

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

RANDY BOUDREAUX

CIVIL ACTION

VERSUS

No. 19-11962

LOUISIANA STATE BAR
ASSOCIATION, ET AL.

SECTION "I" (1)

Judge Lance M. Africk
Mag. Judge van Meerveld

**DEFENDANTS' AFFIRMATIVE DEFENSES
AND ANSWER TO THE COMPLAINT**

Defendants, the Louisiana State Bar Association ("LSBA") and, in their official capacities, the Justices of the Louisiana Supreme Court, through undersigned counsel, hereby submit their Affirmative Defenses and Answer the Plaintiff's Complaint as follows:

AFFIRMATIVE DEFENSES

1.

The Complaint is moot because the LSBA no longer engages in the activities about which the Plaintiff complains. The Plaintiff's claims are based on the allegation that the LSBA engaged in non-germane activity in prior years. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, "*McDonald* [*v. Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit." Moreover, the LSBA is regulated by

rules of the Louisiana Supreme Court pursuant to the Court's constitutional authority to regulate the practice of law. Relevant rules and orders of the Court, with which the LSBA intends to comply, provide an additional basis on which to conclude the Complaint is moot.

2.

The Complaint is also moot because the Plaintiff affirmatively declined the opportunity to amend his Complaint to add allegations relative to more recent conduct and the current Justices of the Louisiana Supreme Court.¹ Rule 15(d) of the Federal Rules of Civil Procedure "is particularly apt for cases where an intervening change in administration renders ambiguous a complaint seeking prospective relief against public officers." *Am. C.L. Union of Mississippi, Inc. v. Finch*, 638 F.2d 1336, 1347 (5th Cir. 1981).² Where plaintiffs (like Mr. Boudreaux) fail to allege in their complaint that "a new administration will continue the practices of the old," they should "be permitted to file [a] supplemental pleading. If they do not do so within a reasonable time, their claims for prospective relief must be dismissed as moot." *See id.*

3.

Insofar as the Plaintiff attempts to challenge more recent or imminent conduct (despite having failed to identify any such conduct in the Complaint), the facts are not fully developed, and the Complaint is not ripe.

4.

The Eleventh Amendment divests the Court of jurisdiction. The Complaint appears to seek an exception pursuant to *Ex parte Young*, 209 U.S. 123 (1908). This exception applies, however,

¹ *See* R. Doc. 59.

² The need to allege conduct relative to current public officers is independent of the technical automatic substitution that occurs pursuant to Rule 25(d) of the Federal Rules of Civil Procedure. *See id.*

only when a plaintiff alleges an “ongoing” violation of a federal right, seeks relief that is properly characterized as prospective, and is subject to (or threatened by) proceedings against him or her that are “about to commence.” *See id.* at 155-56. The LSBA, however, no longer engages in the complained-of activities and the Plaintiff paid his bar dues without objection in 2021. Moreover, and as set forth above, the Plaintiff affirmatively declined to amend his Complaint, presumably understanding that no timely challenges exist.

5.

The Plaintiff’s claims are barred by the one-year statute of limitations. The Plaintiff has failed to identify any activity that took place within one year prior to the filing of the Complaint, and he declined to amend his Complaint to identify any timely challenges, presumably understanding that no timely challenges exist.

6.

The Plaintiff’s claims are barred by equity, including the doctrine of laches, based on his failure to take any action for years following the LSBA’s allegedly impermissible activities, and his refusal to amend his Complaint to allege any recent conduct, presumably understanding that no timely challenges exist.

7.

The Complaint, including the Plaintiff’s request for attorney’s fees, fails to state a claim as to Defendants upon which relief may be granted. The activity described in the Complaint is permissible under U.S. Supreme Court and Fifth Circuit precedent, and, furthermore, the Plaintiff’s challenges to such conduct are time-barred.

8.

The Plaintiff paid his bar dues without objection in July 2021. For this additional reason, his claims are moot, and he lacks standing to obtain prospective relief.

ANSWER

1.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied.

2.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied.

3.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied.

4.

This paragraph asserts legal conclusions and requests for relief to which no response is required. To the extent that a response is required, this paragraph is denied. Defendants specifically deny that the plaintiff is entitled to any relief.

