

ORIGINAL

Louisiana Attorney Disciplinary Board	
FILED by: <i>Kymth Amato</i>	
<u>Docket#</u>	<u>Filed-On</u>
14-DB-038	3/4/2016

**LOUISIANA ATTORNEY DISCIPLINARY BOARD**

**IN RE: E. ERIC GUIRARD**

**NUMBER: 14-DB-038**

**RECOMMENDATION TO THE LOUISIANA SUPREME COURT**

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**INTRODUCTION**

This is a readmission matter initiated by E. Eric Guirard (“Mr. Guirard”), following an order of disbarment issued by the Louisiana Supreme Court on May 5, 2009. The Office of Disciplinary Counsel (“ODC”) has taken “no position” regarding Mr. Guirard’s petition and application for readmission. The Hearing Committee assigned to the matter recommended that readmission be granted subject to a three-year period of probation.

For the following reasons, the Board adopts the factual findings and legal conclusions of the Committee with one important exception. The Board rejects the Committee’s recommendation that Mr. Guirard’s petition for readmission be granted. Rather, the Board recommends that the petition for readmission be denied because Mr. Guirard has not proven by clear and convincing evidence that he recognizes the wrongfulness and seriousness of the misconduct for which he was suspended.

**BACKGROUND and PROCEDURAL HISTORY**

On May 5, 2009, Mr. Guirard was disbarred by the Louisiana Supreme Court. *In re Guirard*, 2008-2621 (La. 5/5/09), 11 So.3d 1017. Mr. Guirard’s disbarment was based upon his

failure to supervise nonlawyer staff, impermissible fee sharing with nonlawyers, and facilitation of the unauthorized practice of law.<sup>1</sup>

Mr. Guirard filed a petition and application for readmission to the practice of law on September 4, 2014. After receiving several extensions of time in which to respond to the petition for readmission, the Office of Disciplinary Counsel ("ODC") filed its response on August 25, 2015. ODC took "no position" regarding Mr. Guirard's petition. The matter was heard by Hearing Committee Number 14 ("the Committee") on October 22, 2015.<sup>2</sup> Mr. Guirard appeared with counsel, Damon S. Manning. Appearing for ODC was Chief Disciplinary Counsel Charles B. Plattsmier.

The Committee heard the testimony of the following witnesses: Mr. 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. With the exception of Mr. Guirard and Mr. Liss, all of the witnesses were character witnesses testifying on behalf of Mr. Guirard. The Committee also received into evidence ODC Exhibits 1-3 and Applicant Exhibits 1-25.

The Committee filed its report on December 11, 2015. The Committee concluded that Mr. Guirard completed the preliminary requirements to readmission dictated by Rule XIX, §24(A-D). *See* Hearing Committee Report, pp. 5-6. The Committee also concluded that Mr. Guirard satisfied all eleven criteria contained in Rule XIX, §24(E). *Id.* at 7-15. Because the criteria contained at §24(E)(4-5) were the most pertinent to this proceeding, the Committee's findings on those criteria are reproduced below:

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<sup>1</sup> Mr. Guirard was disbarred along with his law partner, Thomas R. Pittenger. The order of disbarment is in the record as ODC Exhibit 1. Mr. Pittenger was readmitted to the practice of law on March 6, 2015. *In re Pittenger*, 2015-0191 (La. 3/6/15); 162 So.3d 1170.

<sup>2</sup> The Committee was composed of Jane Robert Goldsmith (Chairwoman), Virginia Gerace Benoist (Lawyer Member), and Stephen W. Thompson (Public Member).

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.” [Transcript, p. 64.]
- “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.” [Transcript, p. 37.]
- “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.” [Transcript, p. 52.]

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 and everything that went on after that, that I clearly deprived my clients of the full and thoughtful representation of a lawyer.” [Transcript, p. 38.]
- “[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.” [Transcript, p. 38.]
- “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.” [Transcript, p. 38.]
- “There was the theoretical danger of a client's case not being handled right and I acknowledge that fully.” [Transcript, p. 38.]

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.” [Transcript, p. 41.]

- “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.” [Transcript, p. 81.]
- “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.” [Transcript, p. 81.]

In addition, since his disbarment in 2009, Mr. Guirard has made some unfortunate statements to the media during interviews. [ODC Exhibit 2.] 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, [ODC Exhibit 2.] 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.” [ODC Exhibit 2.]

