

**INVITATION TO COMMENT ON PROPOSED
CHANGE TO THE RULES OF PROFESSIONAL CONDUCT
INVOLVING THE RESPONSIBILITIES OF A PROSECUTOR**

The Louisiana District Attorneys Association has asked the Court to amend Rule 3.8(d) of the Louisiana Rules of Professional Conduct. La. ROPC 3.8 is entitled “Special Responsibilities of a Prosecutor.”¹ As proposed, ROPC 3.8(d) would read:

Rule 3.8. Special Responsibilities of a Prosecutor

The prosecutor in a criminal case shall:

* * *

(d) make timely disclosure to the defense of all evidence or information known to the prosecutor that **he knows, or that a reasonable prosecutor would know**, tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;

The suggested amendment to ROPC 3.8(d) has been noted through the use of underlining and **boldface** type.

Persons interested in commenting on the proposed rule change may forward written comments to:

Tim Averill
Deputy Judicial Administrator/General Counsel
Office of the Judicial Administrator
Supreme Court of Louisiana
400 Royal Street, Suite 1190
New Orleans, LA 70130-8101

or via e-mail to: rulecomments@lajao.org

Comments should be forwarded no later than the close of business on Monday, February 27, 2006. **Please be advised that any comments which are forwarded constitute matters of public record and are subject to public inspection.**

¹ The Rules of Professional Conduct can be accessed from the “Court Rules” link on the Supreme Court’s home page.