5.

This paragraph asserts legal conclusions and requests for relief to which no response is required. To the extent that a response is required, this paragraph is denied. Defendants specifically deny that the plaintiff is entitled to any relief.

6.

This paragraph asserts legal conclusions and requests for relief to which no response is required. To the extent that a response is required, this paragraph is denied. Defendants specifically deny that the plaintiff is entitled to any relief.

“JURISDICTION AND VENUE”

7.

This paragraph asserts legal conclusions to which no response is required.

8.

This paragraph asserts legal conclusions to which no response is required.

9.

This paragraph asserts legal conclusions to which no response is required.

10.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants do not deny that venue is proper in this Court.

“PARTIES”

11.

Defendants admit that Mr. Boudreaux is a member of the Louisiana State Bar Association who has paid his membership dues without objection. Defendants lack knowledge sufficient to form a belief as to the truth of the remaining allegations, including Mr. Boudreaux’s subjective reasons for LSBA membership.

12.

The Defendants admit that the LSBA currently has more than 22,000 members. Further, this paragraph asserts legal conclusions to which no response is required. Further responding,

insofar as this paragraph cites La. R.S. 37:211, that statute speaks for itself, and the Defendants deny any inconsistent characterization of it or the authority granted to the LSBA by the Rules of the Louisiana Supreme Court. This paragraph is denied in all other respects.

13.

The allegations in this paragraph are moot. The Court dismissed the Plaintiff's claims against the Louisiana Supreme Court, and the dismissal of the Plaintiff's claims against the Louisiana Supreme Court was not challenged on appeal. Further responding, this paragraph asserts legal conclusions to which no response is required.

14.

This paragraph is denied as written. It is admitted that the Hon. Bernette J. Johnson was Chief Justice of the Louisiana Supreme Court when the Complaint was filed. This paragraph is denied in all other respects.

15.

This paragraph is denied as written. It is admitted that the seat on the Louisiana Supreme Court formerly occupied by the Hon. Greg Guidry was vacant when the Complaint was filed. This paragraph is denied in all other respects.

16.

This paragraph is admitted.

17.

This paragraph is admitted.

18.

This paragraph is denied as written. It is admitted that the Hon. Marcus R. Clark was an Associate Justice of the Louisiana Supreme Court when the Complaint was filed. This paragraph is denied in all other respects.

19.

This paragraph is admitted.

20.

This paragraph is denied as written. It is admitted that the Hon. John L. Weimer was an Associate Justice of the Louisiana Supreme Court when the Complaint was filed. This paragraph is denied insofar as Chief Justice Weimer is now Chief Justice of the Louisiana Supreme Court.

21.

This paragraph asserts legal conclusions to which no response is required. To the extent a response is required, this paragraph is denied. Defendants specifically deny that the Louisiana Supreme Court possesses the capacity to be sued. Further, Defendants deny that the Complaint correctly names the current Justices of the Louisiana Supreme Court.

“FACTS”

“LSBA’s Mandatory Bar Association Membership and Fee Collection”

22.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that the LSBA is an integrated bar. Insofar as this paragraph quotes certain statutory and rule provisions, those provisions speak for themselves and Defendants deny any inconsistent characterization of them.

23.

This paragraph asserts legal conclusions to which no response is required.

24.

This paragraph is admitted insofar as the LSBA collects dues and provides notice of the amount of annual dues on its website. The paragraph quotes a website, which speaks for itself. Defendants deny any mischaracterization of the website or the specific dues schedule applicable to Louisiana attorneys.

25.

This paragraph asserts legal conclusions to which no response is required. Insofar as a response is required, Defendants deny that this paragraph accurately describes the consequences for a lawyer's failure to pay bar dues. Insofar as this paragraph cites Louisiana Supreme Court jurisprudence, that jurisprudence speaks for itself, and the Defendants deny any inconsistent characterization of it.

26.

This paragraph asserts legal conclusions to which no response is required.

27.

The Defendants admit that Mr. Boudreaux has been a member of the LSBA since approximately 1996. The Defendants further admit that Mr. Boudreaux has paid his membership dues without objection, including in 2021.

