

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:

The Appendices to Louisiana Supreme Court Rule XIX are hereby deleted in their entirety and are replaced with Appendices A, B, C, D and E attached hereto.

This rule change shall become effective on May 15, 2019, 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, 2019

FOR THE COURT:

Bernette Joshua Johnson, Chief Justice

RULES OF SUPREME COURT OF LOUISIANA
PART B. ADMINISTRATIVE RULES

RULE XIX

APPENDIX A. PROCEDURAL RULES FOR DISCIPLINARY BOARD

Rule 1. Assignment of Disciplinary Board Panel and Briefing Schedules

Upon the filing of the hearing committee report with the disciplinary board in accordance with Rule XIX, Section 11(F), the administrator shall schedule the matter for hearing before a board panel on the schedule set by the board, and shall notify all parties of such setting. Any request for a continuance of the hearing date based upon reasons other than those of an emergency nature must be presented to the panel before whom the hearing is scheduled within ten (10) days of service of the notice of hearing.

Rule 2. Briefing Deadlines

Any party having an objection to any aspect of the hearing committee report in a particular matter shall file with the administrator a brief setting forth such objections and the grounds thereof, not less than thirty (30) days before the date on which oral argument is assigned to a board panel. The opposing party may file an answering brief within fifteen (15) days following the filing of the brief which first sets forth the objections.

Rule 3. Advance Deposit Requirement for Readmission Petitions

The conditions set forth in Supreme Court Rule XIX, Section 24(B) require that all petitions for reinstatement or readmission must be accompanied by an Advance Cost of Hearing Deposit to cover the anticipated costs of the proceedings unless abated under Section 25. The amount of Five-hundred dollars (\$500.00) shall be deposited by petitioner with the board administrator at the time of filing the petition for reinstatement and service of a copy upon disciplinary counsel. The amount includes a Fifty-dollar (\$50.00) nonrefundable docket fee. The balance of the fee shall be applied to the hearing and investigation costs, if any. The petitioner shall be responsible for any costs in excess of the initial deposit. Any monies in excess of the deposited amounts shall be refunded to the petitioner after all expenditures are tabulated.

Rule 4. Excuse From Payment of Periodic Assessment

A. A lawyer requesting to be excused from payment of the periodic fee assessed by Supreme Court Rule XIX, Section 8, on grounds of financial hardship shall file such request with the board by June 1 of the year preceding the fiscal year (July 1 to June 30) for which the fee is assessed. The request shall be signed under oath or affirmation under penalty of perjury by the lawyer seeking to be excused and shall set forth in detail the reasons for the request. Each request shall include a statement of the lawyer's assets at the time submitted and his or her gross and net income from all sources for the year during which the request is made and the calendar year preceding the year during which the request is made. Additional documentation may be required in support of the request.

B. A board panel shall promptly approve or deny the request and shall provide written reasons if the request is denied. The board administrator shall notify the requesting lawyer in writing of the action of the panel.

C. A decision of a panel to deny a request may be appealed by filing such appeal with the board within 15 days of service of the notice of the panel action. Any such appeal shall be reviewed by a second panel, whose decision shall be final.

D. Neither a request for excuse from payment of the assessment nor an appeal from a panel denial shall suspend the obligation to pay the assessment in accordance with Supreme Court Rule XIX, Section 8(A). A lawyer may submit a copy of a notice of panel approval of a requested excuse in lieu of the assessment with the registration statement required by Supreme Court Rule XIX, Section 8(C). No action by any lawyer or board panel pursuant to this Disciplinary Board rule shall in any way modify the obligation of the lawyer to file the registration statement required by Supreme Court Rule XIX, Section 8(C).

E. An excuse granted pursuant to this rule shall be effective only for the fee assessed for the year following the filing of the request.

F. A request for excuse, written arguments in support of that request, and documents submitted with the request shall be confidential.

Rule 5. Signing Orders, Reports, and Communications

Any member of a board panel may sign any order, recommendation, report, or communication on behalf of that panel. Any member of the board may sign any order, report, or communication on behalf of the board. The individual signing on behalf of a panel or the board must ensure that all members of the respective entity authorize his or her signing on behalf of the entity.

