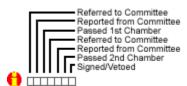


## 2009 LSBA POSITIONS ADOPTED BY BOARD OF GOVERNORS May 13, 2009 • Baton Rouge



HB 1 Fannin Provide for the ordinary operating expenses of state
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government for Fiscal Year 2009-2010.

**Remarks:** SUPPORT - Support that portion of HB 1 which provides funding for

Louisiana Public Defender Board and Louisiana Legal Services

Corporations

<u>HB 33</u> <u>Leger</u> Enacts the Witness Protection Services Act.

Remarks: 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>HB 43</u> <u>Geymann</u> Provides for proof of a valid prescription as a defense to

violations of the Uniform Controlled Dangerous Substances

Law.

**Remarks:** 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>HB 70</u> Provides for \$1 in court costs to be used to support the

witness protection program.

**Remarks:** OPPOSE - LSBA generally opposed to increasing court costs, as this

impedes access to justice.

HB 139 Smith, Jane Requires attachment of third-party affidavit to a petition for

damages alleging negligence by an architect, land surveyor,

or engineer.

Remarks: OPPOSE - LSBA supports access to courts and sees this proposal

as too restrictive. Would create special restrictions on claims against

specific defendants.

<u>HB 204</u> <u>Burns, Tim</u> Provides for the furnishing of security for civil appeals.

Remarks: OPPOSE - Too restrictive. Case-specific provisions should not be

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

<u>HB 712</u>	Smith, Gary	Provides that a justice of the peace shall not have the authority to issue a warrant of arrest.
	Remarks:	SUPPORT - Fundamental due process issue.
<u>HB 863</u>	<u>Fannin</u>	Appropriates funds for expenses of the Louisiana Judiciary for Fiscal Year 2009-2010.
	Remarks:	SUPPORT - Provides for necessary funding for the Courts.
<u>HCR 11</u>	Jones, R.	Urges and requests the Louisiana Supreme Court to study the feasibility of requiring certification to practice certain areas of law.
	Remarks:	OPPOSE- Supreme Court has exlusive jurisdiction over the practice of law and in 1993 created the Louisiana Board of Legal Specialization to consider such matters.
<u>SB 65</u>	<u>Donahue</u>	Provides for electronic discovery.
	Remarks:	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.
<u>SB 106</u>	<u>Cheek</u>	Limits civil liability of health care providers and personnel during a declared emergency.
	Remarks:	OPPOSE - General policy against expansion of immunities.
<u>SB 122</u>	<u>Broome</u>	Authorizes certain de facto custodian and interested third party custody and visitation proceedings.
	Remarks:	OPPOSE - Existing law sufficiently addresses.
		All Track Total Bills: 23 0

- End of Report -