No. 20-50448

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

TONY K. McDonald; Joshua B. Hammer; Mark S. Pulliam, *Plaintiffs-Appellants*,

v.

JOE K. LONGLEY, IMMEDIATE PAST PRESIDENT OF THE STATE BAR OF TEXAS; RANDALL O. SORRELS, PRESIDENT OF THE STATE BAR OF TEXAS; LAURA GIBSON, MEMBER OF THE STATE BAR BOARD OF DIRECTORS AND CHAIR OF THE BOARD; JERRY C. ALEXANDER, MEMBER OF THE STATE BAR BOARD OF DIRECTORS; ALISON W. COLVIN, MEMBER OF THE STATE BAR BOARD OF DIRECTORS; ET AL.

Defendants-Appellees.

On Appeal from the United States District Court for the Western District of Texas, No. 1:19-cv-219 (Yeakel, J.)

APPELLANTS' RECORD EXCERPTS

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June 30, 2020 Counsel for Appellants

TABLE OF CONTENTS

1 2	ab#	<u>KUA</u>
1.	Docket Sheet	ROA.1
2.	Notice of Appeal	ROA.3455
3.	Judgment	ROA.3453
4.	Order on Cross-Motions for Summary Judgment	ROA.3435
5.	Certificate of Service	

TAB 1

APPEAL

U.S. District Court [LIVE] Western District of Texas (Austin) CIVIL DOCKET FOR CASE #: 1:19-cv-00219-LY

McDonald et al v. Sorrels et al Assigned to: Judge Lee Yeakel

Case in other court: USCA 5th Circuit, 20-50448

Cause: 42:1983 Civil Rights Act

Plaintiff

Tony K. McDonald

Date Filed: 03/06/2019 Date Terminated: 05/29/2020

Jury Demand: None

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

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Case: 20-50448 Document: 00515473413 Date Filed: 06/30/2020 Page: 6

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member of the State Bar Board of Directors TERMINATED: 07/23/2019

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(See above for address) TERMINATED: 09/16/2019 LEAD ATTORNEY ATTORNEY TO BE NOTICED

Joshua Stephen Johnson

(See above for address) LEAD ATTORNEY PRO HAC VICE ATTORNEY TO BE NOTICED

Morgan Kelley

(See above for address) LEAD ATTORNEY PRO HAC VICE ATTORNEY TO BE NOTICED

Patrick W. Mizell

(See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED

Thomas S. Leatherbury

(See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED

Defendant

Document: 00515473413 Case: 20-50448 Page: 26 Date Filed: 06/30/2020

Lisa S. Richardson

member of the State Bar Board of Directors TERMINATED: 07/23/2019

represented by **Deborah Carleton Milner**

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Joshua Stephen Johnson

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Morgan Kelley

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Patrick W. Mizell

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Thomas S. Leatherbury

(See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED

Defendant

Fidel Rodriguez, Jr.

member of the State Bar Board of Directors TERMINATED: 07/23/2019

represented by **Deborah Carleton Milner**

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Joshua Stephen Johnson

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Morgan Kelley

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Patrick W. Mizell

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Thomas S. Leatherbury

Case: 20-50448 Document: 00515473413 Page: 27 Date Filed: 06/30/2020

> (See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED

Defendant

Carmen M. Roe

member of the State Bar Board of Directors

represented by **Deborah Carleton Milner**

(See above for address) TERMINATED: 09/16/2019 LEAD ATTORNEY ATTORNEY TO BE NOTICED

Joshua Stephen Johnson

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Morgan Kelley

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Patrick W. Mizell

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Thomas S. Leatherbury

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Defendant

Gregory W. Sampson

member of the State Bar Board of Directors TERMINATED: 07/23/2019

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Morgan Kelley

Case: 20-50448 Document: 00515473413 Page: 28 Date Filed: 06/30/2020

Patrick W. Mizell

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Thomas S. Leatherbury

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Defendant

Alan E. Sims

member of the State Bar Board of Directors

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Morgan Kelley

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Thomas S. Leatherbury

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Defendant

Dinesh H. Singhal

member of the State Bar Board of Directors

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Joshua Stephen Johnson

Case: 20-50448 Document: 00515473413 Page: 29 Date Filed: 06/30/2020

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Thomas S. Leatherbury

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Defendant

K. Nicole Voyles

member of the State Bar Board of Directors

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(See above for address) TERMINATED: 09/16/2019 LEAD ATTORNEY ATTORNEY TO BE NOTICED

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Patrick W. Mizell

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Thomas S. Leatherbury

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Defendant

Bradley C. Weber

member of the State Bar Board of Directors TERMINATED: 07/23/2019

represented by **Deborah Carleton Milner**

(See above for address) TERMINATED: 09/16/2019 LEAD ATTORNEY ATTORNEY TO BE NOTICED Case: 20-50448 Document: 00515473413 Page: 30 Date Filed: 06/30/2020

Joshua Stephen Johnson

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Thomas S. Leatherbury

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Defendant

Amy Welborn

member of the State Bar Board of Directors

represented by **Deborah Carleton Milner**

(See above for address) TERMINATED: 09/16/2019 LEAD ATTORNEY ATTORNEY TO BE NOTICED

Joshua Stephen Johnson

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Patrick W. Mizell

(See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED

Thomas S. Leatherbury

(See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED

Defendant

Document: 00515473413 Case: 20-50448 Page: 31 Date Filed: 06/30/2020

James Wester

member of the State Bar Board of Directors

represented by **Deborah Carleton Milner**

(See above for address) TERMINATED: 09/16/2019 LEAD ATTORNEY ATTORNEY TO BE NOTICED

Joshua Stephen Johnson

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Thomas S. Leatherbury

(See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED

Defendant

James C Woo

member of the State Bar Board of Directors

represented by **Deborah Carleton Milner**

(See above for address) TERMINATED: 09/16/2019 LEAD ATTORNEY ATTORNEY TO BE NOTICED

Joshua Stephen Johnson

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Morgan Kelley

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Patrick W. Mizell

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Thomas S. Leatherbury

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Seana Willing

Chief Disciplinary Counsel of the State Bar TERMINATED: 07/23/2019

Defendant

Pablo Javier Almague

Chair of the State Bar Commission for Lawyer Discipline TERMINATED: 07/23/2019

Defendant

Noelle M. Reed

Member of the State Bar Commission for Lawyer Discipline TERMINATED: 07/23/2019

Defendant

John Neal

Member of the State Bar Commission for Lawyer Discipline TERMINATED: 07/23/2019

Defendant

Bruce Ashworth

Member of the State Bar Commission for Lawyer Discipline TERMINATED: 07/23/2019

Defendant

Gena Bunn

Member of the State Bar Commission for Lawyer Discipline TERMINATED: 07/23/2019

Defendant

Magali Suarez Candler

Member of the State Bar Commission for Lawyer Discipline TERMINATED: 07/23/2019

Defendant

Teresa Acosta

Member of the State Bar Commission for Lawyer Discipline

TERMINATED: 07/23/2019

Defendant

Dave Obergfell

Member of the State Bar Commission for Lawyer Discipline

TERMINATED: 07/23/2019

Defendant

William Skrobarczyk

Member of the State Bar Commission for Lawyer Discipline TERMINATED: 07/23/2019

Defendant

Vance Goss

Member of the State Bar Commission for Lawyer Discipline TERMINATED: 07/23/2019

Defendant

Javier S. Vera

Member of the State Bar Commission for Lawyer Discipline TERMINATED: 07/23/2019

Defendant

Sheri Roach Brosier

Member of the State Bar Commission for Lawyer Discipline TERMINATED: 07/23/2019

Defendant

Larry P. McDougal

President-Elect of the State Bar of Texas and Member of the State Bar Board of Directors

represented by **Deborah Carleton Milner**

(See above for address)

TERMINATED: 09/16/2019

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joshua Stephen Johnson

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Morgan Kelley

Patrick W. Mizell

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas S. Leatherbury

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Britney E. Harrison

Member of the State Bar Board of Directors

represented by **Deborah Carleton Milner**

(See above for address)

TERMINATED: 09/16/2019

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joshua Stephen Johnson

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Morgan Kelley

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LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Patrick W. Mizell

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas S. Leatherbury

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Andres E. Almanzan

Member of the State Bar Board of Directors

represented by **Deborah Carleton Milner**

(See above for address)
TERMINATED: 09/16/2019
LEAD ATTORNEY
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Joshua Stephen Johnson

Case: 20-50448 Document: 00515473413 Page: 35 Date Filed: 06/30/2020

Morgan Kelley

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Patrick W. Mizell

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Thomas S. Leatherbury

(See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED

Defendant

Kate Bihm

Member of the State Bar Board of Directors

represented by **Deborah Carleton Milner**

(See above for address) TERMINATED: 09/16/2019 LEAD ATTORNEY ATTORNEY TO BE NOTICED

Joshua Stephen Johnson

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Thomas S. Leatherbury

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Defendant

Rebekah Steely Brooker

Member of the State Bar Board of Directors

represented by **Deborah Carleton Milner**

(See above for address) TERMINATED: 09/16/2019 LEAD ATTORNEY ATTORNEY TO BE NOTICED Case: 20-50448 Document: 00515473413 Page: 36 Date Filed: 06/30/2020

Joshua Stephen Johnson

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Patrick W. Mizell

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Defendant

Luis M. Cardenas

Member of the State Bar Board of Directors

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Joshua Stephen Johnson

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Defendant

Case: 20-50448 Document: 00515473413 Page: 37 Date Filed: 06/30/2020

Christina Davis

Member of the State Bar Board of Directors

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Patrick W. Mizell

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Thomas S. Leatherbury

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Defendant

Michael K. Hurst

Member of the State Bar Board of Directors

represented by **Deborah Carleton Milner**

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Patrick W. Mizell

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Thomas S. Leatherbury

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Yolanda Cortes Mares

Member of the State Bar Board of Directors

represented by **Deborah Carleton Milner**

(See above for address)

TERMINATED: 09/16/2019

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joshua Stephen Johnson

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PRO HAC VICE

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Morgan Kelley

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LEAD ATTORNEY

PRO HAC VICE

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Patrick W. Mizell

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas S. Leatherbury

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Adam T. Schramek

Member of the State Bar Board of Directors

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TERMINATED: 09/16/2019

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joshua Stephen Johnson

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Morgan Kelley

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Case: 20-50448 Document: 00515473413 Page: 39 Date Filed: 06/30/2020

Patrick W. Mizell

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Thomas S. Leatherbury

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Defendant

David K. Sergi

Member of the State Bar Board of Directors

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Thomas S. Leatherbury

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Defendant

Jason Smith

Member of the State Bar Board of Directors

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Defendant

Diane St. Yves

Member of the State Bar Board of Directors

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TERMINATED: 09/16/2019

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Patrick W. Mizell

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ATTORNEY TO BE NOTICED

Defendant

Santos Vargas

Member of the State Bar Board of Directors

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TERMINATED: 09/16/2019
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Case: 20-50448 Document: 00515473413 Page: 41 Date Filed: 06/30/2020

Joshua Stephen Johnson

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Patrick W. Mizell

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Thomas S. Leatherbury

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Defendant

G. Michael Vasquez

Member of the State Bar Board of Directors

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collectively, Texas Legal Ethics Counsel

represented by Jason M. Panzer

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Former Presidents of the State Bar of Texas, Former Chairs of the Texas Bar College, and Former Chairs of the State Bar of Texas Council of Chairs represented by Charles E. Baruch

Johnston Tobey Baruch, P.C.

