

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

RANDY J. BOUDREAUX,

Plaintiff,

v.

LOUISIANA STATE BAR  
ASSOCIATION, et al.

Defendants,

**CIVIL ACTION**

Case No. 2:19-cv-11962

SECTION “I” (1)

Judge Lance M. Africk

Magistrate Judge Janis van Meerveld

**PLAINTIFF RANDY BOUDREAUX’S REPLY  
IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

**I. Defendants mischaracterize the relief Plaintiff seeks through this motion.**

Defendants mischaracterize the relief Plaintiff’s Motion for Preliminary Injunction seeks. Contrary to Defendants’ assertions, Plaintiff’s Motion does not “seek[] an order from this Court to dis-integrate the LSBA.” Doc. 69, Defs.’ Opp’n to Mot. for Prelim. Inj. (“Opp’n”) at 1. Nor does it seek to “restrain the LSBA’s constitutionally permissible speech.” *Id.* at 8 n.19. Nor does it call for the Court to engage in “endless monitoring”—or *any* monitoring—of the LSBA’s speech. *Id.* at 20.

Rather, Plaintiff’s Motion simply seeks the same preliminary relief that the plaintiffs sought and obtained in *McDonald v. Longley*, 4 F.4th 229, 255 (5th Cir. 2021): “a preliminary injunction preventing the Bar from requiring the plaintiff[] to join or pay dues” while his case is pending. Specifically, Plaintiff seeks an injunction preventing Defendants from “(1) taking any action to investigate, threaten, or punish him for failing to maintain membership in the LSBA while this action is pending; and (2) taking any action to investigate, threaten, or punish him for failing to pay LSBA membership dues while this action is pending.” Doc. 48-2, Mem. in Supp. of Mot. for Prelim. Inj. (“Mot.”) at 13-14. That is *precisely* the same preliminary injunctive relief the *McDonald* plaintiffs sought. *See* Pls.’ Mot. for Prelim. Inj., *McDonald v. Longley*, No. 1:19-cv-00219-LY, 2019 WL 7670022 (W.D. Tex. Mar. 25, 2019).

The preliminary injunction Plaintiff seeks would not require the LSBA to alter its “constitutionally permissible” speech at all. It would *only* prevent Defendants from punishing Plaintiff for failing to maintain his LSBA membership while his challenge to mandatory LSBA membership is pending. The injunction also would not require the Court to monitor the LSBA’s speech on an ongoing basis to determine whether it is

germane, as Defendants assert. The preliminary injunction would terminate, like any other, when the Court enters judgment on the underlying claim.

## **II. Defendants mischaracterize the constitutional claim at issue in this motion.**

Contrary to Defendants’ assertions, the constitutional claim that provides the basis for Plaintiff’s Motion is not an “attack on existing Supreme Court precedent authorizing the existence of mandatory bar associations.” Opp’n at 6. *McDonald* concluded that Supreme Court precedent *allows* the existence of mandatory bar associations, 4 F.4th at 246, and Plaintiff’s Motion does not challenge that conclusion. But *McDonald* also held that “[c]ompelled membership in a bar association that engages in non-germane activities” violates attorneys’ First Amendment right to freedom of association. *Id.* at 246–49. In other words, *McDonald* adopted precisely the position that Plaintiff has taken in support of his freedom-of-association challenge to mandatory LSBA membership.

Plaintiff’s Motion is premised *exclusively* on his claim that mandatory LSBA membership violates his First Amendment right to freedom of association because the LSBA engages in non-germane speech. Granting Plaintiff preliminary relief based on that claim does not require the Court to defy Supreme Court precedent, as Defendants would have it; it only requires the Court to *follow* the Fifth Circuit’s holding in *McDonald*, and grant the same relief the Fifth Circuit granted there.

## **III. Plaintiff is likely to succeed on the merits of his claim.**

For the reasons set forth in his Memorandum in Support of his Motion, Plaintiff is likely to succeed on the merits of his freedom-of-association claim. *See* Mot. at 9–13. In summary, Plaintiff is likely to prevail because *McDonald* held that the First Amendment prohibits mandatory membership in a bar association that engages in non-germane

speech, 4 F.4th at 246–49, and the LSBA is a bar association that engages in non-germane speech.

**A. The LSBA has persistently engaged—and continues to engage—in non-germane speech.**

Plaintiff is likely to succeed on the merits of his freedom-of-association claim because the LSBA has persistently engaged—and *continues to engage*—in non-germane speech, and has not provided any reason to believe that it will stop doing so.

Defendants assert that Plaintiff has alleged only “a few” non-germane LSBA activities, and they even suggest that the LSBA has engaged in only one “isolated instance of [non-germane] speech in twenty-five years.” Opp’n at 24. That is false. Plaintiff has identified many examples of non-germane LSBA policy positions and legislative advocacy in recent years. Mot. at 3–6.

Defendants also argue that Plaintiff’s claim fails because he has not alleged that non-germane activities constitute a “major activity” of the LSBA. Opp’n at 23. But no such allegation is necessary: *McDonald* explained that “[w]hat is important” for purposes of a freedom-of-association claim “is that *some* of the [Bar’s] legislative program is non-germane.” 4 F.4th at 248 (emphasis in original).

Defendants argue that Plaintiff has not provided sufficient evidence that the examples of LSBA speech he has identified are actually non-germane, as he supposedly has only provided “past bill titles or topics, and short, truncated summaries of policy positions the LSBA took in the past.” Opp’n at 20. In fact, Plaintiff’s Motion provided links to the full text of the LSBA’s non-germane policy positions and to the LSBA’s own records of its non-germane legislative positions, which specifically identified the

legislation in question and, in many instances, included the *reasons* for those positions. Mot. at 3–6 & nn. 4–23. After Plaintiff filed his Motion, however, the LSBA removed those documents from its website. Plaintiff now attaches those same documents as Exhibit A.

Defendants suggest that further evidence might somehow show that the LSBA speech Plaintiff has identified was actually germane. But the non-germane nature of the policy positions and legislation is plain. Although questions of germaneness could sometimes present a close call, the examples of LSBA advocacy Plaintiff has identified—like the examples of non-germane advocacy the Supreme Court identified in *Keller* (pertaining to issues such as gun control and nuclear weapons)—are at “the extreme end[] of the spectrum.” *Keller v. State Bar of California*, 496 U.S. 1, 15–16 (1990). Nothing could render the LSBA’s advocacy on non-germane legislation germane: “advocating [for or against] substantive changes to a state’s substantive law is non-germane to the purposes identified in *Keller*” unless the legislation concerns “the functioning of the state’s courts or legal system writ large” or “the activities of lawyers *qua* lawyers.” *McDonald*, 4 F.4th at 247-48.<sup>1</sup> The legislation Plaintiff has identified does not pertain to those issues.

Defendants also argue that, even if the LSBA engaged in non-germane speech in the past, there is no reason to believe it will do so in the future, particularly because of a new Louisiana Supreme Court Rule mandating that the LSBA engage only in “constitutionally germane” advocacy. Opp. at 10–13. That mootness argument has

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<sup>1</sup> Defendants imply that germaneness might depend on whether the LSBA’s speech was “improperly politically or ideologically *motivated*.” Opp’n at 24 (emphasis added). But the bar association’s motivation is irrelevant; germaneness turns on the *substance* of the speech at issue. See *McDonald*, 4 F.4th at 247-48.

several fatal flaws.

*First*, the non-germane LSBA House of Delegates policies Plaintiff has identified have not been repealed; they remain in effect. Defendants call those policies “obsolete,” and say that a resolution to repeal them will be proposed to the LSBA House of Delegates in January 2022. Opp’n at 6, 10–13. But Defendants’ *plan* to “*propose* a resolution” to repeal the policies, *id.* at 12 (emphasis added), only confirms that these policies have *not* been repealed, and may not be. As long as they remain in effect, forcing Plaintiff to associate with them violates his First Amendment rights under *McDonald*.

*Second*, there is no reason to believe that the LSBA has a correct understanding of what activities and speech are and are not “constitutionally germane,” and therefore there is no reason to believe its non-germane activities will cease even if it purports to follow the new Louisiana Supreme Court Rule. Even now, Defendants maintain that *all* of the many examples of non-germane LSBA speech that Plaintiff has identified actually *are* germane. *Id.* at 20 n.41. If the LSBA believes that everything it has done is germane, then there is no reason to believe that the substance of its advocacy will change. From the LSBA’s perspective, apparently, the new Louisiana Supreme Court Rule just requires it to keep doing what it has been doing. Indeed, the LSBA has not identified a single type of advocacy in which it previously engaged that it will now cease because of the new Rule. It has identified some changes to its internal *procedures*, particularly which LSBA officials will direct the LSBA’s legislative advocacy, but it has not identified any way in which the *substance* of its advocacy will change.

*Third*, the LSBA has continued to engage in flagrantly non-germane speech *even after the Louisiana Supreme Court issued its new Rule, even while Plaintiff’s Motion for*

*Preliminary Injunction has been pending.* Most notably, just last month, the LSBA repeatedly used member dues to promote attendance at a Catholic mass, both on its website<sup>2</sup> and on Twitter.<sup>3</sup> These examples are especially egregious, because the Founders were especially concerned with preventing the government from forcing people to associate with religious groups and their speech. When Thomas Jefferson wrote that “to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhor[s] is sinful and tyrannical”—a statement prominently quoted in *Janus v. AFSCME*, 138 S. Ct. 2448, 2464 (2018)—he was referring specifically to religious opinions. *A Bill for Establishing Religious Freedom*, in 2 Papers of Thomas Jefferson 545 (J. Boyd ed. 1950). And Defendants are on notice that Plaintiff objects to associating with the LSBA’s promotion of religious services. *See* Exhibit B, Plf.’s Objections & Resps. to Defs.’ 1st Set of Interrogs. & Reqs. For Produc. at 8 (“Plaintiff identifies the LSBA’s promotion of a Catholic mass for lawyers as another example of an LSBA activity that is contrary to his personal views.”).

The LSBA also recently engaged in non-germane speech through tweets on other topics, including tweets (1) touting the purported benefits of broccoli (July 7, 2021);<sup>4</sup> (2) touting the purported benefits of walnuts (July 28);<sup>5</sup> (3) urging readers to set fitness goals and work out at least three times per week (August 4);<sup>6</sup> (4) touting the benefits of sunlight (August 11);<sup>7</sup> (5) promoting a charity that provides free Halloween costumes to children

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<sup>2</sup> <https://perma.cc/8ACQ-QNAL>.

<sup>3</sup> <https://perma.cc/K9DH-XKH4>; <https://perma.cc/AA88-Q9QX>.

<sup>4</sup> <https://perma.cc/N2BB-GP6C>.

<sup>5</sup> <https://perma.cc/8Z22-EGR4>.

<sup>6</sup> <https://perma.cc/2ASY-DZXB>.

<sup>7</sup> <https://perma.cc/FX83-7TM7>.

(August 16);<sup>8</sup> (6) advising readers on which snacks to eat before bedtime (August 18);<sup>9</sup> (7) promoting an article in a non-legal publication regarding “habits of especially happy people” (August 25);<sup>10</sup> (8) touting the purported benefits of drinking juice, especially tart cherry or beet juice, after exercise (August 25);<sup>11</sup> (9) promoting an article in a non-legal publication regarding public policies addressing student debt (August 25);<sup>12</sup> (10) touting the benefits of “[v]isualiz[ing] your calm” (September 15);<sup>13</sup> (11) promoting an article on a non-legal website regarding a purported “outstanding upgrade” in Apple iOS 15 (September 21);<sup>14</sup> (12) urging readers to test and change batteries in their smoke and carbon monoxide detectors (September 22);<sup>15</sup> (13) urging readers to try fresh fall foods from their local farmers’ market (September 29);<sup>16</sup> (14) advising readers to take naps of “30 minutes max” (October 6);<sup>17</sup> (15) advising readers to avoid eating meals before bedtime (October 27).<sup>18</sup> Also, on November 1, 2021, the LSBA sent members an email urging them to participate in a “Secret Santa Project” to provide gifts to children in need.<sup>19</sup>

However worthy some of these messages may be, they are not germane to improving the quality of legal services or regulating the legal profession. It is irrelevant

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<sup>8</sup> <https://perma.cc/N3RC-JBU7>.

<sup>9</sup> <https://perma.cc/JDH6-9G5Q>.

<sup>10</sup> <https://perma.cc/KVK7-2PHS>.

<sup>11</sup> <https://perma.cc/CH24-S55B>.

<sup>12</sup> [https://twitter.com/LSBA\\_YLD/status/1430575757479354368](https://twitter.com/LSBA_YLD/status/1430575757479354368) (retweeted by LSBA).

<sup>13</sup> <https://perma.cc/2UWL-HETZ>.

<sup>14</sup> <https://perma.cc/7GAE-P9XJ>.

<sup>15</sup> <https://twitter.com/LouisianaBar/status/1440722690499756035>.

<sup>16</sup> <https://perma.cc/QZJ9-JK75>.

<sup>17</sup> <https://perma.cc/KGH4-LCM8>.

<sup>18</sup> <https://perma.cc/YWN2-3NZ8>.

<sup>19</sup> Declaration of Dane S. Ciolino, Ex. 1, attached as Exhibit C.



that some of them might not be especially controversial; *McDonald* makes clear that controversy is *not* the test for germaneness. 4 F.4th at 249. And *McDonald* held that, though they “may be salutary,” bar association “activities aimed at aiding the needy” are *not* germane unless they pertain to regulating the legal profession or improving the quality of legal services. *Id.* at 250–51. Thus, forcing Plaintiff to associate with the LSBA and these messages violates his right to freedom of association.

**B. Plaintiff’s claim and evidence are not time-barred.**

There is no merit in Defendants’ arguments that Plaintiff’s freedom-of-association claim is time-barred, and that his Motion cannot cite evidence of non-germane LSBA activities that occurred after he filed his Complaint. *See* Opp’n at 15–19.

Defendants do not dispute that Plaintiff is required to be a member of, and pay annual dues to, the LSBA as a condition of practicing law in Louisiana. *See* Doc. 60, Defs.’ Answer & Affirmative Defenses at 5, 7 (¶¶ 11, 22). Plaintiff’s first claim for relief—the only claim at issue in this Motion—alleges that this forced membership violates his First Amendment right to freedom of association. Doc. 1, Compl. ¶¶ 70–80. That claim is timely—regardless of when Plaintiff was *first* forced to join the LSBA—because it alleges an ongoing injury.

Defendants argue, however, that his claim is barred to the extent that it is based on actions that occurred before the applicable one-year limitations period—i.e., before August 1, 2018. Opp’n at 15–18. Specifically, Defendants argue that non-germane policies that the LSBA House of Delegates adopted in 2016 and 2010 cannot support his claim. *Id.* at 16–17. But, as discussed above, those policies *remain* the LSBA’s official policies; they have not been repealed. Thus, Plaintiff has been forced to associate with

those LSBA policy positions, among others, on an ongoing basis, and they inflict an ongoing injury.

Defendants further argue that examples of non-germane LSBA legislative advocacy that occurred before August 1, 2018 cannot support his claim. Opp’n at 17–18. That argument misses the point of the examples. Plaintiff does not seek to hold the LSBA liable in damages for those examples; rather, the examples are evidence of the type of non-germane activity in which the LSBA has engaged for years, on an ongoing basis. And although the statute of limitations might bar a claim seeking to hold the LSBA liable for those examples, it does not bar evidence of them that shows injunctive relief is warranted. “The statute of limitations is a defense to prosecution, not a rule of evidence” and therefore “has no bearing on the admissibility of evidence.” *United States v. Ashdown*, 509 F.2d 793, 798 (5th Cir. 1975). To the extent the Tenth Circuit said otherwise in the case on which Defendants rely, it was incorrect and in conflict with Fifth Circuit precedent. *See* Opp’n at 16 (citing *Schell v. Chief Justice & Justices of the Okla. Sup. Ct.*, 11 F.4th 1178, 1192 (10th Cir. 2021)).

Defendants’ argument that Plaintiff cannot support his Motion with evidence of non-germane LSBA speech that occurred *after* he filed his Complaint also fails. Of course it is extremely common for plaintiffs to support motions and claims with evidence not specifically alleged in a complaint, including evidence of events that occurred after the complaint was filed. And nothing requires a plaintiff to amend a claim every time he or she discovers new evidence to support it.

The cases on which Defendants rely, Opp’n at 19 & n.13, only say that a plaintiff cannot premise a motion for preliminary injunction on *claims* not raised in the complaint.

*See, e.g., Walcott v. Larpenner*, No. 2:17-cv-6710, 2017 WL 5891322, \*1 (E.D. La. Nov. 29, 2017) (plaintiff could not seek “injunctive relief concerning conduct unrelated to the underlying claims of his lawsuit”).

Here, Plaintiff’s Motion is premised on the freedom-of-association claim stated in his Complaint. That claim alleges that the LSBA engages in political and ideological speech on an ongoing basis: i.e., that the LSBA *uses* mandatory dues for political and ideological speech (*see, e.g.,* Compl. ¶¶ 36, 82), not just that it has done so in the past. As the Fifth Circuit recognized, the Complaint makes clear that “Boudreaux objects to *all* of LSBA’s political [and ideological] activity.” *Boudreaux v. La. State Bar Ass’n*, 3 F.4th 748, 756 (5th Cir. 2021) (emphasis added). Thus, Plaintiff’s Motion simply supports the *general* allegations of his Complaint with specific examples that have occurred since he filed the Complaint, which is proper.

#### **IV. All other factors favor a preliminary injunction.**

The other relevant factors all support a preliminary injunction, for the reasons Plaintiff has already presented. *See* Mot. at 13. Plaintiff’s constitutional injury—forced association with a bar association that engages in non-germane speech—is not “speculative,” as Defendants would have it, Opp’n 25, but is real and ongoing. And Defendants’ concern that granting Plaintiff relief would encourage other Louisiana lawyers to seek to protect their own rights, *id.*, is speculative, and irrelevant. Moreover, *McDonald* already provides all the authority any attorney should need to seek relief from forced association with the LSBA and its non-germane speech.

**Respectfully submitted November 5, 2021 by:**

/s/ Jacob Huebert

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 5, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all parties.

/s/ Jacob Huebert

JACOB HUEBERT

**Exhibit A**

# **Exhibit A-1**

*LSBA HOD Policy Positions* (January 2021)

cited on page 3, footnote 5, of Plaintiff's Memorandum in  
Support of His Motion for Preliminary Injunction



## **LSBA HOD Policy Positions (through January 2021)**

*In accordance with Article VIII, Section 6 of the Association's Articles of Incorporation, any resolution of the House of Delegates having to do with a position of the Association shall require a vote in excess of three-fourths of those present and voting.*

### **CRIMINAL LAW**

1/22/2000: Approved resolution urging moratorium on executions in Louisiana until state implements procedures providing for representation by counsel of all persons facing execution sufficient to ensure that no person is put to death without having their legal claims properly presented to the courts.

6/12/2003: Approved resolution:

1. Authorizing LSBA to join in or file amicus briefs supporting work and appropriate funding of those organizations providing legal representation and investigative assistance to indigent prisoners with provable claims of actual innocence in non-capital cases; and
2. Authorizing LSBA Board of Governors to support legislative to adequately fund Louisiana's indigent defense system, including the efforts to amend post conviction legislation to allocate funds for payment for post-conviction counsel in innocence cases, such as applications for DNA testing.

6/27/2005: Approved resolution supporting and endorsing the constitutional rights of individuals to have adequate access to defense services, including for juveniles, and further endorses the *Ten Core Principles for Providing Quality Delinquency Representation through Indigent Defense Delivery Systems*, as guiding principles for improving indigent services for juveniles in Louisiana.

1/20/2007: Approved resolution to urge the State of Louisiana to recognize public defenders as an essential part of the Criminal Justice System, and further, according the reasonable resources, professionalism and mutual respect of the government and leadership of Louisiana, including the Bar, the Government and the Public.



1/23/2010: Approved resolution opposing the imposition and requirement of mandatory minimum sentences for non-violent offenses and supports allowing our elected judges and district attorneys to exercise their judgment in sentencing under the law.

1/23/2010: Approved resolution in support of:

1. Reclassification of selected non-violent misdemeanor and municipal ordinances that do not impact public safety into petty offenses, carrying fine only sentences to which the right to counsel does not attach; and
2. The continued funding of all components of the criminal justice system and oppose any reduction in revenue to these stakeholders as a result of the reclassification of offenses.

6/13/2013: Approved resolution to support adequate funding of Federal Defender Organizations.

6/5/2014: Approved resolution to support legislation reducing crimes involving the classification of simple possession of marijuana and its chemical derivatives from a felony to a misdemeanor with appropriate incremental penalties for habitual offenders.

1/15/2015: Approved resolution:

1. To support a Legislative Task Force of representatives of the judiciary, prosecution, public defenders, law enforcement, clerks of court, corrections, the private bar and other essential stakeholders to study the implementation of a state general fund from criminal justice and develop recommendations to ensure that all components of the criminal justice system receive adequate funding and other resources necessary to protect public safety, hold offender accountable and effectively administer justice in our state; and
2. To ask the state legislature to use the recommendations developed by the Legislative Task Force as the basis for legislative and administrative action in 2016.

1/15/2015: Approved resolution:

1. To support the study of Louisiana's marijuana laws and related Habitual Offender laws in an effort to identify reforms that will ensure the most effective and efficient administration of justice in the State of Louisiana;
2. To ask the state legislature to authorize and direct the Louisiana State Law Institute to study the laws regarding marijuana through a working group that includes the judiciary, district attorneys, public defenders, sheriffs, clerks, corrections and other essential stakeholders, and to develop recommendations that will protect public safety, hold offenders accountable, and control costs to the criminal justice system; and

3. To ask the state legislature to use the recommendation developed by the Louisiana State Law Institute as the basis for legislative and administrative action in 2016.

6/12/2015: Approved resolution:

1. Stating the LSBA's objection to compelling attorneys to provide uncompensated professional services for the benefit of the State;
2. Endorsing and encouraging private litigation that would challenge the constitutionality and lawfulness of appointing attorneys to represent indigent defendants without compensation; and,
3. Urging the Louisiana Legislature to authorize sufficient funding to meet the State's constitutional obligation to provide effective assistance of counsel for indigent defendants in state criminal proceedings.

01/21/2017: Approved resolution supporting:

State efforts to adopt sentencing and correction policies that reflect evidence-based and data-driven solutions to reducing incarceration rates; and

Policies that will reinvest savings from reductions in incarceration into the criminal justice system to adequately fund indigent defense, create access to quality mental health and addiction services, assure validated risk needs assessment, improve community supervision, provide for job placement services, develop prison alternative programs that better protect the public, and reduce collateral consequences to incarceration.