Rule 6. Repealed effective December 17, 1998

Rule 7. Recovery of Costs

In order to implement Supreme Court Rule XIX, Section 10.1, the administrator and disciplinary counsel shall identify and record for each matter filed on the board docket all costs incurred during the investigation of and proceedings in the matter. Recoverable costs shall include the following:

a) Investigative costs including costs incurred in serving investigatory subpoenas, direct charges for copies, photocopies and certification of documents and records, direct costs of travel for investigation (at board standard rates), and fees for transcripts of statements;

b) A fee of \$10 for each service of notice issued for the imposition of probation pursuant to Section 11(C), the imposition of an admonition pursuant to Section 11(D) (including any notice to the complainant or other interested party), and the issuance of formal charges pursuant to Section 11(E) plus the direct costs incurred if served by the sheriff or other process server;

c) Deposition costs;

- d) Witness fees, travel, and lodging necessary for the witnesses' appearance at the hearing;
- e) Fees for the hearing transcript;
- f) Fees for expert witnesses, if determined by the hearing committee chair to be appropriate and necessary for the matter after affording the respondent an opportunity to be heard.
- g) Fees assessed by the Clerk of the Supreme Court;
- h) Direct costs incurred (at board standard rates) in transmitting and publishing notices pursuant to Section 17;
- i) Computerized legal research costs associated with legal research performed by the administrator's and disciplinary counsel's staff;
- j) Publication costs.

Reports of hearing committees and recommendations or rulings of the board shall state whether costs shall be assessed against the lawyer and, if so, to what extent.

Within ten (10) days of the submission of the report of the hearing committee, or the recommendation of the board in a probation revocation matter, the board administrator shall file in the board record and shall serve on the lawyer a first itemized statement of all costs then incurred in the matter regardless of whether the hearing committee report or board recommendation calls for the assessment of costs against the lawyer.

After final ruling or order of the board or court, the board administrator shall file in the board record and shall serve on the respondent a supplemental itemized statement of costs incurred in the following matters:

- 1) discipline matters where a sanction has been imposed;
- 2) reinstatement or readmission matters;
- 3) interim suspension matters where a lawyer has been interimsly suspended or an order of interim suspension has been dissolved;
- 4) disability matters where the lawyer has been transferred to or from disability inactive status;
- 5) conditional admission revocation matters where the lawyer's conditional admission has been revoked; and
- 6) probation revocation matters where the lawyer's probation has been revoked.

Respondent shall have fifteen (15) days following service of the supplemental cost statement to file in the record and to serve on disciplinary counsel any objection to that cost statement. If any objection is filed, the administrator shall refer the cost statement and the objection to a panel of the board's adjudicative committee for oral argument and a ruling on the objection. The board may authorize and direct disciplinary counsel to apply to the Court for a judgment against the respondent for costs imposed.

Rule 8. Complainants' Appeals

Upon receipt of an appeal from a complainant pursuant to Supreme Court Rule XIX, Section 30(A), the administrator shall open a record on the board's confidential docket and shall serve a copy of the appeal on disciplinary counsel. Within seven days following service of the appeal by the administrator, disciplinary counsel shall file in the record the following materials from the investigative file:

- a) Notices issued in accordance with Section 4(B)(6);
- b) All written requests for review of a dismissal pursuant to Section 11(B)(3);
- c) All documents submitting any such appeal to a hearing committee;
- d) All documents constituting a response or a ruling by the hearing committee on the appeal; and
- e) All notices to the complainant of the disposition by the hearing committee.

Upon receipt of the materials filed by disciplinary counsel, the administrator shall refer the appeal to a lawyer member of a board panel. The lawyer member of the panel may require the parties to submit additional information necessary to consider the appeal. The lawyer member of the panel may approve, modify or disapprove the disposition, or direct that the matter be investigated further. The standard of review for complainant appeals of dismissal is whether disciplinary counsel abused his/her discretion in dismissing a complaint.

The determination of the board is subject to the provisions of Supreme Court Rule XIX, Section 30(C), regarding the right to petition for leave to appeal to the Louisiana Supreme Court.