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represented by J. Mark Little

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LEAD ATTORNEY

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Concerned Lawyers of Color

represented by Charles E. Baruch

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Case: 20-50448 Document: 00515473413 Page: 44 Date Filed: 06/30/2020

Coyt Randal Johnston (See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/06/2019	<u>1 (p.58)</u>	COMPLAINT (Filing fee \$ 400 receipt number 0542-11847384), filed by Joshua B Hammer, Tony K McDonald, Mark S Pulliam. (Attachments: # <u>1 (p.58)</u> Civil Cover Sheet)(Norris, Cameron) (Entered: 03/06/2019)
03/06/2019	2 (p.77)	REQUEST FOR ISSUANCE OF SUMMONS by Joshua B Hammer, Tony K McDonald, Mark S Pulliam. (Norris, Cameron) (Entered: 03/06/2019)
03/06/2019		Case assigned to Judge Lee Yeakel. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (cj) (Entered: 03/07/2019)
03/07/2019	3 (p.169)	Summons Issued as to Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims. (cj) (Entered: 03/07/2019)
03/22/2019	4 (p.261)	WAIVER OF SERVICE Returned Executed by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam as to All Defendants. (Norris, Cameron) (Entered: 03/22/2019)
03/25/2019	5 (p.307)	MOTION for Preliminary Injunction by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. (Attachments: # 1 (p.58) Proposed Order, # 2 (p.77) Adkisson Declaration, # 3 (p.169) Exhibit A, # 4 (p.261) Exhibit B, # 5 (p.307) Exhibit C, # 6 (p.730) Exhibit D, # 7 (p.1158) Exhibit E, # 8 (p.1164) Exhibit F, # 9 (p.1171) Exhibit G, # 10 (p.1176) Exhibit H, # 11 (p.1177) Exhibit I, # 12 (p.1178) Exhibit J, # 13 (p.1179) Exhibit K, # 14 (p.1181) Exhibit L, # 15 (p.1189) Exhibit M, # 16 (p.1191) Exhibit N, # 17 (p.1197) Exhibit O, # 18 (p.1202) Exhibit P, # 19 (p.1204) Exhibit Q, # 20 (p.1205) Exhibit R, # 21 (p.1206) Exhibit S, # 22 (p.1213) Exhibit T # 23 (p.1215) Exhibit U, # 24 (p.1217) Exhibit V, # 25 (p.1236) Exhibit W, # 26 (p.1237) Exhibit X, # 27 (p.1238) Exhibit Y, # 28 (p.1239) Exhibit Z, # 29 (p.1256) Exhibit AA, # 30 (p.1259) Exhibit BB, # 31 (p.1263) Exhibit CC, # 32 (p.1266) Exhibit DD, # 33 (p.1272) Exhibit EE, # 34 (p.1505) McDonald Declaration, # 35 (p.1517) Hammer Declaration, # 36 (p.1748) Pulliam Declaration)(Norris, Cameron) (Entered: 03/25/2019)
03/25/2019	6 (p.730)	MOTION for Partial Summary Judgment by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. (Attachments: # 1 (p.58) Adkisson Declaration, # 2 (p.77) Exhibit A, # 3 (p.169) Exhibit B, # 4 (p.261) Exhibit C, # 5 (p.307) Exhibit D, # 6 (p.730) Exhibit E, # 7 (p.1158) Exhibit F, # 8 (p.1164) Exhibit G, # 9 (p.1171)

		Exhibit H, # 10 (p.1176) Exhibit I, # 11 (p.1177) Exhibit J, # 12 (p.1178) Exhibit K, # 13 (p.1179) Exhibit L, # 14 (p.1181) Exhibit M, # 15 (p.1189) Exhibit N, # 16 (p.1191) Exhibit O, # 17 (p.1197) Exhibit P, # 18 (p.1202) Exhibit Q, # 19 (p.1204) Exhibit R, # 20 (p.1205) Exhibit S, # 21 (p.1206) Exhibit T, # 22 (p.1213) Exhibit U, # 23 (p.1215) Exhibit V, # 24 (p.1217) Exhibit W, # 25 (p.1236) Exhibit X, # 26 (p.1237) Exhibit Y, # 27 (p.1238) Exhibit Z, # 28 (p.1239) Exhibit AA, # 29 (p.1256) Exhibit BB, # 30 (p.1259) Exhibit CC, # 31 (p.1263) Exhibit DD, # 32 (p.1266) Exhibit EE, # 33 (p.1272) McDonald Declaration, # 34 (p.1505) Hammer Declaration, # 35 (p.1517) Pulliam Declaration)(Norris, Cameron) (Entered: 03/25/2019)
03/25/2019	7 (p.1158)	MOTION to Appear Pro Hac Vice by Cameron T. Norris <i>Submitted on Behalf of Jeffrey M. Harris</i> (Filing fee \$ 100 receipt number 0542-11920306) by on behalf of Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. (Norris, Cameron) (Entered: 03/25/2019)
03/25/2019	<u>8</u> (p.1164)	MOTION to Appear Pro Hac Vice by Cameron T. Norris <i>Submitted on Behalf of William S. Consovoy</i> (Filing fee \$ 100 receipt number 0542-11920362) by on behalf of Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. (Norris, Cameron) (Entered: 03/25/2019)
03/25/2019	<u>9</u> (p.1171)	MOTION to Appear Pro Hac Vice by Cameron T. Norris <i>Submitted on Behalf of Samuel D. Adkisson</i> (Filing fee \$ 100 receipt number 0542-11920365) by on behalf of Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. (Norris, Cameron) (Entered: 03/25/2019)
03/26/2019	10 (p.1176)	ORDER GRANTING 7 (p.1158) Motion for Jeffrey M. Harris to Appear Pro Hac Vice on behalf of Plaintiffs. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (lt) (Entered: 03/26/2019)
03/26/2019	11 (p.1177)	ORDER GRANTING <u>8 (p.1164)</u> Motion for William S. Consovoy to Appear Pro Hac Vice on behalf of Plaintiffs. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (lt) (Entered: 03/26/2019)
03/26/2019	1 <u>2</u> (p.1178)	ORDER GRANTING 9 (p.1171) Motion for Samuel D. Adkisson to Appear Pro Hac Vice on behalf of Plaintiffs. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (lt) (Entered: 03/26/2019)
03/26/2019	13 (p.1179)	NOTICE of Attorney Appearance by Thomas S. Leatherbury on behalf of Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy

		Welborn, James Wester, James C Woo. Attorney Thomas S. Leatherbury added to party Jerry C. Alexander(pty:dft), Attorney Thomas S. Leatherbury added to party Jeff Chandler(pty:dft), Attorney Thomas S. Leatherbury added to party Jeff Chandler(pty:dft), Attorney Thomas S. Leatherbury added to party Alison W. Colvin(pty:dft), Attorney Thomas S. Leatherbury added to party Robert D. Crain(pty:dft), Attorney Thomas S. Leatherbury added to party Alistair B. Dawson(pty:dft), Attorney Thomas S. Leatherbury added to party Leslie W. Dippel(pty:dft), Attorney Thomas S. Leatherbury added to party Leslie W. Dippel(pty:dft), Attorney Thomas S. Leatherbury added to party Leslie W. Dippel(pty:dft), Attorney Thomas S. Leatherbury added to party Victor Flores(pty:dft), Attorney Thomas S. Leatherbury added to party Victor Flores(pty:dft), Attorney Thomas S. Leatherbury added to party John Charles Ginn(pty:dft), Attorney Thomas S. Leatherbury added to party John Charles Ginn(pty:dft), Attorney Thomas S. Leatherbury added to party John Charles Ginn(pty:dft), Attorney Thomas S. Leatherbury added to party Marc E. Gravely(pty:dft), Attorney Thomas S. Leatherbury added to party Marc E. Gravely(pty:dft), Attorney Thomas S. Leatherbury added to party August W. Harris, Ill(pty:dft), Attorney Thomas S. Leatherbury added to party Doe "Rice" Horkey, Jr.(pty:dft), Attorney Thomas S. Leatherbury added to party Wendy-Adele Humphrey(pty:dft), Attorney Thomas S. Leatherbury added to party Wendy-Adele Humphrey(pty:dft), Attorney Thomas S. Leatherbury added to party Neil D. Kelly(pty:dft), Attorney Thomas S. Leatherbury added to party Neil D. Kelly(pty:dft), Attorney Thomas S. Leatherbury added to party David C. Kent(pty:dft), Attorney Thomas S. Leatherbury added to party Stephen J. Naylor(pty:dft), Attorney Thomas S. Leatherbury added to party Stephen J. Naylor(pty:dft), Attorney Thomas S. Leatherbury added to party Stephen J. Naylor(pty:dft), Attorney Thomas S. Leatherbury added to party Stephen J. Naylor(pty:dft), Attorney Thomas S. Leatherbur
03/26/2019	<u>14</u> (p.1181)	Opposed MOTION for Extension of Time to File Response/Reply as to <u>6 (p.730)</u> MOTION for Partial Summary Judgment, <u>5 (p.307)</u> MOTION for Preliminary Injunction by Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John
		20-50448.43

		Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo. (Leatherbury, Thomas) (Entered: 03/26/2019)
03/26/2019	15 (p.1189)	NOTICE of Attorney Appearance by Deborah Carleton Milner on behalf of Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr., Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo. Attorney Deborah Carleton Milner added to party Jeff Chandler(pty:dft), Attorney Deborah Carleton Milner added to party Jeff Chandler(pty:dft), Attorney Deborah Carleton Milner added to party Jeff Chandler(pty:dft), Attorney Deborah Carleton Milner added to party Derek Cook(pty:dft), Attorney Deborah Carleton Milner added to party Derek Cook(pty:dft), Attorney Deborah Carleton Milner added to party Alison W. Colvin(pty:dft), Attorney Deborah Carleton Milner added to party Michael Dokupil(pty:dft), Attorney Deborah Carleton Milner added to party Heslie W. Dippel(pty:dft), Attorney Deborah Carleton Milner added to party Michael Dokupil(pty:dft), Attorney Deborah Carleton Milner added to party Strella Escobar(pty:dft), Attorney Deborah Carleton Milner added to party Jestella Escobar(pty:dft), Attorney Deborah Carleton Milner added to party Jestella Escobar(pty:dft), Attorney Deborah Carleton Milner added to party Jenny Jeroster (pty:dft), Attorney Deborah Carleton Milner added to party Jenny Gioldsberry(pty:dft), Attorney Deborah Carleton Milner added to party Shari Goldsberry(pty:dft), Attorney Deborah Carleton Milner added to party S

		Pritchard(pty:dft), Attorney Deborah Carleton Milner added to party Baili B. Rhodes(pty:dft), Attorney Deborah Carleton Milner added to party Lisa S. Richardson(pty:dft), Attorney Deborah Carleton Milner added to party Fidel Rodriguez, Jr.(pty:dft), Attorney Deborah Carleton Milner added to party Carmen M. Roe(pty:dft), Attorney Deborah Carleton Milner added to party Gregory W. Sampson(pty:dft), Attorney Deborah Carleton Milner added to party Alan E. Sims(pty:dft), Attorney Deborah Carleton Milner added to party Dinesh H. Singhal(pty:dft), Attorney Deborah Carleton Milner added to party Randall O. Sorrels(pty:dft), Attorney Deborah Carleton Milner added to party G. Thomas Vick, Jr.(pty:dft), Attorney Deborah Carleton Milner added to party Bradley C. Weber(pty:dft), Attorney Deborah Carleton Milner added to party Amy Welborn(pty:dft), Attorney Deborah Carleton Milner added to party James Wester(pty:dft), Attorney Deborah Carleton Milner added to party James Wester(pty:dft), Attorney Deborah Carleton Milner added to party James C Woo(pty:dft) (Milner, Deborah) (Entered: 03/26/2019)
03/26/2019	<u>16</u> (p.1191)	MOTION to Appear Pro Hac Vice by Thomas S. Leatherbury <i>for Joshua S. Johnson</i> (Filing fee \$ 100 receipt number 0542-11925015) by on behalf of Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo. (Leatherbury, Thomas) (Entered: 03/26/2019)
03/26/2019	17 (p.1197)	MOTION to Appear Pro Hac Vice by Thomas S. Leatherbury for Morgan Kelley (Filing fee \$ 100 receipt number 0542-11925056) by on behalf of Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo. (Leatherbury, Thomas) (Entered: 03/26/2019)
03/27/2019	18 (p.1202)	NOTICE of Attorney Appearance by Patrick W. Mizell on behalf of Joe K. Longley (Mizell, Patrick) (Entered: 03/27/2019)
03/27/2019	19 (p.1204)	ORDER GRANTING 16 (p.1191) Motion for Joshua S. Johnson to Appear Pro Hac Vice on behalf of Defendants. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (It) (Entered: 03/27/2019)

