

**RESOLUTION OF THE LSBA HOUSE OF DELEGATES
TO ADOPT RULE 1.19 OF THE
SOUTH CAROLINA RULES OF PROFESSIONAL CONDUCT
AS RULE 1.19 OF THE LOUISIANA RULES
OF PROFESSIONAL RESPONSIBILITY**

WHEREAS, the Lawyers in Transition Committee has previously recommended that lawyers adopt written succession plans specifying what steps must be taken in the event of their death or disability from practicing law;

WHEREAS, this recommended procedure was adopted in July 2013 as part of the Rules of Professional Conduct in South Carolina, a copy of which is attached hereto as Exhibit 1.19; and

WHEREAS, the adoption of this Rule 1.19 in Louisiana would greatly benefit the practice of law by assisting and providing a vehicle for transition of many elderly lawyers and widowed spouses of lawyers, and in many other instances;

WHEREAS, there is no sufficient public policy or professional responsibility reason to deny the benefit of this recommended procedure to the clients of Louisiana lawyers, and/or their spouses and children;

THEREFORE, BE IT RESOLVED that the Association urge the Louisiana Supreme Court to adopt the attached proposed Rule 1.19 as Rule 1.19 of the Louisiana Rules of Professional Responsibility.

Respectfully submitted:

Richard W. Martinez
Chair, Solo & Small Firm Section

Jeffrey A. Riggs
Representative, 15th Judicial District
December 13, 2013

TABLED BY HOUSE OF DELEGATES
JANUARY 25, 2014
BATON ROUGE, LA

EXHIBIT 1.19

South Carolina Rule 1.19

- (a) Lawyers should prepare written, detailed succession plans specifying what steps must be taken in the event of their death or disability from practicing law.
- (b) As part of any succession plan, a lawyer may arrange for one or more successor lawyers or law firms to assume responsibility for the interests of the lawyer's clients in the event of death or disability from practicing law. Such designation may set out a fee-sharing arrangement with the successor. Nothing in this rule or the lawyer's designation shall prevent the client from seeking and retaining a different lawyer or law firm than the successor. The lawyer to be designated must consent to the designation.
- (c) A registry shall be maintained by the South Carolina Bar. The successor lawyer(s) shall be identified on the lawyer's annual license fee statement.

(Proposed) Louisiana Rule 1.19

- (a) Lawyers should prepare written, detailed succession plans specifying what steps must be taken in the event of their death or disability from practicing law.
- (b) As part of any succession plan, a lawyer may arrange for one or more successor lawyers or law firms to assume responsibility for the interests of the lawyer's clients in the event of death or disability from practicing law. Such designation may set out a fee-sharing arrangement with the successor. Nothing in this rule or the lawyer's designation shall prevent the client from seeking and retaining a different lawyer or law firm than the successor. The lawyer to be designated must consent to the designation.
- (c) A registry shall be maintained by the Louisiana State Bar Association. The successor lawyer(s) shall be identified on the lawyer's annual license fee statement.