

ORIGINAL

Louisiana Attorney Disciplinary Board

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13-DB-009

11/18/2015

**LOUISIANA ATTORNEY DISCIPLINARY BOARD**

**IN RE: GREGORY F. WILLIAMS, SR.  
(Bar Roll No.: 25538)**

**DOCKET NO.: 13-DB-009**

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**OPINION OF HEARING COMMITTEE NO. 5**

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This matter arises out of disciplinary proceedings brought against Gregory F. Williams, Sr., Bar Roll No. 25538, admitted to the practice of law in the State of Louisiana on April 9, 1998, after graduating from Southern University School of Law. Disciplinary Counsel seeks Permanent Disbarment against Mr. Williams by virtue of his being charged on January 16, 2013, in the United States District Court for the Western District of Louisiana via Bill of Information with conspiracy to commit bribery, and his subsequent guilty plea on January 17, 2013, to conspiracy to commit bribery in violation of Title 18, USC §371. The underlying facts leading to the Bill of Information and the subsequent plea all arose out of conduct directly related to Mr. Williams' position, at the time, as an Assistant District Attorney with the Fifteenth Judicial District Court Attorney's Office.

**FACTUAL SUMMARY**

While employed as Assistant District Attorney for the Fifteenth Judicial District in Lafayette Parish, the Respondent became aware of and participated in a scheme involving a non-lawyer by the name of Robert Williamson. Mr. Williamson would allegedly contact individuals charged with a DWI within the jurisdiction of the Fifteenth Judicial District and arrange for them to participate in an "expedited 894 program," which allowed DWI defendants the opportunity to avoid having their driver's licenses suspended. Under the

scheme Mr. Williamson would be paid directly by the DWI defendants and then he would arrange for his “clients” to be placed on an expedited DWI list to be handled by the Respondent.

When the procedures being followed in the Fifteenth Judicial District came to light, a subsequent investigation by the FBI and the US Attorney’s Office resulted in a Bill of Information against the Respondent charging him with conspiracy to commit bribery which was filed against him on January 16, 2013. On January 17, 2013, the Respondent entered a guilty plea to conspiracy to commit bribery in violation of Title 18 USC 371. In the Bill of Information filed against him, the Respondent is accused of corruptly accepting and agreeing “to accept a cash payment in the amount of \$500, as well as other things of value from currently uncharged co-conspirators, intending to be influenced and rewarded in connection with the transaction and series of transactions of the District Attorney’s Office for the 15<sup>th</sup> Judicial District Court.”

### **PROCEDURAL HISTORY**

The Louisiana Supreme Court on February 8, 2013 interimly suspended Mr. Williams pursuant to the provisions of the Supreme Court Rule XIX, §19.

Mr. Williams was sentenced by the Honorable Elizabeth Foote, United States District Judge, in Lafayette, Louisiana, on July 10, 2015. Mr. Williams was sentenced to two (2) years supervised probation. He was also ordered to participate in location monitoring program. Other terms included restriction to his residence every day as directed by the probation officer, subject to curfew, and he was to be monitored by any form of a location monitoring technology as directed by the probation officer for a period of six (6) months and to abide by all technology

requirements. He is required to maintain telephone service at his residence without call forwarding, caller identification, call waiting, computer modem, answering machine or portable cordless handset. He was also ordered to pay all or part of the monthly costs of participation in the program. He was also directed to perform two hundred (200) hours of unpaid community service as directed and approved by the probation officer within the first year of supervision.

A hearing was held before this Hearing Committee on May 18, 2015 at the United States District Courthouse, Courtroom 4, in Lafayette, Louisiana. In addition to testifying on his own behalf, Mr. Williams presented testimony from Ty Cook, Jay Miller and Barry Sallinger. Mr. Williams also submitted a transcript into the record, post hearing, of the sentencing proceeding before Judge Foote. It is noted that during the course of the hearing, it was represented to Judge Foote that Mr. Williams had voluntarily surrendered his license, although there is nothing in the record of this disciplinary proceeding to indicate that the Respondent's loss of his license was voluntary. Nevertheless, the representation that Respondent "voluntarily" surrendered his license was made by counsel, Harold Register, Jr., on behalf of Mr. Williams in the presence of Mr. Williams. The transcript does not reflect Mr. Williams correcting this false assertion. Judge Foote appeared to have been swayed by this assertion in her sentencing as at page 17, lines 6-10 of the transcript, the Court expressly notes:

The Court is impressed with that humility and with your acceptance of responsibility for what you have done by **voluntarily turning in your license** and by pleadings of the Bill of Information and based on the degree of cooperation that you have shown.

