

ORIGINAL

Louisiana Attorney Disciplinary Board

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23-DB-022

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LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: BLAKE G. WILLIAMS

DOCKET NO. 23-DB-022

REPORT OF THE HEARING COMMITTEE # 9

This is a proceeding based upon a filing of a petition and application for readmission to the practice of law following the disbarment of Blake G. Williams, Louisiana Bar Roll Number 20031.

INTRODUCTION AND PROCEDURAL HISTORY

On July 2, 1998, the Louisiana Supreme Court disbarred Mr. Williams for converting client funds. *In re Williams*, 98-1119 (La. 7/2/1998), 714 So.2d 699. On October 1, 1999, the Court extended the time period in which Mr. Williams could apply for readmission by five years for unrelated misconduct, which also involved the conversion of client funds. *In re Williams*, 99-1829 (La. 10/1/1999), 744 So.2d 621.

Mr. Williams filed a petition and application for readmission to the practice of law on April 13, 2023. On June 1, 2023, the Office of Disciplinary Counsel ("ODC") filed an opposition to the petition. On June 20, 2023, George W. Britton III enrolled as counsel for Mr. Williams. A scheduling conference was held on June 23, 2023, during which the parties agreed to a hearing date of August 9, 2023, as well as other deadlines. ODC filed its prehearing memorandum on July 25, 2023. Mr. Williams did not file a prehearing memorandum. A prehearing telephone conference was held on July 31, 2023. Deputy Disciplinary Counsel Susan C. Kalmbach participated on behalf of ODC. Mr. Williams and his counsel did not participate in the prehearing telephone conference.

The hearing was held on August 9, 2023. Mr. Williams appeared with his counsel, Mr. Britton. Deputy Disciplinary Counsel Kalmbach appeared on behalf of ODC.

RESPONSE OF ODC

ODC opposes the petition for readmission, which requires a hearing of the matter pursuant to Louisiana Supreme Court Rule XIX, §24(F).

EVIDENCE

Mr. Williams testified on his own behalf, but he offered no evidence to support his testimony or contradict the evidence being submitted by ODC. He did not present any additional testimonial evidence other than the character letters included in his application for readmission (Exhibit M in globo). ODC cross examined Mr. Williams, called several witnesses who will be addressed below and submitted the following items into evidence:

- ODC-1 *In re: Williams*, 1998-1119 (La. 7/2/98), 714 So. 2d 699 (per curiam)
- ODC-1a *Mona Lisa Hebert et al. v. Blake G. Williams*, 94-11135, Civil District Court, Parish of Orleans (docket summary)
- ODC-2 *In re: Williams*, 1999-1829 (La. 10/1/99), 744 So. 2d 621 (per curiam)
- ODC-3 *In re: Williams*, 2006-0236 (La. 3/24/06) (order) (readmission denied)
- ODC-3a *In re: Williams*, 2005-DB-012 (Respondent's March 24, 2005, sworn statement)
- ODC-3b *In re: Williams*, 2005-DB-012 (Transcript of July 19, 2005, readmission proceeding)
- ODC-4 *In re: Williams*, 94-SDB-110 (LADB 11/14/94) (admonishment)
- ODC-5 *In re: Williams*, Alabama State Bar
- ODC-5a January 10, 2018, transcript of testimony before the Character and Fitness Committee, Panel VII
- ODC-5b January 10, 2018, Final Determination of the Character and Fitness Committee, Panel VII
- ODC-5c January 22, 2018, Notice of Appeal
- ODC-5d *In re: Williams*, 18-105, Character and Fitness Appeal Board, Alabama State Bar: February 14, 2018, transcript of testimony before the Character and Fitness Appeal Board, Panel II
- ODC-5e *In re: Williams*, 18-105, Character and Fitness Appeal Board, Alabama State Bar: February 23, 2018, Order of the

