

From: [Melanie Cogburn](#)
To: [BoardofDirectors](#)
Subject: Feedback on Larry McDougal comments
Date: Tuesday, July 14, 2020 2:48:30 PM

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

1. I think he should resign at this point given the totality of his statements and the need for the Bar to appear impartial and also dedicated to equal access to justice. The comments and backlash have proven too divisive. He should resign for this reason alone so this is not a distraction.
2. The original post regarding electioneering actually raises big questions that were raised by the Supreme Court in the 2018 Mansky case. His general discussion of these issues, in isolation, should not make him unfit, although I think the discussion could have been more nuanced or intelligent. But his calls that “she should have been immediately arrested” seemed hostile and racist to me.
3. The blog post calling Black Lives Matter a terrorist organization and the other post commenting on an addict “being hot” before becoming addicted to meth are deeply offensive and should not be associated with anyone serving at State Bar President.
4. The combination of his calls for the pollworker to be arrested in light of the claim that BLM was a terrorist organization leads me to believe that he is racist and should absolutely step down.
5. I think the State Bar should acknowledge that it did not make any stand or support over Black Lives Matter in 2016 or prior to this controversy (at least that I recall). Maybe the bar has work to do as well.

Melanie J. Cogburn

Of Counsel

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To the Board of Directors of the Texas Bar:
In re: Larry McDougal

The State Bar of Texas never sought permission directly from the (compulsory) membership to oppose the plaintiffs in the McDonald v. Sorrels bar-deunification litigation. The Texas Bar nevertheless opposed them, continues to do so and consequently remains far more spread out into diverse political & other controversial activities than do attorney licensing entities in states where most other U.S.-licensed attorneys practice (such as CA, NY, VA and WA [etc.]). As a result, public disagreement about the views of any particular Texas Bar board member or (most recently) the president counterproductively remain more relevant than they need to be, and still potentially hold the entire legal profession in Texas hostage. The resulting politically charged climate involving the Texas Bar is consequently particularly vulnerable to being unduly influenced by (varying) segments of the internet's rage mob. The situation is unfairly oppressive to board members and especially to the president, as we have recently observed. You all deserve to have the right to have your opinions about public (and private) matters, and to voice them when you see fit. Transparency is wonderful and Larry McDougal displayed it, only to get mud splattered on him as a result...

Why not finally stop opposing the plaintiffs in McDonald v. Sorrels so that the resulting attorney licensing entity in Texas can finally shed other activities that hold it back and tarnish its public acceptance prospects in our politically volatile climate? De-unification of attorney licensing and oversight tasks from trade association ones is long overdue. Why not withdraw opposition to it and instead focus your energies on reforming the perceived flaws of the Texas Bar's disciplinary system pursuant to reform proposals such as these?

<http://www.TexasBarSunset.com/reforms>

Is attacking Larry McDougal not a thinly veiled attempt, by some, to thwart such long-overdue reforms? Admittedly, it is understandable that you might perceive that you lack the support from the (still compulsory) membership to do something particularly substantive, considering how relatively few members actually voted for you:

<http://www.TexasBarSunset.com/voter-abstention>

Does such learned helplessness among the (repeatedly betrayed) members not show that it's time to finally withdraw opposition against the McDonald v. Sorrels plaintiffs, then?

Thanks to anyone who took the time to read this. Thanks even more to those of you who gave it serious thought even as you already have very busy schedules. Might there be any questions that I can try to answer?

Respectfully submitted,
Rich

(***Rich Robins is a Texas-based, bilingual litigator of contract disputes, statewide. Although he has never been publicly or privately sanctioned by any bar authority in any state or country, Rich finds the current Texas attorney disciplinary system to be counterproductively potentially hazardous for well-

meaning attorneys, and also unnecessarily cost-increasing for honest clients. All of Rich's Sunset-related and Texas Bar-policing work is proudly done strictly as an unpaid volunteer.)

Rich Robins, Esq.

Editor, <http://www.TexasBarSunset.com>



From: [Son Shine](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal and the Bar"s "Joint Statement"
Date: Tuesday, July 14, 2020 8:36:37 PM
Attachments: [Letter State Bar of Texas Bd. Dtrs..pdf](#)

*** *State Bar of Texas* External Message *** - Use Caution Before Responding or Opening Links/Attachments

Dear Board Members:

I am a member in good standing for 33 years. Attached please find my letter.

Very truly yours,

Georgia C. Trudeau

GEORGIA C. TRUDEAU
Attorney at Law



State Bar of Texas
Attention: Board of Directors
1414 Colorado St.
Austin, TX 78701

Via email: Trey Apffel tapffell@texasbar.com
Via fax: 512-427-4100

RE: PRESIDENT LARRY MCDUGAL

Dear Sirs and Madams:

I am appalled by the joint statement made by the State Bar of Texas and Texas Young Lawyers Association concerning Larry McDougal and Black Lives Matter. As a member in good standing for 33 years I am shocked at the rush to judgment against Larry, who has never made a racist comment in the 30 years I have known and practiced law with him. Larry has always been a man of integrity, kindness, and a huge heart as large as the State of Texas. Larry expressed a private legal opinion, which was correct, by the way. Larry, like many of us, has been under attack for years by those in the legal profession who hate conservatives and liberally use profanity on Texas legal sites to express themselves.

Did any of you listen to Larry and consider his position, or were you so eager to pander to Black Lives Matter (hereinafter BLM) that you lost all reason? And, how many of you could stand up to intense biased scrutiny of every private opinion you had uttered in the last 6 or more years?

In 1992, the U.S. Supreme Court upheld an electioneering ban at polling places, meaning that states had the power to create laws to prevent voter INTIMIDATION (emphasis added) and ban electioneering around polling places. Texas states that a person "may not electioneer for or against any candidate, MEASURE (emphasis added), political party" within 100 feet of the voting site during early voting or on Election Day. As a white woman,

after watching BLM rioters since 2013: 1) speak out against and terrorize police, ("Pigs in a blanket! Fry em like bacon!"); 2) BLM leaders voice their Marxist views and anti-white views; 3) voice anti-family views; 4) voice anti-semitic views; 5) beat and murder whites, and blacks (such as David Dorn and black Trump supporters and black children); 6) loot; 7) tear down statues; 8) and burn buildings, I am personally terrified of anyone wearing a BLM shirt or with BLM on their car, and I would be afraid to vote anywhere near them. The entire world realizes BLM has been subsumed by the Democratic Party. Now could I walk in to vote with a MAGA hat on? Why not? It doesn't state any candidate or party. Your argument back to me would be that Make America Great Again has been subsumed by some in the Republican Party.

The "Joint Statement" made a declaration on behalf of 105,000 members of the State Bar. Well, you were not speaking for most of us, because the statement: "we applaud any organization whose primary goal seeks to ensure equal justice for all Americans," is not genuine or accurate as applies to BLM. Rather, it indicates group think and fear. I find the declaration shocking and horrendous, in light of all I mentioned above. Even Leo Terrell, a 30-year civil rights attorney stated recently: "Black Lives Matter have [sic] dominated social media... and the perception is that they control the Democratic Party." "I'm hoping, I'm begging I'm praying that they don't control the Democratic Party. But the current status right now, it is, it has controlled the Democratic Party. It has muted Democratic leadership. The Democratic leadership is afraid of Black Lives Matter for a variety of reasons."

Well, I'm hoping and praying that Black Lives Matter does not control the State Bar of Texas!

Very truly yours,

Georgia C. Trudeau

From: [Brent Dore](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal Must Resign
Date: Tuesday, July 14, 2020 11:48:59 AM

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Dear Board

Mr. McDougal's recent accusations that a poll worker committed a crime by wearing a Black Lives Matter shirt were insensitive, inappropriate, and wholly beneath the office of State Bar President. His actions call into question his ability to serve the entire bar. Moreover, his historical comments that BLM is a "terrorist" organization disqualify him from the position. At this time, attorneys must work together to fight racial injustice. Sadly, Mr. McDougal's continued service as State Bar President render unity impossible.

I respectfully request that Mr. McDougal resign from his office. If he refuses to resign, the Board should remove him.

Sincerely,
Brent Dore

Brent R. Dore | Attorney | Doré Rothberg McKay, P.C.

[Redacted]
[Redacted] | www.DoreLaw.com



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From: [Lauren Berman](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal Must Resign
Date: Tuesday, July 14, 2020 3:06:19 PM

*** *State Bar of Texas* External Message * - Use Caution Before Responding or Opening Links/Attachments**

Board of Directors:

Larry McDougal has demonstrated a pattern and habit of racism in his comments that have recently surfaced spanning the past decade. Perhaps equally troubling, he has demonstrated an ineptitude in his legal analysis that is an embarrassment to our profession. I am deeply concerned about the credibility of our Bar and about the message being received by bar members of color as well as prospective bar members about the values of Texas lawyers.

We should be the defenders of the Constitution, the laws of our state and country, and of all people's ability to receive fair treatment under the law. Larry has demonstrated he is none of these things. It also appears he has committed defamation per se against the poll worker he so ruthlessly attacked, and he is a liability.

This ongoing saga is a distraction from the important work we need to be doing, both in our individual careers and in our collective work to become a more just and inclusive profession and society. We have instilled our trust in you to do what is right, and I sincerely hope you will do that here by demanding his resignation and creating an infrastructure that will foster diversity and inclusion.

Thank you,
Lauren Berman
State Bar Number 24063990
Licensed November 2009

From: [Marsha Griggs](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Tuesday, July 14, 2020 8:20:22 PM

*** *State Bar of Texas* External Message * - Use Caution Before Responding or Opening Links/Attachments**

Respected Board of Directors,

I am a member of the State Bar of Texas (SBOT), and have been for the past 24 years. I was wounded by President McDougal's recorded words and completely unmoved by the hollowness of his video apology. His conduct reflects poorly on the State Bar and cannot represent the ideals of the organization. I live in Black skin, and in response to glaring racial injustice and a string of unanswered police killings of unarmed Black men and women, I have to assert that Black Lives Matter. I am not a terrorist and I have never been affiliated with any type of terrorist organization. The fact that a Texas lawyer, and seemingly a person of intellect, could believe that people who march in protests for the sanctity of human life and the chance for equal dignity under law and in practice are somehow terrorists is an embarrassment. We cannot thrive as a polarized nation, state, or profession.

Membership in SBOT is compulsory, and as such the Board has a great fiduciary duty to its members. The SBOT cannot take sides in political or controversial matters and cannot and should not allow a person who has voiced such biased, false, and prejudicial words to lead us all. The words of Larry McDougal do not represent me, my beliefs, or my rights to equal justice. If the SBOT will not take a stand in support of the Constitution of the United States and against unlawful racial discrimination, then Texas has no hope for true justice. I insist that you remove Mr. McDougal from office and any position of executive leadership within the SBOT.

Respectfully submitted,
Marsha (Foulks) Griggs
Texas Bar No. 00796572

Marsha Griggs
Associate Professor
Director of Academic Support and Bar Readiness



From: [Cynthia Gustafson](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Tuesday, July 14, 2020 4:38:33 PM

*** *State Bar of Texas* External Message * - Use Caution Before Responding or Opening Links/Attachments**

To the Members of the State Bar Board -

I am writing to request the removal of Larry McDougal as the State Bar President.

Mr. McDougal's apology focuses solely on his "intent." To him, the fact that his words have harmful impact is just a secondary issue. His statement removes the focus of the harm from the people he has harmed, and puts the focus back on him. This leaves our colleagues of color with the burden of navigating the harm he caused. They are expected to carry on and not make a fuss, because it is too hard, too scary, too unfair, too harsh, too much, to expect a White man to acknowledge that his statements contribute to the greater systemic racism inherent in American society, and our Bar.

Mr. McDougal wants no part of any conversation that doesn't allow him to be absolved of any consequence for his actions. He demands to be accepted as he is, with no ramifications for what has gone before, just because he said he's sorry. That is both Male Privilege, and White Privilege.

