



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.