

SUPREME COURT OF LOUISIANA
NO. 2016-B-0328
IN RE: ELISE MARYBETH LaMARTINA
ATTORNEY DISCIPLINARY PROCEEDING

JOHNSON, C.J., dissents and assigns reasons.

The underlying issue in this attorney discipline case is whether a suspended attorney engaged in the unauthorized practice of law by representing two LLCs of which she is a member. The majority of this court simply dismisses the charges, finding the ODC has not proved that respondent engaged in the unauthorized practice of law “in light of the ambiguity of La. R.S. 37:212(C).”

La. R.S. 37:212, defining the practice of law, provides that “nothing in this Section shall prohibit any partnership, corporation, or other legal entity from asserting or defending any claim, not exceeding five thousand dollars, on its own behalf in the courts of limited jurisdiction *or on its own behalf through a duly authorized partner, shareholder, officer, employee, or duly authorized agent or representative*. No partnership, corporation, or other entity may assert any claim on behalf of another entity or any claim assigned to it.” La. R.S. 37:212(C) (emphasis added). The issue is whether this exception permitted the respondent to appear on behalf of the LLCs such that she did not engage in the unauthorized practice of law. In my view, rather than summarily dismissing the charges, this court should set this matter for oral argument and issue an opinion directly addressing whether Section (C) permits a non-lawyer to represent an LLC. In addition to making a determination of whether respondent engaged in the unauthorized practice of law, an opinion by this court would also provide specific guidance for future conduct.