In matters of race and racism, intent DOES NOT MATTER. That is the privilege of White Fragility, to excuse racist impact because, "That wasn't my intent" or "I didn't mean it that way" or "You took it wrong." The IMPACT of Mr. McDougal's words and actions on our colleagues of color is what matters here. The impact that makes them feel less than, unequal, smaller, scared, and devalued.

He demands forgiveness from the group he has harmed, and then expects it unreservedly.

It is not on our colleagues to put this "error in judgement" aside because he throws up his hands and says, "I apologized; I don't know what else to do." The fact that he thinks it is enough demonstrates his lack of understanding about the harm his comments have caused, and it is a glaring, real-time example of the systemic racism that exists today, right now, in our society, and in our State Bar. If Mr. McDougal really absorbed the impact of his words and saw how his actions continue to promote racial inequality and perpetuate harm to his colleagues of color, he would voluntarily step down.

When addressing his 2015 statements in his apology video, he states that he "feels the opposite now," but he doesn't actually acknowledge that "Black Lives Matter." He doesn't say, specifically, that he knows now, for certain, in 2020, that Black Lives Matter is NOT a terrorist organization, but a civil rights movement. He doesn't offer any support for Black Lives Matter. What he doesn't say when he has the opportunity speaks louder than any apology he can give. HE wants the forgiveness, HE wants the attention, HE wants the time devoted to educating HIM. This is classic passing-the-responsibility buck. He can do the work and educate himself. We are lawyers. We know how to research.

Mr. McDougal's apology also does not reference his recent statement on the Texas Lawyer's Facebook page regarding a citizen poll worker wearing a Black Lives Matter shirt. That statement, combined with his prior rhetoric about the Black Lives Matter movement indicates that his opinions regarding Black Lives Matter have not changed. He states that the person wearing the shirt at a polling place was doing so to intimidate voters. He still sees BLM, and the people supporting the movement, in this case a Black woman, as a threat. He still sees Black people as "Others," to be feared and cautioned against. In posting

that message as State Bar President, that is what he conveyed to all the members of the Texas State Bar. His words represent the Texas Bar world-wide, because his words have been captured and shared and re-shared. They have gone global. That is his impact. To support him as Texas State Bar President is to support continued systemic racial oppression against our colleagues of color.

As a woman of Anglo and Mexican heritage who has always reaped the benefits and privilege of living White, I put this burden back on us. We must acknowledge it, and we must make the change, including removing him as the State Bar President. Otherwise, for our colleagues of color, it's just another meaningless apology from a White man who promises to "do better," while the racist systems stay in place, and nothing changes.

Beyond this, I'm thinking about my friends and colleagues who were deeply hurt by Mr. McDougal's comments. My friends who are openly harassed by White Bar members online and in person over this very issue, who are being asked to justify their right to feel hurt and devalued by his words. Their presence in my life matters. They matter. Their lives, their service, their expertise, their participation in the Bar matters. The Bar would miss their perspectives, knowledge, and every good and positive thing they bring to the table. We must stand up for them. We must acknowledge that they matter. Mr. McDougal is not the State Bar President we need right now.

Respectfully,
- Cynthia Gustafson
SBN 24055603

From: [Deborah Race](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Tuesday, July 14, 2020 3:56:28 PM

*** *State Bar of Texas* External Message * - Use Caution Before Responding or Opening Links/Attachments**

I read Mr. McDougal's comments and discussion on the BLM t-shirt versus the MAGA hat and, while I would not agree, can see where he could argue that this was simply a legal discussion. However, his earlier e-mails comparing BLM to a terrorist organization, are enough to warrant his resignation. Rather than demonstrate an inclusive policy, his comments represent a divisive one. And his online apology did little to change my mind. This issue is not simply going to blow over and I fear the division and hurt this will cause will permanently damage the Bar. I hate to see that happen. I hope he will do the right thing and resign.

[Deborah Race, Attorney at Law](#) | [REDACTED] | Tyler, Texas 75702
[REDACTED] | www.raceappeallaw.com

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From: [Samuel Reyes](#)
To: [BoardofDirectors](#)
Subject: LARRY MCDUGAL
Date: Tuesday, July 14, 2020 8:09:08 PM

*** *State Bar of Texas* External Message * - Use Caution Before Responding or Opening Links/Attachments**

Esteemed Board of Directors,

Thank you for the opportunity to weigh in on the current controversy surrounding Larry McDougal. I would also like to thank the State Bar of Texas for denouncing the online comments of Mr. McDougal.

"Black Lives Matter", the organization, the movement, the philosophy, the statement, is only controversial to those who wish to stifle progress. The rest of us do not find it controversial in the least. We recognize that institutional, systemic, structural or whatever adjective you wish to give it: it exists with regard to racism, especially in the United States and especially in Texas. The comments of Larry McDougal are typical of the historical status quo racism that stains our society and that the march of progress has struggled to overcome. I am glad that our country is seeing mass action and mobilization against racism as I believe this popular movement is long overdue. The unjustified privilege of adherents of the hateful doctrine of white supremacy and of its apologists is approaching its dusk.

I concur with and echo the Call to Action in Response to State Bar of Texas President Larry McDougal's Comments Concerning Black Lives Matter of July 13, 2020 released by the African American Lawyers Section of the State Bar of Texas. We once again have the opportunity to be a part of the realization of the noble ideals of this nation's founders. We need only have the courage to act on our convictions.

Thank you for your attention and concern,

Samuel Reyes

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Law Office of Samuel Reyes PLLC



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From: [Deandra Grant](#)
To: [BoardofDirectors](#)
Subject: Larry
Date: Tuesday, July 14, 2020 10:17:37 PM
Attachments: [PastedGraphic-5.tiff](#)

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

100% support

Deandra M. Grant, JD, GC, MS
ACH-CHAL Forensic Lawyer-Scientist
Executive Director, DUI Defense Lawyers Association
Host, Wine'ing About the Law (HamiltonGrant.TV)



From: [Murtaza Sutarwalla](#)
To: [BoardofDirectors](#)
Subject: Letter of Support for Larry McDougal as Bar President
Date: Tuesday, July 14, 2020 10:12:28 PM

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Dear Board Members,

I write today in support of our Bar President Larry McDougal and his proposed initiatives as president.

While I do not condone every single post that he (or for that, other members of the Texas Bar) have made on social media, I firmly believe that he has the First Amendment right to speak freely especially since the posts in question predate his election to Bar president. In addition, he has the right to opine on legal matters as a member in good standing of the Bar.

In his capacity as Bar president, I am confident that he will be capable and serve fairly for all of us.

He has apologized publicly and privately. State Bar directors have weighed into the matter, and they are entitled to their opinions and beliefs on the matter. We should have high expectations of our leaders - but when they apologize and promise to act in good faith, we should give them the time to show these actions and also to grow as leaders.

Larry has always been collegial and welcoming of me, a person of color & devout Muslim lawyer. I firmly believe that he is a good man, and that he will make positive changes during the rest of his tenure.

I am also worried about the tone of many of my colleagues on social media. It may be a reflection of the enormous stress we face in 2020, and I pray it is not a testament to a permanent erosion of civility in our profession - there is one thing to challenge or ask for an apology or reconsideration of a statement - but the tenor of comments on various groups was disheartening over the last 72 hours. If one is to be judged, then all must be judged accordingly.

Thank you for your time and consideration.

Kind regards,

Murtaza Sutarwalla
State Bar No. 24056398

Edwards Sutarwalla PLLC
Partner

From: [Caroline Badinelli](#)
To: [BoardofDirectors](#)
Subject: President Larry McDougal
Date: Tuesday, July 14, 2020 1:18:48 PM

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Amy and Todd:

I am messaging you regarding President McDougal. At the outset, I am not *at this point* demanding his resignation. I want to see his response to the AALJ section's proposals (which I realize due to his emergency surgery will not be as soon as people probably wanted). Depending on his response to that, my opinion to resignation and/or harsh board action may shift.

That said, I have significant concerns regarding the statements President McDougal made last week on social media as well as in the past (i.e. including referring to an attorney with a drug issue as "hot").

I have viewed his Youtube video apology as well as his initial statement put out with by the Bar. I have also read the letter put forth by the AALS section calling for specific measures. I am generally in line with the proposals stated in the AALS letter (perhaps a little milder on what the President needs to do in number one), and have long thought that implicit bias training should be required (I went to a Austin Family Law Section one with Mindy Gulati and it was one of the best CLEs I have attended).

Beyond the statements Larry McDougal has made, our Bar is an extremely unwelcoming place for minorities and women. Sometimes it's hard to see unless you are online or talking to other colleagues. I consider myself lucky because I practice mainly in Travis County (as well as the surrounding ones) and I know here it is better than many places in Texas.

That said, I have heard male colleagues in both areas of law where I practice [family law and personal injury] refer to our female judges as "stupid" or "idiots." The male judges somehow just ruled against them (because you know white men don't lose, they just get bad rulings).

Up until a few years ago, I would still hear or uh see a colleague make remarks regarding an attorney or judge regarding their sexuality or "rumored" sexuality. No, I wasn't asking, because WHO CARES.

I was also at UT Law the first year of Hopwood (UT 2002). There were 4 African Americans in my whole class. It was a widely held belief while there that well those were the only ones who clearly "deserved" to be there. The next year George P Bush was admitted. His GPA was 2.75 (this came out recently and it's not to disparage him simply to point out how much Hopwood was some sort of 100% merit system for entry).

Over the past few days, I have commented on several attorney forums and personal social media pages regarding adopting an ABA model rule regarding ethics and attorneys (it ties to the ability to grieve an attorney). I also commented that we needed implicit bias training as mandatory CLE immediately. I was immediately told that I would not be shoving my agenda down someone's throat. Frankly, that is one of the kinder responses I have heard. Many attorneys have commented in response to the debate that BLM is a Marxist organization I have also seen comments from attorneys that are basically love it or leave it-don't practice law if you can't handle the criticism. I have seen comments that Larry has done much for the little guy (somewhat true) and was elected on that platform so you should get behind and support him or you don't care about grievance reform, small firms or mental health. The lack of decorum is horrific and it has been especially and brutally leveled against people of color and doubly so for females of color.

In conclusion, the Bar has a systemic problem with race and gender issues. This needs to be addressed both by the President and the Board. I make no judgment as to whether Larry McDougal is a "racist." I do not personally know him. I do however believe his remarks his statements have been are racially and sexually unsound and irresponsible regardless of the time frame in which they were made or Mr. McDougal's own personal experiences that led him to these words.

We need to do better. We must do better. A mere taskforce that was already in the works is not enough (though I am not opposed to it). We are not just any professional trade association-we are attorneys-advocates for justice. In many instances, the last desperate hope for people. We are given tremendous power by virtue of our Bar Cards both in effecting individuals and our governmental institutions. This isn't a restaurant owner who posted something. I hope the Directors listen to those who have for so long felt hostility and hate within their own profession.

Thank you for your unpaid time and efforts outside of your full time positions.

Regards,

Caroline Badinelli

SBN 24036169

--

Caroline L. Badinelli

Attorney at Law

[REDACTED]

Austin, Texas 78735

[REDACTED]

IMPORTANT MESSAGE REGARDING UPDATED OFFICE PROCEDURES DUE TO COVID-19

Please note that the Law Offices of Caroline L. Badinelli are fully operational while complying with the Shelter in Place Order issued by Mayor Steve Adler. We are working full time by remote to continue to service all clients and are accepting new cases at this time.

Please contact us by phone, email or text during normal business hours.

Courts are open on a limited basis and access to remote hearings is expected to increase.

Please arrange drop off and delivery of documents. Please note we can electronically notarize for clients.

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From: [Nicholas Poehl](#)
To: [BoardofDirectors](#)
Subject: President Larry McDougal
Date: Tuesday, July 14, 2020 5:17:06 PM

*** *State Bar of Texas* External Message * - Use Caution Before Responding or Opening Links/Attachments**

Dear Bar Directors,

The last few days as a Texas Lawyer have been awful, thanks to President McDougal's reprehensible electioneering "analysis" came to light. It got worse with each unearthed post that revealed racist and sexist views, and entirely too much comfort with police brutality. Almost as disgusting (and in some cases, even more so) as the comments themselves are those being posted in public forums in defense or support of Larry, as they have revealed a very dark undercurrent of racial resentment among the Texas Bar membership.

