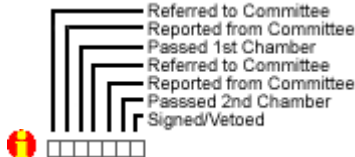




**LSBA LEGISLATIVE POSITIONS 2008R
BOARD OF GOVERNORS - OPPOSE**

04-25-2008 - 11:33:02

- Indicates action since the request date.



Track: 2008R Board Positions - Oppose

HB 14 **Hardy** Provides for conditions on the issuance of certain bail bonds.

Position: Opposed – Access to Justice issue – interferes with right to bail under Article 1, Section 8

Track Code(s): 0850, 0856(Oppose), 0861(Oppose)

Bill History: 02-29-08 H Referred to House Committee on House Administration of Criminal Justice

HB 23 **Greene** Authorizes the court to admit to bail a person arrested for extradition for commission of certain offenses.

Position: Opposed – Access to Justice issue – interferes with right to bail under Article 1, Section 8

Track Code(s): 0850, 0856(Oppose), 0861(Oppose)

Bill History: 04-22-08 H Returned to the calendar - subject to call

HB 28 **Richmond** Prohibits release of a defendant on his own recognizance after an arrest for a crime of violence.

Position: Opposed – Administration of justice issue. Imposes on judicial discretion

Track Code(s): 0850, 0856(Oppose), 0861(Oppose)

Bill History: 04-23-08 S Referred to Senate Committee on Senate Judiciary (C)

HB 107 **Abramson** Prohibits issuance of bail after failure to appear.

Position: Opposed – Administration of justice issue. Imposes on judicial discretion

Track Code(s): 0850, 0856(Oppose), 0861(Oppose)

Bill History: 03-12-08 H Referred to House Committee on House Administration

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| | | of Criminal Justice |
| HB 129 | Monica | Increases the civil jurisdictional amount of justice of the peace courts. |
| <input type="checkbox"/> | | |
| | Position: | Opposed – Administration of justice issue. |
| | Track Code(s): | 0852, 0856(Oppose), 0861(Oppose) |
| | Bill History: | 04-14-08 S Referred to Senate Committee on Senate Judiciary (A) |
| HB 145 | Barrow | Requires clerks of the district courts to assess an additional fee in certain civil matters for the support of various nonprofit organizations. |
| <input type="checkbox"/> | | |
| | Position: | Opposed – Generally opposed to increased court costs which impact access to justice. |
| | Track Code(s): | 0851, 0856(Oppose), 0861(Oppose) |
| | Bill History: | 04-01-08 H Set on the House Orders |
| HB 202 | Katz | Requires Medicaid claims in settlements to be considered after attorney fees. |
| <input type="checkbox"/> | | |
| | Position: | Opposed – As written, places Medicaid privilege in competition with privilege for attorney's fees on settlement funds |
| | Track Code(s): | 0854, 0856(Oppose), 0861(Oppose) |
| | Bill History: | 04-21-08 H Meeting set for 9:00 A.M. RM. 2 House Civil Law |
| HB 313 | Tucker | Requires judges and judicial candidates to disclose certain financial information. |
| <input type="checkbox"/> | | |
| | Position: | Opposed – Supreme Court has exclusive jurisdiction over judicial conduct. Supreme Court signed Order 03-26-2008, eff. 01-01-2009 |
| | Track Code(s): | 0851, 0856(Oppose), 0861(Oppose) |
| | Bill History: | 03-19-08 H Referred to House Committee on House and Governmental Affairs |
| HB 348 | Talbot | Reduces the monetary amount in controversy necessary for a jury trial. |
| <input type="checkbox"/> | | |
| | Companions: | HB 474 (Identical) |
| | Position: | Opposed –Administration of Justice issue related to additional stress on already overwhelmed jury system. |
| | Track Code(s): | 0852, 0856(Oppose), 0861(Oppose) |
| | Bill History: | 03-19-08 H Referred to House Committee on House Civil Law |
| HB 425 | Morris | Imposes a processing fee for the expungement of arrest records. |
| <input type="checkbox"/> | | |
| | Position: | Opposed – Access to justice issue as it would impose an additional fee |

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| | | Track Code(s): 0850, 0856(Oppose), 0861(Oppose) |
| | | Bill History: 04-23-08 H Failed to pass (Vote: Y: 45/N: 47) |
| HB 474 | Monica | Reduces the monetary amount in controversy necessary for a jury trial. |
| <input type="checkbox"/> | | |
| | | Companions: HB 348 (Identical) |
| | | Position: Opposed – Administration of Justice issue related to additional stress on already overwhelmed jury system. |
| | | Track Code(s): 0852, 0856(Oppose), 0861(Oppose) |
| | | Bill History: 04-29-08 H Meeting set for 9:00 A.M. RM. 2 House Civil Law |
| HB 631 | Schroder | Provides with respect to the use of videotapes of protected persons in criminal prosecutions. |
| <input type="checkbox"/> | | |
| | | Position: Opposed – Access to justice issue as evidence, including videotapes, should be equally available to both sides throughout process |
| | | Track Code(s): 0850, 0856(Oppose), 0861(Oppose) |
| | | Bill History: 04-21-08 S Referred to Senate Committee on Senate Judiciary (B) |
| HB 690 | Talbot | Provides for the pleading of damages in civil actions. |
| <input type="checkbox"/> | | |
| | | Position: Opposed – Administration of justice issue |
| | | Track Code(s): 0852, 0856(Oppose), 0861(Oppose) |
| | | Bill History: 03-20-08 H Referred to House Committee on House Civil Law |
| HB 758 | Ponti | Provides for the recusation of judges in civil matters. |
| <input type="checkbox"/> | | |
| | | Position: Opposed – Impacts administration of justice in state where constitution provides for election of judges and Supreme Court has exclusive jurisdiction over judicial conduct |
| | | Track Code(s): 0851, 0856(Oppose), 0861(Oppose) |
| | | Bill History: 03-20-08 H Referred to House Committee on House Judiciary |
| HB 769 | Ponti | Provides for the recusation of judges in civil matters. |
| <input type="checkbox"/> | | |
| | | Position: Opposed – Impacts administration of justice in state where constitution provides for election of judges and Supreme Court has exclusive jurisdiction over judicial conduct |
| | | Track Code(s): 0851, 0856(Oppose), 0861(Oppose) |
| | | Bill History: 03-20-08 H Referred to House Committee on House Judiciary |
| HB 883 | Talbot | Provides for issues triable by a jury. |
| <input type="checkbox"/> | | |

Position: Opposed – Administration of justice issue

Track Code(s): 0852, 0856(Oppose), 0861(Oppose)

Bill History: 03-21-08 H Referred to House Committee on House Civil Law

HB 887

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LaBruzzo

Provides relative to limiting medical malpractice recovery in certain circumstances.

Position: Opposed – Penal in nature under Equal Protection Clause as limits recovery for specific individuals

Track Code(s): 0854, 0856(Oppose), 0861(Oppose)

Bill History: 04-22-08 H Set on the House Orders

HB 984

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Monica

Provides relative to the protection of a juror's identity.

Position: Opposed – Access to justice issue as impinges on right to fair and public trial; also removes judicial discretion

Track Code(s): 0850, 0856(Oppose), 0861(Oppose)

Bill History: 03-21-08 H Referred to House Committee on House Administration of Criminal Justice

SB 215

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Michot

Provides relative to venue. (gov sig)

Position: Opposed – Bill too far reaching/confusing; requires further study

Track Code(s): 0852, 0856(Oppose), 0861(Oppose)

Bill History: 03-20-08 S Referred to Senate Committee on Senate Judiciary (A)

SB 227

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McPherson

Creates new category of business notary public. (8/15/08)

Position: Opposed – Creates potential opportunities for unauthorized practice of law

Track Code(s): 0854, 0856(Oppose), 0861(Oppose)

Bill History: 04-08-08 S Meeting set for 9:00 A.M. John J. Hainkel Rm. Senate Judiciary (A)

SB 277

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Crowe

Provides relative to recusal of judges. (gov sig)

Position: Opposed – Undermines system of government with three distinct branches where judicial system is regulated by the Supreme Court

Track Code(s): 0851, 0856(Oppose), 0861(Oppose)

Bill History: 03-20-08 S Referred to Senate Committee on Senate Judiciary (A)

SB 278

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Crowe

Allows a party in a civil action to substitute a judge of right under certain circumstances. (gov sig)

Position: Opposed – Undermines system of government with three distinct

branches where judicial system is regulated by the Supreme Court

Track Code(s): 0851, 0856(Oppose), 0861(Oppose)

Bill History: 03-20-08 S Referred to Senate Committee on Senate Judiciary (A)

SB 348

Quinn

Provides relative to signing of pleadings and sanctions. (8/15/08)

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Position: Opposed – Administration of justice issue

Track Code(s): 0852, 0856(Oppose), 0861(Oppose)

Bill History: 03-21-08 S Referred to Senate Committee on Senate Judiciary (A)

SB 496

Crowe

Provides relative to recusation of judges. (8/15/08)

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Position: Opposed – Undermines system of government with three distinct branches where judicial system is regulated by the Supreme Court

Track Code(s): 0851, 0856(Oppose), 0861(Oppose)

Bill History: 03-21-08 S Referred to Senate Committee on Senate Judiciary (A)

SB 515

Amedee

Increases the time a defendant may be held in custody without being charged with a felony. (8/15/08)

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Position: Opposed – Access to justice issue, as would increase time defendant might be held in custody (120 days increased from 60) without being charged with a felony

Track Code(s): 0850, 0856(Oppose), 0861(Oppose)

Bill History: 04-08-08 S Returned to the calendar - subject to call

SB 597

Scalise

Requires a contradictory hearing before a second magistrate can lower the bail originally set by another magistrate. (8/15/08)

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Position: Opposed – Imposes on judicial discretion

Track Code(s): 0850, 0856(Oppose), 0861(Oppose)

Bill History: 04-22-08 S Meeting set for 9:30 A.M. RM. A-B Senate Judiciary (C)

- End of Report -