ORIGINAL

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: GEORGE RANDY TRELLES

NUMBER: 12-DB-031

RULING OF THE LOUISIANA ATTORNEY DISCIPLINARY BOARD

This is a disciplinary proceeding based upon formal charges filed by the Office of Disciplinary Counsel ("ODC") against George Randy Trelles ("Respondent"), Louisiana Bar Roll Number 20059. The charges, which consist of one count, allege Respondent violated the following Rules of Professional Conduct ("Rules"): Rule 1.3 (failing to act with reasonable diligence and promptness in representing a client); Rule 8.4(a) (violating the Rules of Professional Conduct); Rule 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and Rule 8.4(d) (engaging in conduct prejudicial to the administration of justice). Respondent does not dispute the factual allegations in the formal charges. The hearing committee assigned to this matter concluded that Respondent violated Rule 8.4(c) and 8.4(a), but declined to find violations of Rule 1.3 or Rule 8.4(d). Based upon its findings, the hearing committee recommended that Respondent be publicly reprimanded.

The Board adopts the factual findings and legal conclusions of the hearing committee. The Board also adopts the sanction of a public reprimand as recommended by the hearing committee.

PROCEDURAL HISTORY

On May 24, 2012, ODC filed formal charges against Respondent. The charges, which consist of one count, allege violations of Rules 1.3 and 8.4(a)(c) and (d).[1] On June 29, 2012,

[1] The text of the Rules is contained in Appendix A attached to this Recommendation.

Respondent filed a notice of Pro Se representation. Also on that date, Respondent filed his answer to the formal charges.

On July 5, 2012, the Board Administrator set this matter for hearing on September 20, 2012, before Hearing Committee No. 42 ("the Committee").[2] On July 9, 2012, Dane Ciolino enrolled as counsel of record on behalf of Respondent. On September 5, 2012, Respondent filed an unopposed motion to continue the hearing. The motion was granted, and the hearing was rescheduled for November 15, 2012.

ODC filed a pre-hearing memorandum on October 11, 2012. Respondent subsequently filed his pre hearing memorandum on October 15, 2012. The hearing took place as scheduled on November 15, 2012. On February 19, 2013, the Committee issued its report, in which it concluded that Respondent violated Rule 8.4(c) and (a), but not Rule 1.3 or Rule 8.4(d) as charged in the formal charges. As a sanction, the Committee recommended that Respondent be publicly reprimanded for his misconduct. On May 6, 2013, ODC filed a pre-argument brief. Respondent filed a pre-argument brief on May 20, 2013.

Oral argument of this matter was held on June 6, 2013 before Board Panel "A".[3] Deputy Disciplinary Counsel Damon Manning appeared on behalf of ODC. Dane Ciolino appeared on behalf of Respondent.

[2] The members of the Committee consisted of Henry Price Mounger (chairman), William Eugene Scott (lawyer member), and Margaret Connor Anderson (public member).

[3] Board Panel "A" was composed of Carl A. Butler (chairman), R. Steven Tew (lawyer member), and R. Lewis Smith, Jr. (public member).

FORMAL CHARGES

The formal charges filed in this matter state, in pertinent part:

COUNT I

In October of 2010, the Office of Disciplinary Counsel received information regarding Respondent's conduct that resulted in the opening of a disciplinary complaint. The matter was assigned Investigative File No. 0027171 and is summarized as follows.

The Louisiana Department of Public Safety and Corrections suspended the driving privileges of Corrbet Nichols in *In the Matter of Corrbet S. Nichols*, Docket No. 2010-4548-PS. Mr. Nichols requested a hearing to challenge the suspension. Respondent represented him in the matter. Mr. Nichols' hearing was scheduled for August 31, 2010, at 10:30 a.m. before Administrative Law Judge Lynn Lightfoot. Respondent was notified of the hearing date and time, which he marked on his calendar. Meanwhile, Respondent was retained to represent Albert Tolle on DWI charges in *State of Louisiana versus Albert B. Tolle, III*, Docket No. 10-MISD-095101, pending in the 21st Judicial District Court, Livingston Parish. Trial in the Albert Tolle matter was also scheduled for August 31, 2010, to begin at 9:00 a.m. **FN 1.**

> **FN 1** Respondent was reportedly retained by Mr. Tolle after the trial date had already been set.

