

**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

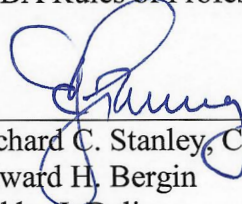
WHEREAS, the Committee formed a Subcommittee to examine, research, study and consider changes to Rule 1.10, including the screening of lateral hires; and

WHEREAS, the Committee reviewed the Tennessee conflicts rule; and

WHEREAS, the Committee by a split vote of 6-3 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 28th 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) Except with respect to paragraph (d) below, if a lawyer is personally disqualified from representing a person with interests adverse to a client of a law firm with which the lawyer was formerly associated, other lawyers currently associated in a firm with the personally disqualified lawyer may represent the person, notwithstanding paragraph (a) above, if both the personally disqualified lawyer and the lawyers who will represent the person on behalf of the firm act reasonably to:
- (1) identify that the personally disqualified lawyer is prohibited from participating in the representation of the current client; and
 - (2) determine that no lawyer representing the current client has acquired any information from the personally disqualified lawyer that is material to the current matter and is protected by Rule 1.9(c); and
 - (3) promptly implement screening procedures to effectively prevent the flow of information about the matter between the personally disqualified lawyer and the other lawyers in the firm; and
 - (4) advise the former client in writing of the circumstances that warranted the implementation of the screening procedures required by this Rule and of the actions that have been taken to comply with this Rule.
- (d) The procedures set forth in paragraph (c) may not be used to avoid imputed disqualification of the firm, if:
- (1) the lawyer's representation of the former client was in connection with an adjudicative proceeding that is directly adverse to the interests of a current client of the firm; and
 - (2) the proceeding between the firm's current client and the lawyer's former client

is still pending at the time the lawyer changes firms.

- (e) A disqualification prescribed by this rule may be waived by the affected client under the conditions stated in Rule 1.7.
- (f) The disqualification of lawyers associated in a firm with former or current government lawyers is governed by Rule 1.11
- (g) **See related resolution regarding proposed 1.10(g)**

APPROVED BY HOUSE OF DELEGATES
FOR 116 (76%)
AGAINST 37 (24%)
JANUARY 21, 2023
BATON ROUGE, LA

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

ATTEST:

A handwritten signature in black ink, appearing to read 'C.A. Martin III', with a stylized flourish at the end.

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