

The Supreme Court of the State of Louisiana

**IN RE: TRISTAN PATRICK GILLEY**

No. 2025-B-00713

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IN RE: Office of Disciplinary Counsel - Applicant Other; Findings and  
Recommendations (Formal Charges);  
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**September 10, 2025**

Suspension imposed. See per curiam.

JMG

JLW

JDH


WJC

JBM

PDG

CRC

Supreme Court of Louisiana  
September 10, 2025



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Chief Deputy Clerk of Court  
For the Court

SUPREME COURT OF LOUISIANA

NO. 2025-B-0713

IN RE: TRISTAN PATRICK GILLEY

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Tristan Patrick Gilley, an attorney licensed to practice law in Louisiana, but currently is ineligible to practice.

**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 2011.

In 2023, this court suspended respondent from the practice of law for six months, with all but ninety days deferred, followed by a one year period of probation, for misconduct which included respondent’s failure to provide competent representation to a client, neglect of a legal matter, failure to communicate with a client, failure to make reasonable efforts to expedite litigation, failure to cooperate with the ODC in its investigation, misleading a client about the status of his matter, and engaging in conduct prejudicial to the administration of justice. *In re: Gilley*, 23-0989 (La. 12/5/23), 373 So. 3d 704. Respondent has not filed the necessary pleadings with the court to be reinstated.

Against this backdrop, we now turn to a consideration of the instant misconduct.

## **FORMAL CHARGES**

In 2020, respondent served as a public defender for Tevin Turner as it related to criminal charges in Webster Parish. In 2023, Mr. Turner filed a complaint against respondent with the ODC alleging that respondent failed to communicate with him and failed to provide him with his requested file.

The ODC attempted to contact respondent on multiple occasions via his registered mailing and email addresses, requesting the client file and a response to Mr. Turner's allegations; however, respondent failed to respond to any of ODC's attempt to contact him.

## **DISCIPLINARY PROCEEDINGS**

In January 2025, the ODC filed formal charges against respondent, alleging that his conduct as set forth above violated the following provisions of the Rules of Professional Conduct: Rules 1.4 (failure to communicate with a client), 1.16(d) (obligations upon termination of the representation), 8.1(c) (failure to cooperate with the ODC in its investigation), and 8.4(a) (violation 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 committee's consideration.

### *Hearing Committee Report*

After considering the ODC's deemed admitted submission, the hearing committee acknowledged that the factual allegations set forth in the formal charges were deemed admitted. The committee also made the following findings of fact:

Respondent was appointed as a public defender to represent Mr. Turner in the criminal matter of *State of Louisiana v. Tevin Turner*, No. 95080 in the 26th JDC. In March 2020, Mr. Turner pleaded guilty to the charges he was facing and was sentenced to six years in prison, with credit for time served. Mr. Turner requested respondent send him a copy of his file; however, respondent failed to comply with that request, prompting Mr. Turner to file a complaint with the ODC. The ODC's screening department made several attempts to resolve the return of file issue, but respondent failed to respond to the ODC's communications. Respondent failed to respond to the ODC's attempts to investigate the matter.

Based on these facts, the committee determined respondent violated the Rules of Professional Conduct as charged.

The committee determined respondent violated duties owed to his client and the legal profession. He acted knowingly, if not intentionally, causing actual harm to Mr. Turner by delaying his ability to seek post-conviction relief. Moreover, respondent caused actual harm to the disciplinary system by causing the ODC to expend its limited resources to attempt to resolve a "relatively simple issue." Relying on the *ABA's Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is suspension.

The committee found the following aggravating factors present: a prior disciplinary record "for similar misconduct", multiple offenses, bad faith obstruction of the disciplinary agency, and substantial experience in the practice of law (admitted 2011). The committee found no mitigating factors present.

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. The committee also recommended that he be assessed with the costs and expenses of this proceeding.

Neither respondent nor the ODC filed an objection to the committee's report and recommendation. Therefore, pursuant to Supreme Court Rule XIX, § 11(G), the disciplinary board submitted the committee's report directly 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 failed to communicate with his client, failed to return a requested client file, and

failed to cooperate with the ODC. This conduct amounts to a violation of the Rules of Professional Conduct as charged.

The record further supports a finding that respondent violated duties owed to his client and the legal profession. His conduct was knowing, if not intentional, and caused actual harm to his client and the disciplinary system. The applicable baseline sanction is suspension. The hearing committee's assessment of aggravating factors is supported by the record.

Based upon our review of the record, we cannot say that the imposition of a one year and one day suspension from the practice of law is inappropriate. The jurisprudence cited by the committee, *In re: Collins*, 19-1746 (La. 2/26/20), 290 So. 3d 173, is instructive. In *Collins*, an attorney was suspended from the practice of law 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. Like the instant respondent, *Collins* had several aggravating factors, including prior discipline for similar misconduct, and no mitigating factors. Further, imposing the recommended sanction would require respondent to file a formal petition for reinstatement.

Accordingly, we will adopt the committee's recommendation.

### **DECREE**

Upon review of the findings and recommendation of the hearing committee, and considering the record, it is ordered that Tristan Patrick Gilley, Louisiana Bar Roll number 33854, 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.