The Court record clearly reflects Mr. Williams' presence at all times during the sentencing proceeding conducted by Judge Foote on July 10, 2015. The assertion that his law license had been voluntarily surrendered and that he was no longer a practicing attorney in Louisiana was made at page 10 twice, the second occasion coming after Judge Foote specifically

inquired “and he voluntarily did that?” to which Mr. Register stated “he voluntarily did that, Judge. He voluntarily did that.” At pages 11 and 12 of the transcript for the sentencing hearing on July 10, 2015, Mr. Williams was given an opportunity to address the Court directly and no attempt was made to correct the false assertion.

While in his post-hearing brief Mr. Williams points to the apparent leniency of the Court in the sentencing phase as grounds for mitigation against baseline of disbarment, the Committee finds that there is reasonable cause to conclude that the leniency was influenced at least in part by the false assertion that Mr. Williams had voluntarily surrendered his law license.

The underlying established facts leading to the charge of conspiracy to commit bribery in violation of Title 18, USC §371 are accurately set forth in the formal charges instituted by the ODC which were filed February 21, 2013 and served on counsel for Mr. Williams, Mr. Leslie Schiff, on February 27, 2013. They read as follows and as contained in paragraph III of the formal charges:

At all times pertinent to these proceedings, the Respondent was employed as an Assistant District Attorney for the 15th Judicial District in the State of Louisiana. The Respondent corruptly accepted and agreed to accept a cash payment in the amount of \$500, as well as other things of value from currently uncharged co-conspirators, intending to be influenced and rewarded in connection with a transaction and series of transactions of the District Attorney's Office for the 15th Judicial District. The Respondent's conduct reflects violations of Rule 8.4(b) (the commission of a criminal act); Rule 8.4(c) (conduct involving dishonesty, fraud, deceit and misrepresentation); Rule 8.4(d) (conduct prejudicial to the administration of justice); and Rule 8.4(a) (violating or attempting to violate the Rules of Professional Conduct).

In addition to the cash payment set forth in paragraph 3 of the formal charges, it was established through the evidence that Mr. Williams also received an autographed New Orleans Saints hat, bicycles for himself and his family members and clothing ranging from shoes to business suits. Mr. Williams never brought any of this to the attention of his employer at the

time, namely District Attorney Michael Harson, or any of his co-Assistant District Attorneys in the Fifteenth Judicial District Attorney's Office. The cash payment was established to have actually taken place in Respondent's personal office within the Fifteenth Judicial District Attorney's office in Lafayette, yet he did not take any action to inquire with anyone within that office about the propriety of receiving the cash payment and other gifts. Further, there is no evidence that he took any steps to even inquire if an investigation should be conducted into the conduct of the individual identified as Robert Williamson, who presented the gifts.

#### **HEARING COMMITTEE'S FINDINGS AND RECOMMENDATION**

The Hearing Committee is mindful of, and bound by, Supreme Court Rule XIX, §19(e) which provides in pertinent part, as follows:

"... At the hearing before a hearing committee, the certificate of the conviction of the respondent shall be conclusive evidence of his/her guilt of the crime for which he/she has been convicted. The sole issue to be determined at the hearing shall be whether the crime warrants discipline and, if so, the extent thereof. At the hearing the respondent may offer evidence only of mitigating circumstances not inconsistent with the essential elements of the crime for which he/she was convicted as determined by the statute defining the crime."

It has been established through Mr. Williams' own guilty plea, the nature of his charge to which he pled guilty and various other charges against various other individuals involved with the "expedited 894" scheme (which is now public knowledge in this area) that there were benefits given through the actions of Mr. Williams that inured to the benefit of others. This was also noted during the course of the sentencing hearing July 10, 2015.

It was established at the hearing on May 18, 2015 that Mr. Williams did not have any relationship with Robert Williamson, the one who provided the gifts and cash payment to Mr. Williams, and who ushered clients through the "expedited 894" proceedings in which Mr.

Williams represented the Fifteenth Judicial District Attorney's Office. There was no evidence of any social or professional relationship with Mr. Williamson in Mr. Williams' private practice.

Despite his assertions that he did not know he was doing anything wrong, did not intend to do anything wrong, and was not aware that there was any benefit being given, his written consent to the charges establishing just the opposite belies his assertions. Mr. Williams also presented testimony through one witness that sought to place blame for Williams' actions on the District Attorney at the time, Michael Harson. It was established at the hearing that Mr. Harson has never been charged with any wrongdoing and has been cleared of any wrongdoing by the United States Attorney's Office. Moreover, and as noted before, Mr. Williams made no attempt whatsoever to bring any of this activity to the attention of Mr. Harson either verbally or via office memo, writing or otherwise.

