

**RECENT CHANGES TO THE
LOUISIANA RULES OF
PROFESSIONAL CONDUCT AND THE
RULES FOR LAWYER DISCIPLINARY
ENFORCEMENT**

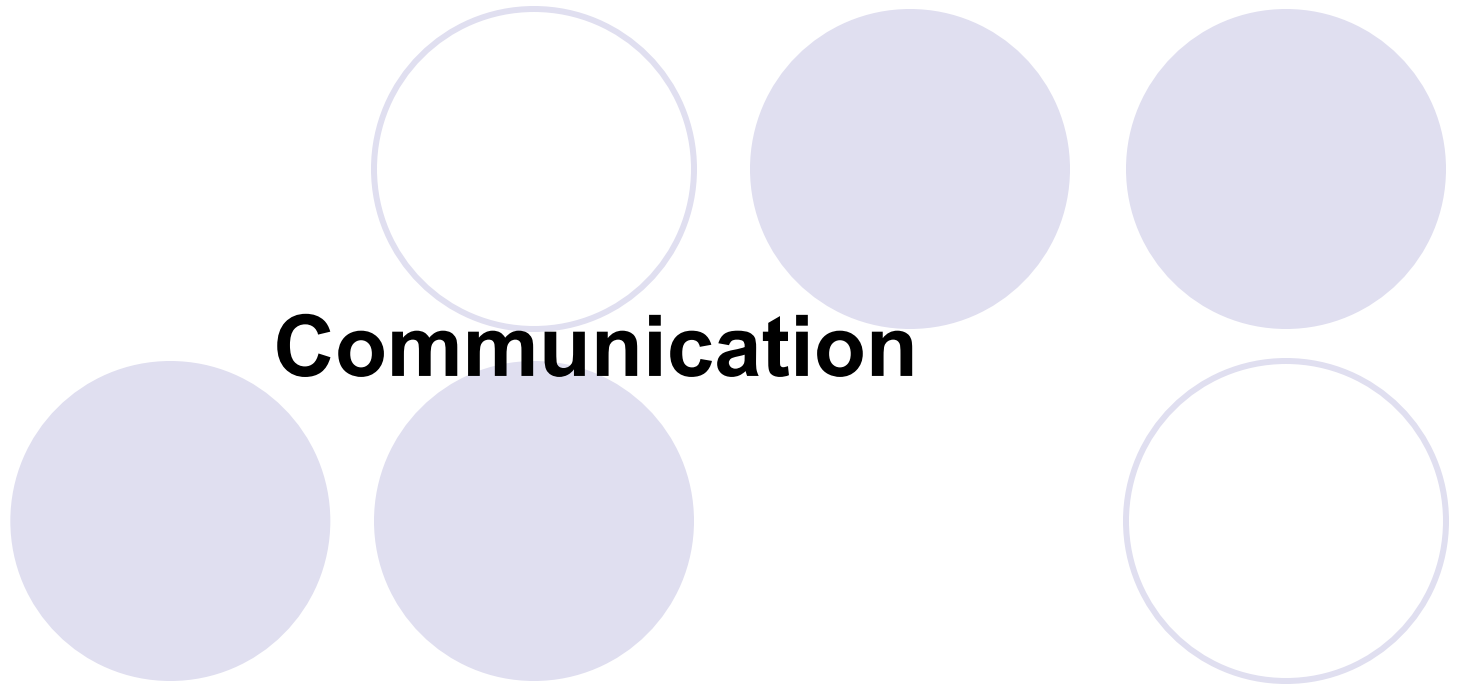
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Trial Smith Webinar
December 20, 2006