Character and Fitness Appeal Board, Panel II

- ODC-6 October 18, 2019, National Insurance Producer Registry, Blake G. Williams, Transaction 616433681
- ODC-7 Financial Records
(FILED UNDER SEAL – EXTENSIVE SENSITIVE CONTENT)
- 2018: Schedule C (Form 1040), Profit or Loss from Business
 2019: Wage and Income Transcript
 2019 Income Tax Return (Federal)
 2019 Income Tax Return (Alabama)
 Schedule C (Form 1040), Profit or Loss from Business
 2020: Schedule C (Form 1040), Profit or Loss from Business
 2021: Schedule C (Form 1040), Profit or Loss from Business
 2022: Schedule C (Form 1040), Profit or Loss from Business
- ODC-8 Petitioner’s Character & Fitness Questionnaire – February/2018; Submitted September 27, 2017, and amended December 1, 2017, and January 10, 2018
- ODC-9 Liens
- June 7, 2007, Notice of Federal Tax Lien (\$31,586.88)
 - September 18, 2007, Notice of Federal Tax Lien (\$7,262.14)
 - January 2, 2013, State of Alabama, Department of Revenue Certificate of Lien for Taxes (\$789.11)
- ODC-10 Additional litigation

Williams’ Witness:

Testimony of Blake Williams:

Mr. Williams stated that he currently lives in Alabama with his wife. Although he claims he plans to return to New Orleans, he admitted that his wife may not have the same intent. He did admit to coming to New Orleans monthly to visit his mother. Since moving to Alabama, he has worked as a pastor, an insurance agent and a merchandiser for Frito Lay. He first applied for readmission to the Louisiana State Bar in July 2005. He was displaced before the ruling due to Hurricane Katrina and when he did receive the ruling denying his request for readmission a few months later, he did not have any plans to return to the New Orleans area. His understanding of the ruling was that he had not met his obligation to make restitution to Ms. Mona Lisa Herbert (now Fluker) or her daughter, Rondricka Hunter. Specifically, Mr. Williams testified that he knew he needed to make more attempts to make the restitution. In the almost eighteen years since he

was denied readmission, Mr. Williams claims that he attempted to reach out to Ms. Fluker on behalf of Ms. Hunter, through family members and through several attorneys, but provided no evidence of these attempts. No testimony was introduced, no affidavits submitted, and no copies of any attempted correspondence was introduced. Mr. Williams testimony concerning his alleged attempts to contact his victims in an effort to make restitution during these eighteen years was found by the committee to be disingenuous.

Overall, the committee found Mr. Williams to lack the requisite remorse for actions, and his description of his alleged efforts to contact his victims was at best half hearted.

ODC's Witnesses:

Testimony of Brittany Richardson:

Ms. Richardson is a forensic auditor for ODC. She testified via Zoom that Mr. Williams' 2018 and 2019 tax returns caused her concern. First, Mr. Williams appears to have overstated business losses on his state and federal tax returns. Mr. Williams did not have a good explanation for the discrepancy in his testimony before the Alabama State Bar Character and Fitness Committee (ODC Exhibit 5a) wherein he claimed to be working 10-12 hours a day for Frito Lay, while also claiming substantial business losses from his work as an insurance agent with negligible reported income from that insurance business.

Second, Ms. Richardson stated that Mr. Williams failed to report his taxable disbursements from his retirement accounts of over \$22,500. Mr. Williams admitted that this was an oversight that should have been reported. He defended himself by claiming that he did not get a 1099 for the three disbursements and if he had, he would have known to report the disbursements from his retirement accounts as taxable income. This testimony was not credible.

Testimony of Allan Grimmis:

Mr. Grimmis is a staff investigator for ODC who performed a comprehensive background check on Mr. Williams as part of Mr. Williams' readmission application. Mr. Grimmis noted several red flags. First, Mr. Williams' did not truthfully and completely answer questions on the application for his Alabama State Insurance License regarding his past criminal record, disciplinary actions, civil actions and bankruptcy proceedings. Mr. Williams claimed that he disclosed those things on his first application, but "someone" told him he did not have to continue to disclose those items on each consecutive application. He did not offer any witnesses or evidence to support his contentions.

Mr. Grimmis testified that among other things, Mr. Williams had not disclosed his prior nolo contendere plea to which Mr. Williams replied that he did not believe he had to disclose the plea since it was pled under Article 893 and his record was expunged. He likewise did not disclose several civil actions against him and his 1994 bankruptcy. Mr. Williams claimed that he did not have to disclose these as they were against him as a pastor of the church and not individually, and again "someone" told him he did not have to disclose his bankruptcy or the civil judgments once they dropped off of his credit report. Mr. Williams likewise failed to disclose any of the disciplinary proceedings in Louisiana because he claims he spoke to "someone" who told him it only applied to licensing issues in the insurance industry. Mr. Williams' testimony in defense of these allegations was unconvincing. Further, he failed to introduce by affidavit or otherwise any testimony or support of his various claimed defenses to his acts/omissions.

