

From: [Susan Keckler](#)
To: [BoardofDirectors](#)
Subject: A Liberal Attorney's Statement against the "canceling" of Larry McDougal (contains links)
Date: Wednesday, July 15, 2020 12:02:04 PM
Importance: High

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

Thank you for your request for feedback on the situation regarding State Bar President Larry McDougal's controversial comments. My demographics for reference purposes is that I am white, female, 53 years old, licensed for 15 years, Democrat lean liberal. My husband and sons are Sioux Indian, I am of Northern Irish descent. I do not personally know Larry McDougal but have been Facebook friends with him for many years. I voted for him for State Bar President. I can't stand Donald Trump. I'm a Barak Obama superfan.

My bottom-line feedback on this situation is that I believe Mr. McDougal should continue to work along side with the African American Lawyer's section of the Bar and the Board of Directions to effectuate aggressive yet not unreasonably impractical actions in line with the spirit of the actions called for in the African American Lawyer's section of the Bar's statement of July 13, 2020.

My additional feedback is that, having engaged with Mr. McDougal on FB over the years and seeing his daily posts, I have seen him post extensively about attorney mental health protection and suicide prevention, protecting attorneys from COVID, protecting attorneys from abusive judges, protecting attorneys from vexatious grievances, and police reform including speaking out against police brutality and providing in-depth analysis from his perspective as a former cop as to what must be done to better train police.

The efforts "cancel" Mr. McDougal that are going on, including going so far as to dig up "receipts" from years old Facebook posts, are alarming and appear to be largely led by my fellow white liberals, many of who are at least subconsciously virtue-signaling and seeking to disavow themselves from the racism that is present throughout our society where undoubtedly we all possess some responsibility. They are calling for his resignation where the African American Lawyer's section have called for corrective action. I believe it is more helpful in this situation to hear from the African American Lawyer's section on this issue and what they feel needs to be done to restore their faith in Mr. McDougal and how to move forward making the Bar better by promoting racial understanding, equality, and harmony. I believe strongly that

reconciliation must be the goal.

I call your attention to President Barak Obama's statement against what is referred to as "cancel culture" to explain what I mean by efforts to "cancel" Mr. McDougal. He says it better than I can. I'm also attaching a link to a New York Times illustration of "cancel culture" and I urge you to watch this short video to understand how toxic furthering the practice of "canceling" people can be when these sort of controversies arise.

<https://www.cnn.com/2019/10/30/politics/obama-cancel-culture/index.html>

<https://www.youtube.com/watch?v=RSI9CWAgdJg>

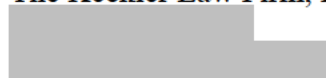
In closing I will say that every year when I vote in Bar elections I check the boxes expressing my desire to serve on a committee. I have never been selected. This year I was thrilled to receive a letter from Mr. McDougal appointing me to the Court Rules Committee. I am very open on Facebook about my liberal political positions and ideals and the fact that I personally struggle with a serious mental illness (bipolar disorder) which I take medication for to stabilize the illness. Mr. McDougal knows all of this about me through our Facebook engagements. Nonetheless, Mr. McDougal appointed me – a female liberal with a mental illness stigma (and who is far from "hot") – to the committee. I've never been so honored in my career. I agree that Mr. McDougal needs to do the work to heal the relationship with the African American community resulting from this controversy. However, this continued beatdown, refusal to acknowledge Mr. McDougal as a whole person who has demonstrated that he is very caring and committed to all attorneys, and efforts to "cancel" him and run him out of office is just as unseemly to our profession as Mr. McDougal's offending comments.

Thank you for your consideration.

Yours truly,

Susan H. Keckler

The Keckler Law Firm, PLLC



Tel.

Fax

Cell

www.KecklerLawFirm.com

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From: [Heather Carson](#)
To: [BoardofDirectors](#)
Subject: Comments on Racism in the Texas Bar/ President McDougal Comments
Date: Wednesday, July 15, 2020 10:05:24 AM

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

Good Morning.

First, I would like to thank you for being open to comments from the members of the bar on this matter. It is my sincere hope that these comments are being read and considered in good faith and with the intent to move forward in a productive, professional manner.

