

**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

**PLAINTIFF’S REVISED PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

After the conclusion of the trial of this action on June 21, 2022, the Court asked the parties to submit revised Proposed Findings of Fact and Conclusions of Law by July 12, 2022, that include citations to the record. Accordingly, Plaintiff submits Plaintiff’s Revised Proposed Findings of Fact and Conclusions of Law:

I. Plaintiff’s Revised Proposed Findings of Fact

No.	Facts	Record
1.	Plaintiff Randy Boudreaux is a Louisiana resident and has been for 52 years.	Trail Transcript (“TT”) 8:16-19.
2.	Mr. Boudreaux is licensed to practice law in Louisiana and has been continuously licensed in Louisiana since 1996.	TT 8:20-9:6; Pretrial Order (“PTO”) § 7(a).
3.	Mr. Boudreaux’s law license has not been suspended or subject to discipline, nor has a claim for unauthorized practice of law or malpractice been made against Mr. Boudreaux.	TT 9:7-16
4.	Mr. Boudreaux is actively practicing law in Louisiana and derives income from his law practice.	TT 10:2-7.

No.	Facts	Record
5.	Mr. Boudreaux is a member in good standing of the Louisiana State Bar Association (“LSBA”) and has been since 1996.	TT 10:8-11; PTO § 7(a).
6.	Mr. Boudreaux is required to be a member of the LSBA to practice law in Louisiana.	TT 10:8-19; Compl. [Doc. 1] ¶ 11; Ans. [Doc. 60] ¶ 11; PTO § 7(b)-(c).
7.	The LSBA is an “integrated” or “mandatory” bar association.	Compl. ¶ 22; Ans. ¶ 22; PTO § 7(b)-(c).
8.	The LSBA collects dues and provides notice of the amounts of annual dues on its website.	Compl. ¶¶ 12, 22-25; Ans. ¶¶ 12, 22-25; PTO § 7(d).
9.	Mr. Boudreaux always pays annual dues to the LSBA because he is required to do so to continue practicing law in Louisiana.	TT 10:20-11:2; PTO § 7(a).
10.	Mr. Boudreaux has paid his dues to the LSBA each year from 1996 to the present.	PTO § 7(n); Compl. ¶ 27; Plaintiff’s Exs. 1, 2, 3, 22, 23.
11.	The LSBA has not refunded Mr. Boudreaux any of his bar dues because the LSBA engaged in non-germane conduct.	PTO § 7(t); Plaintiff’s Exs. 1, 2, 3, 22, 23.
12.	Although Mr. Boudreaux objects to his forced association with the LSBA and to the use of his dues for conduct not strictly related to the regulation of lawyers <i>qua</i> lawyers, the LSBA has not refunded to Mr. Boudreaux any of his LSBA dues.	TT 74:14–21.
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.	TT 173:22-174:19; Defendants’ Ex. 5.

No.	Facts	Record
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.	TT 16:17-17:5; Defendant's Ex. 5.
15.	Even if the LSBA were to promise to engage in only germane conduct in the future, Mr. Boudreaux would suffer the continuing burden of having to monitor the LSBA's activity.	TT 16:17-17:5.
16.	Mr. Boudreaux intends to pay his LSBA dues that will be due in 2023.	TT 11:3-5.
17.	Mr. Boudreaux intends to continue practicing law in Louisiana and, as a result, will be required to pay dues to the LSBA in the future.	TT 11:6-9; 11:13-16.
18.	Mr. Boudreaux will be compelled to remain a dues-paying member of the LSBA so long as he wishes to continue to practice law in Louisiana.	TT 11:6-9; 11:13-16.
19.	Mr. Boudreaux paid \$200 in annual dues to the LSBA in 2021.	TT 11:10-12.
20.	The LSBA's annual dues are authorized by Order of the Louisiana Supreme Court pursuant to the 1940 legislative memorial.	Compl. ¶ 22; Ans. ¶ 22.
21.	Mr. Boudreaux always has paid his required LSBA annual dues because, if he was to fail to do so, he could be subject to attorney discipline, including disbarment.	TT 11:17-24; Compl. ¶¶ 24-27; Ans. ¶¶ 24-27; PTO § 7(a)-(c).
22.	The Louisiana Disciplinary Board administers Louisiana's lawyer discipline and disability system pursuant to Louisiana Supreme Court Rule XIX.	Compl. ¶ 32; Ans. ¶ 32; TT 11:25-12:4; PTO § 7(e).
23.	The LSBA does not handle attorney disciplinary matters for the regulation of the profession.	Compl. ¶ 32; Ans. ¶ 32; TT 11:25-12: 4; 12:11-19; 13:5-8.