**New proposed rules to govern lawyer
advertising: legislating “good taste”
and “professionalism”**

Avoiding the Most Common Complaints



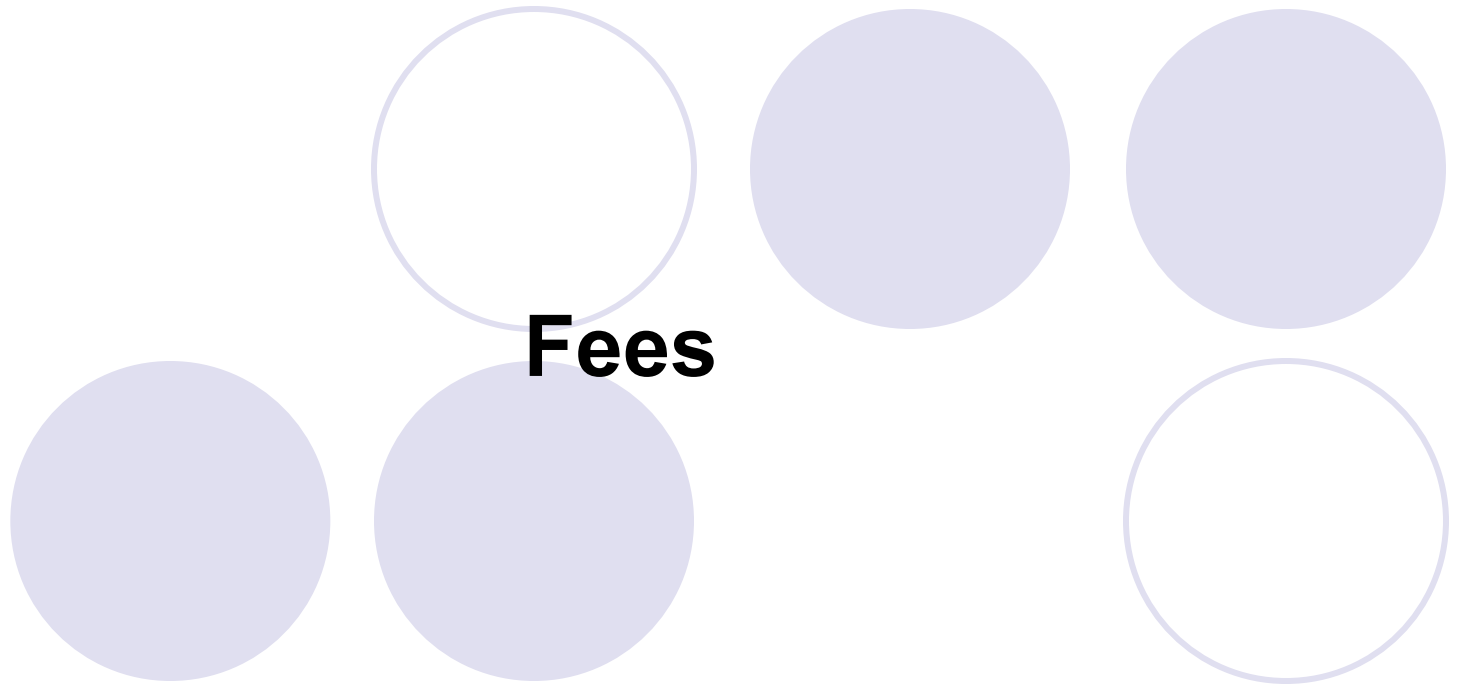
Avoiding the Most Common Complaints



**Diligence, Procrastination,
Abandonment**

Rule 1.3

Avoiding the Most Common Complaints



Rule 1.5

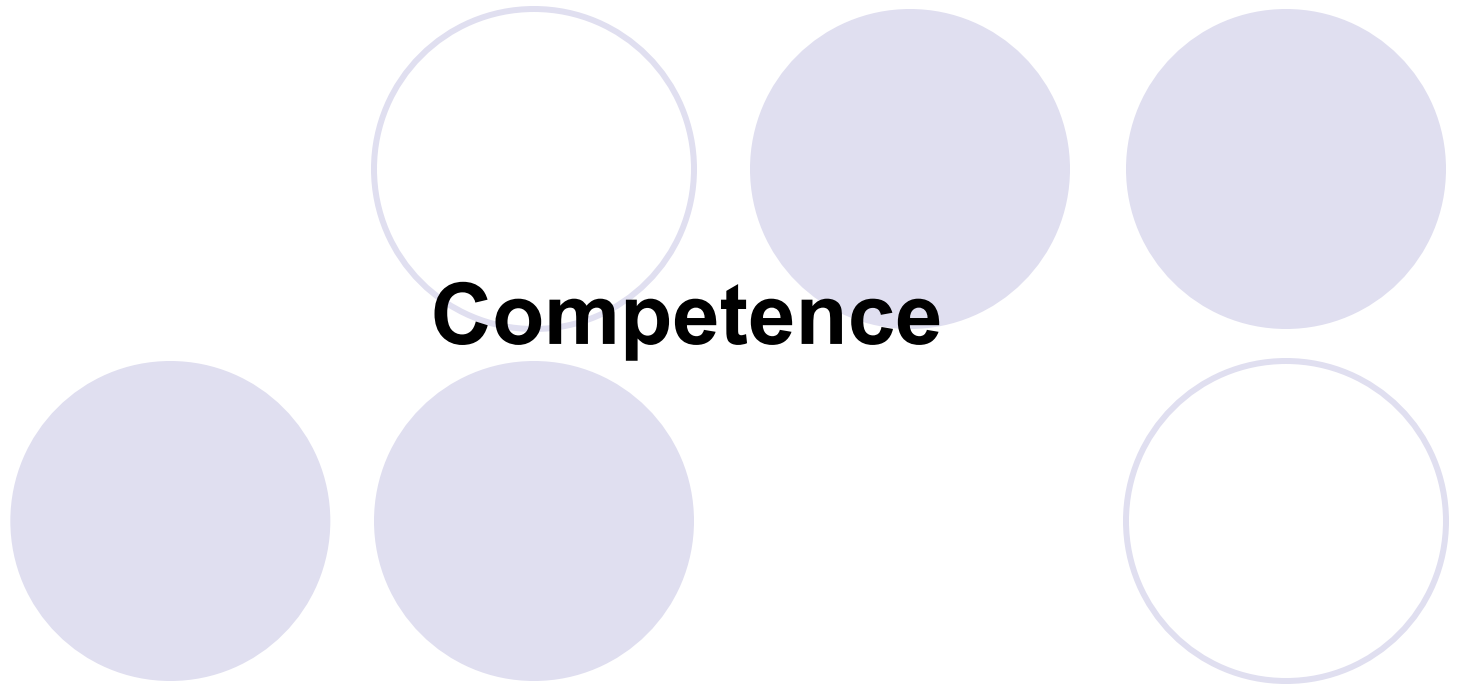
Avoiding the Most Common Complaints



Money and Trust Accounts

Rule 1.15

Avoiding the Most Common Complaints



Rule 1.1

Avoiding the Most Common Complaints



**Ineffective Assistance of
Counsel**

Avoiding the Most Common Complaints

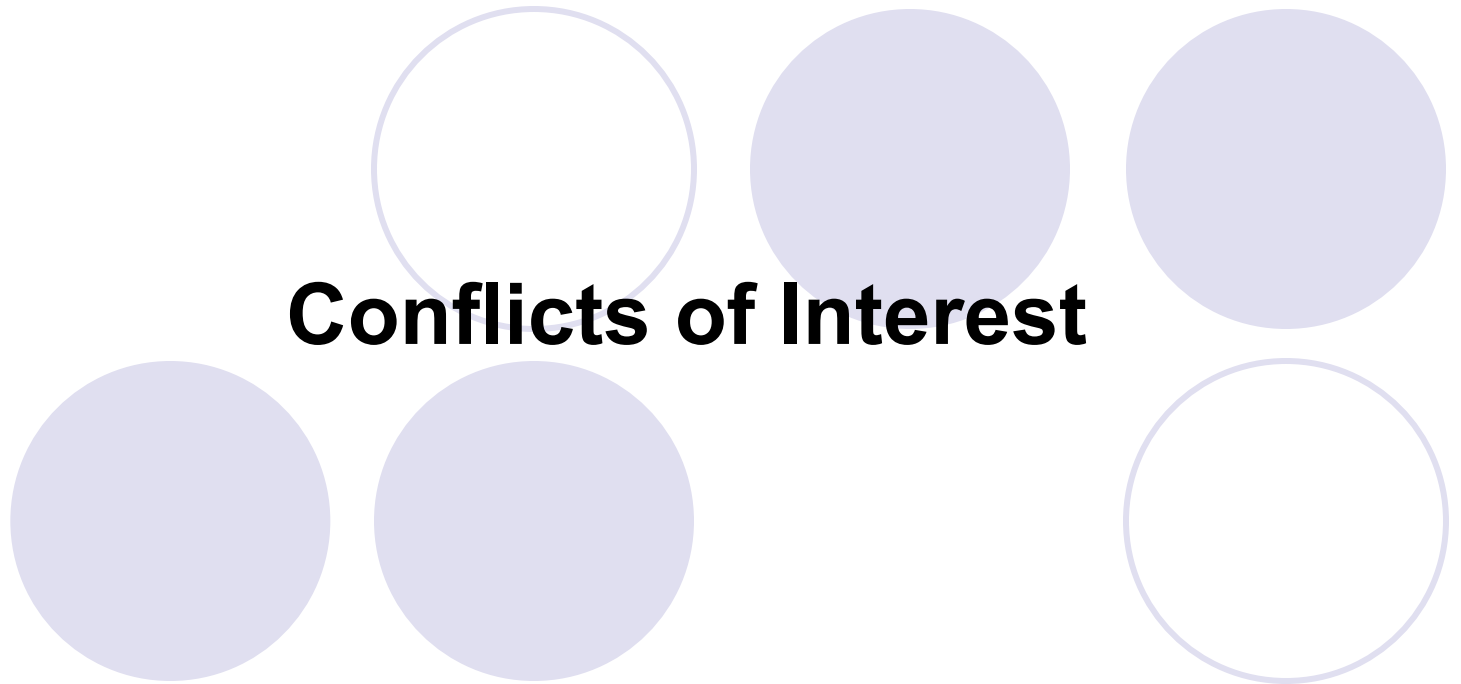


Avoiding the Most Common Complaints



**Scope of the Attorney/
Client Relationship**

Avoiding the Most Common Complaints



Rule 1.7, 1.8, 1.9

Avoiding the Most Common Complaints



**Misrepresentation,
Dishonesty, Fraud**

Highlights of the New Rules

- (c) A lawyer who provides any form of financial assistance . . . shall prior to providing such financial assistance, inform the client in writing of the terms and conditions under which such financial assistance is made . . .

Highlights of the New Rules

- (c) Contingent fee agreement considerations include:**
