

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

RANDY BOUDREAUX

CIVIL ACTION

VERSUS

No. 19-11962

LOUISIANA STATE BAR
ASSOCIATION ET AL.

SECTION I

JUDGMENT

This matter is now before the Court on remand from the U.S. Court of Appeal for the Fifth Circuit, following that court's decision in *Boudreaux v. Louisiana State Bar Association*, 86 F.4th 620 (5th Cir. 2023). In accordance with the Fifth Circuit's opinion, Judgment is hereby **RENDERED** in part in favor of plaintiff Randy Boudreaux ("plaintiff") and in part in favor of defendants as provided herein:

1. The Court hereby **DECLARES** that defendants violated plaintiff's First Amendment rights by compelling him to be a member of the Louisiana State Bar Association while the Bar was engaged in non-germane activities under *Keller v. State Bar of California*, 496 U.S. 1 (1990), as specified in *Boudreaux v. Louisiana State Bar Association*, 86 F.4th 620 (5th Cir. 2023).

2. The Court further **DECLARES** that the publication by the Louisiana State Bar Association of purely informational articles on public policy, social, wellness, and technology issues that are not reasonably related to the regulation of the legal profession and the provision of legal services are non-germane activities under *Keller*.

3. The Court further **DECLARES** that the promotion of community-engagement opportunities that do not involve the Louisiana State Bar Association's

character as a legal organization or reasonably relate to legal practice are non-germane activities under *Keller*.

4. The Louisiana State Bar Association is permanently **ENJOINED** from speaking on topics or engaging in activities that are not reasonably related to the regulation of the legal profession or to the provision of legal services. Any remedy that might be available to enforce this injunction shall be sought only after a conference has been held with the Louisiana State Bar Association to attempt in good faith to resolve any alleged violations of this paragraph. Defendants reserve all defenses to any effort to enforce this paragraph, including defenses based on sovereign immunity. The Court shall retain continuing jurisdiction over any effort to enforce this paragraph.

5. Plaintiff has requested restitution for the dues he paid in 2020, 2021, 2022, and 2023 while this action was pending. In response, defendants have invoked sovereign immunity. *See, e.g., Liedtke v. State Bar of Texas*, 18 F.3d 315, 318 n.12 (5th Cir. 1994). Plaintiff's request for restitution of his dues is therefore **DENIED**.

6. Except as specified above, and in accordance with *Boudreaux v. Louisiana State Bar Association*, 86 F.4th 620 (5th Cir. 2023), judgment is **RENDERED** for defendants on all other claims and requests for relief in plaintiff's complaint.

7. The prevailing plaintiff shall file any motion seeking attorneys' fees and costs within 30 days of the signing of this judgment.

New Orleans, Louisiana, January 31, 2024.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE