

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 recommendations of the Louisiana State Bar Association for amendments to the Rules of Professional Conduct,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Article XVI of the Articles of Incorporation of the Louisiana State Bar Association (the “Rules of Professional Conduct”) be and are hereby amended to read as follows:

1. The first sentence of Rule 1.0(n) is hereby deleted in its entirety and replaced with the following:

(n) “Writing” or “written” denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or videorecording and electronic communication.

2. The word “or” is hereby deleted from the end of Rule 1.6(b)(5) and is hereby added to the end of Rule 1.6(b)(6);

3. Rule 1.6(b)(7) is hereby enacted to read as follows: “to detect and resolve conflicts of interest between lawyers in different firms, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.”

4. Rule 1.6(c) is hereby enacted to read as follows: “A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.”

5. Rule 1.18(a) is hereby amended to read as follows: “A person who consults with a lawyer about the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.”

6. Rule 1.18(b) is hereby amended to read as follows: “Even when no client-lawyer relationship ensues, a lawyer who has learned information from a prospective client shall not use or reveal that information except as Rule 1.9 would permit with respect to information of a former client.”

7. Rule 4.4(b) is hereby amended to read as follows:

“(b) A lawyer who receives a writing or electronically stored information that, on its face, appears to be subject to the attorney-client privilege or otherwise confidential, under circumstances where it is clear that the writing or electronically stored information was not intended for the receiving lawyer, shall refrain from examining or reading the writing or electronically stored information, promptly notify the sending lawyer, and return the writing or delete the electronically stored information.”

8. The title of Rule 5.3, is hereby amended to read “**Responsibilities Regarding Nonlawyer Assistance.**”

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 January, 2015

FOR THE COURT:

Bernette Joshua Johnson, Chief Justice