

The Supreme Court of the State of Louisiana

IN RE: CARL V. WILLIAMS

No. 2025-B-00200

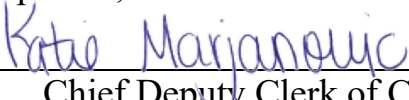
IN RE: Disciplinary Counsel - Applicant Other; Findings and Recommendations
(Formal Charges);

April 23, 2025

Suspension imposed. See per curiam.

JMG
JLW
JDH
WJC
JBM
CRC

Griffin, J., dissents and would impose a lesser sanction.

Supreme Court of Louisiana
April 23, 2025


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2025-B-0200

IN RE: CARL V. WILLIAMS

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Carl V. Williams, an attorney licensed to practice law in Louisiana.

PRIOR DISCIPLINARY HISTORY

Before we address the current charges, we find it helpful to review respondent’s prior disciplinary history. Respondent was admitted to the practice of law in Louisiana in 1987.

In 1996, respondent was admonished by the disciplinary board for failing to communicate with a client, failing to promptly return client funds, and failing to cooperate with the ODC. In 2007, respondent was admonished by the disciplinary board for failing to execute a written contingent fee agreement.

In 1998, respondent was suspended from the practice of law for one year and one day, with all but three months deferred, followed by a two-year period of supervised probation, after he neglected a matter, failed to communicate with a client, failed to safeguard client funds, and commingled and converted client funds. *In re: Williams*, 98-0773 (La. 4/24/98), 709 So. 2d 211.

In 2011, respondent was suspended from the practice of law for one year and one day, with all but four months deferred, after he converted client funds and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation. *In re:*

Williams, 10-2759 (La. 5/10/11), 62 So. 3d 751. The 2011 suspension was followed by an additional ninety-day suspension for engaging in the practice of law while suspended. *In re: Williams*, 11-1727 (La. 8/31/11), 69 So. 3d 414.

Against this backdrop, we now turn to a consideration of the misconduct at issue in the instant matter.

FORMAL CHARGES

Respondent was hired to complete the succession of Alvin Banks, Sr., who died in 2006. In December 2017, the heirs sold a piece of property. Respondent distributed the proceeds to the heirs, with the exception of Alvin Banks, Jr. (“Mr. Banks”). According to respondent, Mr. Banks was due \$7,514.11 from the property sale, but respondent had no contact information for him. Respondent indicated that he held Mr. Banks’ funds in his client trust account until 2020, when he transferred the funds to his personal account.

In November 2021, Mr. Banks filed a disciplinary complaint against respondent. Respondent failed to timely respond to the complaint, necessitating the issuance of a subpoena for his sworn statement on February 16, 2022. During his sworn statement, respondent admitted that he failed to remit the funds to Mr. Banks and transferred the funds to his personal account. On March 16, 2022, respondent sent Mr. Banks a check in the amount of \$9,090.48, representing his portion of the sale proceeds plus interest.

DISCIPLINARY PROCEEDINGS

In July 2024, the ODC filed formal charges against respondent, alleging his conduct as set forth above violated Rules 1.3 (failure to act with reasonable diligence and promptness in representing a client), 1.4 (failure to communicate with a client), 1.15(a) (safekeeping property of clients or third persons), 1.15(d) (failure to timely

remit funds to a client or third person), 8.1(c) (failure to cooperate with the ODC in its investigation), and 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) of the Rules of Professional Conduct.

Respondent failed to answer the formal charges. Accordingly, the factual allegations contained therein were deemed admitted and proven by clear and convincing evidence pursuant to Supreme Court Rule XIX, § 11(E)(3). No formal hearing was held, but the parties were given an opportunity to file with the hearing committee written arguments and documentary evidence on the issue of sanctions. Respondent filed nothing for the hearing committee's consideration.

Hearing Committee Report

After considering the ODC's deemed admitted submission and the exhibits in the record, the hearing committee determined that the facts establish by clear and convincing evidence that respondent violated the Rules of Professional Conduct as charged.¹

The committee determined respondent violated duties owed to his client and the legal profession. Respondent acted knowingly, if not intentionally, causing actual harm to Mr. Banks by depriving him of his funds from December 2017 to March 2022. Relying on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is suspension.

The committee determined the following aggravating factors are present: prior disciplinary offenses, a dishonest or selfish motive, and substantial experience in the

¹ Specifically, the committee found that respondent violated Rules 1.3 and 1.4 by failing to inform Mr. Banks of the property sale and failing to promptly disburse the sale proceeds to him. The committee found that 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 of the existence of the funds. The committee stated that respondent's transfer of client and/or third-party funds from his trust account to his personal account was dishonest, in violation of Rule 8.4(c). Finally, the committee found that respondent's failure to timely respond to the complaint, forcing the ODC to issue a subpoena for his sworn statement, violated Rule 8.1(c).

practice of law. The committee also noted respondent's "failure to cooperate with ODC's investigation and this proceeding." In mitigation, the committee found a delay in the disciplinary proceeding, noting that after receiving correspondence from respondent in March 2022 indicating that he paid restitution to Mr. Banks, the ODC took no further action until filing the instant formal charges in July 2024. The committee also found in mitigation that respondent's 1996 and 1998 disciplinary matters are remote in time.

