

## LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: DREW M. LOUVIERE

DOCKET NO. 24-DB-022

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REPORT OF HEARING COMMITTEE # 29

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## INTRODUCTION

This attorney disciplinary matter arises out of formal charges filed by the Office of Disciplinary Counsel (“ODC”) against Drew M. Louviere (“Respondent”), Louisiana Bar Roll Number 08826.<sup>1</sup> ODC alleges that Respondent violated the following Rules of Professional Conduct: 1.3, 1.4(a & b), 1.5(f), 3.2, and 8.4(a & c).<sup>2</sup>

## PROCEDURAL HISTORY

The formal charges were filed on August 1, 2024. By letter dated August 2, 2024, the formal charges were mailed via certified mail to Respondent’s primary registration address.<sup>3</sup> The mailing was received on August 9, 2024.<sup>4</sup> Respondent failed to file an answer to the charges. Accordingly, on September 25, 2024, ODC filed a motion to deem the factual allegations admitted pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3).<sup>5</sup> By order signed September 30, 2024,

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<sup>1</sup> Respondent was admitted to the practice of law in Louisiana on April 16, 1982. Respondent is currently eligible to practice law.

<sup>2</sup> See the attached Appendix for the text of these Rules.

<sup>3</sup> 744 Napoleon St., Baton Rouge, LA 70802-6427.

<sup>4</sup> In its Motion to Declare Factual Allegations Deemed Admitted (filed 9/25/2024), ODC also alleges that Respondent appeared at ODC’s offices on September 5, 2024, and acknowledged that he was served with the charges and that he had not filed an answer.

<sup>5</sup> 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 were deemed admitted. Respondent has made no attempt to contest the charges or to have the Deemed Admitted Order recalled or reconsidered; nor has he briefed the issue of sanctions despite being made aware of his right to do so. On December 2, 2024, ODC filed its submission on sanction.

For the following reasons, the Committee adopts the deemed admitted formal charges as its factual findings and recommends that Respondent be suspended for one year and one day, with discipline to commence from the effective date of the final order of discipline, and that he be cast with all costs and expenses of these proceedings. The Committee also recommends that if the suspension recommended herein is imposed by the Louisiana Supreme Court, respondent be ordered to make restitution to the complainant, with interest at the judicial rate from date of filing of the instant complaint until paid, and to return the entire client file to the Complainant.<sup>6</sup>

### **FORMAL CHARGES**

The formal charges read, in pertinent part:

3.

ODC 41638

Steve Williams (Complainant)

The ODC received the complaint of Steve Derozal Williams, and on January 29, 2024, the matter was opened for investigation. The initial complaint was forwarded to Respondent, along with a request for the client file and any contracts of representation, via certified mail to his primary/preferred registered address, to which Respondent finally provided an initial response on March 15, 2024.

4.

Respondent appeared at ODC offices on May 7, 2023 to provide a sworn statement.

5.

### **FACTUAL ALLEGATION SUPPORTING RULE VIOLATIONS:**

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the factual allegations contained in the formal charges proven, the respondent may move the hearing 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.

<sup>6</sup> The Committee considered recommending that the Court order the Respondent to refer the matter of restitution of fee to the Bar Association fee dispute Program. We feel, however, that this would only impose further delay and burden on the Complainant and his family, who have already waited for an inordinate amount of time to obtain resolution of this complaint. Further, the Committee is unsure whether such a remedy would be within the Committee's authority to order. As such, we simply ask the Court, in its discretion, to fashion a just result.

In short, the complaint alleges that Respondent was retained in January 2022 to represent Mr. Williams at sentencing and with any post-conviction relief and/or appeals. Respondent was paid \$15,000 for the representation, has done little to no work on the case, and does not communicate with Complainant, or his family. Mr. Williams seeks a return of the fee paid to the Respondent and the client file.

6.

ODC's investigation reveals that Steve Derozal Williams, the Complainant, was arrested for the 2018 murder of his wife's paramour on the front lawn of a home. On December 11, 2021, Mr. Williams was tried and convicted of Second-Degree Murder, by a jury. Respondent did not participate in the trial or any pre-trial matters.

