

Written Comments on revised LBLS Employment Law Standards and Labor Law Standards Suspended by HOD & BOG Accepted until Monday, April 19, 2021

Dear Members,

The objective of the Louisiana State Bar Association Plan of Legal Specialization (“Plan”) is to promote the availability, accessibility and quality of the services of lawyers in particular fields of the law in order to better serve the public interest and improve public access to appropriate legal services and to advance the standards of the legal profession by encouraging specialized education in various fields of practice. There are currently ten approved specializations: Tax Law, Family Law, Business Bankruptcy Law, Consumer Bankruptcy Law, Labor Law, Employment Law, Estate Planning and Administration, Appellate Practice, Environmental Law and Health Law.

The Louisiana Supreme Court established the Louisiana Board of Legal Specialization (“LBLS”) in 1993 to assist the public in finding a lawyer who has demonstrated ability and experience in specialized fields of law. The Louisiana Supreme Court included the specialty of Employment and Labor Law in the original Plan of Legal Specialization. In September 2014, the Louisiana Supreme Court approved the separation of Employment Law and Labor Law into two specializations. The LSBA House of Delegates and Board of Governors had approved the two separate specializations at their meeting in June 2014 without any opposition. The LBLS held a public hearing on April 13, 2016 on the proposed Labor Law Standards and Employment Law Standards. The standards for both specializations were revised to reflect concerns raised at the public hearing.

On January 21, 2017, the LSBA House of Delegates approved two LBLS Resolutions adopting standards for both Employment Law and Labor Law. ([Employment](#) and [Labor](#)). No one in the House of Delegates spoke against either Resolution. The LSBA Board of Governors ratified the action of the House of Delegates.

One year later two members of the House of Delegates filed two Resolutions to suspend the standards for Labor Law and Employment Law for further study, which were heard on January 20, 2018. ([Employment](#) and [Labor](#)) The Louisiana Board of Legal Specialization opposed the Resolutions. The LSBA House of Delegates and Board of Governors passed the Resolutions and the Standards were suspended for further study and consideration.

The 2018 Resolutions instruct LBLS to conduct further study into whether a majority of the affected practitioners support the Standards “in light of prior survey data demonstrating greater opposition than support” and “whether concerns over discriminatory effects and unfair competitive advantages can be adequately addressed.”

In compliance with the 2018 Resolutions, the Louisiana Board of Legal Specialization voted to hold public meetings to obtain comments from the Bar regarding the Standards governing specialization in [Employment Law](#) and [Labor Law](#). Public hearings were held in New Orleans, Baton Rouge, Lafayette and Shreveport in 2018 and 2019. See the LBLS website for information on the public hearings. [Specialization Announcements \(lsba.org\)](#).

Since 2019, both the Employment Law and Labor Law Advisory Commissions have been working on revisions to their Standards, considering the comments made at the public hearings and the written comments submitted. ([Comments](#)) These are volunteers who have spent countless hours creating first

the original Standards and then working on the revisions. The Advisory Commissions also considered the Texas Board of Legal Specialization Standards for Attorney Certification in Labor and Employment Law in their revisions. [Microsoft Word - General Standards-as of 11-8-2018 \(tbls.org\)](#) and [Microsoft Word - LB Exam Specs 2020 \(tbls.org\)](#) The Texas Standards and Exam Specifications date back to 1975 with the most recent revisions in 2020. Labor and Employment Law has been a specialization in Texas for more than 45 years. According to the Texas Board of Legal Specialization website, there are currently 659 Labor and Employment Law specialists in Texas. Texas has one specialization for both labor and employment law. The Texas qualifications are as follows:

- Practice law fulltime for at least 5 years as an active member of the State Bar of Texas;
- At least 3 years of Labor & Employment Law experience with a yearly minimum 25% substantial involvement with Labor & Employment Law matters;
- Qualified vetted references from judges and lawyers in the area;
- Complete 60 hours of TBLS approved continuing legal education in Labor & Employment Law;
- Meet all of the TBLS Standards for Attorney Certification; and
- Pass a comprehensive 6-hour examination in Labor and Employment Law.

In December 2020, four Resolutions were filed by two members of the House of Delegates, again opposing Employment Law and Labor Law Standards, that were heard at the LSBA House of Delegates meeting on January 23, 2021. [LSBA House of Delegates](#). The Louisiana Board of Legal Specialization opposed the Resolutions. Three of the four Resolutions failed and one was withdrawn.

LBSL now welcomes comments on the revised LBSL Employment Law Standards and Employment Law Exam Topics, and the revised LBSL Labor Law Standards and Labor Law Exam Topics. LSBA members are invited to submit comments to the revised LBSL Employment Law Standards, Employment Law Exam Topics, Labor Law Standards, Labor Law Exam Topics, and Labor Law Exam Specifications **to Specialization Director Mary Ann Wegmann by email (MaryAnn.Wegmann@lsba.org) or by letter addressed to the LBSL, 601 St. Charles Avenue, New Orleans, LA 70130, no later than Monday, April 19, 2021.**

You may review both the suspended [Employment Law Standards](#) and [Labor Law Standards](#), as well as the revised [Employment Law Standards](#), [Employment Law Exam Topics](#), [revised Labor Law Standards](#), [Labor Law Exam Topics](#), and [Labor Law Exam Specifications](#) on the LBSL website.

The March 9, 2017, Order of the Supreme Court of Louisiana provides Minimum Standards for Certification for each field of specialty. [LSBAPlanofLegalspecialization2017.pdf](#). Unless other standards are approved, the Minimum Standards for Certification set by the Supreme Court of Louisiana will apply.

If you are interested in additional information, please contact Specialization Director, Mary Ann Wegmann, at (504) 619-0128, 1-800-421-5722, or MaryAnn.Wegmann@lsba.org.

Sincerely yours,
Robert E. Rowe, Chair
Louisiana Board of Legal Specialization