

ORIGINAL

Louisiana Attorney Disciplinary Board

FILED by: *Donna P. Burgeon*

Docket#

Filed-On

21-DB-044

4/25/2024

**LOUISIANA ATTORNEY DISCIPLINARY BOARD**

**IN RE: WILLIAM M. MAGEE**

**DOCKET NO. 21-DB-044**

---

**REPORT OF THE HEARING COMMITTEE #25**

---

This is a proceeding based upon the filing of a petition and application for reinstatement to the practice of law following the suspension of William M. Magee, Louisiana Bar Roll Number 08859.

**INTRODUCTION AND PROCEDURAL HISTORY**

On January 30, 2019, the Louisiana Supreme Court suspended William M. Magee for the period of two years. *In re Magee*, 2018-0383 (1/30/2019), 263 So.3d 845.

Mr. Magee filed a petition and application for reinstatement to the practice of law on July 19, 2021. On September 20, 2021, ODC filed a motion to stay the reinstatement matter pending the outcome of formal charges filed against Petitioner on August 3, 2021 (21-DB-047). On October 8, 2021, the Board granted ODC's motion to stay this matter (21-DB-044) pending the resolution of the formal charges. On January 19, 2024, the Louisiana Supreme Court resolved the formal charges by imposing a public reprimand. *In re Magee*, 2023-0364 (1/19/2024), 377 So.3d 661. In its discipline order, the Court also ordered that the stay in this matter (21-DB-044) be lifted, and that the reinstatement matter proceed "in an expeditious manner." *Magee* at 668-669. On February 9, 2024, the Office of Disciplinary Counsel ("ODC") filed its response in opposition to Mr. Magee's petition. The hearing was held on April 2, 2024, and Robert Maxwell appeared on behalf of Mr. Magee. Deputy Disciplinary Counsel Gregory Tweed appeared on behalf of ODC.

**RESPONSE OF ODC**

ODC opposes Mr. Magee's petition for reinstatement, which requires a hearing of the matter pursuant to Louisiana Supreme Court Rule XIX, §24(F).

The Committee found that the crux of the ODC opposition at the hearing concerned Louisiana Supreme Court Rule XIX, Section 24 (E)-Sections 2, 4, 5, 6, 7 and 9.

### EVIDENCE

The matter proceeded wherein the following witnesses were called and testified on behalf of

Mr. William Magee:

1. Mrs. Lee Manguno- Testified as being a former client and friend of Mr. Magee for over 30 years. She testified to over 20 years of running a nonprofit ministry that provides financial training. No Heart Left Behind. Mr. Magee worked countless pro bono hours assisting her organization over the years. Mr. Magee also performed legal work while licensed and she had the upmost confidence in his ability.
2. Mr. Charles Bollinger-Testified as being a former client, business partner and friend of Mr. Magee for over 40 years. Mr. Magee provided legal services to both Mr. Bollinger's businesses and employees. Mr. Magee assisted with drug/alcohol ministry through "Way Builders Ministry". Additionally, Mr. Magee assisted in his nonprofit alliance defense pro bono project that provided financial counseling to inmates at Angola. Mr. Bollinger trusts Mr. Magee 110%.
3. Mr. William Magee-Testified on his own behalf. Admitted that he was wrong for the incident that caused his initial suspension. He was remorseful and understood the significance of his actions. He explains his infraction that resulted in a public reprimand as a mistake and was aided by the abbreviated time he had to close a forty-year practice. The matter that caused his public reprimand was a favor he was doing for a long-time friend. He acknowledged that it was a mistake and that he should have referred him to another lawyer. The Committee believes that the Supreme Court discipline that was handed down for this infraction was sufficient i.e. a public reprimand. Mr. Magee testified to having a general practice for 40 years and devoted about 10% of his time to pro bono work. He also dedicated time to pro bono over the past twelve years to Angola Ministry work and Crown Financial Ministry. Mr. Magee testified that he wants to be readmitted due to former clients and friends urging him to get his license back since they needed his services, and he would like to be able to do pro bono work. "He wants to help people out" was his reasons stated at the hearing. Mr. Magee testified that he would work out of his home office and have a small practice focusing on pro bono work for the public. He further stated he would comply with whatever conditions the Supreme Court places on his license.

