UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF LOUISIANA

SCOTT G. WOLFE, JR.; and
WOLFE LAW GROUP, L.L.C.

Plaintiffs,

v.

LOUISIANA ATTORNEY DISCIPLINARY BOARD; BILLY R. PESNELL, in his official capacity as Chair of the Louisiana Attorney Disciplinary Board; and CHARLES B. PLATTSMIER, in his official capacity as Chief Disciplinary Counsel for the Louisiana Attorney Disciplinary Board's Office of Disciplinary Counsel;

Defendants.

Civil Action No. _____

08-4994

COMPLAINT

SECT. F MAG 2

INTRODUCTION

1. This suit challenges the constitutionality of amendments to the lawyer advertising provisions of the Louisiana Rules of Professional Conduct that were originally scheduled to become effective on December 1, 2008, but has been subsequently delayed until April 1, 2009. The amended rules are over-broad and facially unconstitutional, as the regulations are more extensive than necessary to serve the government's interest and operates to restrict attorneys from expressing themselves

through commercial speech and non-commercial speech In addition, the government's interest in making the amendments is not substantial, nor are the proposed regulations relevant to or properly tailored to advance the interest asserted. The Plaintiffs seek declaratory and injunctive relief against enforcement of the rules under 42 U.S.C. § 1983 on the ground that they violate the First and Fourteenth Amendments to the United States Constitution.

JURISDICTION

2. The Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343.

PARTIES

3. Plaintiff, Scott G. Wolfe, Jr. ("Wolfe") is a resident of New Orleans and a member of the law firm Wolfe Law Group, L.L.C. Wolfe is admitted to the Louisiana State Bar, and has practiced law in the state since his admission. Wolfe is an active participant in certain online communities and "forums" such as Facebook, Linkedin, Avvo and Twitter. Wolfe publishes information on the Wolfe Law Group blog, as well as on his own personal blog communicating to the public about topics related to the construction industry and construction law, and thereupon commenting on services he provides as an attorney.

4. Plaintiff Wolfe Law Group, L.L.C., is a Louisiana Limited Liability Company, and a law firm with its principal place of business in New Orleans, Louisiana. The firm generally practices in the area of construction law, and advertises its services on its website at http://www.wolfelaw.com, and through advertisements on online search engines. Furthermore, the firm is an active participant in online communities and "forums" such as Facebook, LinkedIn, Avvo and Twitter. The firm further has an online

"blog" where it communicates to the public on topics relative to the construction industry and construction law, said blog syndicated through search engines and Really Simple Syndication (RSS) networks. The firm also comments on other similar blogs, controlled and operated by third parties, and writes "guest posts" for these forums. The firm has created and disseminated "podcasts," and is currently working on the creation of a "videocast" network. Wolfe Law Group also sends monthly or bi-monthly emails to prospective clients. Through these activities, Wolfe Law Group comments on services it provides as a law firm.

5. Defendant Louisiana Attorney Disciplinary Board is the state agency responsible for administering lawyer discipline in the state. The Board investigates, prosecutes, and adjudicates all claims regarding alleged violations of the Louisiana Rules of Professional Conduct, including lawyer-advertising provisions, and makes recommendations to the Louisiana Supreme Court regarding lawyer discipline.

6. Defendant Billy R. Pesnell is the Chair of the Louisiana Attorney Disciplinary Board. His duties include overall management of the Board's disciplinary work.

7. Defendant Charles B. Plattsmier is Chief Disciplinary Counsel for the Louisiana Attorney Disciplinary Board's Office of Disciplinary Counsel. As such, he is primarily responsible for the prosecution of violations to the Louisiana Rules of Professional Conduct. Plattsmier's duties include screening complaints against lawyers for disciplinary violations, filing or dismissing charges, preparing recommendations for discipline, investigation and prosecution of violations, and supervision of disciplinary staff.

FACTUAL ALLEGATIONS

8. The Louisiana Supreme Court has exclusive jurisdiction over lawyer discipline proceedings in Louisiana, and is responsible for adopting the Louisiana Rules of Professional Conduct, which govern the conduct of lawyers in Louisiana. Lawyers who violate the rules are subject to various forms of discipline.

