

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ORDER AMENDING LAWYER DISCIPLINARY ENFORCEMENT RULES

Public notice and an opportunity having been given, pursuant to a majority vote of the active judges of this court;

IT IS ORDERED that effective December 3, 2018, the Rules for Lawyer Disciplinary Enforcement and the Rules for Disability Inactive Status of the United States District Court for the Eastern District of Louisiana are hereby amended as follows:

AMENDMENTS TO THE RULES FOR LAWYER DISCIPLINARY ENFORCEMENT

4.6. Inactive Status. A lawyer's voluntary transfer to inactive status shall not terminate the disciplinary proceeding.

5. Recommendation by Lawyer Disciplinary Committee. The Lawyer Disciplinary Committee assists the court with the administration of lawyer disciplinary enforcement. Among other duties, the committee reviews disciplinary complaints and makes recommendations to the court regarding the disposition of complaints. The committee may conduct a limited investigation prior to making a recommendation to the court, ~~including~~. **The Committee may request** non-compulsory (a) interviews and (b) ~~requests~~ **production of documents. The Committee may issue subpoenas** for documents ~~and the appearance of witnesses, with the approval of the Chief Judge.~~ The Committee may also request additional documents from the original jurisdiction imposing discipline, if applicable.

6.5.3. Proceedings Following Consent Discipline. After consent discipline is imposed, the matter will be reallocated to the Chief Judge. All motions filed thereafter must be submitted to and decided by the Chief Judge.

AMENDMENTS TO THE RULES FOR DISABILITY INACTIVE STATUS

1.5. Confidentiality. All pleadings and attachments containing confidential health information shall be filed under seal.

4. **Transfer to Disability Inactive Status When No Disciplinary Proceeding is Pending.** Any lawyer claiming that he or she should be transferred to disability inactive status, when there is no disciplinary proceeding or investigation pending, shall file an appropriate pleading in this court. The lawyer shall append to the pleading pertinent information, documentation, and evidence which supports the lawyer's claim that he or she should be transferred to disability inactive status. The lawyer shall also certify in the pleading that there is no disciplinary proceeding or investigation pending against him or her. ~~The pleading and attachments shall be filed under seal.~~ The *en banc* court may then summarily transfer the lawyer to disability inactive status, without the need for a hearing, or take any other action the court deems appropriate. A copy of the order transferring the lawyer to disability inactive status shall be sent to the respondent or his or her legal representative by email and served on the lawyer or the lawyer's legal representative by United States certified mail, return receipt requested.

New Orleans, Louisiana, this 3rd day of December, 2018.


NANNETTE JOLIVETTE BROWN, CHIEF JUDGE