

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

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JULIE ALLEMAN, JULIET CATRETT, and P. :  
WELLNESS INSTITUTE, LLC :

Plaintiffs, :

v. :

SHANNAE N. HARNESS, *et al.* :

Defendants. :

Case. No. 3:24-cv-00877

Judge John deGravelles

Magistrate Judge Scott D. Johnson

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**PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

Plaintiffs move for a preliminary injunction, pursuant to Fed. R. Civ. P. 65, pending final resolution of this matter enjoining defendants from taking any action against them for (1) using the word "Psychological" in the name of the business that plaintiffs Alleman and Catrett own, (2) using the words "psychologist," "psychological," or "psychology" in any description of services of theirs or their company, or (3) using any terms that refer to their expertise in areas of psychology.

In support of this motion, Plaintiffs rely upon the accompanying memorandum of law and the exhibits identified on the accompanying exhibit list.

Dated: February 5, 2025

*s/ Michael E. Rosman*

Michael E. Rosman (admitted pro hac vice)

CENTER FOR INDIVIDUAL RIGHTS

1100 Connecticut Ave, NW, Ste. 625

Washington, D.C. 20036

(202) 833-8400

[rosman@cir-usa.org](mailto:rosman@cir-usa.org)

James Baehr

LSBA #35431  
Sarah Harbison  
LSBA #31948  
Pelican Institute for Public Policy  
400 Polydras St., Suite 900  
New Orleans, LA 70130  
504-500-0506  
james@pelicaninstitute.org  
sarah@pelicaninstitute.org

Lauren Ventrella  
LSBA #36063  
VENTRELLA LAW FIRM  
22650 Greenwell Springs  
Greenwell Springs, LA 70739  
225-304-3636  
leventrella@gmail.com

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**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION FOR A  
PRELIMINARY INJUNCTION**

Table of Contents

Table of Contents .....	i
Table of Authorities .....	ii
Factual Background .....	1
Louisiana’s Licensing Scheme .....	6
A.    Psychologists (Chapter 28) .....	6
B.    Professional Counselors / Marriage and Family Therapists (Chapter 13) .....	9
C.    Social Workers (Chapter 35) .....	11
D.    Addiction Counselors (Chapter 50-A) .....	12
Argument .....	12
I.    PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS .....	13
A.    Plaintiffs’ “As Applied” Challenge Is Likely To Succeed .....	13
1.    Commercial Speech .....	13
2.    Non-Commercial Speech .....	18
B.    If This Court Reaches The Facial Challenge, Plaintiffs Are Likely To Succeed .....	19
II.    THE OTHER FACTORS ALSO FAVOR PLAINTIFFS .....	20
Conclusion .....	21

## Table of Authorities

### Cases

<i>Byrum v. Landreth</i> , 566 F.3d 442 (5th Cir. 2009) .....	14, 15, 17, 21
<i>Abramson v. Gonzales</i> , 949 F.2d 1567 (11th Cir. 1992) .....	17
<i>American Academy of Implant Dentistry v. Parker</i> , 860 F.3d 300 (5th Cir. 2017) .....	15, 17
<i>Bd. of Trustees v. Fox</i> , 492 U.S. 469 (1989) .....	13
<i>Book People, Inc. v. Wong</i> , 91 F.4th 318 (5th Cir. 2024) .....	21
<i>Central Hudson Gas &amp; Elec. Corp. v. Pub. Serv. Comm’n of New York</i> , 447 U.S. 557 (1980) .....	14
<i>Defense Distributed v. Bruck</i> , 30 F.4th 414 (5th Cir. 2022) .....	20
<i>Eckles v. Kulongoski</i> , 1994 U.S. Dist. LEXIS 22111 (D. Oregon Apr. 26, 1994) .....	17
<i>Express Oil Change, L.L.C. v. Mississippi Bd. Of Licensure for Professional Engineers &amp; Surveyors</i> , 916 F.3d 483 (5th Cir. 2019) .....	14, 15, 17
<i>Fed. Sav. &amp; Loan Ins. Corp. v. Dixon</i> , 835 F.2d 554 (5th Cir. 1987) .....	13
<i>Gibson v. Texas Dept. of Insurance – Division of Workers’ Compensation</i> , 700 F.3d 227 (5th Cir. 2012) .....	17
<i>Nichols v. Alcatel USA, Inc.</i> , 532 F.3d 364 (5th Cir. 2008) .....	13
<i>Ocheesee Creamery LLC v. Putman</i> , 851 F.3d 1228 (11th Cir. 2018) .....	13
<i>Rosemond v. Markham</i> , 135 F. Supp. 3d 574 (E.D. Ky. 2015) .....	9, 19, 20
<i>Rubin v. Coors Brewing Co.</i> , 514 U.S. 476 (1995) .....	18
<i>Serafine v. Branaman</i> , 810 F.3d 354 (5th Cir. 2016) .....	19, 20
<i>Texans for Free Enter. v. Tex. Ethics Comm’n</i> , 732 F.3d 535 (5th Cir. 2013) .....	20
<i>Univ. of Tex. v. Comenisch</i> , 451 U.S. 390 (1981) .....	13

Constitutional Provisions, Statutes, and Rules

La. R.S. § 37:1103(10) .....	9, 10
La. R.S. § 37:1103(5) .....	9
La. R.S. § 37:1103(6) .....	10
La. R.S. § 37:1103(7) .....	16
La. R.S. § 37:1104 .....	10
La. R.S. § 37:1104(A) .....	10
La. R.S. § 37:1104(B)(2)(a) .....	10
La. R.S. § 37:1104(B)(2)(c) .....	10
La. R.S. § 37:1105(E) .....	10
La. R.S. § 37:1105(G) .....	10
La. R.S. § 37:1107(A)(6)(b) .....	10
La. R.S. § 37:1107(B) .....	10
La. R.S. § 37:1107(E)(1) .....	10
La. R.S. § 37:1111(A) .....	7
La. R.S. § 37:1113(5) .....	7
La. R.S. § 37:1116(B) .....	10
La. R.S. § 37:1116(E) .....	8, 11, 18
La. R.S. § 37:2352(6) .....	8, 16
La. R.S. § 37:2352(7) .....	6, 16
La. R.S. § 37:2352(9) .....	5, 7, 17

La. R.S. § 37:2356.4 .....	8
La. R.S. § 37:2356.4(B) .....	8
La. R.S. § 37:2356.4(C) .....	8, 16
La. R.S. § 37:2356.4(E)(2)(b) .....	8, 16
La. R.S. § 37:2360(A)(1) .....	7, 9, 13, 17-20
La. R.S. § 37:2360(A)(2) .....	9
La. R.S. § 37:2361 .....	7
La. R.S. § 37:2361(E) .....	7
La. R.S. § 37:2365(A) .....	7, 9
La. R.S. § 37:2365(B) .....	7
La. R.S. § 37:2365(E) .....	8, 16
La. R.S. § 37:2703(14)(c) .....	11
La. R.S. § 37:2704(A) .....	11
La. R.S. § 37:2705(C)(2) .....	11
La. R.S. § 37:2708(B) .....	11
La. R.S. § 37:2711(B) .....	11
La. R.S. § 37:2713 .....	11
La. R.S. § 37:3386.1(15) .....	12
La. R.S. § 37:3387.1 .....	12
La. R.S. § 37:3387.1(A)(2) .....	12
La. R.S. § 37:3387.2 .....	12
La. R.S. § 37:3387.2(A)(2) .....	12

La. R.S. § 37:3387(A)(1) .....	12
La. R.S. § 37:3387(A)(2) .....	12
La. R.S. § 37:3387(E) .....	12
U.S. Const., amend. I .....	13, 14

Other

<a href="https://www.merriam-webster.com/dictionary/psychological">https://www.merriam-webster.com/dictionary/psychological</a> .....	15
<a href="https://www.simplypsychology.org/branches-of-psychology.html">https://www.simplypsychology.org/branches-of-psychology.html</a> .....	18
La. AG Op. 2000-214, 2000 La AG LEXIS 249 (July 11, 2000) .....	7



Plaintiffs submit this memorandum, along with the accompanying statements of plaintiffs Julie Alleman and Juliet Catrett, in support of their motion for a preliminary injunction, pursuant to Fed. R. Civ. P. 65, pending final resolution of this matter. Plaintiffs seek an order enjoining defendants, and any of their officers or agents, from taking any action against them for (1) using the word “Psychological” in the name of the business that plaintiffs Alleman and Catrett own, (2) using the words “psychologist,” “psychological,” or “psychology” in any description of services of theirs or their company, or (3) using any terms that refer to their expertise in areas of psychology.