9. Part 7 of the rules governs "Information about Legal Services," referred to by the Louisiana Supreme Court as rules related to "Lawyer Advertising & Solicitation."

10. The pre-amendment rules prohibit "false, misleading, or deceptive communications," about a lawyer's services.

11. In 2006, the Louisiana State Senate adopted a concurrent resolution stating that "the manner in which some members of the Louisiana State Bar Association are advertising their services in this state has become undignified and poses a threat to the way lawyers are perceived in this state." In an eventual response to this 2006 resolution, the Louisiana Supreme Court adopted certain proposed rules on July 3, 2008. The rules were initially scheduled to take effect on December 1, 2008, but its effective date has subsequently been delayed until April 1, 2009.

I. The New Rules Require Certain Information to be Contained within *any communication* conveying information about a lawyer, having the indirect effect of completely restricting lawyers from advertising their services through online mediums

12. Amended Rule 7.2 states as follows:

> Rule 7.2 Communications Concerning a Lawyer's Services
> The following shall apply to any communication conveying information about a lawyer, a lawyer's services or a law firm's services:
> (a) Required information.

> (1) **Name of Lawyer.** All advertisements and written communications pursuant to these Rules shall include the name of at least one lawyer responsible for their content.
> (2) **Location of Practice.** All advertisements and written communications provided for under these Rules shall disclose, by city or town, one or more bona fide office location(s) of the lawyer or lawyers who will actually perform the services advertised.

13. Amended Rule 7.6(d) provides that "All computer-accessed communications concerning a lawyer's or law firm's services, other than those subject to subdivisions (b) and (c) of this Rule, are subject to the requirements of Rule 7.2." Rule 7.6(a) specifies, "computer-accessed communications" includes "information concerning a lawyer's or law firm's services that appears on World Wide Web search engine screens and elsewhere."

14. The Louisiana State Bar Associations' "Handbook on Lawyer Advertising and Solicitation" further discusses the requirements of 7.6, stating:

> c. Other Computer-Accessed Advertisements – Rule 7.6(d) All other forms of lawyer advertisements disseminated via computer, including but not limited to, advertisements that appear on search engines, on the Web site of a person or entity other than that of the advertising lawyer or law firm, or on a computer bulletin boards or "BLOGS", must comply with the general requirements of Rule 7.2. These would include "banner" ads and must be filed for review by the RPCC, unless specifically exempt under Rule 7.8.

15. It is common in the current marketplace for businesses, and attorneys, to advertise through certain "giant" online outfits such as Google.com, Yahoo.com, Facebook.com, Microsoft.com, and YouTube.com, or through more local or "mom and pop" online outfits such as LawGuru.com or Avvo.com.

16. Many of these online services sell "text ads" that appear on the side of its search engine, in small boxes within youtube.com videos, or within other small confined spaces.

17. Furthermore, many online services, such as Google.com and Microsoft.com, sell advertisements designed for display on mobile phones, wherein people access Internet websites through a smaller web browser. The number of people who access the Internet using a mobile phone grows year-over-year.

18. Furthermore, advertisers like Google.com provide businesses the opportunity to submit a "Map Listing" advertisement on their network, whereby the business can pay for a "highlighted" search result on GoogleMaps. This advertised entry, however, only shows the business name and address, and does not allow the business to submit additional data, such as the name of an attorney responsible for the ad.

19. The sold advertisements through these services often confine the number of characters that may be purchased and displayed by an advertiser.

20. The requirements of Rule 7.2 are oftentimes impossible to meet when advertising through one of these mediums. Further, in the instances when the Rule 7.2 information can fit within the space allotted, the remaining characters available to the advertiser are not sufficient to allow the advertiser to broadcast its message.

21. The applicability of traditional media in the "web 2.0 marketplace" is significantly deteriorating, and businesses that do not advertise through online medias will be at a competitive disadvantage.