I took my time coming to a conclusion about what I felt was appropriate here. I discussed the matter with many other lawyers, including some Bar Directors. I've reached the conclusion that President McDougal should resign, or failing that be removed. It would, I believe, be unconscionable for him to remain in his position. I believe this to be necessary not just because of how egregious I believe these public comments to have been, but also because I believe, now more than ever, that we collectively need to have the backs of our minority bar members, who have been devastated by this.

I want to commend Jason Smith for already taking a public position on this matter, and I encourage the rest of the Bar Directors to do the same. Thank you for your attention to this matter.

Sincerely,

Nicholas R. Poehl



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From: [Jarrod Foerster](#)
To: [Charlie Ginn](#); [BoardofDirectors](#)
Cc: [Trey Apffel](#)
Subject: President Larry P. McDougal, Sr.
Date: Tuesday, July 14, 2020 4:45:40 PM
Attachments: [image001.png](#)

*** *State Bar of Texas* External Message * - Use Caution Before Responding or Opening Links/Attachments**

Chairman Ginn and Members of the Board of Directors of the State Bar of Texas,

I write to you today as a citizen and member of the public regarding the recent comments made by President McDougal on his personal Facebook page as well as the response to date from the State Bar of Texas as well as several sections and other individual members of the Bar. After witnessing the aggressive and rapid response by the Bar's leadership, I felt compelled to relay my feelings on this matter directly to the members of this Board of Directors.

First, I do not believe that President McDougal is a racist. I was privileged to serve as a public member of the Board of Directors, appointed by the Texas Supreme Court, from 2017-2020. I worked closely with President McDougal during his President-Elect year of 2019-2020 in my capacity a Chairman of the Audit & Finance Committee. We served together on the Budget and Executive Committees. We had many conversations both at board and committee meetings, as well as one on one conversations in person and by telephone. I would like to state in the clearest possible way that never once did I ever hear President McDougal speak ill of anyone ever. To the contrary, I listened to him on many separate occasions speak in passionate terms of his vision for the future of the Bar and ways that he thought he could make a difference—for ALL lawyers that are members of the State Bar of Texas. I feel certain that members of the board as well as the professional staff of the State Bar of Texas who worked closely with President McDougal will attest to this fact.

Secondly, President McDougal is the elected leader (by a majority of the lawyers licensed in the State of Texas) of the State Bar of Texas. He has served his community as a dedicated first responder, both as a firefighter and police officer. He has served the public and the legal profession as a former Director of the State Bar, President-Elect and now as President of the State Bar of Texas. He is also a successful criminal defense and family law attorney practicing in Richmond, Texas in a law practice that he built and has continued to grow with his son and law partner. Last I checked he is not a media professional who slickly operates in and adroitly maneuvers in the increasingly toxic world of social media and the twenty four hour news cycle. President McDougal is a plain spoken country lawyer who is not afraid to speak his mind and call things like he sees them. In his comments relating to members of the BLM movement and their actions one could disagree with his assessment of this organization, but because President McDougal's assessment may differ from one's own does not and should make him a racist. A Facebook post should not define a lifetime of work and service to his community and profession.

While I will not second guess the actions of my friends in Bar leadership in their swift condemnation of President McDougal and his Facebook post, I do suggest that their aggressive actions have fed a fire that may very well drive President McDougal from office or severely cripple his presidency. As I watched the social media explosion that began on Saturday build and build it has become increasingly clear to me that there may be nothing President McDougal can do or say at this point to appease those who are railing against him. From the outside and as a non-lawyer, it appears that due process was thrown out the window in this instance. While it may be too late to save President McDougal's presidential year, I hope that the leadership of the Bar will learn from these events and will develop policies and training for those holding high office at the Bar, including as members of the Board of Directors, that will be designed to remind and assist those in office to self police and

monitor their tone and messaging on social media. While one may believe that they are espousing their own personal beliefs and not those of the State Bar of Texas, it only takes a few re-posts or re-tweets for something to go viral and take on a life of its own.

President McDougal is not a racist. His apology should be accepted and he should be allowed to serve out the remainder of his term. Members of the Board should work with him and President-elect Sylvia Borunda Firth to develop policies and training to guide the conduct of all board members and elected leaders of the Bar as it relates to social media. Most importantly, all of us should be respectful and listen to one another's opinions and not be so quick to condemn them. The future of our society depends on this dialogue and the lawyers of Texas should lead by example.

Thank you for allowing me to share my thoughts on this subject and for all that each of you do for Texas.

Sincerely,
JTF



Jarrold T. Foerster | Managing Principal



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From: [Elitza Meyer](#)
To: [BoardofDirectors](#); [Trey Apffel](#)
Subject: President McDougal and Due Process
Date: Tuesday, July 14, 2020 11:19:11 PM

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

BoardofDirectors@texasbar.com; Trey.Apffel@TEXASBAR.COM

July 14, 2020

Directors:

I write to support the need for fair treatment of SBOT President Larry McDougal.

In reviewing the enabling statute, I did not see any mechanism for removal of the President. However, looking at Sec. 81.027, I see that the directors may be removed only for specific reasons. Surely the president should be treated no less fairly than a director. I do not know President McDougal well, having met him only twice. Election law is not my specialty and I cannot say whether Larry's opinion was correct or not. Nor do I condone his years-old posts which he has addressed. However, it does not appear that if he were a director these would constitute grounds for removal.

In addition, I find it curious that the Board acted first and solicited member comments after the fact. While I did see the open letter and the later call for comments on the SBOT Facebook page, I did not see any notice of the meeting at which the Board considered its statement, with the usual open meeting notification as to public comment, nor do I see any Meeting Agenda and minutes on the SBOT website.

Fundamental fairness and respect for due process should be hallmarks of our profession, and President McDougal should be afforded same.

Sincerely,

Elitza Meyer

From: [Rich Robins](#)
To: [Brea deMille@erin.s](#)
Cc: [Amy Starnes](#)
Subject: RE: a y McDougall & Texas Ba deunif cat on
Date: Tuesday, July 14, 2020 5:45:16 M

* State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments

Hello Amy

Thank you for confirming receipt and such. By the way in the version below I have corrected a typo that I must discovered. What used to say the now says they

Texas Bar board member or (most recently) the president counterproductive. It remains more relevant than the need to be

now says

Texas Bar board member or (most recently) the president counterproductive. They remain more relevant than they need to be.

Wishing you well
Rich

-----Original Message-----

From: Board of Directors <BoardofDirectors@TEXASBAR.COM>
Sent: Tuesday, July 1, 2020 5:33 PM
To: [REDACTED]
Subject: RE: Larry McDougal & Texas Bar deunification

Hi Rich

Thank you for your comments. They will be shared with the Board of Directors.

Amy Starnes
Public Information Director
State Bar of Texas
[REDACTED]
eb@texasbar.com

Please visit the State Bar of Texas' coronavirus information page at texasbar.com/coronavirus for timely resources and updates on bar-related events.

-----Original Message-----

From Rich Robins [mailto:]
Sent Tuesday, July 1, 2020 5 PM
To BoardofDirectors <BoardofDirectors@TEXASBAR.COM>
Subject: Larry McDougal & Texas Bar deunification

* State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments

To the Board of Directors of the Texas Bank
In re Larry McDougal

The State Bar of Texas *ne* sought permission directly from the (compulsory) membership *to* or to oppose the plaintiffs in the McDonald *vs* Sorrells bar-disinfranchisement litigation. *The Bar of Texas* *ne* *unfettered* *its* *entire* *discretion* *to* *enter* *into* *any* *agreement* *with* *any* *other* *entity* *for* *the* *purpose* *of* *entering* *into* *any* *political* *or* *other* *contract* *or* *arrangement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as* *a* *result* *of* *any* *agreement* *with* *any* *other* *entity* *licensed* *to* *practice* *law* *in* *any* *state* *where* *most* *other* *U.S.-licensed* *attorneys* *practice* *(such* *as* *CA* *NY* *VA* *WA* *etc.)* *as</*

Why not finally stop opposing the plainiffs in McDonald v. Sorrells so that the resulting a torney licensing entity in Texas can finally shed o her act i es that hold it back and tarnish its public accept ance prospects in our politically olatile climate? De-unification of attorney licensing and o ersight tasks from trade association ones is long o erdue. Why not withdraw opposi on to it and instead focus your energies on reforming the percei ed flaws of the Texas Bar's disciplinary system pursuant to reform proposals such as these?

<https://nam12.safelinks.protection.outlook.com/>

url=http%3A%2F%2Fwww.texasbarnsunset.com%2Freforms&data=02%7C01%7CBoardofDirectors%0TEXASBAR.COM%7C6b9d0925819 08353 d08d828 77762%7Cee a67227 e 8cfa 575e83671cbe8d%7C1%7C0%7C6373036351597303 9&sdata=PD_KNBHBzWFIK6KC32ULqAejj7RE0%2Bq%2F5%2KLA9%3D&reser ed=0

Is a tacking Larry McDougal not a thinly veiled attempt by some to thwart such long-overdue reforms? Admittedly it is understandable that you might perceive that you lack the support from the (still compulsory) membership to do something particularly substantive considering how relatively few members actually voted for you.

h tps://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.texasbarsunset.com%2Foterabstention&data=02%7C01%7CBboardofDirectors%20TEXASBAR.COM%7C6b9db0925819-08353

Does such learned helplessness among the (repeatedly betrayed) members now show that it's time to finally withdraw opposition against the McDonald-Sorrells plaintiffs then?

Thanks to anyone who took the time to read this. Thanks even more to those of you who gave it serious thought even as you already have very busy schedules. Might there be any questions that I can try to answer?

Respectfully submitted
Rich

(***Rich Robins is a Texas-based bilingual litigator of contract disputes statewide. Although he has never been publicly or privately sanctioned by any bar authority in any state or country, Rich finds the current Texas attorney disciplinary system to be counterproductively potentially hazardous for well-meaning attorneys and also unnecessarily cost-increasing for honest clients. All of Rich's Sunset-related and Texas Bar-policing work is proudly done strictly as an unpaid volunteer.)

Rich Robins Esq

Ed tor <https://nam12.safelinks.protection.outlook.com/>

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From: [Deborah Race](#)
To: [BoardofDirectors](#)
Subject: RE: Larry McDougal
Date: Tuesday, July 14, 2020 4:56:22 PM

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Thanks so much.

From: BoardofDirectors <BoardofDirectors@TEXASBAR.COM>
Sent: Tuesday, July 14, 2020 4:39 PM
To: Deborah Race [REDACTED] >
Subject: RE: Larry McDougal

Ms. Race,

Thank you for your comment. It will be shared with the Board of Directors.

Amy Starnes

Public Information Director
State Bar of Texas
Office: [REDACTED]
Cell: [REDACTED]
Web: Texasbar.com

Please visit the State Bar of Texas' coronavirus information page at texasbar.com/coronavirus for timely resources and updates on bar-related events.

From: Deborah Race [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Tuesday, July 14, 2020 3:55 PM
To: BoardofDirectors <BoardofDirectors@TEXASBAR.COM>
Subject: Larry McDougal

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

I read Mr. McDougal's comments and discussion on the BLM t-shirt versus the MAGA hat and, while I would not agree, can see where he could argue that this was simply a legal discussion. However, his earlier e-mails comparing BLM to a terrorist organization, are enough to warrant his resignation. Rather than demonstrate an inclusive policy, his comments represent a divisive one. And his online apology did little to change my mind. This issue is not simply going to blow over and I fear the division and hurt this will cause will permanently damage the Bar. I hate to see that happen. I hope he will do the right thing and resign.

Deborah Race, Attorney at Law | [REDACTED]
[REDACTED]

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Please be environmentally friendly - do not print this email unless you really need to.

