

## LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: E. ERIC GUIRARD

DOCKET NO. 14-DB-038

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**REPORT OF THE HEARING COMMITTEE #14**

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This proceeding is based upon a filing of a petition and application for readmission to the practice of law following the disbarment of E. Eric Guirard (“Mr. Guirard” or “Applicant”).<sup>1</sup>

**INTRODUCTION AND PROCEDURAL HISTORY**

On May 5, 2009, Mr. Guirard and his law partner Thomas R. Pittenger, were disbarred for engaging in conflicts of interest, failing to supervise their non-lawyer staff, engaging in impermissible fee-sharing with non-lawyers, and facilitating the unauthorized practice of law by non-lawyers. *In re Guirard and Pittenger*, 2008-2621 (La. 5/5/09), 11 So.3d 1017.

Mr. Guirard filed a petition and application for readmission to the practice of law on September 4, 2014. After several extensions of time in which to respond were granted, the Office of Disciplinary Counsel (“ODC”) filed its response to the petition on August 25, 2015.

A Hearing was held on October 22, 2015, in Baton Rouge, Louisiana before Hearing Committee Number 14. The members of the Committee are Jane R. Goldsmith, Chair, Virginia Benoist, lawyer member, and Stephen Thompson, public member. Appearing for ODC was Chief Disciplinary Counsel Charles B. Plattsmier. Mr. Guirard appeared with counsel, Damon S. Manning.

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<sup>1</sup> E. Eric Guirard is also known as Eric J. Guirard. ODC Ex. 1, p. 22.

## RESPONSE OF ODC

ODC took “no position” regarding Mr. Guirard’s petition for readmission, which required a hearing of the matter pursuant to Louisiana Supreme Court Rule XIX, §24(F).

### EVIDENCE

The ODC offered into evidence the following exhibits at the hearing of this matter:

- ODC 1: Order of Final Discipline by the Louisiana Supreme Court disbarring the petitioner issued May 5, 2009 and effective June 19, 2009
- ODC 2: Post disbarment articles and comments made by the petitioner to members of the media regarding his views toward the disciplinary sanction imposed
- ODC 3: Sworn statement taken of the petitioner by the Office of Disciplinary Counsel during the investigative process

ODC exhibits 1-3 were admitted into evidence by the Committee Chair. The ODC did not call any witnesses at the hearing.

The Applicant offered into evidence the following exhibits:

- A-1: Part I of the Application for Reinstatement or Readmission (the “Application”) filed by Mr. Guirard on September 4, 2014, with attachment in globo
- A-2: Part II of the Application filed by Mr. Guirard on September 4, 2014 (**under seal**) with attachments in globo, including:
  - a. Mr. Guirard’s individual tax returns for 2009 (**under seal**)
  - b. Mr. Guirard’s individual amended tax returns for 2009 (**under seal**)
  - c. Mr. Guirard’s individual tax returns for 2010 (**under seal**)
  - d. Mr. Guirard’s individual amended tax returns for 2010 (**under seal**)
  - e. Mr. Guirard’s individual tax returns for 2011 (**under seal**)
  - f. Mr. Guirard’s individual tax returns for 2012 (**under seal**)

- g. Mr. Guirard's individual tax returns for 2013  
(**under seal**)
- h. Mr. Guirard's Form 4868 Application for Automatic Extension of Time to file U.S. individual income tax return for tax year 2014 (**under seal**)

