

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: CARL V. WILLIAMS

DOCKET NO. 24-DB-021

REPORT OF HEARING COMMITTEE # 56

INTRODUCTION

This attorney disciplinary matter arises out of formal charges filed by the Office of Disciplinary Counsel (“ODC”) against Carl V. Williams (“Respondent”), Louisiana Bar Roll Number 18507.¹ ODC alleges that Respondent violated the following Rules of Professional Conduct: 1.3, 1.4, 1.15(a), 1.15(d), 8.1(c), and 8.4(c).²

PROCEDURAL HISTORY

The formal charges were filed on July 31, 2024. By letter dated August 5, 2024, the formal charges were mailed via certified mail to Respondent’s primary registration address.³ The mailing was received on August 8, 2024. Respondent failed to file an answer to the charges. Accordingly, on September 17, 2024, ODC filed a motion to deem the factual allegations admitted pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3).⁴ By order signed September 24, 2024, the factual

¹ Respondent was admitted to the practice of law in Louisiana on October 9, 1987. Respondent is currently eligible to practice law.

² See the attached Appendix for the text of these Rules.

³ 1528 Melpomene St., New Orleans, LA 70130-4412.

⁴ This rule states:

The respondent shall file a written answer with the Board and serve a copy on disciplinary counsel within twenty (20) days after service of the formal charges, unless the time is extended by the chair of the hearing committee. In the event, Respondent fails to answer within the prescribed time, or the time as extended, the factual allegations contained within the formal charges shall be deemed admitted and proven by clear and convincing evidence. Disciplinary Counsel shall file a motion with the chair of the hearing committee to which the matter is assigned requesting that the factual allegations be deemed proven with proof of service of the formal charges upon the respondent. The order signed by the hearing committee chair shall be served upon respondent as provided by Section 13C. Within twenty (20) days of the mailing of the order of the hearing committee chair deeming the factual allegations contained in the formal charges proven, the respondent may move the hearing

allegations contained in the formal charges were deemed admitted. On November 25, 2024, ODC filed its submission on sanction.

For the following reasons, the Committee finds Respondent violated the Rules as charged and should be suspended from the practice of law for one year and one day.

FORMAL CHARGES

The formal charges read, in pertinent part:

5.

Alvin Banks, Jr.'s father hired you in 2000 for an Estate Plan. Mr. Banks advised that you contacted him in January 2020 and told him that you would be sending him a check from the sale of his father's house. According to Mr. Banks, his father's house was sold in 2017, but he didn't find out until you contacted him in 2020. During the call in 2020, you requested Mr. Bank's contact information, which he provided.

6.

Mr. Banks claims the house was sold without his knowledge or consent. Mr. Banks further advised that you failed to return any of his phone calls, and when Mr. Banks requested information, you became hostile, refused, and hung up the phone on him. Before filing his complaint, Mr. Banks never received any payment from you or the documents he supposedly signed.

7.

ODC mailed notice of the complaint to your Primary Registration Address on November 29, 2021. The post office confirmed that the complaint was delivered to you on December 1, 2021. You failed to request an extension of time or submit a response to the complaint, as required by the Rules of Professional Conduct.

8.

Due to your refusal to cooperate, ODC was forced to issue a subpoena for you to appear for a sworn statement on February 16, 2022. During your statement, you admitted that you removed \$7,514.11 in client funds from your trust account in 2020 and converted those funds to your own use.

9.

Following the statement, you provided proof of issuing payment to Mr. Banks with legal interest.

10.

There is clear and convincing evidence that you, CARL V. WILLIAMS knowingly and intentionally violated Rules 1.3, 1.4, 1.15(a), 1.15(d), 8.1(c) and 8.4(c) of the Rules of Professional Conduct.

committee chair to recall the order thus issued upon demonstration of good cause why imposition of the order would be improper or would result in a miscarriage of justice.

EVIDENCE

The Committee reviewed the exhibits submitted by ODC, which are Exhibits ODC 1-13. Respondent did not submit evidence or argument for the Committee's consideration, nor did he request to be heard in mitigation pursuant to Rule XIX, §11(E)(4).

FINDINGS OF FACT & RULES VIOLATED

Respondent completed the succession of Alvin Banks, Sr. ("Mr. Banks Sr."), in 2006. Mr. Banks Sr. was the father of the complainant, Alvin Banks, Jr. ("Mr. Banks Jr."). The property in question remained in possession of various heirs until December of 2017 when it was sold. Respondent assisted the family with the sale. Mr. Banks Jr. was due to receive \$7,514.10 from the sale. *See* ODC 6, 0038. However, Respondent did not distribute the funds to Mr. Banks Jr., despite disbursing the remaining proceeds to the other heirs. Rather, according to Respondent, the funds remained in his trust account until 2020, when he transferred the funds to his personal account. *See* ODC 5, 0023-0024. Respondent did not inform Mr. Banks Jr. of the sale or the proceeds due to him. Rather, he converted the funds to his own use by transferring them from his trust account to his personal account. Respondent finally sent to the proceeds to Mr. Banks Jr., with legal interest, in March of 2022, which was after Mr. Banks Jr. had filed the complaint with ODC and after ODC was forced to subpoena Respondent for his sworn statement.

