

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, and the inherent power of this Court, and considering the recommendation of the Louisiana State Bar Association to amend Rule 5.5 of the Louisiana Rules of Professional Conduct,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

**Part 1.** Rule 5.5 of the Louisiana Rules of Professional Conduct be and is hereby amended to read as follows:

**Rule 5.5 Unauthorized practice of law**

A lawyer shall not:

- (a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction;
- (b) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law;
- (c) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a disbarred attorney, during the period of disbarment; or
- (d) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a suspended attorney, during the period of suspension, unless first preceded by the submission of a fully executed employment registration statement to the Office of Disciplinary Counsel, on a registration form provided by the Louisiana Attorney Disciplinary Board, and approved by the Louisiana Supreme Court.

The registration form provided for herein shall include:

- (1) The identity and bar roll number of the suspended attorney sought to be hired;

- (2) The identity and bar roll number of the attorney having direct supervisory responsibility over the suspended attorney throughout the duration of employment or association;
- (3) A list of all duties and activities to be assigned to the suspended attorney during the period of employment or association;
- (4) The terms of employment of the suspended attorney, including method of compensation;
- (5) A statement by the employing attorney that includes a consent to random compliance audits, to be conducted by the Office of Disciplinary Counsel, at any time during the employment or association of the suspended attorney; and
- (6) A statement by the employing attorney certifying that the order giving rise to the suspension of the proposed employee has been provided for review and consideration in advance of employment by the suspended attorney.

For purposes of this Rule, the practice of law shall include the following activities:

- (i) Holding oneself out as an attorney or lawyer authorized to practice law;
- (ii) Rendering legal consultation or advice to a client;
- (iii) Appearing on behalf of a client in any hearing or proceeding, or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body operating in an adjudicative capacity, including submission of pleadings, except as may otherwise be permitted by law;
- (iv) Appearing as a representative of the client at a deposition or other discovery matter;
- (v) Negotiating or transacting any matter for or on behalf of a client with third parties;
- (vi) Otherwise engaging in activities defined by law or Supreme Court decision as constituting the practice of law.

In addition, a suspended lawyer shall not receive, disburse or otherwise handle client funds.

Upon termination of the suspended attorney, the employing attorney having direct supervisory authority shall promptly serve upon the Office of Disciplinary Counsel written notice of the termination.

**Part 2.** This rule shall become effective on July 1, 2002, and shall apply to all lawyers who are suspended or disbarred by any Order, Judgment, or Decree of the Court which becomes final after the effective date.

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

FOR THE COURT:

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Pascal F. Calogero, Jr., Chief Justice

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