

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

RANDY BOUDREAUX,

Plaintiff,

v.

LOUISIANA STATE BAR ASSOCIATION,  
et al.,

Defendants.

**CIVIL ACTION**

Case No. 19-cv-11962

SECTION “I” (1)

Judge Lance M. Africk

Mag. Judge van Meerveld

**PLAINTIFF RANDY BOUDREAUX’S MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff Randy Boudreaux respectfully moves this Court for a preliminary injunction prohibiting the Defendants—the Louisiana State Bar Association (“LSBA”) and the justices of the Louisiana Supreme Court, in their official capacities—from enforcing Louisiana’s requirement that he join the LSBA as a condition of practicing law.

Specifically, for the reasons set forth in the supporting memorandum filed concurrently with this motion, Boudreaux requests that the Court enjoin Defendants from (1) taking any action to investigate, threaten, or punish him for failing to maintain membership in the LSBA while this action is pending; and (2) taking any action to investigate, threaten, or punish him for failing to pay LSBA membership dues while this action is pending. So that this injunction will not cause him prejudice, Boudreaux further requests that the Court order that, in the unlikely event that the preliminary injunction is vacated and not replaced by a permanent injunction, or he does not prevail on his First Amendment challenge to mandatory LSBA membership, the LSBA

must allow him to restore his membership without penalty upon payment of any unpaid membership dues that he otherwise would have owed while the injunction was pending.

Dated: July 26, 2021

Respectfully submitted,

/s/ Dane S. Ciolino

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*Attorneys for Plaintiff*

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties.

/s/ Jacob Huebert

Jacob Huebert

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**NOTICE OF SUBMISSION**

PLEASE TAKE NOTICE that Plaintiff Randy Boudreaux, through his undersigned counsel, has filed a motion for preliminary injunction. Boudreaux will submit this motion on the August 11, 2021, submission date, or as soon thereafter as the Court's docket permits, before the Honorable Lance M. Africk, United States District Court for the Eastern District of Louisiana, 500 Poydras Street, New Orleans, Louisiana 70130.

Dated: July 26, 2021

Respectfully submitted,

/s/ Dane S. Ciolino

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**MEMORANDUM IN SUPPORT OF PLAINTIFF RANDY BOUDREAUX’S MOTION  
FOR PRELIMINARY INJUNCTION**

Plaintiff Randy Boudreaux respectfully moves this Court for a preliminary injunction prohibiting the Defendants—the Louisiana State Bar Association (“LSBA”) and the justices of the Louisiana Supreme Court, in their official capacities—from enforcing Louisiana’s requirement that he join the LSBA as a condition of practicing law.

Boudreaux is highly likely to prevail on his First Amendment challenge to mandatory LSBA membership in light of the Fifth Circuit’s recent decision in *McDonald v. Longley*, No. 20-50448, \_\_\_ F.4th \_\_\_, 2021 WL 2767443, \*8-16 (5th Cir. 2021), which invalidated Texas’s requirements that attorneys join and pay dues to the Texas Bar. *McDonald* also establishes that an injunction is necessary to prevent irreparable injury, and that the balance of harms and public interest favor an injunction.<sup>1</sup>

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<sup>1</sup> Before filing this motion, Boudreaux’s counsel sought Defendants’ consent to the preliminary injunction this motion seeks. Defendants refused to consent.

## FACTS

### A. Louisiana's mandatory bar membership and dues.

Louisiana law compels every attorney licensed in Louisiana to be a member of the LSBA in order to practice law in the state. La. R.S. §§ 37:211, 37:213; La. S. Ct. R. XIX, § 8(C). It also authorizes the LSBA to charge annual membership fees to its mandatory members. La. R. Prof. Cond. 1.1(c); *In re Mundy*, 11 So.2d 398 (La. 1942). Those dues are currently \$80 for lawyers admitted three years or less and \$200 for members admitted more than three years. LSBA By-Laws art. I, § 1.<sup>2</sup> Lawyers who fail to pay LSBA dues are subject to discipline imposed exclusively by the Louisiana Supreme Court, through the Defendant Chief Justice and Associate Justices. This discipline can include disbarment and revocation of the privilege to practice law. *See In re Fisher*, 24 So.3d 191 (La. 2009); *In re Smith*, 17 So.3d 927 (La. 2009).