#### Factual Background

Plaintiffs Julie Alleman and Juliet Catrett own plaintiff P. Wellness, LLC. Alleman is a Licensed Professional Counselor, a Licensed Marriage and Family Therapist, and a Licensed Addiction Counselor in Louisiana. Statement of Julie Alleman (“Alleman St.”) ¶ 5. Prior to graduate studies, she obtained a Bachelor of Science degree with a double major in Psychology and Sociology. After obtaining her undergraduate degree, she studied at Southeastern Louisiana University, where she received a Masters of Education, in Community Counseling. While in graduate school, she studied the history of psychology and the different theories of psychology (*e.g.*, those of Jung or Freud). Alleman St. ¶ 3.

Catrett is a Licensed Clinical Social Worker in Louisiana. To obtain this license, she first studied at Tulane University, where she received a Masters of Social Work degree. At Tulane, she took a wide variety of courses related to psychological topics, including “Psychodynamic Psychotherapy/DSM.” (“DSM” is the Diagnostic and Statistical Manual of Mental Disorders, a standard reference for identifying psychological disorders published by the American Psychiatric Association.) She also studied the history of psychology and the different theories of psychology

(*e.g.*, those of Jung and Freud). Statement of Juliet Catrett (“Catrett St.”) ¶ 3.

Each also studied and learned Erikson’s stages of psychosocial development. Dr. Erickson maintained that there were eight stages of psychosocial development, from infancy to adulthood. According to this theory, during each stage, an individual undergoes a psychosocial crisis as his or her psychological needs conflict with the needs of society. Alleman St. ¶ 3; Catrett St. ¶ 4.

Each also learned how to make diagnoses of different mental and emotional disorders, pursuant to the DSM. In addition, they learned to identify individuals with more than one psychological disorder, and to use appropriate psychological treatments and interventions for each disorder. Alleman St. ¶ 4; Catrett St. ¶ 5.

As part of the program at Tulane, Catrett had a field placement at Jefferson Parish Human Services Authority in New Orleans. Her fieldwork with the Adult Mental Health Program there provided an opportunity to apply her Psychodynamic Psychotherapy/DSM coursework in the diagnosing and treatment of adults whose chief complaints were the unrelenting symptoms of a psychological disorder. The majority of the clients she diagnosed and treated had co-occurring, that is multiple, psychological disorders that manifested persistent and severely debilitating symptoms of psychosis, addiction, depression, and anxiety. She completed 3000 hours postgraduate social work experience under supervision of a board approved clinical supervisor and 96 face-to-face hours of supervision. Catrett St. ¶¶ 6-7.

After obtaining her Licensed Addiction Counselor credential, Alleman began working in private practice at Baton Rouge Christian Counseling Center. In her practice, she conducted individual, family, and group counseling. While there, she completed her internship requirements and examination for both her Professional Counselor and Marriage and Family licenses. Alleman

St. ¶ 6.

In their current practice, Alleman and Catrett diagnose and treat severe mental illness, major disorders, and mental disorders, including individuals with complex clinical presentations including co-occurring (that is, more than one) disorders. They specialize in psychological disorders resulting from trauma. Each is qualified and able to use (*inter alia*) EMDR (Eye Movement Desensitization and Reprocessing) or Brainspotting for PTSD (Post Traumatic Stress Disorder) and other serious disorders. Alleman St. ¶ 7; Catrett St. ¶ 8.

EMDR therapy was developed in the late 1980s by psychologist Francine Shapiro. It is a structured psychotherapy that primarily focuses on treating individuals who have experienced distressing, traumatic events. The idea behind EMDR is that those traumatic memories, when unprocessed, can become “stuck” in the brain, leading to a wide array of emotional and psychological difficulties. The therapist employing EMDR psychotherapy tries to stimulate certain brain activity – often with exercises involving eye movement – to change the way the memory is stored in the brain. Alleman St. ¶ 8; Catrett St. ¶ 9.

Brainspotting therapy was developed in the early 2000s by a psychotherapist, David Grand. In Brainspotting, the therapist attempts to find a spot in the patient’s field of vision that is associated with a painful memory. This makes therapy addressing the painful memory more effective. Alleman St. ¶ 9; Catrett St. ¶ 10.

In addition to EMDR and Brainspotting, Alleman and Catrett are familiar with, and utilize, a whole host of other psychological techniques, including more general psychotherapy, hypnosis, stress management, addiction therapy, and psychoeducation. They also have studied, and are familiar with, psychological aspects of physical illness, accident, injury, or disability, and they use

their knowledge of these areas in their diagnoses. Alleman St. ¶ 10; Catrett St. ¶ 11.

Psychoeducation is the process of educating a client about his or her diagnosis, symptoms, and methods of treatment. In many cases, such educating leads to better adherence to treatment protocols and improved outcomes. Alleman St. ¶ 11; Catrett St. ¶ 12.

In January 2024, Catrett and Alleman received a letter, dated January 3, 2024 and addressed to Catrett, from Jonathan Wagner, who at the time was the Executive Counsel of the Louisiana Board of Examiners of Psychologists (the “Board”). The letter stated that a complaint had been filed against the company that Alleman and Catrett owned, then named Psychological Wellness Institute, LLC, and against each of them personally, charging that they were “illegally representing [themselves] to the public as licensed psychologists.” The letter said that “[a] preliminary investigation of this complaint has substantiated the allegations by confirming multiple violations of La. R.S. 37:2352(9).” Alleman St. ¶ 12; Catrett St. ¶ 13 & Ex. 1.

After some communication with Mr. Wagner, it was made clear to plaintiffs that the complaint was based on the name of their company. When they suggested that they might change the name to “Psy. Wellness Institute, LLC,” Mr. Wagner said that that change would not fix the problem because “Psy” would still violate the relevant section. Alleman St. ¶ 13; Catrett St. ¶ 14.

Being threatened with a charge of criminal conduct, Alleman and Catrett changed the name of their business to “P. Wellness Institute, LLC.” Subsequently, the Board dismissed the complaint. Alleman St. ¶ 14; Catrett St. ¶ 15.

Neither of the individual plaintiffs calls herself, and has never represented to anyone that she is, a “psychologist” (licensed or otherwise). Alleman St. ¶ 15; Catrett St. ¶ 16.

The term “Psychological” accurately describes the services that plaintiffs provide to their

clients since both Alleman and Catrett use their expertise in psychology and familiarity with psychological methods and procedures to treat their patients. Accordingly, they would like to change the name of their company back to Psychological Wellness Institute, LLC, and will do so if defendants are enjoined from taking any actions against them for doing so. Alleman St. ¶ 16; Catrett St. ¶ 17.

Since plaintiffs received notice of the complaint against them, they are aware that the same Louisiana law that states what it means to “represent” oneself as a psychologist (La. R.S. § 37:2352(9)) also prohibits using the words “psychologist,” “psychology” and “psychological” from being used to describe the services they provide. Alleman St. ¶ 17; Catrett St. ¶ 18.

Avoiding the words “psychologist,” “psychology,” and “psychological” in describing their services is difficult and awkward for plaintiffs. For example, part of the services they provide might be referring a client to a psychologist for psychological testing. It is difficult to do so without using the proscribed words. Alleman St. ¶ 18; Catrett St. ¶ 19.

Each of the individual plaintiffs would like to use the prohibited words in describing her services to her clients without concern that defendants will take any actions against her for doing so. Alleman St. ¶ 19; Catrett St. ¶ 20.

The same law also states that people “represent” themselves as psychologists by using any terms (in any context) that imply that they have some expertise in an “area of psychology.” Since plaintiffs do have expertise in at least one area of psychology, the treatment of trauma-induced psychological disorders, they are concerned that any references to their expertise in that area or the treatments that they use (like EMDR or Brainspotting) – whether to colleagues or clients or people at a meeting or convention – will violate the law. Alleman St. ¶ 20; Catrett St. ¶ 21. They would like

to use such words or phrases without concern that defendants will take action against them for doing so. Alleman St. ¶ 21; Catrett St. ¶ 22.

### Louisiana's Licensing Scheme

Title 37 of Louisiana's Revised Statutes governs various professions. Notably, they permit a variety of different professionals to treat people for behavioral problems that are caused by mental, emotional, behavioral, or addictive disorders, including by psychotherapy.

