

20/20 JUDICIAL VISION.

Our vision is to establish a dynamic, multifaceted effort that will for the first-time shed light on the judiciary and work to change the culture in the courtroom.

Changing the culture.

Due in part to one of the worst legal climates in the nation as ranked by the U.S. Chamber Institute for Legal Reform, Louisiana continues to face significant challenges in economic growth. Louisiana received an “F” for judicial accountability and has consistently been ranked among the top ten worst legal climates in the United States. For LABI’s members, most of which are small businesses, 65 percent say frivolous lawsuits increase their cost of doing business here. If you’re an employer looking to grow or expand in Louisiana, those are chilling statistics. On top of that, the State of Louisiana, along with a few parish governments, recently filed one of the most aggressive lawsuits against our state’s largest industry. The reality is, the business development fight has shifted out of the boardroom into the courtroom, and it’s costing us all.

THE VISION

Our vision is to establish a dynamic, multifaceted effort that will for the first-time shed light on the judiciary, by identifying problematic courts and highlighting strengths within the judiciary to ultimately change the culture and climate in Louisiana courtrooms.

THE PLAN

This comprehensive operation will include coalition building, education outreach, policy and advocacy efforts as well as election activity.

Changing the culture in Louisiana’s courtrooms demands a holistic movement driven by strong community partners. From trusted local leaders to established organizations and experts on the issue, we will unify a corps to blanket the state, leveraging the assets, expertise, connections and resources to be effective on every front.

Robust transparency and the identification of ways to improve Louisiana’s judiciary simply can no longer be ignored. A targeted messaging and education strategy will focus on decision makers and voters, creating a public demand for policy and political change in Louisiana.

Policy and advocacy efforts will culminate in a Judicial Scorecard: consisting of information gathered on the district courts, appellate courts and the Louisiana Supreme Court levels, and an analysis of their effect on the state’s economic and institutional health. This knowledge will serve to inform and guide decisions in Louisiana’s judicial elections.

Opportunities & Threats.

Auto Insurance Crisis

The Louisiana automobile insurance market is on the verge of crisis as evidenced by significant problems with both affordability and availability of auto insurance. Several insurance companies have stopped writing policies in Louisiana, others have restricted underwriting and all have been forced to increase prices while the Louisiana accident frequency rate and property damage claim rates are both slightly higher than the national average, the Louisiana bodily injury claim rate is almost twice the national average. This bodily injury claim rate problem is the root cause of our high auto insurance rates and limited market capacity. The underlying problem driving our high bodily injury claim rate are parts of the judiciary that too frequently gives credence to frivolous bodily injury claims when confronted with state and national businesses versus their constituents who elect them. This crisis shows the Louisiana citizens the real consequences of a civil justice system not working for them. It is a poignant narrative that hits close-to-home and can be used to motivate and activate both a grassroots and grasstops movement and build coalitions.

Judicial Expansion of the Law

The amount of liability that businesses in Louisiana are exposed to is increasing almost daily. But this swelling liability is not coming from their elected representatives in the Legislature—it is coming from an activist trial bar that encourages judges or justices to legislate from the bench. The Judicial Program will allow the business community to begin advocating for themselves in the courtroom. Through strategic planning and persistence, we will shape judicial precedents and create a more business friendly atmosphere in Louisiana's courtrooms.

Plaintiff Lawyer Judges

Currently, pro-business groups are not effectively involved in shaping the political environment in local district courts and few significantly engage at the appellate court level. With little to no emphasis on this critical issue, the business community has unfortunately ceded influence to plaintiff attorneys whose contingency fees are directly based on the awards given by these judges and justices are giving. The community has allowed trial lawyers to elect other trial lawyers and anti-business judges or justices from the lowest courts to the highest courts in the state. This program has the opportunity to create the judicial intelligence the business community needs to ensure the right judges and justices are elected and that they are held accountable, while highlighting good judges and justices who fairly apply the law.

Judicial Vision Timeline.

This multifaceted program will begin in early 2019 and lead up to the 2020 judicial elections, continuing on an annual basis thereafter.