in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (It) (Entered: 03/27/2019) 21 (p.1206) Response in Opposition to Motion, filed by Joshua B. Hammer, Tony K. McDonald Mark S. Pulliam, re 14 (p.1181) Opposed MOTION for Extension of Time to File Response/Reply as to 6 (p.730) MOTION for Partial Summary Judgment, 5 (p.307) MOTION for Preliminary Injunction filed by Defendant Sarah Clower Keathley, Defendant David C. Kent, Defendant Amie S. Peace, Defendant Alolph K. Metayer, Defendant Amy Welborn, Defendant Christopher Oddo, Defendant Alista B. Dawson, Defendant Fidel Rodriguez, Jr., Defendant Robert D. Crain, Defendant Neil D. Kelly, Defendant Christy Amuny, Defendant Insers Wester, Defendant Angelica Hernandez, Defendant Michael Dokupil, Defendant Marc E. Gravely, Defendant August W. Harris, III, Defendant Lisa S. Richardson, Defendar Gregory W. Sampson, Defendant G. Thomas Vick, Jr., Defendant Marc E. McKnight, Jr., Defendant Laura Gibson, Defendant Victor Flores, Defendant Estrella Escobar, Defendant Eardley C. Weber, Defendant Jerry C. Alexander, Defendant John Charles Ginn, Defendant Stephen J. Naylor, Defendant Shari Goldsberry, Defendant Carmen M. Roe, Defendant Jarrod T. Foerster, Defendant Joe "Rice" Horkey, Jr., Defendant Derek Cook, Defendant Curris Pritchard, Defendant Wendy-Adele Humphrey, Defendant James C Woo, Defendant Alison W Colvin, Defendant Baili B. Rhodes (Attachments: # 1 (p.58) Proposed Order)(Norri Cameron) (Entered: 03/29/2019) 03/29/2019 22 (p.1213) ORDER GRANTING Defendants' 14 (p.1181) Opposed Emergency Motion for Extension of Time to File Responses AS FOLLOWS: Defendants' response to Plaintiffs' Motion for Perliminary Injunction and Plaintiffs' Motion for Partial Summary Judgment shall be filed with the court on or before May 13, 2019. Signed by Judge Lee Yeakel. (It) (Entered: 03/29/2019)		
Mark S. Pulliam, re 14 (p.1181) Opposed MOTION for Extension of Time to File Response/Reply as to 6 (p.730) MOTION for Partial Summary Judgment. 5 (p.307 MOTION for Partial Summary Judgment. 5 (p.307 MOTION for Partial Summary Judgment. 5 (p.308 MOTION for Partial Summary Judgment Amy Welborn, Defendant Christopher Oddo, Defendant Alista B. Dawson, Defendant Amy Welborn, Defendant Christopher Oddo, Defendant Alista B. Dawson, Defendant Fidel Rodriguez, Jr., Defendant Robert D. Crain, Defendant Neil D. Kelly, Defendant Christy Amuny, Defendant James Wester, Defendant Angelica Hernandez, Defendant Michael Dokupit, Defendant Mare E. Gravely, Defendant August W. Harris, III, Defendant Lisa S. Richardson, Defendar Gregory W. Sampson, Defendant Ghanta Wichael Dokupit, Defendant Mare E. Gravely, Defendant August W. Harris, III, Defendant Victor Flores, Defendant Estrella Escobar, Defendant Bradley C. Weber, Defendant Jens C. Alexander, Defendant Defendant Maria K. Nicole Voyles, Defendant Victor Flores, Defendant Stall Pretorius, Defendant Christopher M. Singhal, Defendant Stephen J. Naylor, Defendant Shari Goldsberry, Defendant K. Nicole Voyles, Defendant Alan E. Sims, Defendant Shari Goldsberry, Defendant Maria H. S. Sims, Defendant Christ Prichard, Defendant Wendy-Adele Humphrey, Defendant James C Woo, Defendant Chris Prichard, Defendant Wendy-Adele Humphrey, Defendant James C Woo, Defendant Chris Prichard, Defendant Weldy-Adele Humphrey, Defendant James C Woo, Defendant Chris Prichard, Defendant Weldy-Adele Humphrey, Defendant James C Woo, Defendant Chris Prichard, Defendant Weldy-Adele Humphrey, Defendant Stephen	03/27/2019	Vice on behalf of Defendants. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this
(p.1213) Extension of Time to File Responses AS FOLLOWS: Defendants' response to Plaintiffs' Motion for Preliminary Injunction and Plaintiffs' Motion for Partial Summary Judgment shall be filed with the court on or before May 13, 2019. Signed by Judge Lee Yeakel. (lt) (Entered: 03/29/2019) 04/25/2019 23 (p.1215) NOTICE of Attorney Appearance by Matthew Robert Miller on behalf of Goldwater Institute. Attorney Matthew Robert Miller added to party Goldwater Institute(pty:am) (Miller, Matthew) (Entered: 04/25/2019) 04/25/2019 24 (p.1217) MOTION for Leave to File Amicus Brief by Goldwater Institute. (Attachments: # 1 (p.58) Brief)(Miller, Matthew) (Entered: 04/25/2019) 04/25/2019 25 (p.1236) DEFICIENCY NOTICE to Matthew Robert Miller: re 24 (p.1217) MOTION for Leave to File Amicus Brief. (lt) (Entered: 04/25/2019) 04/25/2019 Notice of Correction: re 24 (p.1217) MOTION for Leave to File Amicus Brief. Pursuant to Section 5a(5) of the Western Districts Administrative Policies and Procedures for Electronic Filing, motions to appear amicus curiae are to be filed traditionally rather than electronically. Please make note of this for future filings with this court. (lt) (Entered: 04/25/2019) 04/25/2019 26 (p.1237) ATTACHMENT Proposed Order to 24 (p.1217) MOTION for Leave to File Amicus Brief by Goldwater Institute. (Miller, Matthew) (Entered: 04/25/2019)	03/29/2019	Mark S. Pulliam, re 14 (p.1181) Opposed MOTION for Extension of Time to File Response/Reply as to 6 (p.730) MOTION for Partial Summary Judgment, 5 (p.307) MOTION for Preliminary Injunction filed by Defendant Sarah Clower Keathley, Defendant David C. Kent, Defendant Amie S. Peace, Defendant Rudolph K. Metayer, Defendant Amy Welborn, Defendant Christopher Oddo, Defendant Alistair B. Dawson, Defendant Leslie W. Dippel, Defendant Randall O. Sorrels, Defendant Jeff Chandler, Defendant Fidel Rodriguez, Jr., Defendant Robert D. Crain, Defendant Neil D. Kelly, Defendant Christy Amuny, Defendant James Wester, Defendant Angelica Hernandez, Defendant Michael Dokupil, Defendant Marc E. Gravely, Defendant August W. Harris, III, Defendant Lisa S. Richardson, Defendant Gregory W. Sampson, Defendant G. Thomas Vick, Jr., Defendant Robert E. McKnight, Jr., Defendant Laura Gibson, Defendant Victor Flores, Defendant Estrella Escobar, Defendant Bradley C. Weber, Defendant Jerry C. Alexander, Defendant John Charles Ginn, Defendant Aldo D. Lopez, Defendant Joe K. Longley, Defendant Dinesh H. Singhal, Defendant Stephen J. Naylor, Defendant Sally Pretorius, Defendant K. Nicole Voyles, Defendant Alan E. Sims, Defendant Shari Goldsberry, Defendant Carmen M. Roe, Defendant Jarrod T. Foerster, Defendant Joe "Rice" Horkey, Jr., Defendant Derek Cook, Defendant Curtis Pritchard, Defendant Wendy-Adele Humphrey, Defendant James C Woo, Defendant Alison W. Colvin, Defendant Baili B. Rhodes (Attachments: # 1 (p.58) Proposed Order)(Norris,
Institute. Attorney Matthew Robert Miller added to party Goldwater Institute(pty:am) (Miller, Matthew) (Entered: 04/25/2019) 04/25/2019 24 (p.1217) (p.58) Brief)(Miller, Matthew) (Entered: 04/25/2019) 04/25/2019 25 (p.1236) DEFICIENCY NOTICE to Matthew Robert Miller: re 24 (p.1217) MOTION for Leave to File Amicus Brief. (lt) (Entered: 04/25/2019) 04/25/2019 Notice of Correction: re 24 (p.1217) MOTION for Leave to File Amicus Brief. Pursuant to Section 5a(5) of the Western Districts Administrative Policies and Procedures for Electronic Filing, motions to appear amicus curiae are to be filed traditionally rather than electronically. Please make note of this for future filings with this court. (lt) (Entered: 04/25/2019) 04/25/2019 26 (p.1237) ATTACHMENT Proposed Order to 24 (p.1217) MOTION for Leave to File Amicus Brief by Goldwater Institute. (Miller, Matthew) (Entered: 04/25/2019)	03/29/2019	Extension of Time to File Responses AS FOLLOWS: Defendants' response to Plaintiffs' Motion for Preliminary Injunction and Plaintiffs' Motion for Partial Summary Judgment shall be filed with the court on or before May 13, 2019. Signed
(p.1217) (p.58) Brief)(Miller, Matthew) (Entered: 04/25/2019) 04/25/2019 25 DEFICIENCY NOTICE to Matthew Robert Miller: re 24 (p.1217) MOTION for Leave to File Amicus Brief. (lt) (Entered: 04/25/2019) Notice of Correction: re 24 (p.1217) MOTION for Leave to File Amicus Brief. Pursuant to Section 5a(5) of the Western Districts Administrative Policies and Procedures for Electronic Filing, motions to appear amicus curiae are to be filed traditionally rather than electronically. Please make note of this for future filings with this court. (lt) (Entered: 04/25/2019) 04/25/2019 26 (p.1237) ATTACHMENT Proposed Order to 24 (p.1217) MOTION for Leave to File Amicus Brief by Goldwater Institute. (Miller, Matthew) (Entered: 04/25/2019)	04/25/2019	Institute. Attorney Matthew Robert Miller added to party Goldwater
(p.1236) Leave to File Amicus Brief. (lt) (Entered: 04/25/2019) Notice of Correction: re 24 (p.1217) MOTION for Leave to File Amicus Brief. Pursuant to Section 5a(5) of the Western Districts Administrative Policies and Procedures for Electronic Filing, motions to appear amicus curiae are to be filed traditionally rather than electronically. Please make note of this for future filings with this court. (lt) (Entered: 04/25/2019) 04/25/2019 26 (p.1237) ATTACHMENT Proposed Order to 24 (p.1217) MOTION for Leave to File Amicus Brief by Goldwater Institute. (Miller, Matthew) (Entered: 04/25/2019)	04/25/2019	•
Pursuant to Section 5a(5) of the Western Districts Administrative Policies and Procedures for Electronic Filing, motions to appear amicus curiae are to be filed traditionally rather than electronically. Please make note of this for future filings with this court. (lt) (Entered: 04/25/2019) O4/25/2019 ATTACHMENT Proposed Order to 24 (p.1217) MOTION for Leave to File (p.1237) Amicus Brief by Goldwater Institute. (Miller, Matthew) (Entered: 04/25/2019)	04/25/2019	
(p.1237) Amicus Brief by Goldwater Institute. (Miller, Matthew) (Entered: 04/25/2019)	04/25/2019	Pursuant to Section 5a(5) of the Western Districts Administrative Policies and Procedures for Electronic Filing, motions to appear amicus curiae are to be filed traditionally rather than electronically. Please make note of this for future filings
04/25/2019	04/25/2019	
	04/25/2019	

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	<u>27</u> (p.1238)	ATTACHMENT <i>Corrected Proposed Order</i> to <u>24 (p.1217)</u> MOTION for Leave to File Amicus Brief by Goldwater Institute. (Miller, Matthew) (Entered: 04/25/2019)
04/26/2019	28 (p.1239)	MOTION for Leave to File Amicus Brief by Texas Attorney General Ken Paxton. (Attachments: # 1 (p.58) Brief of Amicus Curiae, # 2 (p.77) Proposed Order)(lt) (Entered: 04/26/2019)
04/26/2019	29 (p.1256)	NOTICE of Attorney Appearance by Cynthia A. Morales on behalf of Ken Paxton. (lt) (Entered: 04/26/2019)
04/30/2019	30 (p.1259)	NOTICE of Supplemental Filing by Ken Paxton re 28 (p.1239) MOTION for Leave to File Amicus Brief by Cynthia A. Morales. (Morales, Cynthia) (Entered: 04/30/2019)
05/02/2019	31 (p.1263)	ATTACHMENT <i>Notice of Supplemental Filing of Certificate of Conferenc3e</i> to <u>24</u> (p.1217) MOTION for Leave to File Amicus Brief by Goldwater Institute. (Miller, Matthew) (Entered: 05/02/2019)
05/13/2019	32 (p.1266)	Opposed MOTION for Leave to Exceed Page Limitation FOR DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON LIABILITY AND FOR DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT by Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo. (Attachments: # 1 (p.58) Proposed Order)(Leatherbury, Thomas) (Entered: 05/13/2019)
05/13/2019	33 (p.1272)	Response in Opposition to Motion, filed by Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo, re 6 (p.730) MOTION for Partial Summary Judgment filed by Plaintiff Tony K. McDonald, Plaintiff Joshua B. Hammer, Plaintiff Mark S. Pulliam (Attachments: #1 (p.58) Johnson Declaration, #2 (p.77) Exhibit 1, #3 (p.169) Exhibit 2, #4 (p.261) Exhibit 3, #5 (p.307) Exhibit 4, #6 (p.730) Exhibit 5, #7 (p.1158) Exhibit 6, #8 (p.1164) Exhibit 7, #9 (p.1171) Exhibit 8, #10 (p.1176) Exhibit 12, #14 (p.1181) Apffel Declaration, #15 (p.1189) Laney Declaration, #16 (p.1191) McAllister Declaration, #17 (p.1197) Henning Declaration, #18 (p.1202) Krasney Declaration, #19 (p.1204) Lawrence Declaration)(Leatherbury, Thomas) (Entered:

		05/13/2019)
05/13/2019	34 (p.1505)	MOTION to Dismiss for Lack of Jurisdiction by Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo. (Leatherbury, Thomas) (Entered: 05/13/2019)
05/13/2019	35 (p.1517)	Cross MOTION for Summary Judgment by Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo. (Attachments: # 1 (p.58) Johnson Declaration, # 2 (p.77) Exhibit 1, # 3 (p.169) Exhibit 2, # 4 (p.261) Exhibit 3, # 5 (p.307) Exhibit 4, # 6 (p.730) Exhibit 5, # 7 (p.1158) Exhibit 6, # 8 (p.1164) Exhibit 7, # 9 (p.1171) Exhibit 8, # 10 (p.1176) Exhibit 12, # 14 (p.1181) Apffel Declaration, # 15 (p.1189) Laney Declaration, # 16 (p.1191) McAllister Declaration, # 17 (p.1197) Henning Declaration, # 18 (p.1202) Krasney Declaration, # 19 (p.1204) Lawrence Declaration)(Leatherbury, Thomas) (Entered: 05/13/2019)
05/13/2019	36 (p.1748)	Response in Opposition to Motion, filed by Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo, re 5 (p.307) MOTION for Preliminary Injunction filed by Plaintiff Tony K. McDonald, Plaintiff Joshua B. Hammer, Plaintiff Mark S. Pulliam (Attachments: # 1 (p.58) Proposed Order, # 2 (p.77) Johnson Declaration, # 3 (p.169) Exhibit 1, # 4 (p.261) Exhibit 2, # 5 (p.307) Exhibit 3, # 6 (p.730) Exhibit 4, # 7 (p.1158) Exhibit 5, # 8 (p.1164) Exhibit 6, # 9 (p.1171) Exhibit 7, # 10 (p.1176) Exhibit 8, # 11 (p.1177) Exhibit 9, # 12 (p.1178) Exhibit 10, # 13 (p.1191) Laney Declaration, # 17 (p.1197) McAllister Declaration, # 18 (p.1202) Henning Declaration, # 19 (p.1204)