Urging the judiciary, district attorneys, public defenders, sheriffs, and all stakeholders in the criminal justice system to support the implementation of policy recommendations of the Justice Reinvestment Task Force, in accordance with the above recommendations.

01/25/2021: Approved resolution wherein:

The LSBA recommends:

- examining other states that fund the criminal justice system through a state appropriation;
- creating sufficient auditing measures for uniform financial reporting by the courts, prosecutors, and public defenders to determine the collection and allocation of criminal fines and fees funding the criminal justice system; and
- collecting data and information to determine the amount needed to adequately fund the criminal justice system and reduce the reliance on self-generated revenue.

## **CIVIL LAW**

1/24/2021: Approved resolution:

The LSBA opposes the granting of civil immunities and opposes the creation of special rules favoring subclasses of parties in certain types of cases in contravention of the Civil Code and Code of Civil Procedure, unless a clear case is made for such rules under extraordinary circumstances.

## **FAMILY LAW**

6/8/2000: Approved resolution in support of concept of unified family courts in those jurisdictions where it is demographically justified.

## **REGULATION OF THE PRACTICE OF LAW**

1/20/2007: Approved resolution opposing policies, practices and procedures of governmental bodies that have the effect of eroding the attorney/client privilege and work product doctrine and favoring policies, practices and procedures that recognize the value of those protections; and opposing the routine practice by government official seeking to obtain a waiver of the attorney/client privilege or work product doctrine through the granting or denial of any benefit or advantage.

6/9/2016: Approved resolution:

1. To oppose any legislation and government rules or regulations which would permit non-lawyers to engage in the practice of law; and
2. To promote and support legislation to provide remedies and access to the Louisiana form for Louisiana consumers who are harmed by nonlawyers who sell, license or market legal services and products, including software, online solutions and legal forms.

## **ADMINISTRATION OF JUSTICE**

6/6/2013: Approved resolution to oppose any proposal to tax legal services in Louisiana.

## **COURTS**

1/21/2012: Approved resolution in support of adequate compensation for members of the state judiciary, and authorized communication of this support to the Judicial Compensation Commission and the Louisiana Legislature.

## **CIVIL LEGAL SERVICES TO INDIGENT**

1/24/2004: Approved resolution to support work of Access to Justice program in its efforts to secure funding from the United States Congress and the State of Louisiana for civil legal services to the poor.

01/12/2008: Approved resolution:

1. Recognizing that the courts have an affirmative obligation to ensure that all litigants have meaningful access to the courts, regardless of representation status;
2. Urging Louisiana judges and courts to take a leadership role in their respective jurisdictions to encourage the expansion of successful *pro se* assistance programs, to identify and develop programs to address unmet needs, and to coordinate the delivery of program services effectively and efficiently; and
3. Supporting the establishment of court rules and policies that encourage the participation of judges, court staff, legal services agencies, state and local bar associations, and community organizations in the implementation and operation of assistance programs for self-represented litigants.

## **MISCELLANEOUS**

1997 Citizens Summit:

Provide public education on civil justice issues through:

1. Working with LPB to produce a series on the civil justice system;
2. Requiring civil justice, legal rights and responsibilities course in high schools;
3. Establishing a public information office; and
4. Providing ADR training in middle and high schools.

6/27/2005: Approved resolution directing the LSBA to urge congress to enact legislation incorporating a number of principles related to the Medicare Secondary Payer Act.

1/12/2008: Approved resolution adopting a diversity statement to demonstrate the Association's continued commitment to diversity in the legal profession.

1/23/2010: Approved resolution strongly supporting a requirement for a full credit of civics in the high school curriculum in the State of Louisiana, while eliminating the free enterprise requirement and incorporating those concepts into the civics curriculum.

6/9/2016: Approved resolution to support legislation that would prohibit discrimination in pay based on race, gender, religion, sexual orientation, national origin, disability, or age.

6/9/2016: Approved resolution:

1. Recognizing the LGBT people have a human right to be free from discrimination, threats, violence and denigration based on their LGBT status;
2. Urging the repeal of all constitutional amendments, laws, regulations, and rules or practices that denigrate or discriminate against LGBT individuals; and
3. Urging the adoption of laws prohibiting discrimination in employment, housing and accommodations for LGBT persons.

6/9/2016: Approved resolution adopting a policy in favor of retaining LSBA representation on statewide boards, commission and task forces.

# **Exhibit A-2**

*2009 LSBA Policy Positions* (May 13, 2009)

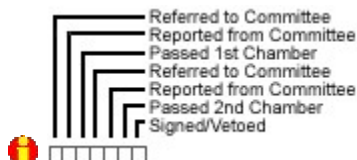
cited on page 4, footnote 7, of Plaintiff's Memorandum in  
Support of His Motion for Preliminary Injunction



## 2009 LSBA POSITIONS

### ADOPTED BY BOARD OF GOVERNORS

May 13, 2009 ♦ Baton Rouge



<u><a href="#">HB 1</a></u>	<u><a href="#">Fannin</a></u>	Provide for the ordinary operating expenses of state government for Fiscal Year 2009-2010.
	<b>Remarks:</b>	SUPPORT - Support that portion of HB 1 which provides funding for Louisiana Public Defender Board and Louisiana Legal Services Corporations
<u><a href="#">HB 33</a></u>	<u><a href="#">Leger</a></u>	Enacts the Witness Protection Services Act.
	<b>Remarks:</b>	SUPPORT IF AMENDED - Amend to: 1) include representative from Louisiana Public Defender Board; 2) include representative appointed by and from Louisiana State Bar Association; and 3) apply to all witnesses - not just those of the prosecution.
<u><a href="#">HB 43</a></u>	<u><a href="#">Geymann</a></u>	Provides for proof of a valid prescription as a defense to violations of the Uniform Controlled Dangerous Substances Law.
	<b>Remarks:</b>	OPPOSE - Shifts burden of proof to the defendant and requires proof to be provided too early in the process. Creates unduly restrictive limitation on ability to assert a defense.
<u><a href="#">HB 70</a></u>	<u><a href="#">Hardy</a></u>	Provides for \$1 in court costs to be used to support the witness protection program.
	<b>Remarks:</b>	OPPOSE - LSBA generally opposed to increasing court costs, as this impedes access to justice.
<u><a href="#">HB 139</a></u>	<u><a href="#">Smith, Jane</a></u>	Requires attachment of third-party affidavit to a petition for damages alleging negligence by an architect, land surveyor, or engineer.
	<b>Remarks:</b>	OPPOSE - LSBA supports access to courts and sees this proposal as too restrictive. Would create special restrictions on claims against specific defendants.
<u><a href="#">HB 204</a></u>	<u><a href="#">Burns, Tim</a></u>	Provides for the furnishing of security for civil appeals.
	<b>Remarks:</b>	OPPOSE - Too restrictive. Case-specific provisions should not be

		included in Code of Civil Procedure.
<a href="#"><u>HB 220</u></a>	<a href="#"><u>Burns, Tim</u></a>	Provides for the inclusion of information in certain petitions.
	<b>Remarks:</b>	OPPOSE - Too restrictive. Case-specific provisions should be not included in Code of Civil Procedure.
<a href="#"><u>HB 245</u></a>	<a href="#"><u>Talbot</u></a>	Provides venue for actions involving latent disease.
	<b>Remarks:</b>	OPPOSE - Too restrictive. Case-specific provisions should not be included in Code of Civil Procedure.
<a href="#"><u>HB 256</u></a>	<a href="#"><u>Richardson</u></a>	Allows the use of testimony from missing witnesses due to actions by the defendant.
	<b>Remarks:</b>	SUPPORT - Mirrors Federal Rules of Evidence.
<a href="#"><u>HB 332</u></a>	<a href="#"><u>Robideaux</u></a>	Limits civil liability for persons using automated external defibrillators.
	<b>Remarks:</b>	OPPOSE - General policy against expansion of immunities.
<a href="#"><u>HB 345</u></a>	<a href="#"><u>Abramson</u></a>	Provides disclosure procedures for asbestos and silica claims.
	<b>Remarks:</b>	OPPOSE - Too narrow and already covered in discovery procedures. Case-specific provisions should not be included in Code of Civil Procedure.
<a href="#"><u>HB 444</u></a>	<a href="#"><u>Perry</u></a>	Provides with respect to administrative law hearings in DWI matters.
	<b>Remarks:</b>	OPPOSE - Access to justice issue. Defendant should be able to conduct discovery as related to police officer/law enforcement records.
<a href="#"><u>HB 554</u></a>	<a href="#"><u>Landry</u></a>	Provides civil immunity for certain volunteers working in coordination with the state or its political subdivisions as relates to homeland security.
	<b>Remarks:</b>	OPPOSE - General policy against expansion of immunities and too broadly written.
<a href="#"><u>HB 600</u></a>	<a href="#"><u>Johnson</u></a>	Provides for the determination of income for support purposes relative to family law.
	<b>Remarks:</b>	SUPPORT - Provides for access to necessary information. LSBA Family Law Section strongly supports.
<a href="#"><u>HB 605</u></a>	<a href="#"><u>Jones, R.</u></a>	Amends provisions of law regarding discovery in criminal cases.
	<b>Remarks:</b>	SUPPORT - Administration of justice issue.
<a href="#"><u>HB 628</u></a>	<a href="#"><u>Landry</u></a>	Provides for the delays for certain child custody orders.
	<b>Remarks:</b>	OPPOSE - Proposed delay period too long.
<a href="#"><u>HB 701</u></a>	<a href="#"><u>Thibaut</u></a>	Provides for establishment and maintenance of juvenile justice programs and services.
	<b>Remarks:</b>	SUPPORT - Provides necessary services for administration of juvenile justice.



<a href="#"><u>HB 712</u></a>	<a href="#"><u>Smith, Gary</u></a>	Provides that a justice of the peace shall not have the authority to issue a warrant of arrest.
	<b>Remarks:</b>	SUPPORT - Fundamental due process issue.
<a href="#"><u>HB 863</u></a>	<a href="#"><u>Fannin</u></a>	Appropriates funds for expenses of the Louisiana Judiciary for Fiscal Year 2009-2010.
	<b>Remarks:</b>	SUPPORT - Provides for necessary funding for the Courts.
<a href="#"><u>HCR 11</u></a>	<a href="#"><u>Jones, R.</u></a>	Urges and requests the Louisiana Supreme Court to study the feasibility of requiring certification to practice certain areas of law.
	<b>Remarks:</b>	OPPOSE- Supreme Court has exclusive jurisdiction over the practice of law and in 1993 created the Louisiana Board of Legal Specialization to consider such matters.
<a href="#"><u>SB 65</u></a>	<a href="#"><u>Donahue</u></a>	Provides for electronic discovery.
	<b>Remarks:</b>	OPPOSE- LSBA in favor of addressing issue of electronic discovery but recommends that the issue be sent to the Louisiana State Law Institute for a comprehensive study with desired result of electronic discovery rules and provisions for their implementation.
<a href="#"><u>SB 106</u></a>	<a href="#"><u>Cheek</u></a>	Limits civil liability of health care providers and personnel during a declared emergency.
	<b>Remarks:</b>	OPPOSE - General policy against expansion of immunities.
<a href="#"><u>SB 122</u></a>	<a href="#"><u>Broome</u></a>	Authorizes certain de facto custodian and interested third party custody and visitation proceedings.
	<b>Remarks:</b>	OPPOSE - Existing law sufficiently addresses.

	All	Track
Total Bills:	23	0

- End of Report -

# **Exhibit A-3**

*LSBA Bill Status Report* (June 2, 2010)

cited on page 4, footnote 8, of Plaintiff's Memorandum in  
Support of His Motion for Preliminary Injunction



**LSBA  
Bill Status Report**

06-02-2010 - 12:58:19

- Action in the date range  
 - Link to Related Information  
 ( ) - Priority

**2010R BOG OPPOSE**

HB 25	Abramson	Exempts La. Citizens Property Insurance Corp. from posting bonds.  <b>Remarks:</b> The LSBA <b>OPPOSES</b> this bill because it is against bar policy which opposes immunity.
HB 104	Hardy	Requires a driver who is arrested for a DWI to remain in jail 48 hours after arrest.  <b>Remarks:</b> The LSBA <b>OPPOSES</b> this bill.
HB 289	Hardy	(Constitutional Amendment) Provides with respect to domicile requirements for certain judges.  <b>Remarks:</b> The LSBA <b>OPPOSES</b> this bill, and notes that the current system is working and that it was not necessary to make any changes.
HB 317	Abramson	Provides venue for actions involving latent disease.  <b>Remarks:</b> The LSBA <b>OPPOSES</b> this bill because it targets special interests. Opposition to this bill is in compliance with earlier policies from the House of Delegates.
HB 323	Willmott	Provides a limitation of liability for curators and undercurators.  <b>Remarks:</b> The LSBA <b>OPPOSES</b> this bill. Its opposition is consistent with the LSBA's policy to oppose limitations of liability.
HB 358	Abramson	Provides disclosure procedures for asbestos and silica claims.  <b>Remarks:</b> The LSBA <b>OPPOSES</b> this bill because it is case specific. The LSBA's opposition complies with the policies of the House of Delegates.
HB 375	Morris	Provides with respect to the use of certificates of analysis in criminal cases.  <b>Remarks:</b> The LSBA <b>OPPOSES</b> this bill because the bill deprives defendant of constitutionally protected confrontation rights.
HB 427	Mills	Provides relative to medical malpractice.  <b>Remarks:</b> The LSBA <b>OPPOSES</b> this bill. The LSBA notes that the new burden shifting in the bill created an immunity which the LSBA opposes generally, and would extend to emergency situations beyond those Katrina-caused.
HB 491	Billiot	Limits liability for any flood control levee or structure designed and built by the U.S. Army Corps of Engineers.  <b>Remarks:</b> The LSBA <b>OPPOSES</b> because the bill provides a limitation of liability which the LSBA opposes generally.

HB 494	Billiot	Limits liability of levee districts for the permit or use of bicycle paths or walkways for recreational purposes by the public.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because it provides a limitation of liability, which violates LSBA policy regarding limitations of liability and immunities.
HB 554	Danahay	Prohibits release on own recognizance for domestic abuse battery.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because it interferes with appropriate judicial discretion.
HB 572	Burns, Tim	Provides for the inclusion of information in certain civil petitions regarding Latent Disease.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because it attempts to treat a specific set of cases differently by requiring additional pleading requirements which are not warranted.
HB 584	Mills	Limits liability during funeral processions.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because it is against bar policy which opposes limitations of liability.
HB 669	Dixon	Provides relative to the rehabilitation of injured employees.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill.
HB 708	Carmody	Provides relative to medical review panels filing fee.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill which is consistent with the LSBA's previous policy to reign in court costs.
HB 762	Roy	Provides for a minimum mandatory sentence of one year for intentional acts of cruelty to the infirmed.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because it interferes with the defendant's constitutionally protected right of confrontation.
HB 772	Lopinto	Amends provisions relative to securing the presence of a material witness.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because it authorizes the arrest of a witness who has done nothing to justify incarceration and does not provide a meaningful standard or safeguard.
HB 773	Roy	Provides a limitation of liability for prescribed burnings as a land management tool.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because it provides a limitation of liability, which is against bar policy regarding limitations of liability and immunities.
HB 795	Wooton	Provides relative to an employer's access to criminal history and arrest records of a potential employee.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill.
HB 801	Lambert	(Constitutional Amendment) Provides that the term of office for justices of the supreme court is six years.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill.
HB 871	Hazel	Provides relative to summonses for contempt for nonpayment of child support orders or medical support orders.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because it delegates too much

authority to the DDS and allows the DDS to be the enforcement agency.

HB 902	Arnold	Provides with respect to the liability of Mardi Gras parade krewees.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because it provides a limitation of liability, which violates LSBA policy regarding limitations of liability and immunities.
HB 940	Montoucet	(Constitutional Amendment) Permits criminal defendants in certain cases to waive trial by jury with the consent of the prosecutor and court approval.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill.
HB 980	Abramson	Provides relative to the interviewing of crime victims and witnesses.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill.
HB 1007	White	Provides relative to the Louisiana Governmental Claims Act.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because it attempts to fix a law that does not need to be fixed.
HB 1031	White	Provides with respect to prescriptive period as relates to claims against the state.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because it targets unfairly old cases against the DOTD.
HB 1091	Abramson	Prohibits penalties against the Louisiana Citizens Property Insurance Corporation in class action lawsuits.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because the exemption that the bill provides is akin to a limitation of liability, which violates the LSBA's policy regarding limitations of liability and immunities.
HB 1101	Schroder	Prohibits appropriations to a nongovernmental entity when there is a decrease in the official forecast.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because the bill could impact funding for Access to Justice, LCLE, and other groups.
HB 1106	White	Provides relative to divestiture of juvenile jurisdiction.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill.
HB 1210	Schroder	Provides with respect to the Louisiana Public Adjuster Licensing Law. Became HB 1475.
	<b>Companions:</b>	HB 1475 Schroder (Substitute) 5-13-10 H Returned to the calendar - subject to call
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because the bill in its present form provides for the unauthorized practice of law.
HB 1312	LeBas	Provides for prescription in actions for damages against home inspectors.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because the exemption that the bill creates an immunity, which violates LSBA policy regarding limitations of liability and immunities.
HB 1318	Henderson	Provides relative to immunity of personnel while engaged in emergency preparedness activities.
	<b>Remarks:</b>	The LSBA <b>OPPOSES</b> this bill because the exemption that it

creates an immunity, which violates LSBA policy regarding limitations of liability and immunities.

HB 1324 Richmond Repeals provisions relative to compensation in certain expropriation proceedings.

**Remarks:** The LSBA **OPPOSES** this bill because it restricts Louisiana's expropriation damages which are broader than other states.

HB 1360 Wooton Amends provisions of law regarding insurance fraud. Became HB 1483.

**Companions:** HB 1483 Wooton (Substitute)  
5-27-10 S Referred to Senate Committee on Senate Insurance

**Remarks:** The LSBA **OPPOSES** this bill.

HB 1421 Landry Provides for low-profit limited liability companies.

**Remarks:** The LSBA **OPPOSES** this bill with a recommendation that Louisiana Law Institute review the bill.

SB 72 Appel Provides that certain provisions of the Code of Governmental Ethics are applicable to judges.

**Remarks:** The LSBA **OPPOSES** this bill because it imposes on the Supreme Court's exclusive jurisdiction over the practice of law.

SB 132 Morrell Prohibits visitation rights of a family member with culpability in death of a parent.

**Remarks:** The LSBA **OPPOSES** this bill because it interferes with appropriate judicial discretion.

SB 163 Murray Provides relative to procedure for motion for a summary judgment.

**Remarks:** The LSBA **OPPOSES** this bill because the sufficient law is sufficient.

SB 165 Murray Provides relative to motions for summary judgment.

**Remarks:** The LSBA **OPPOSES** this bill.

SB 219 Appel Provides relative to the signing of pleadings.

**Remarks:** The LSBA **OPPOSES** this bill because the current law regarding pleadings and contents is sufficient.

SB 366 Michot Provides relative to venue.

**Remarks:** The LSBA **OPPOSES** this bill.

SB 443 LaFleur Provides relative to civil actions against certain professionals for malpractice.

**Remarks:** The LSBA **OPPOSES** this bill because it contains an objectionable requirement that petition alleging professional liability contain an expert report.

SB 457 Appel Provides relative to the Louisiana Binding Arbitration Law.

**Remarks:** The LSBA **OPPOSES** this bill.

SB 475 Quinn Provides relative to failure to pay child support obligation.

**Remarks:** The LSBA **OPPOSES** this bill because the bill interferes with

appropriate judicial discretion.

SB 549

Adley

Provides for the receipt of certain pro bono legal services from state and private university law schools by small and emerging businesses and prohibits certain activities by law school clinics.

**Remarks:** This bill was defeated, following a two-hour hearing on May 19. As originally filed, the bill provided for the receipt of certain pro bono legal services from state and private university law schools by small and emerging businesses and prohibited certain activities by law school clinics. Opposed by the LSBA, this bill would have had a substantial deleterious effect on law school clinics in the state.

SB 738

Appel

Limits the liability for certain professional employees of a school district.

**Remarks:** The LSBA **OPPOSES** this bill.

- End of Report -

# **Exhibit A-4**

*LSBA Bill Status Report* (Aug. 18, 2011)

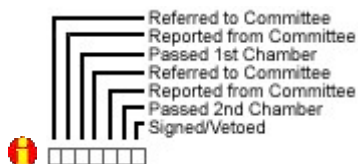
cited on page 4, footnote 9, of Plaintiff's Memorandum in  
Support of His Motion for Preliminary Injunction





**LSBA**  
**Bill Status Report**  
08-18-2011 - 11:43:23

 - Action in the date range  - Link to Related Information ( ) - Priority



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**Track: 11R SUPPORT POSITIONS**

---

HB 85 Kleckley



Requires the identification of the title producer, examining attorney and title insurer on certain transactions.

**Specific Remarks:** **SUPPORT** The LSBA supports this bill because it is a consumer protection bill which ensures that title is researched in Louisiana#  
**Signed by Governor; Act 164**

HB 106 Moreno



Requires reporting from providers of home incarceration or electronic monitoring services to DPS&C.

**Specific Remarks:** **SUPPORT** The LSBA supports this bill because it clarifies current law and is supported by prosecutors, the criminal defense bar and the administration  
**Signed by Governor; Act 168**

HB 129 Seabaugh



Provides the La. Supreme Court Committee on Bar Admissions with access to criminal history information of bar examination applicants.

**Specific Remarks:** **SUPPORT** The LSBA supports this bill because it provides the Court's Committee on Bar Admissions with the access it needs to facilitate the character and fitness component of the admissions process  
**Signed by Governor; Act 252**

HB 138 Smith, Patricia Provides with respect to eligibility for parole consideration for certain elderly inmates.

**Specific Remarks:** **SUPPORT** The LSBA supports this bill because it recognizes the need to ease prison overcrowding in circumstances where it poses no threat to public safety

Signed by Governor; Act 253

HB 178 Schroder Provides relative to transfer of funds by the Dept. of Children and Family Services for representation of children and indigent parents in child protection proceedings.

**Specific Remarks:** **SUPPORT** The LSBA supports this bill because it provides access to justice by moving these funds to the Louisiana Bar Foundation where they are distributed through grants to agencies which providesservices to children and families

Signed by Governor; Act 77

HB 217 Barras Provides relative to technical violations of probation.