After further considering the court's prior jurisprudence addressing similar misconduct, the committee recommended respondent be suspended from the practice of law for one year and one day, requiring him to petition for reinstatement should he choose to return to the practice of law. The committee further recommended that respondent be assessed with all costs and expenses of this proceeding.

Neither respondent nor the ODC filed an objection to the hearing committee's report. Therefore, pursuant to Supreme Court Rule XIX, § 11(G), the disciplinary board submitted the committee's report to the court for review.

DISCUSSION

Bar disciplinary matters fall within the original jurisdiction of this court. La. Const. art. V, § 5(B). Consequently, we act as triers of fact and conduct an independent review of the record to determine whether the alleged misconduct has been proven by clear and convincing evidence. *In re: Banks*, 09-1212 (La. 10/2/09), 18 So. 3d 57.

In cases in which the lawyer does not answer the formal charges, the factual allegations of those charges are deemed admitted. Supreme Court Rule XIX, § 11(E)(3). Thus, the ODC bears no additional burden to prove the factual allegations contained in the formal charges after those charges have been deemed admitted.

However, the language of § 11(E)(3) does not encompass legal conclusions that flow from the factual allegations. If the legal conclusion the ODC seeks to prove (i.e., a violation of a specific rule) is not readily apparent from the deemed admitted facts, additional evidence may need to be submitted in order to prove the legal conclusions that flow from the admitted factual allegations. *In re: Donnan*, 01-3058 (La. 1/10/03), 838 So. 2d 715.

The record in this deemed admitted matter supports a finding that respondent neglected a matter, failed to communicate with a client, failed to safeguard and remit client funds resulting in conversion, and engaged in dishonest conduct. However, we do not find that the record supports a finding that respondent failed to cooperate with the ODC in violation of Rule 8.1(c).

The committee found that respondent's failure to timely respond to the complaint, forcing the ODC to issue a subpoena for his sworn statement, violated Rule 8.1(c). The record reveals that respondent appeared for the sworn statement, provided the ODC with multiple, written responses, and returned the money owed to Mr. Banks. While there is some evidence in the record that respondent initially failed to timely respond to the ODC, it does not rise to the level of clear and convincing proof of a violation of Rule 8.1(c).

Having found evidence of professional misconduct, we now turn to a determination of the appropriate sanction for respondent's actions. In determining a sanction, we are mindful that disciplinary proceedings are designed to maintain high standards of conduct, protect the public, preserve the integrity of the profession, and deter future misconduct. *Louisiana State Bar Ass'n v. Reis*, 513 So. 2d 1173 (La. 1987). The discipline to be imposed depends upon the facts of each case and the seriousness of the offenses involved considered in light of any aggravating and mitigating circumstances. *Louisiana State Bar Ass'n v. Whittington*, 459 So. 2d 520 (La. 1984).

The record supports a finding that respondent knowingly violated duties owed to his client and the legal system. His conduct caused actual harm, depriving his client of funds for several years. The baseline sanction for this type of misconduct is suspension. Aggravating factors include prior disciplinary offenses, a dishonest or selfish motive, and substantial experience in the practice of law.² The mitigating factors of a delay in the disciplinary proceeding and remoteness of respondent's 1996 and 1998 discipline matters are also supported by the record.

Turning to the issue of an appropriate sanction, we agree with the committee's analysis of *In re: Dumas*, 15-1570 (La. 2/4/16), 187 So. 3d 428. Dumas was suspended from the practice of law for two years after he was found guilty of failing to timely disburse \$7,400 to a client in a succession matter. Dumas was also found to have extensive mismanagement of his trust account. As in *Dumas*, respondent failed to fully and promptly disburse funds in a succession matter, which necessitated the filing of a complaint by one of the heirs. Also similar to *Dumas*, respondent has a lengthy disciplinary history for similar misconduct. However, in this case there is no evidence that respondent's mismanagement of his client trust account rises to the level of the "extensive" mismanagement seen in *Dumas*.

Considering the facts of this case as a whole, we will adopt the hearing committee's recommendation and impose a one year and one day suspension, necessitating a formal application for reinstatement should respondent wish to return to the practice of law. In light of respondent's lengthy disciplinary history, this court will carefully scrutinize any application for reinstatement with a critical eye.

² For the reasons provided above, we do not find support for the committee's finding of the aggravating factor of "failure to cooperate with ODC's investigation and this proceeding."

DECREE

Upon review of the findings and recommendations of the hearing committee, and considering the record, it is ordered that Carl V. Williams, Louisiana Bar Roll number 18507, be and he hereby is suspended from the practice of law for one year and one day. All costs and expenses in the matter are assessed against respondent in accordance with Supreme Court Rule XIX, § 10.1, with legal interest to commence thirty days from the date of finality of this court's judgment until paid.