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New Orleans, Louisiana 70112

Gregory A. Beck, Esq.
Public Citizen Litigation Group
1600 20th Street, NW
Washington, DC 20009

Re: Public Citizen, Inc., et al. v. Louisiana Attorney Disciplinary Board, et al.; No. 08-4451, USDC, Eastern District of Louisiana

Gentlemen:

Please find enclosed defendant's Rule 26(a) Initial Disclosures. If you have any questions, please do not hesitate to call.

With kind regards, I remain

Sincerely,



Matthew S. Almon

MSA/kmb
Enclosures

cc: John H. Beisner, Esq. (w/enclosures, by e-mail)
Jessica Davidson Miller, Esq. (w/enclosures, by e-mail)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

PUBLIC CITIZEN, INC., et al.,

Plaintiffs,

VERSUS

LOUISIANA ATTORNEY DISCIPLINARY
BOARD, et al.,

Defendants.

CIVIL ACTION NO. 08-4451

SECTION "F"

JUDGE FELDMAN

MAGISTRATE WILKINSON

**INITIAL DISCLOSURES OF
LOUISIANA ATTORNEY DISCIPLINARY BOARD, BILLY R. PESNELL,
AND CHARLES B. PLATTSMIER**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, and without waiver of any applicable or potentially applicable privilege or protection, the Louisiana Attorney Disciplinary Board, Billy R. Pesnell, and Charles B. Plattsmier (collectively, "defendants") provide the following initial disclosures. Defendants expressly reserve the right to supplement these disclosures and to introduce additional information in connection with any motion, hearing, or trial as discovery proceeds.

A. Disclosure Pursuant to Rule 26(a)(1)(A)(i) - The following persons may have discoverable information that defendants may use to support their defenses. While these persons

may have discoverable information, defendants make no representation as to their intent to rely upon this information in the defense of this action. Further, defendants have not yet determined the witnesses to be called in defense of this matter, and will make those disclosures in keeping with the Court's scheduling order.

1. Timothy F. Averill, Supreme Court Liaison, Louisiana State Bar Association Rules of Professional Conduct Committee; Staff, Louisiana Supreme Court Committee to Study Attorney Advertising

Mr. Averill has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation. Mr. Averill also has information regarding discussions and deliberations of the LASC Committee to Study Attorney Advertising, regarding consideration of these lawyer advertising rules.

Administrative Office of US Courts
Thurgood Marshall Federal Judiciary Building
1 Columbus Circle NE
Washington, DC 20544
202-502-1815

2. Homer E. Barousse, Jr., Member Louisiana State Bar Association Advertising Advisory Service Subcommittee

Mr. Barousse has information regarding the LSBA Advertising Advisory Service Subcommittee's discussions and deliberations regarding lawyer advertising.

Barousse & Craton
P.O. Drawer 1305
Crowley, LA 70527-1305
337-785-1000

3. Elizabeth Mendell Carmody, Member, Louisiana State Bar Association Advertising Advisory Service Subcommittee

Ms. Carmody has information regarding the LSBA Advertising Advisory Service Subcommittee's discussions and deliberations regarding lawyer advertising.

United States District Court
Western District of Louisiana
300 Fannin St., Ste. 4200
Shreveport, LA 71101

318-676-3175

4. Representative Donald Cazayoux, Jr., Member, Louisiana Supreme Court Committee to Study Attorney Advertising

Representative Cazayoux has information regarding discussions and deliberations of the LASC Committee to Study Attorney Advertising, regarding consideration of the lawyer advertising rules at issue in the instant litigation.

P.O. Box 156
New Roads, LA 70760
225-638-8725

5. Dane S. Ciolino, Member, Louisiana State Bar Association Rules of Professional Conduct Committee

Mr. Ciolino has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation.

Loyola University School of Law
526 Pine Street, Floor 4
P.O. Box 850848
New Orleans, LA 70185-0848
504-834-8519

6. Shaun Gerard Clarke, Member, Louisiana State Bar Association Rules of Professional Conduct Committee

Mr. Clarke has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation.

Liskow & Lewis, PLC
701 Poydras Street, Floor 50
New Orleans, LA 70139-5099
504-556-4172

7. S. Guy deLaup, Member, Louisiana State Bar Association Rules of Professional Conduct Committee

Mr. deLaup has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation.

