

**LOUISIANA ATTORNEY DISCIPLINARY BOARD****IN RE: TRISTAN PATRICK GILLEY****DOCKET NO. 25-DB-002**

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**REPORT OF HEARING COMMITTEE # 17**

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**INTRODUCTION**

This attorney disciplinary matter arises out of formal charges filed by the Office of Disciplinary Counsel (“ODC”) against Tristan Patrick Gilley (“Respondent”), Louisiana Bar Roll Number 33854.<sup>1</sup> ODC alleges that Respondent violated the following Rules of Professional Conduct: 1.4(a)(4), 1.16(d), 8.1(c), and 8.4(a).<sup>2</sup>

**PROCEDURAL HISTORY**

The formal charges were filed on January 3, 2025. By letters dated January 7, 2025, the formal charges were mailed via certified mail to Respondent’s primary and secondary registration addresses.<sup>3</sup> The mailing to the primary registration address was delivered on January 11, 2025. Respondent failed to file an answer to the charges. Accordingly, on February 10, 2025, ODC filed a motion to deem the factual allegations admitted pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3).<sup>4</sup> By order signed February 19, 2025, the factual allegations contained in the formal charges were deemed admitted. On April 21, 2025, ODC filed its submission on sanction.

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<sup>1</sup> Respondent was admitted to the practice of law in Louisiana on October 20, 2011. Respondent is currently suspended from the practice of law. See *In re Gilley*, 2023-0989 (12/5/2023), 373 So.3d 704 (12/5/2023) (“*Gilley I*”). In *Gilley I*, the Court suspended Respondent for six months, with all but ninety days deferred. Despite being eligible to seek reinstatement, Respondent has not done so and remains suspended.

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

<sup>3</sup> 820 Jordan St., Ste. 206, Shreveport, LA 71101 (primary); 221 Albert Ave., Shreveport, LA 71105 (secondary).

<sup>4</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

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

### **FORMAL CHARGES**

The formal charges read, in pertinent part:

5.

On August 22, 2023, the ODC received a complaint from Tevin Turner ("Mr. Turner") regarding Respondent. The complaint was opened for investigation as ODC 41478.

6.

Respondent served as Mr. Turner's public defender in the criminal matter of State of Louisiana v. Tevin Turner, No. 95058, 26th Judicial District Court, Parish of Webster. The complaint states, in pertinent part:

I am writing this to report the poor performance of my lawyer, Tristan Gilley, of the Webster Parish Public Defender Office ....  
I've tried to contact him multiple times about different legal matters and he has never responded back. Enclosed is a letter I mailed to his office over a year ago, I'm still waiting on a response. I'm currently serving time under a different Good Time Act than he promised I would be. I've tried to express these issues to him but his ineffective counsel is the only thing that has been consistent.

An attached May 14, 2022 letter from Mr. Turner to Respondent further states, in pertinent part:

Regarding my criminal files under docket no. 95058, I'm requesting that you forward me a copy of my entire criminal files ....  
Therefore, I am requesting a copy of my entire criminal files; and failure to send it will compel me to contact the Office of Disciplinary Counsel.

7.

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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 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.

On September 6, 2023, ODC Staff Investigator Debbie Beard ("Ms. Beard") sent two letters to Respondent to his LSBA-registered primary address, as well as an email to Respondent to his LSBA-registered public/private/service email address, to request that Respondent comply with Mr. Turner's request for a copy of his client file. Respondent failed to respond to that correspondence. On September 27 and October 5, 2023, Ms. Beard sent two additional emails to Respondent seeking an update regarding Mr. Turner's return of file request. Respondent failed to respond to those additional emails. On October 12, 2023, Ms. Beard attempted to contact Respondent via his LSBA-registered primary phone number, but that phone call went unanswered.

8.

On October 12, 2023, ODC Screening Counsel Yolanda Cezar sent an additional letter and a copy of the complaint to Respondent to his LSBA-registered primary address to again request that Respondent comply with Mr. Turner's return of file request. On October 16, 2023, delivery of that correspondence was accepted on Respondent's behalf. Respondent failed to respond to that additional letter. The matter then was assigned to undersigned Deputy Disciplinary Counsel for further investigation.

9.

On November 8, 2023, the ODC sent letters and a copy of the complaint to Respondent to his LSBA-registered primary and secondary/preferred addresses. On November 10 and 13, 2023, delivery of that correspondence was accepted on Respondent's behalf. On November 8, 2023, the ODC also emailed a letter and a copy of the complaint to Respondent via his LSBA-registered public/private/service email address. Delivery of that email to Respondent was confirmed via Microsoft Outlook on the same day. Respondent's response to the complaint was due on November 23, 2023. Respondent failed to provide any response to the complaint by or after that deadline.

10.

Respondent has failed to reasonably communicate with Mr. Turner about his legal matter, failed to return the requested client file to Mr. Turner, and failed to cooperate with the ODC in its investigation of the complaint.