28.

This paragraph asserts legal conclusions to which no response is required.

29.

This paragraph asserts legal conclusions to which no response is required.

“LSBA’S Role”

30.

This paragraph is denied as written. This paragraph quotes the Articles of Incorporation, which speak for themselves, and the Defendants deny any characterizations inconsistent with the Articles.

31.

The Defendants admit that Mr. Boudreaux has been a member of the LSBA since approximately 1996. The Defendants further admit that Mr. Boudreaux has paid his membership dues without objection, including in 2021.

32.

The Defendants admit that the Louisiana Attorney Disciplinary Board administers Louisiana’s lawyer discipline and disability system. The rest of the paragraph is denied as written. The paragraph quotes a website, which speaks for itself. Defendants deny any mischaracterization of the website.

33.

This paragraph asserts legal conclusions to which no response is required. Further responding, this paragraph is denied as written. The paragraph quotes a website, which speaks for itself. Defendants deny any mischaracterization of the website or the specific assessment schedule applicable to Louisiana attorneys.

34.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that admission to the bar in Louisiana is governed by Louisiana Supreme Court Rule XVII, which speaks for itself as to its terms and the respective

roles in the admissions process of the LSBA and the Committee on Bar Admissions of the Supreme Court of Louisiana.

35.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that mandatory continuing legal education in Louisiana is governed by Louisiana Supreme Court Rule XXX, which speaks for itself as to its terms.

“LSBA’s Use of Mandatory Fees for Political and Ideological Speech”

The above-quoted heading is a legal conclusion to which no response is required.

36.

This paragraph is denied as written. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [v. *Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.”

37.

This paragraph is denied as written. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022

meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [*v. Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.”

38.

This paragraph is denied as written. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [*v. Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.”

39.

This paragraph is denied as written. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [*v. Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.”

40.

This paragraph is denied as written. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [*v. Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.” Insofar as this paragraph quotes historic “Policy Positions,” those positions speak for themselves and the Defendants deny any inconsistent characterization thereof.

41.

This paragraph is denied as written. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [*v. Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.” Insofar as this paragraph quotes a historic “Policy Position,” that position speaks for itself and the Defendants deny any inconsistent characterization thereof.

42.

This paragraph is denied as written. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [v. *Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.” Insofar as this paragraph quotes a historic “Policy Position,” that position speaks for itself and the Defendants deny any inconsistent characterization thereof.

43.

This paragraph is denied as written. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [v. *Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.” Insofar as this paragraph quotes a historic “Policy Position,” that position speaks for itself and the Defendants deny any inconsistent characterization thereof.

44.

This paragraph is denied as written. The LSBA Board of Governors, using the emergency authority granted to it in the Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.” Insofar as this paragraph quotes a historic “Policy Position,” that position speaks for itself and the Defendants deny any inconsistent characterization thereof.

45.

This paragraph is denied as written. Whether prior positions on legislation were “offered” in some manner must be assessed on a bill-by-bill basis, and the Plaintiff has declined to amend his Complaint to identify the bills at issue. Further responding, the LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [*v. Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.”

46.

This paragraph is denied as written. Whether prior positions on legislation were “lobb[ie]d in Baton Rouge” in some manner must be assessed on a bill-by-bill basis. Further responding, the LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [v. *Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.”

47.

This paragraph is denied as written. Dues notices for 2022 have not yet issued. Insofar as the Complaint challenges the sufficiency of LSBA notice procedures, the challenged procedures have not been identified with specificity, and this paragraph is denied as written.

48.

This paragraph asserts legal conclusions to which no response is required. Insofar as a response is required, this paragraph is denied.

49.

This paragraph asserts legal conclusions to which no response is required. Insofar as a response is required, this paragraph is denied.

“LSBA’s Dues Refund Procedures”

50.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied.

51.

This paragraph asserts legal conclusions to which no response is required. Further responding, the quoted Bylaws speak for themselves, and the Defendants deny any characterization inconsistent with the Bylaws.

52.

The Defendants admit that the Bylaws do not specify the precise dates and locations of the notices provided to LSBA members. Further responding, the quoted Bylaws speak for themselves, and the Defendants deny any characterization inconsistent with the Bylaws.

