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EVA J. DOSSIER

OUR FILE NO.  
61-524

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June 2, 2020

Honorable Lyle W. Cayce  
Clerk of Court  
U.S. Court of Appeals for the Fifth Circuit  
600 South Maestri Place  
New Orleans, LA 70130

**Re: *Randy Boudreaux v. Louisiana State Bar Association, et al.*  
Fifth Circuit Case No. 20-30086**

Dear Mr. Cayce:

Pursuant to Federal Rule of Appellate Procedure 28(j), the Appellees hereby notify the Court of two recent decisions, one from the United States Supreme Court and one from the United States District Court for the Western District of Texas, which are relevant to this appeal.

The Appellees' brief cites *Jarchow v. State Bar of Wisconsin*, No. 19-3444 (7th Cir. Dec. 23, 2019), which summarily affirmed the dismissal of claims challenging the constitutionality of Wisconsin's integrated bar.<sup>1</sup> On June 1, 2020, the United States Supreme Court denied the petition for a writ of certiorari in *Jarchow*. Justice Alito, who authored the majority opinions in *Harris v. Quinn*, 573 U.S. 616 (2014), and *Janus v. AFSCME*, 138 S. Ct. 2448 (2018), joined the majority in denying the petition. Only Justice Thomas and Justice Gorsuch dissented from the denial, and their dissenting opinion makes clear that *Keller v. State Bar of California*, 496 U.S. 1 (1990), requires the dismissal of claims challenging the constitutionality of integrated bar associations.

The Appellees' brief also cites *McDonald, et al. v. Sorrels, et al.*, No. 1:19-cv-219 (W.D. Tex.), which involves a challenge to the constitutionality of Texas's integrated bar.<sup>2</sup> On May 29, 2020, the District Court granted the defendants' motion for summary judgment and dismissed the plaintiff's claims, concluding that *Keller*, 496 U.S. 1, rather than *Janus*, 138 S. Ct. 2448, applies to First Amendment challenges to integrated bar associations.

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<sup>1</sup> See Brief of Appellees at pp. 12, 44.

<sup>2</sup> See *id.* at 11.

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Sincerely,



Eva J. Dossier

EJD/fhr  
Enclosure

**CERTIFICATE OF SERVICE**

I hereby certify that on the 2<sup>nd</sup> day of June 2020, an electronic copy of the foregoing letter was filed with the Clerk of Court for the United States Court of Appeals for the Fifth Circuit using the appellate CM/ECF system, and that service will be accomplished by the appellate CM/ECF system.