Rule 1.3 states that a lawyer shall act with reasonable diligence and promptness in representing a client. Rule 1.4 states, generally, that a lawyer shall adequately communicate with a client. Respondent violated Rules 1.3 and 1.4 by failing to inform Mr. Banks Jr. of the sale and failing to promptly disburse the sale proceeds to him. Rule 1.15(a) and (d) states, in pertinent part, that a lawyer shall keep client and third-party funds protected in a trust account and that a lawyer shall promptly notify a client and/or third-party of the receipt of funds in which they have an

interested. Respondent violated Rules 1.15(a) and 1.15(d) by failing to protect the sale proceeds in his trust account and failing to promptly notify Mr. Banks Jr. of the existence of the funds. Rule 8.4(c) states, in pertinent part, that a lawyer shall not engage in dishonest or deceitful conduct. Transferring client and/or third-party funds from his trust account to his personal account was dishonest, constituting a violation of Rule 8.4(c). Rule 8.1(c) mandates a lawyer cooperate with ODC's investigation of any matter before it. By failing to file a timely response to the complaint, forcing ODC to issue a subpoena for his sworn statement, Respondent violated Rule 8.1(c).

SANCTION

Louisiana Supreme Court Rule XIX, §10(C), states that when imposing a sanction after a finding of lawyer misconduct, a committee shall consider the following factors:

- (1) Whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;
- (2) Whether the lawyer acted intentionally, knowingly, or negligently;
- (3) The amount of the actual or potential injury caused by the lawyer's misconduct; and
- (4) The existence of any aggravating or mitigating factors.

Here, Respondent violated duties owed to his client and the profession. He acted knowingly, if not intentionally. Respondent's sworn statement and records indicates he knew Mr. Banks Jr. was entitled to a portion of the sale proceeds and that he had not disbursed the funds to Mr. Banks Jr. *See generally* ODC 5 and 6. Respondent's misconduct caused actual harm to Mr. Banks Jr. as he was deprived of his funds from December 2017 to March 2022.

The *ABA Standards for Imposing Lawyer Sanctions* suggest that suspension is the baseline sanction for Respondent's misconduct. Standard 4.12 states: "Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client." Here, Respondent's sworn statement testimony and his records indicate that he knew he possessed the funds of Mr. Banks Jr., yet he made the unilateral

decision to convert those funds to his own use, depriving Mr. Banks Jr. of those funds for a significant period of time. Accordingly, suspension is the baseline sanction.

The following aggravating factors are present: prior disciplinary offenses, dishonest or selfish motive, failure to cooperate with ODC's investigation and this proceeding, and substantial experience in the practice of law.⁵ Respondent's disciplinary history is lengthy. In 1996, Respondent received an admonition for failing to communicate with a client, failing to return client funds, and failing to cooperate with ODC. ODC 11. In 1998, Respondent was suspended for one year and one day, with all but three months deferred, for neglecting a client matter, failing to communicate, failing to safeguard client funds, and commingling and converting client funds. ODC 9 and *In re Williams*, 98-0773 (La. 4/24/1998), 709 So.2d 211. The active period of the suspension was followed by a two-year period of probation. In 2007, Respondent received an admonition for failing to execute a written contingency fee agreement with a client. ODC 12. In May of 2011, Respondent was suspended for one year, with all but four months deferred, for failing to deposit advance fees and costs in this trust account, thereby converting the funds, and for failing to reduce a contingency fee to writing. ODC 10 and *In re Williams*, 10-2759 (La. 5/10/2011), 62 So.3d 751. The active portion of the suspension was followed by a two-year period of probation. In August of 2011, Respondent was suspended for ninety days for practicing law during his suspension in the aforementioned matter. ODC 13 and *In re Williams*, 11-1727 (La. 8/31/2011), 69 So.3d 414.

Respondent has not filed anything for the Committee's consideration, so it is difficult to assess whether there are mitigating factors present. However, the Committee will consider the following circumstances as mitigating factors. First, there appears to be a delay in this proceeding.

⁵ Respondent was admitted to the practice of law in Louisiana on October 9, 1987.

On March 16, 2022, ODC received correspondence from Respondent indicating he had paid restitution to Mr. Banks Jr. Based on the record before the Committee, no further action was taken by ODC until it filed the formal charges on July 31, 2024. That is a delay of over two years. Second, the 1996 and 1998 discipline matters discussed above are remote in time.