### B. LSBA's role.

According to Article III, § 1, of its Articles of Incorporation,<sup>3</sup> the LSBA's purpose is "to regulate the practice of law, advance the science of jurisprudence, promote the administration of justice, uphold the honor of the Courts and of the profession of law, encourage cordial intercourse among its members, and, generally, to promote the welfare of the profession in the State." Plaintiff alleges, however, that the LSBA functions as an interest group or trade association, not as a regulatory body. Compl. (Doc. 1) ¶ 31.

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<sup>2</sup> <https://www.lsba.org/documents/Executive/BylawsRevisedJan2020.pdf>. This motion cites numerous documents on the LSBA's website. Pursuant to Federal Rule of Evidence 201, this Court may take judicial notice of these documents, whose "accuracy cannot reasonably be questioned," *United States v. Herrera-Ochoa*, 245 F.3d 495, 501 (5th Cir. 2001), and Plaintiffs hereby move that it do so. *Cf. Coleman v. Dretke*, 409 F.3d 665, 667 (5th Cir. 2005) (approving judicial notice of material on state agency website). Through counsel, Boudreaux asked Defendants to stipulate to these indisputable facts, but Defendants refused.

<sup>3</sup> <https://www.lsba.org/documents/Executive/ArticlesIncorporation.pdf>.

The LSBA does not handle disciplinary matters for the regulation of the profession. A separate body established by the Louisiana Supreme Court, the Louisiana Attorney Disciplinary Board (“LADB”), serves as the “statewide agency to administer the lawyer discipline and disability system,” according to its website.<sup>4</sup> All attorneys licensed in Louisiana must pay an annual “Assessment” to the LADB—separate from and in addition to their LSBA member dues—currently set at \$170 for attorneys admitted three years or less and \$235 for attorneys admitted more than three years. La. S. Ct. R. XIX, § 8(A). The LSBA also does not handle the admission or licensing of new attorneys, which is overseen by the Louisiana Supreme Court Committee on Bar Admissions. La. S. Ct. R. XVII § 1.

**C. LSBA’s political and ideological speech.**

The LSBA engages in political and ideological speech—including advocacy on substantive legislation and issues of policy that have nothing to do with regulating the legal profession or improving the quality of legal services.

The LSBA conducts legislative advocacy through a “Legislation Committee.” *See* LSBA By-Laws art. X, § 1(5). Article XI, § 2, of the LSBA’s Bylaws expresses the LSBA’s desire to influence public policy through legislative advocacy. Its criteria for “legislative positions” include “[l]ikelihood of success within the legislative process” and whether the LSBA’s issue lobbying will have “an impact on actions of decision-makers.” *Id.*

The LSBA’s Legislation Committee evaluates bills in part through “Policy Positions” adopted by the LSBA’s House of Delegates. *See* Louisiana State Bar Association, *LSBA HOD Policy Positions* (January 2021) (“Policy Positions”).<sup>5</sup> These policy positions have included—

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<sup>4</sup> <https://www.ladb.org/>.

<sup>5</sup> <https://www.lsba.org/documents/Legislation/LSBAHODPoliciesThroughJanuary2021.pdf>.

among others—a resolution “[u]rging the adoption of laws prohibiting discrimination in employment, housing, and accommodations for LGBT persons” and a resolution “strongly supporting a requirement for a full credit of civics in the high school curriculum in the State of Louisiana, while eliminating the free enterprise requirement and incorporating those concepts into the civics curriculum.” *Id.* at 5-6.