From: [jim.huggler](#)
To: [BoardofDirectors](#)
Subject: Recent Events
Date: Tuesday, July 14, 2020 1:53:33 PM


*** *State Bar of Texas* External Message * - Use Caution Before Responding or Opening Links/Attachments**

I am troubled by the comments which have been reported from Larry McDougal. My understanding is that this was initially made on a lawyer facebook page. I used to be involved in a couple of these pages, and left because they are so divisive. Even after multiple conversations with Andrew Tolchin about these groups and their value to the bar, I have not participated in several years.

I have served with Larry on the CLE committee for several years and found his comments and suggestions worthwhile and helpful to that group. When he came to Tyler, because of that relationship, I was happy to introduce him to attorneys in our area. And while I appreciate his comments in response, I am very concerned that this issue will drive apart the bar. I think that Larry should strongly consider resigning for the good of the bar. While I agree that his views on issues may have changed since 2015 when the first comment about BLM was made, the fact that as state bar president he made this comment in a public forum disturbs me.

That being said, it is my understanding that the two candidates who are chosen to run for State Bar President-Elect are selected from several following interviews. Obviously, there needs to be a revamping of that process. If a social media search was done, the people assigned need some additional training. This may also be an opportunity for the bar to change the process in choosing these candidates. Perhaps this is also a time to look at how bar directors are selected, and what guidelines they should operate under. I do not think it is unreasonable to hold bar directors and officers to an almost judicial standard of conduct. They are not representing just themselves, but they are representing our profession.

James Huggler



From: [Amy Starnes](#)
To: [Don Jones](#)
Subject: FW: Larry McDougal
Date: Tuesday, July 21, 2020 2:25:55 PM

Below is Mr. Gibbs' email. I don't know why it would have produced at such a low quality. Could you just sub it with a PDF of this email?

Amy Starnes
Public Information Director
State Bar of Texas
[REDACTED]

Web: Texasbar.com

Please visit the State Bar of Texas' coronavirus information page at texasbar.com/coronavirus for timely resources and updates on bar-related events.

-----Original Message-----

From: BoardofDirectors
Sent: Tuesday, July 14, 2020 4:39 PM
To: David Gibbs [REDACTED]
Subject: RE: Larry McDougal

Mr. Gibbs,

Thank you for your comment. It will be shared with the Board of Directors.

Amy Starnes
Public Information Director
State Bar of Texas
[REDACTED]

Web: Texasbar.com

Please visit the State Bar of Texas' coronavirus information page at texasbar.com/coronavirus for timely resources and updates on bar-related events.

-----Original Message-----

From: David Gibbs [REDACTED]
Sent: Tuesday, July 14, 2020 3:00 PM
To: BoardofDirectors <BoardofDirectors@TEXASBAR.COM>
Subject: Larry McDougal

* State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments

I am a relatively new member of the State Bar, though I have been an attorney in California for 27 years. I am glad to hear that the State Bar is still taking comments on Mr. McDougal's social media post, but I am surprised that the correct course of action even requires member input. Mr. McDougal's comments were beyond reprehensible, and he should be forced to step down or removed immediately. There is no apology that can "undo" the damage he's done to the State Bar, and the longer he's allowed to remain in office the worse the damage to the Bar's reputation. There should be no room for comments of that nature, and anyone engaged in speech of this nature, though protected, should no longer be allowed to be a leader of an organization dedicated to the law.

David L. Gibbs, Esq.
The Gibbs Law Firm, APC
San Clemente, California
[REDACTED]

<https://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.gibbslaw.com%2F&data=02%7C01%7CDon Jones%20TEXASBAR.COM%7Cbe9c61d87ea79a9f1508482dabdfa0%7Ccece a67227 e 8cfa 575e83671che8d%7C1%7C0%7C6373095635 5661680&data=abk7BBLxVaf3uT ePjPdNwPGYFSLsqQHhkkDk0%3D&reser ed=0>
Add me to your address book.
<https://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Fcontactmonkey.com%2F&data=02%7C01%7CDon Jones%20TEXASBAR.COM%7Cbe9c61d87ea79a9f1508482dabdfa0%7Ccece a67227 e 8cfa 575e83671che8d%7C1%7C0%7C6373095635 5661680&data=K6La 5YcLON3 lq21oygTEDAq5Hu5McCSHbGg k5 %3D&reser ed=0>
To comply with IRS regulations, we advise you that any discussion of Federal tax issues in this email was not intended or written to be used and cannot be used by you (i) to avoid any penalties imposed under the Internal Revenue Code or (ii) to promote, market or recommend to any other party any transaction or matter addressed herein. This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

From: [Jennifer Judge](#)
To: [BoardofDirectors](#)
Subject: Regarding the recent comments by President McDougal
Date: Tuesday, July 14, 2020 1:51:26 PM
Attachments: [image001.png](#)

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Dear Board of Directors of the State Bar,

I write this email regarding the recent and less-than-recent but recently discovered comments made by Larry McDougal regarding Black Lives Matter, electioneering, and his views regarding addiction and licensure issues. As an active Texas attorney, I was dismayed to learn of them and even more dismayed that Mr. McDougal believes he can separate personal views like this from his service at the president of the bar.

While reasonable people may differ on the extent to which Black Lives Matter is a group, a slogan, or a social-justice movement, I find that Mr. McDougal's posts were inappropriate and evidence a disregard for the experiences and points of view of lawyers of color and female attorneys. Specifically, discovering old posts where McDougal critiques whether a female lawyer is "hot" prior to her "addiction," was uniquely disheartening, as a female lawyer who has experienced more than her fair share of sexual harassment and discrimination by older male, Texas lawyers. At this point, I have no faith that the president of the Texas bar will approach issues regarding women and lawyers of color fairly.

Mr. McDougal is positioned to represent all Texas lawyers, and at this point, his comments have created a distraction and sown doubt as to his ability. I believe that for the good of the bar, Mr. McDougal should step down.

Thank you for your consideration in this.

Sincerely,

JENNIFER K. JUDGE
TX. BAR NO. 24059126
SENIOR VICE PRESIDENT & DEPUTY GENERAL COUNSEL



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From: [Kay Mc](#)
To: [BoardofDirectors](#)
Subject: State Bar Leadership
Date: Tuesday, July 14, 2020 12:04:46 PM

* State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments

Thank you for inviting input regarding Larry McDougal's comments.

I am a 36 year member of the SBOT, a white female. When I started practicing law, lawyers were assumed to be leaders until proven otherwise. Over the decades I have watched the status of the profession decline. We need leaders who can elevate the reputation of the profession, and represent the best of what we have to offer as a community of lawyers. Larry McDougal's comments, both in 2020 and 2015, make it impossible for him to fulfill that role.

Much of my practice has involved working with lawyers and clients outside of Texas, including practicing for several years on the east coast. Larry McDougal's statements perpetuate a stereotype which is detrimental to the Bar.

We can do better.

Best,

C. Kay McCall

From: [Jeremy Walter](#)
To: [BoardofDirectors](#)
Subject: State Bar of Texas Leadership
Date: Tuesday, July 14, 2020 1:27:10 PM

*** *State Bar of Texas* External Message * - Use Caution Before Responding or Opening Links/Attachments**

Directors,

I am writing to discuss the recent and past comments made by Larry McDougal, as well as the negative effect those words have had on the local and national image of our Bar. I'm sure you've been inundated with comments, many more eloquent than mine, but I feel compelled to speak out against this disturbing trend before it spirals completely out of control. You have all been upstanding members of the Bar, to my knowledge, and hold positions of leadership that carry much greater weight in addressing these issues than myself and my concerned colleagues.

You have all surely seen Mr. McDougal's comments by now, including his recent discussion of Black Lives Matter ("BLM") and accusation that supporting BLM at a polling site is a crime, his past allegation that BLM is a terrorist group, his misogynistic comments on the appearance and character of a female member of our Bar, and his posting of a picture suggesting police brutality is "justice" that occurs before the trial of an accused criminal defendant. I am not the proper person to explain why any of these comments are so hurtful, but I have listened to our colleagues explain their pain. I have also seen that pain be dismissed, explained away, excused, and mocked—mostly by other members of the Bar. This is part of the disturbing trend that is taking root, or perhaps merely stepping into the light after years of festering, and must be addressed.

Mr. McDougal issued a video apology that fell far short of explaining his behavior. Indeed, he did not even address the entirety of the past comments listed above, nor did he display any kind of understanding as to why his actions were so hurtful. I understand the AALS has issued a call to action and some branches of the Bar and individual directors have condemned some of Mr. McDougal's comments. I am hopeful you will all do the same for the entirety of his unacceptable behavior. If you already have and I missed it, please let me know where I can find your statements.

Unfortunately, the ongoing defense and excusal of Mr. McDougal's comments has also brought to light a pattern of similar behavior by one of the State Bar Directors—Steve Fischer. Mr. Fischer has frequently bullied other attorneys in online forums, often spilling over into racially-inappropriate comments. Among other offensive comments, he accused a female attorney of doing "nothing to help civil rights this week except you're still married to a Black" and downplayed the suffering of Black people in our country in comparison to Jews with the phrase "equal jobs or equal ovens." He also caused pain to some of our colleagues by insisting the death of Ahmaud Arbery was related to his hypothetical criminal record in the wake of his tragic murder and declaring George Floyd should have spent more time in jail in the wake of his tragic murder. This is only the tip of the iceberg for Mr. Fischer's unnecessary, racially-charged, and divisive comments, which also include many misogynistic comments and belittling of female attorneys. I would like to know what the Directors as a group plan to do to address this unacceptable conduct from one of your own.

I understand that some people brush aside online comments or conduct. I've certainly seen that happening over the past week. However, we cannot ignore racism or other inappropriate behavior simply because it occurs in an online forum. Online comments are arguably more troublesome because they reach the public at large—just see the numerous articles addressing Mr. McDougal's comments that are widely available and viewed on sites like Above the Law and Law.com. Rather than engaging his constituents and addressing these issues, Mr. McDougal began blocking attorneys who questioned his comments and has now apparently removed his online presence. The President (and Directors) cannot hide behind the idea that these comments are made in their "personal capacity" when the public does not make that distinction and their behavior demeans us all. Moreover, if these are really their personal views, they are unfit to serve in leadership positions.

I am merely one voice, but if it were up to me, both Mr. McDougal and Mr. Fischer would resign as they have demonstrated they are unfit to serve the entirety of the Bar, specifically our minority and female colleagues. I hope you feel the same way and will make those feelings public. Even if you disagree with resignation, I hope you will see fit to come to the public defense of our bullied and marginalized colleagues who continue to suffer merely because of the color of their skin or their identity as women.


Thank you for taking the time to read and listen.

Best,

Jeremy Walter
SBN: 24098572

--

Jeremy Walter

From: [Edward A. Sandoval](#)
To: [BoardofDirectors](#)
Cc: [Omar Saenz: "Ben Guerra"](#) 
Subject: State Bar President
Date: Tuesday, July 14, 2020 11:46:57 PM
Attachments: [image001.png](#)
[image002.png](#)

*** *State Bar of Texas* External Message *** - Use Caution Before Responding or Opening Links/Attachments

Dear Bar Leaders:

I join my bar director, Lydia Elizondo Mount, in asking for the resignation of our current State Bar President.

To paraphrase Professor Dick Deguerin, we are Texas Lawyers, the public will only respect insofar as we respect ourselves. Because of this we need to hold ourselves in high regard - in how we dress, in how we act, and how we practice law. We have to protect the institution that is our role in the judicial branch and the republic.

Our Bar President's comments this weekend, compounded with his previous social media comments, show that he should not be the leader of our profession. In reviewing an email a co-counsel shared with me this week a statement contained therein from an apologist for the Bar President states he "was speaking before thinking---something he has done before on many issues not at all related to these and not even political." This seems to be the consistent theme of our Bar President and this is concerning. His conduct cannot and should not be merely dismissed because that is just who he is. This is just a step away from the concept of "boys will be boys." This is not okay.

I understand no one is perfect, and many of us do have vices and flaws but racist, misogynistic, and legally wrong comments that were made by the Bar President cannot and should not be tolerated. We owe a duty to the public, our clients, and our future clients that our profession will do our absolute best to zealously represent them regardless of race, color, religion, gender, gender expression, age, national origin, disability, marital status, or sexual orientation. Can you with a straight face defend the Bar President and what has happened to the public or a client? I cannot.