Messaging & Education

The Judicial Program will work with engaged partners to develop and execute consistent messaging strategies designed to educate the public and build demand for change.



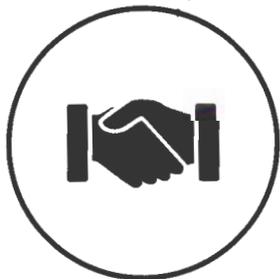
Program of Work

The Judicial Program of Work will outline the policy priorities for the upcoming year that will help businesses grow by improving Louisiana's legal climate.



Council Launch

The Legal Advisory Council will bring together key judicial stakeholders to establish a Judicial Program of Work, guide efforts, and gather the judicial intelligence needed to make informed decisions.



Coalition Building

LABI will serve as the hub, identifying, partnering, and mobilizing potential coalition members to combat the anti-business culture in the courtroom.

Business needs to get in the game.

Families and businesses in Louisiana were forced to pay nearly \$7 billion in expenses related to tort litigation in 2016 - equivalent to more than \$4,000 for every Louisiana household, according to the U.S. Chamber Institute for Legal Reform.

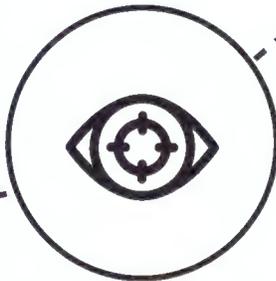
Elections

LABI's PACs will engage at all levels of the judiciary: district courts, appellate courts and the Louisiana Supreme Court in order to build a better bench.



Scorecard

The Judicial Scorecard will evaluate rulings on issues impacting businesses and the political liabilities created by Louisiana's system of justice.



Advocacy

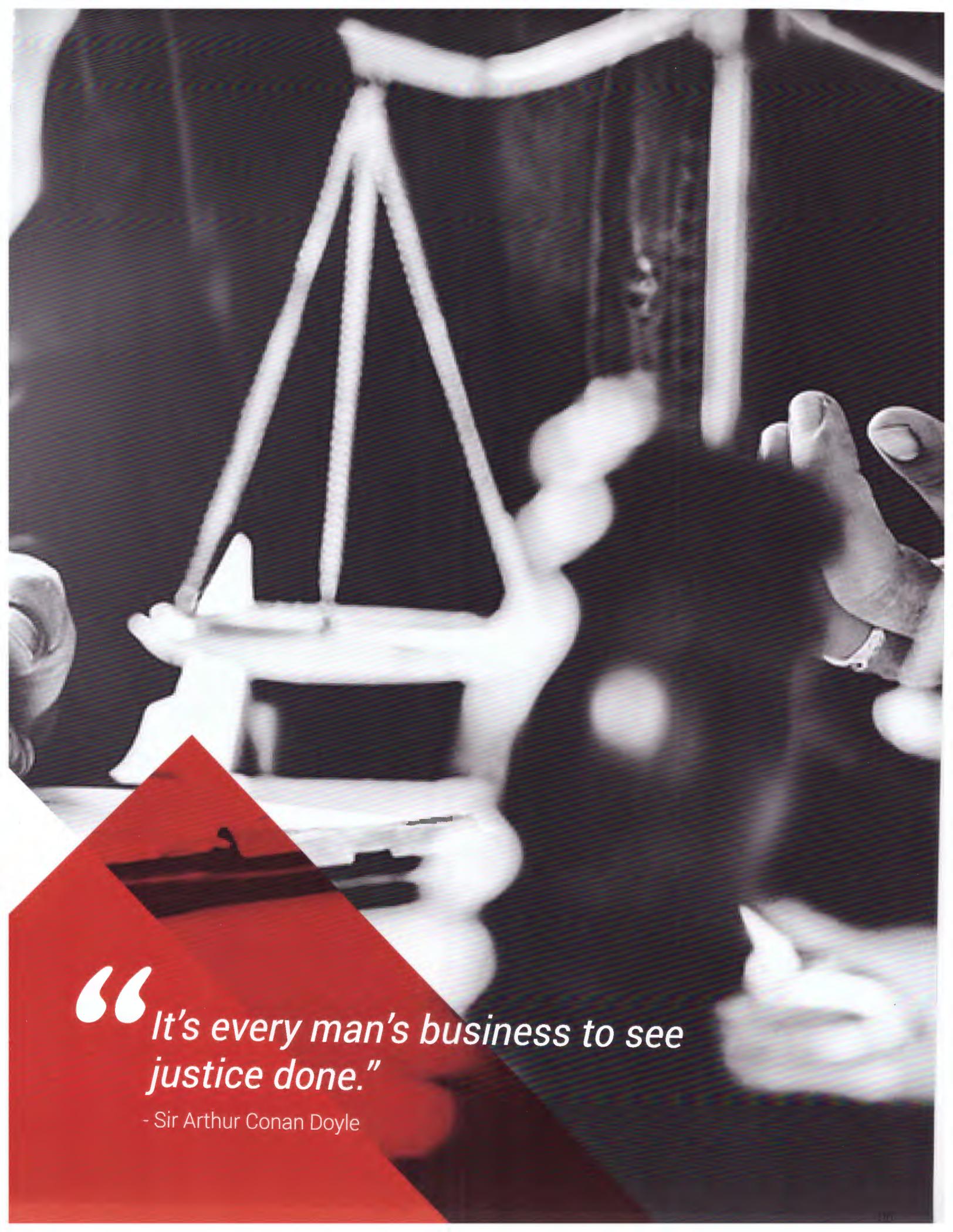
Advocacy efforts will include the Court Watch Program, Amicus Program and targeted legislative efforts.