11.

The ODC respectfully submits that there is clear and convincing evidence that Respondent's above-described misconduct violates Rules 1.4(a)(4), 1.16(d), 8.1(c) and 8.4(a) of the Rules of Professional Conduct.

## **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**

The factual allegations in the formal charges have been deemed admitted and proven pursuant to Louisiana Supreme Court Rule XIX, §11(E)(3), and are supported by the evidence submitted by ODC. Respondent was appointed as a public defender to represent Mr. Turner (Complainant) in the matter of *State of Louisiana v. Tevin Turner*, No. 95058, in the 26<sup>th</sup> Judicial District Court (Webster Parish). On March 2, 2020, Mr. Turner pled guilty to the criminal charges he was facing and was sentenced to six years in prison, with credit for time served. *See* ODC 10. By letter dated May 14, 2022, Mr. Turner requested that Respondent send him a copy of his file pursuant to Rule 1.16(d). *See* ODC 3. Respondent did not comply with the request, which prompted Mr. Turner to file a complaint with ODC by letter dated August 16, 2023. *Id.* ODC's screening department made several attempts to resolve the return of file issue, but Respondent failed to respond to ODC's communications. *See* ODC 4 & 5. Accordingly, this matter was opened for investigation and assigned to deputy disciplinary counsel ("DDC"). Respondent failed to respond to DDC's attempts to investigate this matter. *See* ODC 6, 7, & 8.

## **RULES VIOLATED**

Rule 1.4(a)(4) states that a lawyer shall promptly comply with a client's reasonable requests for information. Rule 1.16(d) states, in pertinent part, that upon written request by a client, a lawyer shall promptly release to the client the client's entire file. Mr. Turner requested his file, in writing, by letter dated May 14, 2022. However, over a year later, Respondent had not complied with this request. This conduct violates Rules 1.4(a)(4) and 1.16(d).

Rule 8.1(c) states that a lawyer shall not fail to cooperate with ODC in its investigation of any matter before it. Here, ODC attempted to resolve this issue to no avail because Respondent

failed to respond to any of ODC's communications over the course of several months. Thus, Respondent violated Rule 8.1(c).

Rule 8.4(a) states, in pertinent part, that it is professional misconduct for a lawyer 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 client and the legal profession. He acted knowingly, if not intentionally. Respondent's misconduct caused actual harm to Mr. Turner by delaying his ability to seek post-conviction relief. Respondent also caused actual harm to the discipline system by causing ODC to expend its limited resources attempting to resolve a relatively simple issue.

The *ABA Standards for Imposing Lawyer Sanctions* suggest that suspension is the baseline sanction for Respondent's misconduct. Standard 4.42(a) states: "Suspension is generally appropriate when ... a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client." Furthermore, Standard 7.2 states: "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." As discussed above, Respondent's misconduct falls within the scope of these Standards.



The following aggravating factors are supported by the record: prior disciplinary offenses for similar misconduct, multiple offenses, bad faith obstruction of the disciplinary process by intentionally failing to comply with rules or orders of the disciplinary agency, and substantial experience in the practice of law. Respondent's prior disciplinary offenses are particularly relevant to this matter. On December 5, 2023, the Court suspended Respondent for six months, with all but ninety days deferred, for neglecting a legal matter, failing to communicate with the client, and failing to cooperate with ODC's investigation. *See In re Gilley*, 2023-0989 (12/5/2023), 373 So.3d 704 (12/5/2023) ("*Gilley I*") (in the record as ODC Exhibit 9). As in the present matter, Respondent allowed the factual allegations in the formal charges to become and remain deemed admitted.<sup>5</sup> Thus, Respondent is again before the disciplinary agency for similar misconduct.

The Court has held that the baseline sanction for the neglect, failure to communicate, and failure to properly terminate representation in one client matter is a one-year suspension. *See In re Casanova*, 2002-2155 (La. 11/22/02); 847 So.2d 1169, 1175, *citing In re Trichel*, 2000-1304 (La. 8/31/00); 767 So.2d 694. Furthermore, the Court has held that failure to cooperate with ODC, standing alone, warrants a disciplinary sanction. *See In re Fahrenholtz*, 2009-0748 (La. 10/2/09), 18 So.3d 751. In *In re Fahrenholtz*, the Court suspended Mr. Fahrenholtz for one year and one

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<sup>5</sup> In *La. State Bar Ass'n v. Chatelain*, the Court held:

Since the attorney-respondent cannot control the timing of the institution of disciplinary proceedings, it is generally inappropriate to disbar a previously disbarred attorney an additional time when the violations at issue occurred before or concurrently with the violations which resulted in the initial disbarment. When a second disciplinary proceeding against an attorney involves misconduct which occurred during the same time period as the first proceeding, the overall discipline to be imposed should be determined as if both proceedings were before the court simultaneously. [Citation omitted.]