ODC did not call any witnesses but did cross examine the witnesses listed above.

The following evidence was admitted:

1. Magee #1-Petition for Reinstatement/Readmission by William Magee;
2. Magee #2-Copy of Check # 195 made payable to LADB dated 4/1/2024;
3. Magee #3-Character Letters from the public that were previously included in the LADB file; and
4. ODC #1-Supreme Court Ruling on 2023-B-0364.

### LAW AND FINDINGS OF FACT

Reinstatement/ following suspension/ is governed by Louisiana Supreme Court Rule XIX,

Section 24 (E) establishes the substantive criteria for reinstatement, which are as follows:

- E1. “The lawyer has fully complied with the terms and conditions of all prior discipline orders, except to the extent that they are abated under section 25.”**

Based upon the evidence adduced at the hearing and the testimony of the witnesses, the Committee is of the opinion that Mr. Magee has complied with the terms and conditions of all prior discipline.

- E2. “The lawyer has not engaged nor attempted to engage in the unauthorized practice of law during the period of suspension or disbarment.”**

Based upon the evidence adduced at the hearing and the testimony of the witnesses, the Committee is of the opinion that the isolated incident of unauthorized practice of law that made the basis of the ODC objection was appropriately addressed by the public reprimand. The Committee is concerned regarding the delay in which the charges were brought and is of the opinion that Mr. Magee has been disciplined for that infraction accordingly by a public reprimand. It should be noted that the Supreme Court was free to impose any discipline it found justified for this infraction and chose to impose a public reprimand. The Committee expressed concern during deliberations that imposing additional punishment or denying readmission for an offense that Mr. Magee had already been disciplined for may be tantamount to double jeopardy.

- E3. “If the lawyer was suffering under a physical or mental disability or infirmity at the time of suspension or disbarment, including alcohol or other drug abuse, the disability or infirmity has been removed. Where alcohol or other drug abuse was a causative**

**factor in the lawyer's misconduct, the lawyer shall not be reinstated or readmitted unless all three conditions noted below are met:**

**(a) the lawyer has pursued and complied with the treatment recommendations of the Judge's and Lawyer's Assistance Program ("JLAP") and has complied with the conditions of the monitoring contract;**

**(b) the lawyer has offered evidence of sustained abstinence from addictive substances or processes and/or has offered evidence of compliance with recommended healthcare regimen prescribed by provider(s) that meet JLAP standards; and**

**(c) A health care provider or team of providers that meets JLAP standards who has been involved with the care of the lawyer indicates in writing that the lawyer's prognosis is sufficiently good to predict that the lawyer will continue to manage any condition or disability effectively.**

ODC and Mr. Magee's counsel stipulated that this section was not applicable to these proceedings.

- E4. "The lawyer recognizes the wrongfulness and seriousness of his conduct for which the lawyer was suspended or disbarred."**

Based upon the evidence adduced at the hearing and the testimony of the witnesses, the Committee is of the opinion that Mr. Magee recognizes the wrongfulness and seriousness of his conduct for which the lawyer was suspended. Mr. Magee testified at the hearing and repeatedly indicated that he was remorseful and acknowledged the seriousness of his conduct and the impact it had on the profession.

- E5. "The lawyer has not engaged in any other professional misconduct since suspension or disbarment."**

Based upon the evidence adduced at the hearing and the testimony of the witnesses, the Committee found no evidence of professional misconduct since the suspension. See E2 for further explanation.

- E6. "Notwithstanding the conduct for which the lawyer was disciplined, the lawyer has the requisite, honesty and integrity to practice law."**

Based upon the evidence adduced at the hearing and the testimony of the witnesses, the Committee is of the opinion that Mr. Magee possesses the requisite honesty and integrity to practice law.