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 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 [ODC Ex. 1, pp. 8-13 (Hearing Committee Report); pp.13-20 (Disciplinary Board Recommendation); and p. 22 (Louisiana Supreme Court Decree)]. 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 \$161,147.20. [Transcript, p. 64; Applicant Exhibit A-3.] 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." Transcript, p. 67.] With that agreement, came a "huge tax burden" because the "income was being shown to me and Tommy, and not the new firm." Transcript, p. 68.] At some point, the associates disputed the agreement, and filed amended returns to show the income was theirs. Transcript, p. 68.] 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. [Transcript, p. 60.] 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." [Transcript, p. 69.] 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." Transcript, p. 71; Applicant Exhibit A-4.] 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. [Transcript, p. 145.] 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.” [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.

Hearing Committee Report, pp. 8-13. Based upon these findings, the Committee recommended that Mr. Guirard be readmitted to the practice of law subject to a three-year period of supervised probation.

On December 30, 2015, ODC filed an objection the Committee’s report. ODC objected to the Committee’s findings and conclusion regarding Rule XIX, §24(E)(4). Specifically, ODC argues that the Committee did not address as a matter of law whether Mr. Guirard’s recent comment in the media that his misconduct was based on “technical violations” raises questions as to his recognition of the wrongfulness and seriousness of his misconduct. Additionally, ODC noted that Committee’s recommendation of a three-year period of probation is contrary to Rule XIX, §10(A)(3), which restricts probation to a period of two years or less, which may be renewed for an additional two-year period. ODC reiterated these arguments in its brief filed on January 25, 2016.

Also on January 25, 2016, Mr. Guirard filed a brief in which he concurred with the findings, conclusions, and recommendation of the Committee. However, Mr. Guirard noted that a two-year period of probation would be more appropriate under Rule XIX.

Oral argument of this matter was heard on February 25, 2016, before Board Panel “B”.<sup>3</sup> Damon Manning appeared on behalf of Mr. Guirard, who was also present. Chief Disciplinary Counsel Charles B. Plattsmier appeared on behalf of ODC.

## ANALYSIS

For the following reasons, the Board rejects the Committee’s finding that Mr. Guirard recognizes the wrongfulness and seriousness of his misconduct. This finding is manifestly erroneous. Thus, Mr. Guirard has not satisfied his burden pursuant to Rule XIX, §24(E)(4). The remainder of the Committee’s findings and conclusions are correct and supported by the record.

### I. The Standard of Review

The powers and duties of the Disciplinary Board are defined in §2 of the Louisiana Supreme Court Rule XIX, Rules for Lawyer Disciplinary Enforcement. Rule XIX, §2(G)(2)(a) states that the Board is “to perform appellate review functions, consisting of review of the findings of fact, conclusions of law, and recommendations of hearing committees with respect to formal charges ... and petitions for reinstatement, and prepare and forward to the court its own findings, if any, and recommendations.” Inasmuch as the Board is serving in an appellate capacity, the standard of review applied to findings of fact is that of “manifest error.” *Arceneaux v. Domingue*, 365 So. 2d 1330 (La. 1978); *Rosell v. ESCO*, 549 So. 2d 840 (La. 1989). The Board conducts a *de novo* review of the hearing committee’s legal determination as well as its application of the Rules of Professional Conduct and/or Louisiana Supreme Court Rule XIX. *In re Hill*, 90-DB-004, Recommendation of the Board (1/22/91).

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<sup>3</sup> Board Panel “B” is composed of Linda G. Bizzarro (Chairwoman), Dominick Scandurro, Jr. (Lawyer Member), and Evans C. Spiceland, Jr. (Public Member). Prior to oral argument, Ms. Bizzarro disclosed to the parties that Mr. Spiceland served as the public member on the hearing committee that heard the underlying discipline matter. Neither party had an objection to Mr. Spiceland serving on the Board Panel in this matter.

## II. Rule XIX, §24

A suspended lawyer petitioning for reinstatement to the practice of law must satisfy the procedural requirements outlined in Rule XIX, §24(A-D). Further, the lawyer must satisfy all the criteria detailed in Rule XIX, §24(E), or present good and sufficient reason why he/she should nevertheless be reinstated to the practice of law. The petitioning lawyer has the burden of proving the satisfaction of each criterion by clear and convincing evidence. Rule XIX, §18(C).

Rule XIX, §24, reads, in pertinent part:

**A. Generally.** ... No lawyer may petition for readmission until five years after the effective date of disbarment. ...

**B. Petition and Application.** A petition for reinstatement or 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 reinstatement or readmission... An application for reinstatement or readmission, also drafted under oath or affirmation under penalty of perjury, shall also be submitted by the lawyer. ...

**C. Service of Petition and Application.** The lawyer shall file the petition and application with the disciplinary board and shall serve a copy of the petition and application (Parts I and II) on disciplinary counsel.