Coalition Building.

Across Louisiana, there are a number of leaders working independently to combat the anti-business culture in the courtroom. Identifying, connecting, and mobilizing these potential coalition members is the backbone of this program.

As the center for business and industry in Louisiana, LABI is in a unique position to turn individual initiatives in the civil justice reform arena into an unstoppable collective movement to further change for Louisiana's judicial environment.

- ▶ Forming and hosting coalition meetings
- ▶ Organizing media and public relations campaigns
- ▶ Enhancing our allies' messages and stories with our media center and networks
- ▶ Connecting groups and coordinating projects
- ▶ Maintaining the coalition's tort reform calendar



“

It's every man's business to see justice done.”

- Sir Arthur Conan Doyle

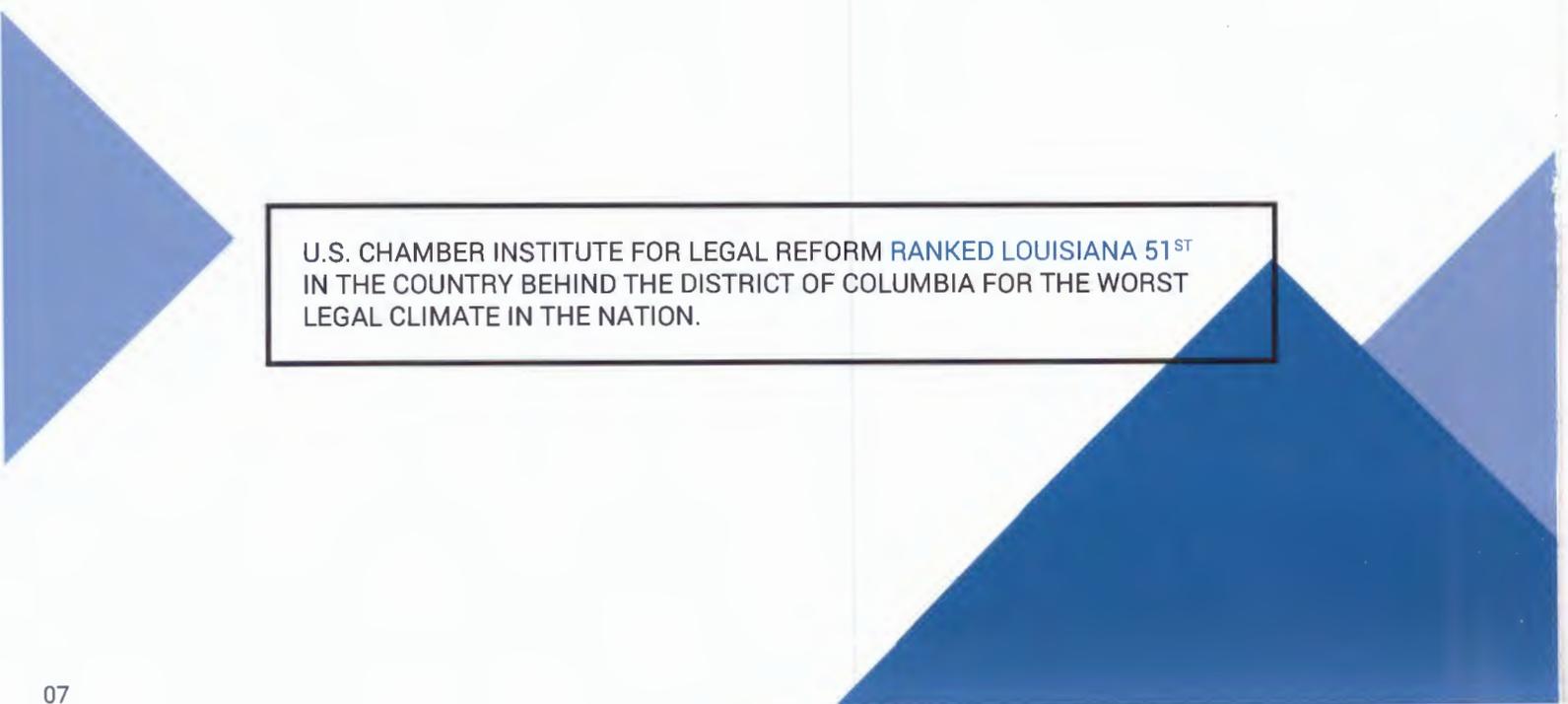
Messaging & Education.

As the state's most powerful business lobby, the Louisiana Association of Business and Industry (LABI) already has a very powerful hold on the legislative process and is a distinguished voice for business and industry.

As LABI moves into unprecedented involvement in the civil justice reform arena our messaging and public outreach strategy is critical.

A targeted messaging and education strategy will focus on decision makers and voters, creating a public demand for policy and political change in Louisiana.

Judicial seminars will offer top-of-the-line programming and opportunities for business leaders, legislators and interested parties to come together and discuss methods of driving down some of the worst tort decisions and highest judicial costs in the country.



U.S. CHAMBER INSTITUTE FOR LEGAL REFORM RANKED LOUISIANA 51ST
