

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

**RANDY J. BOUDREAUX,**

**Plaintiff,**

**v.**

**LOUISIANA STATE BAR ASSOCIATION, et al.**

**Defendants,**

**CIVIL ACTION**

**Case No. 2:19-cv-11962**

**SECTION “I” (1)**

**Judge Lance M. Africk**

**Magistrate Judge Janis van  
Meerveld**

**DEFENDANTS’ ADDITIONAL RECORD CITATIONS RELATIVE TO PLAINTIFF’S  
REVISED PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Defendants, through undersigned counsel, respectfully submit these additional record citations relative to Plaintiff’s Revised Proposed Findings of Fact and Conclusions of Law.

- Plaintiff’s Revised Proposed Finding of Fact (“FOF”) 11: “The LSBA has not refunded Mr. Boudreaux any of his bar dues because the LSBA engaged in non-germane conduct.” (citing PTO § 7(t); Plaintiff’s Exs. 1, 2, 3, 22, 23). *But see* PTO § 7(t) (stipulating only that “Mr. Boudreaux has not sought a refund of any portion of his LSBA dues payment or filed any refund claim using the LSBA’s *Hudson* procedures”).
- FOF 13: “The LSBA claims that any member objecting to its conduct must do so through its formal objection process and within 45 days *of the conduct occurring*.” (citing Tr. 173:22-174:19; Defendants’ Exh. 5) (emphasis added). *But see* Exh. 60, Bylaws, Art. XII, § 1.A.a (“Any objection must be filed within forty-five (45) days of the *date of the Bar’s publication of notice of the activity* to which the member is objecting.”) (emphasis added);

Testimony of Loretta Larsen (“Larsen”) at 173:22-174:19 (confirming that the By-Laws set forth the objection procedures and summarizing them only in “general terms”).<sup>1</sup>

- FOF 14: “The LSBA’s objection process that the LSBA imposes through its Bylaws obligates members to continually consume all the LSBA’s conduct and communications so that members can monitor LSBA conduct and lodge objections within 45 days.” (citing Tr. 16:17-17:5; Defendant’s Exh. 5). *But see* Exh. 60, Bylaws, Art. XII, § 1.A.a (“Any objection must be filed within forty-five (45) days of the *date of the Bar’s publication of notice of the activity* to which the member is objecting.”) (emphasis added).
- FOF 16: “Mr. Boudreaux intends to pay his LSBA dues that will be due in 2023.” (citing Tr. 11:3-5). *But see* Testimony of Plaintiff Randy Boudreaux (“Boudreaux”) at 11:3-5 (“Q. And will you be paying your 2022, ’23 dues here in the next few weeks? A. I will this week. It’s on my calendar.”); Larsen at 172:23-173:4 (explaining that dues for 2022/2023 were due by July 1, 2022).
- FOF 28: “Louisiana Supreme Court Rule XXX governs mandatory continuing legal education.” (citing Compl. ¶ 35; Ans. ¶ 35; Tr. 12:5-10; 13:17-25; PTO § 7(g)). *But see* La. S. Ct. R. XXX(a) (“The Mandatory Continuing Legal Education (‘MCLE’) activities set forth in these rules shall be administered by the Louisiana State Bar Association . . . .”); *see also* Citations in Defendants’ Amended Proposed Findings of Fact and Conclusions of Law (hereinafter, “Defendants’ Proposed FOF/COL”) (Doc. 99) at 10 (listing contrary citations).

---

<sup>1</sup> Insofar as the witness did not provide a perfect recitation of the full text of the By-Laws from memory, the text of the By-Laws governs. This distinction is significant because the incorrect statement that LSBA members have 45 days from the conduct occurring to file an objection is implicit in many of the Plaintiff’s other allegations, which obscure the By-Laws’ statement relative to notice.