7.

Following his conviction, Mr. Williams and his family (Tamika Williams, wife and Roderick Jefferson, brother-in-law) retained the Respondent to represent Mr. Williams at sentencing (which was scheduled for January 31, 2022), to file a Motion for New Trial and for an appeal, or any other post-conviction remedies, as needed.

8.

During the course of the next several months, Respondent was paid the \$15,000 fee he charged for the agreed upon representation.

9.

There was no written contract detailing the scope of the representation or the fee but these facts are undisputed, and corroborated by the record of the criminal proceedings:

Since being retained, Respondent has filed the following pleadings:

- 1) January 31, 2022, filed Motion to Enroll as Counsel of Record and Continue Sentencing. This motion (one page and one line long) was granted the same day without a court appearance.
- 2) March 11, 2022, filed Motion to Continue Sentencing, which had been set for March 15, 2022. This motion (one page and one line long) was denied and Mr. Williams was sentenced on March 15, 2022, as scheduled, to life in prison.
- 3) March 15, 2022, filed Motion for New Trial. This motion (two- and one-half pages long) was heard and denied the same day after a brief hearing.
- 4) April 14, 2022, filed Motion for Appeal. This motion (half of one page long) was granted, along with the request that the court reporter prepare the transcript and the record be designated.

Thereafter, Respondent was provided with an estimated cost to prepare the record and transcript for appeal. On May 16, 2022, the Clerk of Court sent Respondent a "reminder" correspondence that he had filed an appeal in the Williams matter and that the estimated costs (\$7,620.00 and \$1,800) needed to be paid. The appeal costs were never paid, and the appeal has never been perfected since it was filed over two (2) years ago.

10.

Mr. Williams and his family have made numerous attempts to reach Mr. Louviere since April of 2022. Many of the attempts to contact Respondent were

ignored, for months at a time, reflecting a pattern of neglect. For example, a representation was made to the complainants that the trial transcript would be obtained, as it is a necessary step in perfecting an appeal. Text messages were sent to Respondent on the following days asking for the transcript and/or an update on obtaining same:

- June 23, 2022
- July 5, 2022
- August 26, 2022
- August 15, 2023
- October 24, 2023
- November 14, 2023
- December 20, 2023

11.

Despite the representation that he was going to obtain the transcript, Respondent never obtained the transcript and never responded to requests for updates related to the transcript. Respondent simply ignored the communications related to the transcript, and allowed the Williams family to believe this was a normal delay in receiving the transcript. Respondent made no effort at all to obtain the transcript.

12.

Respondent made several promises to go to Angola to visit Mr. Williams, but he never did so until after the complaint was filed.

13.

For all practical purposes, Respondent took \$15,000 from the Williams family and did very little work on the file in over two years. In fact, a review of the entire client file and Respondent's testimony, reveal that Respondent has done nothing on the file since April of 2022, with the exception of a few phone calls. Respondent failed to obtain the transcript or perfect Mr. Williams' appeal. Respondent did not terminate the representation, nor has he returned any of the unearned fee, although he admits that he has not completed the representation for which he was retained.

Respondent violated the following Rules:

- 1) Rule 1.3 (Diligence), by failing to obtain a transcript, or perfect an appeal.
- 2) Rule 1.4(a), (b) (Communication) by failing to respond to communications of his client; by failing to tell his client he had not obtained a transcript; by making promises to his client that he did not fulfill; by failing to keep his client updated on the status of the litigation.
- 3) Rule 1.5(f) (Fees), by failing to return an unearned fee.
- 4) Rule 3.2 (Expediting Litigation) by failing to obtain a transcript; by failing to perfect an appeal; by failing to take any action in the case in over two (2) years.
- 5) Rule 8.4(a) (Misconduct), by violating or attempting to violate the Rules of Professional Conduct for the reasons stated herein; and
- 6) Rule 8.4(c) (Conduct involving Dishonesty, Fraud, Deceit or Misrepresentation), by making material misrepresentations to his clients as set

forth herein.

