

**ETHICAL CONDUCT COMPLAINT**  
**RE: Justice Chet D. Traylor (Ret.)**

**PART C: EXPLANATION OF YOUR COMPLAINT**

This Complaint is filed by FRED RYAN ELLINGTON and NOBLE EDWARD ELLINGTON, III, the Co-Administrators of our Mother's succession proceeding which is currently underway in the Fifth Judicial District Court, Franklin Parish, Louisiana, and styled "Succession of Peggy Marie McDowell Traylor", Probate Docket No.: 41,291. Our attorney is Paul D. Spillers, of the law firm of Theus, Orisham, Davis & Leigh, LLP, and whose address is 1600 Lamy Lane, Monroe, Louisiana 71201. He has assisted in the preparation of this Complaint.

Justice Chet D. Traylor (Ret.) is the surviving spouse of our deceased Mother. They were married approximately twelve (12) years. Justice Traylor (Ret.) served as a Justice of the Supreme Court of Louisiana until his retirement on or about May 31, 2009. He is an attorney licensed to practice, and practicing, law in the State of Louisiana, and has been doing so since his retirement from the Court. He is also a candidate for United States Senate. He resides at 4116 Charlin Lane, Monroe, Louisiana 71201. He is represented in the succession proceeding by Mr. Brady D. King, II, of the law firm of McNew, King, Mills, Burch & Landry, LLP, 2400 Forsythe Avenue, Suite 2, Monroe, Louisiana 71201.

When the succession proceeding became adversarial all three trial court judges in the Fifth Judicial District self-recused from hearing the disputed succession matters. The Supreme Court of Louisiana, acting through Justice Marcus Clark, appointed Anne Lennan Simon, Judge Ad Hoc from New Iberia, to hear the disputed succession proceeding.

Our attorney, on July 13, 2010 and with the cooperation and approval of Mr. Brady King, set Justice Traylor's (Ret.) deposition for August 12, 2010 at 9:00 A.M. Exhibit "A". August 12th was one of the dates provided by Mr. King as an available date for both he and Justice Traylor (Ret.).

Our attorney then asked the Court to issue a subpoena compelling Justice Traylor's (Ret.) attendance at his deposition. Exhibit "B". This subpoena was served on Justice Traylor (Ret.) through his attorney, Mr. King, on August 2, 2010. Exhibit "C".

Upon receipt of the subpoena Mr. King then represented to Mr. Spillers that his client, Justice Traylor (Ret.), had a scheduling conflict with his deposition date of August 12, 2010. Mr. Spillers inquired about the nature of the scheduling conflict and was told by Mr. King that his client, Justice Traylor (Ret.), had been ordered to appear on August 12, 2010, in Federal Court in Baton Rouge, Louisiana. Mr. Spillers asked for "something in writing" to document the August 12th Federal Court conflict. Mr. King then forwarded to Mr. Spillers the Order "creating the conflict" signed by Magistrate Judge Christine Noland dated April 21, 2010. Exhibit "D". This Exhibit "D" was forwarded to Mr. Spillers by Mr. King on August 6, 2010, four (4) days after service of the subpoena on Justice Traylor (Ret.). The attached Order dated April 21, 2010, according to Mr. King, "created the conflict" with the deposition date of August 12, 2010. Exhibit "D".

The April 21, 2010 Order, contained in Exhibit "D", does establish a Scheduling Conference for August 12, 2010, at 9:30 A.M in a matter filed in the United States District Court, Middle District of Louisiana, and styled "Jason Poe vs. Martin Transport, Inc.", Civil Action No. 10-220-JJP-ON. However, there is no indication in the Order, or the attached Status Report, as to who are the attorneys of record for the parties in this suit. The absence of attorney of record identification

was puzzling.

Mr. Spillers, in an effort to document the conflict for us, checked with the United States District Court, Middle District of Louisiana, to determine who were the attorneys of record in the "Jason Poe vs. Martin Transport, Inc." suit. His investigation disclosed that Justice Traylor (Ret.) was not listed as an attorney of record for either of the parties in the federal court proceeding. Mr. Spillers, on August 10, 2010, at 12:11 P.M. forwarded that information to Mr. King. Exhibit "E". Mr. Spillers in that email asked Mr. King to provide some evidence that it was Justice Traylor (Ret.), and not his partners, who had the scheduling conflict. Exhibit "E". No response has been forthcoming from Mr. King.

On or before August 6, 2010 (Exhibit "D"), Justice Traylor (Ret.) apparently made a representation to his attorney, that Justice Traylor (Ret.) had a scheduling conflict due to the Federal Court suit. Based upon that representation, a Motion to Quash (Exhibit "J") was filed by Mr. King on behalf of Justice Traylor (Ret.) on August 10, 2010. One ground urged as a reason to quash the deposition subpoena was "Judge Traylor's conflict". After the Motion to Quash had been filed by Mr. King on August 10, 2010, Mr. King convened a telephone conference call with Judge Simon, Judge Ad Hoc, and Mr. Spillers. During that telephone conversation (August 10, 2010 at 3:30 P.M.) Mr. King represented to the Court and to Mr. Spillers that his client, Justice Traylor (Ret.), had told him that he had a scheduling conflict attributable to a Federal Court suit and that "evidence of Justice Traylor's conflict" had been provided to Mr. Spillers. Mr. King also argued that the scheduled deposition was premature. The Court quashed the deposition subpoena during that telephone conference.

