

**RESOLUTION PROPOSED BY THE  
RULES OF PROFESSIONAL CONDUCT COMMITTEE  
OF THE LOUISIANA STATE BAR ASSOCIATION**

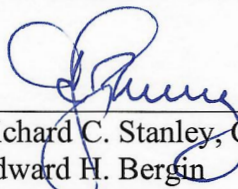
**WHEREAS**, the LSBA Rules of Professional Conduct Committee (the “Committee”) was established, appointed and has been charged, as part of its mission, to monitor and evaluate developments in legal ethics and, when appropriate, to recommend changes to the Louisiana Rules of Professional Conduct; and

**WHEREAS**, the Committee formed a Subcommittee to examine, research, study and consider changes to Rule 1.10 regarding imputation of conflicts to non-lawyers such as law clerks, secretaries and paralegals.

**WHEREAS**, the Committee unanimously recommends that the attached revision to the LA Rule of Professional Conduct 1.10, labeled Exhibit A, be adopted.

**NOW THEREFORE BE IT RESOLVED THAT** the LSBA House of Delegates approve the attached recommendations of the LSBA Rules of Professional Conduct Committee and that those recommendations be submitted to the Court for its consideration.

Respectfully submitted,  
LSBA Rules of Professional Conduct Committee

  
\_\_\_\_\_  
Richard C. Stanley, Chair  
Edward H. Bergin  
Bobby J. Delise  
Andrew J. Geiger, Ad Hoc  
Paul J. Hebert  
Stephen Jay Herman  
Wayne J. Lee  
Richard K. Leefe  
Melissa M. Lessell, Ad Hoc  
Christine Lipsey  
Andrew D. Mendez, Ad Hoc  
Darrell J. Papillion  
Joseph P. Raspanti  
Alicia Reitzell, Ad Hoc  
William M. Ross  
Leslie J. Schiff  
Marta Ann Schnabel  
Joseph L. Shea, Jr.  
Lauren A. McHugh, Supreme Court Liaison  
Charles B. Plattsmier, Disciplinary Liaison

This 28<sup>th</sup> day of October, 2022.

**Rule 1.10. Imputation of Conflicts of Interest: General Rule**

- (a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless the prohibition is based on a personal interest of the prohibited lawyer and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm.
- (b) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the firm, unless:
  - (1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and
  - (2) any lawyer remaining in the firm has information protected by Rules 1.6 and 1.9(c) that is material to the matter.
- (c) A disqualification prescribed by this rule may be waived by the affected client under the conditions stated in Rule 1.7.
- (d) The disqualification of lawyers associated in a firm with former or current government lawyers is governed by Rule 1.11
- (e) See related resolution regarding proposed 1.10(e)
- (f) See related resolution regarding proposed 1.10(f)
- (g) The rule in paragraph (a) does not prohibit representation by others in the law firm where the person prohibited from involvement in a matter is a nonlawyer, such as a paralegal or legal secretary. Nor does paragraph (a) prohibit representation if the lawyer is prohibited from acting because of events before the person became a lawyer, for example, work that the person did as a law student. Such persons, however, shall be screened from any personal participation in the matter to avoid communication to others in the firm of confidential information that both the nonlawyers and the firm have a legal duty to protect.

APPROVED BY HOUSE OF DELEGATES  
FOR 134 (86%)  
AGAINST 21 (14%)  
JANUARY 21, 2023  
BATON ROUGE, LA

RATIFIED UNANIMOUSLY BY BOARD OF GOVERNORS  
JANUARY 21, 2023  
BATON ROUGE, LA

ATTEST:



C.A. "Hap" Martin III  
Secretary, Louisiana State Bar Association