I have lost faith in our Bar President. I am not proud to call him by such

title.

We can do better, and we should do better.

I implore you and ask for his resignation.

Very much obliged,



Edward Adrian Sandoval
ADMINISTRATIVE FIRST ASSISTANT DISTRICT ATTORNEY
Cameron County, Texas

Brownsville, Texas 78520

P:

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“Justice is the highest expression of the human spirit. It calls us to be better than we are. We may all hope that we honor that call.” -- *Ronnie Earle*

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From: [Melissa Thrailkill](#)
To: [BoardofDirectors](#)
Subject: The Future of the Bar and the Board
Date: Tuesday, July 14, 2020 4:35:02 PM
Attachments: [SF Posts.pdf](#)

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Dear Board of Directors,

I have sent this email to some of the directors in my area, and I'm copying it again here. Thank you for your consideration:

It is certain, in any case, that ignorance, allied with power, is the most ferocious enemy justice can have. – James Baldwin

I am writing to you today because of these wise words from a remarkable American author and civil rights activist and because, today, right now, it is time for the State Bar of Texas to address how it uses its power. Does it use its power in the pursuit of justice for all, or does it use its power to continue to ignore and perpetuate the historical injustices that have plagued our civil and criminal justice systems; to embolden and protect bad actors; to sit silent when the state and country are screaming? Unfortunately, you are faced with answering this difficult situation, but you have been elected to serve, and I can no longer sit in silence.

I don't believe you need me to explain the issues with Mr. Larry McDougal's comments, but it's clear to me that many of my fellow colleagues do not understand the impact of his statements, and the implicit bias, if not outright racism, that underlies his opinions. From the 2012 police brutality meme, to calling Black Lives Matter a terrorist organization, to likening a BLM shirt to a MAGA hat and calling for a Black Texas citizen to be removed and cited for wearing that shirt, it is clear to me that what is in Mr. McDougal's heart, even if there is good there, is also dangerous, precisely because of the power he wields with his bar card and now as president of the SBOT. His apology was lacking and insincere. I do not believe he understands the problem, nor does he truly care to understand it. He issued an apology because he could not ignore it, but not because he believes it. It is after much thought, and not with pleasure, that I ask you to call for the resignation of Larry McDougal. He cannot organize, head, or even sit on a task force, because he has so much work to do. I don't expect him to believe in everything I believe in, but his ignorance on this topic makes him an ineffective leader, and he has lost trust.

I am also asking that you address the embarrassing and damaging behavior of your fellow board member, Mr. Steve Fischer. I have included screenshots of some of his most recent statements to fellow lawyers in facebook forums for Texas attorneys. Mr. Fischer is extremely divisive, and he also uses his wife, a non-attorney, to harass and call out other Texas attorneys. Again, I do not take pleasure in sharing these screenshots, and I do so only after much contemplation on the benefits of doing so. These screenshots were shared by others and some are public statements. If a name is not redacted, it is because they gave me permission to leave their name. In Mr. Fischer's case, his words and actions toward other Texas attorneys must be revealed, as they speak volumes. Over the years, and especially most recently, he has isolated attorneys based on race and gender, has blocked them from facebook groups where he is an administrator, and has refused to acknowledge how he has caused harm.

He speaks loudly about bar reform, but I no longer know what reforms he wants. He should be called to answer for his behavior as a leader on the SBOT Board of Directors. He is not my representative, and, therefore, it is not my place to ask for his resignation, but his actions should not be ignored. He reflects poorly on the SBOT and the board, and, frankly, he has created more harm than Mr. McDougal. I can no longer tolerate it in silence.

Finally, it goes without saying that it is far past time that the SBOT make implicit bias training a mandatory part of our CLE requirements. The California State Bar, of which I am also a member, requires new attorneys to complete 1.5 hours on “recognition and elimination of bias in the legal profession.” It is clear Texas attorneys need this. Now. We do not need another task force to tell us what actions to take. We know exactly what must be done and this is a simple and necessary first step. Again, I do not expect my colleagues to see eye-to-eye with me on everything, and I know that opinions are strong on this, but the board must have courage. If not now, when? The horrible injustices in the criminal justice system, for example, belong to all of us lawyers. Every single one of us. It cannot continue. Please, stand for what is right and what is necessary. You can use your power to truly reform and help the bar in a way Mr. McDougal or Mr. Fischer, and those like him, will never be able to do. They want to keep us in the dark ages, but I want to practice law in the light. Do the right thing.

Sincerely,

Melissa Thrailkill
SBN: 24056436

Melissa G. Thrailkill

Associate Attorney



www.brandyvossllaw.com



Steve's Post



Steve Fischer

Ginger Shockley

Weatherspoon Only a pattern of ignorance on your part. In other words you did nothing to help civil rights this week except you're still married to a Black . I did not even read all the posts in the deleted thread- I saw the reports - a few accusations and the topic which was posted everywhere and deleted

[3h](#) [Like](#) [Reply](#)



Ginger Shockley Weatherspoon

Steve Fischer did you just say I am married to a black? You have no clue!

[3h](#) [Like](#) [Reply](#)



Steve Fischer

So let me turn this positive and tell you about our wonderful Texas Family Lawyers the 2nd FB atty discussion group ever - 2012. While its grown to over 4500 we still keep a friendly - cohesive aura and help each other often. While women and minorities are represented in a greater share than their numbers in the legal population yet they are nice to men. We have CLEs and I know many are there for the huge number of case referrals,. We do put things to a vote more often - sometimes my side loses (as with admitting judges) and this time it was 116-13. The losers continued to accuse but the group is back happy and fun and hardly missed a bit Most of the admins detest **Andrew Tolchin** and his way of removing people and censoring but I have defended him. We cant make everyone happy but the vast majority-overwhelming majority are. Take a look!
<https://www.facebook.com/groups/316750041700600/>,

3h Like Reply



Safari

9:02 AM

81%

Done

Edit

 **Lawyers**

11m · 

I lost the thread about Texas Family Lawyers and me. Admittedly I did not read through all of it -who had time> A friend said a problem was the screen shot where I was to have said "A Black". I fully apologize for that term. It was inappropriate. The other part about money doesn't make sense. Something must have been cut and out of context This was in the heat of argument and I do get heated - too often, Having said this, the Texas Family Lawyrrers group has posting guidelines, as is standard in Facebook groups. If the members who were removed wanted to be back in the group they would have to apologize as well and agree not to post on politics or race unless Family Law- related. No guarantees there admins are not happy. Unlike this group we have rules against personal attacks. Thank you

 Like

 Comment

 Write a comment...


 

More

2h Like Reply



Steve Fischer

 Hmm so what will happen with Black Lawyers.... Well.. For three years every now and then I have asked a prominent Black Dallas Attorney to run for Bar President. Three weeks ago -before all this mess, he agreed and I turned his name into Nominations. We were/ are planning a 3 month tour to hit courthouses around the state. The Problem is -when we talked to today is the fear of white backlash . Yes y'all are vocal but for every one of you there are 10-20 maybe 50 people turned off We



Write a comment...





Write a comment...



Lauren's Post



his name into Nominations. We were/ are planning a 3 month tour to hit courthouses around the state. The Problem is -when we talked to today is the fear of white backlash . Yes y'all are vocal but for every one of you there are 10-20 maybe 50 people turned off We were already big underdogs but now it may be impossible - we will talk again in a couple of days.

31m Like Reply

 Write a reply...



11:16

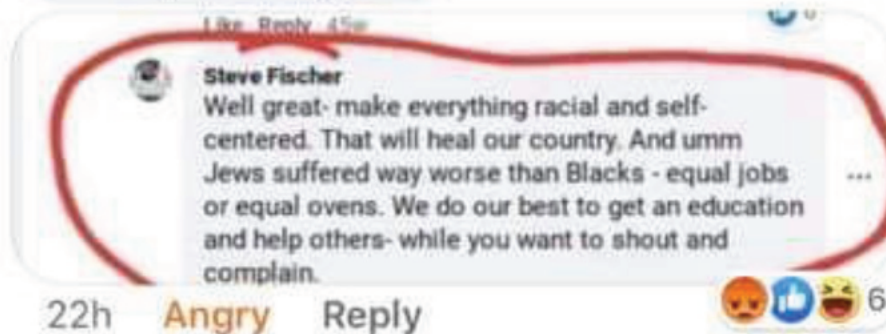


Steve Fischer ▶ Texas Criminal
Defense Lawyers Association



1d · 🌐


 Steve, is this you?







 it certainly is 😡

21h Like Reply




 It is.

20h Like Reply



Yes it was- I have a right to believe
Jews over the last century have
suffered more than Black people.

2h Angry Reply



2:51 ↶



Steve Fischer

24m · 🌐



I'm taking lots of heat for defending State Bar President **Larry McDougal** against demands he resign. It looks like 5-6 people unfriended me (only 4975 left). So be it! Yes I am biased because I am especially loyal to my friends, however if I believed Larry was racist - I would let him know, and he wouldn't be my friend. I categorically denounce racism. We disagree on BLM - I like them- he seems to have a (former) cop's attitude vs activist groups (on all sides). Actions speak louder than words, and Larry has been working so hard towards grievance and other reforms. These reforms will especially help small firms, solos where a disproportionate number of minority attorneys practice. Do you see big Houston and Dallas firm anti-reform officials coming to his defense? NO because they can't beat us at the polls and this may be their best chance yet to sidetrack our progress. Larry will get through this and be the best State Bar President in History.



Like



Comment



Share



Robert S. Bennett and 18 others



Q. I do not claim I have more rights than he does, but I do claim he has way more more obligations than I do as the head of the state bar. My conclusion of his character is based on his statement, as I believe when people tell you who they are, we should believe them.

Like Study One

Reply: 200

Like: Mostly: Don't

██████████



1h Like Reply





██████████ I do not claim I have more rights than he does, but I do claim he has way more more obligations than I do as the head of the state bar. My conclusion of his character is based on his statement, as I believe when people tell you who they are, we should believe them.

Reply · 8m



Susan Fischer ██████████....There is a point you must stop. Want to destroy him inside and out? Why don't you volunteer for the State Bar suicide hotline?

Like · Reply · 6m

██████████: Susan Fischer I am a volunteer at the TLAP. And your posting here is not all help helpful for your friend. But I do need to stop commenting at your page - why would I even spend any time on this.

Reply · 5m

██████████ ██████████ WHAT? You should be ashamed of yourself. Help him if you really believe he is a racist. You should resign now from your TLAP position now!!!!!!!!!!!!!!!!!!!!

Like · Reply · 3m



Done

Edit

- and got appointed to that

3h Like Reply



Steve Fischer

So you married a Black -
now wheres that money?

3h Like Reply



Ginger Shockley Weatherspoon

How many people of color
oppose the post **Steve
Fischer?**

3h Like Reply



Steve Fischer

Ginger Shockley

Weatherspoon You made a
challenge about what was
accomplished in the last
week "Wanna BET" Dont
change the subject

3h Like Reply



Write a comment...



More

Done

Edit

efforts.

[4h](#) [Like](#) [Reply](#)**Steve Fischer**

Sorry but your contributions to racial justice are minute and insulting to someone who has been on the front line for decades.. You didn't get your way so you kept pounding - you seem to believe your opinion is worth the many who are happy the post is gone. When logic doesn't work scream WRITE PRIVILEGE. I did change the description for you so be happy. I've wasted way too much time indulging you-

[4h](#) [Like](#) [Reply](#)

Write a comment...



More

Done

Edit

**Steve Fischer****Ginger Shockley**

Weatherspoon "You don't a great deal ?Just because you cant read or write , does not mean you can't understand the subject. Remember "you wanna bet?" I answered n plain English why the post was removed and did not even use big words; read it a few more times.. When you don't get your way you call people "Racist' and anything else that comes to mind. Have you convinced anyone to vote they way you want?

1h Like Reply

Replying to **Kate Elizabeth Henne...** · Cancel



Write a reply...



