

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

PUBLIC CITIZEN, INC., *et al.*,

Plaintiffs,

v.

LOUISIANA ATTORNEY DISCIPLINARY
BOARD, *et al.*,

Defendants.

Civil Action No. 08-4451

SEC. F (JUDGE FELDMAN)

MAG. 2 (MAG. JUDGE WILKINSON)

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Plaintiffs hereby move for a preliminary injunction against enforcement of the following rules of the Louisiana Rules of Professional Conduct, as amended effective April 1, 2009: Rule 7.2(c)(1)(D), (E), (I) & (L); the prohibition on the “portrayal of a judge or a jury” in Rule 7.2(c)(1)(J); and Rule 7.5(b)(1)(C) & (b)(2)(C). As set forth in the accompanying memorandum and statement of undisputed facts, these rules unconstitutionally restrict lawyer advertising in violation of the First and Fourteenth Amendments to the U.S. Constitution.

Respectfully submitted,

/s/ James M. Garner

James M. Garner, La. Bar No. 19589, T.A.
Joshua S. Force, La. Bar No. 21975
Christopher T. Chocheles, La. Bar No. 26848
SHER GARNER CAHILL RICHTER
KLEIN & HILBERT, L.L.C.
909 Poydras St., 28th Floor
New Orleans, LA 70112
Telephone: (504) 299-2100
Facsimile: (504) 299-2300

--- and ---

Terry B. Loup, La. Bar No. 8823
MORRIS BART, L.L.C.
20th Floor
909 Poydras Street
New Orleans, Louisiana 70112
Phone: (504) 599-3254
Fax: (504) 599-3380
Email: tloup@morrisbart.com

Counsel for Plaintiffs Morris Bart and Morris Bart, L.L.C.

/s/Gregory A. Beck

Gregory A. Beck
DC Bar No. 494479, pro hac vice
Brian Wolfman
DC Bar No. 427491, pro hac vice
PUBLIC CITIZEN LITIGATION GROUP
1600 20th St., NW
Washington, DC 20009
Phone: (202) 588-1000
Fax: (202) 588-7795
Email: gbeck@citizen.org
brian@citizen.org

Counsel for All Plaintiffs

/s/ Dane S. Ciolino

Dane S. Ciolino, T.A., La. Bar No. 19311
DANE S. CIOLINO, LLC
P.O. Box 850848
New Orleans, LA 70185-0848
Phone: (504) 834-8519
Fax: (504) 324-0143
Email: dciolino@loyno.edu

*Counsel for Plaintiffs Public Citizen, Inc., William N. Gee,
III, and William N. Gee, III, Ltd*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 17, 2009, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record who have registered to receive electronic service, and I effected service upon all other counsel of record via United States Mail, postage prepaid and properly addressed.

/s/ James M. Garner

JAMES M. GARNER