Rule 9. Filing Pleadings and Other Matters with the Board

- a) All pleadings, motions, briefs, and memoranda shall be filed with the board.
- b) All exhibits submitted at hearings before the hearing committees must consist of an original and three copies. The original shall be submitted to the court reporter with a copy of the exhibits submitted to each hearing committee member.
- c) The administrator will accept pleadings delivered to the board office between the hours of 8:30 a.m. and 4:30 p.m. on regular working days. The filing of such papers shall be deemed timely when the papers are mailed on or before the due date. If the papers are received by mail on the first legal day following the expiration of the delay, there shall be a rebuttable presumption that they were timely filed. In all cases where the presumption does not apply, the timeliness of the mailing shall be shown by an official United States postmark or by official receipt or certificate from the United States Postal Service. Pleadings and papers forwarded by private delivery or courier service shall be deemed timely filed only if received by the board on or before the last day of the delay for filing. Matters submitted by other means shall be filed effective as of the date received in the administrator's office.
- d) Matters may be submitted by facsimile transmission and will be filed effective as of the date received; provided (1) the board will not accept responsibility for

equipment malfunction or illegible transmissions, and (2) the filing party shall submit an original and copies as required by paragraph (a) above, promptly following the facsimile transmission.

e) All motions filed with the hearing committees and the board shall be accompanied by certificate of counsel for the moving party stating: (1) that counsel conferred in person or by telephone with the opposing party regarding the motion and (2) that opposing counsel either has no objection to said motion or does object to the motion. If the opposing party objects to the motion, a telephone conference will be arranged between the chair of the hearing committee or adjudicative board panel assigned to the case to hear both parties' arguments relative to the motion.

f) All pleadings, motions, briefs, and memoranda filed with the hearing committees and the board shall contain a certificate of service by the filing party stating that he or she has served the opposing party with the document and by what means the opposing party was served.

g) In order to protect privileged and/or confidential information, the parties to a disciplinary matter shall partially redact from all pleadings and exhibits, or otherwise protect from public disclosure, the following information:

1) Social Security numbers. If an individual's Social Security number must be included in a pleading, only the last four digits of that number shall be used. If an individual's Social Security number appears in an exhibit, the number shall be redacted to only show the last four digits.

2) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers shall be used in pleadings. Financial account numbers appearing in any manner in exhibits shall be redacted to only show the last four digits.

3) Identities of Crime Victims who are Minors and Victim of Sex Crimes. Pursuant to Louisiana Revised Statute 46:1844, the identities of crime victims who are minors under the age of eighteen (18) years and the identities of victims of sex crimes shall be protected from public disclosure. The parties to a disciplinary proceeding shall protect this information contained in any pleadings and exhibits in a manner that complies with La.R.S. 46:1844.

If a party to a disciplinary proceeding maintains that the unredacted/unprotected version of the information referenced above is critical to the appropriate hearing and determination of the disciplinary matter, the party may file, along with the redacted version, an unredacted/unprotected version of the document under seal pursuant to Louisiana Supreme Court Rule XIX, §16(D).

Rule 10. Completing deliberations

If for any reason a board panel member is unable to complete deliberations in a matter assigned to his/her panel after the oral arguments have taken place due to death, disability or suspension from the practice of law, the remaining members shall continue its deliberations in order to bring the matter to a conclusion.

Rule 11. Recusal of Hearing Committee and Board Members

Pursuant to Sections 2(F) and 3(F) of Rule XIX, a hearing committee member or an adjudicative committee member shall recuse him or herself in any matter in which a judge, similarly situated, would be required to recuse. A party seeking to recuse a hearing committee member or an adjudicative committee member shall file a written motion with the disciplinary board stating the grounds for recusal.

1) Recusal of Hearing Committee Members. Motions to recuse hearing committee members shall be filed within ten (10) days of service of the first notice of the hearing committee members assigned to the matter. The chairperson of the adjudicative committee shall decide the motion. The chairperson of the adjudicative committee may rule on the motion or, in his discretion, refer the motion to a hearing committee chairperson for a hearing and recommendation. If a hearing is ordered, the chairperson of the adjudicative committee shall review the recommendation of the hearing committee chairperson and issue a ruling.