To make matters worse, Respondent himself testified that for a period of five years he handled over 200 DWI cases in which he knew that Mr. Williamson was involved, that is, approximately 40 cases per year. See Transcript of Hearing, Pages 176 and 177.

As noted above, disbarment is the baseline for an attorney convicted of a felony. Unfortunately, the Committee does not see sufficient nor ample reason to deviate from the baseline. ODC argues that in all prior instances of similar misconduct by an Assistant District Attorney who trades on his official position and accepts bribes, the matters resulted in permanent disbarment. Respondent has not cited any case refuting ODC's argument.

In the matter of *In Re: Bell*, 2011-1330 (La. 10/07/2011) 72 So.3d 825, the Respondent was a prosecutor in Baton Rouge City Court who entered a plea to federal charges that he accepted bribes in exchange for "fixing" criminal and traffic matters. *Bell* conspired with others to engage in bribery by soliciting and accepting payments from

individuals with matters pending before the court for the promise that the charges would be dismissed or otherwise “fixed”. The Supreme Court noted there (as in the instant matter) the crime for which the Respondent entered a guilty plea was a felony under federal law. The Supreme Court noted that Appendix E to Supreme Court Rule XIX sets forth guidelines illustrating the types of conduct which might warrant permanent disbarment. The Court found Guidelines 2 and 7 to be relevant. Those Guidelines provide:

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

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

The Court noted that the Respondent’s corruption of the criminal judicial process is the “sort of pervasive public corruption” that interferes with the administration of justice and undermines the principal that all are equal before the law. The Court imposed the sanction of permanent disbarment. See also *In Re: Burks*, 2007-0637 (La. 8/31/07), 964 So.2d 298 involving similar misconduct for which permanent disbarment was imposed.

The Committee finds that the Respondent’s guilty plea conclusively established that the Respondent was guilty of intentional corruption of the judicial process as a result of his acceptance of bribes, and also guilty of malfeasance in office which resulted in a felony conviction involving fraud. Accordingly, both Guidelines 2 and 7 are applicable.

It is therefore the recommendation of the Hearing Committee that Gregory F. Williams, Sr. be permanently disbarred. The Hearing Committee does not make this decision lightly and it is certainly regrettable that such action must be taken but the evidence overwhelmingly requires this recommendation.

The Hearing Committee is bound by the Supreme Court Disciplinary Rules and Standards, two (2) of which have been cited to the Committee and read as follows:

"5.11 Disbarment is generally appropriate when:

(a) a lawyer engages in serious criminal conduct a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses; or

(b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice."

The Committee also finds Standard 6.11 applicable, which provides in pertinent part:

"Disbarment is generally appropriate when a lawyer, with the intent to deceive the court, makes a false statement, submits a false document, or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding."

In addition to Supreme Court Rule XIX, as set forth earlier, Appendix E sets forth guidelines which provide assistance in determining whether permanent disbarment is appropriate. Guideline 2 is applicable when the conduct complained of involves intentional corruption of the judicial process, including but not limited to **bribery**, ... Guideline 7 addresses malfeasance in office which results in a **felony conviction**, which involves fraud.



Mr. Williams pled guilty to conspiracy to commit bribery and was convicted, which is a felony. The underlying facts supporting the charge of conspiracy were admitted by Mr. Williams not only in his written plea agreement but also during the course of the sentencing phase before Judge Foote on July 10, 2015.

Mr. Williams has been represented by able counsel throughout these proceedings. The Hearing Committee notes the efforts that have been presented on behalf of Mr. Williams to mitigate against permanent disbarment and/or otherwise minimize the disciplinary action. However, the Hearing Committee has been cited no case similar in form or fashion to Mr. Williams' case involving an Assistant District Attorney in which the guilty Assistant District Attorney was not permanently disbarred. The Hearing Committee finds no evidence sufficient to carve out an exception for Mr. Williams under the circumstances, given the evidence that was presented to the Committee at the hearing on May 18, 2015, and thereafter.

Accordingly, for the reasons stated above, the Hearing Committee recommends that Gregory F. Williams, Sr. be permanently disbarred.

Louisiana Attorney Disciplinary Board  
Hearing Committee #05

BY: 

JOSEPH C. GIGLIO, JR.  
COMMITTEE CHAIR

BY: 

THOMAS R. HIGHTOWER, JR.  
LAWYER MEMBER

BY: 

PAMELA S. STROUP  
PUBLIC MEMBER