#### A. Psychologists (Chapter 28)

Chapter 28 governs psychologists. The practice of psychology is defined in La. R.S. § 37:2352(7)

as the observation, description, evaluation, interpretation, and modification of human behavior, by the application of psychological principles, methods, and procedures, for the purpose of eliminating symptomatic, maladaptive, or undesired behavior, and of improving interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes but is not limited to psychological testing and evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, stress management, biofeedback, behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, and of the psychological aspects of physical illness, accident, injury, or disability; psycho educational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, institutions, organizations, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

La. R.S. § 37:2352(7).

Section 37:2360, entitled "Violations and Penalties," states that it "shall be a misdemeanor [f]or any person not licensed in accordance with the provisions of this Chapter . . . to represent

himself as a psychologist.” La. R.S. § 37:2360(A)(1) (the “Representation Law”). Section 37:2352(9) sets forth what constitutes representing oneself as a psychologist:

“Psychologist” means any person licensed as a psychologist under this Chapter. A person represents himself to be a psychologist by using any title or description of services incorporating the words “psychology,” “psychological,” or “psychologist,” or by using any other terms which imply that he is qualified to practice psychology or that he possesses expert qualification in any area of psychology, or if that person offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology in this Chapter.

La. R.S. § 37:2352(9).

Section 37:2361 states that the Board may investigate any alleged violations of Chapter 28, and may apply to a court of competent jurisdiction to enjoin any person from committing any such violation. La. R.S. § 37:2361(A), (B). It further states that the injunctive relief is “in addition to, and not in lieu of, all penalties and other remedies provided in [Chapter 28].” La. R.S. § 37:2361(E).

Section 37:2365 provides that “[m]embers of other professions who are licensed or certified in accordance with the laws of this state shall be permitted to render services consistent with their professional training and code of ethics if they do not represent themselves as psychologists or their work as psychological.” La. R.S. § 37:2365(A). Similarly, “[d]uly ordained clergy and Christian Science practitioners shall be permitted to function in their ministerial capacity if they do not represent themselves as psychologists, or their work as psychological.” La. R.S. § 37:2365(B).<sup>1</sup>

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<sup>1</sup> Cf. La. R.S. §§ 37:1111(A) (prohibition against unlicensed individuals engaging in the practice of mental health counseling) and 37:1113(5) (exemption for any “priest, rabbi, Christian Science practitioner, or minister of the gospel of any religious denomination, provided they are practicing within the employment of their church or religious affiliated institution”). *See also* La. AG Op. 2000-214, 2000 La AG LEXIS 249 (July 11, 2000) (clergy providing mental health counseling services for police officers was acting outside of his employment and, accordingly, (continued...))

“University or college faculty holding an earned doctoral degree in psychology from a regionally accredited institution of higher education may use the title ‘psychologist’ in conjunction with their academic or research activities.” La. R.S. § 37:2365(E).

The Board also issues licenses for “psychological associates” who meet certain educational, training, examination, and other requirements. La. R.S. § 37:2356.4. A psychological associate can practice independently (*id.*, § 37:2356.4(B)) and his or her practice “includes rendering psychological services to individuals, groups, or families including diagnosis for the purpose of offering mental health counseling and psychotherapy services for treatment and prevention of mental, emotional, behavioral, and addiction disorders.” *Id.*, § 37:2356.4(C). However, a psychological associate may not provide “[d]iagnoses of severe mental illness, major disorders, or mental disorders as defined by the board.” *Id.*, § 37:2356.4(E)(2)(b).<sup>2</sup>

Despite this limitation, since “psychological associates” are “licensed in accordance with the provisions of” Chapter 28, there is no prohibition against their engaging in the “practice of

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<sup>1</sup>(...continued)

was not in compliance with the law). The exemption for clergy from the rule against unlicensed individuals engaging in the practice of psychology – when acting “in their ministerial capacity” – appears broader than the analogous exemption for mental health counseling.

<sup>2</sup> Similarly, a “licensed specialist in school psychology” is prohibited from diagnosing “mental disorders as defined by the Diagnostic and Statistical Manual of Mental Disorders or diseases as defined by the International Classification of Diseases.” La. R.S. § 37:2352(6). *Compare* La. R.S. § 37:1116(E) (a licensed marriage and family therapist who diagnoses individuals must complete “a minimum of six credit hours in diagnostic psychopathology, where students are taught to systematically collect and analyze data based on one or both of the two standard diagnostic systems employed, International Classification of Diseases, current revision, or the Diagnostic and Statistical Manual of Mental Disorders, current edition. However, licensed marriage and family therapists who have satisfied all other criteria for licensure as required by the board shall be allowed to diagnose individuals upon demonstration of competency through continuing education or other measures as defined by the board.”).



psychology.” La. R.S. § 37:2360(A)(2). It is less clear whether they can call themselves “psychologists.” *Cf.* La. R.S. § 37:2360(A)(1) (prohibition against representation only extends to those not licensed under Chapter 28); *Rosemond v. Markham*, 135 F. Supp. 3d 574, 586 (E.D. Ky. 2015) (individual licensed in North Carolina as a “psychological associate” could describe himself as “psychologist” under North Carolina law); *but see* La. R.S. § 37:2365(A) (permitting members of “other professions” to perform services consistent with their licenses if they do not call themselves “psychologists”).

B. Professional Counselors / Marriage and Family Therapists (Chapter 13)

A licensed professional counselor (“Licensed PC”) is someone who

offers to render professional mental health counseling services denoting a client-counselor relationship in which the counselor assumes responsibility for knowledge, skill, and ethical considerations needed to assist individuals, groups, organizations, or the general public, and who implies that he is licensed to practice mental health counseling pursuant to this Chapter.

La. R.S. § 37:1103(5). The practice of mental health counseling means

rendering or offering prevention, assessment, diagnosis, and treatment, which includes psychotherapy, of mental, emotional, behavioral, and addiction disorders to individuals, groups, organizations, or the general public by a licensed professional counselor

La. R.S. § 37:1103(10). The practice includes “appraisal,” “consulting,” and “mental health counseling.” Appraisal means “the use or administration of tests of language, educational and achievement tests, adaptive behavioral tests, and symptoms screening checklists or instruments, as well as tests of abilities, interests, and aptitudes for the purpose of counseling persons in coping with or adapting to, changing life situations that are due to problems in living.” “Mental health counseling” involves “assisting an individual or group, through psychotherapy and the counseling

relationship, to develop an understanding of personal problems, to define goals, and to plan actions reflecting his or their interests, abilities, aptitudes, and needs.” *Id.*, § 37:1103(10)(a), (b), (c).

Professional counseling licenses are issued by the Louisiana Licensed Professional Counselors Board of Examiners (La. R.S. §§ 37:1104, 37:1105(E), 37:1107(B)), which requires various educational and training requirements, including taking graduate courses in counseling/theories of personality and abnormal behavior. La. R.S. § 37:1107(A)(6)(b)(i), (iii). The Professional Counselors Board consists of eleven (11) members appointed by the governor. La. R.S. § 37:1104(A). Four of those eleven must be licensed marriage and family therapists, and they constitute the Marriage and Family Therapy Advisory Committee of the Board. La. R.S. § 37:1104(B)(2)(a); *id.*, § 37:1103(2). The Advisory Committee examines individuals for qualification as a marriage and family therapist (“MFT”) and recommends qualified individuals to the Professional Counselors Board for licensing as such. La. R.S. § 37:1104(B)(2)(c)(ii), (iii); *see also* La. R.S. §§ 37:1105(G), 37:1116(B).

“Marriage and family therapy practice” means:

the professional application of psychotherapeutic and family systems theories and techniques in the prevention, diagnosis, assessment, and treatment of mental, emotional, and behavioral disorders in an individual and relational disorders in couples and families.

La. R.S. § 37:1103(6).

Licensed PCs engaged in the appraisal of individuals must “furnish satisfactory evidence of formal graduate training in statistics, sampling theory, test construction, test and measurements and individual differences.” La. R.S. § 37:1107(E)(1). Similarly, licensed MFTs engaged in the diagnosis of individuals

shall furnish satisfactory evidence to the board that he has completed

the standard training in the professional application of psychotherapeutic and family systems theories and a minimum of six credit hours in diagnostic psychopathology, where students are taught to systematically collect and analyze data based on one or both of the two standard diagnostic systems employed, International Classification of Diseases, current revision, or the Diagnostic and Statistical Manual of Mental Disorders, current edition. However, licensed marriage and family therapists who have satisfied all other criteria for licensure as required by the board shall be allowed to diagnose individuals upon demonstration of competency through continuing education or other measures as defined by the board.

La. R.S. § 37:1116(E).

