

SUPREME COURT OF LOUISIANA

ORDER

EMERGENCY, TEMPORARY ADMISSION RULE PERTAINING TO SERVICE AS A PROSECUTOR IN ORLEANS PARISH

Acting in accordance with Article V, §§ 1 and 5 of the Louisiana Constitution, and the inherent power of this Court, and considering the request of the Orleans Parish District Attorney's Office to allow an out-of-state attorney to assist in the prosecution of cases within the jurisdiction of the Orleans Parish District Attorney's Office,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

The following temporary rule shall govern the ability of non-admitted lawyers to provide prosecutorial assistance to the Orleans Parish District Attorney's Office.

a) Lawyers affected. A lawyer not admitted to practice law in Louisiana but who is admitted in another United States jurisdiction, and who is neither disbarred nor suspended from the practice of law in any jurisdiction, may provide temporary service as a prosecutor under the supervision of an attorney employed in the Orleans Parish District Attorney's Office, upon approval of an application for a limited certification to provide such temporary assistance. Such certification shall allow the out-of-state lawyer to provide temporary criminal legal assistance within the State of Louisiana, as set forth in this Rule. The

certification will be effective for a period commencing with the issuance of a letter of certification and ending on July 31, 2007.

b) Legal services limitations. The legal services to be provided pursuant to this rule:

- 1) must arise out of or be related to an arrest or charge for a crime or crimes alleged to have occurred in Orleans Parish;
- 2) must be rendered at the request of the Orleans Parish District Attorney's Office;
- 3) may consist of representation within Louisiana courts by enrolling as counsel of record on behalf of the Orleans Parish District Attorney's Office, but only if a Louisiana licensed supervising attorney cosigns the pleadings as counsel of record. Any Louisiana licensed lawyer who is of record in the proceeding shall provide oversight and supervision to the certified out-of-state practitioner, both of whom remain responsible for the conduct of the proceedings before the court.

c) Application. Each attorney providing services under the authority of this Order shall first present to the Office of Disciplinary Counsel an application for a limited certification containing the following information:

- 1) The attorney's full name, firm name, residence address, principal business address, email address, telephone number, fax

numbers, jurisdiction or jurisdictions within which the attorney has been admitted, and the bar identification number for each such jurisdiction;

2) An affirmation executed by the attorney that he or she is duly licensed and in good standing and authorized to practice law in each of the identified jurisdictions and that the attorney's license is not the subject of any suspension, disbarment, or other restriction in any jurisdiction;

3) An affirmation executed by the attorney that he/she is performing all services under the authorization of this Order;

4) An affirmation executed by the attorney that he/she has read, will abide by, and is subject to the Louisiana Rules of Professional Conduct, including the rules prohibiting solicitation of cases or clients, will faithfully perform the duties of an attorney, and will not place his or her personal interests ahead of the interests of the client;

5) An affirmation executed by the attorney that he/she consents to the lawyer disciplinary jurisdiction of the State of Louisiana;

6) An affirmation executed by the attorney that he/she will not undertake, as a certified temporary practitioner, to provide legal services other than to the Orleans Parish District Attorney's Office, and shall not hold himself or herself out in this state to be authorized to provide legal services to any other person or entity; and

7) A certificate of good standing together with a disciplinary certificate from each state of licensure wherein the attorney is presently licensed to practice law.

An application form to be used in applying for a limited license is appended to this Order.

d) Unauthorized practice rules. The rendition of legal or other services under this rule shall not be deemed the unauthorized practice of law by the certified temporary practitioner, as prohibited by Rule 5.5 of the Louisiana Rules of Professional Conduct, Louisiana Supreme Court Rule XVII, and other relevant Louisiana laws or rules of court.

e) Issuance of Limited Certification of Temporary Practice. Upon receipt, review and approval of an application for a limited certification, the Office of Disciplinary Counsel shall notify the Clerk of the Supreme Court, and a letter certifying that the out-of-state lawyer has met the requirements for certification as a practitioner temporarily providing legal services as a prosecutor in the Orleans Parish District Attorney's Office may be issued.

f) Duration of Limited Certification of Temporary Practice. A limited certification issued pursuant to this Order shall expire no later than the final termination date of this Order, unless extended or amended through future Orders of this Court.

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This temporary, emergency rule shall become effective upon signing and shall remain in full force and effect through July 31, 2007, at which time this Order shall terminate, unless amended or extended through future Order of this Court.

New Orleans, Louisiana, this _____ day of _____ 2007.

For the Court:

Pascal F. Calogero, Jr., Chief Justice

**APPLICATION FOR OUT-OF-STATE ATTORNEY
SEEKING TO RENDER TEMPORARY ASSISTANCE PURSUANT TO
THE EMERGENCY, TEMPORARY ADMISSION RULE PERTAINING
TO SERVICE AS A PROSECUTOR IN ORLEANS PARISH**

1. Attorney's Full Name: _____
2. Firm Name: _____
3. Permanent Residence Address: _____

4. Principal Business Address: _____

5. Business and Residence Telephone Numbers: _____
6. Fax Number: _____
7. E mail Address: _____
8. List every state in which you are licensed and in good standing and provide your registration or bar number:

State	Bar Number
_____	_____
_____	_____
_____	_____
_____	_____
9. Have you ever been publicly disciplined by any lawyer disciplinary committee, state or federal court, or lawyer disciplinary agency in any other jurisdiction:

☐ yes ☐ no

If you answered affirmatively, as to each such discipline, please provide on a separate sheet a summary of the allegations against you, the name of the state or federal authority bringing such proceeding, the date the discipline was imposed, the style of the proceedings, and the findings made and discipline imposed in connection with the proceedings. (A copy of any public Order of lawyer discipline imposed against the applicant shall be appended to this application.)
10. Please attach to this application a current certificate of good standing and a disciplinary certificate from the state(s) you are presently licensed to practice in.

AFFIRMATION

I certify that (1) the information on this form is true and accurate; (2) I am duly licensed and in good standing with the authority regulating the practice of law in the state or states listed above; (3) My license(s) are not the subject of suspension, disbarment, or other restrictions; (4) All services to be performed will be under the authorization of the Temporary, Emergency Admission Rule Pertaining to Service as a Prosecutor in Orleans Parish; (5) I have read and will abide by the Louisiana Rules of Professional Conduct; (6) I will not undertake to provide legal services in Louisiana other than to the Orleans Parish District Attorney's Office; (7) I shall not hold myself out in this state to be authorized to provide legal services to any person other than through this Rule; (8) I will faithfully perform the duties of an attorney and I will not place my personal interests ahead of my client's interests; and (9) I agree that I am subject to the Rules of Professional Conduct and I consent to the lawyer disciplinary jurisdiction of the State of Louisiana.

Date

Signature of Attorney

Name of Attorney

Please return a copy of your completed application to the Office of Disciplinary Counsel, Louisiana Attorney Disciplinary Board, 4000 S. Sherwood Forest Boulevard, Suite 607, Baton Rouge, Louisiana 70816.