**Specific Remarks:** **SUPPORT** The LSBA supports this bill because it allows for treatment of technical probation violations without incarceration# This bill is supported by all system stakeholders as a fairness issue

Signed by Governor; Act 33

HB 272 Bishop Provides for the issuance of a written summons in lieu of arrest for certain crimes.

**Specific Remarks:** **SUPPORT** The LSBA supports this bill because it recognizes the need to ease prison overcrowding in circumstances where it poses no threat to public safety

Signed by Governor; Act 403

HB 287 Hazel Provides for the classification of monies in the Patient's Compensation Fund.

**Specific Remarks:** **SUPPORT** The LSBA supports this bill as an access to justice issue, as it asserts that monies in the fund are not state property and are not subject to appropriation by the Legislature

Signed by Governor; Act 263

HB 361 Roy



Revises provisions relative to access to accident reports.

**Specific Remarks:** **SUPPORT** The LSBA supports this bill as it keeps costs down by providing access to review reports at no charge, and makes reports available earlier

Signed by Governor; Act 280

HB 414 Lopinto



Revises and consolidates statutes providing for the diminution of sentence.

**Specific Remarks:** **SUPPORT** The LSBA supports this bill, which is proposed by the Sentencing Commission, because it recognizes the need to ease prison overcrowding in circumstances where it poses no threat to public safety

Signed by Governor; Act 186

HB 415 Lopinto



Authorizes probation and parole officers to impose administrative sanctions for technical violations.

**Specific Remarks:** **SUPPORT** The LSBA supports this bill because it allows sanction in lieu of incarceration in instances of technical violations, and it is endorsed by all stakeholders

Signed by Governor; Act 104

HB 538 Richard



Provides relative to public records availability.

**Specific Remarks:** **SUPPORT** The LSBA supports this as an access to justice issue as it ensures that public records may be required in any media format in which they exist within the public entity or agency

HB 553 Foil



Provides for a uniform fines and costs assessment form for criminal cases.

**Specific Remarks:** **SUPPORT** The LSBA supports this as it arose out of the spring 2011 Criminal Justice Summit to ensure funding through required monthly distribution of all mandated fees. While it supports in its current form, the LSBA's preference would be that the bill be amended to the original language which requires use of the

uniform form

Signed by Governor; Act 366

SB 22 Murray



Provides relative to small succession procedures and effects.

**Specific Remarks:**

**SUPPORT** The LSBA supports this bill as an access to justice issue as it simplifies the current language with regard to small successions

Signed by Governor; Act 323

SB 24 Alario



Authorizes uniform cancellation affidavit for cancellation of mortgage and vendor's lien inscriptions.

**Specific Remarks:**

**SUPPORT** The LSBA supports this bill as it creates a uniform cancellation affidavit, but does not repeal any other method of cancellation

Signed by Governor; Act 124

SB 27 Amedee



Provides for the individuals who may receive a patient's medical records.

**Specific Remarks:**

**SUPPORT** The LSBA supports this bill as it limits to what is provided for in current law as the only charges which may be assessed for access to healthcare records

Signed by Governor; Act 125

SB 36 Morrish



Provides relative to abstracts of title and title opinions.

**Specific Remarks:**

**SUPPORT** The LSBA supports this bill as it promotes accuracy by making uniform certain practices relative to title abstracts and title opinions

Signed by Governor; Act 325

- End of Report -

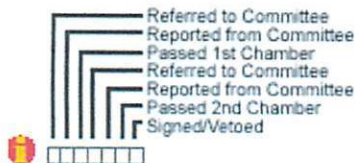
# Exhibit A-5

The Capitol Group, *LSBA Final Report* (June 5, 2012)  
cited on page 5, footnote 10, of Plaintiff's Memorandum in  
Support of His Motion for Preliminary Injunction

# THE CAPITOL GROUP

## LSBA FINAL REPORT

06-05-2012 - 09:40:15



[HB 132](#)

[Ligi](#)

[Martiny](#)

Provides relative to service of process on attorneys.

**Specific Remarks:**

LSBA SUPPORTS WITH AMENDMENTS. Amendment would ensure that service could only be accomplished upon lawyer or someone in his/her employ.

**Larry Murray reports that the bill PASSED with the amendments requested by the LSBA.**

**Bill History:**

02-16-12 H Prefiled  
02-16-12 H Referred to House Committee on House Civil Law  
03-26-12 H Meeting set for 10:00 a.m. Rm. 4, House Civil Law  
03-26-12 H Reported favorably from committee as amended House Civil Law  
03-27-12 H Set on the House Orders  
04-03-12 H Laid out for consideration in the House at 3:04pm  
04-03-12 H Passed (Vote: Y: 89/N: 0)  
04-03-12 S Referred to Senate Committee on Senate Judiciary (A)  
05-01-12 H Meeting set for 9:00 a.m. Hainkel Rm., Senate Judiciary (A)  
05-01-12 H Reported favorably from committee as amended Senate Judiciary (A)  
05-07-12 S Set on the Senate Orders  
05-08-12 S Laid out for consideration in the Senate at 3:48pm  
05-08-12 S Passed (Vote: Y: 38/N: 0)  
05-09-12 H Set on the House Orders  
05-15-12 H Laid out for consideration in the House at 3:18pm  
05-15-12 H House concurred in Senate amendments (Vote: Y: 93/N: 0)  
05-16-12 H Enrolled



[HB 195](#)  
-----[Seabaugh](#)05-25-12 G Signed by the Governor (Act: 242)  
08-01-12 G Effective

Provides relative to motions for judgment on offer of judgment.

**Specific Remarks:**

LSBA OPPOSED. Access to justice issue as it would shift defense costs to the plaintiff.

**Larry Murray reports that this bill FAILED; it was not scheduled for a hearing.****Bill History:**02-23-12 H Prefiled  
02-23-12 H Referred to House Committee on House Civil Law[HB 232](#)  
-----[Seabaugh](#)

Provides for the liberative prescriptive period applicable to open accounts.

**Specific Remarks:**

LSBA OPPOSED. Prescriptive period not in need of extension.

**Larry Murray reports that this bill FAILED; it was not scheduled for a hearing.****Bill History:**02-24-12 H Prefiled  
02-24-12 H Referred to House Committee on House Civil Law[HB 301](#)  
-----[Broadwater](#)

Constitutional Amendment relative to workers' compensation judges, provides for civil service status and terms of service.

**Specific Remarks:**

LSBA OPPOSED. Bill focuses on judicial structure; refer to Louisiana State Law Institute for overall systemic review.

**Larry Murray reports the bill FAILED on the House floor.****Bill History:**02-27-12 H Prefiled  
02-27-12 H Referred to House Committee on House and Governmental Affairs  
04-04-12 H Meeting set for 9:30 A.M. RM. 2, House and Governmental Affairs  
04-04-12 H Reported favorably from committee on House and Governmental Affairs  
04-05-12 H Set on the House Orders  
04-05-12 H Recommitted House Civil Law  
04-16-12 H Meeting set for 10:00 a.m. Rm. 4, House Civil Law  
04-16-12 H Reported favorably from committee as amended House Civil Law  
04-17-12 H Set on the House Orders  
04-24-12 H Laid out for consideration in the House at 3:36pm  
04-24-12 H Returned to the calendar - subject to call[HB 325](#)  
-----[Arnold](#)  
[Morrell](#)

Increases the special cost assessed in criminal cases in each judicial district court for the district indigent defender fund.

**Companions:**[HB 816](#) (Identical)



**Specific Remarks:** LSBA SUPPORTS. Policies adopted by House of Delegates in 2003, 2005 and 2007 authorize LSBA to support adequate funding of indigent defense system; to support and endorse individuals' constitutional rights to adequate access to defense services; and to provide reasonable resources to the system.

**Larry Murray reports that the bill PASSED in an amended form; amendments throughout the process reduced the proposed \$20 fee increase to a \$10 increase.**

**Bill History:** 02-27-12 H Prefiled  
 02-27-12 H Referred to House Committee on House Administration of Criminal Justice  
 04-18-12 H Meeting set for 9:00 a.m. Rm. 6, House Administration of Criminal Justice  
 04-18-12 H Reported favorably from committee as amended House Administration of Criminal Justice  
 04-19-12 H Set on the House Orders  
 04-30-12 H Laid out for consideration in the House at 4:59pm  
 04-30-12 H 3 Floor amendment(s) adopted  
 04-30-12 H Passed (Vote: Y: 87/N: 12)  
 05-02-12 S Set on the Senate Orders  
 05-02-12 S Referred to Senate Committee on Senate Judiciary (B)  
 05-08-12 S Meeting set for 9:30 a.m., Rm. E, Senate Judiciary (B)  
 05-06-12 S Committee Hearing Cancelled Senate Judiciary (B)  
 05-15-12 S Meeting set for 9:30 a.m., Rm. E, Senate Judiciary (B)  
 05-15-12 S Reported favorably from committee as amended Senate Judiciary (B)  
 05-16-12 S Set on the Senate Orders  
 05-16-12 S Recommitted Senate Revenue and Fiscal Affairs  
 05-21-12 S Meeting set for 9:00 a.m., Hainkel Rm., Senate Revenue and Fiscal Affairs  
 05-21-12 S Reported favorably from committee as amended Senate Revenue and Fiscal Affairs  
 05-23-12 S Set on the Senate Orders  
 05-23-12 S Laid out for consideration in the Senate at 3:14pm  
 05-23-12 S Passed (Vote: Y: 37/N: 1)  
 05-24-12 H Set on the House Orders  
 05-31-12 H Laid out for consideration in the House at 1:56pm  
 05-31-12 H House concurred in Senate amendments (Vote: Y: 80/N: 7)  
 06-01-12 H Enrolled

[HB 343](#)

[Ligi](#)

Provides with respect to the availability of jury trials in certain civil matters.

**Specific Remarks:** LSBA OPPOSED. Jury Trial system needs comprehensive study by Louisiana State Law Institute or Louisiana Supreme



Court.

**Larry Murray reports that this bill FAILED narrowly in House committee and there was also a failed effort on the house floor by proponents of the bill to direct the committee to report the bill to the House floor for consideration by the full House.**

**Bill History:** 02-28-12 H Prefiled  
02-28-12 H Referred to House Committee on House Civil Law  
04-02-12 H Meeting set for 10:30 A.M. RM. 4, House Civil Law

[HB 417](#)

[James](#)

Provides for access to jury trials when the amount in controversy exceeds \$75,000.

**Specific Remarks:** LSBA OPPOSES. Jury trial system needs comprehensive study by Louisiana State Law Institute or Louisiana Supreme Court.

**Larry Murray reports that this bill FAILED; the only bill re jury trial threshold that was considered was the failed HB 343 referenced above.**

**Bill History:** 02-29-12 H Prefiled  
02-29-12 H Referred to House Committee on House Civil Law  
04-02-12 H Meeting set for 10:30 A.M. RM. 4, House Civil Law

[HB 437](#)

[Abramson](#)

Provides with respect to civil jury trials.

**Specific Remarks:** LSBA OPPOSED. Jury trial system needs comprehensive study by Louisiana State Law Institute or Louisiana Supreme Court.

**Larry Murray reports that this bill FAILED; the only bill re jury trial threshold that was considered was the failed HB 343 referenced above.**

**Bill History:** 02-29-12 H Prefiled  
02-29-12 H Referred to House Committee on House Civil Law  
04-02-12 H Meeting set for 10:30 A.M. RM. 4, House Civil Law

[HB 438](#)

[Abramson](#)

Provides for the inclusion of information in certain petitions related to latent disease, including asbestos and silica-related diseases.

**Companions:** [HB 172](#) (Refiled from 37R Session)

**Specific Remarks:** LSBA OPPOSED. Policy adopted by House of Delegates in 2010 opposing creation of special rules favoring subclasses of parties.

**Larry Murray reports that this bill FAILED; as part of the 3 bill package dealing with asbestos/silica-related**

**disease litigation, this bill was not heard in committee.**

**Bill History:** 02-29-12 H Prefiled  
02-29-12 H Referred to House Committee on House Civil Law  
04-16-12 H Meeting set for 10:00 a.m. Rm. 4, House Civil Law  
04-17-12 H Meeting set for 9:00 A.M. RM. 4, House Civil Law  
04-24-12 H Meeting set for 9:00 A.M., House Civil Law

[HB 440](#)

[Abramson](#)

Provides relative to venue for actions involving latent disease.

**Specific Remarks:** LSBA OPPOSED. Policy adopted by House of Delegates in 2010 opposing creation of special rules favoring subclasses of parties.

**Larry Murray reports that this bill Failed; as part of the 3 bill package re asbestos/silica-related disease litigation, this bill was not heard in committee.**

**Bill History:** 02-29-12 H Prefiled  
02-29-12 H Referred to House Committee on House Civil Law  
04-16-12 H Meeting set for 10:00 a.m. Rm. 4, House Civil Law  
04-17-12 H Meeting set for 9:00 A.M. RM. 4, House Civil Law  
04-24-12 H Meeting set for 9:00 A.M., House Civil Law

[HB 443](#)

[Abramson](#)

Prohibits penalties against the La. Citizens Property Insurance Corporation in class action lawsuits.

**Specific Remarks:** LSBA OPPOSED. Would adversely impact individuals' rights against Citizens Insurance.

**Larry Murray reports that this bill FAILED; it was not scheduled for a hearing.**

**Bill History:** 02-29-12 H Prefiled  
02-29-12 H Referred to House Committee on House Civil Law

[HB 461](#)

[Abramson](#)

Provides relative to jury trials.

**Specific Remarks:** LSBA OPPOSED. Jury Trial system needs comprehensive study by Louisiana State Law Institute or Louisiana Supreme Court.

**Larry Murray reports that this bill FAILED; the only bill re jury trial threshold that was considered was the failed HB 343 referenced above.**

**Bill History:** 02-29-12 H Prefiled  
02-29-12 H Referred to House Committee on House Civil Law

[HB 472](#)

[Abramson](#)

Exempts La. Citizens Property Insurance Corporation from



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posting bonds.

**Companions:** [SB 204](#) (Identical)

**Specific Remarks:** LSBA OPPOSED. Would adversely impact individuals' rights against Citizens Insurance.

**Larry Murray reports that while this bill FAILED, its Senate counterpart PASSED. See SB 204.**

**Bill History:** 02-29-12 H Prefiled  
02-29-12 H Referred to House Committee on House Judiciary

[HB 477](#)

[Abramson](#)

Provides disclosure procedures for asbestos and silica claims.  
-----

**Companions:** [HB 280](#) (Refiled from 37R Session)

**Specific Remarks:** LSBA OPPOSED. Policy adopted by House of Delegates in 2010 opposing creation of special rules favoring subclasses in parties.

**Larry Murray reports that this bill FAILED. As the only bill of the 3 bill package of asbestos/silica-related disease litigation bills to clear the original House committee, this bill narrowly failed 3-2 in the Senate committee. The LSBA specifically was called to the table to testify.**

**Bill History:** 02-29-12 H Prefiled  
02-29-12 H Referred to House Committee on House Civil Law  
04-16-12 H Meeting set for 10:00 a.m. Rm. 4, House Civil Law  
04-16-12 H Reported favorably from committee as amended House Civil Law  
04-17-12 H Set on the House Orders  
04-24-12 H Returned to the calendar - subject to call  
05-01-12 H Laid out for consideration in the House at 4:01pm  
05-01-12 H 1 Floor amendment(s) adopted  
05-01-12 H Passed (Vote: Y: 95/N: 0)  
05-03-12 S Set on the Senate Orders  
05-03-12 S Referred to Senate Committee on Senate Judiciary (A)  
05-22-12 S Meeting set for 9:00 a.m., Hainkel Rm., Senate Judiciary (A)

[HB 782](#)

[Connick](#)

Provides with respect to certain contracts for the collection and settlement of debts as the practice of law.  
-----

**Specific Remarks:** LSBA SUPPORTS. Addresses concerns about unauthorized practice of law (UPL) by debt counseling services.

**Larry Murray reports that this bill FAILED in the Senate committee.**

**Bill History:** 03-02-12 H Prefiled  
03-02-12 H Referred to House Committee on House Civil



Law  
 04-03-12 H Meeting set for 10:00 A.M. RM. 4, House Civil  
 Law  
 04-10-12 H Meeting set for 10:00 a.m. Rm. 4, House Civil  
 Law  
 04-10-12 H Reported favorably from committee as amended  
 House Civil Law  
 04-11-12 H Set on the House Orders  
 04-18-12 H Laid out for consideration in the House at  
 2:49pm  
 04-18-12 H 1 Floor amendment(s) adopted  
 04-18-12 H Passed (Vote: Y:101/N: 0)  
 04-23-12 S Set on the Senate Orders  
 04-23-12 S Referred to Senate Committee on Senate  
 Commerce  
 05-16-12 S Meeting set for 9:30 a.m., Rm. E, Senate  
 Commerce  
 05-23-12 S Meeting set for 9:00 a.m., Rm. E, Senate  
 Commerce

[HB 947](#)[Landry, N](#)

Amends provisions relative midwifery licensing.

**Specific Remarks:**

LSBA OPPOSED. Policy adopted by House of Delegates in 2010 opposing granting of civil immunities except under certain limited circumstances.

**Larry Murray reports that this bill FAILED in Senate committee. However a substantial portion of the bill was added to SB 320 during the waning days of the session, including the limitation of liability provision that was objectionable to the LSBA; ultimately, SB 320 PASSED with the objectionable provision from HB 947 included.**

**Bill History:**

03-02-12 H Prefiled  
 03-02-12 H Referred to House Committee on House Health and Welfare  
 05-02-12 H Meeting set for 9:00 A.M. RM. 5, House Health and Welfare  
 05-03-12 H Reported favorably from committee as amended House Health and Welfare  
 05-07-12 H Set on the House Orders  
 05-14-12 H Laid out for consideration in the House at 3:07pm  
 05-14-12 H 1 Floor amendment(s) adopted  
 05-14-12 H Passed (Vote: Y: 94/N: 0)  
 05-16-12 S Set on the Senate Orders  
 05-16-12 S Referred to Senate Committee on Senate Health and Welfare  
 05-23-12 S Meeting set for 9:00 a.m., Hainkel Rm., Senate Health and Welfare

[HB 980](#)[Mack](#)

Provides relative to warrants for arrest on indictments or bills of information.

**Specific Remarks:**

LSBA SUPPORTS. Provides for changes consistent with State v Rochon.



**Larry Murray reports that this bill PASSED.**

**Bill History:** 03-12-12 H Introduced  
 03-13-12 H Set on the House Orders  
 03-13-12 H Referred to House Committee on House Administration of Criminal Justice  
 03-28-12 H Meeting set for 9:30 A.M. RM. 6, House Administration of Criminal Justice  
 03-28-12 H Reported favorably from committee on House Administration of Criminal Justice  
 03-29-12 H Set on the House Orders  
 04-04-12 H Laid out for consideration in the House at 7:41pm  
 04-04-12 H Passed (Vote: Y: 99/N: 0)  
 04-09-12 S Set on the Senate Orders  
 04-09-12 S Referred to Senate Committee on Senate Judiciary (C)  
 05-01-12 S Meeting set for 9:30 a.m., Rm. F, Senate Judiciary (C)  
 05-01-12 S Reported favorably from committee on Senate Judiciary (C)  
 05-07-12 S Set on the Senate Orders  
 05-08-12 S Laid out for consideration in the Senate at 4:30pm  
 05-08-12 S Returned to the calendar - subject to call  
 05-14-12 S Laid out for consideration in the Senate at 6:18pm  
 05-14-12 S Passed (Vote: Y: 37/N: 0)  
 05-15-12 S Enrolled  
 05-22-12 G Signed by the Governor (Act: 216)  
 08-01-12 G Effective

[HB 1192](#)[Barras](#)[Walsworth](#)

Provides with respect to notaries. Substitute for HB 922.

**Companions:** [HB 922](#) (Substitute)

**Specific Remarks:** LSBA OPPOSED. Flawed compromise by parties. Needs comprehensive study and solution rather than piecemeal approach.

**Larry Murray reports that this bill PASSED but with substantial amendments which would limit the bill in several ways, including prohibitions on provisional notaries drafting/preparing wills, trusts and donations mortis cause as well as any instrument which transfers title to immovable property. The bill is of limited duration, applies only to existing businesses and a report to the Legislature re this program is required.**

**Bill History:** 04-11-12 H Introduced  
 04-12-12 H Set on the House Orders  
 04-23-12 H Laid out for consideration in the House at 5:07pm  
 04-23-12 H 1 Floor amendment(s) adopted  
 04-23-12 H Passed (Vote: Y: 75/N: 23)  
 04-25-12 S Set on the Senate Orders



04-25-12 S Referred to Senate Committee on Senate Judiciary (A)  
 05-01-12 S Meeting set for 9:00 a.m. Hainkel Rm., Senate Judiciary (A)  
 05-22-12 S Meeting set for 9:00 a.m., Hainkel Rm., Senate Judiciary (A)  
 05-22-12 S Reported favorably from committee as amended Senate Judiciary (A)  
 05-24-12 S Set on the Senate Orders  
 05-24-12 S Laid out for consideration in the Senate at 10:31am  
 05-24-12 S Returned to the calendar - subject to call  
 05-28-12 S Laid out for consideration in the Senate at 5:34pm  
 05-28-12 S 1 Floor amendment(s) adopted  
 05-28-12 S Passed (Vote: Y: 37/N: 0)  
 05-30-12 H Set on the House Orders  
 06-01-12 H Laid out for consideration in the House at 2:27pm  
 06-01-12 H House concurred in Senate amendments (Vote: Y: 92/N: 1)  
 06-04-12 H Enrolled

[SB 119](#)[Morrell](#)  
[Brossett](#)

Provides for administration of auto-injectable epinephrine by a school nurse.

**Specific Remarks:**

LSBA OPPOSED. Policy adopted by House of Delegates in 2010 opposing granting of civil immunities except under certain limited circumstances.

**Larry Murray reports that this bill PASSED with the amendments sought by the LSBA to remove the limitation of liability language in the original bill.**

**Bill History:**

02-23-12 S Prefiled  
 02-23-12 S Referred to Senate Committee on Senate Education  
 03-21-12 S Meeting set for At Adj., HAINKEL RM., Senate Education  
 04-02-12 S Meeting set for 9:00 A.M. HAINKEL RM., Senate Education  
 04-02-12 S Reported favorably from committee on Senate Education  
 04-03-12 S Set on the Senate Orders  
 04-09-12 S Laid out for consideration in the Senate at 5:53pm  
 04-09-12 S Passed (Vote: Y: 35/N: 0)  
 04-11-12 H Set on the House Orders  
 04-11-12 H Referred to House Committee on House Education  
 05-09-12 H Meeting set for 9:00 A.M. RM. 1, House Education  
 05-15-12 H Meeting set for 9:00 A.M. RM. 1, House Education  
 05-15-12 H Reported favorably from committee as amended House Education  
 05-17-12 H Set on the House Orders  
 05-29-12 H Laid out for consideration in the House at



2:56pm  
 05-29-12 H 1 Floor amendment(s) adopted  
 05-29-12 H Passed (Vote: Y: 95/N: 0)  
 05-30-12 S Set on the Senate Orders  
 05-30-12 S Laid out for consideration in the Senate at 5:10pm  
 05-30-12 S Senate concurred in House amendments (Vote: Y: 39/N: 0)  
 05-31-12 S Enrolled

[SB 127](#)

[Martiny](#)

Provides for the confidentiality of juvenile records.