The State Bar, and frankly speaking the country, is at a boiling point when it comes to racism. There are deep divides and I know many people will say that there is not a way for everyone to come together. Finding a solution will be a challenge, but it is one that our State Bar must rise to. Justice cannot be dependent on race- that is, on its face, injustice. As lawyers we are charged with defending our laws and the Constitution, we must do so in an anti-racist manner.

I would recommend the following as a starting point:

- Required, free, training on implicit bias for all lawyers. Several lawyers have offered their services. There is also a toolkit available through the American Bar Association: [American Bar Association Implicit Bias Toolbox](#)
- Adoption of the ABA Model Rule 8.4(g) barring discrimination based on race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status. This would help solidify and clarify the position that racism, and discrimination in all forms, is unacceptable in State Bar.
- Move forward with President-Elect Borunda Firth's Task Force on Diversity and Inclusion within the current Bar year.

Regarding President McDougal's online statements, there is frankly no excuse for his comments, and I find that reports that his apology was provided to him to read are even more troubling. I have heard that he has recently undergone surgery for a medical issue. If this is true, I wish him a speedy recovery.

If President McDougal is to remain in office, I would like to see him first make a public, sincere, apology in his own words. If he does not understand the gravity of the situation or is not able/willing to make a sincere apology; he should resign. African American Lawyers Section of the State Bar issued several action steps which I agree would be an excellent starting point. President McDougal has an opportunity to highlight problematic behavior, show how one can learn from past mistakes, and move forward in a constructive manner.

I hope that the State Bar chooses this at its moment to denounce racism, sexism, and discrimination firmly and decisively, in all forms, by using this unfortunate event as an opportunity to learn and promote an inclusive and diverse environment going forward.

Kind Regards,
Heather Carson

Heather Carson, JD, PhD
Attorney & Counselor
The Carson Law Firm, PLLC.



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From: [Alexis Kern](#)
To: [BoardofDirectors](#)
Subject: Eradicating racism and implicit bias
Date: Wednesday, July 15, 2020 9:18:09 AM

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

Good Morning,

I'm writing to advocate that the Board adopt ALL of the recent recommendations of the African American Lawyers' Section to eradicate racism and implicit bias among members of the State Bar of Texas. I believe they have delivered those recommendations to the Board subsequent to Larry McDougal's refusal to resign as State Bar President. I do not believe there is any need for a task force, nor do I believe that the section's recommendations should in any way be impacted by the number of complaints, be they lesser or greater than any individual's or group's expectation. The Texas Lawyers Facebook group is rife with examples that the section's recommendations are, in fact, necessary, so much so that I left that group in disgust just a few days before this most recent controversy erupted. I voted for Larry McDougal, and advocated for his election among my online friends. Now that new facts have come to light, I believe he should resign. This whole situation is beyond disappointing.

Regards,

Alexis Kern, Attorney at Law
THE KERN LAW FIRM

Fort Worth, Texas 76136

Phone:

Fax:

Email:

Website: www.alexiskernlaw.com

"Never doubt that a small group of thoughtful, committed, citizens can change the world. Indeed, it is the only thing that ever has."

--Margaret Mead

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From: [Xochytl Diane Greer](#)
To: [BoardofDirectors](#)
Subject: feedback regarding Larry McDougal
Date: Wednesday, July 15, 2020 4:28:02 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. Statements made which have everyone so up in arms predate him being elected into office. These statements were public then and he still won by a majority vote. It is not for anyone person or a group of people to decide he is unfit based on past actions or statements. The majority found him fit to serve and elected him. Please respect our vote.

Xochytl D. Greer
Associate Attorney
Ross, Banks, May, Cron & Cavin, P.C.

[REDACTED]
Houston, Texas 77063

Main: [REDACTED]

Fax [REDACTED]

Direct: [REDACTED]

Web page <www.rossbanks.com>

E-mail [REDACTED]

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From: [Dylan O. Drummond](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal & Steve Fischer's Continued Tenure Debase & Delegitimizes Our Bar
Date: Wednesday, July 15, 2020 1:05:08 PM

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

Good afternoon,

Although I have spoken publicly on social media regarding this issue (screenshots attached), I have been encouraged to separately express my sentiments directly to the Board via this email as well as in person when the Bar holds a public meeting to address this situation.