Since 2007, the LSBA has taken positions on over 407 bills considered by the Louisiana legislature. *See* Louisiana State Bar Association, *Legislative Advocacy* (linking to all of the LSBA’s positions from 2007 through 2021).<sup>6</sup> For example, the LSBA has:

- Opposed bills to (1) limit civil liability for persons using automated external defibrillators, (2) provide civil immunity for certain volunteers working in coordination with the state or its political subdivisions with respect to homeland security, and (3) limit civil liability of health care providers and personnel during a declared emergency—all based on a “[g]eneral [LSBA] policy against expansion of immunities”<sup>7</sup>;
- Opposed a bill regarding rehabilitation of injured employees;<sup>8</sup>
- Opposed a bill regarding oyster leases “because of the House of Delegates policy in opposition to immunities”;<sup>9</sup>
- Opposed a bill regarding midwifery licensing and a bill providing for administration of auto-injectable epinephrine by a school nurse, both based on the LSBA House of

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<sup>6</sup> <https://www.lsba.org/Legislation/>.

<sup>7</sup> 2009 LSBA Positions (May 13, 2009), <https://www.lsba.org/documents/Legislation/2009PositionsFINAL.doc>.

<sup>8</sup> LSBA Bill Status Report (June 2, 2010), <https://www.lsba.org/documents/Legislation/2010PositionBillsOPPOSE.pdf>.

<sup>9</sup> LSBA Bill Status Report (Aug. 18, 2011), <https://www.lsba.org/documents/Legislation/2011RLSBAOPPOSEBILLS.pdf>.



Delegates policy “opposing granting of civil immunities except under certain limited circumstances”;<sup>10</sup>

- Opposed a bill to limit the liability of landowners to grant a right of passage to cemeteries and a bill for the return of certain “RSD” schools to the transferring school board, because they contained immunity provisions;<sup>11</sup>
- Opposed bills that would respectively (1) provide for the carrying of concealed handgun on school property by certain teachers or administrators, (2) authorize electronic delivery of insurance coverage notices, and (3) address bullying—because, in each case, the “[p]ublic policy sought to be favored” by the legislation was “not sufficiently important” to overcome the LSBA’s House of Delegates policy against granting civil immunities;<sup>12</sup>
- Supported a bill to prohibit elementary and secondary schools that receive state funds from discriminating based on gender identity or sexual orientation;<sup>13</sup>
- Supported a bill that would “[p]rovide[] for out-of-state automobile insurance coverage” for the purpose of “protect[ing] Louisiana citizens and accident victims from out-of-state drivers utilizing Louisiana roads”;<sup>14</sup>
- Opposed the Omnibus Premium Reduction Act of 2020;<sup>15</sup>
- Opposed a bill to reduce the jury threshold amount;<sup>16</sup>

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<sup>10</sup> The Capitol Group, *LSBA Final Report* (June 5, 2012), <https://www.lsba.org/documents/Legislation/2012RegularSession.pdf>.

<sup>11</sup> Legiscon Louisiana, *LSBA Final Report for 2016 Regular Session*, <https://www.lsba.org/documents/Legislation/2016regsession.pdf>.

<sup>12</sup> Legiscon Louisiana, *2018 R LSB BOG Positions* (May 1, 2018), <https://www.lsba.org/documents/Legislation/2018RLSBABOGPositions04142018.pdf>.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Legiscon Louisiana, *LSBA Board of Governors POSITIONS 2020R Bill Status Report* (Apr. 27, 2020), <https://www.lsba.org/documents/Legislation/2020RLSBABOGPositions.pdf>.