22. Plaintiffs advertise its services through many of the online media outlets mentioned in Paragraph 16 of this Complaint, and specifically advertise through Google

Adwords, Google Mobile Adwords, Google Maps, Yahoo Ads, and Microsoft Live Ads. An example of the Plaintiff's advertising through Google Adwords provides:

Wolfe Law Group
Louisiana Construction Lawyer
Disputes, Contracts, Liens
http://www.wolfelaw.com

23. The Advertising Rules in controversy, and specifically Rules 7.2 and 7.6(d), would have the effect of completely preventing the Plaintiffs from advertising through these mediums, and therefore communicating through these mediums. Furthermore, because of the sophistication of "junk-mail filters," Rule 7.6(c)(3) would have a similar effect on Plaintiffs efforts to transmit information to its intended recipients.

24. Louisiana has no evidence demonstrating that this sort of truthful information is misleading or otherwise harmful to consumers.

25. The governments restriction to this effect fails to identify or prove the harm it seeks to prevent through these online "ad words" or text advertisements. Further, the effect of the rules is to prohibit this type of speech entirely, which is an over-broad regulation to remedy the alleged harm.

II. The New Rules Regulate Non-Commercial Speech of Lawyers and Law Firms, and specifically provide for the "prior restraint" of such non-commercial speech

26. Amended Rule 7.6 states as follows:

> Rule 7.6 Computer-Accessed Communications
> (a) **Definition.** For purposes of these Rules, "computer-accessed communications" are defined as information regarding a lawyer's or law firm's services that is read, viewed, or heard directly through the use of a computer. Computer-accessed communication include, but are not limited to, Internet presences such as home pages or World Wide Web sites, unsolicited electronic mail

> communications, and information concerning lawyer's or law firm's services that appears on World Wide Web search engine screens or elsewhere.
>
> (b) **Advertisements.**All computer-accessed communications concerning a lawyer's or law firm's services, other than those subject to subdivisions (b) and (c) of this Rule, are subject to the requirements of Rule 7.2.

26. The Louisiana State Bar Associations' "Handbook on Lawyer Advertising and Solicitation" further discusses the requirements of 7.6, stating:

> c. Other Computer-Accessed Advertisements – Rule 7.6(d) All other forms of lawyer advertisements disseminated via computer, including but not limited to, advertisements that appear on search engines, on the Web site of a person or entity other than that of the advertising lawyer or law firm, or on a computer bulletin boards or "BLOGS", must comply with the general requirements of Rule 7.2. These would include "banner" ads and must be filed for review by the RPCC, unless specifically exempt under Rule 7.8.

27. Among other requirements, Amended Rule 7.2 requires that the "Computer-Accessed Communication:"

(a) Contain certain required information, Rule 7.2 (a);

(b) Allow one lawyer to, directly or indirectly, pay all or part of the cost of an advertisement by a lawyer not in the same firm, Rule 7.2(c)(11);

28. For any qualifying speech, the amended rules further require that ***prior*** to the speech being made, the speech must be referred to the Louisiana State Bar Association, along with a fee of $175.00, for approval.

29. The Plaintiffs frequently submits "posts" to its own blog on topics related to the construction industry, the legal industry, and construction law. Since this "blog" is part of the Plaintiffs' website, it is uncertain whether it would qualify as a "blog" that requires review or part of the Plaintiffs' "website," which is exempt. Nevertheless, the

"blog" contains speech of the Plaintiffs that is not a traditional advertisement or commercial speech, but is instead a dialogue with clients, colleagues and the general public about matters at interest to the construction industry, the legal industry and construction law jurisprudence. The speech, however, does "regard a lawyer or law firm's services."

