

**RESOLUTION OF THE LSBA HOUSE OF DELEGATES TO URGE THE  
LOUISIANA LEGISLATURE TO SUSPEND IMPLEMENTATION OF STANDARDS  
FOR SPECIALIZATION IN LABOR LAW**

WHEREAS, on January 21, 2017, the Louisiana State Bar Association House of Delegates (“House”) was presented with a resolution regarding the implementation of a specialty certification in Labor Law by the Louisiana Board of Legal Specialization (“LBLS”);

WHEREAS, the resolution before the House, as presented by the LBLS, represented that there had been adequate opportunity for members of the bar to comment on the proposed Louisiana Board of Legal Specialization Labor Law Standards;

WHEREAS the resolution failed to disclose that a survey obtained to assess support for the Labor Law Standards demonstrate opposition at a rate of 2-to-1 AGAINST adoption of such standards;

WHEREAS the resolution also remained silent regarding the fact that there remained significant opposition to the proposed specialization standards from affected members of the Louisiana State Bar Association;

WHEREAS a group of affected practitioners issued a joint letter dated January 20, 2017 to the entire House, and attempted to contact various Officers and individual Delegates by telephone to discuss the problems with the resolution;

WHEREAS there were numerous problems with the Labor Law Standards noted in this letter, including potentially discriminatory effects against women, potential competitive disadvantages for small firms and solo practitioners, and poorly conceived application practitioners who practice in the area of employee benefits and/or the Employee Retirement Income Security Act (“ERISA”);

WHEREAS opponents of the Labor Law Standards also noted that these standards were largely duplicative of proposed Employment Law Standards, which were adopted simultaneously, and would therefore force many practitioners to accept the burdens of dual certification, and the attendant costs;

WHEREAS the January 20, 2017 letter to the House, which set forth many of these grounds for opposing the Labor Law Standards, was made available at the January 2017 House meeting, with the intention of giving certain Delegates the opportunity to speak in opposition to the Labor Law Standards;

WHEREAS the resolution approving the Labor Law Standards was approved as part of a package of similar resolutions, with no debate as to the merits of the Labor Law Standards, nor any discussion of the substantial opposition among affected practitioners, nor the various reasons for said opposition;

WHEREAS the Delegates who had been prepared to speak in opposition to the proposed standards were thus deprived of an opportunity to address the House; and

WHEREAS the House resolution adopting the Labor Law Standards was passed without debate or discussion of any of the foregoing; and

WHEREAS the House desires that any significant resolutions, such as those adopting the Labor Law Standards, represent the product of thoughtful, well-informed debate and deliberation; and

NOW, THEREFORE, BE IT RESOLVED that:

This Resolution shall be presented to the House of Delegates of the Louisiana State Bar Association; and

FURTHER, be it resolved that the House of Delegates of the Louisiana State Bar Association shall suspend implementation of the current standards for specialization in Labor Law, as approved on January 21, 2017, for further study and consideration; and

FURTHER, be it resolved that the House of Delegates of the Louisiana State Bar Association, requests that the Louisiana Board of Legal Specialization conduct further study on the Labor Law Standards, including (i) whether a majority of affected practitioners actually support the standards, in light of prior survey data demonstrating greater opposition than support; and (ii) whether concerns over discriminatory effects and unfair competitive advantages can be adequately addressed.

/s/ Francis Barry

*MES for FB*

Francis Barry, Member  
Judicial District: Orleans Parish

/s/ Glenn Adams

*MES for GBA*

Glenn Adams, Member  
Judicial District: Orleans Parish

December 13, 2017

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APPROVED  
HOUSE OF DELEGATES & BOARD OF GOVERNORS  
JANUARY 20, 2018  
BATON ROUGE, LA