

**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' EXHIBIT LIST**

In accordance with this Court's scheduling order, Plaintiffs PUBLIC CITIZEN, INC., MORRIS BART, MORRIS BART, L.L.C., WILLIAM N. GEE, III, and WILLIAM N. GEE, III, LTD. (collectively "Plaintiffs") respectfully submit the following list of exhibits that may be used at the trial of this matter:

1. Letter from Charles B. Plattsmier, Louisiana Attorney Disciplinary Board to Harvey J. Lewis (Mar. 1, 2000);
2. Sen. Con. Res. 113, 2006 Leg., 32nd Reg. Sess. (La. 2006);
3. Minutes, Supreme Court Comm., Sept. 15, 2006;
4. Minutes, LSBA Rules of Professional Conduct Committee, Sept. 21, 2006;

5. Minutes, LSBA Comm., Sept. 26, 2006;
6. LSBA Comm., Proposed Amendments, Oct. 24, 2006;
7. Minutes, Supreme Court Comm., Oct. 23, 2006;
8. LSBA Comm., Comments to the Rules of Prof'l Conduct;
9. Tr. of Public Hearing, Baton Rouge, Nov. 2, 2006;
10. Tr. of Public Hearing, Lafayette, Nov. 8, 2006;
11. Tr. of Public Hearing, New Orleans, Nov. 9, 2006;
12. Tr. of Public Hearing, Shreveport, Nov. 16, 2006;
13. Letter from Morris Bart to Richard Lemmler (Nov. 22, 2006);
14. Report to the Supreme Court of Louisiana From the Committee to Study Attorney Advertising (Feb. 2007);
15. Letter from William N. Gee, III, to Richard Lemmler (Mar. 2, 2007);
16. Letter from FTC Staff to Richard Lemmler (Mar. 14, 2007);
17. LSBA Comm., Proposed Amendments, Mar. 21, 2007;
18. Resolution, LSBA Comm., Mar. 23, 2007;
19. Public Citizen Litigation Group, Comments on the Proposed Rules, June 5, 2007;
20. Minutes, LSBA House of Delegates, June 7, 2007;
21. Resolution of Elizabeth A. Alson;
22. Handbook on Lawyer Advertising and Solicitation, LSBA, Rules of Prof'l Conduct Comm. (1<sup>st</sup> ed. Oct./Nov. 2008);
23. Findings and Recommendations of the LSBA's Rules of Professional Conduct Committee Re: New Lawyer Advertising Rules and Constitutional Challenges Raised (Apr. 15, 2009)
24. Article XVI of Articles of Incorporation of the Louisiana State Bar Association – Rules of Professional Conduct, Rule 7;
25. Press Release, Louisiana Supreme Court (July 3, 2008);

26. Press Release, Louisiana Supreme Court (Feb. 18, 2009);
27. Press Release, Louisiana Supreme Court (June 4, 2009);
28. Press Release, New York State Unified Court System, June 15, 2006;
29. Memo. of Timothy F. Averill, Sept. 1, 2006;
30. Frank N. Magid Assocs., *Florida Consumer Opinions of Lawyer Advertisements*, April 2005;
31. *In re Amendments to the Rules Regulating the Fla. Bar*, No. SC05-2194 (Fla. 2007);
32. Brochure, Jones Walker Env't'l & Toxic Tort Practice Group at 1, 2, *available at* [http://www.joneswalker.com/assets/attachments/environmental\\_brochure\\_version\\_20.pdf](http://www.joneswalker.com/assets/attachments/environmental_brochure_version_20.pdf);
33. Advertisement, *Businesses Rely on Stone Pigman When Venturing South*, *available at* <http://www.stonepigman.com/pdf/SPadvertorial.pdf>;
34. Phelps Dunbar, Brochure, *available at* [http://www.phelpsdunbar.com/pages/images\\_subpages/content.pdf](http://www.phelpsdunbar.com/pages/images_subpages/content.pdf);
35. Adams and Reese, Brochure, *available at* <http://www.adamsandree.com/pdf/ARFirmBrochure0108.pdf>;
36. Louisiana Super Lawyers (2008)
37. Letter from FTC Staff to the N.Y. Office of Court Admin. (Sept. 14, 2006);
38. Letter from FTC Staff to S. Guy deLaup (Aug. 10, 2007);
39. Florida Bar, Relevant Decisions by the Standing Committee on Advertising, Second Harrell Decl. Exh. 12, *Harrell v. Fla. Bar*, No. 08-cv-015 (M.D. Fla. Sept. 15, 2008) (No. 29, Attach. 1);
40. Minutes, Bd. of Governors of the Fla. Bar, Apr. 7, 2006;
41. Exhibits filed in support of Plaintiffs' Motion for Preliminary Injunction and Motion for Summary Judgment;
42. Drafts, committee minutes, transcripts, public comments, resolutions, press releases, and other documents relating to the development of lawyer advertising rules in Louisiana;

43. Documents relating to the development of lawyer advertising rules in New York and Florida, and the evidentiary record supporting these rules, including, but not limited to, documents filed in the cases *Harrell v. Fla. Bar*, No. 08-cv-015 (M.D. Fla., filed Jan. 7, 2008), and *Alexander v. Cahill*, No. 07-cv-2007 WL 2120024 (N.D.N.Y. July 23, 2007);
44. Records regarding the enforcement of Florida's lawyer advertising rules;
45. Records of the Federal Trade Commission regarding lawyer advertising rules, including, but not limited to, comments submitted in response to proposed advertising rules in Louisiana, New York, Florida, and other states;
46. The websites of the Louisiana Attorney Disciplinary Board, the Office of Disciplinary Counsel, the Louisiana State Bar Association, the Louisiana Supreme Court, and materials linked thereto;
47. Advertising and advertising files of Plaintiffs Morris Bart, Morris Bart, L.L.C., William N. Gee, III, and the law office William N. Gee, III, Ltd.;
48. Websites, brochures, and other advertisements of other law firms, including, but not limited to, those referenced in the Motion for Preliminary Injunction and Motion for Summary Judgment;
49. Any depositions taken in this matter;
50. Any exhibit listed or used by any other party;
51. Any exhibit discovered through the course of discovery;
52. Any exhibit attached to a deposition or sworn statement;
53. Any document reviewed or relied upon by any expert witness;
54. Any pleading, motion, other paper, or discovery pleading filed or exchanged in this case, including any exhibits attached thereto;
55. Any exhibit necessary for rebuttal or impeachment; and
56. Any sworn statement of any person taken in this matter.

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As discovery in this matter has not yet concluded, Plaintiffs reserve their rights to amend and/or supplement this preliminary exhibit list.

Respectfully submitted,

/s/ James M. Garner

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William N. Gee, III, Ltd.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on June 15, 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