<sup>16</sup> *Id.*

- Opposed a bill to change the “collateral source rule” to limit the amounts plaintiffs can recover;<sup>17</sup>
- Opposed a bill regarding the reduction of insurance rates based on its \$500,000 damages limitation;<sup>18</sup>
- Opposed a bill to “[e]stablish the licensed profession of art therapist”;<sup>19</sup>
- Opposed a bill to regulate peer-to-peer car sharing;<sup>20</sup>
- Opposed a bill regarding the regulation of funeral directors and embalmers;<sup>21</sup>
- Opposed a bill “relative to the practice of medicine” that would adopt the Interstate Medical Licensing Compact;<sup>22</sup>
- Opposed a bill to create a “retired volunteer dental hygienist license.”<sup>23</sup>

**D. Boudreaux’s injury and claims.**

As a Louisiana attorney, Plaintiff Randy Boudreaux has been compelled to join and pay dues to the LSBA since approximately 1996, and will be required to pay annual dues in the future if he chooses to continue practicing law in Louisiana. Exhibit A, Declaration of Randy Boudreaux ¶¶ 1-3. He opposes the State’s laws, rules, and regulations that compel him to associate with other lawyers and to associate with an organization against his will. *Id.* ¶ 4. He also opposes the LSBA’s use of any amount of his mandatory dues to fund any amount of political or ideological speech, regardless of its viewpoint, including but not limited to the

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<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

examples set forth above. But he has been without effective means to prevent it and without effective recourse. *Id.* ¶ 5.

Louisiana's requirements that all attorneys join and pay dues to the LSBA injure him because he does not wish to associate with the LSBA, its other members, or its political and ideological speech. *Id.* ¶ 6. He specifically does not wish to associate with the LSBA's political and ideological speech that is not germane to regulating the legal profession or improving the quality of legal services. *Id.* ¶ 7. But for the requirements that he join and pay dues to the LSBA, he would not do so. *Id.* ¶ 8.

#### **E. Procedural history.**

In this case, Boudreaux has raised three First Amendment claims against the Defendants. The first—which provides the basis for this motion—alleges that mandatory membership in the LSBA violates his First Amendment rights to free association and free speech, particularly his right to choose which groups, and what political speech, he will and will not associate with. Compl. ¶¶ 70-80. The second alleges that the LSBA's collection and use of mandatory bar dues to subsidize its speech, including its political and ideological speech, without his affirmative consent violates his First Amendment rights to free speech and association. *Id.* ¶¶ 81-95. The third alternatively alleges that, to the extent that mandatory bar dues are constitutional at all, the LSBA still violates attorneys' First and Fourteenth Amendment rights by failing to provide safeguards, as required by *Keller v. State Bar of California*, 496 U.S. 1 (1990), to ensure that members' dues are not used for political and ideological speech and other activities not germane to improving the quality of legal services and regulating the legal profession. Compl. ¶¶ 96-106.

After Boudreaux filed his complaint, Defendants moved to dismiss on various grounds under Federal Rules of Civil Procedure 12(b)(1) (Doc. 10) and 12(b)(6) (Doc. 12). The Court

dismissed his challenge to mandatory LSBA membership under Rule 12(b)(6) based on its conclusion that it is foreclosed by the Supreme Court's decisions in *Lathrop v. Donohue*, 367 U.S. 820 (1961), and *Keller*. Doc. 35, Order & Reasons at 53-56. The Court also dismissed Plaintiff's challenge to mandatory LSBA dues under Rule 12(b)(1), concluding that the Tax Injunction Act bars it. *Id.* at 11-19. And the Court dismissed Plaintiff's claim challenging the LSBA's lack of safeguards for First Amendment rights, also under Rule 12(b)(1), based on its conclusion that Boudreaux lacked standing to bring it. *Id.* at 30-35.