89-0703 (La. 1/22/1991), 573 So.2d 470. The misconduct in *Gilley I* began in 2018 and continued until April of 2022. In the present matter, the misconduct began, at the earliest, in May of 2022, when the complainant requested a copy of his file. *See* ODC Exhibit 3. Thus, the misconduct in *Gilley I* does not overlap with the misconduct in the present matter. Accordingly, the Court's holding in *Chatelain* does not apply to this matter.

day for two instances of failure to cooperate with ODC and for failure to maintain his professional obligations. The Court found that Mr. Fahrenholtz's conduct was particularly egregious.

[W]e find that respondent's failure to cooperate with the ODC is more egregious than the typical failure to cooperate case. At no point in this proceeding has respondent made any effort to respond to repeated inquiries from the ODC. Additionally, he has not complied with his other professional obligations as a lawyer, such as paying his bar dues and the disciplinary assessment and completing his mandatory continuing legal education requirements. As a result, respondent has been ineligible to practice law since 2005. Finally, respondent's misconduct is particularly troublesome because he was an elected official at the time.

*Id.* at 755-756. Mr. Fahrenholtz allowed the formal charges to become and remain deemed admitted. The Court noted several aggravating factors: pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency, and substantial experience in the practice of law. There was only one mitigating factor present: absence of a prior disciplinary record.

In *In re Collins*, the Court suspended Mr. Collins for one year and one day for neglecting a client's legal matter, failing to communicate with that client, and failing to protect the client's interests upon termination of the representation. 2019-1746 (La. 2/26/2020), 290 So.3d 173. Mr. Collins allowed the formal charges to become and remain deemed admitted. In 2011, a client hired Mr. Collins to represent her in a personal injury matter. Mr. Collins sent a demand letter on the client's behalf but did nothing else. The client filed a complaint with ODC in 2017. The Court concluded that Mr. Collins violated Rules 1.3, 1.4(a)(3), 1.16(d), and 8.4(a). The Court found that Mr. Collins should have known he was acting contrary to the Rules of Professional Conduct. The Court recognized the following aggravating factors: a prior disciplinary record for similar misconduct, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency, and substantial experience in the practice of law. The Court did not find any mitigating factors.

Here, like in *Collins*, Respondent failed to communicate with a client, failed to protect the client's interests upon termination of the representation, and failed to cooperate with ODC's investigation. Additionally, as in *Collins*, this is the second time Respondent is before this agency for the same type of misconduct. While Respondent's failure to cooperate may not be as egregious as the circumstances in *Fahrenholtz*, his failure to cooperate with ODC, standing alone, warrants a period of actual suspension. Given that this is Respondent's second time before the disciplinary agency, the Committee feels that Respondent should be required to file a petition pursuant to Rule XIX, §24, in order to return to the practice of law.

### 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 that Respondent 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 concur and who have authorized Walter D. White, to sign on their behalf.

Shreveport, Louisiana, this 12<sup>th</sup> day of May, 2025.

**Louisiana Attorney Disciplinary Board  
Hearing Committee # 17**

**Walter D. White, Committee Chair  
Sarah R. Giglio, Lawyer Member  
Randy B. Smith, Public Member**

BY:



**Walter D. White, Committee Chair  
For the Committee**



## **APPENDIX**

### **Rule 1.4. Communication**

(a) A lawyer shall: ... (4) promptly comply with reasonable requests for information; ...

### **Rule 1.16. Declining or Terminating Representation**

...

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. Upon written request by the client, the lawyer shall promptly release to the client or the client's new lawyer the entire file relating to the matter. The lawyer may retain a copy of the file but shall not condition release over issues relating to the expense of copying the file or for any other reason. The responsibility for the cost of copying shall be determined in an appropriate proceeding.

### **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:

(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;

...

# **CERTIFICATE OF MAILING**

**IN RE:   TRISTAN PATRICK GILLEY  
          DOCKET NO. 25-DB-002**

I, Raul V. Esquivel, the undersigned Board Administrator for the Louisiana Attorney Disciplinary Board, certify that a copy of the foregoing Hearing Committee Report and Initial Cost Statement has been mailed to the Respondent or his/her Attorney of Record, by E-mail and/or United States Mail and E-Filed to the Office of Disciplinary Counsel, this 13<sup>th</sup> **day of May, 2025** at the following address:

**Via Email to: [TRISTANGILLEY@GMAIL.COM](mailto:TRISTANGILLEY@GMAIL.COM)**

**Via U.S. Mail to:  
Tristan Patrick Gilley  
820 Jordan St., Suite 206  
Shreveport, LA 71101**

**Mr. Christopher Kiesel  
Deputy Disciplinary Counsel  
4000 S. Sherwood Forest Blvd  
Suite 607  
Baton Rouge, LA 70816**



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*Raul V. Esquivel III  
Board Administrator*