Attorney at Law
2551 Metairie Road
Metairie, LA 70139-5099

504-838-8777

8. Val Patrick Exnicios, Member Louisiana State Bar Association Advertising Advisory Service Subcommittee

Mr. Exnicios has information regarding the LSBA Advertising Advisory Service Subcommittee's discussions and deliberations regarding lawyer advertising.

Liska, Exnicios & Nungesser
One Canal Place
365 Canal St., Ste. 2290
New Orleans, LA 70130
504-410-9611

9. Elizabeth Erny Foote, President, Louisiana State Bar Association; Member, Louisiana Supreme Court Committee to Study Attorney Advertising

Ms. Foote has information regarding discussions and deliberations of the LASC Committee to Study Attorney Advertising, regarding consideration of the lawyer advertising rules at issue in the instant litigation.

Percy, Smith, Foote & Gadel
P.O. Box 1632
Alexandria, LA 71309-1632
318-445-4480

10. E. Phelps Gay, Member, Louisiana State Bar Association Rules of Professional Conduct Committee

Mr. Gay has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation.

Christovich & Kearney
601 Poydras Street, Suite 2300
New Orleans, LA 70130-6078
504-561-5700

11. Sam N. Gregorio, Member, Louisiana State Bar Association Rules of Professional Conduct Committee; Member, Louisiana State Bar Association Advertising Advisory Service Subcommittee; Member, Louisiana Supreme Court Committee to Study Attorney Advertising

Mr. Gregorio has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer

advertising rules at issue in the instant litigation. Mr. Gregorio also has information regarding the LSBA Advertising Advisory Service Subcommittee's discussions and deliberations regarding lawyer advertising. Mr. Gregorio also has information regarding discussions and deliberations of the LASC Committee to Study Attorney Advertising, regarding consideration of these lawyer advertising rules.

Attorney at Law
Celt Center
2800 Youree Drive, Suite 120
Shreveport, LA 71104-3667
318-865-8680

12. Cheri Cotogno Grodsky, Associate Executive Director for Professional Programs, Louisiana State Bar Association

Ms. Grodsky has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation.

Louisiana State Bar Association
601 St. Charles Avenue
New Orleans, LA 70130
504-566-1600

13. Joseph Michael Guillot, Member, Louisiana State Bar Association Advertising Advisory Service Subcommittee

Mr. Guillot has information regarding the LSBA Advertising Advisory Service Subcommittee's discussions and deliberations regarding lawyer advertising.

Christovich & Kearney
601 Poydras St., Ste. 2300
New Orleans, LA 70130-6078
504-561-5700

14. Harry S. Hardin, III, Member, Louisiana State Bar Association Rules of Professional Conduct Committee

Mr. Hardin has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation.

Jones, Walker, Waechter, Poitevent, Carrere & Denegre, LLP
201 St. Charles Avenue, Suite 4900
New Orleans, LA 70170-5100

504-582-8170

15. Clare F. Jupiter, Member, Louisiana State Bar Association Rules of Professional Conduct Committee

Ms. Jupiter has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation.

Bryan & Jupiter
650 Poydras Street, Suite 2000
New Orleans, LA 70130-7206
504-561-8933

16. Justice Catherine D. Kimball, Chair, Louisiana Supreme Court Committee to Study Attorney Advertising

Justice Kimball has information regarding discussions and deliberations of the LASC Committee to Study Attorney Advertising, regarding consideration of the lawyer advertising rules at issue in the instant litigation.

Louisiana Supreme Court
400 Royal Street
New Orleans, LA 70130
504-310-2340

17. William N. King, Professional Programs Counsel for Practice Assistance, Louisiana State Bar Association

Mr. King has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation.

Louisiana State Bar Association
601 St. Charles Avenue
New Orleans, LA 70130
504-566-1600

18. Richard P. Lemmler, Ethics Counsel, Louisiana State Bar Association

Louisiana State Bar Association
601 St. Charles Avenue
New Orleans, LA 70130
504-566-1600

Mr. Lemmler has information regarding application of the current lawyer advertising rules, application of the lawyer advertising rules at issue in the instant litigation, and preparation of the Lawyer Advertising Handbook.

19. Christine Lipsey, Member, Louisiana State Bar Association Rules of Professional Conduct Committee

Ms. Lipsey has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation.