Respondent appeared in court with Mr. Tolle on August 31, 2010, but claims he was unaware this was a trial setting. In any event, the case concluded that day when the court ordered the charges against Mr. Tolle be nolle prossed. While representing Mr. Tolle in Livingston Parish, Respondent missed Corrbet Nichols' 10:30 a.m. hearing in Baton Rouge. As a result, on August 31, 2010, Judge Lightfoot signed an Order dismissing Mr. Nichols' request for a hearing. At 1:16 p.m. on August 31, 2010, Respondent caused a facsimile transmission to be sent to Judge Lightfoot in the Corrbet Nichols matter. Respondent's letter referenced his scheduling conflict due to the Albert Tolle matter. Respondent further advised he would forward a Motion to Continue as soon as possible, and he extended his apology for inconveniencing the court. Judge Lightfoot treated Respondent's facsimile as a Motion to Continue; and, on August 31, 2010, she issued an Order denying continuance for the following reasons: "No appearance was made by [Nichols] or his counsel nor had either contacted the Tribunal to advise that there was a problem in their failure to appear. The hearing had already been conducted and the decision written when the motion was filed." On or about September 1, 2010, Respondent filed a formal Motion and Order for Continuance in the Corrbet Nichols matter. No further action was taken by the judge as the motion had already been denied.

On or about September 2, 2010, Respondent filed a Motion for Rehearing in the Corrbet Nichols matter, again citing his scheduling conflict as the basis for same. On September 7, 2010, Judge Lightfoot issued an Order denying the

motion. On September 8, 2010, a copy of the Order was served on Respondent by regular mail. On September 9, 2010, the Department of Public Safety and Corrections, Driver Management Division, wrote to inform Mr. Nichols that the suspension of his driving privileges had been affirmed. Respondent was copied with this notice.

On September 15, 2010, Respondent wrote to the Louisiana Department of Public Safety and Corrections in an effort to obtain a temporary driving permit for his client, Corrbet Nichols. In so doing, Respondent falsely claimed that a rehearing had been granted, stating that,

> "In reference to the above captioned matter, please be advised that an Administrative Hearing has been granted but we have not received the new Administrative Hearing date.
>
> …Mr. Nichols is ***still*** under compliance with all laws, rules and regulations. He will also need an additional temporary driving permit."

On October 1, 2010, Judge Lightfoot issued a Minute Entry and Order confirming that the August 31, 2010 Order Terminating Adjudication for failure to appear, and the September 7, 2010 Order Denying Request for Rehearing remain in full force and effect. On October 4, 2010, the Director of the State of Louisiana, Division of Administrative Law filed a disciplinary complaint against Respondent based on his actions in the Corrbet Nichols matter. In Respondent's November 11, 2010 response to ODC, he claimed he was unaware the Motion for Rehearing had been denied when he sent the September 15, 2010 request for an additional temporary driving permit for his client. Whether or not Respondent knew the Motion for Rehearing had been denied does not change the fact he misrepresented to the State "that an Administrative Hearing has been granted but we have not received the new Administrative Hearing date." By failing to appear for, or timely request a continuance of, his client's hearing, Respondent violated Rules 1.3 (failed to act with reasonable diligence and promptness in representing a client) and 8.4(d) (engaged in conduct prejudicial to the administration of justice). By misrepresenting facts to the Louisiana Department of Public Safety and Corrections, Respondent violated Rule 8.4(c) (engaged in conduct involving dishonesty, fraud, deceit or misrepresentation). Having engaged in professional misconduct, Respondent also violated Rule 8.4(a) (violated the Rules of Professional Conduct).

