

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 Rule 1.15 of the Rules of Professional Conduct,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

(1) Rule 1.15, Section (d) of the Louisiana Rules of Professional Conduct is hereby deleted in its entirety and amended to read as follows:

Rule 1.15. Safekeeping Property

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(d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Third parties may have lawful claims against specific funds or other property of the client that are in a lawyer's custody. A lawyer has a duty to protect such third-party claims against wrongful interference by the client. In such cases the lawyer must refuse to surrender the property to the client until the claims are resolved. A lawyer should not unilaterally assume to arbitrate a dispute between the client and the third party, but when there is a dispute as to the person's claim to the funds, the lawyer shall advise the client and third party that the funds will remain in the lawyer's trust account

until the dispute is resolved, or alternatively the lawyer may deposit the funds into the registry of the court and file an action to have the court resolve the dispute. The third person's interest which the lawyer must protect shall be one of which the lawyer has actual knowledge, and shall be limited to (i) a statutory lien or privilege, (ii) a final judgment addressing disposition of those funds or property, (iii) a written agreement by the client or the lawyer on behalf of the client guaranteeing payment out of those funds or property, or (iv) an instruction by the client to the lawyer to use any remaining funds or property not otherwise protected under (i), (ii), or (iii) to pay another obligation of the client. In all instances except as stated in this rule or as otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

This rule change shall become effective on December 1, 2022, 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 September, 2022

FOR THE COURT:

John L. Weimer, Chief Justice