30. While it is unclear under the new rules whether the above-identified posts would qualify for review of exemption, it is clear that the following frequent actions of the Plaintiffs would be subject to review prior to publication or speaking:

(a) Plaintiffs frequently answer questions from the public related to the legal industry, the legal process, the construction industry and construction law, on websites like http://www.avvo.com and http://www.lawguru.com, and thereupon comments regarding the construction law legal services offered by Plaintiffs;

(b) Plaintiffs submit articles about the legal industry, construction law, and the construction industry on websites like http://www.avvo.com, http://knol.google.com, and other similar online forums for public discourse on the legal industry, and thereupon comments regarding the construction law legal services offered by Plaintiffs;

(c) Plaintiffs frequently comment on blog entries of other legal colleagues across the United States related to construction law and the construction law legal services offered by Plaintiffs;

(d) Plaintiffs are sometimes requested to act as a "guest blogger" on blogs controlled and operated by other law firms or lawyers, and specifically to post regarding construction law or Plaintiffs' services on those online blogs;

(e) Plaintiffs participate in online forums and communities such as Avvo.com, Facebook.com, Linkedin.Com and Twitter.com, a micro-blogging platform, and each day make frequent posts on these services related to construction law and the services provided by Plaintiffs;

(f) Plaintiffs disseminate all of these posts and discourse through syndication platforms such as "Add This," Facebook, RSS (Really Simple Syndication), and similar services.

(g) Plaintiffs have recorded, published and syndicated "legal podcasts," which are audio broadcasts about certain legal topics, wherein Plaintiff comments upon the services it provides;

(h) Plaintiffs are currently working on recording, publishing and syndicating legal "videocasts," which are video broadcasts about certain legal topics, wherein Plaintiff comments upon the services its provides.

31. The Plaintiff rarely advertises its services through traditional media such as: television commercials, radio commercials, newspaper or magazine ads, and billboard ads.

32. Instead, Plaintiff "advertises" its services by participating in a nationwide or global discourse on the subject matter of its practice. Through these discussions and opinions, which are rendered and published on multiple web-based platforms and forums, the Plaintiffs engage in a conversation with the public at large.

33. This form of marketing and advertising fits within a trend toward a broader view of marketing, which instead of providing traditional types of advertising, the businesses participate in a forum and discussion about its product or services.

34. The Plaintiffs aver that the speech it makes through these online forums and online communities are not "traditional advertisements" or traditional "commercial speech." The Plaintiffs further aver that the speech is not commercial speech at all, but is instead a discussion by the Plaintiffs of their services, the legal industry, the construction industry, and the evolution of construction law.

35. The Advertising Rules in controversy require "prior restraint" of the Plaintiffs' speech, and otherwise restrict the same, in a manner that Plaintiff avers violates the United States Constitution's First and Fourteenth Amendments.

36. In the alternative that this Court determines that the speech is "commercial speech" for the purposes of judicial scrutiny, the Plaintiff avers that Louisiana has no evidence demonstrating that this sort of truthful information and truthful discussions are misleading consumers, or is otherwise harmful to them. The governments' restriction on the speech of Louisiana attorneys and Plaintiffs fails to identify or prove the harm it seeks to prevent through these online discussions, blog posts, and the other identified items.

37. Furthermore, by charging $175.00 to the Plaintiffs for each blog post, bulletin board comment, twitter posting, and/or other instance of computer Rule 7.6 "Computer-Assessed Communication," the government would place a significant burden on the Plaintiffs to make such communications, discussions and discourse.

38. Accordingly, the proposed regulation of this type of speech is an overbroad and not properly tailored regulation to defeat the alleged harm.

III. Injury to Louisiana Consumers and to Consumers Across the World

39. The rules' burdensome prohibitions on speech as above-discussed in Section II of this Complaint will restrict and subdue lawyers, and Plaintiffs, from engaging in forms of communication that result in the dissemination of "free" information to consumers about the legal system, the legal process, the role of an attorney, the legal profession, and in the case of Plaintiffs, legal information concerning the evolution of construction law.

40. This will injure Louisiana consumers who are interested in this type of information, and who can benefit from the receipt of the same, as well as consumers across the nation and the world who use search engines and online communities to receive such truthful, non-misleading information.

41. The restrictive rules will especially injure consumers of moderate means who may not otherwise have access to an attorney's ear and thoughts.