Mr. Grimmis, unlike Mr. Williams, testified that he had no trouble locating Ms. Fluker and Ms. Hunter. He provided that contact information to Mr. Williams through counsel. He even arranged for a phone call to take place to facilitate discussions about reimbursement. His

scheduled call was answered by Mr. Williams' counsel's office, but his counsel never joined the scheduling call, and never called Mr. Grimmis back with an explanation. Mr. Williams testified that he had no knowledge of the phone call. Mr. Williams continued to maintain that he wanted to "settle" with Ms. Fluker and/or Ms. Hunter, but the evidence put forward at the hearing revealed that he made little attempt to do so, even with the assistance of ODC.

Testimony of Mona Lisa Fluker (f/k/a Mona Lisa Williams and Mona Lisa Herbert):

Ms. Fluker testified that she hired Mr. Williams to recover life insurance money for her daughter who was under 10 years old at the time her father died. She does not remember the details of the civil suit and she does not claim an interest in those funds as they were meant for her daughter who is now an adult. Ms. Fluker acknowledged getting a letter recently from Mr. Williams' attorney, but she did not contact him because she did not trust him and because it was up to her daughter. Ms. Fluker spoke to someone at ODC instead. She does not recall receiving any prior communications from Mr. Williams.

Testimony of Rondricka Hunter:

Ms. Hunter, who is now 38, testified that she did not know much about the money owed to her. She has never received any payment, nor had she received any communication from Mr. Williams until the recent letter, nor had she been contacted by anyone on his behalf prior to the recent letter. She did not respond to the letter, but when she received a call from ODC, she agreed to participate in a phone call with Mr. Williams or his representative. It was her understanding that Mr. Williams wanted to make restitution, but as of the date of the hearing, there had been no restitution. Mr. Williams responded that he was open to restitution, but he could not make the full payment. He stated he could pay \$10,000 and offered to pay the rest in installments. However, he

made no effort to show he was in good faith, by participating in the phone conference or even bringing partial payment to the hearing, despite knowing that both Ms. Fluker and Ms. Hunter were listed as witnesses.

LAW AND FINDINGS OF FACT

Readmission following disbarment is governed by Louisiana Supreme Court Rule XIX, Section 24. The rules also require the applicant to prove by clear and convincing evidence that he has met each of the required criteria. Section 24(E) establishes the substantive criteria for readmission, which are as follows:

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.”

Not proven. As per his own testimony and that of Ms. Fluker and Ms. Hunter, Mr. Williams has not paid restitution to Ms. Fluker or her daughter, Ms. Hunter. Mr. Williams admitted that he knew from the 2005 denial of his request for re-admittance that he needed to make a better effort to pay restitution yet offered no proof of any attempts other than reference to a recent letter a letter from his attorney (as admitted by Ms. Fluker and Ms. Hunter) during the course of the proceedings. He did not introduce the letter into evidence at the hearing. In addition, Mr. Williams failed to take advantage of the assistance of the ODC in facilitating communications to take steps toward paying the restitution he owes.

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

Proven. There was no evidence presented that Mr. Williams has attempted to engage in the unauthorized practice of law during the period of his disbarment.

E3. “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 all three conditions noted below are met:

(a) the lawyer has pursued and complied with the treatment recommendations of the Judge's and Lawyer's Assistance Program ("JLAP") and has complied with the conditions of the monitoring contract;

(b) the lawyer has offered evidence of sustained abstinence from addictive substances or processes and/or has offered evidence of compliance with recommended healthcare

regimen prescribed by provider(s) that meet JLAP standards; and
(c) A health care provider or team of providers that meets JLAP standards who has been involved with the care of the lawyer indicates in writing that the lawyer's prognosis is sufficiently good to predict that the lawyer will continue to manage any condition or disability effectively.

N/A.