**Specific Remarks:**

LSBA OPPOSED. Inconsistent with goals of juvenile justice; opens proceedings to public.

**Larry Murray reports that this bill FAILED; it was not scheduled for a hearing.**

**Bill History:**

02-24-12 S Prefiled  
 02-24-12 S Referred to Senate Committee on Senate Judiciary (B)  
 04-10-12 S Meeting set for 9:30 a.m., Rm. E, Senate Judiciary (B)  
 04-17-12 S Meeting set for 9:30 a.m., Rm. E, Senate Judiciary (B)  
 05-01-12 S Meeting set for 9:30 a.m. Rm. E, Senate Judiciary (B)

[SB 146](#)

[Long](#)  
[Chaney](#)

Prohibits public adjusters from acting as appraisers on claims they are adjusting.

**Specific Remarks:**

LSBA SUPPORTS. Consistent with past committee positions related to public adjusters.

**Larry Murray reports that this bill PASSED with the amendments sought by the LSBA.**

**Bill History:**

02-27-12 S Prefiled  
 02-27-12 S Referred to Senate Committee on Senate Insurance  
 03-20-12 S Meeting set for 10:00 A.M. RM. A-B, Senate Insurance  
 03-20-12 S Reported favorably from committee as amended Senate Insurance  
 03-21-12 S Set on the Senate Orders  
 03-26-12 S Laid out for consideration in the Senate at 5:46pm  
 03-26-12 S Passed (Vote: Y: 36/N: 0)  
 03-28-12 H Set on the House Orders  
 03-28-12 H Referred to House Committee on House Insurance  
 05-02-12 H Meeting set for 9:00 A.M. RM. 3, House Insurance  
 05-02-12 H Reported favorably from committee on House Insurance  
 05-07-12 H Set on the House Orders  
 05-17-12 H Laid out for consideration in the House at 10:03am



05-17-12 H 1 Floor amendment(s) adopted  
 05-17-12 H Passed (Vote: Y: 91/N: 0)  
 05-21-12 S Set on the Senate Orders  
 05-21-12 S Laid out for consideration in the Senate at 2:12pm  
 05-21-12 S Senate concurred in House amendments (Vote: Y: 37/N: 0)  
 05-22-12 S Enrolled  
 05-25-12 G Signed by the Governor (Act: 309)  
 08-01-12 G Effective

[SB 187](#)

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[Dorsey-Colomb  
Smith, P](#)

Provides relative to the collection, analysis and reburial of exposed human skeletal remains from municipal and abandoned cemeteries.

**Specific Remarks:**

LSBA OPPOSED. Policy adopted by House of Delegates in 2010 opposing granting of civil immunities except under certain limited circumstances.

**Larry Murray reports that this bill PASSED without the LSBA amendments which would have addressed the limitation of liability provisions.**

**Bill History:**

02-28-12 S Prefiled  
 02-28-12 S Referred to Senate Committee on Senate Commerce  
 05-23-12 S Meeting set for 9:00 a.m., Rm. E, Senate Commerce  
 05-23-12 S Reported favorably from committee on Senate Commerce  
 05-24-12 S Set on the Senate Orders  
 05-24-12 S Laid out for consideration in the Senate at 9:53am  
 05-24-12 S Passed (Vote: Y: 37/N: 0)  
 05-30-12 H Set on the House Orders  
 05-30-12 H Referred to House Committee on House Commerce  
 05-30-12 H Discharged from committee House Commerce  
 05-30-12 H Recommitted House Municipal and Parochial Affairs  
 05-31-12 H Meeting set for 10:00 A.M., House Municipal and Parochial Affairs  
 05-31-12 H Reported favorably from committee on House Municipal and Parochial Affairs  
 06-01-12 H Set on the House Orders  
 06-01-12 H Local & Consent Calendar  
 06-01-12 H Laid out for consideration in the House at 11:53am  
 06-01-12 H Passed (Vote: Y: 89/N: 0)  
 06-03-12 H Enrolled

[SB 194](#)

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[Appel](#)

Provides relative to arbitration awards and payment of attorney fees and costs.

**Specific Remarks:**

LSBA OPPOSED. Creates fee-shifting provision and also unduly restricts arbitrators.

**Larry Murray reports that this bill FAILED. The bill had previously failed in Senate committee but it was**



**revised substantially by limiting the application of the bill to construction contract arbitrations only and by making the provisions of the bill discretionary rather than mandatory; these changes did not satisfactorily address the LSBA concerns and the bill subsequently failed in the House committee.**

**Bill History:** 02-28-12 S Prefiled  
 02-28-12 S Referred to Senate Committee on Senate Judiciary (A)  
 04-17-12 S Meeting set for 9:00 a.m., Hainkel Rm., Senate Judiciary (A)  
 05-01-12 S Meeting set for 9:00 a.m. Hainkel Rm., Senate Judiciary (A)  
 05-08-12 S Meeting set for 9:00 a.m., Hainkel Rm., Senate Judiciary (A)  
 05-08-12 S Reported favorably from committee as amended Senate Judiciary (A)  
 05-09-12 S Set on the Senate Orders  
 05-10-12 S Laid out for consideration in the Senate at 10:03am  
 05-10-12 S Passed (Vote: Y: 35/N: 0)  
 05-14-12 H Set on the House Orders  
 05-14-12 H Referred to House Committee on House Civil Law  
 05-21-12 H Meeting set for 10:00 a.m. Rm. 4, House Civil Law

[SB 204](#)

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[Morrish  
Cromer](#)

Includes Louisiana Citizens Property Insurance Corporation among the entities exempt from furnishing bonds in judicial proceedings.

**Companions:** [HB 472](#) (Identical)

**Specific Remarks:** LSBA OPPOSED. Would adversely impact individuals' rights against Citizens Insurance.

**Larry Murray reports that this bill wound its way through a conference committee on the last day of the session and ultimately PASSED. Several parties interested in this bill reached a compromise on the bill and withdrew their objection to it. The compromise included language clarifying that the bill would be prospective only.**

**Bill History:** 02-28-12 S Prefiled  
 02-28-12 S Referred to Senate Committee on Senate Insurance  
 03-28-12 S Meeting set for 9:00 A.M. RM. A-B, Senate Insurance  
 05-09-12 S Meeting set for 9:00 a.m., Rm. A-B, Senate Insurance  
 05-09-12 S Reported favorably from committee as amended Senate Insurance  
 05-10-12 S Set on the Senate Orders  
 05-14-12 S Laid out for consideration in the Senate at 3:07pm  
 05-14-12 S Passed (Vote: Y: 33/N: 0)



05-15-12 H Set on the House Orders  
 05-15-12 H Referred to House Committee on House  
 Judiciary  
 05-17-12 H Meeting set for At Adj., House Judiciary  
 05-18-12 H Voted Favorably from Committee House  
 Judiciary  
 05-21-12 H Reported favorably from committee on House  
 Judiciary  
 05-22-12 H Set on the House Orders  
 05-31-12 H Laid out for consideration in the House at  
 2:34pm  
 05-31-12 H 2 Floor amendment(s) adopted  
 05-31-12 H Passed (Vote: Y: 95/N: 0)  
 06-01-12 S Set on the Senate Orders  
 06-01-12 S Laid out for consideration in the Senate at  
 9:48am  
 06-01-12 S Senate refused to concur in House amendments  
 0)  
 06-01-12 S Senate appointed conference committee:  
 Morrish, Murray,  
 Peterson.  
 06-03-12 H House appointed a conference committee  
 Cromer, Arnold, and Jones, Sam  
 06-04-12 S Laid out for consideration in the Senate at  
 1:30pm  
 06-04-12 S Senate adopted the conference report (Vote: Y:  
 34/N: 0)  
 06-04-12 H Laid out for consideration in the House at  
 2:57pm  
 06-04-12 H House adopted the conference report (Vote: Y:  
 87/N: 0)

[SB 259](#)[Walsworth](#)

Provides certain limitation of powers for non-attorney  
 commissioned notaries.

**Specific Remarks:**

LSBA SUPPORTS. Removes authority of non-attorney  
 notaries to draft wills and trusts, as well as any other  
 document which transfers title to immovable property.

**Larry Murray reports that this bill FAILED; it was not  
 scheduled for a committee hearing.**

**Bill History:**

02-29-12 S Prefiled  
 02-29-12 S Referred to Senate Committee on Senate  
 Judiciary (A)

[SB 349](#)[Murray](#)

Provides relative to monetary threshold necessary to  
 request a jury trial.

**Specific Remarks:**

LSBA OPPOSES. Needs comprehensive study by Louisiana  
 State Law Institute or Louisiana Supreme Court.

**Larry Murray reports that this bill FAILED; the only bill  
 re jury trial threshold that was considered was the  
 failed HB 343 referenced above.**

**Bill History:**

03-01-12 S Prefiled  
 03-01-12 S Referred to Senate Committee on Senate  
 Judiciary (A)



[SB 358](#)

[Morrish](#)

Prohibits the recovery of penalties in class action suits against the La. Citizens Property Insurance Corporation.

**Specific Remarks:**

LSBA OPPOSED. Would adversely impact individuals' rights against Citizens Insurance.

**Larry Murray reports that this bill FAILED in the Senate Committee.**

**Bill History:**

03-01-12 S Prefiled  
03-01-12 S Referred to Senate Committee on Senate Insurance  
03-20-12 S Meeting set for 10:00 A.M. RM. A-B, Senate Insurance  
05-09-12 S Meeting set for 9:00 a.m., Rm. A-B, Senate Insurance

[SB 519](#)

[Martiny  
Lopinto](#)

Provides relative to juvenile delinquency proceedings.

**Specific Remarks:**

LSBA OPPOSED. Inconsistent with goals of juvenile justice; opens proceedings to public.

**Larry Murray reports this bill PASSED; it was amended substantially and the amendments addressed LSBA concerns.**

**Bill History:**

03-02-12 S Prefiled  
03-12-12 S Referred to Senate Committee on Senate Judiciary (A)  
04-24-12 S Meeting set for 9:00 A.M. HAINKEL RM., Senate Judiciary (A)  
05-01-12 S Meeting set for 9:00 a.m. Hainkel Rm., Senate Judiciary (A)  
05-01-12 S Reported favorably from committee as amended Senate Judiciary (A)  
05-02-12 S Set on the Senate Orders  
05-03-12 S Laid out for consideration in the Senate at 9:52am  
05-03-12 S 1 Floor amendment(s) adopted  
05-03-12 S Passed (Vote: Y: 30/N: 0)  
05-08-12 H Set on the House Orders  
05-08-12 H Referred to House Committee on House Administration of Criminal Justice  
05-16-12 H Meeting set for 9:30 A.M. RM. 6, House Administration of Criminal Justice  
05-16-12 H Reported favorably from committee on House Administration of Criminal Justice  
05-21-12 H Set on the House Orders  
05-30-12 H Laid out for consideration in the House at 4:03pm  
05-30-12 H Passed (Vote: Y: 99/N: 0)  
05-31-12 H Enrolled

[SB 666](#)

[Murray](#)

Provides for access to, and availability of, privileged information of offices subject to audit or review by the legislative auditor for such purposes.

**Specific Remarks:**

LSBA OPPOSES. Infringes unduly on the fundamental

concept of attorney-client privilege, and adversely impacts auditor's ability to audit boards, commissions, nonprofits, etc.

**Larry Murray reports that this bill FAILED in the Senate committee.**

**Bill History:** 04-02-12 S Introduced  
 04-03-12 S Set on the Senate Orders  
 04-03-12 S Referred to Senate Committee on Senate and Governmental Affairs  
 04-18-12 S Meeting set for 9:00 a.m., Rm. F, Senate and Governmental Affairs  
 04-25-12 S Meeting set for 9:30 a.m., Rm. F, Senate and Governmental Affairs

	All	Track
Total Bills:	29	0

- End of Report -

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# Exhibit A-6

Legiscon Louisiana, *LSBA Final Report for 2016 Regular Session*

cited on page 5, footnote 11, of Plaintiff's Memorandum in Support of His Motion for Preliminary Injunction



## LSBA FINAL REPORT FOR 2016 REGULAR SESSION

**Track:** 16 Reg Session Final Slate

HB 72	Pearson, Kevin(R)	Provides for transfer on death securities; creates the Uniform Transfer on Death Security Registration Act.
	<b>Position:</b>	Opposed
	<b>Remarks:</b>	This bill is opposed so that it can be referred to the Louisiana State Law Institute.  <b>LOBBYIST REPORT:</b> The bill was never scheduled for a hearing.
	<b>Bill History:</b>	02-08-16 H Referred to House Committee on House Civil Law
HB 89	Connick, Patrick(R)	Reduces the jury trial threshold amount.
	<b>Position:</b>	Opposed
	<b>Remarks:</b>	This bill is opposed, consistent with previous positions of the LSBA on similar bills. Such bills negatively impact access to justice, clog civil and criminal justice systems which are already backed up, and place financial burden on clerks of courts and judicial district courts.  <b>LOBBYIST REPORT:</b> The bill was scheduled and deferred in its initial committee, following consultation with the <a href="#">author</a> or following committee consideration of our opposition.
	<b>Bill History:</b>	04-19-16 H Voluntarily Deferred in Committee House Civil Law
HB 136	Mack, Sherman(R) Claitor, Dan(R)	Extends the collection of the special cost assessed in criminal cases for the district indigent defender fund.
	<b>Position:</b>	Support
	<b>Remarks:</b>	The bill serves a funding necessity and is consistent with HOD action (on several occasions) supporting sufficient funding for indigent defense.  <b>LOBBYIST REPORT:</b> Supported successfully.

HB 145	Moreno, Helena(D) Carter, Troy(D)	<b>Bill History:</b> 08-01-16 G Effective
		Provides for the issuance of a certificate of employability by a reentry division of court under certain circumstances.
		<b>Position:</b> Support
		<b>Remarks:</b> This bill concerns reentry courts which is important to the Louisiana Supreme Court and which the Bar has been involved in.  <b>LOBBYIST REPORT:</b> Supported successfully.
HB 146	Moreno, Helena(D) Morrell, J.P.(D)	<b>Bill History:</b> 06-02-16 G Sent to the Governor.
		Provides a limitation of liability for certain persons mentoring an offender on probation.
		<b>Position:</b> Support
		<b>Remarks:</b> This bill concerns reentry courts which is important to the Louisiana Supreme Court and which the Bar has been involved in.  While this bill contains a limitation of liability, it is narrowly drawn and meets the exception(s): except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy, and the immunity is drawn as narrowly as possible to effect its purpose.  <b>LOBBYIST REPORT:</b> Supported successfully.
HB 224	Leger, Walt(D) Bishop, Wesley(D)	<b>Bill History:</b> 06-02-16 G Sent to the Governor.
		Provides with respect to court costs on civil filings to fund the Judicial College.
		<b>Position:</b> Support
		<b>Remarks:</b> Existing Bar policy mandates support for this bill. <i>Approved by House of Delegates January 2014: Approved resolution supporting a dedicated fee of .50 on all civil filings (excluding domestic and juvenile), which would be used to provide the needed supplemental funding for the Louisiana Judicial College for judicial education initiatives.</i>  <b>LOBBYIST REPORT:</b> Supported successfully.
		<b>Bill History:</b> 08-01-16 G Effective



HB 229	Smith, Patricia(D)	Expands juvenile court jurisdiction in delinquency cases to include seventeen-year-olds.
		<b>Position:</b> Support
		<p><b>Remarks:</b> This bill is supported because it increases access to justice.</p> <p>HOD policy approved June 2005: <i>Approved resolution supporting and endorsing the constitutional rights of individuals to have adequate access to defense services, including for juveniles, and further endorses the Ten Core Principles for Providing Quality Delinquency Representation through Indigent Defense Delivery Systems, as guiding principles for improving indigent services for juveniles in Louisiana.</i></p>
		<b>Bill History:</b> 05-03-16 H Withdrawn
HB 317	Ivey, Barry(R)	Increases penalty provisions for certain crimes when a firearm is possessed, discharged, or used.
		<b>Position:</b> Opposed
		<p><b>Remarks:</b> While this bill does not necessarily fit within the LSBA policy regarding mandatory minimums, the bill is opposed because it takes away judicial discretion.</p> <p><i>January 2010 HOD policy position: Approved resolution opposing the imposition and requirement of mandatory minimum sentences for non violent offenses and supports allowing our elected judges and district attorneys to exercise their judgment in sentencing under the law.</i></p> <p><b>LOBBYIST REPORT:</b> The bill was scheduled and deferred in its initial committee, following consultation with the <a href="#">author</a> or following committee consideration of our opposition.</p>
		<b>Bill History:</b> 04-13-16 H Involuntarily Deferred House Administration of Criminal Justice
HB 320	Ivey, Barry(R)	Increases penalties for possession of a firearm during the commission of a crime of violence.
		<b>Position:</b> Opposed



		<p><b>Remarks:</b> While this bill does not necessarily fit within the LSBA policy regarding mandatory minimums, the bill is opposed because it takes away judicial discretion.</p> <p><i>January 2010 HOD policy position: Approved resolution opposing the imposition and requirement of mandatory minimum sentences for non violent offenses and supports allowing our elected judges and district attorneys to exercise their judgment in sentencing under the law.</i></p> <p><b>LOBBYIST REPORT:</b> Opposed successfully following LSBA opposition.</p>
HB 345	Broadwater, Chris(R)	<p><b>Bill History:</b> 04-20-16 H Returned to the calendar - subject to call</p>
		<p>Provides relative to confidentiality with respect to workers' compensation.</p> <p><b>Companions:</b> <a href="#">HB 611</a> Brown, Chad (Identical) 3- 4-16 H Referred to House Committee on House Labor and Industrial Relations</p>
		<p><b>Position:</b> Opposed</p>
		<p><b>Remarks:</b> This bill invades claimant privacy and allows otherwise confidential information about a claimant (medical records, records of payment of compensation and rehabilitation) to be provided to third party entities providing insurance support organization services for workers' compensation compliance, monitoring, reporting, enforcement and fraud identification. The bill is too broad and has HIPAA implications. Many, if not most, worker's compensation claimants are unrepresented in their claims and have no way of protecting their confidential information from being disclosed.</p> <p><b>LOBBYIST REPORT:</b> The bill was never scheduled for a hearing.</p>
		<p><b>Bill History:</b> 03-02-16 H Referred to House Committee on House Labor and Industrial Relations</p>
HB 536	Garofalo, Ray(R)	<p>Provides disclosure procedures for asbestos and silica claims.</p>
		<p><b>Position:</b> Opposed</p>
		<p><b>Remarks:</b> This bill is part of a legislative package that substantially changes existing law for a</p>

		<p>special interest group. The package of bills have been consistently opposed by the Bar for several years. This bill primarily deals with the disclosure of trust claims.</p> <p><i>Approved by House of Delegates January 2010: Approved resolution opposing the creation of special rules favoring subclasses of parties in certain types of cases in contravention of our Civil Code and Code of Civil Procedure, unless a clear case is made of the need for these rules.</i></p> <p><b>LOBBYIST REPORT:</b> The bill was never scheduled for a hearing.</p>
	<b>Bill History:</b>	03-03-16 H Referred to House Committee on House Civil Law
HB 537	Garofalo, Ray(R) Ward, Rick(R)	Provides relative to applicable fees and costs incurred for the production of records.
	<b>Position:</b>	Opposed
	<b>Remarks:</b>	Opposing is consistent with prior positions of the Bar. This bill would increase the amount to be paid for the production of digital medical records, including additional handling charges which would significantly increase costs.
		<b>LOBBYIST REPORT:</b> This bill was amended to satisfactorily address LSBA concerns.
	<b>Bill History:</b>	06-06-16 G Sent to the Governor.
HB 547	Jackson, Katrina(D) Smith, Gary(D)	Provides methods for determining indigency of an accused person.
	<b>Position:</b>	Opposed
	<b>Remarks:</b>	This bill would create a new bureaucracy that would break people in rural areas who would be eligible but would have no representation.
		<b>LOBBYIST REPORT:</b> This bill was amended to satisfactorily address LSBA concerns.
	<b>Bill History:</b>	08-01-16 G Effective
HB 611	Brown, Chad(D)	Provides relative to confidentiality with respect to workers' compensation.
	<b>Companions:</b>	<p><a href="#">HB 345</a> Broadwater, Chris (Identical)</p> <p>3- 2-16 H Referred to House Committee on House Labor and Industrial Relations</p>
	<b>Position:</b>	Opposed

		<p><b>Remarks:</b> This bill invades claimant privacy and allows otherwise confidential information about a claimant (medical records, records of payment of compensation and rehabilitation) to be provided to third party entities providing insurance support organization services for workers' compensation compliance, monitoring, reporting, enforcement and fraud identification. The bill is too broad and has HIPAA implications. Many, if not most, worker's compensation claimants are unrepresented in their claims and have no way of protecting their confidential information from being disclosed.</p> <p><b>LOBBYIST REPORT:</b> The bill was never scheduled for a hearing.</p>
		<p><b>Bill History:</b> 03-04-16 H Referred to House Committee on House Labor and Industrial Relations</p>
HB 734	Abramson, Neil(D)	Provides relative to certain procedures in civil proceedings.
		<p><b>Position:</b> Opposed</p>
		<p><b>Remarks:</b> The Bar has consistently opposed class action bills that seek further limitations on the rights of putative class members. This bill would add removal to federal court as an action that causes prescription to run again. It would further prohibit suspension of prescription for members of the class who bring an individual action in certain circumstances unless the action is transferred to the same court where the class action is pending and is consolidated with that case.</p> <p><b>LOBBYIST REPORT:</b> The bill was never scheduled for a hearing.</p>
		<p><b>Bill History:</b> 03-04-16 H Referred to House Committee on House Civil Law</p>
HB 750	Garofalo, Ray(R)	Eliminates the jury trial threshold.
		<p><b>Position:</b> Opposed</p>
		<p><b>Remarks:</b> This bill is opposed, consistent with previous positions of the LSBA on similar bills. Such bills negatively impact access to justice, clog civil and criminal justice systems which are already backed up, and place financial burden on clerks of courts and judicial district courts.</p>

