

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: CHRISTINE Y. VOELKEL

DOCKET NO. 16-DB-099

REPORT OF HEARING COMMITTEE # 62

INTRODUCTION

This attorney disciplinary matter arises out of formal charges consisting of three counts filed by the Office of Disciplinary Counsel (“ODC”) against Christine Y. Voelkel (“Respondent”), Louisiana Bar Roll Number 29469.¹ ODC alleges that Respondent violated the following Rules of Professional Conduct: 1.1(b), 1.1(c), 1.3, 1.4, 1.15, 5.5, 8.1(c), and 8.4(a).²

PROCEDURAL HISTORY

The formal charges were filed on December 28, 2016. Respondent filed an answer to the charges on September 28, 2017. The hearing of this matter was held on February 2, 2018. Deputy Disciplinary Counsel Karen Hayes Green appeared on behalf of ODC. Respondent did not appear.

For the following reasons, the Committee finds that a one-year suspension, with all but 60 days deferred, is warranted in this matter. The committee further stipulates that Respondent must follow recommendations by Committee No. 15, outlined below or face further discipline.

FORMAL CHARGES

The formal charges read, in pertinent part:

COUNT I - 0033335

On July 1, 2015, the ODC received correspondence from the Clerk of Court at the 22nd Judicial District, informing that the Respondent filed several pleadings during a period of time that she was ineligible to practice law. During

¹ Respondent is currently eligible to practice law.

² See the attached Appendix for the text of these Rules.

that period, the Respondent was ineligible to practice law for her failure to comply with Rules 1.1(b) and 1.1 (c) of the Rules of Professional Conduct.

Further, there were three attempts made to serve the Respondent with notice of the complaint via certified registered mail at her primary bar registered address and via hand delivery. Respondent ignored all attempts. Investigator Mitchell spoke with Respondent in April of 2016, at which time the Respondent advised that she would accept copies of any outstanding complaints and the previously filed formal charges from ODC on April 16, 2016. However, the Respondent never appeared to do so.

The Respondent has violated Rules 1.1(b), 1.1(c), 5.5 and 8.1(c) of the Rules of Professional Conduct.

COUNT II – 0034325

Complainant Nicholas Harper hired the Respondent on or around April 26, 2013, to represent him in a civil suit against the City of Covington Police Department. Complainant initially paid the Respondent \$2,000.00. Respondent also received additional fees on his behalf Harper from the Louisiana Fraternal Order of Police. In December of 2015, Respondent discontinued any and all forms of communications with Complainant. Complainant is facing several pending actions and motions and no longer has legal representation to the extent that Respondent's absence has jeopardized his legal cause of action.

There were two attempts made to serve the Respondent with notice of the complaint via certified mail and her primary bar registered address. Respondent ignored all attempts. Investigator Mitchell spoke with Respondent in April of 2016, at which time the Respondent advised that she would accept copies of any outstanding complaints and the previously filed formal charges from ODC on April 16, 2016. However, the Respondent never appeared to do so. The Respondent has violated Rules 1.3, 1.4 and 8.1(c) of the Rules of Professional Conduct.

COUNT III – 0034640

On or around June 21, 2016, the ODC received an overdraft notice from Capital One Bank. Check numbers 2056 in the amount of \$20.00 and 2053 in the amount of \$30.00, were returned as insufficient. On July 8, 2016, notice of the complaint was transmitted to the Respondent at her primary registered bar address via certified mail. The correspondence was returned unclaimed. On August 1, 2016, the ODC received a second overdraft notice from Capital One Bank for a new overdraft. The ODC Staff Investigator Tiara Barnes made attempts to personally serve the Respondent with the complaint, along with other outstanding complaints.

The Respondent has violated Rules 1.15, 8.1(c), and 8.4(a) of the Rules of Professional Conduct.

EVIDENCE

On the issues in Count I, relative to filing pleadings while ineligible to practice law, ODC counsel Karen Hayes Green called one witness, Barbara Pierpont, the St. Tammany Parish Clerk of Court Civil Department Head. ODC also offered Exhibits 1 and 2 as related to the witness testimony. On issues relative to ODC's inability to contact Respondent, ODC offered Exhibits 3, 4, 5, 6, and 7.