- A-3: Notice of Federal Tax Lien (**under seal**)
- A-4: IRS letter of agreement dated March 6, 2015 (**under seal**)
- A-5: IRS account transcript dated July 17, 2015 (**under seal**)
- A-6: IRS notice dated August 3, 2015 regarding changes to 2010 return (**under seal**)
- A-7: Character letter submitted by Mr. Guirard's ex-wife, Robin Purvis, in support of Mr. Guirard's application
- A-8: Character letter submitted by Hugh McIntosh, Episcopal Head of School, in support of Mr. Guirard's application
- A-9: Character letter submitted by Dena Marie Christy, CEO/President of Family Road of Greater Baton Rouge, in support of Mr. Guirard application
- A-10: Character letter submitted by Charles E. "Chas" Roemer, IV, in support of Mr. Guirard's application
- A-11: Character letter submitted by Luther C. "Luke" Kissam, IV, CEO of Albemarle Corporation, in support of Mr. Guirard's application
- A-12: Character letter submitted by John W. Perry, Jr., Esq., in support of Mr. Guirard's application
- A-13: Mr. Guirard's MCLE transcripts for the years 2012, 2013, 2014 and 2015
- A-14: Proof of payment to the Louisiana State Bar Association for Mr. Guirard's membership dues and disciplinary board assessments for fiscal year 2014-2015, with copy of attorney registration statement
- A-15: Confirmation of Mr. Guirard's payment of disciplinary costs in connection with the matter resulting in his disbarment

- A-16: Proof of payment to Louisiana Supreme Court for filing fees in underlying disbarment proceeding
- A-17: Proof of payment of filing fee/advance deposit to Louisiana Attorney Disciplinary Board in readmission proceeding
- A-18: Certificate from Client Assistance Fund confirming no payments made by the Fund regarding Mr. Guirard
- A-19: Proof of publication regarding Mr. Guirard's application published in The Times-Picayune on August 27, 2014
- A-20: Proof of publication regarding Mr. Guirard's application published in the Advocate on August 26, 2014
- A-21: Proof of publication regarding Mr. Guirard's application published in The Louisiana Bar Journal
- A-22: Copies of notice letters sent to original complainants notifying of Mr. Guirard's application
- A-23: Copy of Mr. Guirard's affidavit filed with the Clerk of Court of the Supreme Court of Louisiana, July 21, 2009, in accordance with Rule XIX, §26(H)
- A-24: Examples of disbarment notification letters sent by Mr. Guirard in July 2009 in accordance with Rule XIX, §24(B)
- A-25: Mr. Guirard's individual tax returns for 2014 (**under seal**)

The Applicant's exhibits 1-25 were admitted into evidence by the Committee. As noted, Exhibits A-2-6 and A-25 were submitted under seal. The following individuals testified on behalf of the Applicant: E. Eric Guirard; Joseph Liss; Dale Brown; Sean Reilly; Luther C. Kissam, IV; Robin Purvis; James Engster; Vicki Hart; Dena Marie Christy; Dominic Scott and Mike Barnett.

### **LAW AND FINDINGS OF FACT**

Louisiana Supreme Court Rule XIX, §24 sets forth the requirements for reinstatement and readmission. The Committee finds the testimony and documentary evidence to be clear and

convincing that Mr. Guirard has satisfied the criteria for readmission to the practice of law. Each of these criteria is addressed below.

**Rule XIX, § 24(A)** – Pursuant to Rule XIX, §24(A), a disbarred lawyer may not petition for readmission until five years after the effective date of disbarment. Mr. Guirard’s petition for readmission is timely as it was filed on September 4, 2014, more than five years after the June 9, 2009 effective date of his disbarment. ODC stipulated that the petitioner waited the required five year period before applying for readmission.<sup>2</sup>

This criteria has been satisfied.

**Rule XIX, § 24(B)** – Pursuant to Rule XIX, §24(B), a petition for readmission must be under oath or affirmation under penalty of perjury and shall specify with particularity the manner in which the lawyer meets each of the criteria specified in paragraph E or, if not, why there is good and sufficient reason for readmission. Furthermore, unless abated under Section 25, the petition and application must be accompanied by an advance cost deposit in the amount set from time to time by the board to cover anticipated costs of the proceeding.

Mr. Guirard’s petition was made under oath accompanied by a sworn verification. The petition sets forth the manner in which Mr. Guirard meets the criteria specified in paragraph E. Furthermore, Mr. Guirard’s petition was accompanied by the requisite \$500.00 advance cost deposit.

ODC stipulated to the payment.<sup>3</sup>

This criteria has been satisfied.

