

The Supreme Court of the State of Louisiana

**IN RE: GEORGE ALLEN ROTH WALSH**

No. 2021-B-00280

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IN RE: Disciplinary Counsel - Applicant Other; Findings and Recommendations  
(Formal Charges);  
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**June 29, 2021**

Disbarment imposed. See per curiam.

JDH

JLW

SJC

JTG

WJC

JBM

PDG

Supreme Court of Louisiana

June 29, 2021



\_\_\_\_\_  
Chief Deputy Clerk of Court  
For the Court

06/29/21

SUPREME COURT OF LOUISIANA

NO. 2021-B-0280

IN RE: GEORGE ALLEN ROTH WALSH

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, George Allen Roth Walsh, an attorney licensed to practice law in Louisiana, but currently suspended from practice.

**FORMAL CHARGES**

By way of background, between May 31, 2014 and August 5, 2016, respondent was ineligible to practice law for failing to comply with his professional obligations. In response to a disciplinary complaint filed against him alleging he practiced law during this time, respondent admitted that he actively and continuously practiced law between September 9, 2015 and June 8, 2016, a significant portion of the time he was ineligible to practice. For this misconduct, we suspended respondent from the practice of law for six months, with all but thirty days deferred, followed by one year of unsupervised probation with conditions. *In re: Walsh*, 18-1232 (La. 12/3/18), 257 So. 3d 654 (“*Walsh I*”). Respondent has not yet sought reinstatement from his suspension in *Walsh I* and, thus, remains suspended from the practice of law.<sup>1</sup>

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<sup>1</sup> Supreme Court Rule XIX, § 23 governs reinstatement following a suspension of one year or less and provides as follows:

A lawyer who has served an active suspension period of one year or less pursuant to disciplinary proceedings shall be reinstated at the end of the period of suspension by filing with the court and serving upon disciplinary counsel an affidavit stating that the lawyer has

Following his suspension, respondent was declared ineligible to practice law on May 31, 2019 for failing to comply with the mandatory continuing legal education (“MCLE”) requirements for 2018. The ODC further alleges that respondent has “failed to satisfy his IOLTA client trust reporting obligation to present.”<sup>2</sup>

In January 2019, respondent began representing Richport Technical College, LLC in a commercial lease dispute. On August 22, 2019, a civil lawsuit was filed against Richport in the matter captioned *Sherwood Holdings, LLC v. Richport Technical College, LLC*, No. 656962 on the docket of the 19<sup>th</sup> Judicial District Court for the Parish of East Baton Rouge. On October 14, 2019, respondent filed an answer, a reconventional demand, and exceptions on Richport’s behalf. On each of these dates, respondent was suspended from practice pursuant to the court’s judgment in *Walsh I*.

Richport’s exceptions were initially set for hearing on October 19, 2019. Respondent arranged for another attorney, Ashly Earl, to appear for him at the hearing. The hearing was ultimately continued until October 22, 2019. Mr. Earl agreed to appear at the rescheduled exceptions hearing but expected respondent to also be present to assist. Respondent did not appear. Nevertheless, the parties were able to reach a negotiated stipulation at the hearing.

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fully complied with the requirements of the suspension order, has filed the attorney registration statement required by Rule XIX, § 8(C) of these rules, and has paid currently owed bar dues, disciplinary administration and enforcement fees, filing fees and disciplinary costs. A certificate from the Administrator of the Disciplinary Board shall be attached to such affidavit evidencing that the lawyer has paid all disciplinary costs or that an appropriate payment plan has been executed by the lawyer with the board and approved by the board administrator. An active suspension is the period of suspension served exclusive of any periods of deferral.

<sup>2</sup> The record contains no evidence to support this allegation. The last time respondent was ineligible for failing to submit his trust account disclosure statement was in June 2016.

Two days later, attorney Renee Pennington informed Mr. Earl that respondent was not eligible to practice law. Mr. Earl contacted respondent and insisted they immediately advise Richport of respondent's status, which they did in a conference call with the client.

On October 25, 2019, Mr. Earl filed a disciplinary complaint against respondent. Respondent failed to provide a written response to the complaint, necessitating the issuance of a subpoena to obtain his sworn statement. Pursuant to the subpoena, respondent appeared at the ODC's office on February 20, 2020 and provided a sworn statement.

During the statement, respondent testified that, when Richport first hired him, he informed the client he had spoken to his father about taking over the representation. However, respondent's father was ineligible to practice law at the time and never assumed the representation. Respondent admitted that he worked on Richport's case, that Richport considered him to be its attorney, and that he did not tell Richport he was not able to practice law.

The ODC then contacted respondent's father, who denied being involved in the Richport representation. Specifically, he denied signing any pleadings on Richport's behalf and denied representing Richport in any capacity. He also indicated that he did not know and had never met either Mr. Earl or Ms. Pennington.