On the issues in Count II, relative to Complainant Nicholas Harper, ODC did not call a witness because Complainant could not appear. ODC offered the original complaint and supporting documents as exhibit 8. ODC further offered exhibits 9, 10, and 11 to document repeated and unsuccessful attempts to contact Respondent regarding the complaint.

On the issues in Count III, ODC offered exhibits 12 and 13 which documented Trust Account Overdrafts and exhibits 14, 15, 16 and 17 which documented several unsuccessful attempts to contact Respondent about the violations.

FINDINGS OF FACT

ODC witness Barbara Pierpont testified that in June of 2015, Respondent filed three pleadings while she was ineligible to practice law. Through the witness, ODC offered exhibit 2, which included copies of an Answer fax filed on June 2, a Motion for New Trial fax filed on June 11, and an original Motion for New Trial filed on June 19.

Ms. Pierpont testified about her staff's frustration at a year-long inability to contact Respondent for routine and necessary communications regarding pleadings and cases. In nearly every instance,

clerks were unable to reach Respondent at addresses and/or telephone numbers provided. One such complaint came from the Customer Service Counter, which could not reach Respondent regarding files which had been checked out and not returned for more than a year.

In response to continued complaints, Ms. Pierpont consulted the Louisiana Bar Association website to get the most recent contact information for Respondent. In doing so she learned that Respondent was ineligible and immediately conferred with the Louisiana Attorney Disciplinary Board for further guidance.

In addition to the witness testimony, the ODC offered Exhibit One, a certificate from the Louisiana State Bar Association which revealed that Respondent was indeed ineligible from 6/1/15 until 8/3/15 for non-compliance with mandatory continuing legal education requirements, and was again ineligible from 9/9/15 until 9/22/15 for non-payment of LADB Assessment and LSBA membership dues. This is sufficient evidence of violation of Rule 1.1(c)

No evidence was heard to substantiate or corroborate the charges in Count II relative to complainant Nicholas Harper.

With respect to Count III, the ODC offered Letters from Capital One Bank which included statements showing overdrafts on checks 2053 and 2056 written on Respondent's IOLTA trust account on June 3 and June 13 of 2016.

RULES VIOLATED

It is the unanimous opinion of the committee that Respondent violated: Rule 1.1(b), (failure of CLE requirements); Rule 1.1(c), (failure to comply with all of the requirements of the Supreme Court's rules regarding annual registration, including payment of Bar dues, payment of the disciplinary assessment, timely notification of changes of address, and proper disclosure of trust

account information or any changes therein); Rule 1.15 (safekeeping of property); Rule 5.5 (unauthorized practice of law); Rule 8.1 (c) (failure to cooperate with the ODC); and Rule 8.4(a) (violate rules of professional conduct).

Insufficient evidence was submitted to show Respondent violated: Rule 1.3 (diligence in representation) or Rule 1.4 (communication with client).

SANCTION

Louisiana Supreme Court Rule XIX, §10(C), states that when imposing a sanction after a finding of lawyer misconduct, a committee shall consider the following factors:

- (1) Whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;
- (2) Whether the lawyer acted intentionally, knowingly, or negligently;
- (3) The amount of the actual or potential injury caused by the lawyer's misconduct; and
- (4) The existence of any aggravating or mitigating factors.

Here, Respondent negligently violated duties owed to the legal profession. There is no evidence that Respondent's misconduct caused actual harm to clients, however, the misconduct in question, particularly the filing of pleadings while ineligible, could foreseeably cause potential harm.