The Committee finds the matter of *In re Dumas* very relevant to the facts of this matter. 2015-1570 (La. 2/4/16); 187 So.3d 428. In *Dumas*, the Court suspended Mr. Dumas for two years. Mr. Dumas was found guilty of 1) failing to disburse \$7,400 to a client in a succession matter in a timely manner, which did not occur until after the client filed a complaint, and 2) extensive mismanagement of his trust account, which included commingling of personal and client funds, withdrawing funds using checks made payable to “cash,” and paying office and personal expenses using funds in the trust account. Mr. Dumas’s prior disciplinary history weighed heavily in the Court’s decision on the sanction. His disciplinary history was recounted by the Court:

In 1987, [Mr. Dumas] was reprimanded for withholding a fee in excess of that specified in an employment contract, failing to pay third-party medical providers, and failing to place disputed funds in trust. In 1996, [Mr. Dumas] was reprimanded for engaging in conduct involving incompetence, neglect, and a conflict of interest. In 2002, [Mr. Dumas] was suspended from the practice of law for one year, with six months deferred, followed by a one-year period of supervised probation, for commingling client and third-party funds. *In re: Dumas*, 02-0149 (La. 6/7/02), 819 So. 2d 313 (“*Dumas I*”).

In re Dumas, p. 1. The Court rejected the sanction recommended by the Hearing Committee and the Board, which was a one-year suspension, with six months deferred, conditioned on a two-year period of probation. Rather, the Court suspended Mr. Dumas for two years with no period of deferral. In doing so, the Court stated:

The board suggested we impose a sanction similar to the one we imposed in *Dumas I*—namely, a one-year suspension with six months deferred, followed by probation with conditions. When we imposed a relatively lenient sanction in *Dumas I*, it was our intention that [Mr. Dumas] be given an opportunity to address his deficiencies. However, the record reveals that since his prior suspension, [Mr. Dumas’]

accounting practices have only deteriorated further. The continuation of [Mr. Dumas'] misconduct following our judgment in *Dumas I* makes it clear no useful purpose would be served by deferring any portion of [Mr. Dumas'] suspension.

In re Dumas, p. 11, FN3.

Here, like in *Dumas*, Respondent failed to fully and promptly disburse funds in a succession matter, which necessitated the filing of a complaint by a one of the heirs. Also similar to *Dumas*, Respondent has a lengthy disciplinary history for similar misconduct. Respondent has been disciplined multiple times for failing to adequately communicate and for commingling/converting funds. Furthermore, as the Court noted in *Dumas*, Respondent has received relatively lenient sanctions for his prior misconduct. Although Respondent does not appear to have extensively mismanaged his trust account like in *Dumas*, the Committee feels a significant period of suspension is warranted. This is bolstered by the fact that Respondent does not appear interested in participating in this matter. Accordingly, the Committee recommends that Respondent be suspended for one year and one day. This sanction will require Respondent to petition for reinstatement pursuant to Louisiana Supreme Court Rule XIX, §24.

CONCLUSION

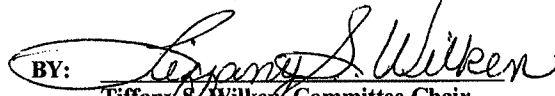
The Committee finds that Respondent violated the Rules as charged and recommends that he be suspended from the practice of law for one year and one day. The Committee also recommends Respondent be assessed with the costs and expenses of the proceeding pursuant to Rule XIX, §10.1.

This opinion is unanimous and has been reviewed by each committee member, who fully concur and who have authorized Tiffany S. Wilken, to sign on their behalf.

Harahan, Louisiana, this 7th day of January, 2025.

**Louisiana Attorney Disciplinary Board
Hearing Committee # 56**

**Tiffany S. Wilken, Committee Chair
Michael S. Harrison II, Lawyer Member
Karen O. Hoyt, Public Member**

BY: 
Tiffany S. Wilken, Committee Chair
For the Committee

APPENDIX

Rule 1.3. Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

Rule 1.4. Communication

(a) A lawyer shall: (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules; (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished; (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) The lawyer shall give the client sufficient information to participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued.

(c) A lawyer who provides any form of financial assistance to a client during the course of a representation shall, prior to providing such financial assistance, inform the client in writing of the terms and conditions under which such financial assistance is made, including but not limited to, repayment obligations, the imposition and rate of interest or other charges, and the scope and limitations imposed upon lawyers providing financial assistance as set forth in Rule 1.8(e).

Rule 1.15. Safekeeping Property

(a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Except as provided in (g) and the IOLTA Rules below, funds shall be kept in one or more separate interest-bearing client trust accounts maintained in a bank or savings and loan association: 1) authorized by federal or state law to do business in Louisiana, the deposits of which are insured by an agency of the federal government; 2) in the state where the lawyer's primary office is situated, if not within Louisiana; or 3) elsewhere with the consent of the client or third person. No earnings on a client trust account may be made available to or utilized by a lawyer or law firm. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.

...

(d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. For purposes of this rule, the third person's interest shall be one of which the lawyer has actual knowledge, and shall be limited to a statutory lien or privilege, a final judgment addressing disposition of those funds or property, or a written agreement by the client or the lawyer on behalf of the client guaranteeing payment out of those funds or property. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

...

Rule 8.1. Bar Admission and Disciplinary Matters

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

...

(c) Fail to cooperate with the Office of Disciplinary Counsel in its investigation of any matter before it except for an openly expressed claim of a constitutional privilege.

Rule 8.4. Misconduct

It is professional misconduct for a lawyer to:

...

(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

...