No.	Facts	Record
24.	All attorneys licensed in Louisiana must pay an annual “assessment” to the Louisiana Disciplinary Board.	Compl. ¶ 33; Ans.; ¶ 33; TT 12:5-10.
25.	A formal system for regulating and disciplining lawyers exists in Louisiana through the Louisiana Disciplinary Board.	Compl. ¶¶ 32, 33; Ans. ¶¶ 32, 33; TT 11:25-12:10; PTO § 7(e).
26.	Louisiana Supreme Court Rule XVII governs admission to the bar in Louisiana.	<i>See</i> TT 13:9-16; Compl. ¶¶ 28, 34; Ans. ¶¶ 28, 34; PTO § 7(f).
27.	The LSBA does not handle the admission or licensing of new attorneys.	<i>See</i> TT 13:9-16; Compl. ¶¶ 28, 34; Ans. ¶¶ 28, 34.
28.	Louisiana Supreme Court Rule XXX governs mandatory continuing legal education.	Compl. ¶ 35; Ans. ¶ 35; TT 12:5-10; 13:17-25; PTO § 7(g).
29.	The LSBA is a nonprofit corporation established under Act 54 of the Louisiana Legislature of 1940.	Compl. ¶ 12; Ans. ¶ 12.
30.	The Louisiana Supreme Court through its Justices are responsible for enforcing laws requiring membership and funding of the LSBA as a condition of practicing law in Louisiana.	Compl. ¶¶ 12-13; Ans. ¶¶ 12-13.
31.	The Justices of the Louisiana Supreme Court have been sued in this action in their official capacities.	Compl. ¶¶ 13-21; Ans. ¶¶ 13-21.
32.	Lawyers licensed to practice law in Louisiana who fail to pay bar dues to the LSBA are subject to discipline, including disbarment and revocation, imposed exclusively by the Louisiana Supreme Court, as enforced by its Justices.	Compl. ¶ 25; Ans. ¶ 25; TT 10:8-24; 11:17-12: 4.
33.	As of August 2021, the LSBA had more than 22,000 members.	PTO § 7(i); Compl. ¶ 12; Ans. ¶ 12.

No.	Facts	Record
34.	Mr. Boudreaux contends that the only appropriate functions for a mandatory bar are the licensing, disciplining, and administration of a CLE requirement.	TT 22:24-23: 4.
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.	TT 23:5-15.
36.	Other states have voluntary bar associations, and other states regulate and discipline lawyers directly through agencies other than a mandatory bar association.	TT 23:5-15.
37.	Mr. Boudreaux opposes “any sort of forced speech, particularly political speech, so I want to have as much personal autonomy and freedom to associate with groups that I want to.”	TT 15:13-24:24; Compl. ¶¶ 58-62; Plaintiff’s Exs. 3, 22, 23.
38.	With respect to the LSBA’s activities, Mr. Boudreaux disagrees with positions the LSBA has taken and agrees with other positions but nevertheless objects to the LSBA taking those positions.	PTO § 7(l); TT 15:13-16: 13
39.	Mr. Boudreaux maintains that for a period of years he has repeatedly observed the LSBA engaging in political and ideological speech and other conduct with which he disagrees.	PTO § 7(q).
40.	Other than through his submissions in this litigation, Mr. Boudreaux has not sent the LSBA a formal objection about any LSBA policy position after filing the Complaint.	PTO § 7(s).
41.	Mr. Boudreaux is suffering a continuing injury through his forced association with the LSBA.	TT 16:24-17: 19.
42.	Mr. Boudreaux’s forced association with the LSBA constitutes a continuing violation of his rights.	TT 16:24-17: 19.
43.	Mr. Boudreaux is suffering a continuing constitutional injury irrespective of whether he is aware of each and every	See TT 34:12-15.