Breazeale, Sachse & Wilson, LLP
P.O. Box 3197
Baton Rouge, LA 70821-3197
225-387-4000

20. Senator Rob Marionneaux, Member, Louisiana Supreme Court Committee to Study Attorney Advertising

Senator Marioneaux has information regarding discussions and deliberations of the LASC Committee to Study Attorney Advertising, regarding consideration of the lawyer advertising rules at issue in the instant litigation. Senator Marioneaux also has information regarding the background, introduction, and debate of 2006 Senate Bill No. 617 and the background, introduction, debate, and adoption of 2006 Concurrent Resolution No. 113.

P.O. Box 577
Livonia, LA 70755-0577
225-637-3623

21. Darrel J. Pappillion, Member, Louisiana Supreme Court Committee to Study Attorney Advertising

Mr. Pappillion has information regarding discussions and deliberations of the LASC Committee to Study Attorney Advertising, regarding consideration of the lawyer advertising rules at issue in the instant litigation.

Moore, Walters, Thompson, Thomas, Papillion & Cullens
6513 Perkins Road
Baton Rouge, LA 70808-4259
225-766-1100

22. Billy R. Pesnell, Chairman, Louisiana Attorney Disciplinary Board

Mr. Pesnell has information regarding the application and enforcement of the current lawyer advertising rules.

The Pesnell Lawfirm

400 Travis Street, Suite 1100
Shreveport, LA 71101-3115
318-226-5577

23. Charles B. Plattsmier, Chief Disciplinary Counsel, Louisiana Attorney Disciplinary Board; Disciplinary Liaison, Louisiana State Bar Association Rules of Professional Conduct Committee; Member, Louisiana Supreme Court Committee to Study Attorney Advertising

Mr. Plattsmier has information regarding the application and enforcement of the current lawyer advertising rules. Mr. Plattsmier also has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation. Mr. Plattsmier also has information regarding discussions and deliberations of the LASC Committee to Study Attorney Advertising, regarding consideration of these lawyer advertising rules.

Louisiana Attorney Disciplinary Board
4000 South Sherwood Forest Boulevard, Suite 607
Baton Rouge, LA 70816-4374
225-293-3900

24. Christopher H. Riviere, Member, Louisiana Supreme Court Committee to Study Attorney Advertising

Mr. Riviere has information regarding discussions and deliberations of the LASC Committee to Study Attorney Advertising, regarding consideration of the lawyer advertising rules at issue in the instant litigation.

103 West 3rd Street
Thibodaux, LA 70302-0670
985-447-7440

25. John V. Robichaux, Jr., Member, Louisiana State Bar Association Advertising Advisory Service Subcommittee

Mr. Robichaux has information regarding the LSBA Advertising Advisory Service Subcommittee's discussions and deliberations regarding lawyer advertising.

Robichaux Law Firm
P.O. Box 792500
New Orleans, LA 70179
985-809-0620

26. William M. Ross, Member, Louisiana State Bar Association Rules of Professional Conduct Committee

Mr. Ross has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation.

Stanley, Flanagan & Reuter, LLC
909 Poydras Street, Suite 2500
New Orleans, LA 70112-4011
504-523-1580

27. Leslie J. Schiff, Member, Louisiana State Bar Association Rules of Professional Conduct Committee

Ms. Schiff has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation.

Schiff Law Corporation
P.O. Box 10
Opelousas, LA 70570-0010
337-942-9771

28. Joseph L. Shea, Jr., Member, Louisiana State Bar Association Rules of Professional Conduct Committee; Chair, Louisiana State Bar Association Advertising Advisory Service Subcommittee; Member, Louisiana Supreme Court Committee to Study Attorney Advertising

Mr. Shea has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation. Mr. Shea also has information regarding the LSBA Advertising Advisory Service Subcommittee's discussions and deliberations regarding lawyer advertising. Mr. Shea also has information regarding discussions and deliberations of the LASC Committee to Study Attorney Advertising, regarding consideration of these lawyer advertising rules.

Lemle & Kelleher, LLP
401 Edwards Street, Suite 1000
Shreveport, LA 71101-5513
318-227-1131

29. Richard C. Stanley, Chair, Louisiana State Bar Association Rules of Professional Conduct Committee; Member, Louisiana Supreme Court Committee to Study Attorney Advertising

Mr. Stanley has information regarding the Louisiana State Bar Association ("LSBA") Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation. Mr. Stanley also has information regarding discussions and deliberations of the Louisiana Supreme Court ("LASC") Committee to Study Attorney Advertising, regarding consideration of these lawyer advertising rules.

