

**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)

**MEMORANDUM IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION
TO FILE MEMORANDUM THAT EXCEEDS PAGE LIMIT**

Plaintiffs respectfully request leave to file a memorandum in support of their Motion for Summary Judgment that exceeds the twenty-five page limit provided by Local Rule 7.8.1. Plaintiffs request an additional ten pages, for a total length of thirty-five pages.

1. This case raises First Amendment and Due Process challenges to Louisiana's recently amended Rules of Professional Conduct. The issues involve important questions of commercial free speech with the potential to affect the First Amendment rights of all lawyers and consumers in Louisiana.

2. Plaintiffs challenge multiple provisions of Louisiana's rules governing lawyer advertising. The same general law of commercial speech applies to all the challenged provisions,

but many of the rules require a separate application of law to the facts. Plaintiffs cannot adequately address all the rules within the twenty-five page limit.

3. The case implicates numerous Supreme Court and Fifth Circuit cases regarding the right to engage in commercial speech. Although plaintiffs contend that this precedent establishes that the amended rules are unconstitutional, defendants will undoubtedly argue that the case involves questions of first impression as to several specific issues, including the proper application of the commercial speech standard to lawyer advertising containing references to past results, dramatizations, and a range of other types of content. For this reason, the memorandum requires an extensive discussion regarding application of existing precedent that cannot be adequately contained within the twenty-five page limit.

4. The Court previously granted plaintiffs leave to file a thirty-five page memorandum in support of their Motion for a Preliminary Injunction.

Plaintiffs should be granted leave to file a thirty-five page memorandum in support of their Motion for Summary Judgment.

Respectfully submitted,

/s/ James M. Garner

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 14, 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