		<p><b>LOBBYIST REPORT:</b> The bill was never scheduled for a hearing.</p>
	<p><b>Bill History:</b></p>	<p>03-04-16 H Referred to House Committee on House Civil Law</p>
HB 781	Abramson, Neil(D)	<p>Provides relative to motions for summary judgment.</p>
	<p><b>Position:</b></p>	<p>Opposed</p>
	<p><b>Remarks:</b></p>	<p>The Bar opposes this bill. It makes no substantive changes and has been amended multiple times over several years, all of which led to the Law Institute's endeavor to rewrite the article.</p>
		<p><b>LOBBYIST REPORT:</b> The bill was never scheduled for a hearing.</p>
	<p><b>Bill History:</b></p>	<p>03-04-16 H Referred to House Committee on House Civil Law</p>
HB 797	Shadoin, Rob(R)	<p>Provides for venue in actions involving a latent disease.</p>
	<p><b>Position:</b></p>	<p>Opposed</p>
	<p><b>Remarks:</b></p>	<p>This bill is part of a legislative package that substantially changes existing law for a special interest group. The package of bills has been consistently opposed by the Bar for several years. This bill primarily deals with the disclosure of trust claims.</p>
		<p><i>Approved by House of Delegates January 2010: Approved resolution opposing the creation of special rules favoring subclasses of parties in certain types of cases in contravention of our Civil Code and Code of Civil Procedure, unless a clear case is made of the need for these rules.</i></p>
		<p><b>LOBBYIST REPORT:</b> The bill was never scheduled for a hearing.</p>
	<p><b>Bill History:</b></p>	<p>03-04-16 H Referred to House Committee on House Civil Law</p>
HB 818	Mack, Sherman(R)	<p>Amends provisions of law regarding the provision of indigent defense services. Became HB 1137.</p>
	<p><b>Companions:</b></p>	<p>HB 1137 Mack, Sherman (Substitute) 5-26-16 H Set on the House Orders</p>
	<p><b>Position:</b></p>	<p>Opposed</p>
	<p><b>Remarks:</b></p>	<p>Substituted by HB 1137. The Committee noted that the LSBA has been negotiating</p>

		with the parties and needs the ability to continue to do so. Hence, a position was advocated to give the LSBA the flexibility to respond.
		<b>LOBBYIST REPORT:</b> Became HB 1137.
	<b>Bill History:</b>	04-11-16 H Substituted by - see HB 1137
HB 856	Huval, Mike(R) Cortez, Page(R)	Provides a limitation of liability for landowners who grant a right of passage to cemeteries.
	<b>Position:</b>	Opposed
	<b>Remarks:</b>	This bill contains an immunity provision and is opposed per HOD policy.
		<i>Approved by House of Delegates January 2010: Approved resolution opposing the granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy, and the immunity is drawn as narrowly as possible to effect its purpose.</i>
		<b>LOBBYIST REPORT:</b> This bill was amended to satisfactorily address LSBA concerns.
	<b>Bill History:</b>	06-06-16 G Sent to the Governor.
HB 905	Emerson, Julie(R)	Provides with respect to employability certificates for reentry court participants.
	<b>Companions:</b>	HB 884 Edmonds, Rick (Identical) 3-29-16 H Voluntarily Deferred in Committee House Civil Law
	<b>Position:</b>	Support
	<b>Remarks:</b>	This bill concerns reentry courts which is important to the Louisiana Supreme Court and which the Bar has been involved in.
		<b>LOBBYIST REPORT:</b> While this particular bill did not pass, other similar bills did. In all, several bills were passed which either created courts or were favorable to reentry courts, including HB 14, 347, 548 and 1022.
	<b>Bill History:</b>	03-15-16 H Referred to House Committee on House Civil Law
HB 1065	Carter, Robby(D)	Provides relative to discovery of certain evidence.
	<b>Position:</b>	Opposed


		<p><b>Remarks:</b> The Bar has consistently opposed similar bills which radically change civil procedure without having been vetted by the Law Institute. The Bar notes that the bill would make consulting experts discoverable, a notion opposed by both plaintiff and defense bar.</p> <p><b>LOBBYIST REPORT:</b> The bill was scheduled and deferred in its initial committee, following consultation with the <a href="#">author</a> or following committee consideration of our opposition. HCR 114 requests a Law Institute study of the issue.</p>
		<p><b>Bill History:</b> 04-19-16 H Voluntarily Deferred in Committee House Civil Law</p>
HB 1098	Morris, Jay(R)	Provides relative to motions for summary judgment.
		<p><b>Position:</b> Opposed</p>
		<p><b>Remarks:</b> The Bar opposes changes to the summary judgment rules.</p> <p><b>LOBBYIST REPORT:</b> The bill was scheduled and deferred in its initial committee, following consultation with the <a href="#">author</a> or following committee consideration of our opposition.</p>
		<p><b>Bill History:</b> 04-18-16 H Not Heard in Committee House Civil Law</p>
HB 1137	Mack, Sherman(R) Claitor, Dan(R)	Provides with respect to indigent defense. Substitute for HB 818.
		<p><b>Companions:</b></p> <p><a href="#">HB 818</a> Mack, Sherman (Substitute) 4-11-16 H Substituted by - see HB 1137</p>
		<p><b>Position:</b> Opposed</p>
		<p><b>Remarks:</b> Substituted for HB 818. The Committee noted that the LSBA has been negotiating with the parties and needs the ability to continue to do so. Hence, a position was advocated to give the LSBA the flexibility to respond.</p> <p><b>LOBBYIST REPORT:</b> This bill had many players and pieces and was a moving target throughout the legislative process. Ultimately, the LPDB was dramatically restructured; going forward, the</p>


		size of the board will be 11 members. These 11 appointments include: 5 by the Governor, one from each appellate district from a list of names submitted by the public defenders from that district; 4 by the Supreme Court; and one each from the presiding officers of the Legislature. Also, the bill requires that local public defender offices receive at least 65% of the funds of the LPDB.
SB 120	Martiny(R)	<p><b>Bill History:</b> 06-06-16 G Sent to the Governor.</p> <p>Provides relative to Ascension Parish Court and the judge's salary.</p> <p><b>Position:</b> Support</p> <p><b>Remarks:</b> This bill is supported and is consistent with HOD policy. <i>Approved by House of Delegates January 2012: Approved resolution in support of adequate compensation for members of the state judiciary, and authorized communication of this support to the Judicial Compensation Commission and the Louisiana Legislature.</i></p> <p><b>LOBBYIST REPORT:</b> At its initial committee hearing, the bill became a "vehicle" for another matter of local application only.</p>
SB 194	Peacock(R)	<p><b>Bill History:</b> 06-06-16 G Sent to the Governor.</p> <p>Provides for an enforceable mediation or arbitration provision in a trust.</p> <p><b>Position:</b> Opposed</p> <p><b>Remarks:</b> This bill should go to the Law Institute first.</p> <p><b>LOBBYIST REPORT:</b> The bill was scheduled and deferred in its initial committee, following consultation with the <a href="#">author</a> or following committee consideration of our opposition. SCR 62 requests a Law Institute study of the issue.</p>
SB 196	Cortez(R) Coussan, Jean-Paul(R)	<p><b>Bill History:</b> 03-03-16 S Referred to Senate Committee on Senate Judiciary A</p> <p>Removes judge's discretion with regard to mandatory sentences for certain offenses involving the possession, use, or discharge of a firearm when the felony results in a fatality.</p> <p><b>Position:</b> Opposed</p>

		<p><b>Remarks:</b> While this bill does not necessarily fit within the LSBA policy regarding mandatory minimums, the bill is opposed because it takes away judicial discretion.</p> <p><i>January 2010 HOD policy position: Approved resolution opposing the imposition and requirement of mandatory minimum sentences for non violent offenses and supports allowing our elected judges and district attorneys to exercise their judgment in sentencing under the law.</i></p> <p><b>LOBBYIST REPORT:</b> This bill was amended to satisfactorily address LSBA concerns.</p>
SB 203	Ward(R) Garofalo, Ray(R)	<p><b>Bill History:</b> 05-26-16 H Failed to pass (Vote: Y: 33/N: 50)</p> <p>Provides for certain penalties regarding the unauthorized practice of law.</p> <p><b>Position:</b> Support</p> <p><b>Remarks:</b> This is the LSBA's bill. <i>Approved by House of Delegates January 2015: Approved submission of a bill regarding unauthorized practice of law.</i></p> <p><b>LOBBYIST REPORT:</b> Supported successfully, this bill was introduced at the request of the LSBA.</p>
SB 221	Peacock(R)	<p><b>Bill History:</b> 08-01-16 G Effective</p> <p>Provides for separate writing identifying bequest of corporeal movable property.</p> <p><b>Position:</b> Opposed</p> <p><b>Remarks:</b> This bill would impact the whole structure of succession law and should go to the Law Institute.</p> <p><b>LOBBYIST REPORT:</b> The bill was scheduled and deferred in its initial committee, following consultation with the <a href="#">author</a> or following committee consideration of our opposition. SCR 63 requests a Law Institute study of the issue.</p>
SB 242	Milkovich(D)	<p><b>Bill History:</b> 04-12-16 S Voluntarily Deferred in Committee Senate Judiciary A</p> <p>Provides right of oral argument in contradictory hearings.</p> <p><b>Position:</b> Opposed</p>




		<p><b>Remarks:</b> This bill would require oral argument in all contradictory hearings unless waived by the parties. As result, the bill would impede judges' control over their dockets.</p> <p><b>LOBBYIST REPORT:</b> Opposed successfully following LSBA opposition.</p> <p><b>Bill History:</b> 04-26-16 S Failed to pass (Vote: Y: 17/N: 19)</p>
SB 265	Peacock(R)	<p>Provides for an enforceable mediation or arbitration provision in a testament.</p> <p><b>Position:</b> Opposed</p> <p><b>Remarks:</b> This bill would impact the whole structure of succession law and should go to the Law Institute.</p> <p><b>LOBBYIST REPORT:</b> The bill was scheduled and deferred in its initial committee, following consultation with the <a href="#">author</a> or following committee consideration of our opposition. SCR 62 requests a Law institute study of the issue.</p> <p><b>Bill History:</b> 03-04-16 S Referred to Senate Committee on Senate Judiciary A</p>
SB 301	Morrell(D) Mack, Sherman(R)	<p>Creates the Juvenile Justice Accountability and Cost Effectiveness Act of 2016.</p> <p><b>Position:</b> Support</p> <p><b>Remarks:</b> This bill is supported because it affects the Bar's core policies and because the Supreme Court supports this bill. However, concerns were raised about funding for this bill and the bill's adverse effect upon judge's discretion.</p> <p><b>LOBBYIST REPORT:</b> Supported successfully.</p> <p><b>Bill History:</b> 06-02-16 G Sent to the Governor.</p>
SB 324	Morrell(D)	<p>Raises the age for consideration as a juvenile in the criminal justice system and creates the Louisiana Juvenile Jurisdiction Planning and Implementation Committee.</p> <p><b>Position:</b> Support</p> <p><b>Remarks:</b> This bill is supported because it affects the Bar's core policies and because the Supreme Court supports this bill. However, concerns were raised about funding for this bill and</p>

		the bill's adverse effect upon judge's discretion.
		<b>LOBBYIST REPORT:</b> Supported successfully.
	<b>Bill History:</b>	06-06-16 G Sent to the Governor.
SB 374	Lambert(R)	Provides relative to the Louisiana Public Defender Fund.
	<b>Position:</b>	Opposed
	<b>Remarks:</b>	The Bar notes that the bill requires jurisdiction to secure sufficient funding based on arrests and traffic ticket fines. This is a substitute bill for SB 121.
		<b>LOBBYIST REPORT:</b> Opposed successfully following LSBA opposition.
	<b>Bill History:</b>	04-18-16 S Meeting set for At Adj., Room A-B - Senate Finance <a href="#">SUMMARY</a> 
SB 376	Colomb(D) Moreno, Helena(D)	Creates the Louisiana Family Caregiver Act. Substitute for SB 121.
	<b>Companions:</b>	<div> <div>SB 121</div> <div>Colomb, Yvonne (Substitute)</div> <div>3-31-16 S Substituted by - see SB 376</div> </div>
	<b>Position:</b>	Opposed
	<b>Remarks:</b>	<p>This bill contains an immunity provision and is opposed per HOD policy. <i>Approved by House of Delegates January 2010: Approved resolution opposing the granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy, and the immunity is drawn as narrowly as possible to effect its purpose.</i></p> <p><b>LOBBYIST REPORT:</b> At odds with AARP, the Louisiana Hospital Assn and the Administration– and 58 co-authors! - we were only able to amend the bill to limit liability with respect to gross negligence or willful and wanton misconduct.</p>
	<b>Bill History:</b>	08-01-16 G Effective.
SB 418	Lambert(R)	Provides for payment of fee for application as an indigent to the judicial district indigent defender fund.
	<b>Position:</b>	Opposed

		<p><b>Remarks:</b> The Committee noted that the LSBA has been negotiating with the parties and needs the ability to continue to do so. Hence, a position was advocated to give the LSBA the flexibility to respond.</p> <p><b>LOBBYIST REPORT:</b> Opposed successfully following LSBA opposition.</p>
SB 432	Peterson(D) Bagneris, John(D)	<p><b>Bill History:</b> 04-12-16 S Voluntarily Deferred in Committee Senate Judiciary B</p>
		<p>Provides for return of certain RSD schools to the transferring school board.</p> <p><b>Position:</b> Opposed</p>
		<p><b>Remarks:</b> This bill contains an immunity provision and is opposed per HOD policy. <i>Approved by House of Delegates January 2010: Approved resolution opposing the granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy, and the immunity is drawn as narrowly as possible to effect its purpose.</i></p> <p><b>LOBBYIST REPORT:</b> Unsuccessful in addressing the limitation of liability problem in the bill.</p>
SB 451	Ward(R)	<p><b>Bill History:</b> 05-12-16 G Effective</p> <p>Provides relative to judicial treatment of certain arbitration awards.</p>
		<p><b>Position:</b> Opposed</p>
		<p><b>Remarks:</b> The bill is contrary to the federal arbitration law and would be preempted in practically all instances; the result would unnecessary litigation – the opposite of what arbitration seeks to accomplish.</p> <p><b>LOBBYIST REPORT:</b> The bill was scheduled and deferred in its initial committee, following consultation with the <a href="#">author</a> or following committee consideration of our opposition.</p>
		<p><b>Bill History:</b> 05-23-16 H Meeting set for 10:00 A.M. RM. 4 - House Civil Law <a href="#">SUMMARY</a> </p>
SB 462	Ward(R)	<p>Provides relative to the state or a state agency as a party plaintiff.</p> <p><b>Position:</b> Opposed</p>

**Remarks:** This bill contains an immunity provision and is opposed per HOD policy. *Approved by House of Delegates January 2010: Approved resolution opposing the granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy, and the immunity is drawn as narrowly as possible to effect its purpose.*

**LOBBYIST REPORT:** The bill was scheduled and deferred in its initial committee, following consultation with the [author](#) or following committee consideration of our opposition.

**Bill History:** 05-23-16 H Meeting set for 10:00 A.M. RM. 4 - House Civil Law [SUMMARY](#) 

Resolution of interest which have passed are as follows:

- HRs: 191 and 250
- HCRs: 79, 114 and 133
- HSR: 2
- SRs: 142 and 143
- SCRs: 13, 42, 62, 63 and 100

# **Exhibit A-7**

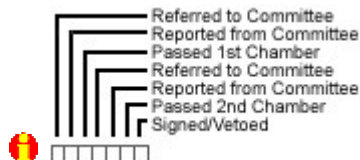
Legiscon Louisiana, *2018 R LSB BOG Positions* (May 1, 2018)

cited on page 5, footnotes 12 through 14, of Plaintiff's  
Memorandum in Support of His Motion for Preliminary  
Injunction

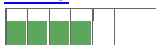


## 2018 R LSBA BOG POSITIONS (rev. 04-30-2018)

05-01-2018



[HB 6](#)



[Connick, Patrick\(R\)](#)

Provides relative to pretrial and scheduling conferences.

**Remarks:** Enhances Access to Justice and supports the efficient administration of justice.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Support)

**Last Action:** 3-28-18 S Referred to Senate Committee on Senate Judiciary A

[HB 73](#)



[Bacala, Tony\(R\)](#)

Provides relative to payment of processing fee for certain garnishment proceedings.

**Remarks:** Oppose unless clarified that this was requested by the Supreme Court of Louisiana.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 4-17-18 S Set on the Senate Orders

[HB 136](#)



[Foil, Franklin\(R\)](#)

Increases penalties for the manufacture, production, distribution, or possession with intent to distribute heroin.

**Remarks:** 01/23/2010 HOD policy opposing mandatory minimums in sentencing. This bill would increase an existing mandatory minimum sentence.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 4-18-18 H Set on the House Orders

[HB 209](#)



[Garofalo, Ray\(R\)](#)

Provides disclosure procedures for asbestos and silica claims.

**Remarks:** Asbestos and silica bill. This bill has been consistently opposed by the LSBA Legislation Committee as a special law providing special venue rules and limiting the liability of a special class of tortfeasors and limiting access to justice for a subclass of claimants in contravention of 01/23/2010 HOD policy against certain limitations of liability and against creating special rules favoring subclasses of parties in certain types of cases in contravention of our Civil Code and Code of Civil Procedure, unless a clear case is made of the need for these rules.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 2-28-18 H Referred to House Committee on House Civil Law

[HB 251](#)



[Bouie, Joe\(D\)](#)

Requires that any contractor who enters into a contract with a public entity comply with the Louisiana Equal Pay for Women Act.

**Remarks:** 06/09/2016 HOD policy support legislation that would prohibit discrimination in pay based on race, gender, religion, sexual orientation, national origin, disability or age

**Track Name(s):** 2018 LSBA BOG POSITIONS (Support)

**Last Action:** 3-29-18 H Involuntarily Deferred House Labor and Industrial Relations

[HB 271](#)



[Garofalo, Ray\(R\)](#)

Provides for the carrying of a concealed handgun on school property by certain teachers or administrators.

**Remarks:** 01/23/2010 HOD policy opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged is directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose. Public policy sought to be favored is not sufficiently important.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 4- 4-18 H Vote failed in committee, House Administration of Criminal Justice

[HB 332](#)[Pope, Rogers\(R\)](#)

Provide relative to the carrying of a concealed weapon into a school, school campus, or a school bus.

**Remarks:** 01/23/2010 HOD policy opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged in directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose. Public policy sought to be favored is not sufficiently important and not narrowly tailored.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 3- 1-18 H Referred to House Committee on House Administration of Criminal Justice

[HB 354](#)[Jordan, Edmond\(D\)](#)

(Constitutional Amendment) Provides relative to a unanimous jury in felony cases.

**Remarks:** 06/09/2016 HOD policy urging Louisiana Legislature to require unanimous jury verdicts.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Support)

**Last Action:** 4-10-18 H Removed from hearing 04/11/18, House Administration of Criminal Justice

[HB 365](#)[Jordan, Edmond\(D\)](#)

Provides relative to a unanimous jury in felony cases.

**Remarks:** 06/09/2016 HOD policy urging Louisiana Legislature to require unanimous jury verdicts.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Support)

**Last Action:** 4-10-18 H Removed from hearing 04/11/18, House Administration of Criminal Justice

[HB 370](#)[Talbot, Kirk\(R\)](#)

Authorizes electronic delivery of insurance coverage notices.

**Remarks:** 01/23/2010 HOD policy opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged in directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose. Public



policy sought to be favored is not sufficiently important and not narrowly tailored.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 4-18-18 S Meeting set for 10:00 A.M. Rm. A-B, Senate Insurance

[HB 391](#)

[Pearson, Kevin](#)

Provides for public access to the running waters of the state.

01/23/2010 HOD policy opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged in directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose. Public policy sought to be favored is not sufficiently important and not narrowly tailored.

2018 LSBA BOG POSITIONS (Oppose)

[HB 472](#)



[Thibaut, Major\(D\)](#)

Establishes the Louisiana Health Reinsurance Association.

**Remarks:** 01/23/2010 HOD policy opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged in directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose. Public policy sought to be favored is not sufficiently important and not narrowly tailored.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 4-18-18 S Meeting set for 10:00 A.M. Rm. A-B, Senate Insurance

[HB 503](#)



[Carmody, Thomas\(R\)](#)

Protects certain individuals from financial exploitation.

**Remarks:** 01/23/2010 HOD policy opposing granting of civil immunities, except in cases where the public policy sought to

be favored is sufficiently important, the behavior sought to be encouraged in directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose. Provides limitations of liability to financial institutions that are not narrowly tailored to the sufficient public policy of preventing financial exploitation of adults.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 4-18-18 S Meeting set for 9:30 A.M. Rm. E, Senate Commerce

[HB 505](#)



[Carmody, Thomas\(R\)](#)

Protects certain individuals from financial exploitation.

**Remarks:** 01/23/2010 HOD policy opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged in directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose. Provides limitations of liability to financial institutions that are not narrowly tailored to the sufficient public policy of preventing financial exploitation of adults.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 3-19-18 H Removed from hearing 03/20/18, House Commerce

[HB 533](#)








[Jackson, Katrina\(D\)](#)

Authorizes public defenders and full-time employers of public defender officials to participate in programs sponsored by the Office of Group Benefits.