**D. Publication of Notice of Petition and Application.** At the same time that a lawyer files a petition and application for reinstatement or readmission, the lawyer 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 suspended or disbarred. The notice shall inform members of the bar and the public about the petition and application for reinstatement or readmission, and shall request that any individuals file notice of their 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 suspension or disbarment that the lawyer is applying for reinstatement or 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.

**E. Criteria for Reinstatement and Readmission.** A lawyer may be reinstated or readmitted only if the lawyer meets each of the following criteria, and executes and files with the petition for reinstatement or readmission an application for reinstatement or readmission, a copy of which can be obtained from the board



administrator, or, if not, presents good and sufficient reasons why the lawyer should nevertheless be reinstated or readmitted:

(1) The lawyer has fully complied with the terms and conditions of all prior disciplinary orders except to the extent that they are abated under Section 25.

(2) The lawyer has not engaged nor attempted to engage in the unauthorized practice of law during the period of suspension or disbarment.

(3) If the lawyer was suffering under a physical or mental disability or infirmity at the time of 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.

(4) The lawyer recognizes the wrongfulness and seriousness of the misconduct for which the lawyer was suspended or disbarred.

(5) The lawyer has not engaged in any other professional misconduct since suspension or disbarment.

(6) Notwithstanding the conduct for which the lawyer was disciplined, the lawyer has the requisite honesty and integrity to practice law.

(7) 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.

(8) The lawyer has paid to the Louisiana State Bar Association currently owed bar dues.

(9) The lawyer has paid all filing fees owed to the Clerk of Court and all disciplinary costs to the Disciplinary Board.

(10) 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.

(11) 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.

### **III. Application of the Facts to §24**

The Committee correctly concluded that Mr. Guirard fulfilled the preliminary requirements of readmission contained in §24(A-D). The Board adopts these conclusions. The Committee's findings and conclusions regarding the eleven criteria in §24(E) do not appear to be

manifestly erroneous with the exception of those relating to §24(E)(4), which is discussed below.<sup>4</sup>

Rule XIX, §24(E)(4), mandates that an attorney seeking readmission demonstrate by clear and convincing evidence that he recognizes the wrongfulness and seriousness of the misconduct for which he was suspended. Based upon the evidence and testimony cited above, the Committee found 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.” Hearing Committee Report, p. 11. The Board concludes that this statement was manifestly erroneous based upon his statements to the media after his disbarment and his testimony at the hearing.

After his disbarment, Mr. Guirard made the following statements to the media in a series of articles spanning several years.<sup>5</sup> Some of these statements were included in the Committee’s report, others were not. In a May 18, 2009 article in the *Greater Baton Rouge Business Report*, Mr. Guirard was quoted as stating:

“It used to be, Guirard muses, that the Office of Disciplinary Counsel only went after the lawyers who were lying, cheating and stealing, what he terms the low-hanging fruit. Now he’s convinced it’s venturing into grayer areas.”

There is nothing “gray” about the Rules the Court found Mr. Guirard to have violated. Rather, the Court’s opinion in the underlying discipline matter is quite clear as to what Rules were violated and why. In an April 19, 2011 article in the *Greater Baton Rouge Business Report*, when discussing a potential run for public office, Mr. Guirard stated the following:

“‘Why not?’ he says. ‘Victim of government injustice – I’m like the poster boy.’”

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<sup>4</sup> In its prehearing memorandum, ODC raised concern about Mr. Guirard’s ability to satisfy §24(E)(5) because of his tax issue. However, ODC did not object to the Committee’s findings regarding §24(E)(5). The Board agrees with the Committee’s conclusion regarding §24(E)(5). Thus, that criterion will not be addressed further.

<sup>5</sup> These articles are included in the record as ODC Exhibit 2.

In the context of this article, Mr. Guirard is clearly referring to his disbarment when he states he was the victim of government injustice. This statement indicates that Mr. Guirard still did not accept that he was disbarred based upon his own actions, which were violations of the Rules of Professional Conduct. Rather, he saw himself as a victim. Recently, in an April 30, 2014 article in *The Advocate*, Mr. Guirard stated the following:

“If I was guilty of some technical violations, then I understand the wrongfulness and seriousness of that, and I admit to all that. But I don’t know why it was such a Draconian punishment,’ Guirard said.”

“Guirard said the penalty cost him millions, maybe even tens of millions of dollars in earnings and future earnings, as well as his reputation.”