No.	Facts	Record
	activity of the LSBA that is not strictly related to the regulation of lawyers <i>qua</i> lawyers.	
44.	Mr. Boudreaux's forced association with the LSBA causes him a continuing constitutional injury irrespective of whether the LSBA expends funds when engaging in a particular conduct.	TT 33:22-34:3.
45.	The 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.	PTO § 7(dd); Compl. ¶¶ 36-49; Motion for Preliminary Injunction (Doc. 48) at 4-6; Plaintiff's Ex. 5 at 3-8.
46.	The LSBA functions as an interest group or trade association and does not function as a regulatory body.	TT 17:21-21: 4.
47.	The LSBA uses Plaintiff's bar dues to pay for its activities.	Defendants' Ex. 58.
48.	Mr. Boudreaux provided verified responses to Defendants' Interrogatories wherein he identified conduct of the LSBA that was not strictly related to the regulation of lawyers <i>qua</i> lawyers.	TT 34:24-36:9; Plaintiff's Ex. 5 at 3-8.
49.	Mr. Boudreaux's verified responses to Defendants' Interrogatories describe instances where the LSBA engaged in legislative conduct that is not strictly related to the regulation of lawyers <i>qua</i> lawyers.	TT 36:17-37: 19; Plaintiff's Ex. 5 at 3-8.
50.	Plaintiff's Exhibit 26 also provides a summary of the legislative positions the LSBA has taken with which Mr. Boudreaux disagrees because the subject matter of the bill did not pertain to the licensing or disciplining of lawyers <i>qua</i> lawyers.	Plaintiff's Ex. 26; TT 30:7-22; 31:23-32:6; <i>see also</i> Plaintiff's Exs. 28-31, 34-46, 48, 50.
51.	For example, Mr. Boudreaux's verified responses to Defendants' Interrogatories describes a bill introduced in the Louisiana legislature in 2020 concerning dental	Plaintiff's Ex. 5 at 6; Plaintiff's Ex. 26; TT 37:20-39:1.

No.	Facts	Record
	hygienists' licenses that was not germane to the regulation of lawyers <i>qua</i> lawyers.	
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 <i>qua</i> lawyers.	Plaintiff's Ex. 5 at 6; Plaintiff's Ex. 26; TT 39:2-11.
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 <i>qua</i> lawyers.	Plaintiff's Ex. 5 at 6; Plaintiff's Ex. 26; TT 39:12-41:10.
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 <i>qua</i> lawyers.	Plaintiff's Ex. 5 at 6; Plaintiff's Ex. 26; TT 41:11-43:4.
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 <i>qua</i> lawyers.	Plaintiff's Ex. 5 at 4; Plaintiff's Ex. 26; TT 30:23-32:6.
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 <i>qua</i> lawyers.	Plaintiff's Ex. 5 at 4; Plaintiff's Ex. 26; TT 43:5-44:3.
57.	Defendants maintain that all the LSBA's legislative activities are germane to the regulation of lawyers <i>qua</i> lawyers, including those activities that Mr. Boudreaux criticizes in his complaint, interrogatory responses, and testimony as being unrelated to the regulation of lawyers <i>qua</i> lawyers.	PTO § 7(ee).

No.	Facts	Record
58.	Since 2014, the LSBA has taken policy positions on 10 bills in the 2019 regular session, 46 bills in the 2018 regular session, 18 bills in the 2017 regular session, and 39 bills in the 2016 regular session, and at least 23 bills in the 2015 regular session of the Louisiana legislature, with the subject matter of those bills being non-germane.	Plaintiff's Ex. 5 at 3-6; Plaintiff's Exs. 26, 41-46, 48-50; Defendants' Ex. 44; Defendants' Ex. 63.
59.	The LSBA has used member dues to engage in legislative advocacy on subjects not related to the regulation of lawyers <i>qua</i> lawyers, although the LSBA does not disclose the amount of dues expended on advocacy related to any particular legislation.	Plaintiff's Ex. 5 at 3-6; Plaintiff's Ex. 26; TT 27:10-30:6; Defendants' Ex. 58.
60.	The LSBA does not provide notice to its members of its expenditures in sufficient detail to permit Plaintiff to discern the amount of his dues the LSBA is using to fund specific activities.	Plaintiff's Ex. 5 at 15; Plaintiff's Ex. 26; TT 27:10-30:6; Defendants' Ex. 58.
61.	The Louisiana Supreme Court Rules and the LSBA By-laws currently allow the LSBA to engage in legislative advocacy.	Defendants' Exs. 3, 5.
62.	The LSBA has taken policy positions on subjects unrelated to the regulation of lawyers <i>qua</i> lawyers.	Plaintiff's Ex. 5 at 6-7; TT 44:16-48:2.
63.	Mr. Boudreaux's verified responses to Defendants' Interrogatories describes politically motivated policy positions that the LSBA has taken that are not strictly related to the regulation of lawyers <i>qua</i> lawyers.	Plaintiff's Ex. 5 at 6-7.
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 <i>qua</i> lawyers.	Plaintiff's Ex. 5 at 6; TT 44:20-45:18.
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	Plaintiff's Ex. 5 at 6; TT 45:19-46:13.

