

Regular Session, 2010

HOUSE CONCURRENT RESOLUTION NO. 267

BY REPRESENTATIVE CHAMPAGNE

A CONCURRENT RESOLUTION

To authorize and request the Ad Hoc Committee of the Supreme Court of Louisiana to study the issue of district attorneys and assistant district attorneys providing civil representation to entities they represent in an official capacity and to report its findings prior to January 1, 2011.

WHEREAS, according to Article V, Section 26 of the Constitution of Louisiana, a district attorney, or his designated assistant shall have charge of every criminal prosecution by the state in his district, be the representative of the state before the grand jury in his district, and be the legal advisor to the grand jury; and

WHEREAS, R.S. 16:2 provides that a district attorney shall be the regular attorney and counsel for the police juries, parish school boards, and city school boards within his respective district and of every state board or commission domiciled therein, including levee boards, hospital and asylum boards, education boards, and all state boards or commissions the members of which, in whole or in part, are elected by the people or appointed by the governor or other prescribed authority; and

WHEREAS, Article V, Section 26 of the Constitution of Louisiana further provides that no district attorney or assistant district attorney shall appear, plead, or in any way defend or assist in defending any criminal prosecution or charge upon penalty of removal from office; and

WHEREAS, the Rules of Professional Conduct set forth by the Louisiana Attorney Disciplinary Board of the Supreme Court of Louisiana, specifically Rules 1.7 through 1.11, provide guidelines relative to conflict of interest and the representation of clients; and

WHEREAS, there has been some concern that there may be a conflict of interest when a district attorney or assistant district attorney represents a governmental entity in his

private capacity which he is statutorily required to represent in his capacity as district attorney or assistant district attorney.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and request the Ad Hoc Committee of the Supreme Court of Louisiana to study the issue of district attorneys and assistant district attorneys providing civil representation to entities they represent in an official capacity and to report its findings to the legislature prior to January 1, 2011.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the judicial administrator of the Supreme Court of Louisiana.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE