

June 12, 2020

VIA HAND DELIVERY

Honorable Patrick Page Cortez
President
Louisiana State Senate
Post Office Box 94183
Baton Rouge, Louisiana 70804

RE: Veto of Senate Bill 395 of the 2020 Regular Session

Dear President Cortez:

Please be advised that I have vetoed Senate Bill 395 of the 2020 Regular Session.

Senate Bill 395 provides for restrictions on attorney advertising and authorizes the Attorney General to investigate advertising claims under the Unfair Trade Practices Act. This bill is very similar to Senate Bill 115 of the 2020 Regular Session by Senator Pat Connick, which I have signed into law. I have thus vetoed Senate Bill 395 for two reasons. First, since Senate Bill 115 is now signed, the enactment of Senate Bill 395 would lead to confusion and duplication, as many of the provisions in the bills are nearly identical. Secondly, there is a significant difference between the bills that raises concerns about the constitutionality of Senate Bill 395. While Senate Bill 115 vests enforcement of its provisions with the Louisiana Supreme Court, Senate Bill 395 gives that authority to the executive branch, namely the Attorney General. This likely violates Article 5, Section 5 of the Louisiana Constitution which vests authority over the practice of law with the Louisiana Supreme Court. The Louisiana Supreme Court, by constitutional requirement and by practice, is best positioned to implement any restrictions in a manner consistent with the protections in the United States and Louisiana constitutions.

Sincerely,

John Bel Edwards
Governor

cc: Honorable Clay Schexnayder
Louisiana Speaker of the House