**Rule XIX, § 24(C)** – Pursuant to Rule XIX, §24(C), a lawyer applying for readmission shall file the petition and application with the Disciplinary Board and shall serve a copy of the

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<sup>2</sup> Pre-Hearing Memorandum by the Office of Disciplinary Counsel (“ODC Memorandum”), p. 8; Transcript, p. 55.

<sup>3</sup> Transcript, p. 55.

petition and application on disciplinary counsel. Mr. Guirard filed his petition and application with the Disciplinary Board on September 4, 2014, and caused a copy of the petition, application and all exhibits to be served on disciplinary counsel September 3, 2014. ODC stipulated that the petitioner has filed not only his petition but also the Supreme Court mandated application, having executed same under oath.<sup>4</sup>

This criteria has been satisfied.

**Rule XIX, § 24(D)** – Pursuant to Rule XIX, §24(D), a lawyer applying for readmission shall also publish a notice of the petition and application in the journal of the state bar and in a newspaper of general circulation in each judicial district in which the lawyer maintained an office for the practice of law when the lawyer was disbarred. The notice shall inform members of the bar and the public about the petition and application for readmission, and shall request that any individuals file notice of the opposition or concurrence with the board within thirty days. In addition, the lawyer shall notify the complainant(s) in the disciplinary proceeding that led to the lawyer's disbarment that the lawyer is applying for readmission, and shall inform each complainant that he or she has thirty days to raise objections to or to support the lawyer's petition and application. Mr. Guirard complied with this rule.<sup>5</sup>

ODC stipulated that the petitioner has published his notice of intent to seek readmission in both the journal of the State Bar as well as in a newspaper of general circulation in the judicial district in which the lawyer maintained an office for the practice of law at the time of his disbarment.<sup>6</sup>

This criteria has been satisfied.

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<sup>4</sup> ODC Memorandum, p. 8.

<sup>5</sup> Applicant Ex. A-19-22 and A-24.

<sup>6</sup> ODC Memorandum, pp. 8-9.

**Criteria for readmission set forth in Rule XIX, § 24(E)** – Pursuant to Rule XIX, §24(E), a lawyer may be readmitted only if the lawyer meets each of the eleven (11) criteria set forth, or, if not, present good and sufficient reasons why the lawyer should nevertheless be readmitted. Mr. Guirard meets all 11 criteria as discussed below.

**E1. “The lawyer has fully complied with the terms and conditions of all prior discipline orders, except to the extent that they are abated under section 25.”**

Other than the payment of costs and expenses of the disbarment matter, which Mr. Guirard has satisfied, Mr. Guirard’s disciplinary order imposed no terms or conditions. ODC counsel stipulated to payment of costs.<sup>7</sup>

This criteria has been satisfied.

**E2. “The lawyer has not engaged nor attempted to engage in the unauthorized practice of law during the period of suspension or disbarment.”**

Mr. Guirard has not engaged, or attempted to engage, in the unauthorized practice of law while disbarred.<sup>8</sup>

This criteria has been satisfied.

**E3. “If the lawyer was suffering under a physical or mental disability or infirmity at the time of the suspension or disbarment, including alcohol or other drug abuse, the disability or infirmity has been removed. Where alcohol or other drug abuse was a causative factor in the lawyer’s misconduct, the lawyer shall not be reinstated or readmitted unless: (a) the lawyer has pursued appropriate rehabilitative treatment; (b) the lawyer has abstained from the use of alcohol or other drugs for at least one year; and (c) the lawyer is likely to continue to abstain from alcohol or other drugs.”**

This criteria does not apply to Mr. Guirard. He was not suffering under a physical or mental disability or infirmity, including alcohol or other drug abuse, at the time of his disbarment; and, neither alcohol nor drug abuse was a causative factor in the misconduct.<sup>9</sup>

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<sup>7</sup> Transcript, p. 62.

<sup>8</sup> Transcript, p. 63.

<sup>9</sup> Transcript, p. 64.