**Remarks:** 01/20/2007 HOD policy urge State of Louisiana to recognize public defenders as an essential part of the criminal justice system and, further, according the reasonable resources, professionalism and mutual respect of the government and leadership of Louisiana, including the Bar, the Government and the public.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Support)

<a href="#">HB 550</a> 	<a href="#">Magee, Tanner(R)</a>	<b>Last Action:</b> 3- 2-18 H Referred to House Committee on House Appropriations
		Provides relative to the delays for responding to discovery requests in certain proceedings.
		<b>Remarks:</b> 01/23/2010 HOD policy oppose special rules in favor of subclasses of parties in certain types of cases unless clear case is made for need for these rules.
		<b>Track Name(s):</b> 2018 LSBA BOG POSITIONS (Oppose)
<a href="#">HB 572</a> 	<a href="#">Magee, Tanner(R)</a>	<b>Last Action:</b> 4- 3-18 S Referred to Senate Committee on Senate Judiciary A
		Provides for electronic notaries public and electronic notarial acts.
		<b>Remarks:</b> 06/09/2016 HOD policy oppose any legislation and government rules or regulations which would permit non-lawyers to engage in the practice of law.
		<b>Track Name(s):</b> 2018 LSBA BOG POSITIONS (Oppose)
<a href="#">HB 605</a> 	<a href="#">Norton, Barbara(D)</a>	<b>Last Action:</b> 4-10-18 H Voluntarily Deferred in Committee House Civil Law
		Provides equal pay for women.
		<b>Remarks:</b> 06/09/2016 HOD policy support legislation that would prohibit discrimination in pay based on race, gender, religion, sexual orientation, national origin, disability or age
		<b>Track Name(s):</b> 2018 LSBA BOG POSITIONS (Support)
<a href="#">HB 698</a> 	<a href="#">Henry, Cameron(R)</a>	<b>Last Action:</b> 4-13-18 H Voluntarily Deferred in Committee House Labor and Industrial Relations
		Appropriates funds for the expenses of the judiciary for Fiscal Year 2018-2019.
		<b>Remarks:</b> 01/21/2012 HOD policy support adequate compensation for members of state judiciary
		<b>Track Name(s):</b> 2018 LSBA BOG POSITIONS (Support)
<a href="#">HB 701</a> 	<a href="#">Jackson, Katrina(D)</a>	<b>Last Action:</b> 4-17-18 H Passed to third reading
		Adds public defenders to the Louisiana State Employees' Retirement System.

**Remarks:** 01/20/2007 HOD policy urge State of Louisiana to recognize public defenders as an essential part of the criminal justice system and, further, according the reasonable resources, professionalism and mutual respect of the government and leadership of Louisiana, including the Bar, the Government and the public.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Support)

**Last Action:** 4-18-18 H Meeting set for 9:00 A.M. RM. 4, House Retirement

[HB 709](#)



[Marcelle, Denise\(D\)](#)

Creates the State Commission on Prosecutorial Oversight and the Code of Prosecutorial Conduct.

**Remarks:** Creates State Commission on Prosecutorial Oversight and Code of Prosecutorial Conduct - attempts to regulate the practice of law contrary to exclusive jurisdiction/authority of Supreme Court of Louisiana.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 4-13-18 H Voluntarily Deferred in Committee House Judiciary

[HB 837](#)



[Marcelle, Denise\(D\)](#)

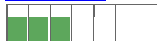
Provides relative to powers of crime prevention districts.

**Remarks:** 01/23/2010 HOD policy opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged in directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose. Provides limitations of liability that are not narrowly tailored.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 4-16-18 H Passed to third reading





[HCR 31](#)







[Garofalo, Ray\(R\)](#)

Directs the Louisiana State Law Institute to study and make recommendations relative to electronic notarial acts.

**Remarks:** Directs LA Law Institute to study and make recommendations relative to electronic notarial acts.

	<b>Track Name(s):</b>	2018 LSBA BOG POSITIONS (Support)
	<b>Last Action:</b>	4-17-18 S Set on the Senate Orders
<a href="#">SB 44</a> 	<a href="#">Appel(R)</a>	Provides that certain provisions of the Code of Governmental Ethics are applicable to judges.
	<b>Remarks:</b>	Provides that certain provisions of LA Code of Governmental Ethics are applicable to judges - imposes upon LA Supreme Court authority.
	<b>Track Name(s):</b>	2018 LSBA BOG POSITIONS (Oppose)
	<b>Last Action:</b>	3-21-18 S Meeting set for 2:00 p.m. Rm. F, Senate and Governmental Affairs
<a href="#">SB 61</a> 	<a href="#">Martiny(R)</a>	Provides for salaries for judges as recommended by the Judicial Compensation Commission.
	<b>Remarks:</b>	01/21/2012 HOD policy support adequate compensation for members of state judiciary
	<b>Track Name(s):</b>	2018 LSBA BOG POSITIONS (Support)
	<b>Last Action:</b>	3-29-18 S Removed from hearing 04/03/18, Senate Judiciary A
<a href="#">SB 69</a> 	<a href="#">Claitor(R)</a>	Provides for the in forma pauperis filing of expungements.
	<b>Remarks:</b>	Opens/eases access for poor people to get expungements - access to justice
	<b>Track Name(s):</b>	2018 LSBA BOG POSITIONS (Support)
	<b>Last Action:</b>	4- 3-18 H Referred to House Committee on House Administration of Criminal Justice
<a href="#">SB 72</a> 	<a href="#">Martiny(R)</a>	Provides relative to the execution of an order for protective custody and examination.
	<b>Remarks:</b>	01/23/2010 HOD policy opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged in directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose. Provides limitations of liability that are not narrowly tailored. If the immunity is deleted, no position.

		<b>Track Name(s):</b> 2018 LSBA BOG POSITIONS (Oppose)
	<b>Last Action:</b>	4-10-18 H Referred to House Committee on House Administration of Criminal Justice
<a href="#">SB 112</a> 	<a href="#">Smith(D)</a>	Authorizes business entities to assert or defend certain claims on their own behalf.
	<b>Remarks:</b>	Oppose (rev. 04/30/2018).
		<b>Track Name(s):</b> 2018 LSBA BOG POSITIONS (Oppose)
	<b>Last Action:</b>	4-23-18 H Meeting set for 9:30 A.M. RM. 4, House Civil Law
<a href="#">SB 117</a> 	<a href="#">Morrell(D)</a>	Requires that any contractor who enters into a contract with a state entity comply with the Louisiana Equal Pay for Women Act.
	<b>Remarks:</b>	06/09/2016 HOD policy support legislation that would prohibit discrimination in pay based on race, gender, religion, sexual orientation, national origin, disability or age
		<b>Track Name(s):</b> 2018 LSBA BOG POSITIONS (Support)
	<b>Last Action:</b>	4- 2-18 S Returned to the calendar - subject to call
<a href="#">SB 118</a> 	<a href="#">Morrell(D)</a>	Provides that the Louisiana Equal Pay Act be applicable to men and private employers and requires government contractors to verify equal pay practices.
	<b>Remarks:</b>	06/09/2016 HOD policy support legislation that would prohibit discrimination in pay based on race, gender, religion, sexual orientation, national origin, disability or age
		<b>Track Name(s):</b> 2018 LSBA BOG POSITIONS (Support)
	<b>Last Action:</b>	3-15-18 S Voluntarily Deferred in Committee Senate Labor and Industrial Relations
<a href="#">SB 138</a> 	<a href="#">Luneau(D)</a>	Provides for out-of-state automobile insurance coverage.
	<b>Remarks:</b>	Protects Louisiana citizens and accident victims from out-of-state drivers utilizing Louisiana roads.
		<b>Track Name(s):</b> 2018 LSBA BOG POSITIONS (Support)
	<b>Last Action:</b>	4-16-18 H Passed to third reading

[SB 139](#)[Luneau\(D\)](#)

Provides the option of a right of direct action against the insurer alone when the insured is a small business employing fifty or fewer full-time employees.

**Remarks:** Protects small businesses, including most law firms in Louisiana, from excess judgment exposure.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Support)

**Last Action:** 4-16-18 H Returned to the calendar - subject to call

[SB 219](#)[Carter\(D\)](#)

Enacts the Louisiana Employment Non-Discrimination Act.

**Remarks:** 06/09/2016 HOD policy urging adoption of laws prohibiting discrimination in employment, housing and accommodations for LGBT persons.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Support)

**Last Action:** 3-26-18 S Returned to the calendar - subject to call

[SB 228](#)[Morrell\(D\)](#)

Prohibits elementary and secondary schools that receive state funds from discriminating based on gender identity or sexual orientation.

**Remarks:** 06/09/2016 HOD policy urging adoption of laws prohibiting discrimination in employment, housing and accommodations for LGBT persons.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Support)

**Last Action:** 3-22-18 S Voluntarily Deferred in Committee Senate Education

[SB 243](#)[Morrell\(D\)](#)

Constitutional amendment to require unanimous juries for felonies.

**Remarks:** 06/09/2016 HOD policy urging Louisiana Legislature to require unanimous jury verdicts.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Support)

**Last Action:** 4- 6-18 H Referred to House Committee on House Administration of Criminal Justice

[SB 260](#)[Milkovich\(D\)](#)

Provides relative to disciplinary hearings by professional and occupational licensing boards and commissions.

**Remarks:** Oppose unless clarified to exclude lawyers - may infringe on exclusive jurisdiction/authority of Supreme Court of Louisiana to regulate the practice of law.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 4-10-18 S Returned to the calendar - subject to call

[SB 262](#)



[Gatti\(R\)](#)

Provides relative to powers of the governor during times of a disaster or emergency.

**Remarks:** Enhances Access to Justice.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Support)

**Last Action:** 4- 4-18 S Returned to the calendar - subject to call

[SB 278](#)



[Claitor\(R\)](#)

Constitutional amendment to remove the mandatory retirement age for judges.

**Remarks:** LSBA supported similar legislation in 2014 (2014 R HB 96/SB 11).

**Track Name(s):** 2018 LSBA BOG POSITIONS (Support)

**Last Action:** 4-10-18 S Returned to the calendar - subject to call

[SB 303](#)



[Milkovich\(D\)](#)

Provides relative to bullying.

**Remarks:** 01/23/2010 HOD policy opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged in directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose. Provides limitations of liability that are not narrowly tailored.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 3-29-18 H Referred to House Committee on House Education

[SB 308](#)



[Mizell\(R\)](#)

Provides relative to the creation of a volunteer and employee criminal history system (VECHS).



**Remarks:** 01/23/2010 HOD policy opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged in directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose. Provides limitations of liability that are not narrowly tailored.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 4-10-18 H Referred to House Committee on House Administration of Criminal Justice

[SB 355](#)



[Martiny\(R\)](#)

Provides relative to financial transactions attempting financial exploitation of certain adults.

**Remarks:** 01/23/2010 HOD policy opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged in directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose. Provides limitations of liability to financial institutions that are not narrowly tailored to the sufficient public policy of preventing financial exploitation of adults.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 3-22-18 S Withdrawn

[SB 358](#)



[Luneau\(D\)](#)

Provides for electronic notarial acts and electronic notaries public.

**Remarks:** 06/09/2016 HOD policy oppose any legislation and government rules or regulations which would permit non-lawyers to engage in the practice of law.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 4-12-18 H Referred to House Committee on House Civil Law

[SB 361](#)



[Walsworth\(R\)](#)

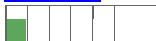
Provides relative to the protection of computerized data that contains personal information and requires notification of data breaches.

**Remarks:** Oppose unless clarified to exclude lawyers.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 4-12-18 H Referred to House Committee on House Commerce

[SB 383](#)



[Carter\(D\)](#)

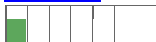
Provides for the sale and monitoring of ammunition for use in a firearm.

**Remarks:** 01/23/2010 HOD policy opposing granting of civil immunities, except in cases where the public policy sought to be favored is sufficiently important, the behavior sought to be encouraged in directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose. Provides limitations of liability that are not narrowly tailored.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 3- 2-18 S Referred to Senate Committee on Senate Judiciary B

[SB 492](#)



[Perry\(R\)](#)

Provides relative to suits against the state and state officials and employees.

**Remarks:** Creates a special subclass of defendants without a sufficient need or policy concern. Will slow down litigation. 01/23/2010 HOD policy against creating special rules favoring subclasses of parties in certain types of cases in contravention of our Civil Code and Code of Civil Procedure, unless a clear case is made of the need for these rules.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Oppose)

**Last Action:** 4-10-18 S Voluntarily Deferred in Committee Senate Judiciary B

[SB 536](#)



[Luneau\(D\)](#)

Provides relative to workers' compensation.

**Remarks:** Access to Justice issue protecting the rights of both the injured worker and the insurer.

**Track Name(s):** 2018 LSBA BOG POSITIONS (Support)

**Last Action:** 4- 4-18 S Referred to Senate Committee on Senate Labor and Industrial Relations

	All	Track
Total Bills:	46	0

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# Exhibit A-8

Legiscon Louisiana, *LSBA Board of Govenors POSITIONS  
2020R Bill Status Report* (Apr. 27, 2020)

cited on pages 5 and 6, footnotes 15 through 23, of Plaintiff's  
Memorandum in Support of His Motion for Preliminary  
Injunction

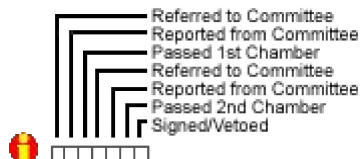


## LSBA Board of Governors POSITIONS 2020R

### Bill Status Report

04-27-2020 - 17:02:14

- Action in the date range - Link to Related Information ( ) - Priority



#### 2020 Positions

HB 9

Garofalo, Raymond(R)

Enacts the Omnibus Premium Reduction Act of 2020.

**Position:** Opposed**Bill History:** 04-06-20 H Committee Hearing Cancelled  
House Civil Law

HB 90

Zeringue, Jerome "Zee"(R)  
Morris(R)

(Constitutional Amendment) Provides relative to documents and proceedings of the judiciary commission.

**Position:** Opposed**Bill History:** 02-18-20 H Referred to House Committee on House and Governmental Affairs

HB 106

Green, Jr., Kyle M.(D)

Provides relative to equal pay for women.

**Position:** Support**Bill History:** 02-19-20 H Referred to House Committee on House Labor and Industrial Relations

HB 148

Johnson, Mike(R)

Provides relative to venue for delictual actions.

**Position:** Opposed**Bill History:** 02-24-20 H Referred to House Committee on House Civil Law

HB 207

Firment, Gabe(R)

Reduces the civil jury trial threshold amount incrementally over a period of two years.

**Position:** Opposed**Bill History:** 02-25-20 H Referred to House Committee on House Civil Law

HB 214

Stefanski, John(R)

(Constitutional Amendment) Provides relative to removal of supreme court jurisdiction over attorney advertisements.

**Position:** Opposed**Bill History:** 03-09-20 H Referred to House Committee on House Civil Law

HB 238

Duplessis, Royce(D)

Enacts the Louisiana Employment Non-Discrimination Act.



**Companions:**

HB 302	Bouie, Joe	(Refiled from 45R Session)
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**Position:** Support**Bill History:** 02-26-20 H Referred to House Committee on House Labor and Industrial Relations

HB 258

Seabaugh, Alan(R)

Provides relative to compulsory motor vehicle liability security, failure to comply, and limitation of damages.

**Position:** Opposed**Bill History:** 02-26-20 H Referred to House Committee on House Civil Law

HB 264

McFarland, Jack(R)

Provides with respect to the availability of jury trials in certain civil matters.

**Position:** Opposed**Bill History:** 02-26-20 H Referred to House Committee on House Civil Law

HB 274

Garofalo, Raymond(R)

Provides for the execution of electronic notarial acts.

**Position:** Support if Amended: 1) to Include Member of LSBA, Appointed by LSBA

**President, on Developing Standards Stakeholder Committee; and 2) to Provide for Additional/Alternative, Less-Expensive Method/Technology**

**Bill History:** 04-06-20 H Committee Hearing Cancelled  
House Civil Law

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HB 280      Seabaugh, Alan(R)      Provides relative to the jury trial threshold.



**Position:** Opposed

**Bill History:** 02-26-20 H Referred to House Committee on  
House Civil Law

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HB 287      McFarland, Jack(R)      Provides relative to the collateral source rule.



**Position:** Opposed

**Bill History:** 02-26-20 H Referred to House Committee on  
House Civil Law

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HB 341      Bagley, Larry(R)      (Constitutional Amendment) Provides relative to the amount an attorney can advance to his client.



**Position:** Opposed

**Bill History:** 02-27-20 H Referred to House Committee on  
House Judiciary

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HB 348      Bagley, Larry(R)      Provides relative to advanced client costs by an attorney.



**Position:** Opposed

**Bill History:** 02-27-20 H Referred to House Committee on  
House Judiciary

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HB 356      Landry, Mandie(D)      Provides relative to the subject matter jurisdiction of certain courts.



**Position:** Opposed

**Bill History:** 02-27-20 H Referred to House Committee on  
House Judiciary

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HB 363      Duplessis, Royce(D)      Creates and provides for a retired volunteer dental hygienist license.





**Position:** Opposed

**Bill History:** 03-09-20 H Referred to House Committee on House Health and Welfare

HB 380

Carpenter, Barbara(D)

Provides relative to pleas of guilty or nolo contendere in felony cases.



**Position:** Opposed

**Bill History:** 02-27-20 H Referred to House Committee on House Administration of Criminal Justice

HB 422

Emerson, Julie(R)

Provides relative to apprenticeships.



**Position:** Opposed Unless Amended to Exclude Specifically the Practice of Law

**Bill History:** 02-27-20 H Referred to House Committee on House Commerce

HB 492

McFarland, Jack®

Provides relative to the reduction of commercial automobile insurance rates under certain circumstances.



**Position:** Opposed Unless Amended to Remove \$500,000 Damage Limitation

**Bill History:** 02-28-20 H Referred to House Committee on House Insurance

HB 498

Emerson, Julie(R)

Provides relative to occupational license and examination fee waiver and payment plan for qualified individuals.



**Position:** Opposed Unless Amended to Exclude Specifically the Practice of Law

**Bill History:** 02-28-20 H Referred to House Committee on House Commerce

HB 505

Bishop, Stuart(R)

Establishes the licensed profession of art therapist.



**Position:** Opposed

**Bill History:** 03-16-20 H Committee Hearing Cancelled House Health and Welfare

HB 509

Hodges, Valarie(R)

Provides disclosure procedures for asbestos and silica claims.

**Position:** Opposed**Bill History:** 03-12-20 H Removed from hearing 03/17/20 - House Civil Law

HB 532

Jordan, Edmond(D)

Provides relative to Peer-to-Peer Car Sharing.

**Position:** Opposed**Bill History:** 02-28-20 H Referred to House Committee on House Insurance

HB 574

Seabaugh, Alan(R)

Provides relative to motions for summary judgement.

**Position:** Opposed**Bill History:** 03-26-20 H Committee Hearing Cancelled House Civil Law

HB 613

Owen, Charles(R)

Provides relative to the occupational licenses of military families.

**Position:** Opposed Unless Amended to Exclude Specifically the Practice of Law**Bill History:** 02-28-20 H Referred to House Committee on House Commerce

HB 622

Emerson, Julie(R)

Provides relative to universal occupational or professional licensing recognition.

**Position:** Opposed Unless Amended to Exclude Specifically the Practice of Law**Bill History:** 02-28-20 H Referred to House Committee on House Commerce

HB 628

Seabaugh, Alan(R)  
Mills(R)

Provides relative to \$500,000 limitation on general damages.

**Companions:** SB 419 Mills, Robert (Identical)  
3-10-20 S Referred to Senate Committee on Senate Judiciary A**Position:** Opposed

**Bill History:** 02-28-20 H Referred to House Committee on House Civil Law

HB 692 Seabaugh, Alan(R)



Provides relative to the prohibition of recovery from collateral sources.

**Position:** Opposed

**Bill History:** 02-28-20 H Referred to House Committee on House Civil Law

HB 730 Carter, Wilford(D)



Provides for increasing the jury trial threshold.

**Position:** Monitor to Ensure Not Amended to Lower Jury Trial Threshold

**Bill History:** 03-31-20 H Introduced

HB 759 Marino III, Joseph(I)



Provides for the suspension of certain time periods, limitations, and delays in declared states of disaster or emergency.

**Position:** Support

**Bill History:** 03-31-20 H Introduced

HB 787 Stefanski, John®



Provides relative to transportation network companies.

**Position:** Opposed

**Bill History:** 03-31-20 H Introduced

HB 820 Marino III, Joseph(I)



Provides for the emergency suspension of time limitations in certain civil proceedings.

**Position:** Support

**Bill History:** 03-31-20 H Introduced

HB 827 Riser, Neil®



Provides relative to funeral directors and embalmers.

**Position:** Opposed

**Bill History:** 03-31-20 H Introduced

HCR 23 James, Ted(D)

Suspends laws regarding legal deadlines, including prescription and preemption.



**Position:** Support if Amended to Extend the Suspension 60 Days After Final Adjournment of the 2020 Regular Session of the Legislature or 60 Days After the Expiration of the State's Declaration of a Public Health Emergency, Whichever Occurs Later.

**Bill History:** 03-16-20 H Referred to House Committee on House Civil Law

HCR 25 Miller, Gregory(R)



Provides for the suspension of all civil prescriptive, peremptive, filing, and other deadlines in response to the COVID-19 Public Health Emergency declared by the governor.

**Position:** Support if Amended to Extend the Suspension 60 Days After Final Adjournment of the 2020 Regular Session of the Legislature or 60 Days After the Expiration of the State's Declaration of a Public Health Emergency, Whichever Occurs Later.

**Bill History:** 04-06-20 H Committee Hearing Cancelled House Civil Law

SB 13 Luneau(D)



Prohibits insurance rate determinations based on risks classified by the gender of an insured over the age of twenty-five.

**Position:** Support

**Bill History:** 01-23-20 S Referred to Senate Committee on Senate Insurance

SB 45 Peacock(R)



Provides for jury trial thresholds.

**Position:** Opposed

**Bill History:** 02-18-20 S Referred to Senate Committee on Senate Judiciary A

SB 46 Peacock(R)



Provides for the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA).

**Position:** Opposed

**Bill History:** 02-18-20 S Referred to Senate Committee on Senate Health and Welfare

SB 49

Carter(D)

Enacts the Louisiana Employment Non-Discrimination Act.

**Position:** Support**Bill History:** 02-18-20 S Referred to Senate Committee on Senate Labor and Industrial Relations

SB 77

Bouie(D)

Requires any contractor who bids on or enters into a contract with a public entity to comply with the Louisiana Equal Pay for Women Act.

**Position:** Support**Bill History:** 02-20-20 S Referred to Senate Committee on Senate Finance

SB 86

Connick(R)

Reduces jury trial threshold from \$50,000 to \$20,000.

**Position:** Opposed**Bill History:** 02-21-20 S Referred to Senate Committee on Senate Judiciary A

SB 88

Hewitt(R)

Provides for evaluations of attorney advertisements to be subject to the Public Records Law.

**Position:** Opposed**Bill History:** 03-16-20 S Committee Hearing Cancelled Senate and Governmental Affairs

SB 94

Allain(R)

Provides for limitation of liability of a landowner of property used for recreational purposes and award of attorney fees and court costs under certain circumstances.

**Position:** Opposed**Bill History:** 03-16-20 S Committee Hearing Cancelled Senate Judiciary A

SB 97

Peacock(R)

Provides relative to certain limitations on recovery of medical claims.

**Position:** Opposed**Bill History:** 02-24-20 S Referred to Senate Committee on Senate Judiciary A

SB 98

Peacock(R)

Provides for the Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC).

