

The Supreme Court of the State of Louisiana

IN RE: LIONEL BURNS, JR.

No. 2026-B-00166

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

April 09, 2026

Permanent disbarment imposed. See per curiam.

JDH

JLW

JBM

CRC

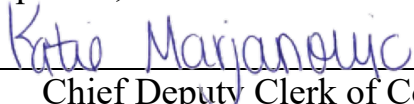
AHP

Griffin, J., dissents and finds the punishment too harsh.

Guidry, J., dissents and assigns reasons.

Supreme Court of Louisiana

April 09, 2026



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2026-B-0166

IN RE: LIONEL BURNS, JR.

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Lionel Burns, Jr., a suspended 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 1998.

In 2006, respondent was admonished by the disciplinary board after being found in contempt of court, twice, in the same case and over the same discovery dispute. In 2007, the board admonished respondent for failing to timely pay a third party.

In May 2018, we suspended respondent for one year and ordered him to attend Ethics School after he facilitated the unauthorized practice of law by sending his paralegal to an attorney-only pretrial conference. Respondent also was untruthful as to why he could not attend the pretrial conference himself.¹ *In re: Burns*, 17-2153 (La. 5/1/18), 249 So. 3d 811 (“*Burns I*”). After serving his suspension in *Burns I*, respondent was reinstated to the practice of law on May 17, 2019.

¹ Respondent testified that he could not appear at the pretrial conference because he was sick, but when he was confronted with information to suggest he appeared in other courts on the same date, his testimony changed.

In November 2024, we suspended respondent for two years after he failed to notify a client that he had been suspended from the practice of law, failed to immediately return an unearned fee and client file after suspension, failed to comply with reinstatement requirements, filed a knowingly false reinstatement affidavit with this court, and collected attorney's fees while suspended from the practice of law. *In re: Burns*, 24-1119 (La. 11/27/24), 396 So. 3d 441 ("*Burns II*"). We denied respondent's application for rehearing on December 18, 2024.

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

FORMAL CHARGES

In November 2020, respondent filed a petition for divorce in Orleans Parish Civil District Court on behalf of Paul Lucky, III. Service of citation was requested on Mr. Lucky's spouse, Tierra Singleton, but the address provided was incorrect, and the sheriff was unable to serve Ms. Singleton.

Thereafter, a waiver and a verification, both dated February 11, 2021 and bearing the purported signature of "Tierra Singleton Lucky," were filed into the court record. The waiver indicated that Ms. Singleton was provided a copy of the divorce petition and that she waived formal citation and service of process, all legal delays, notice of trial, and appearance at trial. The verification indicated that Ms. Singleton had read the petition of divorce and "attests and testifies that all of the factual allegations contained in the Petition are true and correct to the best of her knowledge." Ms. Singleton's signatures on the waiver and the verification were forged.

In April 2021, a motion for default judgment was filed, purportedly by Mr. Lucky in proper person, claiming that Ms. Singleton had been served with the petition for divorce and had filed nothing into the record. The trial court signed an

order entering a preliminary default, which was confirmed as a default judgment of divorce on June 15, 2021.

At some point thereafter, Ms. Singleton discovered the forgeries and retained counsel, Micah Zeno, to have the divorce judgment vacated. In December 2021, Mr. Zeno contacted respondent in an attempt to resolve the matter without the need for litigation; however, despite knowing or learning that the waiver and the verification were forged, respondent initially refused to voluntarily withdraw the documents and have the judgment vacated. As such, in January 2022, Mr. Zeno filed a motion on Ms. Singleton's behalf to vacate the divorce judgment on the grounds of perjury, forgery, and fraud and ill practices. Mr. Zeno also sought an award of attorney's fees and costs.

On February 15, 2022, a hearing was held on the motion to vacate. During the hearing, respondent falsely represented to the trial court that he had been representing Mr. Lucky pro bono. Ultimately, the parties consented to vacate the divorce judgment, and the trial court took the issue of the fraudulent claims and attorney's fees under advisement. In March 2022, the trial court issued a judgment awarding Ms. Singleton \$500.00 in attorney's fees and costs.

Ms. Singleton appealed the trial court's judgment, raising, among other issues, the insufficiency of the attorney's fee award. In March 2023, the court of appeal vacated the judgment and remanded the matter with instructions that the trial court hold an evidentiary hearing to make factual findings identifying the person(s) responsible for the execution and filing of the fraudulent documents into the record and to determine whether attorney's fees should be awarded, and if so, in what amount and against whom. *Lucky v. Lucky*, 22-0571 (La. App 4 Cir. 3/15/23), 359 So. 3d 579.