ODC stipulated that “there was no evidence in the original disbarment proceedings to suggest that the petitioner suffered under a physical or mental disability or infirmity at the time. Accordingly, the Office of Disciplinary Counsel stipulates that Section 24(e)(3) will be satisfied upon Respondent’s affirmation that such conditions do not exist at present.”<sup>10</sup> Mr. Guirard confirmed at the hearing that none of these factors apply to him.<sup>11</sup>

This criteria has been satisfied.

**E4. “The lawyer recognizes the wrongfulness and seriousness of his conduct for which the lawyer was suspended or disbarred.”**

Mr. Guirard testified that he recognizes the “wrongfulness” and “seriousness” of his conduct.

- “Well, certainly, I mean I think it was clearly wrong in retrospect. I mean at the time we didn’t think so, but now, I’m of the full belief that it was wrong and it was not permissible or appropriate under the rules. You know all I can say is that it was a huge mistake.”<sup>12</sup>
- “It’s just we made a huge mistake then and you know, I’m sorry and I’m very apologetic and you know there’s nothing more I can say. I can’t change the past obviously, but that’s what happened.”<sup>13</sup>
- “And so I fully admit that it was wrongful conduct and it’s certainly serious because it involved the practice of law and it—it brought embarrassment on the profession because you know as a high profile lawyer, you know, E,E, the E guy, gets disbarred and there are people thinking oh, there goes another lawyer. You know another crooked lawyer.”<sup>14</sup>

Mr. Guirard was specifically asked whether he understood the serious implications that could have come about because of the case manager, or non-lawyer, system:

- “I mean clearly, and once again in retrospect, we didn’t think of it at the time, but I clearly in listening to the rulings of the Supreme Court

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<sup>10</sup> ODC Memorandum, p. 9.

<sup>11</sup> Transcript, p. 64.

<sup>12</sup> Transcript, p. 36.

<sup>13</sup> Transcript, p. 37.

<sup>14</sup> Transcript, p. 52.



and everything that went on after that, that I clearly deprived my clients of the full and thoughtful representation of a lawyer.”<sup>15</sup>

- “[W]hen you let a case manager handle it like we did, there are things that a lawyer may see that a case manager wouldn’t see.”<sup>16</sup>
- “And so there are ways a lawyer might handle a case and be more beneficial for a client than a case manager might do because they’re not trained lawyers. And yeah, it’s not a good system and its fraught with danger.”<sup>17</sup>
- “There was the theoretical danger of a client’s case not being handled right and I acknowledge that fully.”<sup>18</sup>

Mr. Guirard also admitted, however, that he has struggled with the penalty, i.e., the fact that he was disbarred:

- “Frankly, we were –we were under the belief it was going to be a punishment because we knew we had done something wrong and we admitted to the court in all the filings, but thought given the situation that it was going to be a more minor punishment. It was going to be maybe a short suspension or whatever. And at various times during the whole process, all the lawyers, everyone involved, kind of thought the same way. So when it came out of the blue we were just knocked back. A disbarment, you know, that was devastating.”<sup>19</sup>
- “Well, I mean obviously, and I’ve acknowledged many times and again here today that it was wrong and it was not correct the system we had and that it was violative of the rules. My only struggle has been the level of penalty for all of that. I acknowledged that I was wrong. I knew that there should and could be some kind of penalty. I just have struggled with the fact that I thought disbarment was too much.”<sup>20</sup>
- “I’m just saying that it’s a struggle for me to accept the realization that given the way the penalties, the violations happened with the mindset and all that at the time that it shouldn’t have gone as far as disbarment. I thought something else less would have been more appropriate.”<sup>21</sup>

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<sup>15</sup> Transcript, p. 38.

<sup>16</sup> Transcript, p. 38.

<sup>17</sup> Transcript, p. 38.

<sup>18</sup> Transcript, p. 38.

<sup>19</sup> Transcript, p. 41.

<sup>20</sup> Transcript, p. 81.

<sup>21</sup> Transcript, p. 81.