**Position:** Opposed**Bill History:** 03-16-20 S Committee Hearing Cancelled  
Senate Commerce

SB 148

Talbot(R)

Provides relative to the Louisiana Health Reinsurance Association.

**Position:** Opposed**Bill History:** 02-25-20 S Referred to Senate Committee on  
Senate Insurance

SB 219

Barrow(D)

Prohibits insurance rate determinations based on gender.

**Position:** Support**Bill History:** 02-27-20 S Referred to Senate Committee on  
Senate Insurance

SB 242

Connick(R)

Provides for Litigation Reduction Act.

**Position:** Opposed**Bill History:** 02-27-20 S Referred to Senate Committee on  
Senate Judiciary A

SB 247

Connick(R)

Prohibits certain collateral source benefits from being claimed as set-offs of damages for civil liability purposes.

**Position:** Monitor**Bill History:** 02-27-20 S Referred to Senate Committee on  
Senate Judiciary A

SB 266

Talbot(R)

Provides relative to medical expenses paid by a collateral source.

**Position:** Opposed**Bill History:** 02-27-20 S Referred to Senate Committee on  
Senate Judiciary A

SB 315

Mills(R)

Provides relative to liability to third parties of members and managers.

**Position:** Opposed**Bill History:** 02-27-20 S Referred to Senate Committee on Senate Judiciary A

SB 328

Barrow(D)

Provides relative to race for discrimination purposes.

**Position:** Support**Bill History:** 02-28-20 S Referred to Senate Committee on Senate Labor and Industrial Relations

SB 345

Johns(R)

Provides relative to noncomplete agreements.

**Position:** Monitor to Ensure Not Amended to Include Lawyers**Bill History:** 02-28-20 S Referred to Senate Committee on Senate Commerce

SB 347

Ward(R)

Provides relative to mandatory drug court participation for certain first or second time offenders.

**Position:** Opposed**Bill History:** 03-16-20 S Committee Hearing Cancelled Senate Judiciary C

SB 408

Talbot(R)

Provides relative to medical expenses paid in workers' compensation claims.

**Position:** Opposed**Bill History:** 02-28-20 S Referred to Senate Committee on Senate Judiciary A

SB 418

Talbot(R)

Enacts the Omnibus Premium Reduction Act of 2020.

**Position:** Opposed**Bill History:** 03-10-20 S Referred to Senate Committee on Senate Judiciary A



SB 419

Mills(R)  
Seabaugh, Alan(R)

Provides relative to \$500,000 limitation on general damages.



**Companions:** [HB 628](#) Seabaugh, Alan (Identical)  
2-28-20 H Referred to House  
Committee on House Civil Law

**Position:** Opposed

**Bill History:** 03-10-20 S Referred to Senate Committee on  
Senate Judiciary A

SB 439

Abraham(R)

Limits liability of a nonprofit organization or employee for the disclosure of certain information.



**Position:** Opposed

**Bill History:** 03-31-20 S Introduced

SB 449

Boudreaux(D)

Requires reporting of contagious or infectious diseases to first responders.



**Position:** Opposed

**Bill History:** 03-31-20 S Introduced

SB 454

Henry(R)

Creates a duty to warn on certain professionals and treating institutions and limits liability for disclosure when a patient's referral to a coroner for a mental status examination.



**Position:** Opposed

**Bill History:** 03-31-20 S Introduced

SB 464

Peacock(R)

Provides relative to the practice of medicine.



**Position:** Opposed

**Bill History:** 03-31-20 S Introduced

SB 471

Mills(R)  
McFarland, Jack(R)

Provides for the Louisiana Timber Transportation and Safety Act.



**Position:** Opposed

**Bill History:** 03-31-20 S Introduced

SB 482

Mizell(R)



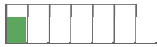
Provides for the Peace Officer and Public Safety Personnel Peer Support and Mental Health and Wellness Act.

**Position:** Opposed

**Bill History:** 03-31-20 S Introduced

SB 511

Morris(R)



Suspends certain legal requirements as a result of emergency health measures relative to the COVID-19.

**Position:** Support if Amended to Extend the Suspension 60 Days After Final Adjournment of the 2020 Regular Session of the Legislature or 60 Days After the Expiration of the State's Declaration of a Public Health Emergency, Whichever Occurs Later.

**Bill History:** 03-31-20 S Introduced

SCR 20

Cortez(R)



Suspends certain legal requirements as a result of emergency health measures relative to the Coronavirus.

**Position:** Support

**Bill History:** 03-16-20 S Referred to Senate Committee on Senate Judiciary A

**Total Bills:** 65

**Exhibit B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

RANDY J. BOUDREAUX,

Plaintiff,

v.

LOUISIANA STATE BAR  
ASSOCIATION, et al.

Defendants,

**CIVIL ACTION**

Case No. 2:19-cv-11962

SECTION “I” (1)

Judge Lance M. Africk

Magistrate Judge Janis van Meerveld

**PLAINTIFFS’ OBJECTIONS AND RESPONSES TO  
DEFENDANTS’ FIRST SET OF INTERROGATORIES  
AND REQUESTS FOR PRODUCTION TO THE PLAINTIFF**

Pursuant to Federal Rules of Civil Procedure 33 and 34, Plaintiff objects and responds to Defendants’ First Set of Interrogatories and Requests for Production to the Plaintiff as follows.

**GENERAL OBJECTIONS**

1. There are two primary matters on which Defendants might legitimately seek discovery from Plaintiff in this case: (1) Plaintiff’s compelled membership in, and payment of dues to, the Louisiana State Bar Association (“LSBA”); and (2) Plaintiff’s objection to subsidizing or otherwise associating with the LSBA and its speech. Plaintiff therefore objects to Defendants’ Interrogatories and Requests for Production to the extent that they are not reasonably calculated to lead to evidence relevant to those issues. Further, even with respect to those matters, very little discovery is necessary or appropriate. With respect to the first matter, Defendants

already have all the evidence they need to confirm that Plaintiff has been compelled to join and pay dues to the LSBA as a condition of practicing law in Louisiana; any discovery with respect to that issue could only seek evidence that is redundant and therefore is unduly burdensome. With respect to the second matter, little, if anything, more than Plaintiff's statement of his objection is necessary or appropriate; further discovery on that issue is unduly burdensome.

2. Plaintiff objects to these requests as overbroad and unduly burdensome to the extent that they are not limited to any specified time period.

3. Plaintiff objects to these requests, and will not respond to them, to the extent that they seek attorney-client communications pertaining to this litigation.

4. Investigation continues, and Plaintiff reserves the right to timely supplement these responses.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1.**

Please identify and describe with particularity each activity of the LSBA that you contend is constitutionally non-germane. Descriptions should include, without limitation:

- a. The action taken by LSBA (for legislative activity, this should include the specific underlying legislation—e.g., HB\_\_\_\_\_ of the \_\_\_\_\_ Session);
- b. The paragraph(s) (if any) in the Complaint that identifies this activity;
- c. The paragraph(s) (if any) in the Motion for Preliminary Injunction that identifies this activity;
- d. The date(s) on which the activity occurred; and
- e. Whether you personally disagree with the LSBA's position.

**RESPONSE.**

Plaintiff objects to this Interrogatory because it calls for a legal conclusion.

Plaintiff objects to this Interrogatory to the extent that it requests Plaintiff's political and ideological views, because (1) Plaintiff's views are not relevant to any claim or defense in this case, (2) inquiring as to Plaintiff's views is unduly intrusive on Plaintiff's privacy, and (3) inquiring as to Plaintiff's views serves no purpose except to attempt to harass, embarrass, or intimidate Plaintiff. Plaintiff objects to this Interrogatory as unduly burdensome to the extent that it seeks information that is equally or more accessible by Defendants, including the dates on which the LSBA engaged in specific activities and the contents of Plaintiff's Complaint and Motion for Preliminary Injunction, which speak for themselves.

Subject to and without waiving the foregoing objections, Plaintiff states that the LSBA's non-germane activities have included, but have not been limited to, advocacy regarding the following legislation:

- HB 332, limiting civil liability for persons using automated external defibrillators (2009) (*see* Plaintiff's Motion for Preliminary Injunction "MPI" at 4);
- HB 554, providing civil immunity for certain volunteers working in coordination with the state or its political subdivisions with respect to homeland security (2009) (*see* MPI at 4);



- SB 106, limiting civil liability of health care providers and personnel during a declared emergency (2009) (*see* MPI at 4);
- HB 669, regarding rehabilitation of injured employees (2010) (*see* MPI at 4);
- SB 240, regarding oyster leases (2011) (*see* MPI at 4);
- HB 947, regarding midwifery licensing (2012) (*see* MPI at 4);
- SB 119, regarding administration of auto-injectible epinephrine by a school nurse (2012) (*see* MPI at 4);
- HB 507, HB 548, HB 613, HB 916, SB 73, SB 86, and SB 273, reducing the threshold amount required to request a jury in a civil matter (2014) (*see* Complaint ¶ 46);
- HB 89, HB 750, reducing the threshold amount required to request a jury in a civil matter (2016) (*see* Complaint ¶ 46);
- HB 856, limiting landowners' liability to grant a right of passage to cemeteries (2016) (*see* MPI at 5);
- SB 432, providing for the return of certain RSD schools to the transferring school board (2016) (*see* MPI at 5);
- HB 271, providing for the carrying of concealed handguns on school property by certain teachers or administrators (2018) (*see* Compl. ¶ 46; MPI at 5);

- SB 228, prohibiting elementary and secondary state schools that receive state funds from discriminating based on gender identity or sexual orientation (2018) (*see* MPI at 5);
- HB 370, authorizing electronic delivery of insurance coverage notices (2018) (*see* MPI at 5);
- SB 303, regarding bullying (2018) (*see* MPI at 5);
- SB 138, providing for out-of-state automobile insurance coverage (2018) (*see* MPI at 5);
- HB 9, the Omnibus Premium Reduction Act of 2020 (2020) (*see* MPI at 5);
- HB 280, reducing the jury threshold amount (2020) (*see* MPI at 5);
- HB 287, changing the collateral source rule (2020) (*see* MPI at 6);
- HB 492, regarding reduction of insurance rates (2020) (*see* MPI at 6);
- HB 505, establishing the licensed profession of art therapist (2020) (*see* MPI at 6);
- HB 532, regulating peer-to-peer car sharing (2020) (*see* MPI at 6);
- HB 827, regarding regulation of funeral directors and embalmers (2020) (*see* MPI 6);
- SB 464, regarding the practice of medicine, adopting the Interstate Medical Licensing Compact (2020) (*see* MPI at 6);

- HB 363 (2020), creating and providing for a retired volunteer dental hygienist license (*see* MPI at 6).

The LSBA’s non-germane activities have also included, but have not been limited to, the LSBA’s adoption and maintenance of certain policy positions, including:

- A resolution adopted January 1, 2000 “urging [a] moratorium on executions in Louisiana until [the] state implements procedures providing for representation by counsel of all persons facing executing sufficient to ensure that no person is put to death without having their legal claims properly presented to the courts” (Compl. ¶ 41);
- A resolution adopted January 24, 2021—which apparently replaced a substantially similar policy position adopted before the Complaint was filed—opposing “granting of civil immunities” and “[t]he creation of special rules favoring subclasses of parties in certain types of cases in contravention of [the] Civil Code and Code of Civil Procedure, unless a clear case is made” for such rules under extraordinary circumstances (Compl. ¶ 42);
- A resolution adopted January 23, 2010 “strongly supporting a requirement for a full credit of civics in the high school curriculum in the State of Louisiana, while eliminating the free enterprise requirement and incorporating those concepts into the civics curriculum” (Compl. ¶ 43);

- A resolution adopted June 9, 2016 “[u]rging the adoption of laws prohibiting discrimination in employment, housing and accommodations for LGBT persons” (Compl. ¶ 44).

In 2021, the LSBA has also engaged in non-germane speech through tweets, including tweets: (1) touting the purported benefits of broccoli (July 7); (2) touting the purported benefits of walnuts (July 28); (3) urging readers to set fitness goals and work out at least three times per week (August 4); (4) touting the benefits of sunlight (August 11); (5) promoting a charity that provides free Halloween costumes to children (August 16); (6) advising readers on which snacks to eat before bedtime (August 18); (7) promoting an article in a non-legal publication regarding “habits of especially happy people” (August 25); (8) touting the purported benefits of drinking juice, especially tart cherry or beet juice, after exercise (August 25); (9) promoting an article in a non-legal publication regarding public policies addressing student debt (August 25); (10) promoting an article in a non-legal publication about the habits of happy people (September 13); (11) touting the benefits of “[v]isualiz[ing] your calm” (September 15); (12) promoting an article on a non-legal website regarding a purported “outstanding upgrade” in Apple iOS 15 (September 21); (13) urging readers to test and change batteries in their smoke and carbon monoxide detectors (September 22); (14) announcing a celebration of mass at St. Louis Cathedral (September 27 and October 1).

Plaintiff identifies the LSBA House of Delegates policy position advocating removal of free-enterprise education from the state's high-school curriculum as one example of a non-germane LSBA activity that is contrary to his personal views. Plaintiff identifies the LSBA's promotion of a Catholic mass for lawyers as another example of an LSBA activity that is contrary to his personal views. Plaintiff further states that forced funding of advocacy of any political or ideological views is contrary to his personal views, regardless of whether he agrees with the substance of that advocacy.

**INTERROGATORY NO. 2.**

For each activity identified in Interrogatory No. 1, describe each action you have undertaken to express your disagreement, including the time, place, and manner of your expression.

**RESPONSE.**

Plaintiff objects to this Interrogatory because it is not reasonably calculated to lead to the discovery of evidence relevant to any claim or defense in this case. Plaintiff objects to this Interrogatory because it is overbroad and unduly burdensome. Plaintiff objects to this Interrogatory because it is unduly intrusive on his privacy, including his First Amendment right not to express his views on political and ideological matters. Plaintiff objects to this Interrogatory because it serves no purposes except to attempt to harass, embarrass, or intimidate Plaintiff. Plaintiff objects to this Interrogatory to the extent that it seeks communications protected by the attorney-client privilege.

Subject to and without waiving the foregoing objections, Plaintiff states that he cannot recall any specific instance in which he has specifically expressed disagreement with an LSBA action apart from this litigation.

**INTERROGATORY NO. 3.**

Please identify and describe with particularity each activity of the LSBA that you admit is constitutionally germane. *See also* Request for Admission No. 7.

**RESPONSE.**

Plaintiff objects to this Interrogatory because it calls for a legal conclusion. Plaintiff objects to this Interrogatory because it is overbroad and unduly burdensome, both because it is not limited to a specific time period and because, regardless of the time period, Defendants cannot reasonably expect Plaintiff to review every activity the LSBA has engaged in to make a determination as to whether it was germane.

**INTERROGATORY NO. 4.**

Please identify and describe with particularity all groups and associations of which you were or have been a member from January 1, 2018 until the present. Descriptions should include, without limitation, the name of the group or entity, whether any dues were paid and, if so, the amounts of such dues.

**RESPONSE.**

Plaintiff objects to this Interrogatory because Plaintiff's membership in organizations other than the LSBA is not relevant to any claim or defense in this case.



Plaintiff objects to this Interrogatory because inquiring as to Plaintiff's associational memberships is unduly intrusive on Plaintiff's privacy and his First Amendment right to associational freedom. Plaintiff objects to this Interrogatory because inquiring as to Plaintiff's associations serves no purpose except to attempt to harass, embarrass, or intimate Plaintiff. Plaintiff objects to this Interrogatory to the extent that it seeks information equally or more accessible by Defendants.

Subject to and without waiving the foregoing objections, Plaintiff provides the following information. During this time period, Plaintiff has been a member of, and paid dues to, the LSBA because Louisiana law requires him to do so as a condition of practicing law in the state. Defendants know, or have access to, the amounts paid and the dates of those payments. Plaintiff was a member of the Federalist Society in 2019 and 2020, and paid it annual dues of \$50.00. During the relevant time period, Plaintiff has been a member of the Orleans Parish Republican Executive Committee, which does not require a payment of dues. Plaintiff was a member of the Louisiana Advisory Committee to the U.S. Commission on Civil Rights from 2017 through 2020; that membership was by appointment and did not entail payment of dues. To the best of Plaintiff's knowledge and memory, these were his only group memberships during the relevant time period.

**INTERROGATORY NO. 5.**

Please identify and describe with particularity every instance in which you have personally been the subject of criticism for any activity undertaken by the LSBA.

Descriptions should include, without limitation, the time, place, and manner of the criticism and how and when you learned about it.

**RESPONSE.**

Plaintiff objects to this Interrogatory because it is not reasonably calculated to lead to the discovery of evidence relevant to any claim or defense in this case. Plaintiff objects to this Interrogatory to the extent that it seeks information of which he lacks personal knowledge.

Subject to and without waiving the foregoing objections, Plaintiff states that he is unaware of any instance in which anyone has criticized him individually for an activity of the LSBA.

**INTERROGATORY NO. 6.**

Please identify each activity of the LSBA of which you have been a participant, including any participation in LSBA committees, meetings, or Continuing Legal Education programs. Descriptions should include, without limitation, the date(s) and nature of your participation.

**RESPONSE.**

Plaintiff objects to this Interrogatory because it is not reasonably calculated to lead to the discovery of evidence relevant to any claim or defense in this case. Plaintiff objects to this Interrogatory because it is overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, Plaintiff states that, to his knowledge, he has not participated in any LSBA activities apart from his payments of mandatory dues.

**INTERROGATORY NO. 7.**

Please identify and describe with particularity the events that caused you to file the Complaint in this matter.

**RESPONSE.**

Plaintiff objects to this Interrogatory because it is not reasonably calculated to lead to the discovery of evidence relevant to any claim or defense in this case. Plaintiff objects to this Interrogatory because it is vague, overbroad, and unduly burdensome. Plaintiff objects to this Interrogatory to the extent that it seeks communications protected by the attorney-client privilege or the work-product doctrine.

Subject to and without waiving the foregoing objections, Plaintiff states that he filed this lawsuit because he did not wish to associate with or subsidize the LSBA or its political or ideological speech. Over the years, he had repeatedly observed the LSBA engaging in political and ideological speech with which he disagreed.

**INTERROGATORY NO. 8.**

Please identify and describe with particularity the facts that support your contention that “[c]ompelled membership in the LSBA violates attorneys’ First and Fourteenth Amendment rights to free association and free speech.”<sup>1</sup>

**RESPONSE.**

Plaintiff objects to this Interrogatory because it is overbroad and unduly burdensome in seeking every fact that supports Plaintiff’s claim. Plaintiff objects to this Interrogatory to the extent that it calls for a legal conclusion.

Subject to and without waiving the foregoing objections, facts that support Plaintiff’s claim include:

- The fact that Louisiana requires him and all other attorneys to join the LSBA as a condition of practicing law;
- The fact that the LSBA engages in political and ideological speech, including but not limited to the examples set forth in the Complaint and Motion for Preliminary Injunction;
- The fact that the LSBA uses member dues to engage in its political and ideological speech without obtaining members’ affirmative consent in advance;
- The fact that the LSBA purports, and has purported, to speak on behalf of the legal profession in Louisiana.

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<sup>1</sup> Complaint (Doc. 1), p. 13.

**INTERROGATORY NO. 9.**

Please identify and describe with particularity the facts that support your contention that “[t]he collection and use of mandatory bar dues to subsidize the LSBA’s speech, including its political and ideological speech, violates attorneys’ First and Fourteenth Amendment rights to free speech and association.”<sup>2</sup>

**RESPONSE.**

Plaintiff objects to this Interrogatory because it is overbroad and unduly burdensome in seeking every fact that supports Plaintiff’s claim. Plaintiff objects to this Interrogatory to the extent that it calls for a legal conclusion.

Subject to and without waiving the foregoing objections, see Plaintiff’s response to Defendants’ Interrogatory No. 8.

**INTERROGATORY NO. 10.**

Please identify and describe with particularity the facts that support your contention that “[t]he LSBA violates attorneys’ First and Fourteenth Amendment rights by failing to provide safeguards to ensure mandatory dues are not used for impermissible purposes.”<sup>3</sup>

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<sup>2</sup> Complaint, p. 15.

<sup>3</sup> Complaint, p. 17.

**RESPONSE.**

Plaintiff objects to this Interrogatory because it is overbroad and unduly burdensome in seeking every fact that supports Plaintiff's claim. Plaintiff objects to this Interrogatory to the extent that it calls for a legal conclusion.

Subject to and without waiving the foregoing objections, Plaintiff states that the LSBA does not publish notices of all of its activities; the LSBA's annual report does not identify specific expenditures the LSBA has made or proposed to make; the LSBA's Bylaws do not require the LSBA to notify members of its political or ideological speech other than adoption of legislative positions. Investigation continues, and Plaintiff reserves the right to supplement this response.

**INTERROGATORY NO. 11.**

Please identify and describe with particularity the facts that support your contention that the Lawsuit, including the Motion for a Preliminary Injunction (Doc. 48), is not moot.

**RESPONSE.**

Plaintiff objects to this Interrogatory because it calls for a legal conclusion. Plaintiff objects to this Interrogatory because it is overbroad and unduly burdensome. It is not reasonable or appropriate to expect Plaintiff to (1) anticipate arguments on mootness that Defendants have not yet made in any motion or brief, which could be based in part or in whole on events that have not yet transpired, (2) develop legal arguments responding



to those anticipated arguments, and (3) identify all facts Plaintiff would cite in support of those responses, which could include facts pertaining to events that have not yet transpired.

Subject to and without waiving the foregoing objections, Plaintiff states that this lawsuit and Plaintiff's Motion for Preliminary Injunction are not moot because Plaintiff is still required to join the LSBA and subsidize its speech as a condition of practicing law, and because he is still forced to associate with the LSBA and its germane and non-germane speech, including but not limited to the LSBA's policy positions adopted by its House of Delegates, which, on information and belief, remain in effect.

**INTERROGATORY NO. 12.**

Please identify and describe with particularity the declaratory and injunctive relief that you seek in this matter (including in the Motion for Preliminary Injunction) and the time frame within which you contend such relief should be imposed. Insofar as you seek an injunction, describe the precise conduct that you believe should be enjoined and the anticipated future dates on which you contend that the conduct would otherwise occur. Insofar as you seek a declaratory judgment, describe the precise terms of the judgment that you seek, including identifying the "Louisiana statutes, rules, and regulations" that you contend are unconstitutional.<sup>4</sup>

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<sup>4</sup> Complaint, p. 20, ¶ A.

**RESPONSE.**

Plaintiff objects to this Interrogatory because it calls for a legal conclusion.

