

**INVITATION TO COMMENT ON SUGGESTED CHANGES TO  
RULE 5.5(e) OF THE RULES OF PROFESSIONAL CONDUCT  
THAT HAVE BEEN PROPOSED BY THE CHIEF DISCIPLINARY  
COUNSEL, LOUISIANA ATTORNEY DISCIPLINARY BOARD**

The Chief Disciplinary Counsel of the Louisiana Attorney Disciplinary Board has proposed amendments to Rule 5.5(e) of the Rules of Professional Conduct. Rule 5.5(e) places parameters on the employment of lawyers who have been suspended from the practice of law. Chief Disciplinary Counsel's proposal would essentially place the same parameters on lawyers who are transferred to disability inactive status.

The Court has considered this proposal and has decided to allow interested persons to comment on the suggested rule changes. The proposal follows. Suggested language changes are depicted through the use of **boldface type** and ~~strikethrough~~.

**Persons interested in commenting upon this proposal should forward their comments to Deputy Judicial Administrator/ General Counsel Tim Averill no later than Monday, April 7, 2008.** Mr. Averill's mailing address is:

Supreme Court of Louisiana  
Judicial Administrator's Office  
400 Royal Street, Suite 1190  
New Orleans, LA 70130-8101

Comments may also be forwarded via e-mail to: [tfa@lajao.org](mailto:tfa@lajao.org).

**Please be advised that any comments which are forwarded constitute matters of public record and are subject to public inspection.**

## PROPOSED RULE CHANGES

### **RULE 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law**

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(e)(1) A lawyer shall not:

\* \* \*

(ii) employ, contract as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a suspended attorney, **or an attorney who has been transferred to disability inactive status**, during the period of suspension **or transfer**, unless first preceded by the submission of a fully executed employment registration statement to the Office of Disciplinary Counsel, on a registration form provided by the Louisiana Attorney Disciplinary Board, and approved by the Louisiana Supreme Court.

(e)(2) The registration form provided for in Section (e)(1) shall include:

(i) the identity and bar roll number of the suspended **or transferred** attorney sought to be hired;

(ii) the identity and bar roll number of the attorney having direct supervisory responsibility over the suspended attorney, **or the attorney transferred to disability inactive status**, throughout the duration of employment or association;

(iii) a list of all duties and activities to be assigned to the suspended attorney, **or the attorney transferred to disability inactive status**, during the period of employment or association;

(iv) the terms of employment of the suspended attorney, **or the attorney transferred to disability inactive status**, including method of compensation;

(v) a statement by the employing attorney that includes a consent to random compliance audits, to be conducted by the Office of Disciplinary

Counsel, at any time during the employment or association of the suspended attorney, **or the attorney transferred to disability inactive status**; and

(vi) a statement by the employing attorney certifying that the order giving rise to the suspension **or transfer** of the proposed employee has been provided for review and consideration in advance of employment by the suspended attorney, **or the attorney transferred to disability inactive status**.

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(e)(4) In addition, a suspended lawyer, **or a lawyer transferred to disability inactive status**, shall not receive, disburse, or otherwise handle client funds.

(e)(5) Upon termination of the suspended attorney, **or the attorney transferred to disability inactive status**, the employing attorney having direct supervisory authority shall promptly serve upon the Office of Disciplinary Counsel written notice of the termination.