- FOF 35: “Bar functions unrelated to licensing, disciplining, and administration of a CLE requirement could be carried out by a private bar association, like in California and New York.” (citing Tr. 23:5-15). *But see, e.g.*, Testimony of Sandra Vujnovich (“Vujnovich”) at 194:22-195:10, 201:24-206:15 (discussing the LSBA’s role in the regulation of the practice of law pursuant to Louisiana Supreme Court Rule XIX); *id.* at 208:7-14 (“If the Bar did not do what it does to help the court, the court could not get those [regulatory] functions done right now under the present system. And I know the—the court relies on the Bar and, in fact, considers it a partner in the area of lawyer regulation”); Testimony of Darrel Papillion (“Papillion”) at 211:18-25; Defendants’ Proposed FOF/COL at 9-11; 13; and 15 (listing contrary citations).
- FOF 51: “For example, Mr. Boudreaux’s verified responses to Defendants’ Interrogatories describes a bill introduced in the Louisiana legislature in 2020 concerning dental hygienists’ licenses that was not germane to the regulation of lawyers *qua* lawyers.” (citing Plaintiff’s Exh. 5 at 6, Plaintiff’s Exh. 26; Tr. 37:20-39:1). *But see* Exh. 44, Summary Exhibit (legislative), at 7 (confirming that the LSBA’s position on this bill was directed to a specific immunities provision, rather than a “politically motivated” position on the substance of dental hygienist licensing legislation); Testimony of Robert Kutcher (“Kutcher”) at 157:10-15 (“Q. So when the Bar took a position on the immunities provision, was it [taking a] position on the substantive legislation? A. No. No. And many times, it was look, we have a problem with immunities, you pull the immunities, we have no problem.”); Kutcher at 156:17-158:3 (confirming that, generally speaking, the LSBA is no longer authorized to take such positions); Exh. 55, Resolution Proposing to Rescind

Legislative Policy Positions; Boudreaux at 48:15-16 (conceding that the policies “are no longer in effect”); Defendants’ Proposed FOF/COL at 33-34 (listing contrary citations).

- FOF 52: “For example, Mr. Boudreaux’s verified responses to Defendants’ Interrogatories describes a bill introduced in the Louisiana legislature in 2020 regarding the licensing of the profession of art therapists that was not germane to the regulation of lawyers *qua* lawyers.” (citing Plaintiff’s Exh. 5 at 6; Plaintiff’s Exh. 26; Tr. 39:2-11). *But see* Exh. 44, Summary Exhibit (legislative), at 5 (confirming that the LSBA’s position on this bill was directed to a specific immunities provision, rather than a “politically motivated” position on the substance of art therapist licensing legislation); Kutcher at 157:10-15; *id.* at 156:17-158:3; Exh. 55, Resolution Proposing to Rescind Legislative Policy Positions; Boudreaux at 48:15-16; Defendants’ Proposed FOF/COL at 33-34 (listing contrary citations).
- FOF 53: “For example, Mr. Boudreaux’s verified responses to Defendants’ Interrogatories describes a bill introduced in the Louisiana legislature in 2020 regarding the regulation of peer-to-peer car sharing that was not germane to the regulation of lawyers *qua* lawyers.” (citing Plaintiff’s Exh. 5 at 6; Plaintiff’s Exh. 26; Tr. 39:12-41:10). *But see* Exh. 44, Summary Exhibit (legislative), at 6 (confirming that the LSBA’s position on this bill was directed to a specific immunities provision, rather than a “politically motivated” position on the substance of peer-to-peer car sharing laws); Kutcher at 157:10-15; *id.* at 156:17-158:3; Exh. 55, Resolution Proposing to Rescind Legislative Policy Positions; Boudreaux at 48:15-16; Defendants’ Proposed FOF/COL at 33-34 (listing contrary citations).
- FOF 54: “For example, Mr. Boudreaux’s verified responses to Defendants’ Interrogatories describes a bill introduced in the Louisiana legislature in 2018 regarding ‘bullying’ that was not germane to the regulation of lawyers *qua* lawyers.” (citing Plaintiff’s Exh. 5 at 6;

Plaintiff's Exh. 26; Tr. 41:11-43:4). *But see* Exh. 44, Summary Exhibit (legislative), at 4 (confirming that the LSBA's position on this bill was directed to a specific immunities provision, rather than a "politically motivated" position on the substance of anti-bullying legislation); Kutcher at 157:10-15; *id.* at 156:17-158:3; Exh. 55, Resolution Proposing to Rescind Legislative Policy Positions; Boudreaux at 48:15-16; Defendants' Proposed FOF/COL at 33-34 (listing contrary citations).