Plaintiff objects to this Interrogatory because it is overbroad and unduly burdensome.

Interrogatories serve to allow a party to discover *facts* that may be within an opposing party's knowledge. A party is not entitled to use Interrogatories to ask the opposing party to develop and present legal arguments or to draft proposed orders.

Subject to and without waiving the foregoing objections, the relief Plaintiff seeks includes but is not limited to the relief requested in the Complaint (which speaks for itself), the relief requested in Plaintiff's Motion for Preliminary Injunction (which speaks for itself), and the following:

- A declaration that requiring attorneys to be members of the LSBA as a condition of practicing law in Louisiana (as provided by La. R.S. 37:211, La. R.S. 37:213, and La. S. Ct. XIX § 8(C)) violates attorneys' rights to free speech and freedom of association;
- A declaration that requiring attorneys to pay dues to the LSBA as a condition of practicing law in Louisiana (as provided by La. S. Ct. R. XIX § 8(C) and La. R. Prof. Cond. 1.1(c)) violates attorneys' rights to free speech and freedom of association;
- A declaration that the LSBA's use of member dues for political or ideological speech without obtaining members' affirmative consent in advance violates attorneys' rights to free speech and freedom of association;
- A declaration that the LSBA does not provide members with sufficient information to allow them to protect their First Amendment right not to subsidize the LSBA's non-germane activities;

- An injunction prohibiting Defendants from enforcing the mandatory membership requirement against Plaintiff;
- An injunction prohibiting Defendants from enforcing the mandatory dues requirement against Plaintiff.

This list is non-exhaustive, as the Court has discretion to grant other relief that it deems just and equitable (as the Complaint requests), and details of any injunction may depend on the specific facts presented to the Court.

### **INTERROGATORY NO. 13.**

Please identify and describe with particularity the facts that support your contention that you have been made to “associate with the LSBA, its other members, or its political and ideological speech.”<sup>5</sup>

**RESPONSE:** Plaintiff objects to this Interrogatory because it calls for a legal conclusion.

Plaintiff objects to this Interrogatory because it is overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, Plaintiff states that facts supporting this allegation include:

- The fact that Louisiana requires him and all other attorneys to join the LSBA as a condition of practicing law;
- The fact that the LSBA engages in political and ideological speech, including but not limited to the examples set forth in the Complaint and Motion for Preliminary Injunction;

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<sup>5</sup> Mtn. Preliminary Injunction, p.7.

- The fact that the LSBA uses member dues to engage in its political and ideological speech without members' affirmative consent;
- The fact that the LSBA purports, and has purported, to speak on behalf of the legal profession in Louisiana.

Investigation continues, and Plaintiff reserves the right to supplement this response.

**INTERROGATORY NO. 14.**

Please explain the basis for your contention that the Complaint did not need to be amended or supplemented to add challenges to activity occurring in 2020 and 2021.

**RESPONSE.**

Plaintiff objects to this Interrogatory because it calls for a legal conclusion.

Interrogatories serve to allow a party to discover *facts* that may be within an opposing party's knowledge. A party is not entitled to use Interrogatories to ask the opposing party to develop and present legal arguments.

Subject to and without waiving the foregoing objection, Plaintiff observes that the Complaint makes allegations about the LSBA's activities in the present tense—it states that LSBA *uses* mandatory dues for political and ideological speech (*see, e.g.* Compl. ¶¶ 36, 82), not just that it has done so in the past. The Complaint provides examples of such speech, but it does not purport to provide an exhaustive list, nor was it required to do so. Plaintiff is not obligated to amend his Complaint each time the LSBA engages in another act of political or ideological speech; in general, plaintiffs are not required to support

their claims only with evidence that was in existence at the time they filed their complaint.

The foregoing is not an exhaustive response to the question presented by this Interrogatory. Again, Defendants are not entitled to demand through interrogatories that Plaintiff develop and present legal arguments.

**INTERROGATORY NO. 15.**

Please explain the basis for your contention that your challenges (including both the pre- August 1, 2018 activity identified in the Complaint and the 2020-2021 activity presented in the Motion for Preliminary Injunction) are timely.

**RESPONSE.**

Plaintiff objects to this Interrogatory because it calls for a legal conclusion. Interrogatories serve to allow a party to discover *facts* that may be within an opposing party's knowledge. A party is not entitled to use interrogatories to ask the opposing party to develop and present legal arguments. If Defendants raise a statute-of-limitations defense in a motion or brief, Plaintiffs will respond to Defendants' *specific* arguments in accordance with the briefing schedule established by the Court.

Subject to and without waiving the foregoing objections, Plaintiff states that his claims and motion are timely because he seeks prospective relief for injuries Louisiana is *currently* inflicting on him by requiring him to be a member of the LSBA, to subsidize the LSBA's speech, and to associate with the LSBA and its speech, including but not

limited to the policy positions adopted by the LSBA House of Delegates, which, on information and belief, remain in effect.

**INTERROGATORY NO. 16.**

Please explain the basis for your contention that the Motion for Preliminary Injunction can seek relief relative to LSBA activity not set forth in the Complaint.

**RESPONSE.**

Plaintiff objects to this Interrogatory because it calls for a legal conclusion. Interrogatories serve to allow a party to discover *facts* that may be within an opposing party's knowledge. A party is not entitled to use interrogatories to ask the opposing party to develop and present legal arguments. If Defendants believe Plaintiffs' Motion for Preliminary Injunction seeks inappropriate relief, Defendants may make that argument in their response to that motion; they are not entitled to use interrogatories to demand that Plaintiff give them a preview of his reply brief.

Subject to and without waiving the foregoing objections, Plaintiff states that his Motion for Preliminary Injunction seeks prospective relief against compelled association with the LSBA based on its non-germane speech, which has occurred on an ongoing basis, and which includes, among other things, the LSBA's maintenance of policy positions adopted by its House of Delegates, which, on information and belief, remain in effect.

**INTERROGATORY NO. 17.**

Please identify all individuals who have knowledge of any facts or circumstances relating to any of the allegations, claims, and/or defenses made by you in the Lawsuit, including a summary of what facts and knowledge you believe they have.

**RESPONSE.** Plaintiff objects to this Interrogatory as overbroad and unduly burdensome inasmuch as it seeks the identities of any person who may have any knowledge of any allegation of the Complaint.

Subject to and without waiving that objection, Plaintiff states that the following individuals may have relevant knowledge:

- Plaintiff Randy Boudreaux has knowledge of his membership in, and payment of dues to, the LSBA, and of his objection to compulsory LSBA membership and dues.
- Defendant LSBA has knowledge of the dues Plaintiff has paid to the LSBA and of the LSBA's activities, policies, and uses of member dues. Plaintiff requires discovery to determine which LSBA officers or agents have relevant knowledge.

**INTERROGATORY NO. 18.**

Please identify any individuals, including but not limited to individuals identified in response to Interrogatory No. 17, who have given recorded, oral, and/or written statements to you (including without limitation your representatives or counsel) regarding the allegations, claims, and/or defenses made by you in this Lawsuit. For the individuals who have given a statement of any nature, please provide: (1) the individual's full name



and address; (2) whether the statement or testimony was recorded, transcribed, oral, and/or written; (3) the name, address, and employer of the individual who obtained the statement or testimony; (4) the date on which the statement or testimony was provided; (5) the place where the statement or testimony was provided; (6) the name and address of the individual or entity currently in possession of the statement or testimony; (7) whether the individual who gave the statement or testimony was provided a copy of that statement; and (8) whether you possess any notes related to that statement.

**RESPONSE.** Plaintiff objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege or the work-product doctrine. Plaintiff objects to this Interrogatory because it is vague and ambiguous in its use of the terms “given ... statements.” Plaintiff objects to this Interrogatory to the extent that it seeks communications with third parties regarding their personal views, which unduly intrudes on those third parties’ privacy rights, including their right to anonymous speech and freedom of association. Plaintiff objects to this Interrogatory because it serves no purpose except to attempt to harass, embarrass, or intimidate Plaintiff.

**INTERROGATORY NO. 19.**

Please identify each person answering this discovery or providing information utilized in the preparation of your answers to this discovery. Please include the specific discovery request(s) for which each person provided information or assistance and the substantive information provided by each person.

**RESPONSE.** Randy Boudreaux provided all information about himself. His counsel provided information regarding this litigation and the LSBA's activities.

## **REQUESTS FOR PRODUCTION OF DOCUMENTS**

### **REQUEST FOR PRODUCTION NO. 1.**

Please produce all Documents that support, contradict, and/or relate to any of the allegations set forth in the Complaint (Doc. 1).

**RESPONSE:** Plaintiff objects to this Request as unduly burdensome, overbroad, and vague, as it appears to seek any document that is relevant in any way to any issue in this case.

### **REQUEST FOR PRODUCTION NO. 2.**

Please produce all Documents that support, contradict, and/or relate to any of the allegations set forth in the Motion for Preliminary Injunction (Doc. 48).

**RESPONSE:** Plaintiff objects to this Request as overbroad, unduly burdensome, and vague. Plaintiff objects to this Request to the extent that it seeks documents that are equally or more accessible by Defendants.

Subject to and without waiving the foregoing objections, Plaintiff is producing documents evidencing the LSBA's political and ideological activity identified in the Motion for Preliminary Injunction.

**REQUEST FOR PRODUCTION NO. 3.**

Please produce all Documents related to your responses to Interrogatory No. 1.

**RESPONSE:** Plaintiff objects to this Request as overbroad, unduly burdensome, and vague in its use of “related to.” Subject to and without waiving the foregoing objection, Plaintiff is producing documents evidencing the LSBA activities identified in his response to Defendants’ Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 4.**

Please produce all Documents related to your responses to Interrogatory No. 2.

**RESPONSE:** Plaintiff objects to this Request as overbroad, unduly burdensome, and vague in its use of “related to.” Plaintiff objects to this Request on the same grounds that he has objected to Defendants’ Interrogatory No. 2. Subject to and without waiving the foregoing objections, Plaintiff states that he has no responsive documents in his possession, custody, or control.

**REQUEST FOR PRODUCTION NO. 5.**

Please produce all Documents related to your responses to Interrogatory No. 3.

**RESPONSE:** Plaintiff objects to this Request as overbroad, unduly burdensome, and vague in its use of “related to.” Plaintiff objects to this Request on the same grounds that he has objected to Defendants’ Interrogatory No. 3. Subject to and without waiving the foregoing objections, Plaintiff states that he has no responsive documents because he has objected to Interrogatory No. 3 and therefore has not responded to it.

**REQUEST FOR PRODUCTION NO. 6.**

Please produce all Documents related to your responses to Interrogatory No. 4.

**RESPONSE.** Plaintiff objects to this Request as overbroad, unduly burdensome, and vague in its use of “related to.” Plaintiff objects to this Request on the same grounds that he has objected to Defendants’ Interrogatory No. 4.

**REQUEST FOR PRODUCTION NO. 7.**

Please produce all Documents related to your responses to Interrogatory No. 5.

**RESPONSE.** Plaintiff objects to this Request as overbroad, unduly burdensome, and vague in its use of “related to.” Plaintiff objects to this Request on the same grounds that he has objected to Defendants’ Interrogatory No. 5. Subject to and without waiving the foregoing objections, Plaintiff states that he has no documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 8.**

Please produce all Documents related to your responses to Interrogatory No. 6.

**RESPONSE:** Plaintiff objects to this Request as overbroad, unduly burdensome, and vague in its use of “related to.” Plaintiff objects to this Request on the same grounds that he has objected to Defendants’ Interrogatory No. 6. Subject to and without waiving the foregoing objections, Plaintiff states that he has no documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 9.**

Please produce all Documents related to your responses to Interrogatory No. 7.

**RESPONSE:** Plaintiff objects to this Request as overbroad, unduly burdensome, and

vague in its use of “related to.” Plaintiff objects to this Request on the same grounds that he has objected to Defendants’ Interrogatory No. 7. Subject to and without waiving the foregoing objections, Plaintiff states that he has no documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 10.**

Please produce all Documents related to your responses to Interrogatory No. 8.

**RESPONSE:** Plaintiff objects to this Request as overbroad, unduly burdensome, and vague in its use of “related to.” Plaintiff objects to this Request inasmuch as it is overbroad and unduly burdensome because it appears to seek every document relevant to Plaintiff’s claim.

**REQUEST FOR PRODUCTION NO. 11.**

Please produce all Documents related to your responses to Interrogatory No. 9.

**RESPONSE:** Plaintiff objects to this Request as overbroad, unduly burdensome, and vague in its use of “related to.” Plaintiff objects to this Request inasmuch as it is overbroad and unduly burdensome because it appears to seek every document relevant to Plaintiff’s claim. Subject to and without waiving the foregoing objections, Plaintiff states that he has no documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 12.**

Please produce all Documents related to your responses to Interrogatory No. 10.

**RESPONSE:** Plaintiff objects to this Request as overbroad, unduly burdensome, and vague in its use of “related to.” Plaintiff objects to this Request inasmuch as it is

overbroad and unduly burdensome because it appears to seek every document relevant to Plaintiff's claim. Subject to and without waiving the foregoing objections, Plaintiff states that he has no documents responsive to this Request.

**REQUEST FOR PRODUCTION NO. 13.**

Please produce all Documents related to your responses to Interrogatory No. 11.

**RESPONSE.** Plaintiff objects to this Request as overbroad, unduly burdensome, and vague in its use of "related to." Plaintiff objects to this Request on the same grounds that he has objected to Defendants' Interrogatory No. 11. Subject to and without waiving the foregoing objections, Plaintiff is producing documents evidencing the LSBA's political and ideological speech activities.

**REQUEST FOR PRODUCTION NO. 14.**

Please produce all Documents related to your responses to Interrogatory No. 12.

**RESPONSE:** Plaintiff objects to this Request as overbroad, unduly burdensome, and vague in its use of "related to." Plaintiff objects to this Request on the same grounds that he has objected to Defendants' Interrogatory No. 12. Plaintiff objects to this Request because all documents referenced in Plaintiff's response to Interrogatory No. 12 are equally or more accessible by Defendants. Subject to and without waiving the foregoing objections, Plaintiff has no documents responsive to this Request other than documents he has already served on Defendants in this litigation.

**REQUEST FOR PRODUCTION NO. 15.**

Please produce all Documents related to your responses to Interrogatory No. 13.

**RESPONSE:** Plaintiff objects to this Request as overbroad, unduly burdensome, and vague in its use of “related to.” Plaintiff objects to this Request on the same grounds that he has objected to Defendants’ Interrogatory No. 13.

**REQUEST FOR PRODUCTION NO. 16.**

Please produce all communications you have sent to the LSBA from the date of your membership to the present. If you no longer have copies of a particular communication, please describe it and the circumstances under which it is unavailable (e.g., lost, destroyed).<sup>6</sup>

**RESPONSE:** Plaintiff objects to this Response as overbroad and unduly burdensome. Plaintiff objects to this Request to the extent that it seeks documents equally or more accessible by Defendants. Plaintiff objects to this Response to the extent that it asks him to describe documents that are not within his possession, custody, or control. Subject to and without waiving the foregoing objections, Plaintiff states that he is unaware of any communications that he has sent to the LSBA, other than his payments of annual dues and documents served on Defendants in this litigation.

**REQUEST FOR PRODUCTION NO. 17.**

Please produce all Documents that reflect your personal disagreement with any

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<sup>6</sup> See also Section I(F)



activity of the LSBA.

**RESPONSE:** Plaintiff objects to this Response as overbroad and unduly burdensome.

Plaintiff objects to this Response to the extent that it seeks private communications or other documents reflecting Plaintiff's personal views; a request for such information unduly intrudes on Plaintiff's privacy and/or the privacy of third parties, including Plaintiff's First Amendment right to keep his views private. Plaintiff objects to this Response because Plaintiff's personal views are irrelevant to any claim or defense in this case. Subject to and without waiving the foregoing objections, Plaintiff states that he has no documents reflecting his *public* disagreement with any activity of the LSBA, other than documents served on Defendants in this litigation and public communications regarding this litigation, which Plaintiff is producing.

**REQUEST FOR PRODUCTION NO. 18.**

Please produce all Documents that reflect your objection to the payment of LSBA dues.

**RESPONSE:** Plaintiff objects to this Request to the extent that it seeks documents protected by the attorney-client privilege or the work-product doctrine. Plaintiff objects to this Request as overbroad and unduly burdensome. Subject to and without waiving the foregoing objections, Plaintiff states that his objection to the payment of LSBA dues is reflected in the documents he has filed in this litigation, which he has already served on Defendants, and public communications regarding this litigation, which Plaintiff is

producing.

**REQUEST FOR PRODUCTION NO. 19.**

Please produce all Documents reflecting any request or demand by you for the refund of all or part of any dues payment made by you.

**RESPONSE:** Plaintiff has no documents responsive to this Request other than documents served on Defendants in this litigation.

**REQUEST FOR PRODUCTION NO. 20.**

Please produce a copy of all Documents you intend to introduce into evidence at any hearing or trial in this matter.

**RESPONSE:** Plaintiff objects to this Request because it is premature; Plaintiff does not yet know what documents he intends to introduce into evidence at any hearing or trial in this matter. When Plaintiff determines that he intends to introduce particular documents into evidence at a hearing or trial, he will timely supplement this Response.

**REQUEST FOR PRODUCTION NO. 21.**

Please produce a copy of all Documents you intend to use for impeachment at any hearing or trial in this matter.

**RESPONSE:** Plaintiff objects to this Request because it is premature; Plaintiff does not yet know what documents he may use for impeachment at any trial or hearing. When Plaintiff determines which documents he intends to use for impeachment, he will timely supplement this Response.

**REQUEST FOR PRODUCTION NO. 22.**

Please produce a copy of all notes that you have taken in relation to any of the allegations in the Complaint (Doc. 1) or Motion for Preliminary Injunction (Doc. 48).

**RESPONSE:** Plaintiff objects to this Request to the extent that it seeks material protected by the attorney-client privilege or the work-product doctrine. Subject to and without waiving the foregoing objection, Plaintiff states that he has no non-privileged responsive documents.

**REQUEST FOR PRODUCTION NO. 23.**

Please produce a copy of any expert report upon which you intend to rely, as well as Documents relating to: (1) compensation of that expert, (2) communications with that expert by you (including without limitation individuals acting on your behalf), and (3) information you provided to the expert.

**RESPONSE:** Plaintiff does not anticipate that he will rely on an expert report. Plaintiff reserves the right to supplement this response if he determines that an expert report would be appropriate to support his case or to rebut any expert report that Defendants will rely on.

**REQUEST FOR PRODUCTION NO. 24.**

Please produce all Documents relating to your request for attorney's fees and costs.

**RESPONSE:** Plaintiff objects to this Request because it is premature. If Plaintiff prevails

or is otherwise entitled to an award of attorney's fees, Plaintiff will timely submit appropriate documentation to support his application for fees in accordance with the Federal Rules of Civil Procedure, the Local Rules, and any relevant order issued by the Court.

DATED October 1, 2021 by:

By: /s/ Jacob Huebert  
Jacob Huebert (admitted *pro hac vice*)  
Timothy Sandefur (admitted *pro hac vice*)  
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By: /s/ Dane S. Ciolino  
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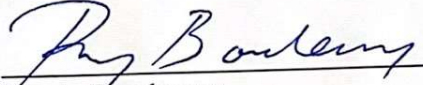
*Attorneys for Plaintiff*

**VERIFICATION**

I, Randy Boudreaux, have reviewed the foregoing document, PLAINTIFF'S OBJECTIONS AND RESPONSES TO DEFENDANTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION TO THE PLAINTIFF, and know its contents. On information and belief, I believe the matters set forth in the responses to Defendants' Interrogatories to be true.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 1 day of October, 2021.

  
Randy Boudreaux

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 1, 2021, I electronically served the foregoing to:

Richard C. Stanley  
Eva J. Dossier  
Kathryn W. Munson  
**STANLEY, REUTER, ROSS,  
THORNTON & ALFORD, L.L.C.**  
909 Poydras Street, Suite 2500  
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*Counsel for the Defendants*

/s/ Jacob Huebert  
JACOB HUEBERT





**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUIS**

RANDY BOUDREAUX,

Plaintiff,

v.

LOUISIANA STATE BAR ASSOCIATION,  
et al.,

Defendants.

**CIVIL ACTION**

Case No. 19-cv-1196

SECTION "I" (1)

Judge Lance M. Africk

Mag. Judge van Meerveld


**DECLARATION OF DANE S. CIOLI**

I, Dane S. Ciolino, declare as follows:

1. I am a lawyer licensed to practice law in Louisiana and am therefore a mandatory member of the Louisiana State Bar Association.
2. As a result, I frequently receive email messages from the Louisiana State Bar Association that are sent to all association members.
3. On Monday, November 1, 2021, I received the email attached hereto as Exhibit 1. This email invited me to "[s]ign up as a Santa today" to "brighten the holidays for 421 children." See Exhibit 1.
4. I like children and I like Christmas. But I didn't like the email because it was nongermane to the practice of law.

5. I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 5, 2021

  
Dane S. Ciolino

## More Than 400 Children Need Secret Santas!

Louisiana State Bar Association <lsbacomunications@lsbanews.com>

Mon 11/1/2021 10:37 AM

To: Dane S. Ciolino <dane@daneciolino.com>



## More Than 400 Children Need Secret Santas!

Ready to help make some magic for hundreds of appreciative children this holiday season?! Sign up today for the 25th annual Secret Santa Project and help brighten the holidays for 421 children in need!

The project serves families from a variety of organizations, including women's shelters, CASA programs, and agencies for children with special health needs. Generous Santas looking to make a significant impact for deserving children can participate in one of two ways:

1. Sign up as a Santa today and get your child's personalized "wish list" and packet materials sent to you in time to take advantage of holiday shopping specials. Click here to download the [Secret Santa Participation Form](#).
2. No time to shop for gifts? Consider making a monetary donation and let the "elves" shop for you. Click here to [donate online](#). Or mail checks, payable to "LOUISIANA BAR FOUNDATION," to Attention: Secret Santa Project, Louisiana Bar Foundation, 1615 Poydras St., Ste. 1000, New Orleans, LA 70112.

The Secret Santa Project is a wonderful opportunity for Bar members and other professionals to spread hope and joy during the season of giving. Get involved today!

For more information on the Project, call Krystal Bellanger Rodriguez at (504)619-0131 or e-mail [secretsanta@lsba.org](mailto:secretsanta@lsba.org).

Louisiana State Bar Association  
601 Saint Charles Avenue  
New Orleans, LA 70130

You are subscribed to this email as dane@daneciolino.com.  
Click here to modify your [preferences](#) or [unsubscribe](#).