		Krasney Declaration, # 20 (p.1205) Lawrence Declaration)(Leatherbury, Thomas) (Entered: 05/13/2019)
05/14/2019	37 (p.1956)	ORDER GRANTING the Goldwater Institute's 24 (p.1217) Motion for Leave to File a brief <i>amicus curiae</i> . Signed by Judge Lee Yeakel. (lt) (Entered: 05/14/2019)
05/14/2019	38 (p.1957)	ORDER GRANTING Texas Attorney General Ken Paxton's <u>28 (p.1239)</u> Unopposed Motion for Leave to File a Brief as <i>Amicus Curiae</i> . Signed by Judge Lee Yeakel. (lt) (Entered: 05/14/2019)
05/14/2019	39 (p.1958)	BRIEF <i>Amicus Curiae</i> of Goldwater Institute in support of Plaintiffs' <u>5 (p.307)</u> MOTION for a Preliminary Injunction. (lt) (Entered: 05/15/2019)
05/14/2019	40 (p.1972)	BRIEF of <i>Amicus Curiae</i> Texas Attorney General Ken Paxton in support of Plaintiffs' <u>6 (p.730)</u> MOTION for Partial Summary Judgment on Liability. (lt) (Entered: 05/15/2019)
05/15/2019	41 (p.1984)	MOTION for Leave to File Brief as Amicus Curiae by Charles Herring, Jr, James M. McCormack, Amon Burton, Gaines West, and Robert P. Schuwerk (collectively, Texas Legal Ethics Counsel). (Attachments: # 1 (p.58) Texas Legal Ethics Counsel's Amicus Curiae Brief, # 2 (p.77) Proposed Order)(lt) (Entered: 05/15/2019)
05/15/2019	42 (p.2007)	NOTICE of Attorney Appearance by Jason M. Panzer and Lauren B. Ross on behalf of Movants/Proposed Amicus Curiae Charles Herring, Jr, James M. McCormack, Amon Burton, Gaines West, and Robert P. Schuwerk (collectively, Texas Legal Ethics Counsel). (lt) (Entered: 05/15/2019)
05/16/2019	43 (p.2011)	ORDER GRANTING Defendants' 32 (p.1266) Motion to Increase Page Limits. Signed by Judge Lee Yeakel. (lt) (Entered: 05/16/2019)
05/16/2019	44 (p.2012)	Unopposed MOTION for Extension of Time to File Response/Reply as to 33 (p.1272) Response in Opposition to Motion,,,,, 35 (p.1517) Cross MOTION for Summary Judgment, 36 (p.1748) Response in Opposition to Motion,,,,, 34 (p.1505) MOTION to Dismiss for Lack of Jurisdiction by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. (Attachments: # 1 (p.58) Proposed Order)(Norris, Cameron) (Entered: 05/16/2019)
05/16/2019	45 (p.2018)	ORDER SETTING Conference for 5/23/2019 at 02:30 PM before Judge Lee Yeakel. Signed by Judge Lee Yeakel. (lt) (Entered: 05/16/2019)
05/17/2019	46 (p.2019)	MOTION for Leave to File Amicus Brief by Former Presidents of the State Bar of Texas, Former Chairs of the Texas Bar College, and Former Chairs of the State Bar of Texas Council of Chairs. (Attachments: # 1 (p.58) Proposed Order, # 2 (p.77) Brief Amici Curiae)(lt) (Entered: 05/17/2019)
05/17/2019	47 (p.2049)	MOTION for Leave to File Amicus Brief by Texas Access to Justice Commission. (Attachments: # 1 (p.58) Proposed Order, # 2 (p.77) Brief of Amicus Curiae Texas Access to Justice Commission)(lt) (Entered: 05/17/2019)
05/17/2019	48 (p.2069)	ORDER GRANTING <u>41 (p.1984)</u> Texas Legal Ethics Counsel's Unopposed Motion for Leave to File Brief as Amicus Curiae. Signed by Judge Lee Yeakel. (lt) (Entered: 05/17/2019)
05/17/2019	49 (p.2071)	Texas Legal Ethics Counsel's <i>Amicus Curiae</i> Brief. (lt) (Entered: 05/17/2019)
05/20/2019		

	50 (p.2088)	ORDER GRANTING Plaintiffs' 44 (p.2012) Unopposed Emergency Motion for Extension of Time to File Responses and Replies. Signed by Judge Lee Yeakel. (lt) (Entered: 05/20/2019)
05/20/2019	51 (p.2089)	ORDER GRANTING <u>46 (p.2019)</u> Motion for Leave to File Brief <i>Amici Curiae</i> of Former Presidents of the State Bar of Texas, Former Chairs of the Texas Bar College, and Former Chairs of the State Bar of Texas Council of Chairs. Signed by Judge Lee Yeakel. (lt) (Entered: 05/21/2019)
05/20/2019	<u>52</u> (p.2090)	ORDER GRANTING Texas Access to Justice Commission's <u>47 (p.2049)</u> Motion for Leave to File Amicus Curiae Brief. Signed by Judge Lee Yeakel. (lt) (Entered: 05/21/2019)
05/20/2019	<u>53</u> (p.2091)	BRIEF <i>Amici Curiae</i> by Former Presidents of the State Bar of Texas, Former Chairs of the Texas Bar College, and Former Chairs of the State Bar of Texas Council of Chairs. (lt) (Entered: 05/21/2019)
05/20/2019	<u>54</u> (p.2116)	BRIEF of <i>Amicus Curiae</i> Texas Access to Justice Commission. (lt) (Entered: 05/21/2019)
05/22/2019	55 (p.2130)	SUPPLEMENT to 36 (p.1748) Response in Opposition to Motion,,,, by Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo. (Leatherbury, Thomas) (Entered: 05/22/2019)
05/23/2019	<u>56</u>	Minute Entry for proceedings held before Judge Lee Yeakel: Status Conference held on 5/23/2019. Written Order forthcoming. (Minute entry documents are not available electronically.) (Court Reporter Arlinda Rodriguez.)(lt) (Entered: 05/23/2019)
05/23/2019	<u>57</u> (p.2134)	ORDER Setting Hearing on Plaintiffs' <u>6 (p.730)</u> MOTION for Partial Summary Judgment and Defendants' <u>35 (p.1517)</u> Cross MOTION for Summary Judgment: Motions Hearing set for 8/1/2019 at 09:30 AM before Judge Lee Yeakel. Signed by Judge Lee Yeakel. (lt) (Entered: 05/24/2019)
05/31/2019	58 (p.3460)	Transcript filed of Proceedings held on May 23, 2019, Proceedings Transcribed: Status Conference. Court Reporter/Transcriber: Arlinda Rodriguez, Telephone number: 512-391-8791. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 6/21/2019, Redacted Transcript Deadline set for 7/1/2019, Release of Transcript Restriction set for 8/29/2019, (alr) (Entered: 05/31/2019)
05/31/2019		

	59 (p.2135)	AMENDED COMPLAINT against Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo, Seana Willing, Pablo Javier Almague, Noelle M. Reed, John Neal, Bruce Ashworth, Gena Bunn, Magali Suarez Candler, Teresa Acosta, Dave Obergfell, William Skrobarczyk, Vance Goss, Javier S. Vera, Sheri Roach Brosier amending, filed by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam.(Norris, Cameron) (Entered: 05/31/2019)
05/31/2019	60 (p.2155)	REQUEST FOR ISSUANCE OF SUMMONS by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. (Norris, Cameron) (Entered: 05/31/2019)
05/31/2019	61 (p.2181)	Unopposed MOTION for Leave to Exceed Page Limitation by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. (Attachments: # 1 (p.58) Proposed Order)(Norris, Cameron) (Entered: 05/31/2019)
05/31/2019	62 (p.2186)	Response in Opposition to Motion, filed by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam, re 34 (p.1505) MOTION to Dismiss for Lack of Jurisdiction filed by Defendant Sarah Clower Keathley, Defendant David C. Kent, Defendant Amie S. Peace, Defendant Rudolph K. Metayer, Defendant Amy Welborn, Defendant Christopher Oddo, Defendant Alistair B. Dawson, Defendant Leslie W. Dippel, Defendant Randall O. Sorrels, Defendant Jeff Chandler, Defendant Fidel Rodriguez, Jr., Defendant Robert D. Crain, Defendant Neil D. Kelly, Defendant Christy Amuny, Defendant James Wester, Defendant Angelica Hernandez, Defendant Michael Dokupil, Defendant Marc E. Gravely, Defendant August W. Harris, III, Defendant Lisa S. Richardson, Defendant Gregory W. Sampson, Defendant G. Thomas Vick, Jr., Defendant Robert E. McKnight, Jr., Defendant Laura Gibson, Defendant Victor Flores, Defendant Estrella Escobar, Defendant Bradley C. Weber, Defendant Jerry C. Alexander, Defendant John Charles Ginn, Defendant Aldo D. Lopez, Defendant Joe K. Longley, Defendant Dinesh H. Singhal, Defendant Stephen J. Naylor, Defendant Sally Pretorius, Defendant K. Nicole Voyles, Defendant Alan E. Sims, Defendant Shari Goldsberry, Defendant Carmen M. Roe, Defendant Jarrod T. Foerster, Defendant Joe "Rice" Horkey, Jr., Defendant Derek Cook, Defendant Curtis Pritchard, Defendant Wendy-Adele Humphrey, Defendant James C Woo, Defendant Alison W. Colvin, Defendant Baili B. Rhodes (Norris, Cameron) (Entered: 05/31/2019)
05/31/2019	63 (p.2192)	REPLY to Response to Motion, filed by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam, re <u>6 (p.730)</u> MOTION for Partial Summary Judgment filed by Plaintiff Tony K. McDonald, Plaintiff Joshua B. Hammer, Plaintiff Mark S. Pulliam (Attachments: # <u>1 (p.58)</u> Affidavit Adkisson Declaration, # <u>2 (p.77)</u> Exhibit FF, # <u>3 (p.169)</u> Exhibit GG, # <u>4 (p.261)</u> Exhibit HH, # <u>5 (p.307)</u> Exhibit II, # <u>6 (p.730)</u> Exhibit JJ)(Norris, Cameron) (Entered: 05/31/2019)
05/31/2019	64 (p.2415)	REPLY to Response to Motion, filed by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam, re <u>5 (p.307)</u> MOTION for Preliminary Injunction filed by Plaintiff

		Tony K. McDonald, Plaintiff Joshua B. Hammer, Plaintiff Mark S. Pulliam (Norris, Cameron) (Entered: 05/31/2019)
05/31/2019	65 (p.2418)	Response in Opposition to Motion, filed by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam, re 35 (p.1517) Cross MOTION for Summary Judgment filed by Defendant Sarah Clower Keathley, Defendant David C. Kent, Defendant Amie S. Peace, Defendant Rudolph K. Metayer, Defendant Amy Welborn, Defendant Christopher Oddo, Defendant Alistair B. Dawson, Defendant Leslie W. Dippel, Defendant Randall O. Sorrels, Defendant Jeff Chandler, Defendant Fidel Rodriguez, Jr., Defendant Robert D. Crain, Defendant Neil D. Kelly, Defendant Christy Amuny, Defendant Amebert D. Crain, Defendant Angelica Hernandez, Defendant Michael Dokupil, Defendant Marc E. Gravely, Defendant August W. Harris, III, Defendant Lisa S. Richardson, Defendant Gregory W. Sampson, Defendant G. Thomas Vick, Jr., Defendant Robert E. McKnight, Jr., Defendant Laura Gibson, Defendant Victor Flores, Defendant Estrella Escobar, Defendant Bradley C. Weber, Defendant Victor Flores, Defendant Ehrland Dinesh H. Singhal, Defendant Stephen J. Naylor, Defendant Suly Pretorius, Defendant K. Nicole Voyles, Defendant Alan E. Sims, Defendant Shari Goldsberry, Defendant K. Nicole Voyles, Defendant Jarrod T. Foerster, Defendant Joe "Rice" Horkey, Jr., Defendant Derek Cook, Defendant Curtis Pritchard, Defendant Wendy-Adele Humphrey, Defendant James C Woo, Defendant Alison W. Colvin, Defendant Baili B. Rhodes (Attachments: # 1 (p.58) Adkisson Declaration, # 2 (p.77) Exhibit A, # 3 (p.169) Exhibit B, # 4 (p.261) Exhibit C, # 5 (p.307) Exhibit D, # 6 (p.730) Exhibit E, # 7 (p.1158) Exhibit F, # 8 (p.1164) Exhibit G, # 9 (p.1171) Exhibit H, # 10 (p.1176) Exhibit I, # 11 (p.1177) Exhibit N, # 12 (p.1178) Exhibit N, # 16 (p.1191) Exhibit O, # 17 (p.1197) Exhibit P, # 18 (p.1202) Exhibit C, # 19 (p.1204) Exhibit R, # 20 (p.1205) Exhibit S, # 21 (p.1206) Exhibit T, # 22 (p.1213) Exhibit U, # 23 (p.1215) Exhibit V, # 24 (p.1217) Exhibit W, # 25 (p.1236) Exhibit DD, # 32 (p.1266) Exhibit BH, # 36 (p.1748) Exhibit II, # 37 (p.1955) Exhibit DD, # 32 (p.1266) Exhibit BH, # 36 (p.1748) Exhib
06/01/2019	66 (p.3052)	Unopposed MOTION to Withdraw as Attorney by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. (Attachments: # 1 (p.58) Proposed Order)(Adkisson, Samuel) (Entered: 06/01/2019)
06/03/2019		Notice of Correction: re <u>59 (p.2135)</u> Amended Complaint. Pursuant to Section 5a(3) of the District's Administrative Policies and Procedures for Electronic Filing, amended complaints that add parties are to be filed traditionally. Please take note for future filing purposes. (lt) (Entered: 06/03/2019)
06/03/2019	67 (p.3057)	Summons Issued as to Seana Willing, Pablo Javier Almague, Noelle M. Reed, John Neal, Bruce Ashworth, Gena Bunn, Magali Suarez Candler, Teresa Acosta, Dave Obergfell, William Skrobarczyk, Vance Goss, Javier S. Vera, Sheri Roach Brosier. (lt) (Entered: 06/03/2019)
06/03/2019	68 (p.3083)	ORDER GRANTING Plaintiffs' 61 (p.2181) Unopposed Motion to Increase Page Limits. Signed by Judge Lee Yeakel. (lt) (Entered: 06/03/2019)

