

_____: _____ JUDICIAL DISTRICT COURT
VS _____: PARISH OF _____, LOUISIANA
_____: DOCKET NO. _____

PETITION FOR CONCURSUS

The petition of _____, a person of the full age of majority and a resident of the Parish of _____, State of Louisiana, respectfully represents that:

1.

The following persons are impleaded and made defendants in this proceedings:

A. _____

2.

On _____, 20____, I was retained by _____ to represent _____ on the charge of _____.

3.

At that time, I advised _____ and _____ that my fees for representing _____ would be \$_____, and due to the necessity of expediting his release from jail due to a medical condition, I informed them that a \$_____ non-refundable retainer would be required and _____ agreed to pay same via credit card. I immediately went to work attempting to secure _____=s release and was successful in doing so on the ____ day of _____. On the ____ day of _____, I received a call demanding the return of the \$_____ retainer because _____ had retained other counsel.

4.

At that time, I advised _____ that, as per our agreement, the retainer was non-refundable and that I had, in fact, earned all of the retainer that I was paid, and further that everything that was asked by _____ regarding _____=s case was successful within two days.

5.

On the ____ of _____, I received notice of a complaint filed by _____ against me demanding that I return the \$_____ retainer (See exhibit A). On _____, ___, I responded to the complaint (See exhibit B).

6.

Subsequent to this, on _____, 20____, I received a letter indicating the

investigation of the complaint had been completed and that I may have technically violated Rule 1.5F6, and at that time, I was also offered the chance to participate in the Practice Assistance and Improvement Program, which is basically equivalent to a pre-trial diversion (See exhibit C)

7.

The current proceedings are being filed in accordance with one of the requirements of the diversion contract which required me to deposit \$_____ with the court and file a concursus proceeding with the court wherein I would deposit \$_____ which is the disputed amount (See exhibit D)

8,

It is the position of the petitioner that he has earned and is entitled to all of the funds that were paid to him as a non-refundable \$_____ retainer.

WHEREFORE, petitioner prays that:

1. For leave to deposit into the registry of the court the amount of \$_____, which is the amount disputed between petitioner and defendant.

2. That all parties be relieved from the payment of any of the costs of this proceeding as they accrue and that the Clerk of Court be directed to deduct these costs from the money deposited into the registry of the court.

3. That the defendants be cited to appear and assert their respective claims, contradictorily against all other defendants, to the money deposited into the registry of this court in this proceeding.

4. For a judgment in favor of petitioner and against the defendant in the amount of \$_____.

Respectfully Submitted,

Attorney for Plaintiff

_____, LA _____
(____)_____

ORDER

Considering the foregoing petition,

IT IS ORDERED that the petitioner is granted leave to deposit the sum of \$_____ into the registry of the court.

IT IS FURTHER ORDERED that all parties to this proceeding are relieved of the necessity of paying any costs as they accrue, and the Clerk of Court is directed to deduct from the money deposited into the registry of the court.

IT IS FURTHER ORDERED that the defendants be cited to appear and to assert their respective claims, contradictorily against all other defendants to the funds deposited, and which will be deposited in the future, into the registry of the court in the proceeding.

_____, Louisiana, ____ day of _____ 20____.

DISTRICT JUDGE