## **EVIDENCE**

The Committee reviewed the exhibits submitted by ODC, which are Exhibits ODC 1-10. 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 AND RULES VIOLATED**

The Formal Charges have been deemed admitted and proven by clear and convincing evidence and are thus adopted in their entirety as this Committee's Findings of Fact. The Committee finds that Respondent violated the Rules as charged.

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 maintain adequate communication with a client. Rule 3.2 states that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client. Here, Respondent was retained to represent Mr. Williams at sentencing, to file a motion for new trial, and to pursue an appeal/post-conviction remedies. However, Respondent filed only four (4) brief pleadings on behalf of Mr. Williams and failed to perfect the appeal. He also failed to communicate with his client and his family despite their numerous attempts to contact him.

Rule 1.5(f) states, in pertinent part, that a lawyer shall return any unearned fees. Here, Respondent was paid \$15,000, but has done little, if any work, to earn that fee.

Rule 8.4(c) states that a lawyer shall not engage in conduct that involves dishonesty, fraud, deceit or misrepresentation. Here, Respondent told the Williams family that he had requested the trial transcript, which was a misrepresentation.

Rule 8.4(a) states that a lawyer shall not violate or attempt to violate the Rules of Professional Conduct. By violating the Rules discussed above, Respondent violated Rule 8.4(a).

## 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 the public, the legal system, and to the profession. He acted negligently and knowingly. Respondent's misconduct caused actual harm – not only was the client, Mr. Williams, harmed by being denied a meaningful appeal, but Mr. Williams and his family were deprived of the great majority of the amount paid as a retainer to the Respondent.

The *ABA Standards for Imposing Lawyer Sanctions* suggest that suspension is the baseline sanction for Respondent's misconduct. The Committee believes that the Sanctions Analysis provided by ODC adequately summarizes the pertinent sanctions considerations for the Committee, and we therefore adopt it as our own, copied herewith:

“ABA Standard for Imposing Lawyer Sanctions 4.42 states, suspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or (b) a lawyer engages in a pattern of neglect causes injury or potential injury to a client.

Moreover, under ABA Standard, Standard 4.62, suspension is generally appropriate when a lawyer knowingly deceives a client, and causes injury or potential injury to the client.

Lastly, under 7.2, suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system.

In this case, at a minimum, Respondent knowingly, if not intentionally, failed to respond to the inquiries of his client after repeated attempts to contact him. He allowed his client to believe he was in the process of obtaining a transcript, and perfecting Mr. Williams' appeal. Mr. Williams was a vulnerable client in that he was serving a life sentence in Angola and had suffered several health complications since being imprisoned. Respondent led his client on for two (2) years, all while collecting fees, doing no work and ignoring most of their communications.

In aggravation, ODC can establish the following:

--Prior disciplinary offenses, although remote.

- Vulnerability of the victim.
- Substantial experience in the practice of law.

ODC is unaware of any mitigating circumstances. When asked, in his sworn statement, about any mitigating circumstances he would like for the ODC to consider, Respondent did not articulate any recognized mitigating circumstances.

*In re Lagarde*, involved an attorney who was retained to represent a client in a community property issue. Respondent failed to take any action in the proceedings for over two years, in violation of Rules 1.3 and 3.2; he failed to respond to the client's numerous attempts to communicate with him throughout the representation and failed to maintain regular contact with the client; respondent failed to withdraw from the representation when he should have. Lastly, the Respondent failed to respond to the formal charges. The Respondent had a prior disciplinary history which included a fully deferred suspension. For this knowing, if not intentional misconduct, the Court suspended the Respondent for one year and one day. *In re Lagarde*, 24-0646 (10/1/2024), 393 So.3d 315.

*In re Robertson* involved an attorney who was hired to represent a student, in a civil matter, who had been attacked at school. Respondent failed to provide competent representation to a client, neglected a legal matter, and failed to communicate with a client. Respondent failed to participate in the disciplinary proceedings and did not answer the formal charges. In aggravation, the court found Respondent had a prior disciplinary record for similar misconduct, for which he had previously received a fully deferred suspension. For the negligent and knowing misconduct, the Court suspended the Respondent for one year and one day. *In re: Robertson*, 17-1169 (La. 11/28/17), 230 So. 3d 193.