C. Social Workers (Chapter 35)

Licenses to practice social work are bestowed by the Louisiana State Board of Social Work Examiners. La. R.S. §§ 37:2704(A), 37:2705(C)(2), 37:2713. Applicants must pass an examination approved by the Social Work Board. La. R.S. §§ 37:2711(B). Those licensed as clinical social workers

may independently engage in advanced social work practice based on the application of social work theory, knowledge, ethics, and methods to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. The practice of clinical social work requires the application of specialized clinical knowledge and advanced clinical skills in the areas of prevention, assessment, diagnosis, and treatment of mental, emotional, and behavioral and addiction disorders. Treatment methods include the provision of individual, marital, couple, family, and group psychotherapy.

La. R.S. §§ 37:2708(B). Further, “[n]otwithstanding any provisions of La. R.S. § 37:2352,” (which, *inter alia*, defines the “practice of psychology”) licensed clinical social workers may “administer, use, or interpret tests of language, education and achievement, adaptive behavioral tests, and symptom screening checklists instruments, as well as tests of abilities, interests, and aptitudes.” La. R.S. § 37:2703(14)(c).

D. Addiction Counselors (Chapter 50-A)

“Licensed addiction counseling” consists of “rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle.” La. R.S. § 37:3387(A)(1). Such licenses are bestowed by the Board of the Addictive Disorder Regulatory Authority upon those who possess a masters degree in a human services or behavioral sciences discipline (or such other discipline as the ADRA Board recognizes), meets various other requirements, provides letters of recommendation, and passes a written examination. La. R.S. § 37:3387(E).

The ADRA Board also recognizes lower level addiction counselors, including certified addiction counselors and registered addiction counselors. La. R.S. §§ 37:3387.1, 3387.2. Unlike licensed addiction counselors (La. R.S. § 37:3387(A)(2)), these other counselors may not practice independently, but only under the supervision of a licensed addiction counselor or a “qualified mental health professional.” La. R.S. §§ 37:3387.1(A)(2), 37:3387.2(A)(2). A “qualified mental health professional” is a licensed psychiatrist, a licensed psychologist, a licensed clinical social worker, or a licensed mental health counselor (*i.e.*, a Licensed PC). La. R.S. § 37:3386.1(15).

Argument

Plaintiffs are entitled to the preliminary injunction they seek because they are likely to succeed on the merits and the equities support them.

A party seeking a preliminary injunction must establish four elements: (1) a substantial likelihood of success on the merits; (2) a substantial threat that they will suffer irreparable harm absent injunctive relief; (3) that the threatened injury outweighs any damage that the injunction

might cause the defendant; and (4) that the injunction will not harm the public interest. *Nichols v. Alcatel USA, Inc.*, 532 F.3d 364, 372 (5th Cir. 2008). A movant “is not required to prove his case in full at a preliminary injunction hearing.” *Fed. Sav. & Loan Ins. Corp. v. Dixon*, 835 F.2d 554, 558 (5th Cir. 1987) (quoting *Univ. of Tex. v. Comenisch*, 451 U.S. 390, 395 (1981)).

## I. PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS

Plaintiffs have asserted two claims against defendants, asserting that the Representation Law is unconstitutional both as applied and facially. The as-applied claim is likely to succeed because true statements about their skills and practice are protected by the First Amendment. Even if that were not so, the Representation Law is overbroad and thus facially unconstitutional.

### A. Plaintiffs’ “As Applied” Challenge Is Likely To Succeed

Plaintiffs’ “as applied” challenge is likely to succeed because, even though they are not licensed psychologists, they have expertise in psychology from years of study and practice, and they employ that expertise in their work. Thus, the word “Psychological” is a perfectly apt *adjective* to describe their work. Moreover, the law’s prohibition on using any words that imply any expertise in any “area of psychology” *in any context* cannot meet any level of scrutiny.

1. Commercial Speech. – Commercial speech is a fairly narrow category of speech that relates *solely* to a person’s economic interests or does no more than propose a commercial transaction. *Bd. of Trustees v. Fox*, 492 U.S. 469, 473-74 (1989) (whether speech “‘propose[s] a commercial transaction’ . . . is the test for identifying commercial speech.”); *Ocheesee Creamery LLC v. Putman*, 851 F.3d 1228, 1234 n.6 (11th Cir. 2017) (“narrow category”). Although the Representation Law reaches plaintiffs’ non-commercial speech as well, some of plaintiffs’ speech affected by the law would be commercial speech. Here, the First Amendment

protects that speech.

Under the test first set down in *Central Hudson Gas & Elec. Corp. v. Pub. Serv. Comm’n of New York*, 447 U.S. 557 (1980), to be protected under the First Amendment, commercial speech must concern lawful activity and not be misleading. If it is, then courts must ask whether the regulation of it directly serves a substantial interest and is not more extensive than is necessary to serve that interest. *Id.* at 566. Even on a preliminary injunction motion, the government bears the burden of justifying any regulation. *Byrum v. Landreth*, 566 F.3d 442, 446 (5th Cir. 2009) (reversing district court and granting preliminary injunction against enforcement of law prohibiting unlicensed interior designers from using the words “interior design” or “interior designer”; “the State had the burden to prove all elements of the *Central Hudson* test. Although the plaintiffs bear the burden on the preliminary injunction factors, it is well established that the party seeking to uphold a restriction on commercial speech carries the burden of justifying it.”). *Cf. Express Oil Change, L.L.C. v. Mississippi Bd. Of Licensure for Professional Engineers & Surveyors*, 916 F.3d 483, 487-88 (5th Cir. 2019) (“This burden is a heavy one . . . and may not be satisfied by mere speculation or conjecture”) (cleaned up).

Plaintiff’s use of the term “Psychological” in the title of their business concerns lawful activity – their therapy practice – and is not misleading. It is not misleading because they have studied psychology and use its principles and techniques in their practice. They do not refer to themselves as psychologists (licensed or otherwise).

Louisiana does not own words and cannot prevent people from using them in their normal, common-sense meaning. People other than licensed psychologists have studied psychology, are familiar with it, and use it to affect others’ behavior. Plaintiffs Alleman and Catrett are two such

people. They diagnose and treat people with mental, emotional, behavioral, and addiction disorders, often using psychotherapy and various other psychological techniques. Nothing in Louisiana law prohibits them from using their knowledge of psychology and psychological techniques in their practice.

The words “psychological” and “psychology” have standard meanings and are not limited to services performed by psychologists licensed by the State of Louisiana. Writers can write (and say that they will write) “psychological thrillers.” Sports coaches can use “psychology” (and say that they use psychology) to motivate players. *See also* <https://www.merriam-webster.com/dictionary/psychological> (giving the following three definitions for “psychological”: “of or relating to psychology,” “of, relating to, or occurring in the mind,” and “directed toward, influencing, or acting on the mind especially in relation to an individual's willpower or behavioral motivation”). Louisiana cannot redefine the terms “psychological” and “psychology” to mean only something that comes from a licensed psychologist and then prohibit everyone else from using the term. *E.g.*, *Express Oil Change*, 916 F.3d at 489-90 (“That this definition of ‘engineer’ does not meet the Board’s preferred definition does not make its use inherently misleading.”); *American Academy of Implant Dentistry v. Parker*, 860 F.3d 300, 308 (5th Cir. 2017) (same with respect to the word “specialist”); *Byrum*, 566 F.3d at 447 (rejecting argument that use of “interior designer” and “interior design” by unlicensed individuals was inherently misleading; “This argument . . . proves too much, as it would authorize legislatures to license speech and reduce its constitutional protection by means of the licensing alone.”).<sup>3</sup>

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<sup>3</sup> Ironically, while Louisiana has tried to define the words “psychological” and “psychology” narrowly, it has defined the “practice of psychology” with extraordinary breadth, (continued...)

Moreover, Louisiana is hardly consistent in its prohibition. It permits the Board to give licenses to “psychological associates.” Those individuals perform services that look quite similar to the services that plaintiffs perform. *Compare* La. R.S. § 37:2356.4(C) (“psychological services. . . includ[e] diagnosis for the purpose of offering mental health counseling and psychotherapy services for treatment and prevention of mental, emotional, behavioral, and addiction disorders”) *with* La. R.S. § 37:1103(7) (mental health counseling performed by licensed professional counselors involves diagnosis and treatment of “mental, emotional, behavioral, and addiction disorders” and can include psychotherapy). Indeed, although the word “psychological” is in their title, they are more *limited* in their practice than Licensed PCs and Licensed Clinical Social Workers. “Psychological associates” cannot provide “[d]iagnoses of severe mental illness, major disorders, or mental disorders as defined by the board.” *Id.*, § 37:2356.4(E)(2)(b). Plaintiffs here can and do diagnose and treat severe mental illness, major disorders, and mental disorders. Alleman St. ¶ 7; Catrett St. ¶ 8.

