



## How it Works: The Filing of Formal Charges

Jordan Huck, Board Staff Attorney

Web version available at <https://www.ladb.org/NotaBene/Archive2015.aspx#FilingFormalCharges>

After the Office of Disciplinary Counsel (ODC) has screened and thoroughly investigated a complaint alleging attorney misconduct, if ODC determines that clear and convincing evidence of misconduct exists, it can pursue formal charges. Formal charges are public allegations of attorney misconduct, which are prosecuted by ODC before a hearing committee of the Louisiana Attorney Disciplinary Board.

When ODC determines that the filing of formal charges is the appropriate course of action, in most instances it must request permission to do so from a chairperson or lawyer member of a hearing committee. In order for permission to be granted, ODC must demonstrate probable cause that a violation of the Rules of Professional Conduct has occurred. Louisiana Supreme Court Rule XIX, §3(E)(1) and §11(B)(3).

ODC will file its request for permission to file formal charges with the Board Administrator, who will randomly assign the matter to a chairperson or lawyer member of a hearing committee for review and ruling. The request will consist of factual allegations, alleged rule violations, and supporting evidence. The committee member will review the submission to determine whether probable cause exists. The committee member may approve, modify, or disapprove ODC's request. If the committee member determines there is probable cause, the request will be granted.

Upon receiving permission from a committee member, ODC may proceed with the filing of formal charges. The matter will not become public until the formal charges are filed and served upon the respondent lawyer. Louisiana Supreme Court Rule XIX, §16(A). The committee member who reviewed and ruled on ODC's request cannot participate in further consideration of the matter.



*Jordan Huck is a staff attorney at the Louisiana Attorney Disciplinary Board. Jordan provides legal counsel to the Board and its hearing committees in administrative and adjudicative matters. Jordan is also responsible for the training and development of the Board's hearing committee members.*

■ Louisiana Attorney Disciplinary Board, <https://www.ladb.org>