In Swafford, an attorney neglected a succession matter, failed to respond to the client's requests for information, and failed to timely inform the client that he would not complete the representation. For this knowing misconduct, the court suspended the attorney from the practice of law for six months, with three months deferred, followed by one year of probation with conditions. *In re: Swafford*, 17-2154 (La. 3/23/18), 238 So. 3d 957. The Respondent did participate in the disciplinary process.

Additionally, it is important to point out the Respondent has not filed an answer to the formal charges, nor has he participated in the prosecution of this matter in any way. As stated by Justice Crichton, "[a]n attorney's failure to participate in disciplinary proceedings is alarming, as it leaves little opportunity for this Court to consider mitigating evidence and, when coupled with serious misconduct, often leads to substantial sanctions." *In re Rodriguez*, 22-1063 (La. 9/27/2022), 346 So.3d 790 (Crichton, J. additionally concurs and assigns reasons).

Because of the similarity between the instant matter and the *Lagarde* and *Rodriguez* matters, namely, an attorney who neglects client matters, fails to communicate with the client, fails to participate in the disciplinary proceeding, with a prior disciplinary history, ODC suggest the sanction in this matter should be similar. "

## CONSIDERATIONS PERTAINING TO THE FEE

Lastly, the Committee believes that most if not all of the unearned fee should be returned. Respondent was paid \$15,000 by the family of Mr. Williams in early 2022. Thereafter he filed 1) a motion to enroll; 2) a motion to continue Williams's sentencing hearing, which was granted; 3) a second motion for a continuance of the sentencing hearing, which was denied; 4) a motion for new trial; and 5) a motion for appeal. (Ex. ODC -5, Sworn Statement of Respondent, pp. 21-28). He never perfected the appeal because Mr. Williams and his sister and brother-in-law (sometimes collectively referred to as "the family of Mr. Williams") could not afford the costs; Respondent has never obtained the transcript (Ex. ODC-5, pp.33, 44-47), nor has he ever told the client or his sister and /or brother-in-law anything about the possibility of proceeding *in forma pauperis*, (ODC-5, p. 46), and only rarely did he communicate with the family. His own sworn testimony damns him, in that he continues to claim to represent Williams but admits that he did little of what he agreed to do and that the great majority of the fee is yet unearned (Ex. ODC-5, p.67). The last activity he undertook in the case seems to have been in April of 2022 (ODC-5, p. 61), until the family filed this complaint, after which he managed to talk to Mrs. Williams and her brother, Rodrick, by telephone a couple of times and agreed to go to Angola to visit Mr. Williams in July of 2023 but never did. Respondent stated that he did not go because he did not have the credentials required for entry into the prison (Ex. ODC-5. pp. 50, 57). To the Committee's reading, his testimony is self-serving and does not in the least justify his lack of activity in fulfilling the obligations imposed on him by his representation of Mr. Williams. While the Committee is keenly aware that Mr. Williams is convicted of second-degree murder, which carries a mandatory life sentence, that does not foreclose or moot inquiry into how Mr. Williams may have been harmed. This was apparently a love triangle situation which, properly developed and presented at the post-verdict and appellate stages, could have created the possibility of a post-verdict reduction to manslaughter with a shorter sentence, *if one credits Respondent's own statement*. Respondent



indicates that his intention was to obtain psychological or neuropsychological expert testimony concerning Williams's fraught/impaired mental and emotional state at the time of the shooting, which Respondent characterizes as having the potential to justify a manslaughter conviction with a concomitantly shorter sentence (ODC-5, p. 37). At the very least, the timely assertion of such a theory could have raised the possibility of a plea bargain being offered by the State to avoid a new trial or reduction or reversal of the murder conviction. Yet Respondent did nothing, supposedly because he was waiting for Williams's heart condition to resolve (Ex. ODC-5, p.22)—something the Committee declines to believe.