Similarly, the Board licenses “specialists in school psychology.” Although they have a title that includes the word “psychology,” they are prohibited from diagnosing “mental disorders as defined by the Diagnostic and Statistical Manual of Mental Disorders or diseases as defined by the International Classification of Diseases.” La. R.S. § 37:2352(6). Plaintiffs here use the DSM to diagnose their patients. Alleman St. ¶ 4; Catrett St. ¶¶ 5-6.

Louisiana also allows unlicensed university and college faculty with advanced psychology degrees to use the term “psychologist” in certain contexts (La. R.S. § 37:2365(E)) – but, strangely

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<sup>3</sup>(...continued)

including essentially any activity that uses psychological principles in an effort to help people modify their behavior. La. R.S. § 37:2352(7). Thus, in addition to making it illegal for anyone to say anything, in any context, which suggests any expertise in an “area of psychology,” Louisiana law also makes it illegal for anyone who knows psychology to help others using that knowledge.



enough, not “psychology” (as in “Professor of Psychology”) or “psychological” (as in “I conduct psychological research”) in a title or description of service, or any term that would suggest expertise in an area of psychology. La. R.S. §§ 37:2360(A)(1), 37:2352(9).

In short, Louisiana cannot create a blanket ban on the use of the words “psychological” or “psychology” in titles or descriptions of service – but for the random, idiosyncratic exceptions that it chooses – because such use will not frequently (much less invariably) be misleading. *E.g.*, *Express Oil Change*, 916 F.3d at 493 (holding that ban on using the term “engineers” for those not licensed as engineers by the state violated the First Amendment rights of a business that used the name “Tire Engineers”); *id.* at 489 (“Because its essential character is not deceptive, Tire Engineers is not inherently misleading.”); *Parker*, 860 F.3d at 312 (holding that law prohibiting dentists from advertising as a specialist, or using the words “specialty” or “specialist” to describe professional services, unless they were in a specialty recognized by the American Dental Association, violated the First Amendment); *Gibson v. Texas Dept. of Insurance – Division of Workers’ Compensation*, 700 F.3d 227, 237(5th Cir. 2012) (holding that attorney that used “Texas” and “Workers’ Comp.” in a domain name in violation of a state law prohibiting use of those words stated a claim under the First Amendment); *Byrum*, 566 F.3d at 448 (holding that law prohibiting unlicensed interior decorators from advertising their services using the phrases “interior designer” or “interior design” likely violated First Amendment); *Abramson v. Gonzales*, 949 F.2d 1567, 1578 (11th Cir. 1992) (holding that law that precluded unlicensed psychologists, clinical social workers, and therapists from holding themselves out by any title or description incorporating (*inter alia*) the words “psychologist,” “psychology,” and “psychological” violated First Amendment); *Eckles v. Kulongoski*, 1994 U.S. Dist. LEXIS 22111, at \*31 (D. Oregon Apr. 26, 1994) (holding that statute

prohibiting unlicensed individuals from using various terms associated with psychology violated the First Amendment).

Defendants similarly cannot meet their heavy burden of showing that the prohibition directly advances any interest in consumer protection and is no more extensive than necessary. Whatever benefit consumers might receive from precluding unlicensed individuals from stating that they are licensed, the statute here does not directly advance that interest. Most obviously, Louisiana allows *some* individuals who are not licensed as psychologists to use various forms of the word “psychology” in titles and descriptions of service. *Rubin v. Coors Brewing Co.*, 514 U.S. 476, 488 (1995) (holding that law prohibiting disclosure of alcohol content on beer labels did not directly advance government’s interest in diminishing “strength wars” because, *inter alia*, disclosure of alcohol content in advertising was permitted in many states). Moreover, the prohibition extends far beyond merely precluding persons not licensed by the Board as psychologists from calling themselves licensed psychologists. The terms “psychology” and “psychological” can be used in titles and descriptions of service without implying that the person is a licensed psychologist. The prohibition of any terms that imply expertise in any *area* of psychology similarly lacks any plausible connection to consumer protection. Not every expert in psychopathology is (or, under Louisiana law, must be) a licensed psychologist. *E.g.*, La. R.S. § 37:1116(E) (requirement of study in psychopathology for certain licensed marriage and family counselors). (“Psychopathology” is another term for “abnormal psychology,” the understanding of causes of, and treatments for, serious mental disorders. <https://www.simplypsychology.org/branches-of-psychology.html>.)

2. Non-Commercial Speech. – The Representation Law also reaches plaintiffs’ non-commercial speech. For example, although each plaintiff has an expertise in diagnosing and

treating psychological disorders resulting from trauma, and employ sophisticated psychological techniques like EMDR and Brainspotting. Yet any mention of that expertise, regardless of context, constitutes a “representation” that she is a licensed psychologist. Thus, the Representation Law chills plaintiffs’ non-commercial speech based on its content. Accordingly, it must meet strict scrutiny. That is, defendants must show that it is narrowly-tailored to meet a compelling governmental interest.

Defendants cannot meet that burden. Assuming *arguendo* that such speech would actually mislead anyone into believing that plaintiffs were licensed psychologists, “any interest the Board might claim in preventing the misleading belief that [they were] licensed by the state as . . . psychologist[s] is neither compelling nor narrowly tailored.” *Serafine v. Branaman*, 810 F.3d 354, 361 (5th Cir. 2016). *Cf. Rosemond v. Markham*, 135 F. Supp. 3d at 585 (holding that tagline as a “family psychologist” of a columnist who offered parenting advice was protected by the First Amendment and that effort of Kentucky Board of Examiners of Psychologists to regulate his self-description was a content-based restriction on speech that had to meet strict scrutiny); *id.* at 587 (holding that state’s interest in protecting public health and safety because columnist “might potentially confuse readers into believing that he is a Kentucky-licensed psychologist and that protecting these readers from potential confusion . . . does not fall into one of the few categories where the law allows content-based regulation of speech.”).

B. If This Court Reaches The Facial Challenge, Plaintiffs Are Likely To Succeed

If this Court concludes that Plaintiffs are likely to succeed on their as-applied challenge, it need not reach their facial overbreadth challenge. However, if the Court does, Plaintiffs are likely to succeed on that claim.

As shown in plaintiffs’ opposition to defendants’ motion to dismiss, the Representation Law reaches a wide array of non-commercial speech. Of course, it reaches the use of the prohibited terms in settings outside of proposals to engage in commercial transactions, as in *Serafine* and *Rosemond*. But, under Louisiana law, persons also “represent” that they are licensed psychologists if they engage in the “practice of psychology.” Similar to the law in *Serafine*, that means it reaches all sorts of speech in which psychological principles are used to modify someone else’s behavior, *regardless* of whether the person using those principles says anything at all to suggest that (s)he is a licensed psychologist or even is engaged in a profit-making enterprise. *Serafine*, 810 F.3d at 369-70:

The ability to provide guidance about the common problems of life – marriage, children, alcohol, health – is a foundation of human interaction and society, whether this advice be found in an almanac, at the feet of grandparents, or in a circle of friends. There is no doubt that such speech is protected by the First Amendment. By limiting the ability of individuals to dispense personal advice about mental or emotional problems . . . [Texas law] chills and prohibits protected speech. But that is precisely what the overbreadth doctrine is meant to prevent.

## II. THE OTHER FACTORS ALSO FAVOR PLAINTIFFS

An irreparable injury is one for which there is no adequate remedy at law.

“As the Supreme Court declared, a loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. *Elrod v. Burns*, 427 U.S. 347, 373, 96 S. Ct. 2673, 2690, 49 L. Ed. 2d 547, 565 (1976).” *Defense Distributed v. Bruck*, 30 F.4th 414, 421 n.1 (5th Cir. 2022) (cleaned up). *See also Texans for Free Enter. v. Tex. Ethics Comm’n*, 732 F.3d 535, 539 (5th Cir. 2013) (“We have repeatedly held, however, that the loss of First Amendment freedoms for even minimal periods of time constitutes irreparable injury justifying the grant of a preliminary injunction.”) (cleaned up). Indeed, when free speech rights are at issue, there is usually

“no dispute over the [plaintiffs’] entitlement to [a preliminary injunction] under the other criteria if their First Amendment rights were violated.” *Byrum*, 566 F.3d at 445 (5th Cir. 2009).

