

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 Louisiana Supreme Court Rule XVII regarding Admission to the Bar of the State of Louisiana,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The first sentence of Rule XVII, Section 1(A) be and is hereby amended to read as follows:

(A) Composition and Terms. The Committee shall consist of seventeen (17) members of the Bar appointed by the Court on recommendation of the Louisiana State Bar Association.

2. Louisiana Supreme Court Rule XVII, Section 1 is hereby amended to add new Subsections (G) and (H) below:

(G) Confidentiality. The files of applicants for admission and the internal proceedings of the Committee concerning an applicant for admission shall be kept confidential, except as otherwise provided in this Rule or by Order of the Court. Upon written request, the Committee may release information which would otherwise be confidential to licensing, disciplinary or law enforcement agencies of any jurisdiction, or to any person or party at the request of the applicant, provided a written authorization for release is supplied by

the applicant. Disclosure may be made to the Lawyer's Assistance Program and to any other person or entity to the extent deemed necessary by the Committee for the purpose of investigating and evaluating the character and fitness of applicants. Statistical information not identified with any particular applicant and information relating to whether and when an applicant has been admitted is not confidential and may be publicized or released to any person.

(H) Application. The confidentiality provisions of this rule shall be applicable to all proceedings filed or pending on or after February 1, 2014. Any published orders, judgments or opinions rendered by this court prior to February 1, 2014 shall remain public; however, the records of those proceedings shall be maintained under seal subject to the exceptions set forth in this rule.

3. Louisiana Supreme Court Rule XVII, Sections 5(G) and (M) be and are hereby amended to read as follows:

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(G) Investigation. The Panel on Character and Fitness shall make or cause to be made an investigation of the character and fitness of all applicants. The Panel shall have the authority and power to take all steps necessary to investigate any relevant information pertaining to an applicant's character and fitness to practice law including, but not limited to, issuing investigatory subpoenas, obtaining pertinent documentary evidence, directing that an applicant submit to an independent medical, psychiatric or psychological examination and conducting interviews and obtaining sworn statements. All

documents filed with, and evidence and proceedings before the Panel on Character and Fitness are confidential, except as otherwise provided by this Rule.

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(M) Conditional Admission. The Panel, with the consent of the applicant, may recommend to the Court that the applicant be admitted on a conditional basis.

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(2) Consent Agreement. The consent agreement shall set forth the terms of conditional admission, be approved by the Panel and be signed by the Director of Character and Fitness and by the applicant. In confecting the consent agreement, the Director of Character and Fitness may confer with the Lawyer's Assistance Program and/or the Office of Disciplinary Counsel to create appropriate terms, conditions and monitoring criteria.

(3) Terms of Consent Agreement. The consent agreement shall contain specific conditions of admission to be fulfilled at the applicant's expense, including but not limited to, requiring alcohol or drug treatment, medical care, psychological or psychiatric care, random chemical screening, professional office practice or management counseling, practice supervision, payment plans and debt management counseling, participation in the Lawyer's Assistance Program, and/or professional audits or reports, and in all cases, the assignment of a probation monitor.

(4) Joint Petition. The Director of Character and Fitness and the applicant shall jointly file with the Court a Petition Seeking Conditional Admission, attaching the consent agreement. The Joint Petition shall be confidential as to the applicant’s identity and shall only identify the applicant by the file number assigned by the Committee. Any medical or other sensitive information shall be filed under seal.

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(6) Monitoring of Consent Agreement by the Lawyers Assistance Program or the Office of Disciplinary Counsel. If the Court approves the conditional admission, the conditionally admitted lawyer’s compliance with the terms of the consent agreement shall be monitored by a probation monitor assigned by (i) the Lawyers Assistance Program, in cases involving substance abuse, physical, mental or emotional disability or instability; or (ii) Office of Disciplinary Counsel, in cases involving neglect of financial responsibility. Cooperation with the probation monitor is required and failure of the conditionally admitted lawyer to cooperate may be grounds for the revocation of the conditional admission.

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(8) Confidentiality. The fact that an individual is conditionally admitted and the terms of the consent

agreement shall be confidential and shall not be disclosed, except to the Office of Disciplinary Counsel, the Lawyer's Assistance Program, or in any of the following circumstances:

- (a) With the express consent of the person conditionally admitted.
- (b) When required as a condition for monitoring as set forth in the consent agreement.
- (c) When reporting is mandated by other law.
- (d) When disclosure is ordered by the Court.
- (e) If the applicant applies for admission to practice law in another jurisdiction, the applicant shall disclose the entry of any conditional admission agreement to the admission authority of that jurisdiction.
- (f) If the applicant violates a condition of admission and a proceeding for revocation of conditional admission is instituted pursuant to Rule XIX, section 25.1.

4. Louisiana Supreme Court Rule XVII, Sections 9(B) and (D) be and are hereby amended to read as follows:

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(B) Review by the Court. An applicant who is aggrieved by the determination of the Committee may file a Petition for Admission to the Bar with the Court within thirty (30) days from the date of mailing

of the notice. Such Petition shall be confidential as to the applicant's identity and shall only identify the applicant by the file number designated by the Committee. Any medical or other sensitive information shall be filed under seal. Failure to seek review within that thirty day period shall have the same effect as denial of admission by the Court under Subsection (D)(13). No appeal lies from an applicant's failure to satisfactorily complete the written examination as described in Sections 7 and 8 of this Rule, and the determination of the Committee relative to an applicant's test scores is final.

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(D) Procedure in Supreme Court. The Court may, in its discretion, without taking further evidence, approve, modify or reject the Committee's determination, remand to the Committee for further action as the Court instructs, or appoint a Commissioner to take evidence and report to the Court. All documents filed with, and evidence and proceedings before the Commissioner (including any recordings thereof) are confidential, unless the applicant requests that the proceeding be public. The Commissioner shall include in the report a recommendation as to whether the applicant has met the requirements for admission to the Bar. If the petition is filed prior to the applicant sitting for the written examination, the Court may allow the applicant to sit for the written examination and upon satisfactorily passing same, to apply to the Court for the appointment of a Commissioner. Should the Court appoint a Commissioner, the procedure shall be as follows:

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(10) Report of the Commissioner. Within ninety (90) days of the termination of the proceedings, the Commissioner shall file with the Supreme Court his or her written report, wherein the Commissioner shall state findings of fact and conclusions of law and recommendations as to appropriate action by the Court. The Commissioner shall also file the record of the proceeding with the Court. Such filings shall be confidential as to the applicant's identity and shall only identify the applicant by the file number assigned by the Committee. Any medical or other sensitive information shall be filed under seal. A copy of the Commissioner's Report shall be provided to the Committee and to the applicant, each of whom may file exceptions thereto. If no exceptions are filed by either party, the report may be confirmed by the Court and adopted as its judgment.

(11) Exceptions to Report of the Commissioner. Within thirty (30) days of the filing of the Commissioner's Report with the Court, the applicant or the Committee may file exceptions thereto. If exceptions are filed, the matter shall then be set on the Court's summary docket and heard as the Court directs, unless both the Committee and the applicant file a joint motion to waive oral argument. Oral arguments shall be conducted in open court.

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These rule changes shall become effective on February 1, 2014, 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, 2014.

FOR THE COURT:

Bernette Joshua Johnson, Chief Justice