones in the court room held himself in contempt and paid the $25 fine he imposed on the public while the court was in recess because his phone rang during a prosecutor's closing arguments.
In a suburban Chicago courtroom, a 30-year veteran lawyer was held in contempt and fined $1,000 for calling a judge's ruling "ridiculous" when the judge raised bond from $2,000 to $75,000.
In 2007, U.S. District Judge Robert E. Blackburn addressed a plaintiff's attorney for the "disrespectful cockalorum, grandstanding, bombast, bullying, and

hyperbole" that the lawyer had exhibited at trial, claiming that the lawyer's behavior unfairly prejudiced the jury's verdict.

In 2013, the Florida Supreme Court suspended a lawyer for two years and ordered the attorney to appear before the court to be publically reprimanded for continuously interrupting the judges in his disciplinary case, causing "an embarrassment to all members of The Florida Bar."

Preparation is everything.
Louisiana Rules of Professional Conduct, Rule 1.3
Do not be late or unprepared.
If you are not on time, you start out being the disfavored party. Again, take everyone else's time into consideration.
Call the judge's law clerk or secretary if you are stuck in traffic or have an unexpected emergency.
Be overly prepared. Anticipate what COULD happen. Bring extra copies of documents to give to the court and the opposing side. If you find a case not cited in your brief, bring a copy to the court and opposing counsel. Many judges decide from the bench, especially those cases argued on motion day.
Don't bring unnecessary issues to court that you should have been able to work out on your own.
Most judges have little patience with lawyers who simply will not communicate with each other and file unnecessary discovery motions that could and should have been resolved by the attorneys.

Appeals

When on appeal, your argument on why your client should win is only presented to the judges in three ways: the record, the briefs, and maybe in oral argument.
Record – you must be certain that the record says what you need it to say. You must properly file and include everything that you want the court of appeal to look at when deciding the case on appeal. *See Johnson v. Foret*, 13-446 (La.App. 3 Cir. 6/18/14), 146 So.3d 614.
Briefs – because of the time constraints and pressure of oral arguments, your brief is the ideal time to make your argument to the judges.
Take time to write it, to review it, to make sure it says everything you need it to say in an organized way, and to make sure it accurately states the law and facts as

contained in the record. "Facts" which are not in the appellate record cannot be considered, so review the record carefully before it is lodged in the court of appeal to make certain it contains everything it should.

Your brief is something that the judges and the law clerks read over and over again and should be as close to perfect as possible. Be thorough and succinct, avoid regurgitation and especially avoid "name calling."
Oral Argument – being prepared for oral argument means knowing the record.
As with briefs, accurately state what is contained in the record and the law. The ability to cite page numbers of the record on points that you think the judges may question is a big time-saver and a big plus for you and your client.
After a brief summary of the case, do not just restate the facts covered in your brief but get right to the main points in contention.
Anticipate the questions that the judges will ask you by completely understanding what issues are being presented on appeal.

Attorney Misconduct

Behavior in Court

LSA CCP art. 371
"An attorney at law is an officer of the court. He shall conduct himself at all times with decorum, and in a manner consistent with the dignity and authority of the court and the role which he himself should play in the administration of justice.

"He shall treat the court, its officers, jurors, witnesses, opposing party, and opposing counsel with due respect; shall not interrupt opposing counsel, or otherwise interfere with or impede the orderly dispatch of judicial business by the court; shall not knowingly encourage or produce false evidence; and shall not knowingly make any misrepresentation, or otherwise impose upon or deceive the court.

"For a violation of any of the provisions of this article, the attorney at law subjects himself to punishment for contempt of court, and such further disciplinary action as is otherwise provided by law."

Square v. Leblanc, 4-1500 (La.App. 3 Cir. 6/1/05), 903 So.2d 1178, *writ denied*, 5-1746 (La. 1/13/06).

The third circuit was presented with a claim by plaintiff's counsel that defense counsel lodged numerous objections during the course of the eight day trial in violation of La.Code Civ.P. art. 371 requiring an attorney to "treat the court, its officers, jurors, witnesses, opposing party, and opposing counsel with due respect; shall not interrupt opposing counsel, or otherwise interfere with or impede the orderly dispatch of judicial business by the court."

Plaintiff also claimed that the trial court's failure to control the defense counsel's conduct was an abuse of his discretion to conduct orderly proceedings pursuant to La.Code Civ.P. art. 1631: "Reviewing the record, we observe that counsel for Square also made numerous objections during the course of trial, in addition to several requests for mistrials and sidebars. Both sides had objections that were sustained, and both sides had objections that were overruled. Our review of the proceedings does not indicate that one side over the other was prejudiced by opposing counsel's conduct. We find no merit to this argument."

The court did not go into any specificity as to exactly what objections were made, how many and at what stage of the proceedings.