When the government is the defendant, the last two factors (balance of the equities and the public interest) merge. *Book People, Inc. v. Wong*, 91 F.4th 318, 341 (5th Cir. 2024). “Because Plaintiffs are likely to succeed on the merits of the First Amendment claim, the State and the public won’t be injured by an injunction of a statute that likely violates the First Amendment.” *Id.*

### Conclusion

For the foregoing reasons, and those set forth in the accompanying statements, plaintiffs’ motion for a preliminary injunction should be granted.

Dated: February 5, 2025

s/ Michael E. Rosman

Michael E. Rosman (admitted pro hac vice)  
CENTER FOR INDIVIDUAL RIGHTS  
1100 Connecticut Ave, NW, Ste. 625  
Washington, D.C. 20036  
(202) 833-8400  
[rosman@cir-usa.org](mailto:rosman@cir-usa.org)

James Baehr  
LSBA #35431  
Sarah Harbison  
LSBA #31948  
Pelican Institute for Public Policy  
400 Polydras St., Suite 900  
New Orleans, LA 70130  
504-500-0506  
[james@pelicaninstitute.org](mailto:james@pelicaninstitute.org)  
[sarah@pelicaninstitute.org](mailto:sarah@pelicaninstitute.org)

Lauren Ventrella  
LSBA #36063  
VENTRELLA LAW FIRM  
22650 Greenwell Springs

Greenwell Springs, LA 70739  
225-304-3636  
leventrella@gmail.com

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

-----X	
JULIE ALLEMAN, JULIET CATRETT, and P.	:
WELLNESS INSTITUTE, LLC	:
Plaintiffs,	:
	:
v.	:
	:
SHANNAE N. HARNESS, <i>et al.</i>	:
Defendants.	:
-----X	

Case. No. 3:24-cv-00877

Judge John deGravelles

Magistrate Judge Scott D. Johnson

**EXHIBIT LIST FOR PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

<u>Exhibit</u>	<u>Description</u>
Ex. A	Statement of Juliet Catrett
Ex. 1 to Ex. A (Catrett St.)	letter from Jonathan Wagner to Juliet Catrett
Ex. B	Statement of Julie Alleman

Dated: February 5, 2025

*s/ Michael E. Rosman*

Michael E. Rosman (admitted pro hac vice)  
CENTER FOR INDIVIDUAL RIGHTS  
1100 Connecticut Ave, NW, Ste. 625  
Washington, D.C. 20036  
(202) 833-8400  
[rosman@cir-usa.org](mailto:rosman@cir-usa.org)

James Baehr  
LSBA #35431  
Sarah Harbison  
LSBA #31948  
Pelican Institute for Public Policy  
400 Polydras St., Suite 900  
New Orleans, LA 70130

504-500-0506

james@pelicaninstitute.org

sarah@pelicaninstitute.org

Lauren Ventrella

LSBA #36063

VENTRELLA LAW FIRM

22650 Greenwell Springs

Greenwell Springs, LA 70739

225-304-3636

leventrella@gmail.com



# **EXHIBIT A: STATEMENT OF JULIET CATRETT**

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

-----X  
JULIE ALLEMAN, JULIET CATRETT, and P. :  
WELLNESS INSTITUTE, LLC :

Plaintiffs,

v.

SHANNAE N. HARNESS, *et al.*

Defendants.

Case. No. 3:24-cv-00877

Judge John deGravelles

Magistrate Judge Scott D. Johnson

**CATRETT STATEMENT**  
-----X

Juliet Catrett states:

1. I am one of the plaintiffs in this action. I submit this statement in support of plaintiffs' motion for a preliminary injunction. I have personal knowledge of the matters set forth herein.

2. I have reviewed the complaint in this action. The statements related to me and my business are true.

3. As stated in the complaint, I am a licensed clinical social worker in Louisiana. To obtain this license, I first studied at Tulane University, where I received a Masters of Social Work degree. At Tulane, I took a wide variety of courses related to psychological topics, including "Psychodynamic Psychotherapy/DSM." ("DSM" is the Diagnostic and Statistical Manual of Mental Disorders, a standard reference for identifying psychological disorders published by the American Psychiatric Association.) I also studied the history of psychology, including Jung, Freud, and Erickson.

4. Dr. Erickson's theory of psychosocial development maintained that there were eight stages of psychosocial development, from infancy to adulthood. During each stage, an individual

undergoes a psychosocial crisis as his or her psychological needs conflict with the needs of society.

5. At Tulane, I learned to diagnose pursuant to the DSM, to identify individuals with more than one psychological disorder, and to use appropriate treatments and interventions for each disorder.

6. As part of the program at Tulane, I had a field placement at Jefferson Parish Human Services Authority in New Orleans. My fieldwork with the Adult Mental Health Program there provided an opportunity to apply my Psychodynamic Psychotherapy/DSM coursework in the diagnosing and treatment of adults whose chief complaint were the unrelenting symptoms of a psychological disorder. The majority of the clients I diagnosed and treated had co-occurring, that is multiple, psychological disorders that manifested persistent and severely debilitating symptoms of psychosis, addiction, depression, and anxiety.

7. I completed 3000 hours postgraduate social work experience under supervision of a board approved clinical supervisor and 96 face-to-face hours of supervision.

8. In my current practice, I diagnose and treat severe mental illness, major disorders, and mental disorders, including individuals with complex clinical presentations including co-occurring (that is, more than one) disorders. I specialize in psychological disorders resulting from trauma. For my patients, I often perform “MID” (multi disciplinary inventory for dissociation), which involves testing, diagnosis (interpreting scores on tests) and treatment. I am qualified and able to use EMDR (Eye Movement Desensitization and Reprocessing) or Brainspotting for PTSD (Post Traumatic Stress Disorder) and other serious disorders.

9. EMDR therapy was developed in the late 1980s by psychologist Francine Shapiro. It is a structured psychotherapy that primarily focuses on treating individuals who have experienced

distressing, traumatic events. The idea behind EMDR is those traumatic memories, when unprocessed, can become “stuck” in the brain, leading to a wide array of emotional and psychological difficulties. The therapist employing EMDR psychotherapy tries to stimulate certain brain activity – often with exercises involving eye movement – to change the way the memory is stored in the brain.

10. Brainspotting therapy was developed in the early 2000s by a psychotherapist, David Grand. In brainspotting, the therapist attempts to find a spot in the patient’s field of vision that is associated with a painful memory. This makes therapy addressing the painful memory more effective.

11. In addition to EMDR and Brainspotting, I am familiar and utilize a whole host of other psychological techniques, including more general psychotherapy, hypnosis, stress management, addiction therapy, and psychoeducation. I also have studied, and am familiar with, psychological aspects of physical illness, accident, injury, or disability, and I use my knowledge of these areas in my diagnosis.

12. Psychoeducation is the process of educating a client about his or her diagnosis, symptoms, and methods of treatment. In many cases, such educating leads to better adherence to treatment protocols and improved outcomes.

13. In January 2024, I received a letter, dated January 3, 2024, from Jonathan Wagner, who at the time was the Executive Counsel of the Louisiana Board of Examiners of Psychologists. The letter stated that a complaint had been filed against the company that I owned with co-plaintiff Julie Alleman, Psychological Wellness Institute, LLC, and against me and Ms. Alleman personally, charging that we were “illegally representing [ourselves] to the public as licensed psychologists.”

The letter said that “[a] preliminary investigation of this complaint has substantiated the allegations by confirming multiple violations of La. R.S. 37:2352(9).” A copy of this letter accompanies this statement as Exhibit 1.

14. After some communication with Mr. Wagner, it was made clear to us that the complaint was based on the name of our company. When we suggested that we might change the name to “Psy. Wellness Institute, LLC,” Mr. Wagner said that that change would not fix the problem because “Psy” would still violate the law.

15. Since illegally representing oneself as a licensed psychologist is a crime (a misdemeanor) under Louisiana law, Ms. Alleman and I changed the name of our business to “P. Wellness Institute, LLC.” Subsequently, the Board dismissed the complaint against us.

16. I do not call myself, and have never represented to anyone that I am, a “psychologist” (licensed or otherwise).

17. The term “Psychological” accurately describes the services that we provide to our clients since both Ms. Alleman and I use our expertise in psychology and familiarity with psychological methods and procedures to treat our patients. Accordingly, we both would like to change the name of our company back to Psychological Wellness Institute, LLC, and will do so if defendants are enjoined from taking any actions against us for doing so.