No.	Facts	Record
	that was not germane to the regulation of lawyers <i>qua</i> lawyers.	
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 lawyer, even though Mr. Boudreaux personally advocated that the Louisiana legislature adopt a similar measure.	Plaintiff’s Ex. 5 at 7; TT 46:15-47:21.
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 <i>qua</i> lawyers.	Plaintiff’s Ex. 11; TT 48:8-50:17.
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 <i>qua</i> lawyers because it unnecessarily restricts the supply of legal services providers.	Plaintiff’s Ex. 11; TT 50:18-51:25.
69.	Defendants claim that all its legislative policy provisions were lawful and “germane” to the practice of law	<i>See, e.g.,</i> Ans. ¶ 42 (non-responsive, boilerplate response).
70.	The LSBA’s Bar Governance Committee issued positions on matters of public policy post- <i>McDonald</i> .	Plaintiff’s Ex. 11; Defendants’ Ex. 54-56.
71.	The LSBA publishes content through its publications and social media that is non-germane to the practice of law, examples of which Mr. Boudreaux identified in his verified responses to Defendants’ Interrogatories.	TT 52:17-53:25; Plaintiff’s Ex. 5 at 7-8.
72.	Mr. Boudreaux’s verified responses to Defendants’ Interrogatories describe examples of the LSBA publishing information on its Twitter feed that is not strictly related to the regulation of lawyers <i>qua</i> lawyers.	Plaintiff’s Ex. 5 at 7; TT 53:11-25; 98:13-99:19; 100:3-19.

No.	Facts	Record
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 <i>qua</i> lawyers.	TT 59:5-22, 130:13-135:8; Plaintiff’s Ex. 53.
74.	Even assuming the “Secret Santa” program that the LSBA elevates in exposure through its Twitter feed is a “worthy cause,” the conduct is not strictly related to the regulation of lawyers <i>qua</i> lawyers and Mr. Boudreaux objects to being forced to be associated with an organization that engages in this conduct.	TT 59:23-25, 60:1-61:6
75.	Other private bar associations, organizations where members are free to “opt out,” such as the American Bar Association can and do engage in charitable activities.	TT 61:8-18.
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 <i>qua</i> lawyers.	TT 61:19-62:11; Plaintiff’s Ex. 55.
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 <i>qua</i> lawyers.	TT 62:13-63:13; Plaintiff’s Ex. 56.
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 <i>qua</i> lawyers.	TT 63:16-22; Plaintiff’s Ex. 58.
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 <i>qua</i> lawyers.	TT 63:24-64:19; Plaintiff’s Ex. 59.
80.	For example, Mr. Boudreaux’s verified responses to Defendants’ Interrogatories describe examples of the LSBA publishing information on its Twitter feed related to	Plaintiff’s Ex. 5 at 7; TT 64:20-66:6;

No.	Facts	Record
	a charity that provides costumes to children that is not strictly related to the regulation of lawyers <i>qua</i> lawyers.	Plaintiff's Ex. 60 at PLF0143.
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 <i>qua</i> lawyers.	Plaintiff's Ex. 5 at 7; TT 66:7-20; Plaintiff's Ex. 60 at 0151.
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 "69 th Annual Red Mass" hosted by the St. Thomas Moore Catholic Lawyers Association, that is not strictly related to the regulation of lawyers <i>qua</i> lawyers.	Plaintiff's Ex. 5 at 7; TT 66:21-67:16; 68:7-22; Plaintiff's Ex. 60 at 0152; Plaintiff's Ex. 68.
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 <i>qua</i> lawyers.	TT 67:17-68:6; Plaintiff's Ex. 65
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 <i>qua</i> lawyers.	TT 68:23-69:6; Plaintiff's Ex. 73.
85.	Defendants contend that content of the LSBA's Twitter feed is germane.	TT 102:2-109:15.
86.	Mr. Boudreaux's verified responses to Defendants' Interrogatories and Exhibits admitted into evidence in this matter set forth communications of the LSBA that are not strictly related to the regulation of lawyers <i>qua</i> lawyers.	Plaintiff's Exs. 5 at 7, 55-71.
87.	The LSBA expends funds publishing content to its members and the public through its publications, including social media.	TT 54:19-55:7; 100:3-101:1.