IN THE COUNTRY BEHIND THE DISTRICT OF COLUMBIA FOR THE WORST
LEGAL CLIMATE IN THE NATION.

Judicial Scorecard

The Judicial Scorecard will evaluate the potential liability of judicial rulings affecting businesses. This Scorecard will assess appellate courts and the Louisiana Supreme Court by comparing each judge or justice's record to the records of the other judges or justice's sitting on their respective court. The review of district judges will be based on decisions brought to the appellate court. While the evaluation of the judiciary is a complicated and difficult process involving sometimes subjective determinations, the Scorecard will adhere to strict criteria to achieve the most objective evaluations possible.

An informed electorate is an engaged electorate. This data-driven analysis will evaluate members of the judiciary who have made rulings in cases where there is unambiguous, applicable law or no clear precedent. The purpose of the analysis reflected in the Judicial Scorecard is to provide insight into each judge or justice's philosophy and values. These belief and value systems can influence whether a the member of the judiciary votes to strike down a statute intended to restrain lawsuits and liability or enhance them.

The higher court judges and justices will be evaluated on his or her decisions in six

Categories of Law

Employment

Insurance

Medical Malpractice

Workers Compensation

Product Liability

Other Liability Lawsuits



Seminars

The Judicial Program will offer multiple educational opportunities and provide exclusive access to the top legal minds both in person and through webinars. These seminars will take a deep dive into the day's hot button issues.