More

From: [John Nwosu \(ATTY\)](#)
To: [BoardofDirectors](#)
Subject: Thoughts of FB Posts by SBOT President Larry McDougal
Date: Tuesday, July 14, 2020 4:46:33 PM
Attachments: [image001.png](#)

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Dear State Bar of Texas Board of Directors:

I hope this email finds y'all well. As a black man and an attorney, I am very disappointed in Mr. McDougal's fb comments concerning BLM. I do understand that this particular comment in question was made in 2015. However, I do not think his legal analysis about the poll worker is correct. It may be easy for an attorney that is not of African American descent to be able to separate these two, but it is not that easy for folks that look like me, folks that endure discrimination in all facets of our daily life both subtle and overt. On top of those comments, there are supposedly other misogynist comments made by him. If true, this is too much.

I do not know Larry. I did vote for him. Attorneys that I know and trust have reached out to tell me that Larry is not racist. Larry did post an apology that I truly believe fell short in every aspect. It fails to explain how his views on BLM have changed, what those views are right now.

No matter what the Board of Directors decide to do, it is ultimately up to Larry to convince folks that look like me that he will be a champion on issues that adversely affect us. Further, that he will be an advocate in dismantling systemic racism in the SBOT.

I have heard that Larry is not racist, however, I am wondering whether Larry is "anti-racist"?

--

Thanks,



John Nwosu, Esq.
Law Office of John Nwosu, PLLC



www.johnnwosu.com
<https://www.instagram.com/johnnwosulaw/>
www.facebook.com/johnnwosulawfirm



"A Lawyer is an indispensable tool in the fight against injustice and not a tool for self aggrandizement." Jontor

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From: [Mike Appell](#)
To: amy.starnes@texasbar.com
Subject: Demand for resignation of our newly elected President
Date: Tuesday, July 14, 2020 11:26:07 AM

I certainly hope My Bar association leaders consider this matter very carefully before they join the hysterical crowd that is trying to stamp out all speech that is in opposition of theirs? Has anyone at the state bar done any research into the BLM's platform and looked at their leaders. As one of our US Supreme Court justice opined back in the early part of the twentieth century, "reasonable minds may differ". Is no one entitled to take the view that the BLM is a radical organization, or at the very least is headed by some pretty radical people?

R. Michael Appell
Law Offices of R. Michael Appell, P.L.L.C.



Board logo



Family Law

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From: [Mike Appell](#)
To: Trey.Apffel@texasbar.com; [Amy Starnes](#)
Subject: FW: The Law Office of Larry P. McDougal - Your Inquiry
Date: Wednesday, July 15, 2020 9:35:54 AM
Attachments: [Demand for resignation of our newly elected President \(17.5 KB\).msg](#)

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Just finished reading the bar association Daily News Briefing. Please put me in the column of Texas lawyers that demand that you ignore the hysterical crowd and refused to call for President McDougal's resignation or removal. I don't Mr. McDougal, but this is all just wrong.

R. Michael Appell



Family Law

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From: Mike Appell
Sent: Tuesday, July 14, 2020 1:52 PM
To: 'Trey.Apffel@texasbar.com' <Trey.Apffel@texasbar.com>
Subject: FW: The Law Office of Larry P. McDougal - Your Inquiry

Mr. Apffel: Below is an email I send to Larry McDougal earlier today thought you should see. Also, I'm copying a message exchange I had with Amy Starnes as well. I don't know Mr. McDougal, but I certain hope the bar doesn't bow to these ridiculous demands.

R. Michael Appell
Law Offices of R. Michael Appell, P.L.L.C.






Family Law

LAW OFFICE OF R. MICHAEL APPELL, P.L.L.C. E-MAIL CONFIDENTIALITY NOTICE - This transmission may be (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential. If you are not the intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this e-mail in error, please reply and notify the sender (only) and delete the message. Unauthorized interception of this e-mail is a violation of federal criminal law.

President McDougal: you and I have never met but I want you to know how distressing it was for the last two days to read the bar Daily News Briefing articles demanding your resignation. Please don't allow the crazy crowd to make you the next victim of these hysterical malcontents' demands to stamp out free speech. Its so sad and frightening to see the abuse that is inflicted on someone for speaking their opinion, especially when it is an undeniable truth.

From: [Webmaster](#)
To: [Lowell Brown](#)
Cc: [Amy Starnes](#)
Subject: FW: Larry McDougal
Date: Tuesday, July 14, 2020 1:48:33 PM

Joanna Herzik
State Bar of Texas
TexasBar.com

Please visit the State Bar of Texas  coronavirus information page at texasbar.com/coronavirus for timely resources and updates on bar-related events.



From: Halgren, Chris [REDACTED]
Sent: Tuesday, July 14, 2020 1:42 PM
To: Trey Apffel <Trey.Apffel@TEXASBAR.COM>
Cc: Webmaster <Webmaster@Texasbar.com>
Subject: Larry McDougal

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Mr. Apffel:

I recently sent an email directly to Mr. McDougal. I want to forward the same message along to the State Bar. Several of my partners share the same sentiment.

Mr. McDougal:

I am writing as a concerned member of the State Bar to implore you to stand strong against those condemning you for the blasphemous sin of making a comment critical of the BLM organization.

I am not writing in support or condemnation of your past comments, which have garnered much attention. I am writing because I am concerned at the political zeal of a few, loud voices that seek to silence political speech. I presume that you, like me, believe strongly that the lives of black people matter and that they should be treated with the same dignity and respect of all others - without regard for race, religion, gender, National origin, etc.

In my opinion, the BLM organization is a political movement with aims that are not widely supported, such as defunding the police and disrupting the western nuclear family. Members of the Bar should be free to criticize such pursuits, including the methods by which people seek to accomplish them. It is foundational to a free society that that no political organization be shielded

from all criticism.

My concern is that many are calling for you to repent and join them in their crusade to put BLM, as a political organization, in a sphere where political dissidents are banished from society ... or here, the Bar.

Chris

Christopher L. Halgren
Partner
MCGINNIS LOCHRIDGE




MCGINNIS LOCHRIDGE

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From: [Webmaster](#)
To: [Lowell Brown](#)
Cc: [Amy Starnes](#)
Subject: FW: Message Pertaining to State Bar President Larry McDougal
Date: Tuesday, July 14, 2020 4:40:33 PM
Importance: High

Joanna Herzik
State Bar of Texas
TexasBar.com

Please visit the State Bar of Texas  coronavirus information page at texasbar.com/coronavirus for timely resources and updates on bar-related events.

From: Baughman, Jonathan [mailto:[\[REDACTED\]](#)]
Sent: Tuesday, July 14, 2020 4:32 PM
To: Trey Apffel <Trey.Apffel@TEXASBAR.COM>
Cc: [\[REDACTED\]](#); Webmaster <Webmaster@Texasbar.com>; president@texasbar.com; Baughman, Jonathan <[\[REDACTED\]](#)>
Subject: Message Pertaining to State Bar President Larry McDougal
Importance: High

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Dear Mr. Apffel:

I am writing as a member of the State Bar of Texas in regard to the incoming State Bar President, Larry McDougal.

I have read two separate articles dated July 12, 2020 and July 13, 2020 in the Texas Lawbook pertaining to Mr. McDougal. I have also seen a statement issued by the African American Lawyers Section of the State Bar of Texas calling for the resignation of Mr. McDougal as well as the joint statement issued on July 11, 2020 by several leaders of the State Bar of Texas and the Texas Young Lawyers Association.

I want to say at the outset that I do not personally know Mr.

McDougal. I have never met him and never spoken with him. I think it is important to note that I have not done any research into the alleged Facebook post made 5 years ago by Mr. McDougal. In other words, I am accepting the allegations at face value. I also want to point out that I certainly do not condone any discriminatory conduct or statements by any person whether a member of the Bar or not.

It is clear that members in our society (and our State Bar) will have differing opinions and beliefs on many subjects such as taxes, healthcare, abortion, gun control/rights, as well as the organization Black Lives Matter. The list could go on and on. It is axiomatic to a democracy that citizens be able to express themselves without fear of retaliation, censorship or sanction. In fact, this is recognized in the First Amendment to the Constitution and has been a bedrock of our society for many decades.

As a member of the Bar, I believe it is important to protect the right to freedom of speech no matter how troubling it may be to some. It was not too long ago that the United States Supreme Court recognized that the right of free speech permitted a person to burn the US Flag. There were many in our society who were opposed to the burning of the flag but our courts recognized such right was protected. Now, it seems that with the advent of social media our society has now become fixated on attacking individuals based on their political views and opinions.

It is important that the leadership of our State Bar protect the sanctity of the right to freedom of speech and that the State Bar does not participate in the chilling of free speech. Without free speech and political discourse, we will lose our democracy.

I implore the leaders of the State Bar to not directly or indirectly condone the chilling of free speech. The State Bar should recognize that it is an organization that casts a broad tent that includes people of all races, creeds, religions, and genders. It has come to my attention that some are calling for Mr. McDougal to resign or alternatively accept certain demands requiring the implementation of new policies such as requiring 2 mandatory CLE hours for all members. This is improper on its face. Any such proposals should be brought up for consideration by the Bar based on the merits of each proposal not used as an attempt to extract certain concessions by an incoming State Bar President in order to preserve his own individual position.

Finally, I must note that the opinions expressed in this message are solely mine and should not be construed as written on behalf of my firm. I believe that each individual in the Bar as well as at my firm are entitled to their own opinions which I respect.

Thank you for your time and consideration.

Jonathan Baughman

Jonathan Baughman
Partner



MCGINNIS LOCHRIDGE

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From: [Webmaster](#)
To: [Lowell Brown](#)
Cc: [Amy Starnes](#)
Subject: FW: Public Comment: Douglas MacDougal
Date: Tuesday, July 14, 2020 11:28:32 AM

Joanna Herzik
State Bar of Texas
TexasBar.com

Please visit the [State Bar of Texas coronavirus information page](#)
at texasbar.com/coronavirus for timely resources and updates on bar-related events.

From: [REDACTED]
Sent: Tuesday, July 14, 2020 11:15 AM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: Douglas MacDougal

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Contact

First Name	Curtis
Last Name	Pendley
Email	[REDACTED]
Member	No

Feedback

Category	Other
Subject	Douglas MacDougal
Department	Executive

Comments

State Bar of Texas Attention: Board of Directors 1414 Colorado St. Austin, TX 78701 RE: PRESIDENT LARRY MCDUGAL Dear Sirs and Madams: I am disturbed by the joint statement made by the State Bar of Texas and Texas Young Lawyers Association concerning Larry McDougal and Black Lives Matter. I ask that the State Bar of Texas consider the radical platform of the fragmented and decentralized BLM and the necessity of honest and patriotic Americans to resist and rebuke the organization as an agent of domestic terrorism against all Americans. I also ask that the S.B.O.T. show its support for Larry McDougal and not become a de facto arm of this hate group, which seeks to silence any and all who stand in opposition to its racist and bigoted agenda, which is an effort to transfer wealth and to fundamentally dismantle our legal system to fit their view of justice. The majority of Americans stand for law and order and agree that any official misconduct should be

prosecuted without bias or prejudice of person or position. We expect our leaders to stand firm against any organization that promotes violence and oppression against American citizens to achieve their objectives. Kindest regards, Greg Pendley Houston, Texas

From: [Webmaster](#)
To: [Lowell Brown](#)
Cc: [Amy Starnes](#)
Subject: FW: Public Comment: Larry McDougal is Right and You Are Wrong
Date: Wednesday, July 15, 2020 9:08:41 AM

Joanna Herzik
State Bar of Texas
TexasBar.com

Please visit the State Bar of Texas [coronavirus information page](#)
at texasbar.com/coronavirus for timely resources and updates on bar-related events.