HEARING COMMITTEE REPORT

As noted above, the Committee issued its report on February 19, 2013. Based upon the testimony presented at the hearing and the evidentiary record, the Committee made the following findings of fact:

Hearing Testimony/Evidence - Failure to Appear at the Hearing

> The Formal Charges assert that by failing to appear or timely request a continuance of his client's Administrative Law hearing, Respondent violated Rule 1.3 by failing to act with reasonable diligence and promptness in representing a client, and violated Rule 8.4(d) by engaging in conduct prejudicial to the administration of justice.
>
> ODC clearly established, through the documents introduced into evidence and the testimony of witnesses, that Respondent had a hearing scheduled before an Administrative Law Judge ("ALJ") at 10:30 a.m. in Baton Rouge on August 31, 2010, on behalf of Mr. Nichols, before he accepted the representation of another client that required him to appear in Livingston Parish at 9 a.m. the same morning.
>
> Respondent admitted he was aware both items were on his calendar and did not attempt to reschedule either matter. However, it was his testimony [that] he was not aware the Livingston matter was a trial setting versus an arraignment, as he had been told. Respondent testified that had the matter been an arraignment, as he believed, he would have had sufficient time to make the hearing in Baton Rouge.
>
> Respondent testified that once he arrived in Livingston and determined the true nature of the matter, he called his office and instructed his secretary, Ms. Corcoran, to notify the ALJ of the conflict, apologize, and request a continuance. Respondent's testimony that he called and spoke to his secretary at the first available break on the morning of August 31, was supported by phone records, introduced at Exhibit R-03, which indicate a call from his cell phone to his office at 9:25 a.m., and also by the testimony of Ms. Corcoran herself. Ms. Corcoran's testimony was that she called and notified the ALJ's staff. Respondent and his secretary's testimony in this regard was found to be credible.
>
> The testimony of ALJ Lynn Lightfoot was that no contact was made with her office until after the scheduled hearing time had passed. Testimony was also provided that calls were not allowed to be made directly to the ALJs' offices, but were answered by a call center staff that took messages and sent emails and messages to the judges. The records from the call center were also introduced evidencing calls were made on behalf of Respondent. These calls were logged by date, but not by time of the call. The testimony was unclear as to whether or not the calls and entries appeared on the log in chronological order. The exact sequence of events could therefore not be established by these records. Respondent also called as witnesses three former ALJs who testified as to the

practice before that administrative body and how accommodations were routinely made for scheduling conflicts, especially on a first hearing setting.

Failure to Appear at the Administrative Hearing

It is undisputed that Respondent failed to timely appear at the Administrative Hearing for his client Mr. Nichols. The issue presented to the Hearing Committee is whether he acted with "reasonable diligence and promptness" in representing his client or not. One factor weighing against Respondent was his failure to confirm that the Livingston matter was in fact just an arraignment, such that he would be able to attend to both matters for his two clients that same morning. Respondent's testimony is that his client informed him the Livingston matter was an arraignment and did not say, or was not aware, it was a trial date. This was Respondent's first appearance for this client and he stated he was prepared to enter a plea of not guilty and the arraignment hearing would be done.

The Committee recognized that Respondent is a solo practitioner and seasoned attorney who routinely handled these types of matters/appearances for clients. No evidence was submitted to refute Respondent's testimony that he believed he was appearing for an arraignment proceeding only. The Committee found Respondent's testimony credible as to the procedure and time required for the matter he understood he was handling.

The Hearing Committee did not find Respondent's reliance on his client's representation of the status of his own case to be, in and of itself, unreasonable. It was against the client's own best interest to lie to Respondent or mislead him as to the nature of the upcoming court date. Although it would have been a safer and more prudent practice for Respondent to have called and confirmed the nature of the court appearance beforehand, we did not find that based on the facts presented that it was unreasonable for Respondent to have relied on his client's representations as to the status.