There is also an aggravating factor related to this case. In an unrelated matter, assigned docket number 15-DB-031, on January 6, 2017, Hearing Committee No. 15 issued a report and recommendation that Respondent violated Rules 1.15(a) (failure to maintain sufficient funds in her client trust account); 8.1(b) (knowing failure to respond to a lawful demand of information from discipline authority); 8.1(c) (failure to cooperate with the Office of Disciplinary); and (violated the Rules of Professional Conduct). Committee No. 15, recommended that the Respondent be suspended from the practice of law for a period of one year, fully deferred upon commencement of the following mandatory conditions during a two (2) year probationary period:

(1) Regular quarterly audits of Respondent's IOLTA account shall be submitted to the ODC during the period of probation to be performed by a CPA of Respondent's choosing, approved by the ODC, with the costs and expenses of the audits to be paid by Respondent; (2) At least six hours of Respondent's mandatory CLE requirements during the probationary period shall be in the area of law practice management/client trust account management; (3) Respondent must successfully complete both the Louisiana State Bar Association's Ethics School and Trust Accounting Program during the probationary period. While these conditions were originally imposed as part of a probationary period, it is the recommendation of Hearing Committee 62 that all three elements of the Hearing Committee 15 mandatory conditions be met *prior to any application of Respondent to be reinstated.*

The *ABA Standards for Imposing Lawyer Sanctions* suggest that suspension is the baseline sanction for Respondent's misconduct.

Standard 4.12 states that, "suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client."

Standard 7.2 states that "suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

The Committee agrees with the ODC that the facts and holding in the case of *In Re Duhy*, are similar and appropriate in the present case. In *In Re Duhy*, the Court held that a one year and one-day suspension, with all but three months deferred, followed by a one year period of unsupervised probation, was the appropriate in a case where the attorney failed to cooperate with the ODC in its investigation of complaints filed against him. The attorney acted knowingly and violated a duty

owed to the legal profession.

Similarly, In Re Richard, the Court held that suspension for one year and one day, with all but sixty days deferred, followed by a one-year period of unsupervised probation, was the appropriate sanction. In that case, the attorney did not have a sufficient balance to cover a \$250.00 check payable to the Acadia Parish Clerk of Court. Nevertheless, the bank paid the check, resulting in an overdraft in the trust account of \$228.43. The bank notified the ODC of the overdraft on November 4, 2013. Although Respondent had made a deposit by that time to bring his bank account back to a positive balance, he failed to cooperate with the ODC in the disciplinary investigation. In October 2014, the ODC filed formal charges against the attorney, alleging that his conduct, as set forth above, violated the following provisions of the Rules of Professional Conduct: Rules 1.15(a) (safekeeping property of clients or third persons), 8.1(b) (knowing failure to respond to a lawful demand for information from a disciplinary authority), 8.1(c) (failure to cooperate with the ODC in its investigation), and 8.4(a) (violation of the Rules of Professional Conduct). We agree with the ODC that Respondent Voelkel has similarly mismanaged her client trust account and has failed to cooperate with the Office of Disciplinary Counsel. However, unlike In Re Richard, there was no actual harm to clients and/or third parties.

CONCLUSION

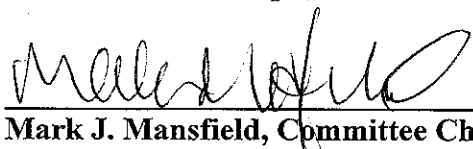
Based on all the evidence in this matter, it is the Committee's recommendation that Respondent, Christine Yvonne Voelkel, be suspended for one year with all but 2 months deferred. It is also the Committee's recommendation that the Respondent meet the following conditions prior to reinstatement or face further discipline: (1) Regular quarterly audits of Respondent's IOLTA account shall be submitted to the ODC during the period of probation to be performed by a CPA of Respondent's choosing, approved by the ODC, with the costs and expenses of the audits to be paid by Respondent; (2) At least six hours of Respondent's mandatory CLE requirements during the probationary period shall be in the area of law practice management/client trust account management; (3) Respondent must successfully complete both the Louisiana State Bar Association's Ethics School and Trust Accounting Program.

Covington, Louisiana, this 7 day of May, 2018.

**Louisiana Attorney Disciplinary Board
Hearing Committee # 62**

**Mark J. Mansfield, Committee Chair
Kenneth P. Mathews, Lawyer Member
Verlean W. Randolph, Public Member**

BY:


**Mark J. Mansfield, Committee Chair
For the Committee**

APPENDIX

Rule 1.1. Competence

(a) ...

