

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the Louisiana Constitution of 1974, and the inherent power of this Court, and considering the need to amend the Rules for Lawyer Disciplinary Enforcement,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Part 1. Louisiana Supreme Court Rule XIX, Section 18(B) be and is hereby deleted in its entirety and amended to read as follows:

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, 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.

Part 2. Louisiana Supreme Court Rule XIX, Section 18(D) be and is hereby deleted in its entirety and amended to read as follows:

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

These rule changes shall become effective upon signing, and shall remain in full force and effect thereafter, until amended or changed through future Orders of this Court.

New Orleans, Louisiana, this _____ day of January, 2010.

FOR THE COURT:

Catherine D. Kimball, Chief Justice