Based on the Respondent's experience and years of practice, the Committee also accepted Respondent's testimony that had this been an arraignment, as he believed, he would have been able to attend both matters. The next issue becomes once the scheduling problem was known, did Respondent act with reasonable diligence and promptness in representing his other client at the Administrative proceeding.

The Committee again found Respondent and his secretary's testimony credible as to the timing and substance of their actions. Based on the testimony and evidence presented, the Committee concluded Respondent's actions in calling his secretary and instructing her to immediately call and notify the tribunal of his conflict and to file the motion to continue were reasonable under the circumstances. His secretary testified she called and notified the tribunal and then filed the motion to continue. The phone records support two calls were made, but obviously not the substance of those conversations. Logically one can only assume the purpose of the calls was to notify the ALJ. While ALJ Lightfoot testified she was not notified of any call on behalf of Respondent prior to the scheduled hearing and that the office procedure was that she was to be notified if

someone was running late, she acknowledged it was possible a call may have come in before the hearing time and she may have not been notified.

Rule 1.3 and Rule 8.4(d)

Under the circumstances detailed above, and based on Respondent's years of practice and experience, including his experience practicing before the Administrative body and considering how the ALJs typically responded when scheduling conflicts would arise, the Committee found Respondent's course of action to have been reasonable. Once his motion to continue was denied, he then filed a motion for rehearing on behalf of his client. These actions were considered reasonable under the circumstances and thus not found as constituting a failure to act with reasonable diligence and promptness in his representation of his client. Therefore the Committee does not find Respondent's actions before the Administrative body constitute a violation of Rule 1.3 or Rule 8.4(d).

Letter to the Louisiana Department of Public Safety and Corrections

The ODC also proved that parallel and contemporaneously with Respondent's representation of Mr. Nichols in the Administrative Hearing, Respondent was also working with the Louisiana Department of Public Safety and Corrections ("DPS") to obtain and keep a temporary driving permit for Mr. Nichols. In so doing, Respondent falsely stated in a letter to the DPS that a rehearing had been granted in the Administrative proceeding:

> "In reference to the above captioned matter, please be advised that an Administrative Hearing has been granted but we have not received the new Administrative Hearing date.
>
> Please review the enclosed documents. Mr. Nichols is ***still*** under compliance with all laws, rules and regulations. He will also need an additional temporary driving permit."

At the time this representation was made, an Administrative Hearing had not been granted and the motion for rehearing had in fact been denied. ODC proved that Respondent's office had received notice of this fact prior to the date of Respondent's letter to the DPS. Respondent acknowledged his statement that a new hearing had been granted was incorrect at the time it was made. Respondent's testimony was that a rehearing had been requested, but he did not know it had actually been denied. [FN 1] Regardless of that fact, the representation itself to DPS was a false statement at the time it was made and it was made in support of Respondent's effort to obtain a temporary driving permit for his client Mr. Nichols. At the time it was made Respondent knew or certainly should have known the representation to the DPS was untrue. The Committee found Respondent to have violated Rule 8.4(c).

FN1 Respondent testified that at the time this issue arose, he had been practicing approximately 20 years before this administrative body

> and that continuances were routinely granted. This practice/courtesy by the ALJs to accommodate schedules and scheduling conflicts was supported by the testimony of three witnesses who were former ALJs.

Once the Committee determined that Respondent had engaged in professional misconduct, it undertook consideration of the factors set forth in Rule XIX, Section 10(C). First, the Committee found that Respondent violated duties owed to the legal system. *See* Hearing Committee Report p. 12. With regard to Respondent's mental state when he wrote the September 15, 2010 letter to the Louisiana Department of Public Safety and Corrections ("DPS"), the Committee stated, "At the time it was made Respondent knew or certainly should have known the representation to the DPS was untrue." *See* Hearing Committee Report p. 10. However, the Committee determined that the harm caused was minimal as the misrepresentation made to the DPS was not technically presented to a court or other tribunal, and the letter had little or no effect on the legal proceeding pending before the ALJ.