- **Beyond the BAR** – A day-long seminar focused on breaking down the Capitol's impact on businesses across Louisiana will include efforts to create change in the judiciary. This practical workshop for lawyers, tax professionals, small business owners and other businesses leaders offers an educational alternative to the typical business seminar or continuing education program.
 - **Working lunches** – Monthly, hour-long lunches will offer attendees access to a discussion on trending legal, legislative or political topics.
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Publications

Information collected and produced from the program's numerous elements will be disseminated across the state. The information will be presented in a clear and concise message without losing precision or risking ambiguity. The Judicial Program publications are created to reach the masses and will take on many forms, including traditional print media and online content (e.g., social media, blogs, and videos.)



Policy & Advocacy.

Changing the culture in Louisiana courtrooms is not a simple task. It will take a clear mission, a comprehensive plan and persistence. Collectively, the business community has remained largely silent in the judiciary – despite the fact that most liability expansion has come from judicially-made laws. We cannot continue to expect to get a fair hearing without advocating on our own behalf. We would not expect that at the Capitol, and we should not expect it in the courthouse.

Members of the judiciary are responding to the voices they hear, and it is crucial for them to hear the voice of the business community as well. They must listen and understand the impact of their decisions on the business community at large, and how the business community impacts their constituents.

Through the Judicial Program, we will establish the policy priorities for the judiciary each year and channel that message through public information campaigns, seminars and amicus briefs in jurisdictions where we can have the most impact. This consistent messaging to both those in the court system and the public will work in concert to guide the courts in their decision making.

To accomplish our goal, we will need dedicated partners to help guide policy priorities, alert the coalition to threats and opportunities in the courthouse and to help spread the message of free enterprise in Louisiana.

Policy &

Advocacy in Action.

LEGAL

Advisory Council

The legal advisory council will bring together key judicial stakeholders to establish a program of work, guide judicial efforts and gather the intelligence needed to make informed decisions.

The Legal Advisory Council has been expertly designed to maximize the strengths of LABI member legal teams for effective engagement. Council membership will involve written request by a LABI member in good standing in addition to a required donation of time or money. If your law firm is represented on the council, there will be a required donation of pro-bono hours to help offset the cost of the amicus program. Additionally, if your company is represented on the council, there is a required monetary contribution to help support the amicus fund.



COURT

Watch Program

Just as LABI's policy experts are the eyes and ears for the business community inside the Louisiana Legislature, the judicial team will serve as the business community's eyes and ears in the courtroom. Based on the Judicial Program of Work, intel from the Legal Advisory Council, out of state partners and Judicial Program members, the staff will watch and report on courtroom activities across the state.