- FOF 55: "For example, Mr. Boudreaux's verified responses to Defendants' Interrogatories describes a bill introduced in the Louisiana legislature in 2018, HB 271, regarding the carrying of concealed handguns on school property by certain teachers or administrators that was not germane to the regulation of lawyers *qua* lawyers." (citing Plaintiff's Exh. 5 at 4; Plaintiff's Exh. 26; Tr. 30:23-32:6). *But see* Exh. 44, Summary Exhibit (legislative), at 3 (confirming that the LSBA's position on this bill was directed to a specific immunities provision, rather than a "politically motivated" position on the substance of concealed carry legislation); Kutcher at 157:10-15; *id.* at 156:17-158:3; Exh. 55, Resolution Proposing to Rescind Legislative Policy Positions; Boudreaux at 48:15-16; Defendants' Proposed FOF/COL at 33-34 (listing contrary citations).
- FOF 56: "For example, Mr. Boudreaux's verified responses to Defendants' Interrogatories describes a bill introduced in the Louisiana legislature in 2011 regarding oyster leases that was not germane to the regulation of lawyers *qua* lawyers." (citing Plaintiff's Exh. 5 at 4; Plaintiff's Exh. 26; Tr. 43:5-44:3). *But see* Exh. 44, Summary Exhibit (legislative), at 1 (confirming that the LSBA's position on this bill was directed to a specific immunities provision, rather than a "politically motivated" position on the substance of oyster lease legislation); Kutcher at 157:10-15; *id.* at 156:17-158:3; Exh. 55, Resolution Proposing to

Rescind Legislative Policy Positions; Boudreaux at 48:15-16; Defendants’ Proposed FOF/COL at 33-34 (listing contrary citations).

- FOF 59: “The LSBA has used member dues to engage in legislative advocacy on subjects not related to the regulation of lawyers *qua* lawyers, although the LSBA does not disclose the amount of dues expended on advocacy related to any particular legislation.” (citing Plaintiff’s Exh. 5 at 3-6; Plaintiff’s Exh. 26; Tr. 27:10-30:6; Defendants’ Exh. 58). *But see* Larsen at 187:21-190:3 (explaining that the LSBA no longer budgets any money for lobbying); Exh. 73, May 2022 Financial Disclosure.
- FOF 64: “For example, Mr. Boudreaux’s verified responses to Defendants’ Interrogatories describes a politically motivated policy position of the LSBA regarding the right to counsel in death penalty cases that was not germane to the regulation of lawyers *qua* lawyers.” (citing Plaintiff’s Exh. 5 at 6; Tr. 44:20-45-18). *But see* Kutcher at 161:13-17 (confirming that the prior legislative policies provided categories of topics on which the Legislation Committee may or may not act); Testimony of H. Minor Pipes, III (“Pipes”) at 126:19-22 (confirming that all House of Delegates legislative policies have been rescinded); *id.* at 110:2-9 (confirming that the House of Delegates can no longer promulgate legislative policies); Exh. 55, Resolution Proposing to Rescind Legislative Policy Positions; Boudreaux at 48:15-16 (conceding that the policies “are no longer in effect”); *id.* at 83:17-85:11 (discussing LSBA’s position that anyone “facing the death penalty should have access to counsel” and conceding that “if the activity of the LSBA meets the germaneness test as articulated by the Fifth Circuit in *McDonald*, it doesn’t really matter if all the lawyers would agree or disagree with that position”).