53.

This paragraph asserts legal conclusions to which no response is required. Further responding, this paragraph is denied as written. The LSBA does not publish notices of “all of its activities,” but this paragraph’s intended reference to such activities and “various uses of [member] dues” is non-specific and ambiguous.

54.

This paragraph is denied as written. The LSBA’s annual report speaks for itself, and the Defendants deny any characterizations inconsistent with that report.

55.

This paragraph is denied as written. The Articles speak for themselves, and the Defendants deny any characterizations inconsistent with the Articles.

56.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that LSBA is an integrated bar.

“Plaintiff’s Injuries”

This heading includes a legal conclusion to which no response is required.

57.

The Defendants admit that Mr. Boudreaux is an LSBA member and that the LSBA is an integrated bar. Further responding, this paragraph asserts legal conclusions to which no response is required. The Defendants lack information sufficient to form a belief as to the details of Mr. Boudreaux’s current practice of law.

58.

This paragraph asserts legal conclusions to which no response is required. Further responding, the Defendants lack information sufficient to form a belief as to Mr. Boudreaux’s subjective beliefs and therefore deny this allegation.

59.

This paragraph asserts legal conclusions to which no response is required. Further responding, the Defendants lack information sufficient to form a belief as to Mr. Boudreaux’s subjective beliefs and therefore deny this allegation. The Defendants deny that Mr. Boudreaux has been without effective means or recourse to voice his subjective beliefs.

60.

This paragraph asserts legal conclusions to which no response is required. Further responding, the Defendants lack information sufficient to form a belief as to Mr. Boudreaux’s

subjective beliefs and therefore deny this allegation. The Defendants deny that Mr. Boudreaux has been without effective means or recourse to voice his subjective beliefs.

61.

This paragraph asserts legal conclusions to which no response is required. Further responding, the Defendants lack information sufficient to form a belief as to Mr. Boudreaux's subjective beliefs and motivation and therefore deny this allegation.

62.

This paragraph asserts legal conclusions to which no response is required. Further responding, the Defendants lack information sufficient to form a belief as to Mr. Boudreaux's subjective beliefs and therefore deny this allegation.

“Injunctive relief allegations”

63.

This paragraph purports to incorporate and re-allege prior allegations. Insofar as a response is required, the Defendants incorporate their prior responses.

64.

This paragraph asserts legal conclusions to which no response is required. Further responding, insofar as this paragraph refers to “similarly situated” individuals, this paragraph is denied because Mr. Boudreaux is the only plaintiff in this matter. Moreover, this paragraph is denied as written. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [*v. Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified

is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.” This paragraph is denied in all other respects.

65.

This paragraph asserts legal conclusions to which no response is required. Moreover, this paragraph is denied as written. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [*v. Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.”

66.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied.

“Declaratory relief allegations”

67.

This paragraph purports to incorporate and re-allege prior allegations. Insofar as a response is required, the Defendants incorporate their prior responses.

68.

This paragraph asserts legal conclusions to which no response is required. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution,

the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [*v. Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.” This paragraph is denied in all other respects.

69.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied.

“FIRST CLAIM FOR RELIEF”

“Compelled membership in the LSBA violates attorneys’ First and Fourteenth Amendment rights to free association”

The above-quoted heading is a legal conclusion to which no response is required. To the extent that a response is required, the statement is denied.

70.

This paragraph purports to incorporate and re-allege prior allegations. Insofar as a response is required, the Defendants incorporate their prior responses.

71.

This paragraph asserts legal conclusions to which no response is required.

72.

This paragraph asserts legal conclusions to which no response is required.

73.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

74.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

75.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

76.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

77.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

78.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

79.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph. Moreover, this paragraph is denied as written. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to

it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [v. *Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.”

80.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph. Defendants specifically deny that Mr. Boudreaux is entitled to any relief.

“SECOND CLAIM FOR RELIEF”

“The collection and use of mandatory bar dues to subsidize the LSBA’s speech, including its political and ideological speech, violates attorneys’ First and Fourteenth Amendment rights to free speech and association.”