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

Not proven by clear and convincing evidence. Mr. Williams did not take the time to read the ODC Exhibits or comply with the restitution requirement of his prior disbarment as referenced in E2 above. Further, his demeanor and testimony did not reflect a genuine remorse for the harm inflicted upon his former clients.

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

Not proven by clear and convincing evidence. Mr. Williams made material misrepresentations on his application to the National Insurance Producer Registry (ODC Exhibit 6) and his application to sit for the Alabama Bar (ODC Exhibits 8, 9, 10). Specifically, and as testified to by Mr. Grimmis, Mr. Williams misrepresented the existence and/or status of his felony charge, prior disciplinary actions, bankruptcy and judgments. Mr. Williams' testimony concerning those omissions was not credible.

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

Not proven by clear and convincing evidence. Mr. Williams made material misrepresentations on his application to the National Insurance Producer Registry (ODC Exhibit 6) and his application to sit for the Alabama Bar (ODC Exhibits 8, 9, 10). Specifically, and as testified to by Mr. Grimmis, Mr. Williams misrepresented the existence and/or status of his felony charge, prior disciplinary actions, bankruptcy and judgments. Mr. Williams has also failed to provide any proof of any attempts to pay restitution to Ms. Fluker and/or Ms. Hunter despite having over twenty years to make restitution.

- 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 even if the lawyer seeking reinstatement or readmission is exempt from satisfying MCLE requirements because of age.”**

Not proven by clear and convincing evidence. Mr. Williams has not completed the requisite MCLE requirements in the last two years. (Petition for Reinstatement Exhibit D)

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

Proven by clear and convincing evidence. (Petition for Reinstatement Exhibit F)

E9. “The lawyer has paid all filing fees owed to the Clerk of Court and all disciplinary costs to the Disciplinary Board. In the event the lawyer has executed a payment plan with the Disciplinary Board for these costs, the lawyer must be current on all payments in order to qualify to petition for reinstatement or readmission.”

Proven by clear and convincing evidence. (Petition for Reinstatement Exhibit G).

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.”

Proven by clear and convincing evidence. (Petition for Reinstatement Exhibit E).

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. In the event the lawyer has executed a payment plan with the Fund for these costs, the lawyer must be current on all payments in order to qualify to petition for reinstatement or readmission.”

Proven by clear and convincing evidence. (Petition for Reinstatement Exhibit H).

RECOMMENDATION

In conclusion, the committee finds that Mr. Williams has not satisfied his burden by clear and convincing evidence, that he has the requisite integrity or fiscal responsibility to be readmitted to the practice of law in Louisiana. The evidence and testimony presented confirm that Mr. Williams has not made restitution to Ms. Mona Lisa Herbert Fluker or her daughter, Rondricka Hunter as required in the original decree of disbarment (ODC Exhibit 1) despite efforts by the ODC, at the request of Ms. Fluker and Ms. Hunter, to facilitate communications. Instead, Mr. Williams repeatedly attempted to justify, without proof, his reasons for not making restitution over the last twenty-five years.

The evidence and testimony presented regarding Mr. Williams' tax returns and applications for professional licenses, including his request to sit for the Alabama Bar, show that Mr. Williams looks for loopholes, attempts to cut corners and blames others for providing him with misinformation. The shifting of responsibility for his misunderstanding of several legal procedures and his failure to even review the exhibits prepared by ODC are inconsistent with the degree of knowledge and responsibility that come with the practice of law. It is the opinion of the committee that reinstating Mr. Williams' license to practice law in Louisiana would only set him up to commit the same or similar mistakes for which he was disbarred initially and would be detrimental to any potential clients. Therefore, the committee recommends that Mr. Williams' petition and application for readmission to the practice of law be Denied.

The Committee also recommends that Petitioner be assessed with the costs and expenses of this proceeding pursuant to Rule XIX, §10.1.

This opinion is unanimous and has been reviewed by each committee member, who fully concurs and who have authorized Brandi F. Ermon, to sign on their behalf.

Metairie, Louisiana, this 25th day of August, 2023.

**Louisiana Attorney Disciplinary Board
Hearing Committee # 9**

**Michael J. Ecuyer, Committee Chair
Brandi F. Ermon, Lawyer Member
Thomas W. Mitchell, Public Member**



**BY: Brandi F. Ermon, Lawyer Member
FOR THE COMMITTEE**