On appeal, the Fifth Circuit reversed the dismissal of Boudreaux's challenge to mandatory membership, concluding that *Lathrop* and *Keller* do not foreclose it. *Boudreaux v. La. State Bar Ass'n*, No. 20-30086, \_\_\_ F.4th \_\_\_, 2021 WL 2767318, \*4 (5th Cir. July 2, 2021). The court also reversed dismissal of Boudreaux's challenge to mandatory dues, concluding that the Tax Injunction Act does not apply, *id.* at \*5-6, and dismissal of his challenge to the LSBA's lack of safeguards for attorneys' First Amendment rights, concluding that he has standing to pursue it, *id.* at \*6-8. The Fifth Circuit issued its mandate remanding Boudreaux's claims to this Court on July 26, 2021.

### LEGAL STANDARD

To obtain a preliminary injunction, a plaintiff must establish that: (1) he is "likely to succeed on the merits"; (2) he is "likely to suffer irreparable harm in the absence of preliminary relief"; (3) "the balance of equities tips in [his] favor"; and (4) "an injunction is in the public interest." *McDonald*, 2021 WL 2767443 at \*16 (quoting *Winter v. Nat'l Res. Def. Council, Inc.*, 555 U.S. 7, 2 (2008)).

## ARGUMENT

The Fifth Circuit’s *McDonald* decision—which invalidated and enjoined enforcement of Texas’s requirement that attorneys join the Texas Bar as a condition of practicing law as a violation of attorneys’ First Amendment rights—shows that Plaintiff’s First Amendment challenge to mandatory LSBA membership is meritorious and that he is entitled to an injunction to prevent Defendants from enforcing the membership requirement against him.

**I. *McDonald* establishes that Boudreaux is highly likely to prevail in his challenge to mandatory LSBA membership.**

In light of the Fifth Circuit’s *McDonald* decision, Boudreaux is highly likely to succeed on the merits of his First Amendment challenge to mandatory LSBA membership.

**A. *McDonald* establishes that mandatory membership in a bar association that engages in non-germane activities is subject to—and fails—exacting scrutiny.**

In *McDonald*, the Fifth Circuit held that a state violates attorneys’ First Amendment rights when it forces them to join a bar association that engages in activities that are not germane to regulating the legal profession or improving the quality of legal services.

First, the court held that “compelling a lawyer to join a bar association engaged in non-germane activities burdens his or her right to freedom of association.” *McDonald*, 2021 WL 276443 at \*8. It further held that a law that compels attorneys to join a bar association is subject to “exacting” First Amendment scrutiny, which requires the government to show that the mandatory association serves a “compelling state interest that cannot be achieved through means significantly less restrictive of associational freedoms.” *Id.* at \*9 (quoting *Knox v. SEIU*, 567 U.S. 298, 310 (2012)). The court then concluded that “[c]ompelled membership in a bar association that engages in non-germane activities ... fails exacting scrutiny.” *Id.* Although states have an interest regulating the legal profession and ensuring the quality of legal services, “they

do not have a compelling interest in having all licensed attorneys engage as a group in other, non-germane activities.” *Id.*

The court also concluded that mandatory membership in such a bar association fails exacting scrutiny for the additional reason that the state could achieve its legitimate interests by means significantly less restrictive of First Amendment rights, as proven by the fact that many states already regulate the legal profession without forcing lawyers to join a bar association. *Id.*; *see also* Leslie C. Levin, *The End of Mandatory State Bars?*, 109 Geo. L. J. Online 1, 18-19 (2020) (observing that there is no evidence that compulsory bar associations are better than voluntary bars at improving the quality of legal services).

The Court concluded that mandatory membership in the Texas Bar in particular failed exacting scrutiny because the Texas Bar engages in non-germane activities, such as supporting legislative proposals that “relate to substantive Texas law and are wholly disconnected from the Texas court system or the law governing lawyers’ activities.” *Id.* at \*11. Examples of such non-germane advocacy included “lobbying to amend the Texas Constitution’s definition of marriage and create civil unions,” and lobbying for changes to Texas’s trust law, to the extent that those changes do not “affect lawyers’ duties when serving as trustees.” *Id.* The court found it irrelevant that the Texas Bar also engaged in germane activities; “[w]hat is important” for First Amendment purposes “is that *some* of the legislative program is non-germane.” *Id.* Because “some of the legislative program is non-germane, ... compelling the plaintiffs to join an association engaging it violate[d] their freedom of association.” *Id.*

