

The Supreme Court of the State of Louisiana

IN RE: W. GLENN SOILEAU

No. 2022-B-01764

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

March 07, 2023

Permanent disbarment imposed. See per curiam.

PDG

SJC

JTG

WJC

JBM

Weimer, C.J., concurs and assigns reasons.

Hughes, J., dissents and assigns reasons.

Supreme Court of Louisiana

March 07, 2023



Chief Deputy Clerk of Court
For the Court

03/07/2023

SUPREME COURT OF LOUISIANA

NO. 2022-B-1764

IN RE: W. GLENN SOILEAU

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, W. Glenn Soileau, an attorney licensed to practice law in Louisiana, but currently on interim suspension for threat of harm to the public. *In re: Soileau*, 18-0394 (La. 3/23/18), 238 So. 3d 972.

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 1972. He received a formal private reprimand (with notice) in 1985.

In 1987, while serving as a judge of the Breaux Bridge City Court, respondent was charged with the following judicial misconduct: (1) during the 1986 Breaux Bridge Crawfish Festival, respondent committed a battery upon a law enforcement official and directed verbal abuse and obscenities towards numerous individuals at the Crawfish Festival Headquarters and grounds, including stating that he “owned the goddam town,” resulting in his plea of no contest to simple battery and disturbing the peace; (2) engaging in an altercation during a game of pool at a bar in Breaux Bridge which necessitated the response of police, during which respondent informed the police officer that he had no authority to intervene because respondent “ran the town.” Subsequent to the incident, the victim pressed charges of simple battery

against respondent before a St. Martinville justice of the peace, resulting in respondent's arrest. After being released on a personal recognizance bond, respondent then pressed charges of simple battery against the victim in his own court and fixed bond at \$1,000. (3) in his capacity as judge of the Breaux Bridge City Court, respondent issued an arrest warrant for an individual whom he was opposing in civil litigation for criminal charges instituted by his client in the civil litigation; and (4) respondent filed a suit on open account in his own court in an attempt to collect attorney's fees due him for legal services rendered. For this misconduct, the court suspended respondent from judicial office for six months without pay. *In re: Soileau*, 502 So. 2d 1083 (La. 1987).

In 1997, respondent pleaded guilty in federal court to three Class B misdemeanor hunting violations under the Migratory Bird Treaty Act, 16 U.S.C. § 703. Respondent was sentenced to serve six months in prison, followed by a five-year probationary period with conditions, the maximum penalty for a Class B misdemeanor. In imposing the sentence, the federal judge considered, among other things, the severity of the charges and respondent's four prior convictions of the Migratory Bird Treaty Act. She also concluded that respondent had intentionally attempted to mislead the court concerning the relevant facts of the prior convictions. Respondent served six and a half months on interim suspension based on his criminal conviction. On June 18, 1999, this court suspended respondent from the practice of law for two years, with one year deferred, and with credit for the period of his interim suspension, for his criminal conviction and his misrepresentations to the federal court. Following the active portion of his suspension, the court ordered that respondent be placed on supervised probation for two years, with the special condition that he enroll in the Judges and Lawyers Assistance Program. *In re: Soileau*, 99-0441 (La. 6/18/99), 737 So. 2d 23.

In 2013, respondent was admonished by the disciplinary board for a violation of Rule 1.16(d) (declining or terminating representation) of the Rules of Professional Conduct.

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

FORMAL CHARGES

Count I

On August 7, 2017, respondent was arrested in Lafayette and charged with DWI following a traffic accident.¹ According to the police report, respondent's speech was slurred and he was physically unsteady. He was placed under arrest for suspicion of operating a vehicle under the influence of an intoxicating substance and taken to the police department, where his name was entered into the NCIC computer. This search revealed that respondent had previously been arrested for DWI on February 28, 2013 and August 1, 2015.² After his arrest in the instant matter, respondent refused to provide a breath sample; however, he did agree to submit a urine sample, which was positive for alprazolam, amphetamine, methamphetamine, and Tramadol.

Respondent was booked on charges of DWI third offense. The criminal charge was ultimately resolved via a pre-trial diversion program.

Count II

On December 28, 2017, the Louisiana State Police and members of the Lafayette Metro Narcotics Task Force made contact with Idalia Hotz, whom they

¹ Respondent disregarded a red light and was struck by another vehicle.

² The ODC did not learn of the 2013 and 2015 DWI arrests until 2017. The charges were apparently dismissed.

had reason to believe was distributing crystal methamphetamine from a room at the Staybridge Suites hotel in Lafayette. While Ms. Hotz was detained in the room, agents noticed that she received a text message on her cell phone alerting her to the presence of police cars in the hotel parking lot. A follow-up text directed Ms. Hotz to “Get rid of whatever you have and hurry.” The messages were sent by a contact named “Glenn,” whom Ms. Hotz identified to agents as respondent. A short time later, respondent appeared at the hotel and introduced himself to agents as Ms. Hotz’s attorney. Respondent said that he paid for the room and requested that the agents vacate the premises. Respondent was advised by the agents of the criminal investigation underway. Respondent then left the hotel.

