



FINAL DISPOSITION OF LSBA BILL POSITIONS 2014 REGULAR SESSION

Pursuant to the LSBA ByLaws (Article XI (3)), the BOG took the following actions:

The Board accepted the LSBA's Legislation Committee's recommendations to **SUPPORT** the following bills for the reasons stated:

- HB 55 (expungement): This bill arose out of LSBA's 2013 Criminal Justice Summit. This bill is important to the bar, the legal profession, the administration of justice and to society as a whole.
Enrolled; became Act 145.
- HB 96 and SB 11 (mandatory retirement age of judges): These bills are important to the bar, the legal profession, the administration of justice and society as a whole. The bills restore rights of voters and preserve institutional knowledge.
HB 96 Enrolled, awaiting Governor's signature. The LSBA helped obtain 72 votes in House when 70 required.
- HB 154 (statewide increase in court costs in city, parish, district, appellate and supreme courts): The HOD voted in January 2014 to support this bill, finding it important to the bar, the legal profession, the administration of justice and society as a whole.
Enrolled; awaiting Governor's signature.
- HB 925, SB 414 (consumer litigation loans): The LSBA has supported similar bills in the past. These bills will have an important impact on the practice of law.
The House bill we supported failed in its original committee and the Senate bill we supported was never scheduled. However, while the Senate bill we opposed (SB299) had some trouble in the Senate, it passed the House 58-36 (with attorneys voting 12-14) but failed narrowly in the Senate (18-20 and 19-19) when it went back for concurrence in the House amendments. LSBA opposition critical to the failure of this bill.
- HB 1061 (legal representation of children and indigent parents in child protection cases): The Supreme Court of Louisiana was active in the drafting this bill. The bill is important to the bar, the legal profession, the administration of justice and society as a whole.
Enrolled; awaiting Governor's signature.

- HB 1038 (extends period to file an application for DNA testing): This bill ensures access to justice by extending the timeline to use DNA evidence in cases where evidence was not tested because technology was not available at the time of verdict of guilty or a plea of guilt. This bill is important to the bar, the legal profession, the administration of justice and society as a whole.
Enrolled; awaiting Governor's signature.

The Board also accepted the LSBA's Legislation Committee's recommendations to **OPPOSE** the following bills for the reasons stated:

- HB 507, HB 548, HB 613, HB 917, SB 73, SB 86, SB 273 (jury threshold bills): The LSBA is opposed to these bills because it is likely that such a fundamental change in court structure will impact operation of the courts, and will result in delays to dockets which are often already overburdened. Additional data is needed to fully assess the impact of this type of legislation.
HB 917 was tabled by 51-49 vote; subsequently HB 613 passed by a vote of 56-40 but has since been deferred in the Senate Judiciary A Committee.
- HB 103, HB 332, SB 9, SB 87 (increases penalties for narcotic Schedule I drugs): This position is consistent with HOD policy opposing mandatory minimums because they take discretion away from judges and district attorneys. The LSBA is taking a position on these bills because it is important to the bar, the legal profession, the administration of justice and society as a whole.
While HB 103 and SB 9 were never scheduled and HB 332 was returned to the calendar in the House, SB 87 passed and became Act 368.
- HB 219, HB 482, HB 483, SB 562 (venues for latent diseases): This position is consistent with HOD policy opposing special rules favoring subclasses of parties in certain types of cases in contravention of Civil Code and Code of Civil Procedure.
The only bill which moved was HB 482; it passed the House 64-22 (with attorneys voting 19 - 8) but was deferred in the Senate Judiciary A committee.
- HB 412, HB 509 (regarding the payment of court costs and attorney fees in certain cases): This position is consistent with prior positions of the LSBA. The LSBA opposes because these bills provide for fee shifting which the LSBA traditionally opposes.
HB 412 was defeated. HB 509 was never scheduled.
- HB 505, SB 339 (immunity bills): This position is consistent with HOD policy in opposition to civil immunities, except where 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.
HB 505 was substantially rewritten, including the objectionable immunity provisions; the LSBA Executive Committee subsequently moved us to "No Position". By the way, the bill passed unanimously in both houses and awaits the governor's signature.
- HB 525 (firearm manufacturer civil litigation): This position is consistent with HOD policy opposing special rules favoring subclasses of parties in certain types of cases in contravention of Civil Code and Code of Civil Procedure.
Defeated in House committee.

- HB 532. HB 566 (direct actions by third parties against insurers): The LSBA opposes because these bills impede the practice of law; limit access to justice; and constitute a wholesale change to the law.
These bills did not move.
- HB 823 (limitation of liability for private airstrips): This position is consistent with HOD policy in opposition to civil immunities, except where public policy sought to be favored is sufficiently important, the behavior sought to encouraged is directly related to the policy and the immunity is drawn as narrowly as possible to effect its purpose.
Defeated in House committee.
- SB 299 (civil justice funding companies): This is a consumer protection issue. The LSBA opposes this bill because it adversely affects the administration of justice and allows third party influence. This bill would allow consumer lawsuit loan companies without sufficient regulation or consumer protection.
The bill had some trouble in the Senate, but passed the House 58-36 (with attorneys voting 12-14) but then failed narrowly in the Senate (18-20 and 19-19) when it went back for concurrence in the House amendments. LSBA opposition critical to the failure of this bill.
- SB 559 (legal malpractice): The LSBA opposes this bill because it adversely affects the practice of law and as such, is important to the practice of law
Defeated in Senate committee.
- HB 478 and SB 371 (expropriation): Discussion and examination of the bill revealed that the basis for the objection to this bill—the loss of the right to a suspensive appeal—was erroneous and the LSBA Executive Committee subsequently moved us to “No Position”.
LSBA moved to No Position. Bill ultimately approved 98-0 and 36-3.