(b) A lawyer is required to comply with the minimum requirements of continuing legal education as prescribed by Louisiana Supreme Court rule.

(c) A lawyer is required to comply with all of the requirements of the Supreme Court's rules regarding annual registration, including payment of Bar dues, payment of the disciplinary assessment, timely notification of changes of address, and proper disclosure of trust account information or any changes therein.

Rule 1.3 Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

Rule 1.4 Communication

(a) A lawyer shall:

(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;

(2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;

(3) keep the client reasonably informed about the status of the matter;

(4) promptly comply with reasonable requests for information; and (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) The lawyer shall give the client sufficient information to participate intelligently in decisions concerning the objectives of the representation and the means by which they are to be pursued.

(c) A lawyer who provides any form of financial assistance to a client during the course of a representation shall, prior to providing such financial assistance, inform the client in writing of the terms and conditions under which such financial assistance is made, including but not limited to, repayment obligations, the imposition and rate of interest or other charges, and the scope and limitations imposed upon lawyers providing financial assistance as set forth in Rule 1.8(e).

1.15 Safekeeping Property

(a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Except as provided in (g) and the IOLTA Rules below, funds shall be kept in one or more separate interest-bearing client trust accounts maintained in a bank or savings and loan association: 1) authorized by federal or state law to do business in Louisiana, the deposits of which are insured by an agency of the federal government; 2) in the state where the lawyer's primary office is situated, if not within Louisiana; or 3) elsewhere with the consent of the client or third person. No earnings on a client trust account may be made available to or utilized by a lawyer or law firm. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.

(b) A lawyer may deposit the lawyer's own funds in a client trust account for the sole purpose of paying bank service charges on that account or obtaining a waiver of those charges, but only in an amount necessary for that purpose.

(c) A lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred. The lawyer shall deposit legal fees and expenses into the client trust account consistent with Rule 1.5(f).

(d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. For purposes of this rule, the third person's interest shall be one of which the lawyer has actual knowledge, and shall be limited to a statutory lien or privilege, a final judgment addressing disposition of those funds or property, or a written agreement by the client or the lawyer on behalf of the client guaranteeing payment out of those funds or property. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

(e) When in the course of representation a lawyer is in possession of property in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the property as to which the interests are not in dispute.

(f) Every check, draft, electronic transfer, or other withdrawal instrument or authorization from a client trust account shall be personally signed by a lawyer or, in the case of electronic, telephone, or wire transfer, from a client trust account, directed by a lawyer or, in the case of a law firm, one or more lawyers authorized by the law firm. A lawyer shall not use any debit card or automated teller machine card to withdraw funds from a client trust account. On client trust accounts, cash withdrawals and checks made payable to "Cash" are prohibited. A lawyer shall subject all client trust accounts to a reconciliation process at least quarterly, and shall maintain records of the reconciliation as mandated by this rule. [Last sentence added 1/13/2015 and effective 4/1/2015]

(g) A lawyer shall create and maintain an "IOLTA Account," which is a pooled interestbearing client trust account for funds of clients or third persons which are nominal in amount or to be held for such a short period of time that the funds would not be expected to earn income for the client or third person in excess of the costs incurred to secure such income.

(1) IOLTA Accounts shall be of a type approved and authorized by the Louisiana Bar Foundation and maintained only in "eligible" financial institutions, as approved and certified by the Louisiana Bar Foundation. The Louisiana Bar Foundation shall establish regulations, subject to approval by the Supreme Court of Louisiana, governing the determination that a financial institution is eligible to hold IOLTA Accounts and shall at least annually publish a list of LBF approved/certified eligible financial institutions. Participation in the IOLTA program is voluntary for financial institutions. IOLTA Accounts shall be established at a bank or savings and loan association authorized by federal or state law to do business in Louisiana, the deposits of which are insured by an agency of the federal government or at an open-end investment company registered with the Securities and Exchange Commission authorized by federal or state law to do business in Louisiana which shall be invested solely in or fully collateralized by U.S. Government Securities with total assets of at least \$250,000,000 and in order for a financial institution to be approved and certified by the Louisiana Bar Foundation as eligible, shall comply with

the following provisions: (A) No earnings from such an account shall be made available to a lawyer or law firm. (B) Such account shall include all funds of clients or third persons which are nominal in amount or to be held for such a short period of time the funds would not be expected to earn income for the client or third person in excess of the costs incurred to secure such income. (C) Funds in each interest-bearing client trust account shall be subject to withdrawal upon request and without delay, except as permitted by law.