2) Recusal of Adjudicative Committee Members. Motions to recuse adjudicative committee members shall be filed within ten (10) days of service of notice of oral argument. The chairperson of the adjudicative committee shall decide the motion. The chairperson of the adjudicative committee may hold a hearing in his discretion. If the chairperson of the adjudicative committee is the subject of the motion, the board administrator shall assign the motion to another lawyer member of the adjudicative committee.

3) Untimely Motions. If a motion to recuse is not timely filed, untimeliness shall be a factor in deciding whether the motion should be granted.

RULES OF SUPREME COURT OF LOUISIANA
PART B. ADMINISTRATIVE RULES

RULE XIX

APPENDIX B. PROCEDURAL RULES FOR HEARING COMMITTEES

The following definitions apply for the purposes of these rules:

"Circuits" are defined as the geographic areas designated for the various Courts of Appeal for the State of Louisiana; provided, however, that the geographic areas designated for the Courts of Appeal for the 4th and 5th Circuits shall be considered one circuit.

"Registration statement address" shall be the address supplied by a lawyer on the registration statement required by Supreme Court Rule XIX, Section 8C.

Rule 1. Assignment of Disciplinary Proceedings to Hearing Committees

A matter in which formal charges are filed shall be assigned to a hearing committee selected in rotation from the roster of committees maintained by the Board and which is as near as reasonably possible to the appellate circuit of the lawyer's registration statement address.

Rule 2. Scheduling of Hearing Date; Selection of Alternates

Hearing dates will be set by the administrator in consultation with hearing committee members. Any hearing committee member who is unable to attend a hearing on the scheduled date shall be replaced by an alternate taken in sequential order from a circuit roster maintained by the administrator.

Rule 3. Assignment of Hearing Committee Chairs for Additional Duties

The administrator shall designate the hearing committee chair who is to perform the duties required in Supreme Court Rule XIX, Sections 3(E), 14(E), 18(G) and 29(A). These duties shall not be performed by a chair whose registration statement address is in the same circuit as the respondent's registration statement address. A hearing committee whose chair has performed functions in any matter pursuant to Sections 3(E), 14(E), 18(G) or 29(A) is disqualified from participating in any hearing in that matter following the filing of formal charges.

Rule 4. Subpoenas

A request for the issuance of a subpoena or subpoena duces tecum either for discovery or for a hearing shall be made in writing to the administrator of the disciplinary board. The administrator shall issue the subpoena and return it to the requesting party for service in accordance with the appropriate Rules of Louisiana Civil Procedure. The subpoena return shall be filed with the administrator.

Rule 5. Subpoenas Under L.R.S. 13:3661

For the purpose of complying with the provisions of L.R.S. 13:3661, respondent shall accomplish the required deposit by placing the necessary funds in a trust or

escrow account. The party requesting issuance of a subpoena to which the provisions of L.R.S. 13:3661 apply is responsible for tendering the necessary fees to the witness at the time of the hearing for which the witness is subpoenaed in accordance with said provisions.

Rule 6. Assignment of Hearing Committees and Hearing Dates

At the time formal charges are filed by disciplinary counsel, the administrator shall assign the matter to a hearing committee and shall consult with the chair of that committee to schedule a hearing for the next date reasonably available on the schedule set by the board or on such alternate dates as the chair may designate.

The hearing shall be scheduled as early as practicable following the delay for answer and time for discovery allowed by Sections 11 and 15. Notice of the hearing date shall be served by the administrator on respondent(s) and/or counsel for respondent(s), and disciplinary counsel on a form approved by the board not later than 30 days following the filing of the answer to the formal charges.

Rule 7. Continuances and Cancellations of Hearings

A hearing which has been scheduled by the administrator before a hearing committee shall be continued only by order of the chair of such committee assigned to hear the matter. The hearing shall be cancelled only if a panel of the disciplinary board determines, following the opportunity for all parties to be heard, that a hearing is not necessary for a resolution of the issues involved in the matter.

Rule 8. Signing Orders and Reports

The chair of a hearing committee may sign any order or report of his or her committee on behalf of the committee; provided, the chair must ensure that all members of the committee authorize his or her signing on its behalf.