06/04/2019	69 (p.3084)	ORDER DISMISSING WITHOUT PREJUDICE Defendants' 34 (p.1505) Motion to Dismiss. Signed by Judge Lee Yeakel. (lt) (Entered: 06/04/2019)
06/04/2019	70 (p.3085)	Unopposed MOTION for Extension of Time to File Response/Reply as to 35 (p.1517) Cross MOTION for Summary Judgment by Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo. (Attachments: # 1 (p.58) Proposed Order)(Leatherbury, Thomas) (Entered: 06/04/2019)
06/05/2019	71 (p.3090)	ORDER GRANTING Defendants' 70 (p.3085) Unopposed Emergency Motion for Extension of Time to File Reply in Support of Their Cross-Motion for Summary Judgment. Signed by Judge Lee Yeakel. (lt) (Entered: 06/05/2019)
06/13/2019	72 (p.3091)	MOTION for Extension of Time to File Answer by Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo. (Leatherbury, Thomas) (Entered: 06/13/2019)
06/14/2019	73 (p.3097)	ORDER GRANTING Bar Board Defendants' 72 (p.3091) Unopposed Emergency Motion for Extension of Time to Answer Plaintiffs' First Amended Complaint. Signed by Judge Lee Yeakel. (lt) (Entered: 06/14/2019)
06/18/2019	74 (p.3098)	Unopposed MOTION for Leave to Exceed Page Limitation by Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo. (Leatherbury, Thomas) (Entered: 06/18/2019)
06/18/2019	75 (p.3103)	REPLY to Response to Motion, filed by Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T.

		Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo, re 35 (p.1517) Cross MOTION for Summary Judgment filed by Defendant Sarah Clower Keathley, Defendant David C. Kent, Defendant Amie S. Peace, Defendant Rudolph K. Metayer, Defendant Amy Welborn, Defendant Christopher Oddo, Defendant Alistair B. Dawson, Defendant Leslie W. Dippel, Defendant Randall O. Sorrels, Defendant Jeff Chandler, Defendant Fidel Rodriguez, Jr., Defendant Robert D. Crain, Defendant Neil D. Kelly, Defendant Christy Amuny, Defendant James Wester, Defendant Angelica Hernandez, Defendant Michael Dokupil, Defendant Marc E. Gravely, Defendant August W. Harris, III, Defendant Lisa S. Richardson, Defendant Gregory W. Sampson, Defendant G. Thomas Vick, Jr., Defendant Robert E. McKnight, Jr., Defendant Laura Gibson, Defendant Victor Flores, Defendant Estrella Escobar, Defendant Bradley C. Weber, Defendant Jerry C. Alexander, Defendant John Charles Ginn, Defendant Aldo D. Lopez, Defendant Joe K. Longley, Defendant Dinesh H. Singhal, Defendant Stephen J. Naylor, Defendant Sally Pretorius, Defendant Carmen M. Roe, Defendant Jarrod T. Foerster, Defendant Joe "Rice" Horkey, Jr., Defendant Derek Cook, Defendant Curtis Pritchard, Defendant Wendy-Adele Humphrey, Defendant James C Woo, Defendant Alison W. Colvin, Defendant Baili B. Rhodes (Leatherbury, Thomas) (Entered: 06/18/2019)
06/19/2019	76 (p.3122)	ORDER GRANTING 74 (p.3098) Motion to Increase Page Limit for Defendants' Reply in Support of Cross-Motion for Summary Judgment. Signed by Judge Lee Yeakel. (lt) (Entered: 06/19/2019)
07/15/2019	77 (p.3123)	STIPULATION by Jerry C. Alexander, Christy Amuny, Jeff Chandler, Alison W. Colvin, Derek Cook, Robert D. Crain, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, Christopher Oddo, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Alan E. Sims, Dinesh H. Singhal, Randall O. Sorrels, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, James C Woo. (Leatherbury, Thomas) (Entered: 07/15/2019)
07/22/2019	78 (p.3129)	MOTION for Leave to File Amicus Brief <i>of Concerned Lawyers of Color</i> by Charles "Chad" Baruch. by Former Presidents of the State Bar of Texas, Former Chairs of the Texas Bar College, and Former Chairs of the State Bar of Texas Council of Chairs. (Attachments: # <u>1 (p.58)</u> Proposed Order, # <u>2 (p.77)</u> Brief)(Johnston, Coyt) (Entered: 07/22/2019)
07/22/2019		Notice of Correction: re <u>78 (p.3129)</u> MOTION for Leave to File Amicus Brief <i>of Concerned Lawyers of Color</i> by Charles "Chad" Baruch. Pursuant to Section 5a(5) of the Western Districts Administrative Policies and Procedures for Electronic

		Filing, motions to appear amicus curiae are to be filed traditionally rather than electronically. (lt) (Entered: 07/22/2019)
07/23/2019	79 (p.3145)	STIPULATION AND ORDER REGARDING DEFENDANTS TO THE ACTION. Signed by Judge Lee Yeakel. (lt) (Entered: 07/23/2019)
07/23/2019	<u>80</u> (p.3149)	NOTICE of Attorney Appearance by Shawn E. Cowles on behalf of Ken Paxton. Attorney Shawn E. Cowles added to party Ken Paxton(pty:am) (Cowles, Shawn) (Entered: 07/23/2019)
07/24/2019	<u>81</u> (p.3152)	ATTACHMENT <i>Proposed Order</i> to 78 (p.3129) MOTION for Leave to File Amicus Brief of Concerned Lawyers of Color by Charles "Chad" Baruch. by Concerned Lawyers of Color. (Baruch, Charles) (Entered: 07/24/2019)
07/24/2019	<u>82</u> (p.3153)	ORDER Regarding case style. Signed by Judge Lee Yeakel. (lt) (Entered: 07/24/2019)
07/25/2019	83 (p.3155)	ORDER GRANTING 78 (p.3129) Motion for Leave to File Brief <i>Amici Curiae</i> for Concerned Lawyers of Color. Signed by Judge Lee Yeakel. (lt) (Entered: 07/25/2019)
07/25/2019	84 (p.3156)	BRIEF Amici Curiae by Concerned Lawyers of Color. (lt) (Entered: 07/25/2019)
07/31/2019	85 (p.3166)	ORDER GRANTING <u>66 (p.3052)</u> Motion for Samuel D. Adkisson to Withdraw as Counsel. Signed by Judge Lee Yeakel. (lt) (Entered: 07/31/2019)
08/01/2019	<u>86</u>	Minute Entry for proceedings held before Judge Lee Yeakel: Hearing on Cross Motions for Summary Judgment held on 8/1/2019. Statements and arguments heard. Evidence submitted. Written order forthcoming. (Minute entry documents are not available electronically.) (Court Reporter Arlinda Rodriguez.)(lt) (Entered: 08/01/2019)
08/01/2019	<u>87</u> (p.3546)	Defendants' EXHIBITS for Hearing on Cross Motions for Summary Judgment held on 8/1/2019.(lt) (Additional attachment(s) added on 8/2/2019: # 1 (p.58) Defendants Exhibits 1 to 15, # 2 (p.77) Defendants Exhibits 16 to 19) (lt). (Entered: 08/01/2019)
08/01/2019	(p.3746)	Plaintiffs' EXHIBITS for Hearing on Cross Motions for Summary Judgment held on 8/1/2019.(lt) (Additional attachment(s) added on 8/2/2019: # 1 (p.58) Plaintiffs Exhibits 1 to 29, # 2 (p.77) Plaintiffs Exhibits 30 to 34, # 3 (p.169) Plaintiffs Exhibit 35, # 4 (p.261) Plaintiffs Exhibits 36 to 41) (lt). (Entered: 08/01/2019)
08/09/2019	89 (p.3482)	Transcript filed of Proceedings held on August 1, 2019, Proceedings Transcribed: Motions Hearing. Court Reporter/Transcriber: Arlinda Rodriguez, Telephone number: 512-391-8791. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 8/30/2019, Redacted Transcript Deadline set for 9/9/2019, Release of Transcript Restriction set for 11/7/2019, (alr) (Entered: 08/09/2019)
08/30/2019	90 (p.3167)	NOTICE <i>OF SUPPLEMENTAL AUTHORITY</i> by Jerry C. Alexander, Andres E. Almanzan, Kate Bihm, Rebekah Steely Brooker, Luis M. Cardenas, Alison W.

		Colvin, Derek Cook, Robert D. Crain, Christina Davis, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Britney E. Harrison, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Michael K. Hurst, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Yolanda Cortes Mares, Larry P. McDougal, Robert E. McKnight, Jr, Stephen J. Naylor, Amie S. Peace, Sally Pretorius, Carmen M. Roe, Adam T. Schramek, David K. Sergi, Alan E. Sims, Dinesh H. Singhal, Jason Smith, Randall O. Sorrels, Diane St. Yves, Santos Vargas, G. Michael Vasquez, K. Nicole Voyles, Amy Welborn, James Wester, James C Woo (Attachments: # 1 (p.58) Supplemental Authority)(Leatherbury, Thomas) (Entered: 08/30/2019)
09/04/2019	91 (p.3181)	RESPONSE to 90 (p.3167) Notice (Other),,, by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. (Norris, Cameron) (Entered: 09/04/2019)
09/13/2019	92 (p.3184)	Unopposed MOTION to Withdraw as Attorney for Defendants, and Request for Termination of Notice by Teresa Acosta, Jerry C. Alexander, Pablo Javier Almague, Andres E. Almanzan, Christy Amuny, Bruce Ashworth, Kate Bihm, Rebekah Steely Brooker, Sheri Roach Brosier, Gena Bunn, Magali Suarez Candler, Luis M. Cardenas, Jeff Chandler, Charles Herring, Jr, James M. McCormack, Amon Burton, Gaines West, and Robert P. Schuwerk, Alison W. Colvin, Concerned Lawyers of Color, Derek Cook, Robert D. Crain, Christina Davis, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Estrella Escobar, Victor Flores, Jarrod T. Foerster, Former Presidents of the State Bar of Texas, Former Chairs of the Texas Bar College, and Former Chairs of the State Bar of Texas Council of Chairs, Laura Gibson, John Charles Ginn, Shari Goldsberry, Goldwater Institute, Vance Goss, Marc E. Gravely, August W. Harris, III, Britney E. Harrison, Angelica Hernandez, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Michael K. Hurst, Sarah Clower Keathley, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Yolanda Cortes Mares, Larry P. McDougal, Robert E. McKnight, Jr, Rudolph K. Metayer, Stephen J. Naylor, John Neal, Dave Obergfell, Christopher Oddo, Ken Paxton, Amie S. Peace, Sally Pretorius, Curtis Pritchard, Noelle M. Reed, Baili B. Rhodes, Lisa S. Richardson, Fidel Rodriguez, Jr., Carmen M. Roe, Gregory W. Sampson, Adam T. Schramek, David K. Sergi, Alan E. Sims, Dinesh H. Singhal, William Skrobarczyk, Jason Smith, Randall O. Sorrels, Diane St. Yves, Texas Access to Justice Commission, Santos Vargas, G. Michael Vasquez, Javier S. Vera, G. Thomas Vick, Jr., K. Nicole Voyles, Bradley C. Weber, Amy Welborn, James Wester, Seana Willing, James C Woo. (Attachments: # 1(p.58) Proposed Order)(Leatherbury, Thomas) (Entered: 09/13/2019)
09/16/2019	9 <u>3</u> (p.3188)	ORDER GRANTING <u>92 (p.3184)</u> Motion for Deborah C. Milner to Withdraw as counsel for Defendants. Signed by Judge Lee Yeakel. (lt) (Entered: 09/16/2019)
01/15/2020	94 (p.3189)	NOTICE <i>OF SUPPLEMENTAL AUTHORITIES</i> by Jerry C. Alexander, Andres E. Almanzan, Kate Bihm, Rebekah Steely Brooker, Luis M. Cardenas, Alison W. Colvin, Derek Cook, Robert D. Crain, Christina Davis, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Britney E. Harrison, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Michael K. Hurst, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Yolanda Cortes Mares, Larry P. McDougal, Robert E. McKnight, Jr, Stephen J. Naylor, Amie S. Peace, Sally Pretorius, Carmen M. Roe, Adam T. Schramek, David K. Sergi, Alan E. Sims, Dinesh H. Singhal, Jason Smith, Randall O. Sorrels, Diane St. Yves, Santos Vargas, G. Michael Vasquez, K. Nicole Voyles, Amy Welborn, James Wester,