Next, the Committee considered the existence of aggravating and mitigating factors and found the following mitigating factors to be present: no prior disciplinary history, full and free disclosure to the disciplinary board and cooperative attitude toward the proceedings, and good character and reputation. The Committee noted that medical records were introduced into the record which corroborated the fact that Respondent had a health problem during the events in question which they believed was a "potential mitigating factor." The Committee did not identify any aggravating factors.

In determining the appropriate sanction, the Committee noted that it considered the *ABA Standards for Imposing Lawyer Sanctions*, the mitigating factors, and the case law. Based upon these considerations, the Committee recommended that Respondent be publically reprimanded for misrepresenting the facts in the September 15, 2010 letter to the DPS.

ANALYSIS

I. Standard of Review

The powers and duties of the Disciplinary Board are defined in §2 of Louisiana Supreme Court Rule XIX. Rule XIX, §2(G)(2)(a) states that the Board is "to perform appellate review functions, consisting of review of the findings of fact, conclusions of law, and recommendations of hearing committees with respect to formal charges … and petitions for reinstatement, and prepare and forward to the court its own findings, if any, and recommendations." Inasmuch as the Board is serving in an appellate capacity, the standard of review applied to findings of fact is that of "manifest error." *Arceneaux v. Domingue,* 365 So. 2d 1330 (La. 1978); *Rosell v. ESCO,* 549 So. 2d 840 (La. 1989). The Board conducts a *de novo* review of the hearing committee's application of the Rules of Professional Conduct. *In re: Hill*, 90-DB-004, Recommendation of the Louisiana Attorney Disciplinary Board (1/22/92).

The factual findings of the Committee do not appear to be manifestly erroneous. The findings of the Committee are supported by the record. *De novo* review indicates that the Committee correctly applied the Rules of Professional Conduct. The Committee's findings, especially its credibility determination regarding the testimony of both Respondent and his secretary Ms. Corcoran, support the conclusion that Respondent did not violate Rule 1.3 or Rule 8.4(d).

With regard to the Committee's finding that Respondent violated Rule 8.4(c) and thus also Rule 8.4(a), the Committee is again correct. Rule 8.4(c) states, in pertinent part, that a lawyer, in connection with a disciplinary matter, shall not "engage in conduct involving dishonesty, fraud, deceit, or misrepresentation." The Committee found that Mr. Trelles

committed misconduct by making a false statement to the DPS regarding the status of the Nichols matter. *See* Hearing Committee Report, pp. 8-10. Mr. Trelles does not contest these findings. On September 15, 2010, Mr. Trelles wrote to the DPS and stated that "an Administrative Hearing has been granted but we have not received the new Administrative Hearing date." *See* ODC Exhibit 2M. This statement was false because the Division of Administrative Law had already denied both his motion to continue and his motion for rehearing in the *Nichols* matter. ODC proved that Respondent's office had received notice of this fact prior to the date of Respondent's letter to the DPS. Respondent acknowledged that his claim to the DPS that a new hearing had been granted was incorrect. He testified that he made the claim because he did not know his request had been denied. The Committee found that regardless of that fact, his statement to the DPS was a false statement at the time it was made and it was made in support of Respondent's effort to obtain a temporary driving permit for his client Mr. Nichols. Hearing Committee Report, pp. 9-10. Mr. Trellis acknowledged that the letter was incorrect, stating that the letter was wrong because he failed to check it or proof it. He testified that, "It should have said requested [rather than "granted"]. And actually it should have said administrative hearing, we requested a rehearing. But, no, that – that's my mistake. I wrote the wrong words in the letter that I shouldn't [have]." Hearing Transcript, p. 176. (emphasis added). Therefore, the Board finds that Respondent's letter to the DPS was a misrepresentation of the truth. Accordingly, the record supports the conclusion that Respondent violated 8.4(c) and thus 8.4(a).