- FOF 65: “For example, Mr. Boudreaux’s verified responses to Defendants’ Interrogatories describes a politically motivated policy position of the LSBA regarding the educational requirement related to free enterprise and civics that was not germane to the regulation of lawyers *qua* lawyers.” (citing Plaintiff’s Exh. 5 at 6; Tr. 45:19-46:13). *But see* Kutcher at 161:13-17 (confirming that the prior legislative policies provided categories of topics on which the Legislation Committee may or may not act); Pipes at 126:19-22 (confirming that all House of Delegates legislative policies have been rescinded); *id.* at 110:2-9 (confirming that the House of Delegates can no longer promulgate legislative policies); Exh. 55, Resolution Proposing to Rescind Legislative Policy Positions; Boudreaux at 48:15-16 (conceding that the policies “are no longer in effect”).
- FOF 66: “For example, Mr. Boudreaux’s verified responses to Defendants’ Interrogatories describes a politically motivated policy position of the LSBA regarding the adoption of laws prohibiting the discrimination of employment, housing, and accommodations for LGBT persons that was not germane to the regulation of lawyers as lawyers, even though Mr. Boudreaux personally advocated that the Louisiana legislature adopt a similar measure.” (citing Plaintiff’s Exh. 5 at 7; Tr. 46:15-47:21). *But see* Kutcher at 161:13-17 (confirming that the prior legislative policies provided categories of topics on which the Legislation Committee may or may not act); Pipes at 126:19-22 (confirming that all House of Delegates legislative policies have been rescinded); *id.* at 110:2-9 (confirming that the House of Delegates can no longer promulgate legislative policies); Exh. 55, Resolution Proposing to Rescind Legislative Policy Positions; Boudreaux at 48:15-16 (conceding that the policies “are no longer in effect”); Kutcher at 160:2-162:4 (explaining that, while the anti-discrimination policy occurred during a nationwide discussion about the relationship

between anti-discrimination measures and the Rules of Professional Conduct, future hypothetical positions on discrimination, if any, will be limited to diversity in the profession).

- FOF 67: “For example, earlier in 2022, the LSBA adopted a policy provision related to the taxation of legal services that is not strictly related to the regulation of lawyers *qua* lawyers.” (citing Plaintiff’s Exh. 11; Tr. 48:8-50:17). *But see* Exh. 56 at 1 (“The [LSBA] opposes any effort to tax legal services in Louisiana as placing a burden on client access to legal services and potentially invasive of the attorney-client privilege.”); Boudreaux at 77:10-21 (discussing the “policy position opposing any effort to tax legal services” and conceding that “it’s germane to the practice of law improving the practice of law to maintain free access to legal services and protect the attorney-client privilege”); Kutcher at 158:24-159:8 (explaining that, even if hypothetical legislation falls within a current policy position, the Board of Governors will not necessarily take any position on that legislation); Doc. 87-1, p. 2 (Appendix A, List of Criticized Conduct) (confirming that 2022 policy provisions are not within the stipulated list of criticized conduct).
- FOF 68: “For example, earlier in 2022, the LSBA adopted a policy provision related to the unauthorized practice of law by unlicensed persons that is not strictly related to the regulation of lawyers *qua* lawyers because it unnecessarily restricts the supply of legal services providers.” (citing Plaintiff’s Exh. 11; Tr. 50:18-51:25). *But see* Exh. 56 at 2 (“The [LSBA] opposes the unauthorized practice of law by unlicensed persons.”); Boudreaux at 79:1-5 (“conceding “that it’s germane to the regulation of the profession to have a rule that unlicensed people can’t practice law, whatever the definition is”); Kutcher at 158:24-159:8 (explaining that, even if hypothetical legislation falls within a current policy position, the



Board of Governors will not necessarily take any position on that legislation); Doc. 87-1, p. 2 (Appendix A, List of Criticized Conduct) (confirming that 2022 policy provisions are not within the stipulated list of criticized conduct).