I love the Bar. I have devoted much of my professional career to serving it & its affiliates through a decade on the Business PJC committee, section officer posts in the Appellate & Administrative Law Sections, former Chair (as of today) of the Texas Bar College, and former President of the SCOTX Historical Society.

For the Good of the Bar, Larry Should Resign

Apart from whether it's legally incorrect (as the African American Lawyers Section asserts citing *Alliance v. Man sky*, 138 S. Ct. 1876 (2018)), the fact that the leader of the 100k lawyers in Texas would publicly assert—in an election year no less—that it's a *crime* for a pollworker to wear a Black Lives Matter (BLM) tshirt at the polls is remarkably reckless and dangerous.

His comparison of BLM to MAGA paraphernalia seems blatantly inapt as the former was the official slogan of a political campaign while the latter is the slogan of a social movement simply calling for the equal valuing of black lives to those of others. As a friend artfully put it, “[t]he only way this would be electioneering is if only one party believed that black lives matter!”

Because Larry has yet to publicly recant his substantive conclusion, how many pollworkers this November will turn away voters from the polls who are wearing BLM tshirts under the pollworkers' mistaken if justifiable good-faith reliance on Larry's comments? That he could think (as he has stated) that his comments were merely offered privately and not clothed with the imprimatur of his office is—at best—dangerously naive or—at worst—disingenuous.

Taken together with his now-unearthed earlier sexist & misogynistic comments apparently and incredibly made while SBOT *Ethics* Chair regarding a woman's appearance who was struggling with drug addiction, not to mention other posts celebrating an eerily-reminiscent and prescient image of a suspect being assaulted in a similar fashion to George Floyd and decrying BLM as terrorists—this paints a picture of a man singularly unfit to lead our Bar.

Any newfound interest Larry might suddenly profess in promoting diversity efforts within the Bar are meant solely to rehabilitate his own tainted professional reputation—not genuinely support the professional success of the minority attorneys he is supposed to represent.

Of course, Larry is free like any of us to think and say whatever he wishes. But because he elected not to make his speech in these instances widely known when he ran for this office so

that his fellow attorneys could factor his beliefs and stances into their votes, he should no longer hold the office he gained under false pretenses.

Accordingly, his continued tenure as President delegitimizes, debases, and embarrasses not only our Bar but our State.

Before his comments discussed here came to light, Larry appointed me to the PJC Oversight Committee. I am happy to resign that post if he agrees to resign his.

For the Good of the Bar, Steve Should Resign

I do not know Steve.

I became aware of his online comments to a female Caucasian lawyer who is married to an African-American man this past Saturday. In them, Steve repeatedly and intentionally used a racist term to refer to her husband. She took objection to it as did I. Steve proceeded to attempt to defend his remarks as merely “inappropriate” or “intemperate.” His efforts to do so are either blindingly ignorant or—more likely—malicious. No one gets to be Steve’s or my age—much less licensed as attorneys—and can still credibly claim ignorance of the meaning, connotation, or impact of such divisive and bigoted language.

In this, I am admittedly and decidedly *not* impartial or unbiased. My wife and mother of our twins is African-American. While jarring to me, she and her family have endured epithets and conduct like Steve displayed their whole lives.

Consequently, in a far less professional and more direct manner, I responded to Steve’s comments in the same forum in which he offered his flacid justifications for them. That Steve would see fit to utter such tripe to a fellow member of the Bar which he somehow represents as a Director is shocking and unacceptable.

The Bar is better than either of these men. They should resign.

-DOD

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-[DOD](#)



(Direct)

(Mobile)

From: [Cynthia Gustafson](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal Resignation
Date: Wednesday, July 15, 2020 10:23:09 AM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)

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

Dear Board Members:

I am updating my statement submitted yesterday to account for the new information seen below in Steve Fischer's post, made either yesterday or this morning, explaining that the "apology" Mr. McDougal gave was, in fact, not his own but written for him, apparently by Trey Apffel. My comments regarding the short-comings in the apology stand.