II. The Appropriate Sanction

A. Rule XIX, §10(C) Factors

Louisiana Supreme Court Rule XIX, §10(C) states that when imposing a sanction after a finding of lawyer misconduct, the Court or Board shall consider the following factors:

1. whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;
2. whether the lawyer acted intentionally, knowingly, or negligently;
3. the amount of actual or potential injury caused by the lawyer's misconduct; and
4. the existence of any aggravating or mitigating factors.

Here, Respondent has violated duties owed to the legal system. With regard to Respondent's mental state at the time of the misconduct, it appears that the Committee determined that Respondent acted knowingly.[4] Without the benefit of the Committee's clear determination regarding his mental state, combined with the disadvantage of only have a cold record to rely on, it is difficult to determine whether Respondent's actions were negligent or knowing.

The Board adopts the mitigating factors relied upon by the Committee: absence of a prior disciplinary record, full and free disclosure to the disciplinary board and a cooperative attitude toward the proceeding, character and reputation, and the existence of personal problems in the form of health issues as identified by the medical records presented at the hearing. The Board

[4] Although the Committee does not say directly what they believe Respondent's mental state to be at the time he wrote the September 15, 2010 letter, they did make two statements which could be interpreted to mean that they thought his mental state was "knowing." First, the Committee states, "At the time it was made Respondent knew or certainly should have know the representation to the DPS was untrue." Hearing Committee Report, p. 10. The second reference to Respondent's mental state was when the Committee found ABA Standard 5.13 to be applicable. *Id.* at p. 12. Standard 5.13 is applied in circumstances where an attorney has failed to maintain personal integrity, and states, "Reprimand is generally appropriate when a lawyer ***knowingly*** engages in any other conduct that involves dishonesty, fraud, deceit or misrepresentation and that adversely reflects on the lawyer's fitness to practice law." (emphasis added).

also adds remorse as an additional mitigating factor.[5] There is only one aggravating factor supported by the record: substantial experience in the practice of law. Respondent was admitted to the practice of law in Louisiana on September 26, 1990.

B. The ABA Standards

After considering the facts of this matter and after relying of the ABA *Standards for Imposing Lawyer Sanctions* ("ABA Standard(s)") for guidance, the Committee concluded that public reprimand was the appropriate sanction. The Board agrees.

In cases involving conduct that is prejudicial to the administration of justice or that involves dishonesty, fraud, deceit, or misrepresentation to a court, ABA Standard 6.1 (False Statements, Fraud and Misrepresentation) and 5.1 (Failure to Maintain Personal Integrity) are applicable. See ABA Stds. For Imposing Lawyer Sanctions Stds. 6.1 and 5.1.

> ABA Standard 6.12 states:
> Suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.

> ABA Standard 6.13 states:
> Reprimand is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.

> ABA Standard 5.13 states:
> Reprimand is generally appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit or misrepresentation and that adversely reflects on the lawyer's fitness to practice law.

[5] Respondent testified that he deeply regrets his mistake in not more conscientiously checking the letter sent to the DPS and testified as to the personal toll his conduct has taken on his life. Hearing Transcript pp. 276-77.

As noted above, it is not quite clear whether Respondent *negligently* or *knowingly* made a false statement to the DPS. The Hearing Committee stated, "At the time it was made Respondent knew or certainly should have known the representation to the DPS was untrue." *See* Hearing Committee Report p. 10. Mr. Trelles testified that he made a mistake, rather than trying to mislead the DPS. Transcript, pp. 176-78, 194, 275. In addition, the Committee noted that Respondent's false statement was submitted to the DPS, rather than to a court or other tribunal. *See* Hearing Committee Report p. 11. Ann Wise of the Division of Administrative Law confirmed that the DPS is not a tribunal, but was a party to the matter. *See* Hearing Committee Report pp. 78-79. The Committee found that Respondent's false statement did not result in any harm or adverse effect on the Nichols administrative proceeding. *See* Hearing Committee Report pp. 11-12.

