

SUPREME COURT OF LOUISIANA

In re: Kenneth Todd Wallace

2017-B-0525 · No. 2017-B-0525 · Decided September 22, 2017

SUMMARY

The Supreme Court of Louisiana reviewed an attorney disciplinary proceeding involving Kenneth Todd Wallace's submission of false and inflated billing entries. The court found a long and repetitive pattern of dishonesty but noted the absence of client harm and significant mitigating circumstances. It imposed a thirty-month suspension from the practice of law, with all but twelve months deferred, retroactive to January 8, 2016.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Louisiana
DECIDED	September 22, 2017
DOCKET	2017-B-0525
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding arising from formal charges filed by the Office of Disciplinary Counsel. The respondent stipulated to the misconduct and violations, and the Louisiana Supreme Court independently reviewed the record to determine the appropriate sanction.
STANDARD OF REVIEW	The Supreme Court of Louisiana independently reviews the record in attorney disciplinary matters and acts as the trier of fact, requiring misconduct to be proven by clear and convincing evidence. The court applies the manifest-error standard to the hearing committee's factual findings but is not bound by the committee's or disciplinary board's findings and recommendations.
PRECEDENTIAL VALUE	published

TOPICS

remedies

administrative law

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. What sanction is appropriate for respondent's stipulated, repeated violations of Louisiana Rules of Professional Conduct 8.4(a) and 8.4(c) based on recording false and inflated billable hours?

HOLDINGS

1. The respondent's stipulated recording of false and inflated billable hours violated Louisiana Rules of Professional Conduct 8.4(a) and 8.4(c).
2. A thirty-month suspension from the practice of law, with all but twelve months deferred, was appropriate. The suspension was made retroactive to January 8, 2016, the date of respondent's interim suspension.
3. The Supreme Court of Louisiana has original jurisdiction over bar disciplinary matters, independently reviews the record, and requires proof of misconduct by clear and convincing evidence while applying manifest-error review to the hearing committee's factual findings.

KEY QUOTATIONS

"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." (at 7)

"As such, the lengthy thirty-month suspension sought by the ODC is clearly appropriate." (at 8)

"These factors, coupled with the lack of harm to respondent's clients and the firm, justify the deferral of all but twelve months of the suspension." (at 8-9)

FACTUAL BACKGROUND

Kenneth Todd Wallace, a Louisiana attorney and law-firm shareholder, recorded false or inflated billable-time entries from 2012 through 2015 on seven files, including a dismissed contingency-fee matter. The firm identified 428 entries classified as certainly false and 220 additional entries reasonably certain to be false or inflated, but determined that no clients were adversely affected and that the firm suffered little or no actual harm. Wallace acknowledged and self-reported the misconduct, resigned from the firm, renounced an approximately \$85,000 termination bonus, and cooperated with the investigation.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel filed formal charges in March 2016 alleging violations of Louisiana Rules of Professional Conduct 8.4(a) and 8.4(c). Respondent stipulated to the facts, misconduct, and aggravating and mitigating factors. The hearing committee recommended a suspension of one year and one day, while the disciplinary board recommended a one-year suspension; the Office of Disciplinary Counsel objected and sought a thirty-month suspension. The Louisiana Supreme Court reviewed the matter under its original disciplinary

jurisdiction and imposed a thirty-month suspension, with all but twelve months deferred, retroactive to respondent's interim suspension.

DISPOSITION

other

CASES CITED

- In re: Wallace, 15-2305 (La. 1/8/16), 182 So. 3d 941
- In re: Banks, 09-1212 (La. 10/2/09), 18 So. 3d 57
- 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
- Louisiana State Bar Ass'n v. Reis, 513 So. 2d 1173 (La. 1987)
- Louisiana State Bar Ass'n v. Whittington, 459 So. 2d 520 (La. 1984)