McCarter v. Lawton, 9-1508, pp. 17-18 (La.App. 4 Cir. 7/21/10), 44 So.3d 342, 354.

In this case, the judge ejected one of plaintiff's attorneys in the presence of the jury. After being previously admonished by the judge for such conduct, the attorney "blurted out a mild reproach to opposing counsel."

Plaintiff argued on appeal that the ejection prejudiced his case. The fourth circuit found that "trial judge had previously cautioned plaintiff's counsel about interjecting himself inappropriately, and pointedly stated to plaintiff's trial counsel in the presence of the jury that he was 'not attributing anything negative to you or your client,' we think it highly unlikely that the judge's reaction to counsel's provocation was prejudicial to the jury's deliberations in this case involving serious injury to Mr. McCarter and touching upon the professional competence and reputation of a physician."

The fourth circuit held that the judge had not abused his discretion, citing La.Code Civ.P. art. 371:
"As an officer of the court, the attorney 'shall conduct himself at all times with decorum . . . and shall not interrupt opposing counsel.'"

State ex rel Parker v. Mouser, 208 La. 1093 (La. 1945)
Judge held attorney in contempt for insulting comment to the judge in open court.

State v. Mitchell, 15-169 (La.App. 5 Cir. 10/15), 178 So.3d 203.
A criminal defense attorney filed a motion to modify the conditions of her client's conditions of home incarceration. The trial court judge found him in contempt for allegedly misrepresenting to the court that defendant's home incarceration officer "consented to the modification". The Court of Appeal reversed, finding that the attorney's statement to the court was based on a text communication between his client and the home incarceration facilator, who both the client and attorney believed was the officer in charge. The dissent urged that the trial judge's discretion is very broad, especially with regard to "the authority to punish for contempt … to enforce it's lawful orders."

Disbarment is a serious matter.

In Re: Gregory Williams, 2016 WL 7118908, 2016 – B – 1253 (La. 12/06/16).

Mr. Williams was an Assistant District Attorney and "became aware that personnel in the District Attorney's office and a non-lawyer by the name of Robert Williamson were utilizing the immediate 894 plea sessions to provide favorable dispositions of DWI cases for defendants willing to pay Mr. Willliamson . - - - In 2010 and 2011 respondent (Williams) accepted a series of gifts and a cash payment from Mr. Williamson, "intending to be influenced and rewarded in connection with the DWI scheme" Pursuant to a plea agreement, Williams entered a felony guilty plea in federal court to one count of conspiracy to commit bribery. Following disciplinary proceedings, he was permanently disbarred.

HELP IS AVAILABLE

Lawyers' Assistance Program Hotline – 1-866-354-9334

This program provides confidential assistance with problems such as alcoholism, substance abuse, depression and other mental health issues, gambling, and all other addictions. Our local representative is Thomas M. Bergstedt – 337-558-5032.

"The practice of law in this state is not a right, but a privilege, which may be taken away from the person to whom granted for cause."

In re Craven, 169 La. 555, 556-57, 125 So. 591, 592 (1929)

SUPREME COURT OF LOUISIANA

RULE XIX APPENDIX E.
GUIDELINES DEPICTING CONDUCT WHICH MIGHT WARRANT PERMANENT DISBARMENT, SUGGESTED BY THE COMMITTEE TO STUDY PERMANENT DISBARMENT

The following guidelines illustrate the types of conduct which might warrant permanent disbarment. These guidelines are not intended to bind the Supreme Court of Louisiana in its decisionmaking. It is hoped that these guidelines provide useful information to the public and to lawyers concerning the types of conduct the Court might consider to be worthy of permanent disbarment.

GUIDELINE 1. Repeated or multiple instances of intentional conversion of client funds with substantial harm.

GUIDELINE 2. Intentional corruption of the judicial process, including but not limited to bribery, perjury, and subornation of perjury.

GUIDELINE 3. An intentional homicide conviction.

GUIDELINE 4. Sexual misconduct which results in a felony criminal conviction, such as rape or child molestation.

GUIDELINE 5. Conviction of a felony involving physical coercion or substantial damage to person or property, including but not limited to armed robbery, arson, or kidnapping.

GUIDELINE 6. Insurance fraud, including but not limited to staged accidents or widespread runner-based solicitation.

GUIDELINE 7. Malfeasance in office which results in a felony conviction, and which involves fraud.

GUIDELINE 8. Following notice, engaging 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.

GUIDELINE 9. Instances of serious attorney misconduct or conviction of a serious crime, when the misconduct or conviction is preceded by suspension or disbarment for prior instances of serious attorney misconduct or conviction of a serious crime. Serious crime is defined in Rule XIX, Section 19. Serious attorney misconduct is defined for purposes of these guidelines as any misconduct which results in a suspension of more than one year.