18. Since I received notice of the complaint against us, I am aware that the same Louisiana law also prohibits the words “psychologist,” “psychology” and “psychological” from being used to describe the services I provide.

19. Avoiding the words “psychologist,” “psychology” and “psychological” in describing my services is difficult and awkward. For example, part of my services might be referring a client

to a psychologist for psychological testing. It is difficult to do so without using the proscribed words.

20. I would like to use the prohibited words in describing my services to my clients without concern that defendants will take any actions against me for doing so.

21. The law also precludes me from using any terms (in any context) that imply that I have some expertise in an “area of psychology.” Since I do have expertise in at least one area of psychology, the treatment of trauma-induced psychological disorders, I am concerned that any references to my expertise in that area or the treatments that I use (like EMDR or Brainspotting) – whether to colleagues or clients or people at a meeting or convention – will violate the law.

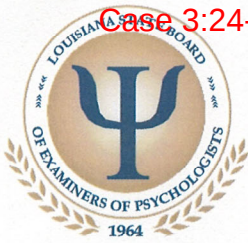
22. I would like to use words or phrases like those listed in the last paragraph without concern that defendants will take action against me for doing so.

I state under penalties of perjury that the forgoing is true and correct. Executed on February 4, 2025.

  
Juliet Catrett

**EXHIBIT 1 to  
CATRETT  
STATEMENT:  
LETTER FROM  
JONATHAN  
WAGNER TO  
JULIET  
CATRETT  
DATED 1-3-24**





Case 3:24-cv-00877-JWD-SDJ Document 29-4 02/05/25 Page 2 of 6

**LOUISIANA STATE BOARD  
OF EXAMINERS OF  
PSYCHOLOGISTS**

4334 South Sherwood Forest Boulevard, #C-150  
Baton Rouge, Louisiana 70816

Voice: (225) 295-8410  
Fax: (225) 295-8412  
Email: [admin.lsbep@la.gov](mailto:admin.lsbep@la.gov)  
Website: [lsbep.org](http://lsbep.org)

USPS Certified #7020 2450 0001 9081 4539

January 3, 2024

Psychological Wellness Institute, LLC  
ATTN: Juliet Catrett  
4451 Bluebonnet Blvd., Ste. G  
Baton Rouge, LA 70809

**RE: NP22-23-13P**

Ms. Catrett,

The Louisiana State Board of Examiners of Psychologists ("LSBEP") has received a complaint alleging that both the Psychological Wellness Institute, LLC, and its members, in their individual capacities, are illegally representing themselves to the public as licensed psychologists. A preliminary investigation of this complaint has substantiated the allegations by confirming multiple violations of La. R.S. 37:2352(9).

As the regulatory authority charged with governing the practice of psychology in this state, the LSBEP is mandated by law to take legal action against persons who engage in the unlicensed practice of psychology. In an attempt to prevent the escalation of this matter, the LSBEP is sending you this notice to inform you of the laws applicable to your situation in the hopes that you will take voluntary corrective action within the next thirty days. Failure to do so will result in the LSBEP both filing for civil injunctive relief and making criminal referrals to the appropriate law enforcement agencies.

Thank you in advance for your assistance with this matter. Please do not hesitate to contact me if you have any questions (225) 295-8410.

Sincerely,

Jonathon Wagner  
Executive Counsel, LSBEP

Enclosures: La. R.S. 37:2352  
La. R.S. 37:2360  
La. R.S. 37:2361  
Secretary of State Business Filing

La. R.S. 44:33.1 - In compliance with La. R.S. 44:33.1, the LSBEP hereby gives notice that information submitted to the LSBEP may become public record pursuant to the provisions of Louisiana Public Records Law, La. R.S. 44:1, *et seq.*

Michelle B. Moore, Psy.D.  
Chairperson

Shannae Harness, Ph.D.  
Vice Chairperson

D. Chance McNeely  
Member

T. Shavaun Sam, Ph.D.  
Member

Matthew J. Holcomb, Ph.D.  
Member

Shawanda Woods-Smith, Psy.D.  
Member

Jaime T. Monic  
Executive Director



## §2352. Definition of terms

As used in this Chapter the following terms mean:

- (1) "Applicant" means any person who has submitted an application form to the board, paid the application fee, and who has provided such additional information as the board may require.
- (2) "Board" means the Louisiana State Board of Examiners of Psychologists.
- (3) "Candidate" means any person whose application and related materials have been approved by the board. Only candidates are eligible to take the written/oral examination.
- (4) "Licensed specialist in school psychology" means any person licensed as a specialist in school psychology who applies his knowledge of both psychology and education during consultation and collaboration with others and engages in specific services for students, such as direct and indirect interventions that focus on academic skills, learning, socialization, and mental health.
- (5) "Persons" includes an individual, firm, partnership, association, or corporation.
- (6) "Practice of licensed specialist in school psychology" is defined as the application of psychological principles, methods, and procedures to help children and youth succeed academically, socially, behaviorally, and emotionally. Licensed specialists in school psychology collaborate with educators, parents, and other professionals to create safe, healthy, and supportive learning environments that strengthen the connection between home, school, and the community for all students. They apply their knowledge of both psychology and education during consultation and collaboration with others and conduct effective decision making using a foundation of assessment and data collection. Licensed specialists in school psychology provide services to schools and families that enhance the competence and well-being of children, including promotion of effective and safe learning environments, prevention of academic and behavior problems, response to crises, and improvement of the collaboration between schools and families. The key foundations for all services provided by licensed specialists in school psychology are understanding of diversity in development and learning, research and program evaluation, and legal, ethical, and professional practices. The types of evaluations performed by a licensed specialist in school psychology will be those that are germane to the current state educational bulletins, including but not limited to Louisiana Bulletins 1508 and 1706. Nothing in this Chapter shall be construed to permit a licensed specialist in school psychology to diagnose mental disorders as defined by the Diagnostic and Statistical Manual of Mental Disorders or diseases as defined by the International Classification of Diseases.
- (7) "Practice of psychology" is defined as the observation, description, evaluation, interpretation, and modification of human behavior, by the application of psychological principles, methods, and procedures, for the purpose of eliminating symptomatic, maladaptive, or undesired behavior, and of improving interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes but is not limited to psychological testing and evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, stress management, biofeedback, behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, and of the psychological aspects of physical illness, accident, injury, or disability; psycho educational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, institutions, organizations, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.
- (8) "Provisional licensed psychologist" means a person provisionally licensed under this Chapter.
- (9) "Psychologist" means any person licensed as a psychologist under this Chapter. A person represents himself to be a psychologist by using any title or description of services incorporating the words "psychology", "psychological", or "psychologist", or by using any other terms which imply that he is qualified to practice psychology or that he possesses expert qualification in any area of psychology or if that person offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology in this Chapter.



§2360. Violation and penalties

A. It shall be a misdemeanor:

(1) For any person not licensed under this Chapter or Part VI of Chapter 15 of this Title to represent himself as a psychologist; or

(2) For any person not licensed under this Chapter or Part VI of Chapter 15 of this Title to engage in the practice of psychology; or

(3) Except for medical psychologists duly licensed by the Louisiana State Board of Medical Examiners, for any person to represent himself as a psychologist during the time that his license as a psychologist shall be suspended or revoked or lapsed; or

(4) For any person to otherwise violate the provisions of this Chapter.

B. Such misdemeanor shall be prosecuted by the district attorney of the judicial district in which the offense was committed in the name of the people of the state of Louisiana.

C. Such misdemeanor shall be punishable upon conviction by imprisonment for not more than six months, or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment. Each violation shall be deemed a separate offense.

Added by Acts 1964, No. 347, §10. Amended by Acts 1980, No. 415, §1; Acts 1985, No. 719, §1; Acts 1987, No. 915, §2, eff. Sept. 1, 1987; Acts 2009, No. 251, §8, eff. Jan. 1, 2010; Acts 2021, No. 238, §2.

NOTE: See Acts 1987, No. 915, §3.



## §2361. Injunctive proceedings

A. The board may investigate any evidence or allegation which appears to show that any person is or may be in violation of any provision of this Chapter.

B. The board may apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act which is in violation of this Chapter.

C. If it be established that the defendant has been or is committing an act which is in violation of this Chapter, the court shall enter a decree perpetually enjoining said defendant from further committing such act.

D. In case of violation of any injunction issued under the provisions of this Section, the court may summarily try and punish the offender for contempt of court.

E. Such injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies as provided in this Chapter.

Added by Acts 1964, No. 347, §11; Acts 1987, No. 915, §2, eff. Sept. 1, 1987.

