

SUPREME COURT OF LOUISIANA

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ORDER

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Acting in accordance with Article V, Sections 1 and 5 of the 1974 Louisiana Constitution, the inherent power of this Court, and Article XVII of the Articles of Incorporation of the Louisiana State Bar Association, and considering the recommendations of the Louisiana State Bar Association,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

Rule 3.6 of the Louisiana Rules of Professional Conduct be and is hereby repealed and new Rule 3.6 of the Louisiana Rules of Professional Conduct be and is hereby enacted to read:

**Rule 3.6. Trial Publicity**

(a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

(b) Notwithstanding paragraph (a), a lawyer may state:

- (1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;
- (2) information contained in a public record;
- (3) that an investigation of a matter is in progress;
- (4) the scheduling or result of any step in litigation;
- (5) a request for assistance in obtaining evidence and information necessary thereto;
- (6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and

(7) in a criminal case, in addition to subparagraphs

(1) through (6):

(i) the identity, residence, occupation and family status of the accused;

(ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;

(iii) the fact, time and place of arrest; and

(iv) the identity of investigating and arresting officers or agencies and the length of the investigation.

(c) Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.

(d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).

This order shall become effective upon signing and shall remain in full force and effect thereafter until amended or changed through further orders of this Court.

New Orleans, Louisiana, this \_\_\_\_\_ day of March, 2002.

FOR THE COURT:

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Pascal F. Calogero, Jr., Chief Justice