In accordance with the remand order, the trial court held a hearing in December 2023 at which respondent and Mr. Zeno were present. The court found

that Ms. Singleton's signatures on the waiver and the verification were forged. The court also found that respondent, his paralegal,² and Mr. Lucky committed perjury, resulting in the default judgment in the divorce proceeding being obtained by fraud and ill practices. In January 2024, the court awarded Ms. Singleton \$5,000.00 in attorney's fees and costs. This judgment was not appealed and is final.

DISCIPLINARY PROCEEDINGS

In April 2025, 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 3.3(a)(1) (a lawyer shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer), 3.3(a)(3) (a lawyer shall not offer evidence that the lawyer knows to be false), 3.4(b) (a lawyer shall not falsify evidence or assist a witness to testify falsely), 4.1 (truthfulness in statements to others), 5.3 (failure to properly supervise a non-lawyer assistant), 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and 8.4(d) (engaging in conduct prejudicial to the administration of justice).³

The formal charges were served upon respondent by certified mail. Respondent requested an extension of time to file an answer to the formal charges, but thereafter he failed to file the answer. As a result, the ODC filed a motion to declare the factual allegations of the formal charges deemed admitted and proven by clear and convincing evidence pursuant to Supreme Court Rule XIX, § 11(E)(3). On June 18, 2025, the hearing committee chair issued a deemed admitted order which

² Mr. Lucky was advised on the motion for default by respondent's long-term paralegal, Randy Tucker, who Mr. Lucky admitted drafted and filed same.

³ The formal charges also alleged violations of Rules 1.3 (failure to act with reasonable diligence and promptness in representing a client), 1.4 (failure to communicate with a client), and 8.1(c) (failure to cooperate with the ODC in its investigation), but the ODC withdrew these allegations in its pre-hearing memorandum.

gave respondent twenty days to demonstrate good cause why the imposition of the order would be improper or would result in a miscarriage of justice.

Respondent filed a timely motion to recall the deemed admitted order and/or request to be heard in mitigation. On July 21, 2025, the committee issued an order granting respondent until August 20, 2025 to file an answer to the formal charges; however, the order did not recall the deemed admitted order. Respondent ultimately filed an answer on August 25, 2025, five days late, in which he denied any misconduct. On September 16, 2025, the ODC filed a motion to recognize that the deemed admitted order remained in full force and effect. Respondent received notice twice that the ODC filed same, but he filed no opposition. On September 23, 2025, the ODC's motion was granted, maintaining the deemed admitted order and limiting the hearing to mitigation evidence only.

Mitigation Hearing

A hearing in mitigation was held on November 10, 2025. Respondent appeared *pro se*.⁴ The ODC presented documentary evidence and called Micah Zeno to testify before the hearing committee. Respondent testified on his own behalf and on cross-examination by the ODC.

Hearing Committee Report

The hearing committee acknowledged that the factual allegations set forth in the formal charges were deemed admitted, and found that respondent violated the Rules of Professional Conduct as charged. The committee made note that the only

⁴ Respondent filed multiple motions to continue the hearing. He first asserted that he suffers from anxiety and depression and requested a continuance so that he could receive treatment. When this motion was denied, respondent filed another motion on the morning of the hearing, alleging that his daughter was hospitalized in a pediatric intensive care unit. The committee noted in its report that it “decided to move forward with the hearing expeditiously once [respondent] advised the Committee that his daughter’s mother was present at her side.”

matter before it was a determination of what sanction is appropriate for respondent's misconduct.

The committee found Mr. Zeno's testimony to be compelling, relevant, and probative. Mr. Zeno testified that he requested that the forged documents be removed from the public record; however, respondent refused, stating, "my client's not going to do that" and "my client doesn't know anything about that." Mr. Zeno undertook considerable efforts to rectify the matter without litigation, but respondent failed to cooperate in the process and ultimately Mr. Zeno was compelled to file a motion to vacate. As a result, Ms. Singleton incurred legal fees totaling \$12,583.00.

