

The Supreme Court of the State of Louisiana

**IN RE: GEORGE ALLEN ROTH WALSH**

No. 2024-B-00026

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IN RE: Office of Disciplinary Counsel - Applicant Other; Findings and  
Recommendations (Formal Charges);  
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**March 05, 2024**

Permanent disbarment imposed. See per curiam.

JBM

JLW

JDH

SJC

JTG

PDG

Crain, J., dissents and assigns reasons.

Supreme Court of Louisiana

March 05, 2024



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Chief Deputy Clerk of Court  
For the Court

## SUPREME COURT OF LOUISIANA

NO. 2024-B-0026

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, a disbarred attorney.

**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 2018, we considered a petition for consent discipline in which respondent acknowledged that he had practiced law while he was ineligible to do so. For his misconduct, we suspended respondent from the practice of law for six months, with all but thirty days deferred, followed by one year of probation with conditions. *In re: Walsh*, 18-1232 (La. 12/3/18), 257 So. 3d 654 (“*Walsh I*”).

Respondent had not yet sought reinstatement from his suspension in *Walsh I* when he engaged in the unauthorized practice of law, failed to advise his client of his suspension, and fraudulently filed pleadings under his father’s name and bar roll number to conceal his unauthorized practice of law. For this misconduct, we disbarred respondent. *In re: Walsh*, 21-0280 (La. 6/29/21), 319 So. 3d 281 (“*Walsh II*”).

In September 2021, the ODC filed additional formal charges against respondent after he pleaded guilty to first offense DWI and then failed to cooperate with the ODC's investigation. After considering the matter, we found that the substantive misconduct charged in the new set of formal charges occurred during the same time frame as the conduct forming the basis of respondent's disbarment in *Walsh II*. Therefore, we applied the approach we took in *Louisiana State Bar Ass'n v. Chatelain*, 573 So. 2d 470 (La. 1991), and adjudged respondent guilty of additional rule violations warranting disbarment. *In re: Walsh*, 22-0695 (La. 6/28/22), 341 So. 3d 529 ("*Walsh III*").

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

### **FORMAL CHARGES**

On May 31, 2022, Shane Evans, who is employed as the Chief of Investigations for the East Baton Rouge Parish Coroner's Office, received a telephone call from respondent. Multiple times during the call and even though he was disbarred at the time, respondent informed Mr. Evans that he was an attorney representing Maria Jarreau. The purpose of the representation was to assist Ms. Jarreau in obtaining from the coroner's office copies of the toxicology and other reports relative to her daughter, who died in August 2021. Mr. Evans informed respondent that the coroner's office had already given Ms. Jarreau a copy of her daughter's death investigator's report and toxicology report but that she could obtain additional copies by coming to the coroner's office. When the call ended, Mr. Evans checked the Louisiana State Bar Association's website and discovered that respondent was disbarred.

Mr. Evans then immediately filed a disciplinary complaint against respondent, who failed to participate in the ODC's investigation of said complaint. During the

investigation, the ODC contacted Ms. Jarreau, who confirmed that she had hired respondent to assist her with obtaining information about her daughter from the coroner's office. She also informed the ODC that, on April 23, 2022, she had paid respondent a \$500 fee for this service but had seen no results.

## **DISCIPLINARY PROCEEDINGS**

In May 2023, the ODC filed formal charges against respondent, alleging that his 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 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), 8.1(b) (knowing failure to respond to a lawful demand for information from a disciplinary authority), 8.1(c) (failure to cooperate with the ODC in its investigation), 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 on sanctions, the hearing committee made factual findings consistent with the deemed admitted

factual allegations set forth in the formal charges. Based on these facts, the committee determined respondent violated the Rules of Professional Conduct as charged. Additionally, the committee determined respondent violated Rule 4.1 (truthfulness in statements to others) by falsely representing to Mr. Evans that he was an attorney able to represent Ms. Jarreau.

The committee then determined respondent knowingly and intentionally violated duties owed to his client, the public, and the legal profession. In acting as he did, respondent caused actual and potential harm to his client, the public, the legal system, and the legal profession. After considering the ABA's *Standards for Imposing Lawyer Sanctions*, the committee determined the baseline sanction is disbarment.

The committee found no mitigating factors present but did find several aggravating factors present. Specifically, the committee found the following in aggravation: a prior disciplinary record, a dishonest or selfish motive, a pattern of misconduct, 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.