In addition, since his disbarment in 2009, Mr. Guirard has made some unfortunate statements to the media during interviews.<sup>22</sup> The Committee, while recognizing that Mr. Guirard would have been rather distraught and may have spoken out of frustration in the earlier statements made much closer to the Supreme Court's decision,<sup>23</sup> acknowledges that those statements would have been better left unsaid. The more troubling statements, however, are the ones that Mr. Guirard made more recently:

- In a May 2014 *The Advocate* article entitled, *Disbarred Lawyer Seeks Reinstatement*, while speaking about his disbarment, Mr. Guirard stated, "If I was guilty of some technical violations, then I understand the wrongfulness and the seriousness of that, and I admit to all that. But I don't know why it was such a Draconian punishment."<sup>24</sup>

Thus, just last year, Mr. Guirard was making statements to the media regarding "technical violations" and "Draconian punishment." Despite his best efforts, it does not seem that Mr. Guirard has ever, even to this day, agreed with the disbarment penalty. The Committee finds, however, that Criteria E4 requires only that "[t]he lawyer recognizes the wrongfulness and seriousness of his conduct for which the lawyer was suspended or disbarred." There is no requirement that the lawyer wholeheartedly agree with the penalty. *See, e.g., In re Ferrouillet*, No. 2001-B-3097 (La. 2/22/02) 809 So.2d 915, 916 (Regarding the petitioner's testimony that the charges were politically motivated and not "as enormous as what it was played out to be[,] the board concluded that "these statements were not evidence of a lack of remorse for the underlying misconduct upon which the charges were based; instead, these statements merely evidence petitioner's belief that the charges themselves were unjustified.") The Committee finds that Mr. Guirard's testimony is credible in that he does recognize the wrongfulness and

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<sup>22</sup> ODC Ex. 2.

<sup>23</sup> ODC Ex. 2. Two of the articles are dated May 2009.

<sup>24</sup> ODC Ex. 2.

seriousness of his conduct, and that is sufficient to comply with Criteria E4. The Committee does *not* find that Mr. Guirard’s statements to the media regarding his punishment, nor his testimony at the hearing regarding his current struggles with his punishment, bar him from readmission.

The Committee does recognize that it’s a close call and the two are directly related—generally, the more serious the conduct, the harsher the penalty. We do not believe, however, that the “seriousness/penalty” relationship mandates that the attorney fully and completely agree with the penalty. In other words, under Criteria E4, an attorney can recognize the seriousness of his conduct, *without* agreeing with the punishment. We believe that is the case here.

The Committee believes this interpretation is a more realistic and reasonable approach to the interpretation of Criteria E4. Reasonable minds can always differ on the degree of punishment. In fact, the Committee finds that the differing degrees of punishment recommended in Mr. Guirard’s case likely account for part of his inability to accept disbarment, specifically the differing recommendations of the Hearing Committee, Disciplinary Board and Louisiana Supreme Court.<sup>25</sup> The Committee finds that despite Mr. Guirard’s statements to the media and his testimony regarding the severity of his punishment, Mr. Guirard’s testimony taken as a whole is credible and demonstrates that he recognizes the wrongfulness and seriousness of his conduct.

This criteria has been satisfied.

**E5. “The lawyer has not engaged in any other professional misconduct since suspension or disbarment.”**

In addressing this criteria, the Committee focuses on the Applicant’s issues with the Internal Revenue Service (“IRS”) involving a federal tax lien filed against Mr. Guirard for

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<sup>25</sup> ODC Ex. 1, pp. 8-13 (Hearing Committee Report); pp.13-20 (Disciplinary Board Recommendation); and p. 22 (Louisiana Supreme Court Decree).