From: [REDACTED]
Sent: Tuesday, July 14, 2020 7:42 PM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: Larry McDougal is Right and You Are Wrong

*** State Bar of Texas External Message *** - Use Caution Before Responding or Opening Links/Attachments

Contact

First Name	Richard
Last Name	Ellison
Email	[REDACTED]
Member	Yes
Barcard	06580700

Feedback

Category	General Comments/Feedback
Subject	Larry McDougal is Right and You Are Wrong
Department	Not Applicable


Comments

Dear Mr. Apffel - Below please see my email to Larry McDougal. He is right and you are wrong on the BLM issue. Are you aware that two of the founders of BLM have openly bragged that they are Marxists? Do you approve of BLM, Antifa and their anarchist friends burning cities, destroying monuments - including those of Lincoln, Grant, and Frederick Douglas? How about taking over six blocks of downtown Seattle and destroying businesses there, and killing store owners trying to protect their property? How about murdering the two federal law enforcement officers in Los Angeles, one of them black? Or the retired black police captain in St. Louis? Have you even read BLM's website? Have you seen the videos of mobs attacking police officers? I wish I didn't have to pay dues

to the SBOT to keep my license because you surely don't represent what I believe in. Richard Ellison

From: [Webmaster](#)
To: [Lowell Brown](#)
Cc: [Amy Starnes](#)
Subject: FW: Public Comment: Larry McDougal
Date: Tuesday, July 14, 2020 12:02:44 PM

Joanna Herzik
State Bar of Texas
TexasBar.com

Please visit the State Bar of Texas  coronavirus information page
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From: [REDACTED]
Sent: Tuesday, July 14, 2020 12:00 PM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: Larry McDougal

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Contact

First Name	Walter
Last Name	Wright
Email	[REDACTED]
Member	Yes
Barcard	22062500

Feedback

Category	General Comments/Feedback
Subject	Larry McDougal
Department	Not Applicable

Comments

This message supplements the message I sent you yesterday. Since sending my message yesterday, I have confirmed that Mr. McDougal did make the comments alleged in the article I read. I also viewed Mr. McDougal's video apology. Having considered this additional evidence, I do not believe Mr. McDougal's apology was sincere. He lacks credibility. I continue to support his immediate resignation from the presidency of the State Bar of Texas.

From: [Webmaster](#)
To: [Lowell Brown](#)
Cc: [Amy Starnes](#)
Subject: FW: Public Comment: Larry McDougal
Date: Monday, July 13, 2020 9:52:40 AM

Joanna Herzik
State Bar of Texas
TexasBar.com

Please visit the State Bar of Texas [coronavirus information page](#)
at texasbar.com/coronavirus for timely resources and updates on bar-related events.

From: [REDACTED]
Sent: Monday, July 13, 2020 9:42 AM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: Larry McDougal

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Contact

First Name	Alan
Last Name	Tysinger
Email	[REDACTED]
Member	Yes
Barcard	24010459

Feedback

Category	General Comments/Feedback
Subject	Larry McDougal
Department	Executive

Comments

Please consider this in relation to Larry McDougal and his status as SBOT president. I have never personally met Larry, but I have interacted with him in online forums and messaged him over the time I've known him. He has always been 100% gracious to me, kind, helpful, and knowledgeable. I'm sure he and I don't agree 100% on a lot of political issues, but he brings compassion, knowledge, and sensitivity to his work. The idea that he is racist is simply bizarre. I want the SBOT to be a place that unites all in the Bar. I and many others who are not blowing up your phones see this as an effort to politicize the Bar and hold it captive to a political agenda. I don't have to agree with everything Larry does to believe he has done and will do a great job. Support for BLM is not and

must not be a litmus test to be SBOT president. I don't want anyone to have to support any particular movement-- the Tea Party, Occupy Wall Street, the Pro-life movement, you name it. Any grassroots social movement should be able to trust that the state Bar has not conspired to make sure that lawyers who believe or disbelieve in their particular cause are disfavored or kept from leadership. I urge you to encourage Larry and disregard those who are attacking him.

From: [William Werkmeister](#)
To: [REDACTED]
Subject: Fwd: Thoughts from a Citizen on the Actions of "Texas Bar Leadership"
Date: Tuesday, July 14, 2020 2:13:25 PM

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Dear Amy, Lowell, and Claire,

I am writing as a citizen, becoming aware of the Texas Bar's quote, unquote "leaderships" inappropriate comments about Larry McDougal - which have been streaming across my social media all weekend long, even though I am not a lawyer.

Please see my comments below, as a citizen, sent to Randy Sorrells and Trey Apffel. McDougal's comments were personal. The so-called leadership's comments (even though they are not currently the president, so also perhaps overstepping their legal bounds to comment on behalf of the bar without President approval) were on behalf of the organization, an organization whose core service to citizens like me is to provide unbiased, legal referrals. How can any citizen who believes BLM could represent biasing at the polls now go to a bar whose "leadership" made an official statement that Larry McDougal saying so is wrong to seek counsel to advance their position. The actions of the "leadership" is shameful, and unlike Mr. McDougal, taken in an official capacity.

----- Forwarded message -----

From: William Werkmeister <[REDACTED]>
Date: Tue, Jul 14, 2020 at 11:04 AM
Subject: Thoughts from a Citizen on the Actions of "Texas Bar Leadership"
To: [REDACTED] >, <Trey.Apffel@texasbar.com>, Larry McDougal <[REDACTED]>

Dear Texas Bar Leadership,

I am not a lawyer, but I have many friends who are lawyers in Texas, and over the past several days, have noted widespread debates between my many Texas lawyer friends (advocating both sides) on my social media threads regarding the comments of Texas Bar President Larry McDougal, and the appropriateness or inappropriateness of Black Lives Matter (BLM) apparel at polling locations.

The response of the Texas Bar to Mr. McDougal's claim that BLM apparel does not belong at polling locations as it is politically leading is troubling - for a number of reasons. The inappropriate behavior, if in any case, is on behalf of the liberal "leadership" of the bar for turning a blind eye to the issues at hand. The inappropriate behavior rises to a higher level, because the Bar is offering an official, organizational response to an unofficial, private comment, by its President.

The facts are clear regarding BLM, and its association with the Democratic party. As you are well aware, as lawyers, there are laws regarding signage and other forms of steering at polling locations and it should be perfectly evident that BLM signage 1) could promote votes for Dems and 2) drive funding to BLM, as well as other democratic causes and candidates which raise money through ActBlue.com, a registered democratic PAC.

The BLM website raises its online donations, the majority of its funding, through ActBlue.com, which is a registered Democratic PAC. According to the ActBlue website and mission, it is "Powering Democratic candidates, committees, parties, organizations, and campaigns around the country." So the obvious first question, before delving any deeper, is, why did BLM, if it is not a democratic organization choose ActBlue.com as its fundraising consultant and partner, and payment processing organization. It could have chosen WinRed, the GOP analog. It could have chosen any number of thousands of other fundraising consultants and processors, which were politically neutral. However, it chose ActBlue.com, an organization which openly and publicly states that it only does fundraising for Democratic organizations. BLM states on its website under note 2 on their donor page, ActBlue processes its online donations. The BLM website redirects you to ActBlue.com.

The second issue at hand deals with the cross pollination of donors. WinRed and ActBlue are designed to cross-pollinate Republican and Democratic donors respectively. Advertising or sending traffic to WinRed or ActBlue, can result in donations and fundraising for other Republican and Democratic causes, respectively. The concept is quite novel, and interesting and synergistic business, unless the source of the advertising or traffic is, say, a non-profit university using its alumni email list or a, what is supposed to be, neutral polling site has signage that promotes BLM. ActBlue's fees are outrageously high relative to industry averages - BLM uses them for 2 reasons: 1) they want to align blue and 2) they want to cross pollinate donors.

This is not to say, as has been misreported, that BLM directed donations go to the Biden campaign - they go to BLM. But, it is clear that advertising ActBlue, also helps promote any other campaign being run on its site. The top two recipients of ActBlue funding are the Sanders campaign and the Biden campaign, both receiving over \$100 million through the PAC. The DNC also has received a cool \$22 million plus in checks.

A group of conservative alumni of major colleges, filed complaints against the leading colleges and universities in the US over the past several weeks, as a result of receiving emails using alumni email lists - given to provide university updates not promote political causes - to guide alumni both to the BLM website, and even more directly, right to ActBlue.com. We now have universities, who are not registered PACs, using their alumni databases given for the purposes of giving alumni updates, sending links both to BLM, and directly to ActBlue.com, a Democratic PAC. As a result of the many complaints, the administration and IRS announced investigations last week into the tax status of schools.

The situation in Texas is no different. BLM apparel may cause steering at polling locations, and further, promoting BLM drives traffic to ActBlue.com, which may also promote democratic candidates. Inherently, WinRed and ActBlue are fine, and an interesting business model - however, when traffic comes from the wrong places, there are clear ethical issues.

The issue is far more important than Larry McDougal. Responsible lawyers should want to try the issue of whether BLM (and perhaps GOP analogs like Blue Lives

Matter) apparel belong at polling locations.

It is the responsibility of Texas lawyers, under the oath they have taken, to preserve the integrity of our democratic processes, which includes the neutrality of polling locations. In not doing so, the Texas Bar and Texas lawyers are failing.

By taking a public stance against Mr. McDougal, the Bar has also rendered itself a non-neutral party for perhaps one of its most important responsibilities ♦ the provision of legal referrals to Texas clients who may have limited legal contacts. Should an individual in Texas, who goes to a polling location and sees BLM apparel displayed, wish to hire a lawyer to dispute it ♦ feeling swayed, pressured, or that electioneering is occurring ♦ he or she should have a neutral Texas Bar to approach for a legal referral. This is no longer the case. In this manner, the Bar has failed.

I am only a citizen, not a lawyer. However, I feel the need to comment on this, as it is the role of all citizens to advocate. The work of alumni of top schools have brought to light the issues which universities, which are now being addressed by the IRS.

Sincerely,
Bill Werkmeister

From: [Webmaster](#)
To: [Lowell Brown](#)
Cc: [Amy Starnes](#)
Subject: FW: Public Comment: Larry McDougal
Date: Tuesday, July 14, 2020 10:26:36 AM

Joanna Herzik
State Bar of Texas
TexasBar.com

Please visit the State Bar of Texas [coronavirus information page](#)
at texasbar.com/coronavirus for timely resources and updates on bar-related events.

From: [REDACTED]
Sent: Tuesday, July 14, 2020 9:51 AM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: Larry McDougal

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Contact

First Name	nile
Last Name	copeland
Email	[REDACTED]
Member	Yes
Barcard	24034390

Feedback

Category	General Comments/Feedback
Subject	Larry McDougal
Department	Not Applicable

Comments

This is a unique time in this countries history. Coming from a position that every voice is important and we enjoy the freedom of speech to a 180 degree turn where no one wants to voice an opinion for fear of being attacked personally. I watched the issued with President Elect Larry McDougal over the weekend. I looked at the original post and I was was not offended. However it is early to see that as we all are suffering from cabin fever and forced to watch the biased news without much interaction to filter out the bias its foreseeable some people will be upset. However we are members of the State Bar of Texas. We chose this noble profession and its ideals that were born of resolute men and women that promote knowledge and discourse and a profession that extends a helping

hand to all who seek it. We as members of the bar must be able to press forward, not be quick to judge, but be strong as political winds try to change the course we have set from many years before. I am but one member but I do not think that it warrants removal from office. That being said, I hope others voice their opinion and a solution is found. In the alternative, if you want us to weigh in on our membership - ask the members to vote but maybe it should be limited to only those members who voted in the original election.

From: [BoardofDirectors](#)
To: [Don Jones](#)
Subject: FW: Thoughts of FB Posts by SBOT President Larry McDougal
Date: Monday, July 20, 2020 6:51:28 PM
Attachments: [image001.png](#)

Amy Starnes


Public Information Director

State Bar of Texas



Web: Texasbar.com

Please visit the State Bar of Texas' coronavirus information page at texasbar.com/coronavirus for timely resources and updates on bar-related events.

From: John Nwosu (ATTY) 
Sent: Tuesday, July 14, 2020 4:46 PM
To: BoardofDirectors <BoardofDirectors@TEXASBAR.COM>
Subject: Thoughts of FB Posts by SBOT President Larry McDougal

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Dear State Bar of Texas Board of Directors:

I hope this email finds y'all well. As a black man and an attorney, I am very disappointed in Mr. McDougal's fb comments concerning BLM. I do understand that this particular comment in question was made in 2015. However, I do not think his legal analysis about the poll worker is correct. It may be easy for an attorney that is not of African American descent to be able to separate these two, but it is not that easy for folks that look like me, folks that endure discrimination in all facets of our daily life both subtle and overt. On top of those comments, there are supposedly other misogynist comments made by him. If true, this is too much.