- FOF 73: “For example, Mr. Boudreaux testified at trial about the LSBA publishing information on this Twitter feed related to a ‘Secret Santa’ charitable program that is not strictly related to the regulation of lawyers *qua* lawyers.” (citing Tr. 59:5-22; 130:13-135:8; Plaintiff’s Exh. 53). *But see* Boudreaux at 87:15-19 (conceding that “engaging in charitable activities can be a way to improve professionalism among lawyers”); *see also* Louisiana Rules of Professional Conduct, Rule 6.1; *see also* Louisiana District Court Rules, Rule 6.2(k) (“Attorneys . . . should abide by the Louisiana Code of Professionalism.”); Louisiana Code of Professionalism (“I will work to protect and improve the image of the legal profession in the eyes of the public”); Boudreaux at 60:10-11 (conceding, “You can enhance the image of lawyers and make it germane to the practice of law.”); Pipes at 135:13-16 (confirming that the Code of Professionalism has also been adopted by the U.S. District Court for the Eastern District of Louisiana); *see also* Larsen at 183:15-24 (Secret Santa is a joint project with the Louisiana Bar Foundation.); Exh. 26, Sample Bar Brief, at 2 (The Louisiana Bar Foundation is part of the civil legal aid network.).
- FOF 76: “For example, Mr. Boudreaux testified at trial about an example where the LSBA published information on its Twitter feed related to ‘Be Kind to Lawyers Day’ that is not strictly related to the regulation of lawyers *qua* lawyers.” (citing Tr. 61:19-62:11; Plaintiff’s Exh. 55). *But see* Doc. 93 at 4 (Standing Objection) (Plaintiff’s Exh. 55 is not

within the list of criticized conduct that the parties stipulated<sup>2</sup> is at issue in the lawsuit.); Plaintiff's Exh. 55 (explaining that the purpose of the day is "to show appreciation for the tireless efforts of those in the legal profession," promoting the "dedication and consideration you put into your work"); Louisiana Rules of Professional Conduct, Rule 6.1; *see also* Louisiana Rules of Professional Conduct, Rule 1.16 ("[A] lawyer shall not represent a client . . . if . . . the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client"); Louisiana District Court Rules, Rule 6.2(k) ("Attorneys . . . should abide by the Louisiana Code of Professionalism."); Louisiana Code of Professionalism ("I will work to protect and improve the image of the legal profession in the eyes of the public"); Boudreaux at 60:10-11 (conceding, "You can enhance the image of lawyers and make it germane to the practice of law."); Pipes at 135:13-16 (confirming that the Code of Professionalism has also been adopted by the U.S. District Court for the Eastern District of Louisiana).

- FOF 77: "For example, Mr. Boudreaux testified at trial about a recent example where the LSBA published information on its Twitter feed related to the need for 'fresh air and sunlight' that is not strictly related to the regulation of lawyers *qua* lawyers." (citing Tr. 62:13-63:13; Plaintiff's Exh. 56). *But see* Doc. 93 at 4 (Standing Objection) (Plaintiff's Exh. 56 is not within the list of criticized conduct that the parties stipulated is at issue in the lawsuit.); Plaintiff's Exh. 56 (explaining that "[i]t's important to intentionally protect your emotional well-being during challenging times" and linking to JLAP's website);

---

<sup>2</sup> The parties stipulated in the Pretrial Order: "The only activities of the LSBA Mr. Boudreaux criticizes are the ones of which he has become aware that are identified in the Complaint, Motion for Preliminary Injunction, Mr. Boudreaux's discovery responses, and in his deposition testimony." Doc. 83, ¶ 7.dd; *see also* Doc. 87-1, p. 2 (Appendix A, List of Criticized Conduct).

Louisiana Rules of Professional Conduct, Rule 1.16 (“[A] lawyer shall not represent a client . . . if . . . the lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client . . . .”); Rule 1.1; Louisiana District Court Rules, Rule 6.2(k) (“Attorneys . . . should abide by the Louisiana Code of Professionalism.”); Boudreaux at 60:3-11 (conceding that a “tweet reminding lawyers” of the importance of their work to their clients would be germane); *id.* at 89:9-17 (conceding that physical and mental health are addressed in the Rules of Professional Conduct).