{{NOTE: SEE ACTS 1987, NO. 915, §3.}}





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### Search for Louisiana Business Filings

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Name	Type	City	Status
PSYCHOLOGICAL WELLNESS INSTITUTE, LLC	Limited Liability Company	BATON ROUGE	Active

#### Previous Names

Business: PSYCHOLOGICAL WELLNESS INSTITUTE, LLC

Charter Number: 44085612K

Registration Date: 9/24/2020

#### Domicile Address

4451 BLUEBONNET BOULEVARD  
SUITE G  
BATON ROUGE, LA 708091430

#### Mailing Address

4451 BLUEBONNET BOULEVARD  
SUITE G  
BATON ROUGE, LA 708091430

#### Status

Status: Active

Annual Report Status: In Good Standing

File Date: 9/24/2020

Last Report Filed: 9/5/2023

Type: Limited Liability Company

#### Registered Agent(s)

Agent: JULIET CATRETT  
Address 1: 4451 BLUEBONNET BOULEVARD  
Address 2: SUITE G  
City, State, Zip: BATON ROUGE, LA 708091430  
Appointment Date: 9/24/2020

#### Officer(s)

Additional Officers: No

Officer: JULIE ALLEMAN RIOS  
Title: Member  
Address 1: 13196 WEST WATERSIDE DRIVE  
City, State, Zip: BATON ROUGE, LA 708185853

Officer: JULIET CATRETT  
Title: Member  
Address 1: 7133 SEVENOAKS AVE  
City, State, Zip: BATON ROUGE, LA 708067437

#### Amendments on File

No Amendments on file

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**EXHIBIT B:  
STATEMENT  
OF JULIE  
ALLEMAN**

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

-----X  
JULIE ALLEMAN, JULIET CATRETT, and P. :  
WELLNESS INSTITUTE, LLC :

Plaintiffs, :

v. :

SHANNAE N. HARTNESS, *et al.* :

Defendants. :

Case. No. 3:24-cv-00877

Judge John deGravelles

Magistrate Judge Scott D. Johnson

**ALLEMAN STATEMENT**  
-----X

Julie Alleman states:

1. I am one of the plaintiffs in this action. I submit this statement in support of plaintiffs' motion for a preliminary injunction. I have personal knowledge of the matters set forth herein.

2. I have reviewed the complaint in this action. The statements related to me and my business are true.

3. Prior to graduate studies, I obtained my Bachelor of Science with a double major in Psychology and Sociology. After obtaining my undergraduate degree, I studied at Southeastern Louisiana University, where I received a Masters of Education, in Community Counseling. While in graduate school, I studied the history of psychology and the different theories of psychology (*e.g.*, those of Jung or Freud). For example, I studied and learned Erikson's stages of psychosocial development. Dr. Erickson maintained that there were eight stages of psychosocial development, from infancy to adulthood. According to this theory, during each stage, an individual undergoes a psychosocial crisis as his or her psychological needs conflict with the needs of society.

4. I also learned how to make diagnoses of different mental and emotional disorders,

including addiction (which is a psychological disorder), pursuant to the DSM. “DSM” is the Diagnostic and Statistical Manual of Mental Disorders, a standard reference for identifying psychological disorders. I learned to diagnose pursuant to the DSM, to identify individuals with more than one psychological disorder, and to use different kinds of psychological and therapeutic techniques.

5. As stated in the complaint, I am a Licensed Professional Counselor, a Licensed Marriage and Family Therapist, and a Licensed Addiction Counselor in Louisiana.

6. After obtaining my Licensed Addiction Counselor credential, I began working in private practice at Baton Rouge Christian Counseling Center. In my practice, I conducted individual, family, and group counseling. While there, I completed my internship requirements and examination for both my Professional Counselor and Marriage and Family licenses.

7. In my current practice, I diagnose and treat severe mental illness, major disorders, and mental disorders. In addition to other therapeutic techniques I learned in graduate school, I am trained and certified in EMDR (Eye Movement Desensitization and Reprocessing) and Brainspotting for trauma, PTSD (Post Traumatic Stress Disorder), and other mental health issues.

8. EMDR therapy was developed in the late 1980s by psychologist Francine Shapiro. It is a structured psychotherapy that primarily focuses on treating individuals who have experienced distressing, traumatic events. The idea behind EMDR is those traumatic memories, when unprocessed, can become “stuck” in the brain, leading to a wide array of emotional and psychological difficulties. The therapist employing EMDR psychotherapy tries to stimulate certain brain activity – often with psychological techniques involving eye movement – to change the way the memory is stored in the brain.

9. Brainspotting therapy was developed in the early 2000s by a psychotherapist, David Grand. In Brainspotting, the therapist attempts to find a spot in the patient's field of vision that is associated with a painful memory. This makes therapy addressing the psychological pain connected to the memory more effective.

10. In addition to EMDR and Brainspotting, I am familiar with, and utilize, a whole host of other psychological techniques, including more general psychotherapy, hypnosis, stress management, addiction therapy, and psychoeducation. I also have studied, and am familiar with, psychological aspects of physical illness, accident, injury, or disability, and I use my knowledge of these areas in my therapeutic approaches.

11. Psychoeducation is the process of educating a client about his or her diagnosis, symptoms, and methods of treatment. In many cases, such educating leads to better adherence to treatment protocols and improved outcomes.

12. In January 2024, we received in the mail a letter addressed to my business partner Juliet Catrett, dated January 3, 2024, from Jonathan Wagner, who at the time was the Executive Counsel of the Louisiana Board of Examiners of Psychologists. The letter stated that a complaint had been filed against the company that I owned with co-plaintiff Ms. Catrett, Psychological Wellness Institute, LLC, and against me and Ms. Catrett personally, charging that we were "illegally representing [ourselves] to the public as licensed psychologists." The letter said that "[a] preliminary investigation of this complaint has substantiated the allegations by confirming multiple violations of La. R.S. 37:2352(9)." A copy of this letter accompanies is Exhibit 1 to Ms. Catrett's statement on this motion..

13. After some communication with Mr. Wagner, it was made clear to us that the



complaint was based on the name of our company. When we suggested that we might change the name to “Psy. Wellness Institute, LLC,” Mr. Wagner said that that change would not fix the problem because “Psy” would still violate the relevant section.

14. Since illegally representing oneself as a licensed psychologist is a crime (a misdemeanor) under Louisiana law, Ms. Catrett and I changed the name of our business to “P. Wellness Institute, LLC.” Subsequently, the Board dismissed the complaint against us.

15. I do not call myself, and have never represented to anyone that I am, a “psychologist” (licensed or otherwise).

16. The term “Psychological” accurately describes the services that we provide to our clients since both Ms. Catrett and I use psychological theories, methods and techniques to treat our clients. The term “Psychological” refers to the mental and emotional state of a person. This consists of differing human mental processes, including cognitive, emotional, social, and developmental processes. Accordingly, we both would like to change the name of our company back to Psychological Wellness Institute, LLC, and will do so if defendants are enjoined from taking any actions against us for doing so.

17. Since I received notice of the complaint against us, I am aware that the same Louisiana law also prohibits the words “psychologist,” “psychology” and “psychological” from being used to describe the services I provide.

18. Avoiding the words “psychologist,” “psychology” and “psychological” in describing my services is difficult and awkward. For example, part of my services might be referring a client to a psychologist for psychological testing. It is difficult to do so without using the proscribed words.

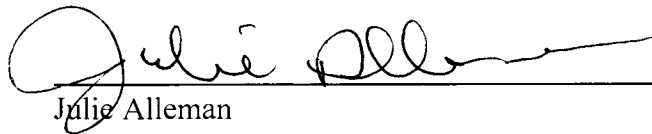
19. I would like to use those words in describing my services to my clients without

concern that defendants will take any actions against me for doing so, and will do so if they are enjoined.

20. The same law also precludes me from using any terms (in any context) that imply that I have some expertise in an “area of psychology.” Since I do have expertise in at least one area of psychology, the treatment of trauma-induced psychological disorders, I am concerned that any references to my expertise in that area or the treatments that I use (like EMDR or Brainspotting) – whether to colleagues or clients or people at a meeting or convention – will violate the law.

21. I would like to use words or phrases like those listed in the last paragraph to explain my expertise in treating trauma-induced psychological disorders without concern that defendants will take action against me for doing so, and will do so if they are enjoined.

I state under penalties of perjury that the foregoing is true and correct. Executed on February 4, 2025.



Julie Alleman