No.	Facts	Record
88.	Even if the LSBA expends no funds publishing content to its members and the public through its publications, including social media, Mr. Boudreaux is nevertheless forced to be associated with choices and information published by an organization in which he is forced to be a member.	TT 55:8-58:25.
89.	The LSBA publishes content, including through social media, post- <i>McDonald</i> similar to content it published pre- <i>McDonald</i> .	TT 102:2-109:15.
90.	The LSBA has engaged in non-germane conduct after the Louisiana Supreme Court amended Supreme Court Rule XVIII in September 2021.	Plaintiff's Ex. 5 at 7.
91.	The LSBA uses member dues to engage in expressive conduct.	TT 100:9-101:1.
92.	The LSBA engages in the same kind of conduct post- <i>McDonald</i> as it did pre- <i>McDonald</i> .	TT 108:5-110:15.
93.	The LSBA maintains the same policies related to germane conduct pre- and post- <i>McDonald</i> .	TT 168:16-169:20.
94.	The LSBA does not provide notice to its members of its activities in sufficient detail to permit Plaintiff to discern whether each bar activity is germane.	TT 26:23-34:3; Plaintiff's Ex. 52.
95.	The LSBA's objection-procedures do not afford Plaintiff a meaningful opportunity to object to LSBA expenditures.	TT 26:23-34:3; Plaintiff's Ex. 52.
96.	The amount of money the bar expends on any particular activity cannot be determined from the annual reports the LSBA publishes.	TT 29:24-30:6, 32:20-33:17.
97.	Mr. Boudreaux suffers constitutional injuries even when he is not aware of the LSBA's non-germane conduct and the LSBA's <i>Hudson</i> procedures afford no protection for such injuries.	TT 34:12-23; 96:4-25.

No.	Facts	Record
98.	Mr. Boudreaux suffers constitutional injuries even if the LSBA expends no money when engaging in non-germane conduct and the LSBA's <i>Hudson</i> procedures afford no protection for such injuries.	TT 33:18-25.
99.	The LSBA lacks any written guidelines as to appropriate social media content.	TT 137:25-141:2.

II. Plaintiff's Revised Proposed Conclusions of Law

1. Under Louisiana's mandatory-bar-membership scheme, Defendants violate Mr. Boudreaux's First and Fourteenth Amendment rights to free association and free speech.
2. By depriving Plaintiff of his constitutional rights, Defendants are causing Plaintiff to suffer irreparable injury for which there is no adequate remedy at law, and, unless this deprivation of rights is enjoined by this Court, Plaintiff will continue to suffer irreparable harm. *See* Ans. ¶ 79 (admitting statement is a conclusion of law).
3. Under Louisiana's mandatory-bar-membership scheme, Defendants violate Mr. Boudreaux's First and Fourteenth Amendment rights to free association and free speech because the LSBA engages in non-germane conduct, as that term is applied under *Keller v. State Bar of California*, 496 U.S. 1 (1990) and *McDonald v. Longley*, 4 F.4th 229 (5th Cir. 2021).
4. Under Louisiana's mandatory-bar-membership scheme, the LSBA's collection and use of mandatory bar dues to subsidize its conduct violates Plaintiff's First and Fourteenth Amendment rights of association and speech.
5. Under Louisiana's mandatory-bar-membership scheme, the LSBA's collection and use of mandatory bar dues to subsidize its conduct violates Plaintiff's First and Fourteenth Amendment rights of association and speech.

because the LSBA engages in non-germane conduct, as that term is applied under *Keller v. State Bar of California*, 496 U.S. 1 (1990) and *McDonald v. Longley*, 4 F.4th 229 (5th Cir. 2021).