With regard to ABA Standard 6.12, even if Respondent's misconduct is classified as knowing, his false statement was not submitted to a court, and did not harm a party to the proceeding or cause adverse effects on a legal proceeding. If Respondent's actions were merely negligent, then ABA Standard 6.13, applies dictating that a reprimand is the appropriate baseline. Given that the mental element (*i.e.* intent, knowledge, negligence) is part of the conceptual framework of the ABA Standards and the Committee was not entirely clear on whether they found Respondent's actions to be negligent or knowing, the Board finds that appropriate sanction in this matter ranges from a reprimand to a suspension. Nonetheless, based upon the unique facts of this matter, especially the overwhelming mitigating factors, a less severe sanction is warranted. This conclusion is supported by the analogous case law discussed below.

C. The Caselaw

As both ODC and Respondent note, there are no Supreme Court cases directly on point. However, there is some guidance available in a 2000 Ruling issued by the Board. In *In re James Michael Tobin*, 99-DB-015 (10/12/2000), the Board issued a public reprimand to a respondent for violating Rules 3.3(a), 8.4(a) and 8.4(d) and for violating Supreme Court Rule XIX, Sec 8(c). The Board determined that Mr. Tobin's actions were negligent when he falsely certified to the court that he had circulated a pleading to another party in a litigation matter. The Board found that his actions were in violation of Rule 3.3(a)(1) which states that "a lawyer shall not knowingly: (1) Make a false statement of material fact of law to a tribunal." The Board found that this conduct was also a violation of Rule 8.4(d), in that his failure to forward a copy of the pleading equaled conduct that is prejudicial to the administration of justice. In addition, Respondent admitted that he failed to keep the State Bar appraised of his current mailing address, which delayed the ODC's investigation by almost two years. The Board determined that Respondent's failure to do so was in violation of Rule 8.4(d), as well as Supreme Court Rule XIX, Section 8(c). Although Respondent had two prior disciplinary sanctions, the Board found that they were unrelated to the current act of misconduct. Therefore, the Board found that Respondent's conduct did not reflect a pattern of misconduct and determined that this was a single act of negligence. The Board found that prior disciplinary offenses was the only aggravating factor and did not find any mitigating factors. As such, the Board determined that a public reprimand was the appropriate sanction. Although the *Tobin* matter involved violations of Rules 3.3(a), 8.4(a) and 8.4(d), rather than the Rule 8.4(c) violation which is the focus of the matter at hand, the cases are similar in that both involved false statements. While Mr. Tobin's false statement was made to a court, Mr. Trelles' false statement was made to the Department of

Public Safety. Despite the factual differences between the two cases, significantly, both cases involved a single incident of misrepresentation rather than a pattern of misconduct inherent in either attorney's law practices. As such, the public reprimand imposed in the *Tobin* matter is the appropriate sanction in the *Trellis* matter as well.

CONCLUSION

The Board adopts the factual findings and legal conclusions of the Committee. The Board also adopts the Committee's sanction recommendation of a public reprimand. The Board also assesses Respondent with the costs and expenses of the disciplinary proceeding.

RULING

Considering the foregoing, the Board orders that Respondent, George Randy Trelles, be publicly reprimanded for his misconduct in this matter. The Board also orders that Respondent be assessed with the costs and expenses of the matter.

LOUISIANA ATTORNEY DISCIPLINARY BOARD

Carl A. Butler
Stephen F. Chiccarelli
George L. Crain, Jr.
Jamie E. Fontenot
Tara L. Mason
Edwin G. Preis, Jr.
Linda P. Spain
R. Steven Tew

BY: _____
R. Lewis Smith, Jr.
FOR THE ADJUDICATIVE COMMITTEE

APPENDIX A

RULE 1.3. DILIGENCE

A lawyer shall act with reasonable diligence and promptness in representing a client.

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RULE 8.4. MISCONDUCT

It is professional misconduct for a lawyer to:

(a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) Commit a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) Engage in conduct that is prejudicial to the administration of justice.