

The Supreme Court of the State of Louisiana

IN RE: LENISE ROCHELLE WILLIAMS

No. 2022-B-00468

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

June 08, 2022

Suspension imposed. See per curiam.

WJC

JTG

JBM

Weimer, C.J., dissents in part and assigns reasons.

Hughes, J., dissents for reasons assigned by Chief Justice Weimer.

Crichton, J., concurs and assigns reasons.

Griffin, J., dissents for reasons assigned by Chief Justice Weimer.

Supreme Court of Louisiana

June 08, 2022



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2022-B-0468

IN RE: LENISE ROCHELLE WILLIAMS

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Lenise Rochelle Williams, an attorney licensed to practice law in Louisiana, but currently suspended from 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 2005. In 2013, she was publicly reprimanded for failing to provide competent representation to a client, neglecting a legal matter, and failing to communicate with a client. *In re: Williams*, 13-0417 (La. 3/15/13), 109 So. 3d 349.

In 2017, we accepted a joint petition for consent discipline in which respondent stipulated that she 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. For this misconduct, respondent was suspended from the practice of law for one year and one day, with all but sixty days deferred, followed by a two-year period of unsupervised probation. *In re: Williams*, 17-0906 (La. 6/29/17), 222 So. 3d 39 (“*Williams P*”).

In November 2020, the ODC filed with the disciplinary board a motion and rule to revoke respondent’s probation, alleging that she practiced law during her suspension in *Williams I* and failed to cooperate with the ODC in its efforts to contact

her.¹ The ODC also alleged that respondent failed to pay the costs assessed against her in *Williams I* and failed to comply with her bar membership requirements. Following a hearing before an adjudicative panel of the disciplinary board, the board determined that the evidence demonstrated respondent failed to comply with the terms and conditions of her probation. The board further determined that respondent engaged in additional misconduct during her probation. Based on these findings, the board recommended respondent's probation be revoked and the deferred portion of the one year and one day suspension imposed in *Williams I* be made executory. We subsequently adopted the board's recommendation, revoked respondent's probation, and made the previously deferred portion of the one year and one day suspension immediately executory. *In re: Williams*, 21-0613 (La. 6/22/21), 318 So. 3d 36 (*"Williams II"*).

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

FORMAL CHARGES

Respondent was suspended in *Williams I* from June 29, 2017 until she was reinstated on April 26, 2018. During this period of suspension, respondent 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.

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

¹ Respondent's unauthorized practice of law is the subject of the formal charges discussed in this opinion.

the Office of Enrollment and Discipline filed a disciplinary complaint against respondent, alleging that she had violated the USPTO Rules of Professional Conduct. The complaint specifically alleged that contrary to USPTO trademark signature regulations and guidance, respondent impermissibly entered ten electronic signatures of her clients. The associated documents were considered to have been filed with false signatures.

DISCIPLINARY PROCEEDINGS

In May 2021, the ODC filed formal charges against respondent, alleging that her conduct set forth above violated the following provisions of the Rules of Professional Conduct: Rules 1.16(a)(1) (a lawyer shall not represent a client if the representation will result in a 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 committee's consideration.

Hearing Committee Report

After considering the ODC's deemed admitted submission, the hearing committee made factual findings consistent with the factual allegations in the formal charges, with one minor exception regarding the date of her reinstatement. Based

on those facts, the committee determined respondent violated the Rules of Professional Conduct as alleged in the formal charges.

The committee determined respondent intentionally violated duties owed to her clients, the public, the legal system, and the legal profession. Although the record contains no evidence of actual harm, respondent's conduct caused potential harm to her clients and the legal system. The failure to advise her clients of her suspension was a disservice to her clients, the public, the legal system, and the legal profession. By continuing to practice law during her suspension, inappropriately signing documents on behalf of her clients, and failing to meet the minimum requirements necessary for a practicing attorney, respondent violated the basic duties owed by an attorney to the legal profession and to the public.

With respect to a baseline sanction, the committee relied on Standard 8.1(a) of the ABA's *Standards for Imposing Lawyer Sanctions*, which provides that disbarment is appropriate when an attorney "intentionally or knowingly violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession." In aggravation, the committee found a prior disciplinary record, a dishonest or selfish motive, a pattern of misconduct, and multiple offenses. The committee determined that no mitigating factors are present.

Turning to the issue of an appropriate sanction, the committee noted that the unauthorized practice of law has resulted in a wide range of sanctions imposed by the court, from suspensions to permanent disbarment. The committee concluded that given the unique nature of the filings in this case, respondent's conduct is not as egregious as that seen in cases in which the court imposed disbarment or permanent disbarment. Accordingly, the committee recommended respondent be suspended from the practice of law for an additional three years. The committee also recommended she be assessed with the 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 practiced law after being suspended. This conduct amounts to a violation of the Rules of Professional Conduct as alleged in the formal charges.

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).

In practicing law while suspended, respondent knowingly violated duties owed to her clients, the public, the legal system, and the legal profession. Her misconduct caused no actual harm, but the potential for harm was great. The applicable baseline sanction is disbarment.

Aggravating factors include a prior disciplinary record, a dishonest or selfish motive, a pattern of misconduct, multiple offenses, and substantial experience in the practice of law. No mitigating factors are evident from the record.

Considering the facts of this case, we find the three-year suspension recommended by the hearing committee is appropriate.

DECREE

Upon review of the findings and recommendations of the hearing committee, and considering the record, it is ordered that Lenise Rochelle Williams, Louisiana Bar Roll number 29706, be and she hereby is suspended from the practice of law for a period of three years. 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.

SUPREME COURT OF LOUISIANA

No. 2022-B-00468

IN RE: LENISE ROCHELLE WILLIAMS

Attorney Disciplinary Proceeding

Crichton, J., concurs and assigns reasons:

Reluctantly, I concur with the result in this matter, including the majority's imposition of a three-year suspension. The sanction of disbarment is not unthinkable given respondent's numerous prior acts of professional misconduct and subsequent sanctions meted out in 2013, 2017 and 2021. Further exacerbating this background and instant violations are this lawyer's failure to answer formal charges, failure to participate in either phase of her hearing, and failure to submit any filings in her disciplinary proceedings or with this Court. While respondent's conduct borders that which would appropriately result in disbarment, I reluctantly join three of my colleagues to comprise a majority in a three-year suspension.

SUPREME COURT OF LOUISIANA

NO. 2022-B-0468

IN RE: LENISE ROCHELLE WILLIAMS

ATTORNEY DISCIPLINARY PROCEEDING

WEIMER, C.J., dissenting in part.

Because I believe the discipline should be imposed retroactively to the date of respondent's suspension in **In re: Williams**, 17-0906 (La. 6/29/17), 222 So.3d 39, 40, I dissent from that portion of the per curiam opinion that makes respondent's suspension from the practice of law prospective. See **In re: Simmons**, 20-1139, p. 9 (La. 3/24/21), 315 So.3d 847, 853 (where this court made respondent's three-year suspension from the practice of law retroactive to the date of his prior suspension).