The above-quoted heading is a legal conclusion to which no response is required. To the extent that a response is required, the statement is denied.

81.

This paragraph purports to incorporate and re-allege prior allegations. Insofar as a response is required, the Defendants incorporate their prior responses.

82.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that LSBA is an integrated bar that engages in germane activities. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted

to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [*v. Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.” This paragraph is denied in all other respects.

83.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that LSBA is an integrated bar that engages in germane activities. This paragraph is denied in all other respects.

84.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

85.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

86.

This paragraph asserts legal conclusions to which no response is required. Further responding, Defendants lack information sufficient to form a belief as to the activities of the California and Nevada bars. To the extent that a response is required, Defendants deny this paragraph.

87.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

88.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

89.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

90.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

91.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

92.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

93.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph.

94.

This paragraph asserts legal conclusions to which no response is required. Moreover, this paragraph is denied as written. The LSBA denies it participated in any non-germane activities.

However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [v. *Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.” To the extent that a response is required, Defendants deny this paragraph.

95.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, Defendants deny this paragraph, and Defendants specifically deny that Mr. Boudreaux is entitled to any relief.

“THIRD CLAIM FOR RELIEF”

“The LSBA violates attorneys’ First and Fourteenth Amendment Rights by failing to provide safeguards to ensure mandatory dues are not used for impermissible purposes.”

The above-quoted heading is a legal conclusion to which no response is required. To the extent that a response is required, the statement is denied.

96.

This paragraph purports to incorporate and re-allege prior allegations. Insofar as a response is required, the Defendants incorporate their prior responses.

97.

This paragraph asserts legal conclusions to which no response is required. Insofar as this paragraph cites U.S. Supreme Court jurisprudence, that jurisprudence speaks for itself, and the Defendants deny any inconsistent characterization of it.

98.

This paragraph asserts legal conclusions to which no response is required. Insofar as this paragraph cites U.S. Supreme Court jurisprudence, that jurisprudence speaks for itself, and the Defendants deny any inconsistent characterization of it.

99.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied.

100.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied.

101.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied.

102.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied.

103.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied.

104.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied.

105.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied. Further responding, this paragraph is denied as written. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [*v. Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.” Thus, Mr. Boudreaux’s requests for prospective relief are moot. This paragraph is denied in all other respects.

106.

This paragraph asserts legal conclusions to which no response is required. To the extent that a response is required, this paragraph is denied. Moreover, this paragraph is denied as written. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [*v. Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.” Thus, Mr. Boudreaux’s requests for prospective relief are

moot. This paragraph is denied in all other respects, and Defendants specifically deny that Mr. Boudreaux is entitled to any relief.

“REQUEST FOR RELIEF”

This section (including paragraphs A-F) presents a prayer for relief to which no response is required. The LSBA denies it participated in any non-germane activities. However, out of an abundance of caution, the LSBA Board of Governors, using the emergency authority granted to it in its Bylaws, voted on July 8, 2021 to suspend the Legislation Committee and all legislative activities until the House of Delegates convenes for its January 2022 meeting. LSBA President H. Minor Pipes, III, explained, “*McDonald* [v. *Longley*, 4 F.4th 229 (5th Cir. 2021),] unless modified is governing law, and the LSBA intends to comply with it. Suspending all legislative activities allows the LSBA to review *McDonald* and ensure that any future activity complies with the guidance provided by the 5th Circuit.” Moreover, the LSBA is regulated by rules of the Louisiana Supreme Court pursuant to the Court’s constitutional authority to regulate the practice of law. Relevant rules and orders of the Court, with which the LSBA intends to comply, provide an additional basis on which to conclude the Complaint is moot. This paragraph is denied in all other respects.

DEFENDANTS’ GENERAL DENIAL

Defendants deny each and every allegation of the Complaint not otherwise expressly admitted, qualified, or denied.

WHEREFORE, Defendants pray that, after due proceedings, the Plaintiff’s requests for relief be denied and the Complaint be dismissed, that Defendants recover costs of this action, including a reasonable attorneys’ fee, and that Defendants be granted such further relief as may be just and proper.

Respectfully submitted,

/s/ Eva J. Dossier

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