The Respondent did essentially nothing to justify a \$15,000 fee. Moreover, Respondent was 68 years of age when he gave his statement on May 7, 2024. At his age, if he is suspended as ODC asks, with no provision for return of the fee, he is at the stage at which he could retire with the money and little likelihood of a return to law practice after readmission, at which point he will be at least 72-73 years of age. *Short of reputational damage to Respondent, suspension by itself accomplishes nothing but make permanent the loss of the fee to Williams and/or his family.*

The Williams family should at the very least get their money back.

## CONCLUSION

The Committee respectfully recommends that Respondent be suspended for one year and one day, with discipline to commence from the effective date of the final order of discipline, and that he be cast with all costs and expenses of these proceedings pursuant to Rule XIX, §10.1. The Committee also recommends that if the suspension recommended herein is imposed by the Louisiana Supreme Court, respondent be ordered to refund the fee or such part as this Court deems appropriate, as discussed in n.6, *infra*, with interest at the judicial rate from the date of filing of the complaint in this matter until paid.

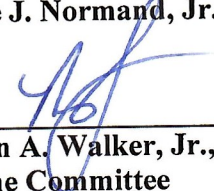
This opinion is unanimous and has been reviewed by each committee member, who fully concur and who have authorized Myron A. Walker, Jr, Chairman, to sign on their behalf.

Baton Rouge, Louisiana, this 14<sup>th</sup> day of JANUARY, 2025.

**Louisiana Attorney Disciplinary Board  
Hearing Committee # 29**

**Myron A. Walker, Jr., Committee Chair  
Henry G. Terhoeve, Lawyer Member  
Vance J. Normand, Jr., Public Member**

BY:

  
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Myron A. Walker, Jr., 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.

...

### Rule 1.5. Fees

...

(f) Payment of fees in advance of services shall be subject to the following rules: (1) When the client pays the lawyer a fee to retain the lawyer's general availability to the client and the fee is not related to a particular representation, the funds become the property of the lawyer when paid and may be placed in the lawyer's operating account. (2) When the client pays the lawyer all or part of a fixed fee or of a minimum fee for particular representation with services to be rendered in the future, the funds become the property of the lawyer when paid, subject to the provisions of Rule 1.5(f)(5). Such funds need not be placed in the lawyer's trust account, but may be placed in the lawyer's operating account. (3) When the client pays the lawyer an advance deposit against fees which are to accrue in the future on an hourly or other agreed basis, the funds remain the property of the client and must be placed in the lawyer's trust account. The lawyer may transfer these funds as fees are earned from the trust account to the operating account, without further authorization from the client for each transfer, but must render a periodic accounting for these funds as is reasonable under the circumstances. (4) When the client pays the lawyer an advance deposit to be used for costs and expenses, the funds remain the property of the client and must be placed in the lawyer's trust account. The lawyer may expend these funds as costs and expenses accrue, without further authorization from the client for each expenditure, but must render a periodic accounting for these funds as is reasonable under the circumstances. (5) When the client pays the lawyer a fixed fee, a minimum fee or a fee drawn from an advanced deposit, and a fee dispute arises between the lawyer and the client, either during the course of the representation or at the termination of the representation, the lawyer shall immediately refund to the client the unearned portion of such fee, if any. If the lawyer and the client disagree on the unearned portion of such fee, the lawyer shall immediately refund to the client the amount, if any, that they agree has not been earned, and the lawyer shall deposit into a trust account an amount representing the portion reasonably in dispute. The lawyer shall hold such disputed funds in trust until the dispute is resolved, but the lawyer shall not do so to coerce the client into accepting the lawyer's contentions. As to any fee dispute, the lawyer should suggest a means for prompt resolution such

as mediation or arbitration, including arbitration with the Louisiana State Bar Association Fee Dispute Program.

### **Rule 3.2. Expediting Litigation**

A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

### **Rule 8.4. Misconduct**

It is professional misconduct for a lawyer to:

(a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

...

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

...