A review of the court record in *Sherwood v. Richport* revealed that, in addition to filing pleadings on Richport's behalf while he was suspended from the practice of law, respondent performed notarial services while suspended.<sup>3</sup> The court record also

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<sup>3</sup> La. R.S. 35:14 prohibits disbarred or suspended attorneys from exercising notarial functions. The statute does not apply to attorneys who have merely been declared ineligible to practice law.

revealed that respondent fraudulently filed, or attempted to file, the Richport pleadings under his father's name and bar roll number.<sup>4</sup>

### **DISCIPLINARY PROCEEDINGS**

In August 2020, 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 1.1(b) (failure to comply with MCLE requirements), 1.1(c) (failure to pay bar dues, failure to pay the disciplinary assessment, or failure to submit a trust account disclosure statement), 1.16(a)(1) (a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the rules of professional conduct or other law), 5.5(a) (engaging in the unauthorized practice of law), 8.4(a) (violation of the Rules of Professional Conduct), and 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

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 adopted the deemed admitted factual allegations set forth in the formal charges as its factual findings. According to the committee,

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<sup>4</sup> Respondent's father is also named George Allen Walsh, and his bar roll number is 13206. Respondent's bar roll number is 29696.

these facts establish by clear and convincing evidence that respondent was suspended in December 2018 and was still ineligible<sup>5</sup> to practice law when he took on the representation of a client, counseled his client, and filed legal pleadings. Furthermore, respondent was aware of his status and used his father's name and bar roll number on all of the pleadings he filed. Based on these facts, the committee determined respondent violated the Rules of Professional Conduct as charged.

The committee then determined respondent violated duties owed to his client, the public, and the legal profession. He acted knowingly and with fraudulent intent to deceive the court and his client. While there is no evidence of actual harm, significant potential harm existed. Relying on the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is disbarment.

In aggravation, the committee noted respondent's prior disciplinary record, a dishonest or selfish motive, a pattern of misconduct, multiple offenses, 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 (admitted 2005). The committee found no mitigating factors present.

After further considering this court's prior jurisprudence addressing similar misconduct and the permanent disbarment guidelines, the committee recommended respondent be permanently disbarred.

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.

After consideration, the court issued an order directing respondent and the ODC to submit written briefs addressing whether the sanction recommended by the

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<sup>5</sup> As the ODC did in the formal charges, the committee appears to be using suspended and ineligible interchangeably to refer to respondent's suspension from the practice of law ordered in December 2018 in *Walsh I*.

committee is appropriate. The ODC submitted a brief in response to the court's order. However, respondent failed to file a brief.

## 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.

The record in this matter supports a finding that respondent practiced law after he was suspended in *Walsh I*, failed to advise his client of his suspension, and fraudulently filed pleadings under his father's name and bar roll number in an effort to conceal his unauthorized practice of law. In his sworn statement to the ODC, respondent stated the following regarding his failure to seek reinstatement after the active portion of his suspension expired:

[A]fter the suspension that I had in December of 2018, I didn't find out, well I found out in March of [2019] that I had to pay a bunch of fees to get reinstated. I kept thinking that I was going to get the money to be able to pay those fees and was unable to do so.

In light of this admission, respondent knew he was still suspended from the practice of law when he filed numerous pleadings on Richport's behalf in October 2019. Based on these facts, respondent has violated Rules 1.16(a)(1), 5.5(a), 8.4(a), and 8.4(c) of the Rules of Professional Conduct.<sup>6</sup>

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<sup>6</sup> The ODC also charged respondent with violations of Rules 1.1(c) and 1.1(b). However, there is no evidence respondent violated Rule 1.1(c) because he has not had any issues with failing to submit his trust account disclosure statement since June 2016. Regarding the Rule 1.1(b) allegation, while respondent is technically in violation of this rule for failing to comply with his MCLE requirements, his ineligibility for this reason did not occur until five and a half months after his suspension in *Walsh I*. Clearly, the more egregious violation was respondent's practice of law while suspended.

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).

Respondent knowingly and intentionally violated duties owed to his client, the public, the legal system, and the legal profession. The potential for harm was substantial. Not only did respondent practice law while suspended, which could have harmed his client, he fraudulently used his father's name and bar roll number on pleadings, potentially causing his father significant problems with the attorney disciplinary system.

The record supports the aggravating factors found by the hearing committee as well as its finding that no mitigating factors are present. The applicable baseline sanction for respondent's misconduct is disbarment.

Turning to the issue of an appropriate sanction, we note that, in *In re: Nalls*, 13-2873 (La. 5/7/14), 145 So. 3d 1011, an attorney engaged in similar misconduct to the misconduct at issue here. Specifically, during a suspension from the practice of law for one year and one day, the attorney continued representing a client, collected a fee from another client, and failed to inform both clients of his suspension, telling one client that other attorneys with whom he was associated would make court appearances for him on her behalf. For this knowing if not intentional misconduct, we imposed ordinary disbarment. Additionally, in *In re: Nalls*, 20-1126 (La. 3/24/21), \_\_\_ So. 3d \_\_\_, this same attorney again engaged in

the unauthorized practice of law and held himself out to be a lawyer while disbarred. We determined that this misconduct warranted an extension of the minimum period for readmission for an additional five years.

In light of this case law, we will reject the hearing committee's recommendation and instead impose ordinary disbarment.

### **DECREE**

Upon review of the findings and recommendation of the hearing committee, and considering the record and the brief filed by the ODC, it is ordered that George Allen Roth Walsh, Louisiana Bar Roll number 29696, be and he hereby is disbarred. His name shall be stricken from the roll of attorneys and his license to practice law in the State of Louisiana shall be revoked. 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.