

The Supreme Court of the State of Louisiana

IN RE: LENISE R. WILLIAMS

No. 2021-B-00613

IN RE: Office of Disciplinary Counsel - Applicant Other; Rule to Revoke Probation;

June 22, 2021

Probation revoked. See per curiam.

PDG

JLW

JDH

SJC

JTG

WJC

JBM

Supreme Court of Louisiana

June 22, 2021



Chief Deputy Clerk of Court
For the Court

06/22/21

SUPREME COURT OF LOUISIANA

NO. 2021-B-0613

IN RE: LENISE R. WILLIAMS

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

The instant disciplinary proceeding arises from a motion and rule to revoke probation filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Lenise R. Williams, for her violation of additional Rules of Professional Conduct while on court-ordered probation imposed in *In re: Williams*, 17-0906 (La. 6/29/17), 222 So. 3d 39 (“*Williams I*”), as well as for his failure to comply with her probation agreement for that matter.

UNDERLYING FACTS AND PROCEDURAL HISTORY

The record in *Williams I* demonstrated that respondent neglected a legal matter, failed to communicate with a client, failed to properly withdraw from a representation, and failed to cooperate with the ODC in its investigation. Following the filing of formal charges, respondent and the ODC filed a joint petition for consent discipline, proposing that respondent be suspended from the practice of law for one year and one day, with all but sixty days deferred, subject to two years of unsupervised probation. This court accepted the petition for consent discipline in *Williams I* on June 29, 2017.¹ The court’s order provides that “[a]ny failure of respondent to comply with the conditions of probation, or any misconduct during

¹ Justices Clark, Crichton, and Genovese dissented and would have rejected the joint petition for consent discipline.

the probationary period, may be grounds for making the deferred portion of the suspension executory, or imposing additional discipline, as appropriate.”

Respondent’s reinstatement to the practice of law was effective April 26, 2018. Her probation commenced on December 4, 2018, when she executed a formal probation agreement with the ODC. In the agreement, respondent agreed that she shall:

- Promptly respond to all requests by the Office of the Disciplinary Counsel;
- Comply with all bar membership requirements, including: maintaining current knowledge in the law by satisfying all mandatory continuing legal education (“MCLE”) requirements and timely paying all Louisiana State Bar Association membership dues and Louisiana Attorney Disciplinary Board (“LADB”) annual disciplinary fee assessments;
- Timely provide any waivers of confidentiality to the Office of Disciplinary Counsel as may be necessary to enable Disciplinary Counsel to monitor her compliance with the Rules of Professional Conduct and this Probation Agreement;
- Acknowledge that any violation of the Rules of Professional Conduct and/or this Probation Agreement may result in revocation of her probation and making the deferred portion of her suspension executory and/or such other disciplinary action as may be appropriate under the Rules of Professional Conduct and Louisiana Supreme Court Rule XIX; and
- Pay all costs and expenses assessed against her in these proceedings, including legal interest.

DISCIPLINARY PROCEEDINGS

Motion and Rule to Revoke Probation

On November 25, 2020, the ODC filed the instant motion and rule to revoke respondent's probation, alleging that respondent violated additional Rules of Professional Conduct while on court-ordered probation imposed in *Williams I*, and that she failed to comply with her probation agreement for that matter. Essentially, the ODC alleged that respondent failed to cooperate with the ODC in its efforts to contact her, failed to comply with her bar membership requirements, and failed to pay the costs assessed against her in *Williams I*. The ODC also alleged that respondent practiced law during her suspension in *Williams I*.

Regarding this final allegation, the ODC specifically alleged that during her suspension in *Williams I*, which ran from June 29, 2017 through the date of her reinstatement on April 26, 2018, respondent had prepared and filed documents with the United States Patent and Trademark Office ("USPTO") in at least nineteen trademark applications, approved at least five examiner's amendments in trademark applications, filed a notice of opposition in a trademark trial and appeal board proceeding, and failed to inform all of her clients that she was ineligible to practice before the USPTO.^{2,3}

Accordingly, the ODC prayed for revocation of respondent's probation and the imposition of the previously deferred portion of the one year and one day suspension. Respondent did not file an answer to the ODC's motion and rule to revoke probation.

Hearing on Revocation of Probation

² These violations are identified in the USPTO Final Order for Proceeding Number D2019-23, dated September 20, 2019, which the ODC filed into the record under seal.

³ The formal charges further indicate that on November 21, 2019, the ODC received notice that respondent submitted an affidavit of resignation to the USPTO on September 13, 2019. The director of the Office of Enrollment and Discipline ("OED Director") had filed a disciplinary complaint against respondent, alleging that she had violated the USPTO Rules of Professional Conduct. The complaint specifically alleged that contrary USPTO trademark signature regulations and guidance, she impermissibly entered ten electronic signatures of her clients. The associated documents were considered to have been filed with false signatures.

