

CALL FOR COMMENTS
NOVEMBER 2, 2009 – NOVEMBER 30, 2009

LOUISIANA SUPREME COURT RULE XIX, SECTIONS 18(B) and (D), RULES FOR LAWYER DISCIPLINARY ENFORCEMENT

The Louisiana Supreme Court is considering the following amendments to Supreme Court Rule XIX, Sections 18(B) and (D). Proposed deletions to the Rule XIX, Section 18 are indicated in ~~strike through~~ and additions are shown in underlined text.

Supreme Court Rule XIX, Section 18(B):

B. Proceedings Governed by the Code of Civil Procedure and the Code of Evidence. Except as otherwise provided in these rules, the Louisiana Code of Civil Procedure and the Louisiana Code of Evidence apply in discipline and disability cases. To facilitate the development of a full evidentiary record, dispositive motions by the respondent such as those seeking summary judgment or dismissal prior to completion of the evidentiary record on both charges and defenses shall not be permitted. No provision of the Louisiana Code of Evidence shall prevent the introduction of sworn testimony from administrative proceedings ~~social security hearings,~~ civil or criminal trials, or hearings of a contradictory nature where the respondent has cross-examined or had the opportunity to cross-examine the witnesses whose testimony is sought to be introduced.

Supreme Court Rule XIX, Section 18(D):

D. Burden of Proof. The burden of proof in proceedings seeking discipline ~~or transfer to disability inactive status~~ is on disciplinary counsel. The burden of proof in proceedings seeking reinstatement, or readmission, ~~or transfer from disability inactive status~~ is on the respondent. The party seeking transfer to or return from disability inactive status bears the burden of proof.

PLEASE REVIEW THE PROPOSED RULE CHANGES AND SEND YOUR COMMENTS BY NOVEMBER 30, 2009 TO:

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400 Royal Street, Suite 1190
New Orleans, LA 70130-8101

OR EMAIL YOUR COMMENTS TO: lmchugh@lajao.org