Stanley, Flanagan & Reuter, LLC
909 Poydras Street, Suite 2500
New Orleans, LA 70112-4011
504-523-1580

30. Edward Walters, Jr., Member, Louisiana State Bar Association Rules of Professional Conduct Committee

Mr. Walters has information regarding the LSBA Rules of Professional Conduct Committee's discussions and deliberations while considering the lawyer advertising rules at issue in the instant litigation.

Moore, Walters, Thompson, Thomas, Papillion & Cullens
6513 Perkins Road
Baton Rouge, LA 70808-4259
225-766-1100

B. Disclosure Pursuant to Rule 26(a)(1)(A)(ii) - Defendants currently are in possession of the following categories of documents that they may use in support of their defenses. Please note that defendants' investigation and case preparation are on-going, continuing efforts and that defendants therefore reserve their rights to use any relevant documents subsequently obtained or prepared. Further, defendants make no representation as to their intent to rely upon any of these disclosed documents in the defense of this action, and will make those disclosures in keeping with the Court's scheduling order.

1. Correspondence between the LSBA and the LASC, as well as between the LSBA and the Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, regarding the need for and development of new lawyer advertising rules;
2. Correspondence between members of the committees tasked with revising and implementing Louisiana's new lawyer advertising rules;

3. Materials considered at meetings of the LSBA Advertising Advisory Service Subcommittee, the LSBA Rules of Professional Conduct Committee, and the LASC Committee to Study Attorney Advertising, and/or by members of these committees, including, but not limited to, American Bar Association ("ABA") Model Rules, ABA state lawyer advertising rules comparisons, Florida's lawyer advertising rules, New York's lawyer advertising rules, drafts of proposed Louisiana lawyer advertising rules, and drafts of the Louisiana lawyer advertising handbook;
4. Agendas and minutes from the various meetings of the LSBA Advertising Advisory Service Subcommittee, the LSBA Rules of Professional Conduct Committee, and the LASC Committee to Study Attorney Advertising;
5. "Report to the Supreme Court of Louisiana from the Committee to Study Attorney Advertising";
6. Transcripts from public hearings on the new lawyer advertising rules and compiled public comments on the new rules (hearing excerpts, letters, online submissions, etc.), including, but not limited to, correspondence from the Federal Trade Commission, Public Citizen, Inc., Richard Broussard, Stephen Herman, and Morris Bart;
7. Resolution of the LSBA House of Delegates regarding proposed changes to the Louisiana lawyer advertising rules;
8. Correspondence between the Florida Bar and the LASC regarding adoption of its new lawyer advertising rules, as well as The Florida Bar's "Attitudes & Opinions of Florida Adults Toward Direct Mail Advertising By Attorneys," "Summary of Findings: Florida Consumer Opinions of Lawyer Advertisements," and "Final Report of the Advertising Task Force 2004";
9. The New York State Bar Association's "Report and Recommendations of Task Force on Lawyer Advertising" and related press;
10. The State of Connecticut Judicial Branch's "Report of Committee on Lawyer Advertising";
11. The Iowa Bar Association's "Consumer Attitudes Toward *Yellow Pages* Legal Advertising," and "Attitudes and Opinions Toward Advertising for Law Firms";
12. A sampling of lawyer television advertisements, aired throughout the State of Louisiana, collected from television and lawyer websites by the LSBA in November and December of 2008;
13. 2006 Concurrent Resolution No. 113;

14. 2006 Senate Bill No. 617 and related transcripts of committee hearings.

C. Disclosure Pursuant to Rule 26(a)(1)(C) - A computation of any category of damages claimed: INAPPLICABLE.

D. Disclosure Pursuant to Rule 26(a)(1)(D) - Any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in this action:
INAPPLICABLE.

Dated: December 23, 2008

Respectfully submitted,



Phillip A. Wittmann, La. Bar No. 13625

Kathryn M. Knight, La. Bar No. 28641

Matthew S. Almon, La. Bar No. 31013

Of

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546 Carondelet Street

New Orleans, Louisiana 70130

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and

John H. Beisner, *pro hac vice*

Jessica Davidson Miller, *pro hac vice*

O'MELVENY & MYERS, L.L.P.

1625 Eye Street, NW

Washington, DC 20006

Telephone: (202) 383-5300

*Attorneys for the Louisiana Attorney
Disciplinary Board, Billy R. Pesnell, and
Charles B. Plattsmier*

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December, 2008, a copy of the foregoing Initial Disclosures of the Louisiana Attorney Disciplinary Board, Billy R. Pesnell, and Charles B. Plattsmier has been served upon each counsel of record by United States mail and e-mail.