(2) To be approved and certified by the Louisiana Bar Foundation as eligible, financial institutions shall maintain IOLTA Accounts which pay an interest rate comparable to the highest interest rate or dividend generally available from the institution to its non-IOLTA customers when IOLTA Accounts meet or exceed the same minimum balance or other eligibility qualifications, if any. In determining the highest interest rate or dividend generally available from the institution to its non IOLTA accounts, eligible institutions may consider factors, in addition to the IOLTA Account balance, customarily considered by the institution when setting interest rates or dividends for its customers, provided that such factors do not discriminate between IOLTA Accounts and accounts of nonIOLTA customers, and that these factors do not include that the account is an IOLTA Account. The eligible institution shall calculate interest and dividends in accordance with its standard practice for non-IOLTA customers, but the eligible institution may elect to pay a higher interest or dividend rate on IOLTA Accounts.

(3) To be approved and certified by the Louisiana Bar Foundation as eligible, a financial institution may achieve rate comparability required in (g)(2) by:

(A) Establishing the IOLTA Account as:

- (1) an interest-bearing checking account;
- (2) a money market deposit account with or tied to checking;
- (3) a sweep account which is a money market fund or daily (overnight) financial institution repurchase agreement invested solely in or fully collateralized by U.S. Government Securities; or
- (4) an open-end money market fund solely invested in or fully collateralized by U.S. Government Securities. A daily financial institution repurchase agreement may be established only with an eligible institution that is "well-capitalized" or "adequately capitalized" as those terms are defined by applicable federal statutes and regulations. An open-end money market fund must be invested solely in U.S. Government Securities or repurchase agreements fully collateralized by U.S. Government Securities, must hold itself out as a "money-market fund" as that term is defined by federal statutes and regulations under the Investment Company Act of 1940, and, at the time of the investment, must have total assets of at least \$250,000,000. "U.S. Government Securities" refers to U.S. Treasury obligations and obligations issued or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof.

(B) Paying the comparable rate on the IOLTA checking account in lieu of establishing the IOLTA Account as the higher rate product; or

(C) Paying a "benchmark" amount of qualifying funds equal to 60% of the Federal Fund Target Rate as of the first business day of the quarter or other IOLTA remitting period; no fees may be deducted from this amount which is deemed already to be net of "allowable reasonable fees."

(4) Lawyers or law firms depositing the funds of clients or third persons in an IOLTA Account shall direct the depository institution:

(A) To remit interest or dividends, net of any allowable reasonable fees on the average monthly balance in the account, or as otherwise computed in accordance with an eligible institution's standard accounting practice, at least quarterly, to the Louisiana Bar Foundation, Inc.;

(B) To transmit with each remittance to the Foundation, a statement, on a form approved by the LBF, showing the name of the lawyer or law firm for whom the remittance is sent and for each account: the rate of interest or dividend applied; the amount of interest or dividends earned; the types of fees deducted, if any; and the average account balance for each account for each month of the period in which the report is made; and

(C) To transmit to the depositing lawyer or law firm a report in accordance with normal procedures for reporting to its depositors.

(5) "Allowable reasonable fees" for IOLTA Accounts are: per check charges; per deposit charges; a fee in lieu of minimum balance; sweep fees and a reasonable IOLTA Account administrative fee. All other fees are the responsibility of, and may be charged to, the lawyer or law firm maintaining the IOLTA Account. Fees or service charges that are not "allowable reasonable fees" include, but are not limited to: the cost of check printing; deposit stamps; NSF charges; collection charges; wire transfers; and fees for cash management. Fees or charges in excess of the earnings accrued on the account for any month or quarter shall not be taken from earnings accrued on other IOLTA Accounts or from the principal of the account. Eligible financial institutions may elect to waive any or all fees on IOLTA Accounts.