\$161,147.20.<sup>26</sup> Mr. Guirard explained that he and his law partner, Thomas Pittenger, in anticipation of the sanctions in late 2008 and early 2009, entered into an agreement with several of the firm's associates regarding the continuing operations of the successor law firm, specifically, "we essentially made a deal where we were going to loan them the money and they would pay us back over time."<sup>27</sup> With that agreement, came a "huge tax burden" because the "income was being shown to me and Tommy, and not the new firm."<sup>28</sup> At some point, the associates disputed the agreement, and filed amended returns to show the income was theirs.<sup>29</sup> Mr. Guirard testified that even though he and Mr. Pittenger disagreed with the associates' position, in response to the financial pressures and in anticipation of a "big tax refund," they amended their returns.<sup>30</sup> As Mr. Guirard testified, the IRS, however, for whatever reason, is "still working off the original returns, and they think I haven't paid my tax bite which turned out to be \$161,000."<sup>31</sup> Mr. Guirard testified that the IRS recognized that there was an "error on their assessment of those back taxes and that it was being removed."<sup>32</sup> Mr. Guirard's testimony is supported by the testimony of Joseph Liss, a certified public accountant who was brought in to address these issues with the IRS.<sup>33</sup> Mr. Liss confirmed that he has been working with the IRS to get this matter resolved. With regard to his work on this matter and his review of documentation from Mr. Guirard, Mr. Liss testified: "There was no –there's nothing gray on this matter audit which is again why I think I went into the audit with the attitude that I did. There was nothing gray. Everything was pretty squeaky clean actually."<sup>34</sup>

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<sup>26</sup> Transcript, p. 64; Applicant Ex. A-3.

<sup>27</sup> Transcript, p. 67.

<sup>28</sup> Transcript, p. 68.

<sup>29</sup> Transcript, p. 68.

<sup>30</sup> Transcript, p. 60.

<sup>31</sup> Transcript, p. 69.

<sup>32</sup> Transcript, p. 71; Applicant Ex. A-4.

<sup>33</sup> Transcript, p. 145.

<sup>34</sup> Transcript, p. 176.

Although the Committee acknowledges that there are additional details adding to the complexity of Mr. Guirard's amended returns and subsequent tax lien, based on the testimony of Mr. Guirard and Mr. Liss, as well as the documentary evidence, the Committee is confident that these issues do not constitute "professional misconduct" on the part of Mr. Guirard under Criteria E5.

This criteria has been satisfied.

**E6. "Notwithstanding the conduct for which the lawyer was disciplined, the lawyer has the requisite, honesty and integrity to practice law."**

Mr. Guirard's testimony, along with those of his character witnesses, demonstrate that he has the "requisite, honesty and integrity to practice law." In general, these witnesses spoke highly of Mr. Guirard as a person, father and member of the community,<sup>35</sup> including his work with the organization, The Family Road of Greater Baton Rouge.<sup>36</sup>

This criteria has been satisfied.

**E7. "The lawyer has kept informed about recent developments in the law and is competent to practice and has satisfied MCLE requirements for the year of reinstatement or readmission."**

Mr. Guirard has remained informed about recent developments in the law in Louisiana, is competent to practice law, and has satisfied MCLE requirements for 2015. In addition to satisfying his MCLE requirements for 2015, Mr. Guirard voluntarily obtained Continuing Legal Education credits in 2012, 2013 and 2014.<sup>37</sup>

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<sup>35</sup> See also Applicant Ex. A-7-12.

<sup>36</sup> Transcript, pp. 244-249.

<sup>37</sup> Transcript, pp. 75-76; Applicant Ex. A-13.

ODC stipulated that “Petitioner has completed the mandatory continuing legal education requirements for the year of readmission or will have done so prior to the end of this calendar year.”<sup>38</sup>

This criteria has been satisfied.

**E8. “The lawyer has paid to the Louisiana State Bar Association currently owed bar dues.”**

Mr. Guirard is current on bar dues to the Louisiana State Bar Association for the 2014-2015 fiscal year.<sup>39</sup>

ODC stipulated that “the petitioner has paid to the LSBA his currently owed Bar dues, if any.”<sup>40</sup>

This criteria has been satisfied.