Turning to the issue of an appropriate sanction, the committee emphasized that respondent has engaged in the practice law despite being disbarred. The committee also noted that respondent was disbarred in *Walsh II* for practicing law while suspended. Given respondent's continued unauthorized practice of law, the committee determined that Guidelines 8 and 9 of the permanent disbarment guidelines, as set forth in Supreme Court Rule XIX, Appendix D, apply here. The committee further determined that respondent's continued violation of Rule 5.5(a) of the Rules of Professional Conduct "illustrates a complete disregard for his current Louisiana Supreme Court sanction and a continuing pattern of serious ethical misconduct." In the committee's opinion, respondent's current misconduct

“demonstrates a convincing lack of ethical and moral fitness to practice law,” and the committee “does not believe there is a reasonable expectation of significant rehabilitation in Respondent’s character in the future.” Accordingly, the committee determined that respondent’s misconduct warrants permanent disbarment.

Based upon this reasoning, the committee recommended that respondent be permanently disbarred. The committee also recommended that respondent be ordered to refund the \$500 fee to Ms. Jarreau.

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. While we are not bound in any way by the findings and recommendations of the hearing committee and disciplinary board, we have held the manifest error standard is applicable to the committee’s factual findings. *See In re: Caulfield*, 96-1401 (La. 11/25/96), 683 So.2d 714; *In re: Pardue*, 93-2865 (La. 3/11/94), 633 So.2d 150.

The record in this deemed admitted matter supports a finding that respondent practiced law while disbarred and failed to cooperate with the ODC in its investigation. Based on these facts, respondent has violated the Rules of Professional Conduct as alleged in the formal charges.

Even though the formal charges did not specifically allege a Rule 4.1 violation, which addresses truthfulness in statements to others, the hearing

committee found such a violation because respondent falsely represented to Mr. Evans that he was an attorney able to represent Ms. Jarreau. Pursuant to Supreme Court Rule XIX, § 11(E), formal charges filed by the ODC must give “fair and adequate notice of the nature of the alleged misconduct.” The formal charges gave respondent fair and adequate notice that he was being accused of not being truthful to Mr. Evans, and this factual allegation was deemed admitted upon respondent’s failure to answer the charges. Therefore, a finding of a Rule 4.1 violation, in addition to the Rule 8.4(c) violation, is appropriate.

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, and the legal profession, causing actual and potential harm. We agree with the committee that the baseline sanction is disbarment. We also agree with the committee that no mitigating factors are present. Aggravating factors include a prior disciplinary record, a dishonest or selfish motive, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency, vulnerability of the victim, and substantial experience in the practice of law.

Turning to the issue of an appropriate sanction, the committee has recommended respondent be permanently disbarred, based upon Guidelines 8 and 9

of the permanent disbarment guidelines set forth in Supreme Court Rule XIX, Appendix D. Guideline 8 indicates that permanent disbarment may be warranted when an attorney engages in the unauthorized practice of law after resigning from the Louisiana State Bar Association or during a period in which the attorney is suspended from the practice of law or disbarred. Guideline 9 indicates permanent disbarment may be warranted for instances of serious attorney misconduct or conviction of a serious crime, when the misconduct or conviction is preceded by suspension or disbarment for prior instances of serious attorney misconduct or conviction of a serious crime. Based upon these guidelines, permanent disbarment is appropriate for respondent's misconduct.

However, 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.” Regarding the first factor, the committee determined that respondent's disregard for our order of disbarment in *Walsh II*, which came about because of his unauthorized practice of law during a period of suspension imposed in *Walsh I*, demonstrates a convincing lack of ethical and moral fitness to practice law. We agree. Respondent has demonstrated multiple times that, given the chance, he will continue to engage in the unauthorized practice of law in defiance of our orders. Regarding the second factor, given respondent's defiance of previous court orders and his complete lack of cooperation in this proceeding, there is no reasonable expectation of significant rehabilitation in his character in the future. Therefore, permanent disbarment is the appropriate sanction in this matter.



Accordingly, we will adopt the committee's recommendation and impose permanent disbarment. We will also order respondent to refund the \$500 fee to Ms. Jarreau.

### **DECREE**

Upon review of the findings and recommendations of the hearing committee, and considering the record, it is ordered that George Allen Roth Walsh, Louisiana Bar Roll number 29696, be and he hereby is permanently disbarred. Pursuant to Supreme Court Rule XIX, § 24(A), respondent shall be permanently prohibited from being readmitted to the practice of law in this state. It is further ordered that respondent shall refund the \$500 fee paid by Maria Jarreau. 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.