- FOF 78: “For example, Mr. Boudreaux testified at trial about a recent example where the LSBA published information on its Twitter feed related to a ‘love your lawyer day’ that is not strictly related to the regulation of lawyers *qua* lawyers.” (citing Tr. 63:16-22; Plaintiff’s Exh. 58). *But see* Doc. 93 at 4 (Standing Objection) (Plaintiff’s Exh. 58 is not within the list of criticized conduct that the parties stipulated is at issue in the lawsuit.); Plaintiff’s Exh. 58 (“‘Love Your Lawyer Day . . . serves as a reminder of the massive impact lawyers make in their communities and in the lives of the people they help every day.”); Boudreaux at 60:3-11 (conceding that a “tweet reminding lawyers” of the importance of their work to their clients would be germane); Louisiana Rules of Professional Conduct, Rule 1.16 (“[A] lawyer shall not represent a client . . . if . . . the lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client . . . .”); Louisiana Rules of Professional Conduct, Rule 6.1; *see also* Louisiana District Court Rules, Rule 6.2(k) (“Attorneys . . . should abide by the Louisiana Code of Professionalism.”); Louisiana Code of Professionalism (“I will work to protect and improve the image of the legal profession in the eyes of the public”); Boudreaux at 60:10-11 (conceding, “You can enhance the image of lawyers and make it germane to the practice

of law.”); Pipes at 135:13-16 (confirming that the Code of Professionalism has also been adopted by the U.S. District Court for the Eastern District of Louisiana).

- FOF 79: “For example, Mr. Boudreaux testified at trial about a recent example where the LSBA published information on its Twitter feed related to discounts with vendors that are not strictly related to the regulation of lawyers *qua* lawyers.” (citing Tr. 63:24-64:19; Plaintiff’s Exh. 59). *But see* Doc. 93 at 4 (Standing Objection) (Plaintiff’s Exh. 59 is not within the list of criticized conduct that the parties stipulated is at issue in the lawsuit.); Plaintiff’s Exh. 59 (explaining that members can purchase office supplies at a discount); Pipes at 120:24-121:2 (noting the challenging economic circumstances faced by many recent law school graduates); *see also* Louisiana Code of Professionalism (“I will use technology . . . responsibly.”); Louisiana Rules of Professional Conduct, Rule 1.1 (competence).
- FOF 80: “For example, Mr. Boudreaux’s verified responses to Defendants’ Interrogatories describe examples of the LSBA publishing information on its Twitter feed related to a charity that provides costumes to children that is not strictly related to the regulation of lawyers *qua* lawyers.” (citing Plaintiff’s Exh. 5 at 7; Tr. 64:20-66:6; Plaintiff’s Exh. 60 at PLF0143). *But see* Plaintiff’s Exh. 60 at PLF0143 (advising attorneys to consider whether they are aware of needy families who may be assisted by this project, in partnership with the Louisiana Bar Foundation); Boudreaux at 87:15-19 (conceding that “engaging in charitable activities can be a way to improve professionalism among lawyers”); *see also* Louisiana Rules of Professional Conduct, Rule 6.1; *see also* Louisiana District Court Rules, Rule 6.2(k) (“Attorneys . . . should abide by the Louisiana Code of Professionalism.”); Louisiana Code of Professionalism (“I will work to protect and improve the image of the

legal profession in the eyes of the public”); Boudreaux at 60:10-11 (conceding, “You can enhance the image of lawyers and make it germane to the practice of law.”); Pipes at 135:13-16 (confirming that the Code of Professionalism has also been adopted by the U.S. District Court for the Eastern District of Louisiana).