First, referring again to the Court’s opinion in the underlying discipline matter, the Court did not find that Mr. Guirard’s violations of the Rules were technical. Rather, the Court found Mr. Guirard’s violations to be significant enough to warrant disbarment. Even at the hearing of this matter, Mr. Guirard was qualifying the extent of this violations and harm they caused. When discussing the case management system that led to his disbarment, Mr. Guirard stated: “There was the *theoretical* danger of a client’s case not being handled right and I acknowledge that fully. [Emphasis added.]” Transcript, p. 38. In the underlying discipline matter, the Court did not classify the harm caused to his clients as “theoretical.” Rather, the Court found that Mr. Guirard’s actions harmed his clients, without qualification. *See In re Guirard*, 11 So.3d at 1030. Second, the penalty imposed by the Court was not the cause of the harm to Mr. Guirard’s reputation. Mr. Guirard’s violations of the Rules, which necessitated the institution of a disciplinary proceeding, was the cause of the harm to Mr. Guirard’s reputation.

These statements to the media and testimony at the hearing created a large hurdle for Mr. Guirard to overcome to demonstrate by clear and convincing evidence that he recognizes the wrongfulness and seriousness of his misconduct. The Board concludes that Mr. Guirard did not

meet his burden with regard to §24(E)(4). There still seems to be a significant disconnect with Mr. Guirard's acceptance that his case management system was a clear and serious violation of the Rules of Professional Conduct. Accordingly, the Board finds that the Committee was manifestly erroneous in finding that Mr. Guirard's testimony was credible with regard to his recognition of the wrongfulness and seriousness of his misconduct.<sup>6</sup> Thus, Mr. Guirard has not satisfied his burden with regard to Rule XIX, §24(E)(4).

### **CONCLUSION**

The Board adopts the findings and conclusions of the Committee with exception of those relating to §24(E)(4). Rule XIX, §24(E), requires that an attorney seeking readmission prove all eleven criteria by clear and convincing evidence or otherwise demonstrate good and sufficient reason why he should be nevertheless readmitted. Mr. Guirard's has failed to meet his burden with regard to §24(E)(4). Furthermore, Mr. Guirard has not otherwise demonstrated good and sufficient reason to be nevertheless readmitted. Accordingly, the Board recommends that Mr. Guirard's petition and application for readmission be denied. The Board also recommends that Mr. Guirard be assessed with the costs and expenses of this proceeding.

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<sup>6</sup> The Board agrees with the Committee's conclusion that Mr. Guirard can disagree with the severity of the sanction imposed and still recognize the wrongfulness of his conduct. However, Mr. Guirard has not even reached the point of recognizing the wrongfulness and seriousness of his conduct.

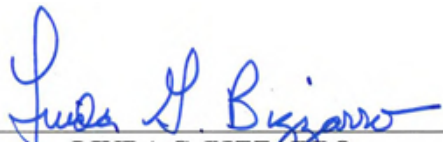
**RECOMMENDATION**

The Board recommends that the petition and application for readmission filed by E. Eric Guirard be denied. The Board also recommends that Mr. Guirard be assessed with the costs and expenses of this proceeding.

**LOUISIANA ATTORNEY DISCIPLINARY BOARD**

**Laura B. Hennen  
Dominick Scandurro,  
Jr. R. Lewis Smith, Jr.  
Evans C. Spiceland, Jr.  
Melissa L. Theriot  
Walter D. White**

**BY:**

  
LINDA G. BIZZARRO

**FOR THE ADJUDICATIVE COMMITTEE**

**Carrie L. Jones - Dissents with reason.  
Charles H. Williamson, Jr. - Recused**

**LOUISIANA ATTORNEY DISCIPLINARY BOARD**

**IN RE: E. ERIC GUIRARD**

**DOCKET NO. 14-DB-038**

**DISSENT**

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The Committee found that Mr. Guirard satisfied all eleven criteria contained in Rule XIX, Section 24(E). The Committee also found Mr. Guirard's testimony to be credible. The Committee determined that Mr. Guirard recognized the wrongfulness and seriousness of his conduct. In making this determination, the Committee took the media statements into consideration. It also made a well-reasoned determination regarding the "seriousness/penalty" issue. I believe the Committee was in the best position to make a credibility call with respect to Mr. Guirard's testimony. Therefore, I defer to their decision that Mr. Guirard was credible in his testimony and successfully satisfied the criteria, including recognizing the wrongfulness and seriousness of his misconduct. As such, the Board should adopt the factual findings and legal conclusions of the Committee. The Board should also adopt the Committee's recommendation that Mr. Guirard's petition for readmission should be granted, but with two years of probation instead of the recommended three.

**LOUISIANA ATTORNEY DISCIPLINARY BOARD**

By: 

**Carrie L. Jones**

**Adjudicative Committee Member**