Meanwhile, a judge signed a search warrant for the hotel room, which was then executed by agents. During the search, agents found nine grams of crystal methamphetamine and a glass smoking pipe. After Ms. Hotz was placed under arrest, she advised the agents that respondent often pays for rooms in different hotels and provides her with meals while she conducts prostitution activities in the various hotel rooms. Agents seized Ms. Hotz’s cell phone for further investigation, and text messages found on the phone confirmed that respondent was knowingly financing Ms. Hotz’s illegal activities. The messages further established that respondent is also a paying client of Ms. Hotz’s.

On March 1, 2018, a warrant was issued for respondent’s arrest on charges of pandering, a felony, in violation of La. R.S. 14:84(A); letting premises for prostitution, a misdemeanor, in violation of La. R.S. 14:85(A); prostitution, a misdemeanor, in violation of La. R.S. 14:82(A); and obstruction of justice, a felony, in violation of La. R.S. 14:130.1(A)(1)(a). Respondent was arrested pursuant to the warrant on March 2, 2018. He ultimately pleaded no contest to an amended misdemeanor charge of interfering with a law enforcement investigation; the remaining charges were dismissed.

DISCIPLINARY PROCEEDINGS

In May 2022, 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 1.2(d) (a lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent), 8.4(a) (violation of the Rules of Professional Conduct), 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer), 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 determined that the factual allegations set forth in the formal charges are proven by clear and convincing evidence. Based on those facts, the committee determined respondent violated the Rules of Professional Conduct as charged.

The committee then determined respondent violated duties owed to the public, the legal system, and the legal profession. He acted intentionally, causing actual harm to the public and the reputation of the legal profession. Citing the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is disbarment.

The committee found the following aggravating factors present: a prior disciplinary record, multiple offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency, refusal to acknowledge the wrongful nature of the conduct, substantial experience in the practice of law, and illegal conduct. The committee determined that no mitigating factors are present.

Turning to the issue of an appropriate sanction, the committee found that respondent's misconduct is so egregious that it warrants permanent disbarment under Guideline 2 (intentional corruption of the judicial process) of the permanent disbarment guidelines set forth in Supreme Court Rule XIX, Appendix D. Respondent financially supported a criminal enterprise and interfered with the police investigation of that enterprise. Similarly, in *In re: Lynch*, 02-2275 (La. 1/24/03), 840 So. 2d 508, the respondent was permanently disbarred for engaging in a scheme to prevent law enforcement from investigating a child pornography ring, which included altering the scene of the crime, interfering with the victims, and counseling a witness to testify falsely before a grand jury. Given the deemed admitted facts and the aggravating factors present in this case, the committee concluded that respondent is ethically and morally unfit for the practice of law and that there is no reasonable expectation of significant rehabilitation in his character in the future. Accordingly, 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.

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 counseled a client to engage in criminal conduct, committed criminal acts, and engaged in dishonest conduct. This conduct violates the Rules of Professional Conduct as charged.

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 intentionally violated duties owed to his client, the public, the legal system, and the legal profession. He caused actual harm to his client and the public, and he damaged the reputation of the legal profession. We agree with the hearing committee that the applicable baseline sanction is disbarment. We also agree with the committee's determination of aggravating and mitigating factors.

Turning to the issue of an appropriate sanction, the committee has recommended that respondent be permanently disbarred. On May 4, 2022, we adopted amendments to Supreme Court Rule XIX related to permanent disbarment. As is set forth in our order, permanent disbarment may be imposed only "upon an express finding of the presence of the following factors: (1) the lawyer's conduct is so egregious as to demonstrate a convincing lack of ethical and moral fitness to practice law; and (2) there is no reasonable expectation of significant rehabilitation in the lawyer's character in the future." The committee found that both of these criteria are satisfied. We agree.

Respondent's misconduct was undoubtedly egregious. By interfering with a police investigation and counseling a client to destroy evidence, respondent has demonstrated a convincing lack of ethical and moral fitness to practice law. Furthermore, respondent's long prior disciplinary history, both as an attorney and a judge, demonstrates that there is no reasonable expectation of significant rehabilitation in his character in the future.

Based on this reasoning, we will adopt the committee's recommendation and permanently disbar respondent.

DECREE

Upon review of the findings and recommendation of the hearing committee, and considering the record, it is ordered that W. Glenn Soileau, Louisiana Bar Roll number 12249, be and he hereby is permanently 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. Pursuant to Supreme Court Rule XIX, § 24(A), it is further ordered that respondent be permanently prohibited from being readmitted to the practice of law in this state. 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.