RULES OF SUPREME COURT OF LOUISIANA
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APPENDIX C. PROCEDURAL RULES FOR PROBATION MONITORS

Rule 1. Selection

a) The Office of Disciplinary Counsel is responsible for recruiting attorneys licensed to practice in the State who would agree to serve as probation monitors. All actions of probation monitors shall be pursuant to Rule XIX. Probation monitors shall be considered as members of the Disciplinary system.

b) Selection of the probation monitor shall be made by the Office of Disciplinary Counsel. Under no circumstance shall the probation monitor be engaged in any representation of the respondent or be related to respondent by blood or marriage to the third degree nor be engaged in legal or professional practice, business or social concerns with the respondent.

c) The probation monitor shall be a resident of the State of Louisiana.

d) While respondent's input into the selection of the probation monitor may be considered, the respondent shall have no right to approve or veto the selection of the probation monitor.

e) Unless otherwise specified in the order imposing probation, all terms of probation shall be written and agreed to by the Office of Disciplinary Counsel, the probation monitor and the respondent prior to the commencement of the probation period. In cases of supervised probation where a monitor is appointed, probation shall be terminated by the Office of Disciplinary Counsel upon the submission of a report by the probation monitor stating that probation is completed, no longer necessary and summarizing the basis for that statement.

Rule 2. Duties of Disciplinary Counsel

The Office of Disciplinary Counsel shall coordinate all aspects of the probation monitoring as set forth in the specific sanction. Disciplinary Counsel may monitor the respondent's compliance directly and/or through the designation of a probation monitor to review the respondent's files including financial records. It shall be the obligation of the Office of Disciplinary Counsel to investigate any noncompliance coming to its attention either through its own monitoring of the respondent or as reported by the probation monitor.

Rule 3. Duties of Probation Monitor

Probation monitors shall perform all aspects of the probation monitoring as set forth in the specific sanction. A probation monitor's obligation is to ascertain that respondent is in compliance with the probation conditions and promptly report any such compliance or noncompliance to Disciplinary Counsel. The probation monitor shall submit reports to the Disciplinary Counsel at least quarterly. It shall be the obligation of the Disciplinary Counsel to investigate any noncompliance as reported by the probation monitor. If a probation monitor is unable to serve or does not perform his/her duties, the Disciplinary Counsel shall discharge and replace said monitor.

Rule 4. Standards of Review

- a) The Office of Disciplinary Counsel, directly or through a probation monitor, shall review the files and accounts of the respondent insofar as probation is required, i.e. if the respondent is on probation as a result of commingling, the probation monitor shall review the financial records of the respondent to ascertain that no commingling continues. Similarly, if the respondent is on probation for neglect of legal matters, the probation monitor shall review the substance of the respondent's files.
- b) The probation monitor shall have the right to review any of respondent's files which it deems necessary in order to complete his/her obligations.
- c) Such review shall take place regularly as deemed necessary by the probation monitor. Respondent shall make himself, members of his staff (both full and part time), and independent contractors reasonably available for a conference with the Office of Disciplinary Counsel or probation monitor. Any expenses incurred by way of such conferences shall be paid directly by the respondent.
- d) In connection with the reviews, respondent, without written or oral request, shall furnish to the Office of Disciplinary Counsel or the probation monitor a written update of the respondent's activities which fall within the ambit of the probation requirements.
- e) The failure to furnish such written reports shall constitute a basis for revocation of probation.
- f) Respondents shall timely provide appropriate waivers of confidentiality to the Office of Disciplinary Counsel or to the probation monitors insofar as physicians, banking relations, accountants, and any other confidential relationships which may exist between respondent and other parties to the extent such information is necessary for the Office of Disciplinary Counsel or the probation monitor to perform their duties.
- g) Where the respondent is addressing a substance use disorder, the Office of Disciplinary Counsel or the probation monitor shall have the right to demand appropriate laboratory testing, if required. Failure of the respondent to provide the opportunity for such lab testing should be considered a violation of the terms of probation.

Rule 5. Compensation

Probation monitors shall be reimbursed for their reasonable expenses incurred in performing probation services. All such costs shall be paid directly by the respondent. Failure of the respondent to promptly pay costs shall be grounds for revocation of probation.