**B. Boudreaux is likely to succeed in his challenge to mandatory LSBA membership because the LSBA engages in non-germane activities.**

Mandatory LSBA membership is unconstitutional for the same reasons that *McDonald* held mandatory Texas Bar membership to be unconstitutional, and Boudreaux therefore is likely to prevail in his First Amendment challenge to mandatory LSBA membership.

It is beyond dispute that the LSBA, like the Texas Bar, supports and opposes legislative proposals that “relate to substantive [state] law and are wholly disconnected from the [state] court system or the law governing lawyers’ activities.” *Id.* at \*11. For example, the LSBA’s opposition in 2020 to the establishment of the licensed profession of art therapist, and to the creation of a retired volunteer dental hygienist license, has no conceivable relationship to the regulation of the *legal* profession or improving the quality of *legal* services.<sup>24</sup> Neither does the LSBA’s support, in 2018, for a bill to prohibit schools that receive state funding from discriminating on the basis of gender identity or sexual orientation.<sup>25</sup> *Cf. id.* (“[T]he Bar’s lobbying to amend the Texas Constitution’s definition of marriage and create civil unions is obviously non-germane.”). Neither do the many other examples of LSBA House of Delegates policies and LSBA legislative advocacy that Boudreaux has identified above at pages 3 through 6.

In their “*Ex Parte* Motion for Status Conference” (Doc. 44), Defendants have suggested that Boudreaux is “unlikely to succeed on the merits” because the Fifth Circuit’s decision in this case noted that “[d]iscovery may bear out that the LSBA does not actually engage in non-germane activity.” *Boudreaux*, 2021 WL 2767318, at \*5. That was not a comment on Boudreaux’s likelihood of success, however, but simply an appropriate refusal to address the

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<sup>24</sup> *LSBA Board of Governors POSITIONS 2020R Bill Status Report*, *supra* note 15.

<sup>25</sup> *2018 R LSB BOG Positions*, *supra* note 12.

merits of his claim prematurely, given the standard of review that required the Court of Appeals to assume, *without deciding*, that the complaint’s allegations were true. *See id.* at \*5 & n.43. But, as shown above, the LSBA’s own publicly available records of its activities make clear, beyond question, that the LSBA has consistently engaged in non-germane activities. Because that evidence alone suffices for purposes of this motion, further discovery is unnecessary in determining this motion.

Defendants have also suggested that Boudreaux is unlikely to prevail because Defendants “intend to comply with” *McDonald*. Mot. for Status Conf. at 2. That argument fails for several reasons.

First, Defendants’ professed vague *intention* to obey the law in the future is irrelevant.

Second, Defendants’ actions to date do not suggest that the LSBA actually does have any intention of ceasing its non-germane activities. Defendants have maintained throughout this litigation that all of the LSBA’s activities are “germane,” and they have not renounced that view even though it is plainly contrary to *McDonald*. And in 2020—during the pendency of this lawsuit—the LSBA House of Delegates *rejected* a special committee’s recommendation that it immediately “sunset” its policy positions for the purpose of avoiding non-germane activities.<sup>26</sup>

Third, a defendant’s voluntary cessation of unconstitutional conduct does not moot a constitutional claim; otherwise, defendants could always temporarily cease unconstitutional conduct to defeat a lawsuit challenging it. *Knox*, 567 U.S. at 307.

“In sum, the [LSBA] is engaged in non-germane activities, so compelling [attorneys] to join it violates their First Amendment rights.” *McDonald*, 2021 WL 2767443. at \*14. Therefore,

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<sup>26</sup> Resolution Proposed by the LSBA 2019-2020 Special Committee to Review House of Delegates’ Policies of the Louisiana State Bar Association, <https://www.lsba.org/documents/HOD/Res9Jan20FAI.pdf> (“Failed January 18, 2020”).