- A writing signed by the client**
 - A copy or duplicate original furnished client at execution**
 - Contingency fee shall state method of calculation**
 - List the litigation and other expenses to be deducted**
 - Provide client with a written statement upon conclusion**

Highlights of the New Rules

(e) A lawyer shall not provide financial assistance to a client. . . except . . .

Court costs

Expenses of litigation

Necessitous circumstances

Financial assistance directly from the lawyer's funds to a client shall not bear interest, fees, or charges of any nature.

Rule 1.8(e)

Highlights of the New Rules

Court costs and expenses of litigation include:

Filing fees

Deposition costs

Expert witness fees

Transcript costs

Witness fees

Copy costs

**Photographic, electronic or digital evidence
production**

Investigation fees

Related travel expenses

Litigation related medical expenses

Rule 1.8(e)

Highlights of the New Rules

Cannot Charge Overhead Costs:

Office rent

Utility costs

Local telephone service

Office supplies

Fixed asset expenses

Ordinary secretarial or staff services

Rule 1.8(e)

Highlights of the New Rules

With informed consent of the client the lawyer may charge:

Computer legal research charges

Long distance telephone

Postage and copying

Mileage and outside courier service

Actual invoice costs incurred solely for the purposes of the representation

Paralegal services are overhead except if lawyer's fee is based upon an hourly rate.

Rule 1.8(e)

Highlights of the New Rules

Financial assistance to a client in necessitous circumstances is restricted:

Must be reasonable inquiry

Not to be used as an inducement

No offer to make advances before hiring

Shall not publicize nor advertise

Shall not exceed minimum necessary to meet the client's, spouse's, or dependent's documented expenses.

Rule 1.8(e)

Highlights of the New Rules

Financial assistance, if made by a lawyer's line of credit, or financial institution loan:

Good faith effort to procure favorable interest rate

Can't be more than 10% over prime as of 1/15

Applies to a guarantee or as security on a loan

Written consent of client to terms

Full text of this rule shall be provided to the client at execution of settlement, disbursement, or submission of a bill

Rule 1.8(e)



**LSBA Lawyer Fee Dispute Resolution
Program**



Ethics Advisory Service