42. The restrictive rules will operate to stifle the dissemination of discourse and knowledge into the information marketplace, thereby harming the public at large and the legal profession itself from the access to such discourse, communications and information.

CLAIMS FOR RELIEF

43. Louisiana's amended rules prohibit common and innocuous advertising techniques that have no real potential to deceive consumers. In some instances having the harmful effect of completely prohibiting attorneys from utilizing new advertising mediums available to every other industry and speaker in the nation, such harm caused by

Louisiana without a showing of any sort that they are harmful, deceiving or misleading to consumers.

44. Louisiana's amended rules prohibit non-commercial speech of Louisiana attorneys and the Plaintiffs.

45. Since Plaintiffs "market" their services almost exclusively through search engines and the internet's marketplace of ideas, the Plaintiffs' marketing efforts are comprised of "computer-assessed communications" made on multiple occasions each and every day. Accordingly, if allowed to go into effect, the new regulations would cause substantial expense to the Plaintiff's, who would be required to submit each "communication" to the bar association for a Rule 7.7 review, potentially costing the Plaintiffs *thousands of dollars per day* or week, which is too heavy a burden to place on the Plaintiffs in an attempt to defeat an alleged harm. The effect would be to seriously hamper the Plaintiffs ability to communicate and speak about its legal market.

46. The amendments will injure Louisiana consumers, and consumers of legal knowledge and information all over the country, and the legal profession itself, by preventing all of the parties from receiving truthful, non-misleading information about their legal rights, the legal profession, certain legal jurisprudence, and legal information in general.

47. Louisiana has no studies, factual findings or other evidence demonstrating that the amendments are necessary to prevent harmed caused by the advertising mediums addressed in Section I of this Complaint, or the discourse addressed by Section II of the Complaint. Louisiana further does not have any information, studies, factual findings or

other evidence demonstrating that the pre-amendment rules are not adequately serving the state's interests, or that lesser alternatives could not accomplish the state's goals.

48. The amendments restrict, unduly burden, and chill the exercise of the rights of commercial speech secured by the First Amendment of the United States Constitution, as applied to the states, and the State of Louisiana, through the Fourteenth Amendment to the United States Constitution.

49. The amendments restrict, unduly burden, and chill the exercise of the rights of non-commercial speech, including an attorney's political speech and general speech regarding the legal profession and the specific areas of practice for an attorney, secured by the First Amendment of the United States Constitution, as applied to the states, and the State of Louisiana, through the Fourteenth Amendment to the United States Constitution.

50. The rules are too vague to provide guidance about what kinds of "advertisements" are prohibited, as they are also too vague to provide guidance about what constitutes and "advertisement" as distinguished from ordinary non-commercial speech, thereby inviting arbitrary and discriminatory enforcement in violation of the First Amendment to the United States Constitution and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

51. For the foregoing reasons, Plaintiffs request that this Honorable Court:

(a) Declare unconstitutional and issue a preliminary and permanent injunction against enforcement of the foregoing rules of the Louisiana Rules of Professional Conduct, as amended effective April 1, 2009:

(i) Rule 7.2(a) requiring specific content on all Advertisements;

(ii) Rule 7.2(c)(11) forbidding a lawyer from, directly or indirectly, paying all or part of the cost of an advertisement by a lawyer not in the same firm;

(iii) Rule 7.6 (a) defining "computer-accessed communications;"

(iv) Rule 7.6(d) subjecting "all computer-accessed communications concerning a lawyer's or law firm's services" subject to the requirements of Rule 7.2;

(v) Rule 7.6 (c)(3) requiring the term "LEGAL ADVERTISMENT" to be placed in the subject line of qualifying emails;

(vi) Rule 7.7 comprising of an explanation of the evaluation process.

(b) Award Plaintiffs their costs, including reasonable attorney's fees, pursuant to 42 U.S.C. § 1988; and

(c) Grant any additional relief to which plaintiffs are entitled.

Dated: November 24, 2008.