Rule 6. Revocation

A. Non-compliance or other Rules of Professional Conduct violation.

When a probation monitor reports that a respondent is not complying with the terms of probation, or when Disciplinary Counsel otherwise becomes aware of respondent's noncompliance or further violations of the Rules of Professional Conduct, Disciplinary Counsel shall investigate and, if appropriate, file a request for revocation of the probation.

B. Emergency.

Upon receipt of sufficient evidence demonstrating that respondent has violated his/her probation and/or committed a violation of the Rules of Professional Conduct and poses a substantial threat of harm to the public, Disciplinary Counsel shall submit the evidence to the Court with a request for an interim suspension and revocation of probation. Disciplinary Counsel shall follow the procedure outlined in Section 19B, Interim Suspension for Threat of Harm.

C. Hearing in non-emergency situations.

Upon receipt of sufficient evidence demonstrating that respondent has violated his/her probation and/or committed a violation of the Rules of Professional Conduct, Disciplinary Counsel shall submit the evidence to the Adjudicative Committee with a request for a revocation of probation.

A hearing with notice as provided in Rule XIX shall be held by the Adjudicative Committee panel within thirty days of Disciplinary Counsel's request for revocation. The panel shall immediately make a recommendation and submit it to the Adjudicative Committee for a vote. The opinion shall be issued to the Court within ten days of the hearing.

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APPENDIX D. GUIDELINES DEPICTING CONDUCT WHICH MIGHT WARRANT PERMANENT DISBARMENT, SUGGESTED BY THE COMMITTEE TO STUDY PERMANENT DISBARMENT

The following guidelines illustrate the types of conduct which might warrant permanent disbarment. These guidelines are not intended to bind the Supreme Court of Louisiana in its decision making. It is hoped that these guidelines provide useful information to the public and to lawyers concerning the types of conduct the Court might consider to be worthy of permanent disbarment.

GUIDELINE 1. Repeated or multiple instances of intentional conversion of client funds with substantial harm.

GUIDELINE 2. Intentional corruption of the judicial process, including but not limited to bribery, perjury, and subornation of perjury.

GUIDELINE 3. An intentional homicide conviction.

GUIDELINE 4. Sexual misconduct which results in a felony criminal conviction, such as rape or child molestation.

GUIDELINE 5. Conviction of a felony involving physical coercion or substantial damage to person or property, including but not limited to armed robbery, arson, or kidnapping.

GUIDELINE 6. Insurance fraud, including but not limited to staged accidents or widespread runner-based solicitation.

GUIDELINE 7. Malfeasance in office which results in a felony conviction, and which involves fraud.

GUIDELINE 8. Following notice, engaging in the unauthorized practice of law subsequent to resigning from the Bar Association, or during the period of time in which the lawyer is suspended from the practice of law or disbarred.

GUIDELINE 9. Instances of serious attorney misconduct or conviction of a serious crime, when the misconduct or conviction is preceded by suspension or disbarment for prior instances of serious attorney misconduct or conviction of a serious crime. Serious crime is defined in Rule XIX, Section 19. Serious attorney misconduct is defined for purposes of these guidelines as any misconduct which results in a suspension of more than one year.

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APPENDIX E. TRUST ACCOUNT DISCLOSURE AND OVERDRAFT NOTIFICATION AUTHORIZATION FORM

Supreme Court of Louisiana
Trust Account Disclosure & Overdraft Notification Authorization

Pursuant to the inherent, plenary and Constitutional authority of the Louisiana Supreme Court to regulate the practice of law, and in accordance with Supreme Court Rule XIX, every attorney licensed to and engaged in the practice of law in Louisiana is required to disclose the existence of a trust or escrow account (or declare that because of the nature of his/her practice that he/she is not required to maintain such an account). Every attorney who maintains a trust or escrow account as required by the Rules of Professional Conduct is required to maintain such account with a federally insured financial institution with whom the attorney has executed an agreement which authorizes the financial institution to provide written or electronic notification to the Office of Disciplinary Counsel of any account overdraft. Use of this form complies with the rules of the Louisiana Supreme Court.