This matter proceeded to a hearing before an adjudicative panel of the disciplinary board on April 22, 2021. The ODC was represented by Deputy Disciplinary Counsel Paul E. Pendley. Respondent did not appear at the hearing. The ODC introduced documentary evidence and called Deputy Disciplinary Counsel Brienne Hemmans to testify at the hearing. Ms. Hemmans, an attorney employed by the ODC, investigates and prosecutes disciplinary complaints, drafts probation agreements, and monitors attorney compliance with probation agreements.

Ms. Hemmans testified that she sent an email to respondent on November 23, 2020, asking respondent to give her a call in regards to probation. The next day, respondent replied that she would call her [Ms. Hemmans] the following day. When respondent failed to do so, the ODC filed the motion to revoke probation. Then, on December 8, 2020, respondent sent an email to Ms. Hemmans. In her email, respondent stated: “I have no objection to the suspension that is being requested. Is there a document that I can execute at this time?” In response, Ms. Hemmans advised respondent to direct any questions concerning the revocation matter to Mr. Pendley. Respondent never reached out again to Ms. Hemmans.

Disciplinary Board Recommendation

After considering the evidence and testimony presented at the hearing, the disciplinary board made the following factual findings and determinations:

Respondent failed to comply with her bar membership requirements. On July 1, 2020, she was deemed ineligible to practice law for failing to complete her MCLE requirements for 2019. She is also ineligible for failing to file her trust account registration statement.⁴ By failing to meet these requirements, respondent has violated her probation agreement as well as Rules 1.1(b) (failure to comply with

⁴ The ODC also alleged that respondent failed to pay the disciplinary assessment for 2020, but the LADB records show that the assessment was paid.

MCLE requirements) and 1.1(c) (a lawyer is required to comply with all of the requirements of the Supreme Court's rules regarding annual registration, including timely notification of changes of address and proper disclosure of trust account information or any changes therein) of the Rules of Professional Conduct.

During her period of ineligibility, respondent filed at least one document furthering the prosecution of a trademark application with the USPTO, despite the fact that she was ineligible to practice before that office. As detailed in the Final Order of the USPTO, respondent was ineligible to practice law in Louisiana and before the USPTO on various dates, including from September 17, 2018 through October 30, 2018. This period of ineligibility fell after respondent's suspension in *Williams I* had ended on April 26, 2018, but before her probation agreement was executed on December 4, 2018. By this misconduct, respondent has violated Rules 5.5(a) (engaging in the unauthorized practice of law) and 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) of the Rules of Professional Conduct.⁵

Additionally, respondent failed to communicate and cooperate with the ODC concerning the resolution of its motion to revoke probation. Despite what appeared to be her initial cooperation with the resolution of the ODC's motion to revoke probation, the ODC indicated that respondent "has taken no action to acknowledge her intent to consent to, or cooperate with, the ODC's revocation motion."

Finally, respondent was deemed ineligible to practice law on September 21, 2020 for failing to pay the costs assessed against her in *Williams I*.

⁵ While this misconduct is a proper basis upon which to revoke probation, the board noted that the dates of the misconduct are not given in the USPTO's Final Order. Therefore, the ODC has not established that the misconduct violated respondent's probation agreement. In order to violate the agreement, any additional misconduct would logically have to occur during the term of the agreement. The board added that the ODC has not established that the misconduct conclusively occurred during the time period of respondent's actual suspension. The USPTO's Final Order incorrectly lists her suspension as running from June 29, 2017 to May 2, 2018 and/or May 4, 2018. According the LADB records her suspension ended on April 26, 2018. Therefore, the misconduct could have occurred after that time period, when she was eligible to practice law (April 27, 2018 through May 4, 2018).

On May 3, 2021, the board filed its report with this court, recommending that the ODC's motion to revoke probation be granted. The board concluded that the ODC has presented sufficient evidence to demonstrate that respondent has violated the terms of her probation agreement and committed further violations of the Rules of Professional Conduct, both of which are grounds for the revocation of her probation. Accordingly, the board recommended that respondent's probation be revoked and that the deferred one year and one day suspension imposed in *Williams I* be made executory. The board also recommended that she be assessed with all costs and expenses of these proceedings.

DISCUSSION

A review of the record reveals that respondent violated additional Rules of Professional Conduct while on court-ordered probation imposed in *Williams I*, and that she has not complied with the requirements of her December 4, 2018 probation agreement. Respondent failed to cooperate with the ODC in its efforts to contact her, failed to comply with her bar membership requirements, and failed to pay the costs assessed against her in *Williams I*. Respondent also practiced law while she was ineligible to do so. To protect the public, we believe it is necessary to revoke respondent's probation and impose the previously-deferred suspension.

Accordingly, we will accept the board's recommendation and grant the motion to revoke respondent's probation, making the previously-deferred portion of her one year and one day suspension imposed in *Williams I* immediately executory.

DECREE

For the reasons assigned, respondent's probation is revoked and the previously-deferred portion of the one year and one day suspension imposed in *In re: Williams*, 17-0906 (La. 6/29/17), 222 So. 3d 39, is hereby made immediately

executory. All costs and expenses in the matter are assessed against respondent, Lenise R. Williams, Louisiana Bar Roll number 29706, 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.