Respectfully submitted,

Scott G. Wolfe Jr., La. Bar 30122
WOLFE LAW GROUP, L.L.C.
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504-894-9653
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Counsel for Plaintiffs

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff Orleans
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Wolfe Law Group, L.L.C.
1821 Prytania Street, New Orleans, Louisiana 70115

DEFENDANTS

County of Residence of First Listed Defendant Baton Rouge
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

08-4994

Attorneys (If Known)

SECT. F MAG 2

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	☐ 610 Agriculture	☐ 422 Appeal 28 USC 158	☐ 400 State Reapportionment
☐ 120 Marine	☐ 310 Airplane	☐ 362 Personal Injury - Med. Malpractice	☐ 620 Other Food & Drug	☐ 423 Withdrawal 28 USC 157	☐ 410 Antitrust
☐ 130 Miller Act	☐ 315 Airplane Product Liability	☐ 365 Personal Injury - Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	☐ 430 Banks and Banking
☐ 140 Negotiable Instrument	☐ 320 Assault, Libel & Slander	☐ 368 Asbestos Personal Injury Product Liability	☐ 630 Liquor Laws	☐ 820 Copyrights	☐ 450 Commerce
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 330 Federal Employers' Liability	PERSONAL PROPERTY	☐ 640 R.R. & Truck	☐ 830 Patent	☐ 460 Deportation
☐ 151 Medicare Act	☐ 340 Marine	☐ 370 Other Fraud	☐ 650 Airline Regs.	☐ 840 Trademark	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)	☐ 345 Marine Product Liability	☐ 371 Truth in Lending	☐ 660 Occupational Safety/Health		☐ 480 Consumer Credit
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 350 Motor Vehicle	☐ 380 Other Personal Property Damage	☐ 690 Other		☐ 490 Cable/Sat TV
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle Product Liability	☐ 385 Property Damage Product Liability	LABOR	SOCIAL SECURITY	☐ 810 Selective Service
☐ 190 Other Contract	☐ 360 Other Personal Injury		☐ 710 Fair Labor Standards Act	☐ 861 HIA (1395ff)	☐ 850 Securities/Commodities/ Exchange
☐ 195 Contract Product Liability			☐ 720 Labor/Mgmt. Relations	☐ 862 Black Lung (923)	☐ 875 Customer Challenge 12 USC 3410
☐ 196 Franchise			☐ 730 Labor/Mgmt.Reporting & Disclosure Act	☐ 863 DIWC/DIWW (405(g))	☐ 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	☐ 740 Railway Labor Act	☐ 864 SSID Title XVI	☐ 891 Agricultural Acts
☐ 210 Land Condemnation	☐ 441 Voting	☐ 510 Motions to Vacate Sentence	☐ 790 Other Labor Litigation	☐ 865 RSI (405(g))	☐ 892 Economic Stabilization Act
☐ 220 Foreclosure	☐ 442 Employment	Habeas Corpus:	☐ 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS	☐ 893 Environmental Matters
☐ 230 Rent Lease & Ejectment	☐ 443 Housing/ Accommodations	☐ 530 General		☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 894 Energy Allocation Act
☐ 240 Torts to Land	☐ 444 Welfare	☐ 535 Death Penalty	IMMIGRATION	☐ 871 IRS—Third Party 26 USC 7609	☐ 895 Freedom of Information Act
☐ 245 Tort Product Liability	☐ 445 Amer. w/Disabilities - Employment	☐ 540 Mandamus & Other	☐ 462 Naturalization Application		☐ 900Appeal of Fee Determination Under Equal Access to Justice
☐ 290 All Other Real Property	☐ 446 Amer. w/Disabilities - Other	☐ 550 Civil Rights	☐ 463 Habeas Corpus - Alien Detainee		☐ 950 Constitutionality of State Statutes
	☒ 440 Other Civil Rights	☐ 555 Prison Condition	☐ 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):
42 USC Sec. 1983

Brief description of cause:
1st Amendment and Due Process Challenege to LA Attorney Advertising Rules

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER F.R.C.P. 23

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ◯ Yes ☒ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE Feldman DOCKET NUMBER 08-cv-04451

DATE
November 24, 2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____