(6) A lawyer is not required independently to determine whether an interest rate is comparable to the highest rate or dividend generally available and shall be in presumptive compliance with Rule 1.15(g) by maintaining a client trust account of the type approved and authorized by the Louisiana Bar Foundation at an "eligible" financial institution.

(7) "Unidentified Funds" are funds on deposit in an IOLTA account for at least one year that after reasonable due diligence cannot be documented as belonging to a client, a third person, or the lawyer or law firm.

(h) A lawyer who learns of Unidentified Funds in an IOLTA account must remit the funds to the Louisiana Bar Foundation. No charge of misconduct shall attend to a lawyer's exercise of reasonable judgment under this paragraph (h). A lawyer who either remits funds in error or later ascertains the ownership of remitted funds may make a claim to the Louisiana Bar Foundation, which after verification of the claim will return the funds to the lawyer.

Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
- (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
- (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

- (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission and that are provided by an attorney who has received a limited license to practice law pursuant to La. S. Ct. Rule XVII, §14; or
- (2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

(e)

(1) A lawyer shall not:

(i) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a disbarred attorney, during the period of disbarment, or any person the attorney knows or reasonably should know is an attorney who has permanently resigned from the practice of law in lieu of discipline; or

(ii) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a suspended attorney, or an attorney who has been transferred to disability inactive status, during the period of suspension or transfer, unless first preceded by the submission of a fully executed employment registration statement to the Office of Disciplinary Counsel, on a registration form provided by the Louisiana Attorney Disciplinary Board, and approved by the Louisiana Supreme Court.

(2) The registration form provided for in Section (e)(1) shall include:

- (i) the identity and bar roll number of the suspended or transferred attorney sought to be hired;
- (ii) the identity and bar roll number of the attorney having direct supervisory responsibility over the suspended attorney, or the attorney transferred to disability inactive status, throughout the duration of employment or association;

- (iii) a list of all duties and activities to be assigned to the suspended attorney, or the attorney transferred to disability inactive status, during the period of employment or association;
 - (iv) the terms of employment of the suspended attorney, or the attorney transferred to disability inactive status, including method of compensation;
 - (v) a statement by the employing attorney that includes a consent to random compliance audits, to be conducted by the Office of Disciplinary Counsel, at any time during the employment or association of the suspended attorney, or the attorney transferred to disability inactive status; and
 - (vi) a statement by the employing attorney certifying that the order giving rise to the suspension or transfer of the proposed employee has been provided for review and consideration in advance of employment by the suspended attorney, or the attorney transferred to disability inactive status.
- (3) For purposes of this Rule, the practice of law shall include the following activities:
- (i) holding oneself out as an attorney or lawyer authorized to practice law;
 - (ii) rendering legal consultation or advice to a client;
 - (iii) appearing on behalf of a client in any hearing or proceeding, or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body operating in an adjudicative capacity, including submission of pleadings, except as may otherwise be permitted by law;
 - (iv) appearing as a representative of the client at a deposition or other discovery matter;
 - (v) negotiating or transacting any matter for or on behalf of a client with third parties;
 - (vi) otherwise engaging in activities defined by law or Supreme Court decision as constituting the practice of law.
- (4) In addition, a suspended lawyer, or a lawyer transferred to disability inactive status, shall not receive, disburse or otherwise handle client funds.
- (5) Upon termination of the suspended attorney, or the attorney transferred to disability inactive status, the employing attorney having direct supervisory authority shall promptly serve upon the Office of Disciplinary Counsel written notice of the termination.

Rule 8.1. Bar Admission and Disciplinary Matters

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- (a) ...
- (b) ...
- (c) Fail to cooperate with the Office of Disciplinary Counsel in its investigation of any matter before it except for an openly expressed claim of a constitutional privilege.

Rule 8.4. Misconduct

It is professional misconduct for a lawyer to:

- (a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) ...