- E7. "The lawyer has kept informed about recent developments in the law and is competent to practice and has satisfied MCLE requirements for the year of reinstatement or readmission even if the lawyer seeking reinstatement or readmission is exempt from satisfying MCLE requirements because of age."**

Based upon the evidence adduced at the hearing and the testimony of the witnesses, the Committee is of the opinion that Mr. Magee is competent to practice and that he satisfied the MCLE requirements for the year he applied for reinstatement. The Committee is troubled by the length of time that has passed since the application and the reinstatement hearing and during the additional time served under suspension, Mr. Magee did not attend MCLE since his testimony was that he was age exempt and was not a licensed lawyer while his application is pending. Mr. Magee is age exempt from CLE requirements. Mr. Magee testified that it may be beneficial for bar members over the age of sixty-five to attend CLE since they may have forgotten more about the law due to the length of time in the practice. Additionally, since it has been nearly five years since Mr. Magee practiced law, a recent update may be beneficial to Mr. Magee and any prospective clients.

- E8. “The lawyer has paid to the Louisiana State Bar Association currently owed bar dues.”**

Based upon the evidence adduced at the hearing and the testimony of the witnesses, the Committee is of the opinion Mr. Magee has no dues owed to the Louisiana State Bar Association.

- E9. “The lawyer has paid all filing fees owed to the Clerk of Court and all disciplinary costs to the Disciplinary Board. In the event the lawyer has executed a payment plan with the Disciplinary Board for these costs, the lawyer must be current on all payments in order to qualify to petition for reinstatement or readmission.”**

Based upon the evidence adduced at the hearing and the testimony of the witnesses, the Committee is of the opinion that Mr. Magee is in compliance with all filing fees owed to the Clerk of Court and all disciplinary costs to the Disciplinary Board.

- E10. “The lawyer has paid to the Disciplinary Board currently owed disciplinary administration and enforcement fees required under Section 8 (A) of this rule and has filed the registration statement required under Section 8 (c) of this rule.”**

Based upon the evidence adduced at the hearing and the testimony of the witnesses, the Committee is of the opinion that Mr. Magee has paid the Disciplinary Board all administration and enforcement fees.

- E11. “The lawyer shall obtain a certification from the Client Assistance Fund that no payments have been made by the Fund to any of the lawyer’s clients. To the extent that Client Assistance Funds have been paid to qualifying clients, the lawyer shall obtain a certification from the Fund that the Fund has been reimbursed in its entirety, or alternatively, that a payment plan is in effect which will result in reimbursement to the Fund. In the event the lawyer has executed a payment plan with the Fund for**

**these costs, the lawyer must be current on all payments in order to qualify to petition for reinstatement or readmission.”**

Based upon the evidence adduced at the hearing and the testimony of the witnesses, the Committee finds that the Client Assistance Fund made no payments to any of Mr. Magee’s clients.

### **RECOMMENDATION**

The Committee finds that Mr. William Magee has met the requirements for reinstatement and recommends that he be reinstated to the practice of law.

The Committee found the procedural history of this reinstatement matter presented unique challenges given the delay between the initial filing of the application for reinstatement and the hearing of this matter. The Committee hopes that such circumstances can be avoided in the future.

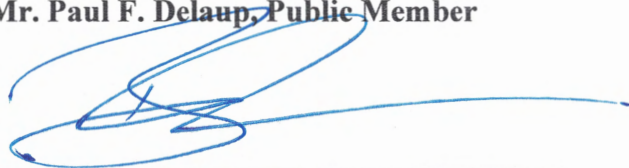
The Committee also recommends that the Petitioner be assessed with the costs and expenses of this proceeding pursuant to Rule XIX, §10.1.

This opinion is unanimous and has been reviewed by each committee member, who fully concur and who have authorized Brian F. Trainor, to sign on their behalf.

Covington, Louisiana, this 14<sup>th</sup> day of April 2024.

**Louisiana Attorney Disciplinary Board  
Hearing Committee #25**

**Mr. Brian F. Trainor, Committee Chair  
Ms. Cynthia M. Bologna, Lawyer Member  
Mr. Paul F. Delaup, Public Member**



**BY: Mr. Brian F. Trainor, Committee Chair  
FOR THE COMMITTEE**