I do not know Larry. I did vote for him. Attorneys that I know and trust have reached out to tell me that Larry is not racist. Larry did post an apology that I truly believe fell short in every aspect. It fails to explain how his views on BLM have changed, what those views are right now.

No matter what the Board of Directors decide to do, it is ultimately up to Larry to convince folks that look like me that he will be a champion on issues that adversely affect us. Further, that he will be an advocate in dismantling systemic racism in the SBOT.

I have heard that Larry is not racist, however, I am wondering whether Larry is "anti-racist"?

--

Thanks,



John Nwosu, Esq.
Law Office of John Nwosu, PLLC



www.johnnwosu.com

<https://www.instagram.com/johnnwosulaw/>

www.facebook.com/johnnwosulawfirm



"A Lawyer is an indispensable tool in the fight against injustice and not a tool for self aggrandizement." Jontor

IMPORTANT CONFIDENTIAL NOTICE:

This email is confidential, may be legally privileged, and it is for the intended recipient only. Access, disclosure, copying, distribution, or reliance on any of it by anyone else is prohibited and may be a criminal offense. Please delete if obtained in error and email confirmation to the sender.

From: [Webmaster](#)
To: [Lowell Brown](#)
Cc: [Amy Starnes](#)
Subject: FW: Public Comment: Larry McDougal
Date: Tuesday, July 14, 2020 10:26:36 AM

Joanna Herzik
State Bar of Texas
TexasBar.com

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From: [REDACTED]
Sent: Tuesday, July 14, 2020 9:51 AM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: Larry McDougal

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Contact

First Name	nile
Last Name	copeland
Email	[REDACTED]
Member	Yes
Barcard	24034390

Feedback

Category	General Comments/Feedback
Subject	Larry McDougal
Department	Not Applicable

Comments

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hand to all who seek it. We as members of the bar must be able to press forward, not be quick to judge, but be strong as political winds try to change the course we have set from many years before. I am but one member but I do not think that it warrants removal from office. That being said, I hope others voice their opinion and a solution is found. In the alternative, if you want us to weigh in on our membership - ask the members to vote but maybe it should be limited to only those members who voted in the original election.

From: [Webmaster](#)
To: [Lowell Brown](#)
Cc: [Amy Starnes](#)
Subject: FW: Public Comment: Larry McDougal
Date: Tuesday, July 14, 2020 12:02:44 PM

Joanna Herzik
State Bar of Texas
TexasBar.com

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From: [REDACTED]
Sent: Tuesday, July 14, 2020 12:00 PM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: Larry McDougal

* State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments	
Contact	
First Name	Walter
Last Name	Wright
Email	[REDACTED]
Member	Yes
Barcard	22062500

Feedback	
Category	General Comments/Feedback
Subject	Larry McDougal
Department	Not Applicable

Comments
This message supplements the message I sent you yesterday. Since sending my message yesterday, I have confirmed that Mr. McDougal did make the comments alleged in the article I read. I also viewed Mr. McDougal's video apology. Having considered this additional evidence, I do not believe Mr. McDougal's apology was sincere. He lacks credibility. I continue to support his immediate resignation from the presidency of the State Bar of Texas.

From: [Webmaster](#)
To: [Lowell Brown](#)
Cc: [Amy Starnes](#)
Subject: FW: Public Comment: Larry McDougal is Right and You Are Wrong
Date: Wednesday, July 15, 2020 9:08:41 AM

Joanna Herzik
State Bar of Texas
TexasBar.com

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From: [REDACTED]
Sent: Tuesday, July 14, 2020 7:42 PM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: Larry McDougal is Right and You Are Wrong

*** State Bar of Texas External Message *** - Use Caution Before Responding or Opening Links/Attachments

Contact

First Name	Richard
Last Name	Ellison
Email	[REDACTED]
Member	Yes
Barcard	06580700

Feedback

Category	General Comments/Feedback
Subject	Larry McDougal is Right and You Are Wrong
Department	Not Applicable

Comments

Dear Mr. Apffel - Below please see my email to Larry McDougal. He is right and you are wrong on the BLM issue. Are you aware that two of the founders of BLM have openly bragged that they are Marxists? Do you approve of BLM, Antifa and their anarchist friends burning cities, destroying monuments - including those of Lincoln, Grant, and Frederick Douglas? How about taking over six blocks of downtown Seattle and destroying businesses there, and killing store owners trying to protect their property? How about murdering the two federal law enforcement officers in Los Angeles, one of them black? Or the retired black police captain in St. Louis? Have you even read BLM's website? Have you seen the videos of mobs attacking police officers? I wish I didn't have to pay dues

to the SBOT to keep my license because you surely don't represent what I believe in. Richard Ellison

From: [Webmaster](#)
To: [Lowell Brown](#)
Cc: [Amy Starnes](#)
Subject: FW: Public Comment: Douglas MacDougal
Date: Tuesday, July 14, 2020 11:28:32 AM

Joanna Herzik
State Bar of Texas
TexasBar.com

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From: [REDACTED]
Sent: Tuesday, July 14, 2020 11:15 AM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: Douglas MacDougal

*** State Bar of Texas External Message *** - Use Caution Before Responding or Opening Links/Attachments

Contact

First Name	Curtis
Last Name	Pendley
Email	[REDACTED]
Member	No

Feedback

Category	Other
Subject	Douglas MacDougal
Department	Executive


Comments

State Bar of Texas Attention: Board of Directors 1414 Colorado St. Austin, TX 78701 RE: PRESIDENT LARRY MCDUGAL Dear Sirs and Madams: I am disturbed by the joint statement made by the State Bar of Texas and Texas Young Lawyers Association concerning Larry McDougal and Black Lives Matter. I ask that the State Bar of Texas consider the radical platform of the fragmented and decentralized BLM and the necessity of honest and patriotic Americans to resist and rebuke the organization as an agent of domestic terrorism against all Americans. I also ask that the S.B.O.T. show its support for Larry McDougal and not become a de facto arm of this hate group, which seeks to silence any and all who stand in opposition to its racist and bigoted agenda, which is an effort to transfer wealth and to fundamentally dismantle our legal system to fit their view of justice. The majority of Americans stand for law and order and agree that any official misconduct should be

prosecuted without bias or prejudice of person or position. We expect our leaders to stand firm against any organization that promotes violence and oppression against American citizens to achieve their objectives. Kindest regards, Greg Pendley Houston, Texas

From: [Webmaster](#)
To: [Lowell Brown](#)
Cc: [Amy Starnes](#)
Subject: FW: Message Pertaining to State Bar President Larry McDougal
Date: Tuesday, July 14, 2020 4:40:33 PM
Importance: High

Joanna Herzik
State Bar of Texas
TexasBar.com

Please visit the State Bar of Texas  coronavirus information page at texasbar.com/coronavirus for timely resources and updates on bar-related events.

From: Baughman, Jonathan [REDACTED]
Sent: Tuesday, July 14, 2020 4:32 PM
To: Trey Apffel <Trey.Apffel@TEXASBAR.COM>
Cc: [REDACTED]; Webmaster <Webmaster@Texasbar.com>; president@texasbar.com; Baughman, Jonathan [REDACTED]
Subject: Message Pertaining to State Bar President Larry McDougal
Importance: High

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Dear Mr. Apffel:

I am writing as a member of the State Bar of Texas in regard to the incoming State Bar President, Larry McDougal.

I have read two separate articles dated July 12, 2020 and July 13, 2020 in the Texas Lawbook pertaining to Mr. McDougal. I have also seen a statement issued by the African American Lawyers Section of the State Bar of Texas calling for the resignation of Mr. McDougal as well as the joint statement issued on July 11, 2020 by several leaders of the State Bar of Texas and the Texas Young Lawyers Association.

I want to say at the outset that I do not personally know Mr.

McDougal. I have never met him and never spoken with him. I think it is important to note that I have not done any research into the alleged Facebook post made 5 years ago by Mr. McDougal. In other words, I am accepting the allegations at face value. I also want to point out that I certainly do not condone any discriminatory conduct or statements by any person whether a member of the Bar or not.

It is clear that members in our society (and our State Bar) will have differing opinions and beliefs on many subjects such as taxes, healthcare, abortion, gun control/rights, as well as the organization Black Lives Matter. The list could go on and on. It is axiomatic to a democracy that citizens be able to express themselves without fear of retaliation, censorship or sanction. In fact, this is recognized in the First Amendment to the Constitution and has been a bedrock of our society for many decades.

As a member of the Bar, I believe it is important to protect the right to freedom of speech no matter how troubling it may be to some. It was not too long ago that the United States Supreme Court recognized that the right of free speech permitted a person to burn the US Flag. There were many in our society who were opposed to the burning of the flag but our courts recognized such right was protected. Now, it seems that with the advent of social media our society has now become fixated on attacking individuals based on their political views and opinions.

It is important that the leadership of our State Bar protect the sanctity of the right to freedom of speech and that the State Bar does not participate in the chilling of free speech. Without free speech and political discourse, we will lose our democracy.

I implore the leaders of the State Bar to not directly or indirectly condone the chilling of free speech. The State Bar should recognize that it is an organization that casts a broad tent that includes people of all races, creeds, religions, and genders. It has come to my attention that some are calling for Mr. McDougal to resign or alternatively accept certain demands requiring the implementation of new policies such as requiring 2 mandatory CLE hours for all members. This is improper on its face. Any such proposals should be brought up for consideration by the Bar based on the merits of each proposal not used as an attempt to extract certain concessions by an incoming State Bar President in order to preserve his own individual position.

Finally, I must note that the opinions expressed in this message are solely mine and should not be construed as written on behalf of my firm. I believe that each individual in the Bar as well as at my firm are entitled to their own opinions which I respect.

Thank you for your time and consideration.

Jonathan Baughman

Jonathan Baughman
Partner




MCGINNIS LOCHRIDGE

NOTICE: This email contains information that is confidential, proprietary, privileged, or otherwise legally protected from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this email or any part of it. If you received this email in error, please immediately notify the sender by reply email, and delete all copies of this email and any attachments.

From: [Webmaster](#)
To: [Lowell Brown](#)
Cc: [Amy Starnes](#)
Subject: FW: Larry McDougal
Date: Tuesday, July 14, 2020 1:48:33 PM

Joanna Herzik
State Bar of Texas
TexasBar.com

Please visit the State Bar of Texas  coronavirus information page at texasbar.com/coronavirus for timely resources and updates on bar-related events.



From: Halgren, Chris [REDACTED]
Sent: Tuesday, July 14, 2020 1:42 PM
To: Trey Apffel <Trey.Apffel@TEXASBAR.COM>
Cc: Webmaster <Webmaster@Texasbar.com>
Subject: Larry McDougal

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

Mr. Apffel:

I recently sent an email directly to Mr. McDougal. I want to forward the same message along to the State Bar. Several of my partners share the same sentiment.

Mr. McDougal:

I am writing as a concerned member of the State Bar to implore you to stand strong against those condemning you for the blasphemous sin of making a comment critical of the BLM organization.

I am not writing in support or condemnation of your past comments, which have garnered much attention. I am writing because I am concerned at the political zeal of a few, loud voices that seek to silence political speech. I presume that you, like me, believe strongly that the lives of black people matter and that they should be treated with the same dignity and respect of all others - without regard for race, religion, gender, National origin, etc.

In my opinion, the BLM organization is a political movement with aims that are not widely supported, such as defunding the police and disrupting the western nuclear family. Members of the Bar should be free to criticize such pursuits, including the methods by which people seek to accomplish them. It is foundational to a free society that that no political organization be shielded

from all criticism.

My concern is that many are calling for you to repent and join them in their crusade to put BLM, as a political organization, in a sphere where political dissidents are banished from society ... or here, the Bar.

Chris

Christopher L. Halgren

Partner

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