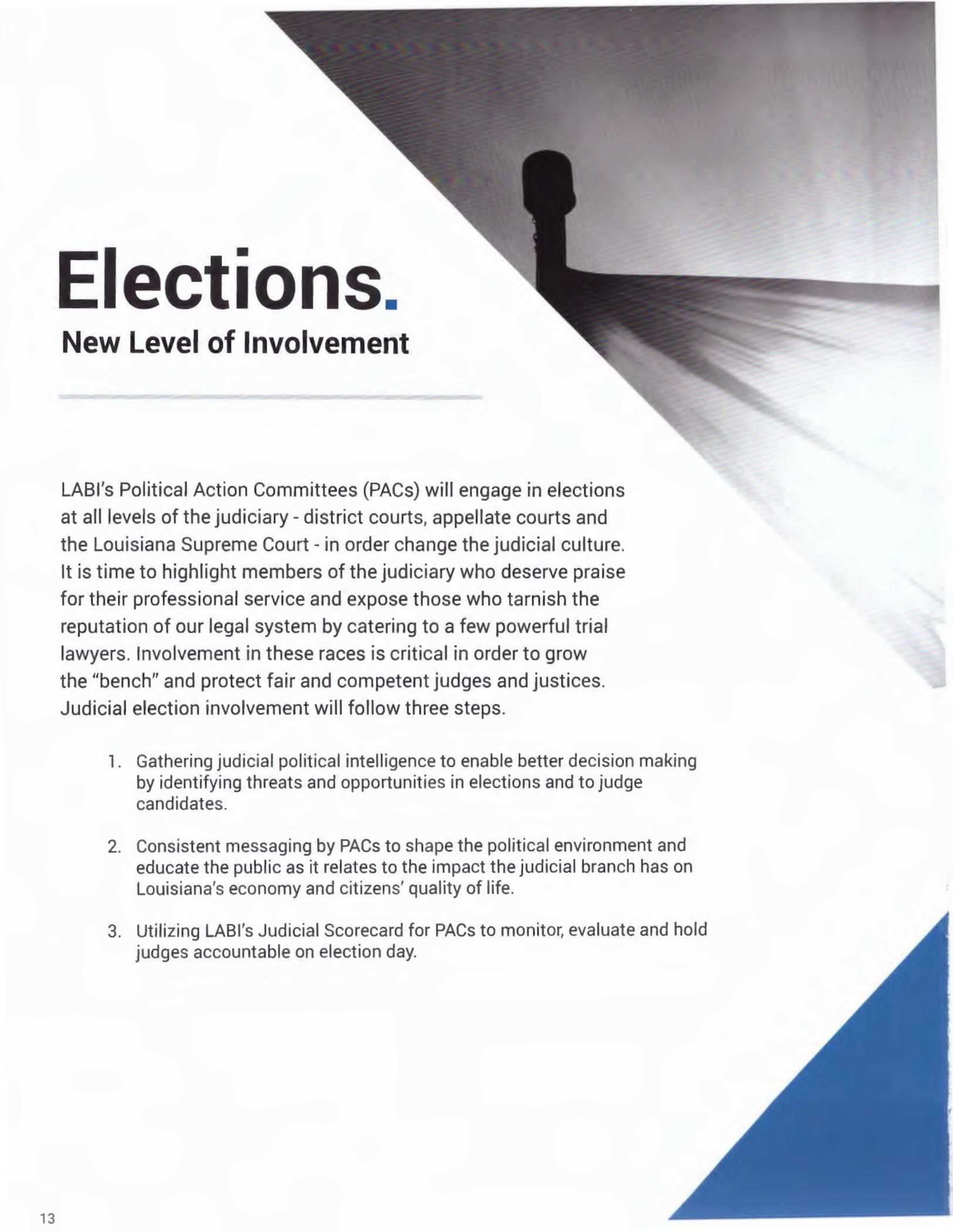
AMICUS Program

While LABI's current amicus program is highly effective and member-driven, this infusion of resources will transform the current reactive protocol into a robust proactive amicus program. This program will develop strategic paths to shape judicial precedent. LABI will participate in the district courts, appellate courts and the Louisiana Supreme Court by briefing judges on how the decisions will affect the business community as a whole.



LEGISLATIVE Efforts

Louisiana can no longer ignore the impact of judge-made laws on the state's economy. Under the Judicial Vision umbrella, LABI and its partners will continue to fight with expanded resources at the Capitol to pass necessary civil justice reform legislation to turn our civil justice system around.



Elections.

New Level of Involvement

LABI's Political Action Committees (PACs) will engage in elections at all levels of the judiciary - district courts, appellate courts and the Louisiana Supreme Court - in order to change the judicial culture. It is time to highlight members of the judiciary who deserve praise for their professional service and expose those who tarnish the reputation of our legal system by catering to a few powerful trial lawyers. Involvement in these races is critical in order to grow the "bench" and protect fair and competent judges and justices. Judicial election involvement will follow three steps.

1. Gathering judicial political intelligence to enable better decision making by identifying threats and opportunities in elections and to judge candidates.
2. Consistent messaging by PACs to shape the political environment and educate the public as it relates to the impact the judicial branch has on Louisiana's economy and citizens' quality of life.
3. Utilizing LABI's Judicial Scorecard for PACs to monitor, evaluate and hold judges accountable on election day.

Let's fix a problem that has crippled
the state's job creators for years.



UNION JUSTICE AND CONFIDENCE



JUDICIALVISION