

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the 1974 Louisiana Constitution, and the inherent power of this Court, and considering the need to adopt a Court Rule which addresses the provision of civil legal services following determination of major disaster,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Part O, Rule XLI of the Rules of the Supreme Court of Louisiana be and is hereby enacted to read as follows:

**PART O. PROVISION OF CIVIL LEGAL SERVICES FOLLOWING
DETERMINATION OF MAJOR DISASTER**

Rule XLI. Provision of Civil Legal Services Following Determination of Major Disaster

(a) *Determination of existence of major disaster.* Solely for purposes of this Rule, this Court shall determine when an emergency affecting the justice system, as a result of a natural or other major disaster has occurred in:

(1) this jurisdiction and whether the emergency caused by the major disaster affects the entirety or only a part of this jurisdiction, or

(2) another jurisdiction but only after such a determination and its geographical scope have been made by the highest court of that jurisdiction.

The authority to engage in the temporary practice of law in this jurisdiction pursuant to paragraph (c) shall extend only to lawyers who principally practice in the area of such other jurisdiction determined to have suffered a major

disaster causing an emergency affecting the justice system and the provision of legal services.

(b) *Temporary practice in this jurisdiction following major disaster.* Following the determination of an emergency affecting the justice system in this jurisdiction pursuant to paragraph (a) of this Rule, or a determination that persons displaced by a major disaster in another jurisdiction and residing in this jurisdiction are in need of *pro bono* services and the assistance of lawyers from outside of this jurisdiction is required to help provide such assistance, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide civil legal services in this jurisdiction on a temporary basis. Such civil legal services must be provided on a *pro bono* basis without compensation, expectation of compensation or other direct or indirect pecuniary gain to the lawyer. Such civil legal services shall be assigned and supervised through the established not-for-profit bar association(s) or legal services organization(s) specifically designated by this Court.

(c) *Temporary practice in this jurisdiction following major disaster in another jurisdiction.* Following the determination of a major disaster in another United States jurisdiction, a lawyer who is authorized to practice law and who principally practices in that affected jurisdiction, and who is not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in this jurisdiction on a limited, temporary basis as if the attorney were located in the jurisdiction in which the attorney is licensed.

(d) *Duration of authority for temporary practice.* The authority to practice law in this jurisdiction granted by paragraph (b) of this Rule shall end when this Court determines that the conditions caused by the major disaster in this jurisdiction have ended except that a lawyer then representing clients in this jurisdiction pursuant to paragraph (b) is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation, but the lawyer shall not thereafter accept new clients. The

authority to practice law in this jurisdiction granted by paragraph (c) of this Rule shall end 60 days after this Court declares that the conditions caused by the major disaster in the affected jurisdiction have ended.

(e) *Court appearances.* The authority granted by this Rule does not include appearances in court except:

(1) pursuant to that court's *pro hac vice* admission rule and, if such authority is granted, any fees for such admission shall be waived; or

(2) if this Court, in any determination made under paragraph (a), grants blanket permission to appear in all or designated courts of this jurisdiction to lawyers providing legal services pursuant to paragraph (b). If such an authorization is included, any *pro hac vice* admission fees shall be waived.

(f) *Disciplinary authority and registration requirement.* Lawyers providing legal services in this jurisdiction pursuant to paragraphs (b) or (c) are subject to this Court's jurisdiction, disciplinary authority and the Louisiana Rules of Professional Conduct.

(1) Lawyers providing legal services in this jurisdiction under paragraph (b) above shall, prior to the commencement of the provision of legal services, file with the Office of Disciplinary Counsel an application for a limited license on an approved form and which contains the following information:

i. the attorney's full name, firm name, residence address, principal business address, e-mail address, telephone numbers, FAX numbers, the state jurisdiction or jurisdictions in which the attorney is licensed, and bar identification numbers;

- ii. affirmation that the attorney is duly licensed, in good standing and authorized to practice law in each stated jurisdiction, and that the attorney's license is not subject to suspension or restriction;
- iii. affirmation that in performing all services under the authorization of this rule, the attorney will be acting as a volunteer;
- iv. affirmation that all services to be performed will be at no charge or expense to the client;
- v. affirmation that the attorney has read and will abide by 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;
- vi. affirmation that the attorney has read and will familiarize himself/herself with the Emergency/Disaster Training Manual for Volunteer lawyers prepared by the Louisiana State Bar Association (available at <http://www.lsba.org>);
- vii. affirmation that the attorney consents to the lawyer disciplinary jurisdiction of the State of Louisiana;
- viii. affirmation that the attorney shall not offer to provide civil legal assistance in this State to any person or for any matter other than through the established not-for-profit bar association(s) or legal services organization(s) specifically designated by this Court and shall not hold himself or herself out in this State to be

authorized to provide legal services to any person other than through the established not-for-profit bar association(s) or legal services organization(s) specifically designated by this Court; and

- ix. a certificate of good standing as well as a disciplinary certificate, issued within 90 days of submission of the application, from each state where the lawyer is licensed to practice.

(2) Lawyers providing legal services in Louisiana pursuant to paragraph (c) above shall, prior to the commencement of the provision of legal services, file with the Office of Disciplinary Counsel an application for limited license on an approved form which contains the following information:

- i. the attorney's full name, firm name, permanent residence address, principal business address, e-mail address, telephone numbers, FAX numbers, the state jurisdiction or jurisdictions in which the attorney is licensed, and bar identification numbers;
- ii. the attorney's address, telephone number and email address while temporarily located in Louisiana;
- iii. affirmation that the attorney is duly licensed, in good standing and authorized to practice law in each stated jurisdiction, and that the attorney's license is not subject to suspension or restriction;
- iv. affirmation that the attorney consents to the lawyer disciplinary jurisdiction of the State of Louisiana; and
- v. affirmation that the attorney shall only practice the law of the jurisdiction(s) of which he or she is licensed.

(g) *Notifications to clients.* Lawyers authorized to practice law in another United States jurisdiction who provide legal services pursuant to this Rule shall inform clients in this jurisdiction of the jurisdiction in which they are authorized to practice law, any limits of that authorization, and that they are not authorized to practice law in this jurisdiction except as permitted by this Rule. They shall not state or imply to any person that they are otherwise authorized to practice law in this jurisdiction.

This rule change 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 April, 2011.

FOR THE COURT:

Catherine D. Kimball, Chief Justice