Name of Attorney: _____ Bar Roll Number: _____

Section 1 – Attorneys Who Do Not Handle Client Funds
(Attorneys completing this section are not required to complete any additional portion of this form)

I certify that because of the nature of my practice, I do not maintain a client trust or escrow account. I further certify that I do not handle funds of clients or third persons, and that I do not expect to receive the funds of a client or third person within the next twelve (12) months. Should these facts change, I acknowledge that I am ethically required to provide to the Office of Disciplinary Counsel within 30 days of the change an executed copy of this form providing the required information.

(Attorney's Signature) _____ (Date)

Section 2 – Attorneys Whose Practices Are Domiciled Outside of Louisiana
(Attorneys completing this section are not required to complete any additional portion of this form)

I certify that my law practice is domiciled in a state other than Louisiana and that I do not maintain client trust or escrow account(s) in Louisiana banks or in Louisiana branches of multi-state banks.

(Attorney's Signature) _____ (Date)

Section 3 – Law Firm Reporting
(Attorneys completing this section are not required to complete any additional portion of this form)

I am a member of the law firm of _____ and all trust or escrow accounts are maintained under the name of that law firm. The firm has designated (insert name of attorney) _____, a Louisiana-licensed attorney, as the reporting counsel for the firm. He/her bar role number is _____. I adopt the reporting as made by our firm's designated reporting attorney.

(Attorney's Signature) _____ (Date)

Section 4 – Trust Account Certification
(Attorneys completing this section are also required to have their financial institution complete Section 5 of this form)

As an officer of the Court, I (insert name) _____ certify that I am a duly licensed attorney and am familiar with the provisions of the Supreme Court rules regarding trust accounts. I acknowledge that:

- A. All attorney holding funds of clients or third persons must maintain a separate account for such funds (commonly referred to as a trust or escrow account);
- B. Every attorney maintaining a qualified pooled trust or escrow account must participate in the Interest on Lawyers Trust Account (IOLTA) Program administered by the Louisiana Bar Foundation; and
- C. All attorneys who are required to maintain trust or escrow accounts must do so with federally insured financial institutions with which they have executed agreements requiring the financial institutions to provide to the Office of Disciplinary Counsel written or electronic notification of any overdraft incident created on such accounts.

I certify that the following information regarding my trust or escrow account(s) is truthful and accurate. I further certify and acknowledge that should this information change, I am ethically obligated to notify the Office of Disciplinary Counsel within 30 days of any change. (Additional accounts should be reported on copies of this form.)

Bank Name: _____ (Name Listed on Account)

Bank Address: _____ (Account Number)

(Attorney's Signature) _____ (Date)

Please check here if you are providing this information as Reporting Counsel for your law firm.

Section 5 – Authorization to Financial Institution
(Attorneys completing Section 4 of this form must have their financial institutions complete Section 5 of this form)

The financial institution with which I (or my law firm) maintain(s) a trust or escrow account is hereby authorized to provide to the Office of Disciplinary Counsel written and/or electronic notification of any instance of overdraft occurring on such account(s) in accordance with the rules of the Louisiana Supreme Court and Act 249 of the Louisiana Legislature (Regular Session 2005). Notification shall be sent to: **Office of Disciplinary Counsel, 4000 S. Sherwood Forest Blvd., Suite 607, Baton Rouge, LA 70816; phone (225) 293-3900; fax (225) 293-3300; email overdraft@ladb.org**

(Attorney's Signature) _____ (Bar Roll Number)

Authorization Accepted by: _____ (Date)

(Bank Officer's Name—Please Print Legibly or Type)

(Notice to Financial Institution: Pursuant to Legislative Act 249 of the 2005 Regular Session, notice to the Office of Disciplinary Counsel shall be issued after five (5) business days have passed from the date of notice to the attorney, and whether or not the account remains in overdraft status; but such notice will not issue where the overdraft was created solely by bank charges imposed or when charges are imposed through bank error. Costs associated with providing this notice may be charged to the attorney and deducted from the interest created on the trust or escrow account. The act provides that no civil or criminal action may be based upon a disclosure or non-disclosure of financial records made pursuant to the Act.)