- FOF 81: “For example, Mr. Boudreaux’s verified responses to Defendants’ Interrogatories describe examples of the LSBA publishing information on its Twitter feed related to checking batteries in smoke detectors that is not strictly related to the regulation of lawyers *qua* lawyers.” (citing Plaintiff’s Exh. 5 at 7; Tr. 66:7-20; Plaintiff’s Exh. 60 at PLF0151). *But see* Plaintiff’s Exh. 60 at PLF0151 (using tweet to publicize “Wellness Wednesday” initiative and promote carbon-monoxide and smoke detector safety measures in the aftermath of Hurricane Ida); Testimony of Kelly Ponder (“Ponder”) at 139:23-140:4 (noting that increasing social media is important so that members reliant on social media will have access to the LSBA’s disaster notices, including as to court closures); Louisiana Rules of Professional Conduct, Rule 1.16 (“[A] lawyer shall not represent a client . . . if . . . the lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client”); Rule 1.1; Louisiana District Court Rules, Rule 6.2(k) (“Attorneys . . . should abide by the Louisiana Code of Professionalism.”); Boudreaux at 89:9-17 (conceding that physical and mental health are addressed in the Rules of Professional Conduct).
- FOF 82: “For example, Mr. Boudreaux’s verified responses to Defendants’ Interrogatories describe examples of the LSBA publishing information on its Twitter feed related to the Roman Catholic ‘Red Mass’ in honor of St. Thomas Moore, in particular the ‘69th Annual Red Mass’ hosted by the St. Thomas Moore Catholic Lawyers Association, that is not

strictly related to the regulation of lawyers *qua* lawyers.” (citing Plaintiff’s Exh. 5 at 7; Tr. 66:21-67:16; 68:7-22; Plaintiff’s Exh. 60 at PLF0152; Plaintiff’s Exh. 68). *But see* Pipes at 118:13-25 (stating that the St. Thomas Moore Legal Society organizes the Red Mass); Kutcher at 164:1-4 (stating that attorneys are not obligated to attend the Red Mass or the Supreme Court’s memorial exercises); Defendants’ FOF/COL at 21-22 (providing contrary authority).

- FOF 83: “For example, Mr. Boudreaux testified at trial about a recent example where the LSBA published information on its Twitter feed related to ‘wellness,’ including ‘Well-Being Week in Law’ that is not strictly related to the regulation of lawyers *qua* lawyers.” (citing Tr. 67:17-68:6; Plaintiff’s Exh. 65). *But see* Doc. 93 at 4 (Standing Objection) (Plaintiff’s Exh. 65 is not within the list of criticized conduct that the parties stipulated is at issue in the lawsuit.); Plaintiff’s Exh. 65 (“The aim of this important week is to raise awareness about mental health and encourage [exhibit copy cut off] and innovation across the profession to improve well-being. . . . Here are several great resources on: - Breathing exercises to recover from stress . . . . How to minimize addictive substances and seek help from JLAP when needed . . . .”); Louisiana Rules of Professional Conduct, Rule 1.16 (“[A] lawyer shall not represent a client . . . if . . . the lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client”); Rule 1.1; Louisiana District Court Rules, Rule 6.2(k) (“Attorneys . . . should abide by the Louisiana Code of Professionalism.”); Boudreaux at 89:9-17 (conceding that physical and mental health are addressed in the Rules of Professional Conduct).
- FOF 84: “For example, Mr. Boudreaux testified at trial about a recent example where the LSBA published information on its Twitter feed related to office equipment and technology

that is not strictly related to the regulation of lawyers *qua* lawyers.” (citing Tr. 68:23-69:6; Plaintiff’s Exh. 72). *But see* Doc. 93 at 5 (Standing Objection) (Plaintiff’s Exh. 72 is not within the list of criticized conduct that the parties stipulated is at issue in the lawsuit.); Pipes at 121:19-122:6 (discussing the importance of iPhone security where “people practice law on their cell phones all day long”); *see also* Louisiana Code of Professionalism (“I will use technology, including social media, responsibly.”); Louisiana Rules of Professional Conduct, Rule 1.1 (competence), Rule 1.6 (confidentiality).

Respectfully Submitted,

/s/ Eva J. Dossier

Richard C. Stanley, 8487

Eva J. Dossier, 35753

Kathryn W. Munson, 35933

**STANLEY, REUTER, ROSS,  
THORNTON & ALFORD, L.L.C.**

909 Poydras Street, Suite 2500

New Orleans, Louisiana 70112

Telephone: (504) 523-1580

[rcs@stanleyreuter.com](mailto:rcs@stanleyreuter.com)

[ejd@stanleyreuter.com](mailto:ejd@stanleyreuter.com)

[kwm@stanleyreuter.com](mailto:kwm@stanleyreuter.com)

*Counsel for Defendants*