		James C Woo (Attachments: # 1 (p.58) Index of Attachments to Notice of Supplemental Authorities, # 2 (p.77) Attachment A, # 3 (p.169) Attachment B, # 4 (p.261) Attachment C, # 5 (p.307) Attachment D, # 6 (p.730) Attachment E)(Leatherbury, Thomas) (Entered: 01/15/2020)
01/21/2020	95 (p.3415)	RESPONSE to <u>94 (p.3189)</u> Notice (Other),,,, by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. (Norris, Cameron) (Entered: 01/21/2020)
03/09/2020	96 (p.3418)	NOTICE <i>OF SUPPLEMENTAL AUTHORITY</i> by Jerry C. Alexander, Andres E. Almanzan, Kate Bihm, Rebekah Steely Brooker, Luis M. Cardenas, Alison W. Colvin, Derek Cook, Robert D. Crain, Christina Davis, Alistair B. Dawson, Leslie W. Dippel, Michael Dokupil, Victor Flores, Jarrod T. Foerster, Laura Gibson, John Charles Ginn, Shari Goldsberry, Marc E. Gravely, August W. Harris, III, Britney E. Harrison, Joe "Rice" Horkey, Jr., Wendy-Adele Humphrey, Michael K. Hurst, Neil D. Kelly, David C. Kent, Joe K. Longley, Aldo D. Lopez, Yolanda Cortes Mares, Larry P. McDougal, Robert E. McKnight, Jr, Stephen J. Naylor, Amie S. Peace, Sally Pretorius, Carmen M. Roe, Adam T. Schramek, David K. Sergi, Alan E. Sims, Dinesh H. Singhal, Jason Smith, Randall O. Sorrels, Diane St. Yves, Santos Vargas, G. Michael Vasquez, K. Nicole Voyles, Amy Welborn, James Wester, James C Woo (Attachments: # 1 (p.58) Supplemental Authority)(Leatherbury, Thomas) (Entered: 03/09/2020)
05/06/2020	97 (p.3428)	NOTICE of Supplemental Authority & Request for Status Conference by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam (Attachments: # 1 (p.58) Exhibit)(Norris, Cameron) (Entered: 05/06/2020)
05/29/2020	9 <u>8</u> (p.3435)	ORDER DENYING Plaintiffs' <u>6 (p.730)</u> Motion for Partial Summary Judgment. ORDER GRANTING Defendants' <u>35 (p.1517)</u> Cross-Motion for Summary Judgment. ORDER DISMISSING Plaintiffs' <u>5 (p.307)</u> Motion for Preliminary Injunction. Signed by Judge Lee Yeakel. (lt) (Entered: 05/29/2020)
05/29/2020	99 (p.3453)	FINAL JUDGMENT. ORDER that Plaintiffs TAKE NOTHING by their suit against Defendants. Defendants are awarded costs. Signed by Judge Lee Yeakel. (lt) (Entered: 05/29/2020)
06/02/2020	100 (p.3455)	Appeal of Final Judgment 99 (p.3453), 98 (p.3435) by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. (Filing fee \$ 505 receipt number 0542-13621101) (Norris, Cameron) (Entered: 06/02/2020)
06/02/2020		NOTICE OF APPEAL following 100 (p.3455) Notice of Appeal (E-Filed) by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. Filing fee \$ 505, receipt number 0542-13621101. Per 5th Circuit rules, the appellant has 14 days, from the filing of the Notice of Appeal, to order the transcript. To order a transcript, the appellant should fill out a (Transcript Order) and follow the instructions set out on the form. This form is available in the Clerk's Office or by clicking the hyperlink above. (lt) (Entered: 06/02/2020)
06/02/2020	101 (p.3458)	TRANSCRIPT REQUEST by Joshua B. Hammer, Tony K. McDonald, Mark S. Pulliam. (Norris, Cameron) (Entered: 06/02/2020)

TAB 2

Case 1:19-cv-00219-LY Document 100 Filed 06/02/20 Page 1 of 3

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

TONY K. MCDONALD, JOSHUA B. HAMMER,
and MARK S. PULLIAM,

Plaintiffs,

v.

Case No. 1:19-cv-219-LY

RANDALL O. SORRELS, et al.,

Defendants.

NOTICE OF APPEAL

Plaintiffs, Tony McDonald, Joshua Hammer, and Mark Pulliam, now appeal to the U.S. Court of Appeals for the Fifth Circuit this Court's order and final judgment entered on May 29, 2020, dismissing Plaintiffs' motion for preliminary injunction, denying Plaintiffs' motion for partial summary judgment on liability, and granting Defendants' cross-motion for summary judgment. *See* Dkt. Nos. 98, 99.

Case 1:19-cv-00219-LY Document 100 Filed 06/02/20 Page 2 of 3

Dated: June 2, 2020 Respectfully submitted,

/s/ Cameron T. Norris

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Counsel for Plaintiffs

Case: 20-50448 e: 20-50448 Document: 00515473413 Page: 64 Date Filed: 06/30/2020 Case 1:19-cv-00219-LY Document 100 Filed 06/02/20 Page 3 of 3

CERTIFICATE OF SERVICE

I certify that on June 2, 2020, I electronically filed this brief with the Clerk of Court using the CM/ECF system.

/s/ Cameron T. Norris

TAB 3

Case: 20-50448 Document: 00515473413 Page: 66 Date Filed: 06/30/2020

Case 1:19-cv-00219-LY Document 99 Filed 05/29/20 Page 1 of 2

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS **AUSTIN DIVISION**

program of the progra 2020 MAY 29 PM 4: 05

TONY K. MCDONALD, JOSHUA B. § HAMMER, AND MARK S. PULLIAM, PLAINTIFFS.

CAUSE NO. 1:19-CV-219-LY

V. RANDALL O. SORRELS, LARRY P. MCDOUGAL, JOE K. LONGLEY, LAURA GIBSON, BRITNEY E. HARRISON, ANDRES E. ALMANZAN, JERRY C. ALEXANDER, KATE BIHM, REBEKAH STEELY BROOKER, LUIS M. CARDENAS, ALISON W. COLVIN, DEREK COOK, ROBERT D. CRAIN, CHRISTINA DAVIS, ALISTAIR B. DAWSON, LESLIE DIPPEL, MICHAEL DOKUPIL, VICTOR FLORES, JARROD T. FOERSTER, LAURA GIBSON, JOHN CHARLES GINN, SHARI GOLDSBERRY, MARC E. GRAVELY, AUGUST W. HARRIS III, JOE "RICE" HORKEY, JR., WENDY-ADELE HUMPHREY, MICHAEL K. HURST, NEIL D. KELLY, DAVID C. KENT, ALDO D. LOPEZ, YOLANDA CORTES MARES, ROBERT E. MCKNIGHT, JR., STEPHEN J. NAYLOR, AMIE S. PEACE, SALLY PRETORIUS, CARMEN M. ROE, ADAM T. SCHRAMEK, DAVID K SERGI, ALAN E. SIMS, DINESH H. SINGHAL, JASON SMITH, SANTOS VARGAS, G. MICHAEL VASQUEZ, K. NICOLE VOYLES, AMY WELBORN, JAMES WESTER, JAMES C. WOO, AND DIANE ST. YVES, IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE BOARD OF DIRECTORS OF THE STATE BAR OF TEXAS,

DEFENDANTS.

FINAL JUDGMENT

Before the court is the above entitled cause of action. On this date, the court rendered an order granting Defendants summary judgment. Accordingly, the court renders the following Final

Judgment pursuant to Federal Rule of Civil Procedure 58.

IT IS ORDERED that Plaintiffs TAKE NOTHING by their suit against Defendants.

IT IS FURTHER ORDERED that Defendants are awarded costs.

IT IS FINALLY ORDERED the case is CLOSED.

SIGNED this ______ day of May, 2020.

LEE YEAKEL

UNITED STATES DISTRICT JUDGE

TAB 4

Case: 20-50448 Document: 00515473413 Page: 69 Date Filed: 06/30/2020 Case 1:19-cv-00219-LY Document 98 Filed 05/29/20 Page 1 of 18

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION The state of the s

2020 MAY 29 PM 4: 05

TONY K. MCDONALD, JOSHUA B.
HAMMER, AND MARK S. PULLIAM,
PLAINTIFFS,

V.

CAUSE NO. 1:19-CV-219-LY

RANDALL O. SORRELS, LARRY P.
MCDOUGAL, JOE K. LONGLEY,
LAURA GIBSON, BRITNEY E.
HARRISON, ANDRES E. ALMANZAN,
JERRY C. ALEXANDER, KATE BIHM,
REBEKAH STEELY BROOKER, LUIS
M. CARDENAS, ALISON W. COLVIN,

S

CAUSE NO. 1:19-CV-219-LY

S

RANDALL O. SORRELS, LARRY P.
S

MCDOUGAL, JOE K. LONGLEY,
S

M. CARDENAS, ALISON W. COLVIN,
S

DIANE ST. YVES, IN THEIR OFFICIAL \$ CAPACITIES AS MEMBERS OF THE \$ BOARD OF DIRECTORS OF THE STATE \$ BAR OF TEXAS, \$ DEFENDANTS. \$

DEREK COOK, ROBERT D. CRAIN, CHRISTINA DAVIS, ALISTAIR B.

MICHAEL DOKUPIL, VICTOR FLORES, JARROD T. FOERSTER, LAURA GIBSON.

GOLDSBERRY, MARC E. GRAVELY, AUGUST W. HARRIS III, JOE "RICE" HORKEY, JR., WENDY-ADELE HUMPHREY, MICHAEL K. HURST, NEIL D. KELLY, DAVID C. KENT, ALDO D. LOPEZ, YOLANDA CORTES MARES, ROBERT E. MCKNIGHT, JR., STEPHEN J. NAYLOR, AMIE S. PEACE, SALLY PRETORIUS, CARMEN M. ROE, ADAM T. SCHRAMEK, DAVID K SERGI, ALAN E. SIMS, DINESH H. SINGHAL, JASON SMITH, SANTOS VARGAS, G. MICHAEL VASQUEZ, K. NICOLE VOYLES, AMY WELBORN, JAMES WESTER, JAMES C. WOO, AND

DAWSON, LESLIE DIPPEL,

JOHN CHARLES GINN, SHARI

ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT

Before the court in the above-styled cause are the parties' cross-motions for summary judgment, responses, replies, *amicus* briefs, and exhibits.¹ On August 1, 2019, the court held a hearing on the motions at which all parties were represented by counsel. Having considered the motions, responses, replies, *amicus* briefs, the parties' summary-judgment proof, argument of counsel, post-hearing submissions, case file, and applicable law, the court renders the following order.

Jurisdiction and venue

Federal courts have original jurisdiction over "all civil actions arising under the Constitution, laws or treaties of the United States." 28 U.S.C. § 1331. This action arises under the First and Fourteenth Amendments to the United States Constitution and is brought pursuant Section 1983 of Title 42 of the United States Code. This court has subject-matter jurisdiction under Sections 1331 and 1343 of Title 28 of the United States Code, and venue is proper in this district because at least

Plaintiffs' Motion for Partial Summary Judgment on Liability filed March 25, 2019 (Doc. #6); Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment on Liability filed May 13, 2019 (Doc. #33); Plaintiffs' Reply in Support of Motion for Partial Summary Judgment on Liability filed May 31, 2019 (Doc. #63); Defendants' Cross-Motion for Summary Judgment filed May 13, 2019 (Doc. #35); Plaintiffs' Response in Opposition to Defendants' Cross-Motion for Summary Judgment filed May 31, 2019 (Doc. #65); Defendants' Reply in Support of Cross-Motion for Summary Judgment filed June 18, 2019 (Doc. #75); Brief Amicus Curiae of Goldwater Institute in Support of Plaintiffs' Motion for Preliminary Injunction (Doc. #39); Brief Amicus Curiae Texas Attorney General Ken Paxton in Support of Plaintiffs' Motion for Partial Summary Judgment on Liability filed May 14, 2019 (Doc. #40); Texas Legal Ethics Counsel's Amicus Curiae Brief filed May 17, 2019 (Doc. #49); Brief Amicus Curiae of Former Presidents of the State Bar of Texas, Forms Chairs of the Texas Bar College, and Former Chairs of the State Bar of Texas Council of Chairs filed May 20, 2019 (Doc. #53); Brief of amicus Curiae Texas Access to Justice Commission filed May 20, 2019 (Doc. #54); and Brief Amici Curiae of Concerned Lawyers of Color (Doc. #84).

Case: 20-50448 Document: 00515473413 Page: 71 Date Filed: 06/30/2020

Case 1:19-cv-00219-LY Document 98 Filed 05/29/20 Page 3 of 18

one of the defendants resides in this district and all defendants reside in the State of Texas. See 28

U.S.C. § 1391(b)(1).

Factual background

Texas requires all lawyers licensed to practice in the state to enroll in, and pay annual

membership fees to, a statewide bar. See Tex. Gov't Code §§ 81.051, 81.054, 81.102. The Texas

Legislature established the State Bar of Texas (the "Bar") in 1939 as "an administrative agency of

the Judicial Department of the State." State Bar Act § 2, reprinted in 2 Tex. B.J. 128, 128 (1939).

The operations and responsibilities of the Bar are governed by statute, along with the Bar's internal

rules and policies. The State Bar Act (the "Act") mandates that all attorneys licensed to practice law

in Texas be members of the Bar. The Bar "is a public corporation and an administrative agency of

the judicial department" of Texas government and is subject to "administrative control" by the Texas

Supreme Court. See Tex. Gov't Code § 81.011(a), (c).

The Act specifies the Bar's purposes as follows:

(1) to aid the courts in carrying on and improving the administration of justice;

(2) to advance the quality of legal services to the public and to foster the role of the legal

profession in serving the public;

(3) to foster and maintain on the part of those engaged in the practice of law high ideals and

integrity, learning, competence in public service, and high standards of conduct;

(4) to provide proper professional services to the members of the state bar;

(5) to encourage the formation of and activities of local bar associations;

(6) to provide forums for the discussion of subjects pertaining to the practice of law, the science of jurisprudence and law reform, and the relationship of the state bar to the public; and

(7) to publish information relating to the subjects listed in Subdivision (6).

Id. at § 81.012.

The Bar's members elect the Bar's officers and the majority of the members of the Bar's Board of Directors. *Id.* at §§ 81.019(b), 81.020(b). Almost half of the Bar's annual revenue comes from membership fees, and the Texas Supreme Court and the Bar's Board of Directors share responsibility for setting the fee amount. *See id.* at §§ 81.022, 81.054(a). The Board may increase fees by up to 10% once every six years. *Id.* at § 81.022(a-4). All other fee increases are subject to a referendum vote by the Bar's members. *Id.* at § 81.022(a-3). The annual membership fees are currently \$68 for active members licensed less than three years; \$148 for active members licensed between three and five years; \$235 for active members licensed for at least five years; and \$50 for inactive members. Members 70 years of age and older are exempt from paying membership fees. The Bar has not raised annual membership fees since 1991, and remains the lowest among the states with integrated bars.²

In 2003, the Texas Legislature amended the Act to require non-exempt Texas lawyers to pay a \$65 legal-services fee in addition to the membership fee. *Id* at. § 81.054(c)-(d), (j)-(k). The Bar does not receive or control that fee. *Id.* at § 81.054(c)-(d). The Texas Supreme Court distributes the

² An integrated bar is defined as an official state organization requiring membership and financial support of all attorneys admitted to practice in that jurisdiction. It has two facets which set it apart from a voluntary bar association—official organization by authority of the state and compulsory membership. See Tex. Gov't Code § 81.102.

Case: 20-50448 Document: 00515473413 Page: 73 Date Filed: 06/30/2020 Case 1:19-cv-00219-LY Document 98 Filed 05/29/20 Page 5 of 18

legal-services fees to the Texas Comptroller, who allocates half to the Supreme Court Judicial Fund to fund civil legal services for the indigent and the other half to the Fair Defense Account of the state's general-revenue fund for indigent-criminal-defense programs. *Id.* at § 81.054(c).

The Texas Legislature periodically conducts "sunset" reviews of the Bar to determine "whether a public need exists" for the Bar's continued existence, including "whether less restrictive or alternative methods of performing any function that the agency performs could adequately protect or provide service to the public." Tex. Gov't Code § 325.011. The Bar has undergone sunset review four times, the last in 2017, when the Texas Legislature voted to continue the Bar's existence until the next sunset review in 2029. *See* S.B. No. 302 (2017).

Plaintiffs Tony K. McDonald and Joshua B. Hammer are attorneys licensed to practice law in Texas and active members of the Bar. Plaintiff Mark S. Pulliam is an inactive member of the Bar. Plaintiffs filed suit against Defendants, all of whom are members of the State Bar of Texas Board of Directors, in their official capacities only, seeking declaratory and injunctive relief to remedy alleged unconstitutional coerced speech and association in violation of the First and Fourteenth Amendments of the United States Constitution. Plaintiffs assert that the mandatory requirement that attorneys in Texas must join, associate with, and pay dues to the Bar violates their First Amendment right to freedom of speech and association. *See* 42 U.S.C. § 1983. Plaintiffs seek a declaratory judgment that Texas law compelling them to join, associate with, and financially support the Bar violates the First and Fourteenth Amendments. *See* 28 U.S.C. § 2201. Plaintiffs further seek attorney's fees and costs. *See* 42 U.S.C. § 1988.

Plaintiffs' motion for partial summary judgment on liability asserts that the current structure of the Bar violates their First Amendment rights in three ways: (1) by compelling membership in,

Case: 20-50448 Document: 00515473413 Page: 74 Date Filed: 06/30/2020 Case 1:19-cv-00219-LY Document 98 Filed 05/29/20 Page 6 of 18

and financial support for, the Bar in violation of Plaintiffs' First Amendment right to freedom of speech and association; (2) by compelling Plaintiffs to support the Bar's activities beyond attorney regulation in violation the First Amendment; and (3) and by implementing procedures for identifying non-chargeable expenses in violation the First Amendment. Defendants' cross-motion for summary judgment on all of Plaintiffs' claims asserts that Plaintiffs have failed to raise any plausible constitutional violations.

Arguments

Plaintiffs argue that under Janus v. American Federation of State, County, & Municipal Employees, 138 S. Ct. 2448 (2018), an organization that collects compelled dues must adopt procedures under which members opt in to supporting political and ideological causes, rather than charging everyone the fee by default and expecting objectors to opt out. Defendants argue that Lathrop v. Donohue, 367 U.S. 820 (1961) and Keller v. State Bar of California, 496 U.S. 1 (1990), control, holding that mandatory bar membership and mandatory bar fees do not violate the First Amendment. Defendants further assert that Plaintiffs' reliance on Janus is misplaced, because Janus's reassessment of whether a state's interests in maintaining labor peace and avoiding nonmember free riding on unions' collective-bargaining efforts justify compelled payments from nonmembers does not undermine the United States Supreme Court's endorsement of the state interests in professional regulation and legal-service quality served by integrated bars.

Summary-judgment review

"Summary judgment is required when 'the movant shows that there is no dispute as to any material fact and the movant is entitled to judgment as a matter of law." *Trent v. Wade*, 776 F.3d 368, 376 (5th Cir. 2015) (quoting FED. R. CIV. P. 56(a)). "A genuine dispute of material fact exists

Case: 20-50448 Document: 00515473413 Page: 75 Date Filed: 06/30/2020 Case 1:19-cv-00219-LY Document 98 Filed 05/29/20 Page 7 of 18

when the 'evidence is such that a reasonable jury could return a verdict for the nonmoving party." Nola Spice Designs, LLC v. Haydel Enters., Inc., 783 F.3d 527, 536 (5th Cir. 2015) (quoting Anderson v. Liberty Lobby, 477 U.S. 242, 248 (1986)). "The moving party 'bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions of [the record] which it believes demonstrate the absence of a genuine issue of material fact." Id. (quoting EEOC v. LHC Grp., Inc., 773 F.3d 688, 694 (5th Cir. 2014)). A fact is material if "its resolution could affect the outcome of the action." Aly v. City of Lake Jackson, 605 Fed. App'x 260, 262 (5th Cir. 2015). "If the moving party fails to meet [its] initial burden, the motion [for summary judgment] must be denied, regardless of the nonmovant's response." Pioneer Exploration, LLC v. Steadfast Ins. Co., 767 F.3d 503 (5th Cir. 2014).

"When the moving party has met its Rule 56(c) burden, the nonmoving party cannot survive a summary judgment motion by resting on the mere allegations of its pleadings." *Duffie v. United States*, 600 F.3d 362, 371 (5th Cir. 2010). The nonmovant must identify specific evidence in the record and articulate how that evidence supports that party's claim. *Willis v. Cleco Corp.*, 749 F.3d 314, 317 (5th Cir. 2014). "This burden will not be satisfied by 'some metaphysical doubt as to the material facts, by conclusory allegations, by unsubstantiated assertions, or by only a scintilla of evidence." *Boudreaux v. Swift Transp. Co., Inc.*, 402 F.3d 536, 540 (5th Cir. 2005). In deciding a summary-judgment motion, the court draws all reasonable inferences in the light most favorable to the nonmoving party. *Darden v. City of Fort Worth*, 866 F.3d 698, 702 (5th Cir. 2017).

On cross motions for summary judgment, the court reviews each party's motion independently, viewing the evidence and inferences in the light most favorable to the nonmoving party, and determining for each side whether judgment may be rendered in accordance with the Rule

Case: 20-50448 Document: 00515473413 Page: 76 Date Filed: 06/30/2020 Case 1:19-cv-00219-LY Document 98 Filed 05/29/20 Page 8 of 18

56 standard. *Amerisure Ins. Co. v. Navigators Ins. Co.*, 611 F.3d 299, 304 (5th Cir. 2010) (internal citation and quotation omitted); *Shaw Constr. v. ICF Kaiser Engrs., Inc.*, 395 F.3d 533 fn. 8 & 9 (5th Cir. 2004).

Analysis

Counts One and Two

In Counts One and Two of Plaintiffs' First Amended Complaint, Plaintiffs assert that compelling membership in and financial support for the Bar and compelling Plaintiffs to support the Bar's activities beyond attorney regulation violates Plaintiffs' First Amendment right to freedom of speech and association. *See Janus*, 138 S. Ct. at 2463–64. Plaintiffs acknowledge that the United States Supreme Court upheld compulsory state bars in *Keller*, but they argue that the Court did so only by relying heavily on *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977), which Plaintiffs argue the Court explicitly overruled in *Janus. See* 138 S. Ct. at 2478–79. Plaintiffs argue in the alternative that even if *Keller* remains good law, nothing in *Keller* authorizes a state to compel bar membership when the bar engages in political or ideological activities.

Defendants argue that *Lathrop* and *Keller* foreclose Plaintiffs' claims by squarely holding that the First Amendment permits states to adopt integrated bars supported by compulsory membership fees to further the state's interests in "regulating the legal profession or 'improving the quality of the legal service available to the people of the State." *Keller*, 496 U.S. at 14 (quoting *Lathrop*, 367 U.S. at 843). Defendants further argue that contrary to Plaintiffs' contentions, *Janus* did not overrule *Keller*, and integrated bars may engage in activities that some members may view as "political or ideological" in nature so long as they advance the legitimate state interests recognized in *Keller*.

In *Lathrop*, the plaintiff claimed that Wisconsin's establishment of an integrated bar with compulsory membership fees violated his First Amendment rights of freedom of association and free speech. 367 U.S. at 821–23. The Supreme Court concluded that Wisconsin's integrated bar did not violate the First Amendment's guarantee of freedom of association, reasoning that a state may constitutionally require attorneys to pay dues to a state bar "in order to further the State's legitimate interests in raising the quality of professional services," even when an integrated bar "engages in some legislative activity," as long as "the bulk of State Bar activities serve the function . . . of elevating the educational and ethical standards of the Bar to the end of improving the quality of the legal service available to the people of the State." *Id.* at 843. Concluding that the record was insufficiently developed to provide a "sound basis" for deciding whether the integrated bar violated the plaintiff's right to free speech, the *Lathrop* Court declined to resolve that issue. *Id.* at 845–48.

However, *Keller* did resolve the free-speech issue left open by *Lathrop*. The *Keller* plaintiffs claimed that the integrated California State Bar's "use of their compulsory dues to finance political and ideological activities . . . with which they disagree violate[d] their rights of free speech." 496 U.S. at 9. The Court held that lawyers "may be required to join and pay dues to the State Bar," and articulated "the scope of permissible dues-financed activities in which the State Bar may engage." *Id.* at 4. The Court concluded that integrated bars "are justified by the State's interest in regulating the legal profession and improving the quality of legal services." *Id.* at 13. *Keller* held that state bars may use mandatory membership fees to "fund activities germane to those goals," but may not use mandatory fees to "fund activities of an ideological nature which fall outside of those areas of activity." *Id.* at 14. Therefore, under *Keller*, integrated state bars' use of membership fees complies with the First Amendment if the "expenditures are necessarily or reasonably incurred for the purpose

Case: 20-50448 Document: 00515473413 Page: 78 Date Filed: 06/30/2020 Case 1:19-cv-00219-LY Document 98 Filed 05/29/20 Page 10 of 18

of regulating the legal profession or 'improving the quality of the legal service available to the people of the State." *Id.* (quoting *Lathrop*, 367 U.S. at 843). *Keller* acknowledges that determining on which side of that constitutional line a particular expenditure falls "will not always be easy," but the Court explained that "the extreme ends of the spectrum are clear": although mandatory fees may not be used for advancing "gun control or nuclear weapons freeze" initiatives, they may be used for "activities connected with disciplining members of the Bar or proposing ethical codes for the profession." *Id.* at 15–16.

Janus did not disturb the binding holdings of Lathrop and Keller.³ Janus addressed First Amendment issues applicable only to public-sector employees. 38 S. Ct. at 2478. The Court held that arrangements whereby a governmental entity and a labor organization agree to require government employees to pay fees that are used by the union to negotiate how governmental funds are spent, and in what amounts, implicate the First Amendment in ways distinct from agency fees in the private sector. Public-sector fees involve "the government . . . compel[ling] a person to pay for another party's speech," on matters involving "the budget of government" and "the performance of government services." Id. at 2467, 2473. The Court also indicated that public unions raise particular First Amendment concerns that are not raised by integrated state bars, noting that collective bargaining by public unions has a special "political valence" that the Court in Abood did not appreciate at the time. Janus, 138 S. Ct. at 2483. Private-sector agency fees raise no such issues.

³ The United States District Court for the Eastern District of Louisiana also has concluded that *Janus* did not overrule *Lathrop* and *Keller*. *See Boudreaux v. La. State Bar Ass'n*, No. 2:19-cv-11962, slip op. at 55-56 (E.D. La. Jan. 13, 2020), *appeal docketed*. No. 20-30086 (5th Cir. Feb. 10, 2020). *See also Fleck v. Wetch*, 937 F.3d 1112, 1118 (8th Cir. 2019), *cert. denied*, 140 S. Ct. 1294 (Mar. 9, 2020).

Case: 20-50448 Document: 00515473413 Page: 79 Date Filed: 06/30/2020 Case 1:19-cv-00219-LY Document 98 Filed 05/29/20 Page 11 of 18

Like *Keller* and *Lathrop*, this case involves mandatory membership in a bar association, not a public-sector union.

Although Plaintiffs contend that *Keller* relies heavily on *Abood*, the Supreme Court decided *Keller* principally in the context of rejecting the contention that the California State Bar's "status as a regulated state agency exempted it from any constitutional constraints on the use of its dues." 496 U.S. at 10. *Keller* merely drew an "analogy" between integrated state bars and labor unions. *Id.* at 12. *Janus*'s reassessment of the state interests that *Abood* concluded justified agency fee arrangements did not undermine *Keller*'s recognition of the very different state interests in professional regulation and legal-service quality served by integrated bars. *See id.* at 13–14.

Moreover, the majority opinion in *Janus* did not address *Keller* or respond to the dissent's assertion that *Keller* was a "case . . . involving compelled speech subsidies outside the labor sphere [that] today's decision does not question." 138 S. Ct. at 2498 (Kagan, J., dissenting). *Keller* and *Lathrop* directly control under the facts of this case, and therefore bind this court. *See Rodriguez de Quijas v. Shearson/Am. Express, Inc.*, 490 U.S. 477, 484 (1989) ("If a precedent of this Court has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions.").

Additionally, the Supreme Court's decision in *Harris v. Quinn*, 573 U.S. 616 (2014), confirms that *Keller* fits within the "exacting scrutiny" framework applied in *Janus. Harris* applied "exacting scrutiny" in holding that states could not constitutionally charge non-public employees agency fees. *See id.* at 648–51. As later explained by *Janus*, exacting scrutiny requires that a compelled subsidy "serve a compelling state interest that cannot be achieved through means

significantly less restrictive of associational freedoms." *Janus*, 138 S. Ct. at 2465 (quoting *Knox v. Serv. Emps. Int'l Union*, 567 U.S. 298, 310 (2012)). *Harris* explicitly considered whether the exacting-scrutiny framework would disturb its prior holding in *Keller* that states may require lawyers to pay fees to fund bar activities furthering the "State's interest in regulating the legal profession and improving the quality of legal services." *Harris*, 573 U.S. at 655 (quoting *Keller*, 496 U.S. at 14). The Court answered no, holding that *Keller* "fits comfortably within [the exacting-scrutiny] framework" applied in *Harris* and that its decision in *Harris* was "wholly consistent with [the Court's] holding in *Keller*." *Id.* at 656. Thus, the court finds no basis for holding that *Janus* overrules *Keller*.

Having determined that *Keller* applies, the court will next address whether the Bar's challenged activities meet the *Keller* standard. *Keller* held that integrated bars "are justified by the State's interest in regulating the legal profession and improving the quality of legal services available to the people of the State," *id.* at 13; thus, state bars may use mandatory membership fees to "fund activities germane to those goals," so long as they do not "fund activities of an ideological nature which fall outside of those areas of activity." *Id.* at 14. The question is not whether the challenged activity is "political or ideological" in the abstract, but whether the challenged activity is "germane to" the state interests that justify integrated bars' establishment of "regulating the legal profession and improving the quality of legal services." *Id.* at 13; *see also United States v. United Foods, Inc.*, 533 U.S. 405, 414 (2001) (under *Keller*, lawyers can "be required to pay moneys in support of activities . . . germane to the reason justifying the compelled association"); *Kingstad v. State Bar of Wis.*, 622 F.3d 708, 716 (7th Cir. 2010) (question is "whether challenged expenditures . . . are reasonably related to the constitutionally relevant purposes of [the mandatory] association").

Case: 20-50448 Document: 00515473413 Page: 81 Date Filed: 06/30/2020 Case 1:19-cv-00219-LY Document 98 Filed 05/29/20 Page 13 of 18

"The purpose of the State Bar of Texas is to engage in those activities enumerated at [Section] 81.012 of the State Bar Act. The expenditure of funds by the State Bar of Texas is limited both as set forth at [Section] 81.034 of the State Bar Act and in *Keller*." Board Policy Manual § 3.14.01 ("Policy Manual"). The court finds that the following Bar activities Plaintiffs challenge comply with the *Keller* standard because they further Texas's interest in professional regulation or legal-service quality improvement.

Lobbying. Members of the Bar's voluntary, subject-matter sections coordinate all lobbying activities without compensation from the Bar for their efforts. The Bar follows a detailed, multi-step process to ensure that its legislative activities comply with the requirements of the State Bar Act and Keller. In addition, the Bar maintains a policy against engaging in legislative activities that "carry the potential of deep philosophical or emotional division among a substantial segment of the membership of the bar." Policy Manual § 8.01.03(c). Participating in legislative activities such as seeking to amend or repeal unconstitutional laws benefits the legal profession and improves the quality of legal services because it reduces the risk that lawyers, their clients, members of the public, or government officials will rely on laws that judicial decisions have rendered invalid. To date no person—Plaintiffs included—have raised an objection under the Bar's protest procedure from the time of its adoption in 2005 until the filing of Plaintiffs' suit.

Access to Justice Programs. The Texas Supreme Court established the Texas Access to Justice Commission in 2001 in response to findings by a statewide planning group that many poverty-stricken people in Texas are underrepresented, and that gaps exist in developing a comprehensive, integrated statewide civil-legal-services-delivery system in Texas. The Texas Supreme Court's order creating the Commission expressly provides that it is prohibited from using

Bar funds "for influencing the passage or defeat of any legislative measure unless the measure relates to the regulation of the legal profession, improving the quality of legal services, or the administration of justice and the amount of the expenditure is reasonable and necessary." Tex. Gov't Code § 81.034.

In addition, the preamble to the Texas Disciplinary Rules of Professional Conduct urges attorneys to be "mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance." Tex. Disciplinary R. Prof'l Conduct preamble ¶ 5, reprinted in Tex. Gov't Code Ann., tit. 2, subtit. G, app. A (West 2013). The Bar advances Texas' interest in professional regulation by taking steps to assist lawyers in fulfilling their "ethical responsibility to provide public interest legal service." Tex. Disciplinary R. Prof'l Conduct 6.01 cmt. 5.

Diversity Initiatives. Texas has a long history of discrimination in the legal profession and legal education. See, e.g., League of United Latin Am. Citizens, Council No. 4434 v. Clements, 999 F.2d 831, 866 (5th Cir. 1993) (en banc) (noting "Texas' long history of discrimination against its black and Hispanic citizens in all areas of public life"). The Bar's diversity-related initiatives seek to reduce those barriers and promote a fairness and equity among lawyers help to build and maintain the public's trust in the legal profession and the judicial process as a whole, advancing Texas's interests in professional regulation and improving the quality of legal services.

Continuing Legal Education. The Bar's Continuing Education programs assist Bar members in satisfying minimum continuing legal education requirement in furtherance of the members' professional duty to maintain the requisite knowledge of a competent practitioner. See Tex. State Bar R. art. XII, § 6, reprinted in Tex. Gov't Code Ann., tit. 2. subtit. G, app. A (West 2013); Tex.

Case: 20-50448 Document: 00515473413 Page: 83 Date Filed: 06/30/2020 Case 1:19-cv-00219-LY Document 98 Filed 05/29/20 Page 15 of 18

Disciplinary R. Prof'l Conduct 1.01 cmt. 8. The programs' fees aid in funding the Bar's operations, without which the Bar would likely increase its membership fees. The Bar regularly publishes disclaimers stating that the opinions expressed by speakers in continuing legal education programs "do not necessarily reflect opinions of the State Bar of Texas, its sections, or committees."

matters and the affairs of the [] Bar and its members." State Bar R. art. IX. The Bar is required to publish information of interest to the legal profession, including notices of disciplinary actions and amendments to evidentiary and procedural rules. See, e.g., Tex. R. Disciplinary P. 6.07; Tex. Gov't Code §§ 22.108(c), 22.109(c). The Texas Bar Journal aims to "report [on] matters objectively" and to feature articles expressing "[v]arious viewpoints," including the "opinions of people differing with the State Bar and/or Bar leaders." Policy Manual § 7.05.02. Each issue includes a disclaimer making clear that publication of any article or statement is not to be deemed an endorsement of the views expressed therein. Like the continuing legal education programs, the Texas Bar Journal advances the interest of professional regulation and improving legal-service quality by keeping Bar members up-to-date on developments in the law and the legal profession. Cf. Lehnert v. Ferris Faculty Ass'n, 500 U.S. 507, 529 (1991) (rejecting First Amendment challenge to expenditures on union's statewide journal).

Advertising. Keller authorizes expenditures to inform lawyers and the public regarding the Bar's programs and the Bar's role in regulating the legal profession and advancing the quality of legal services. See Kingstad, 622 F.3d at 718–19 (upholding state bar public image campaign). See also Gardner v. State Bar of Nev., 284 F.3d at 1043 (9th Cir. 2002). Indeed, the Bar's advertising activities are "highly germane to the purposes for which the State Bar exists," Gardner, 284 F.3d at

1043, because they inform lawyers and the public about the Bar's programs and the Bar's role in furthering those interests.

The court concludes that the \$65 legal-services fee added by the Texas Legislature in 2003 is not subject to *Keller* because it is not used to fund any Bar expenditures, but rather is used by the Texas Supreme Court and the Texas Indigent Defense Commission to promote legal services for the indigent. *See* Tex. Gov't Code § 81.0549(c)–(d). Even if *Keller* applies, the fee satisfies *Keller* because—like the Bar's access-to-justice programs—promoting legal services for the indigent is "germane to" the state's interests in regulating the legal profession and improving the quality of legal services. *Keller*, 496 U.S. at 13–14.

Count Three

In Count Three, Plaintiffs assert that the Bar's implementation of procedures for identifying non-chargeable expenses violate the First Amendment because the Bar has failed to adopt the precise procedures established by the Supreme Court in *Chicago Teachers Union v. Hudson*, 475 U.S. 292 (1986). The court notes, however, that *Keller* did not address the question of whether integrated bars can adopt "alternative procedures" to prevent bar members from being compelled to fund non-chargeable expenses. *See Keller*, 496 U.S. at 17. Having previously concluded that the Bar's procedures ensure that all of its expenditures comply with *Keller*, the court further concludes that the Bar's existing policies and procedures achieve the objective of procedural safeguards in the First Amendment by ensuring that "the government treads with sensitivity in areas freighted with First Amendment concerns." *Hudson*, 475 U.S. at 303 n.12.

The Bar provides members with advance, detailed notice of its proposed expenditures, along with several opportunities to object to those expenditures before they occur. Bar members have

Case: 20-50448 Document: 00515473413 Page: 85 Date Filed: 06/30/2020

Case 1:19-cv-00219-LY Document 98 Filed 05/29/20 Page 17 of 18

multiple opportunities to object to proposed expenditures before they occur—none of which Plaintiffs have undertaken-including, but not limited to, (1) at the annual public budget hearing required under Tex. Gov't Code § 81.022(b), (2) at the annual Bar Board meeting at which the budget is approved under Policy Manual § 3.02.03, and (3) under the Policy Manual's protest procedure, which allows members to "object to a proposed or actual expenditure," Policy Manual § 3.14.02. In addition, members can object to proposed legislative activities and participate in the Legislative Policy Subcommittee meeting on the Bar's proposed legislative program. Because the Bar has adequate procedural safeguards in place to protect against compelled speech and because mandatory Bar membership and compulsory fees do not otherwise violate the First Amendment, Plaintiffs' claim that the Bar unconstitutionally coerces them into funding allegedly non-chargeable activities without a meaningful opportunity to object necessarily fails as a matter of law.

Conclusion

IT IS ORDERED that Plaintiffs' Motion for Partial Summary Judgment on Liability filed March 25, 2019 (Doc. #6) is **DENIED**.

IT IS FURTHER ORDERED that Defendants' Cross-Motion for Summary Judgment filed May 13, 2019 (Doc. #35) is **GRANTED**.⁴

⁴ Having granted summary judgment in favor of Defendants, the court need not address Plaintiffs' Motion for Preliminary Injunction filed March 25, 2019 (Doc. #5). Accordingly, it is **ORDERED** that Plaintiffs' Motion for Preliminary Injunction filed March 25, 2019 (Doc. #5) is DISMISSED.

A Final Judgment shall be rendered subsequently in this cause.

SIGNED this **Z944** day of May, 2020.

LEE YEAKEL

UNITED STATES DISTRICT JUDGE

TAB 5

CERTIFICATE OF SERVICE

I filed a true and correct copy of this brief with the Clerk of this Court via the CM/ECF system, which will notify all counsel.

/s/ Jeffrey M. Harris
Counsel for Appellants
Dated: June 30, 2020