Mr. Zeno appealed the trial court's award of attorney's fees. The Fourth Circuit Court of Appeal remanded the matter to the trial court to identify the persons responsible for the forgeries and to reassess and determine the appropriate attorney's fees. In December 2023, the trial court concluded that the waiver and the verification at issue had been forged, and that respondent had committed perjury resulting in a default judgment obtained through fraud and ill practices. Respondent was present during the proceeding when these findings of forgery and perjury were made. In its judgment, the trial court ordered respondent and additional parties to pay \$5,000.00 in attorney's fees to Mr. Zeno's law firm.

As for respondent, the committee noted that he was unsuccessful in challenging any of the ODC's evidence. Respondent instead sought to blame Mr. Zeno's "motivation" to be paid his fees, which the committee did not find believable or relevant.

The committee determined respondent violated duties owed to the public, the legal system, the legal profession, and "himself." The committee concluded that respondent's conduct caused actual harm to his client, the courts, and the legal profession, observing "that much unnecessary harm, inconvenience and aggravation accompanied all whose path [respondent] crossed in this matter."

The committee found the following aggravating factors are present: a prior disciplinary record, refusal to acknowledge the wrongful nature of the conduct, a dishonest or selfish motive, and substantial experience in the practice of law. The committee found no mitigating factors present.

After further considering the jurisprudence cited by the ODC, the committee recommended respondent be permanently disbarred. The committee also recommended that respondent be assessed with the costs and expenses of this proceeding.

Neither party filed an objection to the hearing committee's report.⁵ 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.

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,

⁵ Although respondent attempted to file an objection, it was untimely under Supreme Court Rule XIX, § 11(G) and therefore was not considered.

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 knowingly failed to disclose forgeries to the court, made false statements of material fact, failed to supervise a non-lawyer assistant, engaged in conduct involving dishonesty and fraud, and engaged in conduct prejudicial to the administration of justice. This conduct amounts to a violation of 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 violated duties owed to the public, the legal system, and the legal profession. He acted at least knowingly, and perhaps intentionally, and caused actual and potential harm. The applicable baseline sanction is disbarment. The hearing committee's assessment of aggravating factors is supported by the record, and there are no mitigating factors.

We now turn to the question of whether the gravity of respondent's misconduct warrants that he be permanently prohibited from seeking readmission to the practice of law. Supreme Court Rule XIX, § 10(A)(1) provides this court retains the discretion to permanently disbar the lawyer and permanently prohibit any such

lawyer from being readmitted to the practice of law. However, the rule goes on to provide that “the court shall only impose permanent disbarment upon an express finding of the presence of the following factors: (1) the lawyer’s misconduct 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.”

A review of the voluminous record of these proceedings plainly demonstrates the first factor is satisfied. Respondent obtained a default judgment based upon false allegations and forged signatures. He refused to cooperate in having the judgment vacated even after opposing counsel advised him of the fraud and forgery. By perpetrating, and then concealing, a fraud upon the court, respondent undermined the administration of justice, wasted judicial resources, and eroded confidence in the reliability of court proceedings. We have recognized such conduct warrants permanent disbarment. See Guideline 2 of the Permanent Disbarment Guidelines in Supreme Court Rule XIX, Appendix D (explaining “[i]ntentional corruption of the judicial process, including but not limited to bribery, perjury, and subornation of perjury,” may be grounds for permanent disbarment).

The record further establishes there is no reasonable expectation that respondent’s character may be rehabilitated in the future. Respondent’s disciplinary history dates back twenty years to his first admonition in 2006. In 2018, we suspended respondent for one year for facilitating the unauthorized practice of law by his paralegal and making false statements. In 2024, we suspended respondent for two years for further serious attorney misconduct, including false statements in the reinstatement affidavit he filed after his earlier suspension. Rather than taking these opportunities to reform his actions, respondent continued to engage in the same type

of misconduct, culminating in the present charges. These facts clearly demonstrate respondent has no interest in rehabilitating his character.⁶

Considering these factors, we find permanent disbarment is appropriate under the circumstances presented. Accordingly, we will accept the committee's recommendation and permanently disbar respondent.

DECREE

Upon review of the findings and recommendations of the hearing committee, and considering the record, it is ordered that Lionel Burns, Jr., Louisiana Bar Roll number 25352, 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.

⁶ Respondent's prior disciplinary record establishes an independent ground for permanent disbarment under Guideline 9, which provides that "[i]nstances of serious attorney misconduct ... preceded by suspension or disbarment for prior instances of serious attorney misconduct..." warrant consideration of permanent disbarment. For purposes of Guideline 9, serious attorney misconduct is defined as any misconduct which results in a suspension of more than one year.