Boudreaux is not only likely, but virtually certain, to prevail in his First Amendment challenge to mandatory LSBA membership.

**II. *McDonald* establishes that all other factors also favor an injunction.**

*McDonald* not only reversed a trial court's denial of partial summary judgment with respect to the plaintiffs' First Amendment challenge to mandatory Texas Bar membership; it also reversed the trial court's denial of a preliminary injunction. *Id.* at \*16. The Fifth Circuit's analysis with respect to the preliminary injunction shows that, in addition to Boudreaux's likelihood of success on the merits, all other factors favor a preliminary injunction against compelled LSBA membership.

First, without an injunction, Boudreaux will suffer irreparable harm because "[t]he loss of First Amendment freedoms, for even minimal period of time unquestionably constitutes irreparable injury." *Id.* (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion)).

Second, a preliminary injunction is in the public interest because "injunctions protecting First Amendment freedoms are always in the public interest." *Id.* (quoting *Texans for Free Enter. v. Tex. Ethics Comm'n*, 732 F.3d 535, 539 (5th Cir. 2013)).

Finally, "the balance of equities weighs heavily in [Boudreaux's] favor because the only harm to the Bar is the inability to extract mandatory dues from [him] in violation of the First Amendment, which is really 'no harm at all.'" *Id.* (quoting *Christian Legal Soc'y v. Walker*, 453 F.3d 853, 867 (7th Cir. 2006)).

**CONCLUSION**

Plaintiff Randy Boudreaux respectfully requests that this Court grant his motion for preliminary injunction and thus enjoin Defendants from:

(1) taking any action to investigate, threaten, or punish him for failing to maintain membership in the LSBA while this action is pending; and

(2) taking any action to investigate, threaten, or punish him for failing to pay LSBA membership dues while this action is pending.

So that this injunction will not cause him prejudice, Boudreaux further requests that the Court order that, in the unlikely event that the preliminary injunction is vacated and not replaced by a permanent injunction, or he does not prevail on his First Amendment challenge to mandatory LSBA membership, the LSBA be required allow him to restore his membership without penalty upon payment of any unpaid membership dues that he otherwise would have owed while the injunction was pending.

Dated: July 26, 2021

Respectfully submitted,

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# **Exhibit A**

IN THE UNITED STATES DISTRICT COURT  
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SECTION "I" (1)

Judge Lance M. Africk


Mag. Judge van Meerveld

DECLARATION OF PLAINTIFF RANDY BOUDREAUX

Pursuant to 28 U.S.C. § 1746, I declare that the following facts are true, to the best of my knowledge, information, and belief:

1. I am the plaintiff in the above-captioned lawsuit.
2. I am an attorney licensed to practice in Louisiana.
3. As a Louisiana attorney, I have been compelled to join and pay dues to the Louisiana State Bar Association ("LSBA") since approximately 1996.
4. I oppose the State of Louisiana's laws, rules, and regulations that compel me to associate with other lawyers and to associate with an organization (namely, the LSBA) against my will.
5. I oppose the LSBA's use of any amount of my mandatory dues to fund any amount of political or ideological speech, regardless of its viewpoint, including but not limited to the examples set forth in my complaint and motion for preliminary injunction in this case.
6. Louisiana's requirement that all attorneys join and pay dues to the LSBA injures me because I do not wish to associate with the LSBA, its other members, or any of its political and ideological speech.
7. I specifically object to association with the LSBA's political and ideological speech that is not germane to regulating the legal profession or improving the quality of legal services.
8. But for Louisiana's requirement that I join and pay dues to the LSBA as a condition of practicing law, I would not be an LSBA members and would not pay the LSBA any money.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on July 26, 2021.

  
Randy Boudreaux, declarant