After the conclusion of the August 10, 2010 3:30 P.M. conference call with Judge Simon and Mr. King, Mr. Spillers conducted additional investigation as to the nature of Justice Traylor's scheduling conflict. He then reviewed and obtained copies of additional federal court records. The records he obtained from the Federal Court do disclose that Justice Traylor (Ret.) and his two partners, on behalf of Mr. Jason Poe, filed the initial Complaint in Federal Court on March 31, 2010. However, the Federal Court immediately determined that Justice Traylor (Ret.) was not admitted to practice in the United States District Court, Middle District of Louisiana, and by letter dated March 31, 2010 so advised Justice Traylor (Ret.) that he was not authorized to practice in that Court and referred him to the Court's website for admission forms. Exhibit "F".

On August 10, 2010, 6:14 P.M., our attorney forwarded to Mr. King additional records he had been able to retrieve from the Federal Court. These records appeared to indicate that Justice Traylor (Ret.) had no federal court conflict with the deposition date and had not even been admitted to practice in that court. Mr. Spillers then asked for an explanation from Mr. King as to the alleged "conflict" with the deposition date of August 12. Exhibit "G". Mr. Spillers has received no response.

Our attorney obtained additional records. He obtained copies of a Joint Motion (signed by Peter S. Koeppel, but listed as co-counsel were Chet Traylor and Laurence E. Best) dated July 23, 2010, and the Magistrate Judge's Order dated July 26, 2010, that postponed indefinitely the August 12, 2010 Scheduling Conference. Exhibit "H" and Exhibit "I". Thus, as of July 26, 2010, the Scheduling Conference set for August 12, 2010, was continued, indefinitely. Thus, the "conflict" had been resolved as of July 26, 2010.

Justice Traylor was informed on March 31, 2010 by the Federal Court that he was not authorized to practice in the Middle District. Justice Traylor (Ret.), however, has never been admitted to practice in that Court. This fact was confirmed by email correspondence between the Court and Mr. Spillers on August 12, 2010. Exhibit "K" and Exhibit "L". NOTE: Justice Traylor's (Ret.) name continued to be included as co-counsel on pleadings filed in the federal court matter though he was not admitted to practice in the U.S. District Court, Middle District of Louisiana.

**APPLICABLE RULES OF PROFESSIONAL CONDUCT:**

- At least three (3) Rules of Professional Conduct apply to these facts:
- 1) **Rule 3.3 - Candor Toward the Tribunal.** A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or failed to correct a false statement of material fact or law previously made to the tribunal by the lawyer.
  - 2) **Rule 3.4 - Fairness to Opposing Party and Counsel.** A lawyer shall not (b) falsify evidence ...
  - 3) **Rule 8.4 - Misconduct.** It is professional misconduct for a lawyer to: (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) Engage in conduct that is prejudicial to the administration of justice.

**ANALYSIS:**

Justice Traylor (Ret.) has never been admitted to practice law in the United States District Court, Middle District of Louisiana. Nevertheless, he has represented, through his attorney to both opposing counsel and to the Fifth Judicial District Court, that he was counsel of record and had been ordered to appear at a Scheduling Conference in "Poe vs. Martin" on August 12, 2010. That representation was made at a time when he knew he was neither admitted to practice in that

Court, nor was there any pending Scheduling Conference in the "Pos vs. Martin" suit. The Scheduling Conference had been postponed by Justice Traylor's own Joint Motion and by the Magistrate Judge's Order dated July 26, 2010. Justice Traylor's representation was made on August 6, 2010, at least ten (10) days after the schedule conflict was resolved. Justice Traylor's (Ret.) representation is a false statement of fact he knowingly made to a state court tribunal and violates Rule 3.3.

Justice Traylor's (Ret.) false representations regarding the existence of his scheduling conflict and his proffering as evidence the Magistrate Judge's Order dated April 21, 2010 (Exhibit "D") constitute "falsifying evidence" in violation of Rule 3.4. Justice Traylor (Ret.) used the Federal Court's Order to mislead and deceive.

Justice Traylor's (Ret.) false representations regarding his obligation to attend the Federal Court Scheduling Conference is to "engage in conduct involving dishonesty, fraud, deceit or misrepresentation". Justice Traylor (Ret.) used the guise of the Federal Court Order in an effort to "deceive and misrepresent" the truth. His actions cast serious doubts upon his "honesty," trustworthiness, character and fitness to practice the honorable profession of law. Justice Traylor (Ret.) attempted to use the Federal Court Order to perpetrate a "fraud" and is in violation of Rule 8.4(c).

Justice Traylor's (Ret.) behavior damages the administration of justice in the State of Louisiana. It is well-known that Justice Traylor (Ret.) served for several years as the Chairman of the "Ad Hoc Committee to Prevent Lawyer Misconduct," a committee established by the Supreme Court of Louisiana to regulate our lawyer disciplinary system. Justice Traylor's (Ret.) conduct undermines the disciplinary system he "chaired". His conduct causes a loss of respect for the

general administration of justice in this state and is in violation of Rule 8.4(d).

**CONCLUSION:**

Justice Traylor (Ret.) was Chairman of the Supreme Court of Louisiana's "Ad Hoc Committee to Prevent Lawyer Misconduct". His conduct as demonstrated in this Complaint falls far short of the conduct the Supreme Court of Louisiana expects of each attorney in this state, much less that of a lawyer who has served as Justice, and leader, of the Supreme Court of Louisiana in its efforts to restore the public's confidence in our system of justice. In summary, his conduct destroys the public's confidence in attorneys, our disciplinary system and the Supreme Court of Louisiana. His conduct falls far short of the standard required of an attorney to practice law in this state. After investigation and a hearing establishing these facts, Justice Traylor's (Ret.) license to practice law in this state should be stricken from the roll of attorneys. Justice Traylor's (Ret.) misconduct, we regret to say, justifies permanent disbarment.