6. The LSBA violates Plaintiff's First and Fourteenth Amendment rights by failing to provide adequate "*Hudson*" safeguards as those guaranties are understood pursuant to *McDonald v. Longley*, 4 F.4th 229 (5th Cir. 2021).
7. Plaintiff has standing to pursue his claims.
8. The Justices of the Louisiana Supreme Court have been sued in their official capacities only.
9. The relief Plaintiff seeks is prospective such that the *Ex Parte Young* exception to Eleventh Amendment immunity applies.
10. Plaintiff's claims have not been rendered moot.
11. Plaintiff's claims are not time-barred.
12. The activities criticized by the Plaintiff in this action are not germane as that term is applied in *Keller v. State Bar of California*, 496 U.S. 1 (1990) and *McDonald v. Longley*, 4 F.4th 229 (5th Cir. 2021).
13. The LSBA's "*Hudson*" procedures are not an adequate safeguard relative to any alleged non-germane activities.
14. Plaintiff is entitled to his requested declaratory relief.
15. Plaintiff is entitled to his requested injunctive relief.
16. Absent the declaratory and injunctive relief Mr. Boudreaux requests in his Complaint, Defendants and their agents will continue to implement the challenged laws, rules, policies, and practices that deprive Mr. Boudreaux of his rights.
17. Mr. Boudreaux's rights under the First and Fourteenth Amendments of the U.S. Constitution are violated by virtue of Louisiana's mandatory bar membership scheme.

18. The LSBA engages in conduct unrelated to administering a formal system for regulating and disciplining attorneys.
19. The LSBA's past conduct creates a sufficient likelihood that the germaneness of its conduct will be questioned in the future.
20. The LSBA has engaged in non-germane conduct.
21. Given the LSBA's interpretation of "germaneness," the LSBA will likely engage in non-germane conduct in the future.
22. Given the LSBA's history of engaging in non-germane conduct, the LSBA will likely engage in non-germane conduct in the future.
23. The LSBA's *Hudson* procedures are inadequate because the LSBA does not publish information about its expenditures sufficient to allow a member to determine how much money was spent on the non-germane conduct.
24. The LSBA's *Hudson* procedures are inadequate because the LSBA's *Hudson* procedures afford no protection to members when the LSBA engages in non-germane conduct but expends no member funds in so doing.
25. The LSBA's *Hudson* procedures are inadequate because the LSBA's *Hudson* procedures require members to continually monitor all bar activities and lodge objections to attempt to redress constitutional injuries.
26. The LSBA's *Hudson* procedures are inadequate because the LSBA's *Hudson* procedures cannot, by their nature, protect members from constitutional associational injuries of which the member is not aware.
27. The LSBA's *Hudson* procedures are inadequate because the LSBA's *Hudson* procedures require members to lodge objections with the LSBA within 45 days of the conduct, leaving members with the only remedy of filing a Section 1983 claim if the member cannot lodge an objection within the 45-day timeframe.

28. Louisiana could readily serve its interest in improving the quality of legal services and regulating the legal profession without forcing attorneys to associate with and subsidize the LSBA.
29. The Defendants could require that the LSBA use its member dues only for regulatory activities, as California and Nebraska have done.
30. The LSBA does not inform members of whether any past expenditures of member dues on “government relations” were germane to the purpose of improving the quality of legal services and regulating the legal profession. *See* Ans. ¶ 48 (admitting statement is a conclusion of law).
31. The policy positions of the LSBA and legislative advocacy alleged by Plaintiff are inherently political and ideological and constitute political and ideological speech by the LSBA. *See* Ans. ¶ 49 (admitting statement is a conclusion of law).
32. The LSBA does not provide members with sufficient information about its activities and expenditures to allow members to ensure that their mandatory dues are not used for activities that are not germane to improving the quality of legal services and regulating the practice of law as required by *Keller*. *See* Ans. ¶ 50 (admitting statement is a conclusion of law).
33. The LSBA’s lack of safeguards to ensure that members are not required to pay for political and ideological speech and other activities not germane to regulating the legal profession or improving the quality of legal services injures Plaintiff because he does not want to fund such activities in any amount. *See* Ans. ¶ 62 (admitting statement is a conclusion of law).
34. The state of Louisiana can readily use means significantly less restrictive of First Amendment freedoms than mandatory membership to regulate the legal profession and improve the quality of legal services. *See* Ans. ¶ 76 (admitting statement is a conclusion of law).

35. Louisiana could regulate the legal profession directly, or through an agency under its jurisdiction, without requiring attorneys to join or pay a bar association, as at least 19 other states do. *See* Ans. ¶ 77 (admitting statement is a conclusion of law).
36. By failing to use means significantly less restrictive of associational freedoms than a mandatory association, Defendants maintain and actively enforce a set of laws, practices, procedures, and policies that deprive Plaintiff of his rights of free speech and free association in violation of the First and Fourteenth Amendments. *See* Ans. ¶ 78 (admitting statement is a conclusion of law).

Respectfully submitted July 12, 2022, by:

/s/ Scott Day Freeman

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CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2022, 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/ Scott Day Freeman