**E9. “The lawyer has paid all filing fees owed to the Clerk of court and all disciplinary costs to the Disciplinary Board.”**

Mr. Guirard paid all filing fees owed to the Clerk of Court of the Supreme Court of Louisiana, as well as all disciplinary costs owed to the Louisiana Attorney Disciplinary Board.<sup>41</sup>

ODC stipulated that “[t]he petitioner has paid all filing fees owed to the Clerk of Louisiana Supreme Court and all disciplinary costs owed to the Louisiana Attorney Disciplinary Board.”<sup>42</sup>

This criteria has been satisfied.

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<sup>38</sup> ODC Memorandum, p. 9.

<sup>39</sup> Transcript, p. 76; Applicant Ex. A-14.

<sup>40</sup> ODC Memorandum, p. 9.

<sup>41</sup> Transcript, p. 76; Applicant Ex. A-15-16.

<sup>42</sup> Transcript, p. 76.

**E10. “The lawyer has paid to the Disciplinary Board currently owed disciplinary administration and enforcement fees required under Section 8 (A) of this rule and has filed the registration statement required under Section 8 (c) of this rule.”**

Mr. Guirard paid to the Disciplinary board currently owed disciplinary administration and enforcement fees, and filed his registration statement.<sup>43</sup>

ODC stipulated that “[t]he petitioner has paid to the Disciplinary Board Administrator all currently owed Disciplinary Administration and Enforcement Fees required under Section 8(a), if any, and has filed an appropriate registration statement.”<sup>44</sup>

This criteria has been satisfied.

**E11. “The lawyer shall obtain a certification from the Client Assistance Fund that no payments have been made by the Fund to any of the lawyer’s clients. To the extent that Client Assistance Funds have been paid to qualifying clients, the lawyer shall obtain a certification from the Fund that the Fund has been reimbursed in its entirety, or alternatively, that a payment plan is in effect which will result in reimbursement to the Fund.”**

Mr. Guirard obtained a Certification from the Client Assistance Fund confirming there have been no payments from the Fund regarding him.<sup>45</sup>

ODC stipulated that “[t]he petition has demonstrated *via* a certification from the Client Assistance Fund that no payments have been made by the Fund to any of the lawyer’s clients.”<sup>46</sup>

This criteria has been satisfied.

### **OPPOSITION TO READMISSION APPLICATION**

There was no evidence presented of any opposition to the Petition for readmission by Mr. Guirard. In addition, the Office of Disciplinary Counsel took no position insofar as the readmission of Mr. Guirard.

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<sup>43</sup> Transcript, p. 78; Applicant Ex. A-15-17.

<sup>44</sup> Transcript, p. 78.

<sup>45</sup> Transcript, p. 78; Applicant Ex. A-18.

<sup>46</sup> ODC Memorandum, p. 9.

## RECOMMENDATION

After weighing all of the evidence, including testimony and exhibits, the Committee finds that E. Eric Guirard has met his burden by clear and convincing evidence that he should be readmitted to the practice of law, subject to a three-year period of supervised probation. The Committee recommends that the probationary period shall commence from the date Mr. Guirard, the ODC, and the probation monitor execute a formal probation plan. Should Mr. Guirard fail to comply with the conditions of the probation, or should he commit any misconduct during the period of probation, the Committee recommends his conditional right to practice may be terminated immediately or he may be subjected to other discipline pursuant to the Rules for Lawyer Disciplinary Enforcement, as appropriate. The Committee recommends that Mr. Guirard be assessed with all costs and expenses associated with these proceedings.

This opinion is unanimous and has been reviewed by each committee member, who fully concur and who have authorized the Chair, Jane Robert Goldsmith, to sign on their behalf.

Baton Rouge, Louisiana, this 9<sup>th</sup> day of December, 2015.

**Louisiana Attorney Disciplinary Board  
Hearing Committee #14**

**Jane Robert Goldsmith, Committee Chair  
Virginia Gerace Benoist, Lawyer Member  
Stephen W. Thompson, Public Member**

  
BY: Jane Robert Goldsmith, Committee Chair  
FOR THE COMMITTEE