It is all the more egregious that the apology was not actually Mr. McDougal's. While I wish Mr. McDougals speedy recovery from his health issues, I find Mr. Fischer's sudden disclosure regarding Mr. McDougal's health-crisis-as-an-excuse pathetic. This is another example of White men unable to handle being confronted on their racism. Mr. McDougal can't even handle making his own sincere apology, apparently. His friends all run to gather around their fallen comrade, making excuse after excuse about why he can't be held to account. If he was sincere about offering a true apology, he could have let Bar members know he was going to address the issue once he recovered from his health issues. Now, we cannot trust him.

If the White members of the Board haven't read "White Fragility" by Robin DiAngelo, I encourage you to do so. It's a quick read.

Bottom line - there is no apology, and there will be no change. Therefore, Mr. McDougal is not the Bar President we need right now.



Steve Fischer



12m •

The admin did take the time to explain why my post was deleted and I see her reasoning - It had inflammatory portions. I can compromise. I would like to chill but while my friend Larry was in emergency surgery for cancer, people were screaming for him to resign. He was not able to respond. He was then given an apology speech to read immediately and he was so medicated, I had to squint to see if that was my friend. My update was simply that letters to the Bar were running 5-1 in favor of Larry and that we have been meeting with Black Attorney leaders (well by phone -zoom) to work out a constructive solution including more diversity efforts.



1

11 Comments



Like



Comment

plies to your comment on [Steve Fischer's post](#)



Jin Jin

Out of curiosity, who wrote the apology speech that was given to him to read?

29m Like Reply



15



Kristi Godden

Jin Jin excellent question.

9m Like Reply



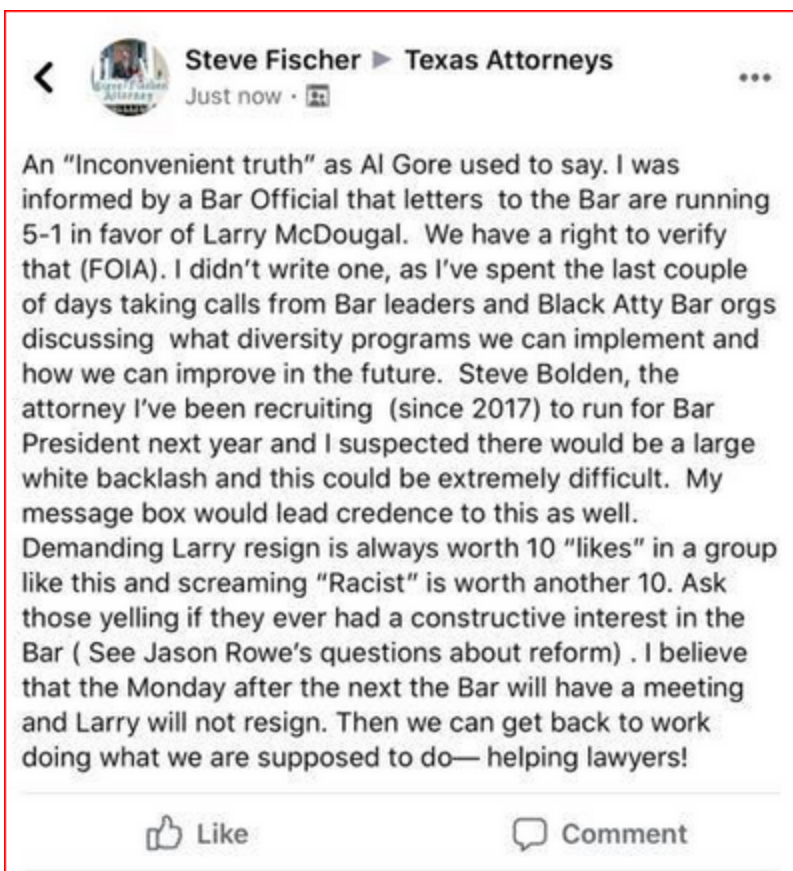
2



Steve Fischer

I believe it was given to him by Trey and one other. If someone is going to apologize and be sincere why would they write a speech? Larry likes to speak (and unfortunately post) off the cuff. I looked at that piss-poor apology and was disgusted. He looked horrible as well.

3m Like Reply



Respectfully,

Cynthia Gustafson
SBN 24055603

From: [David Haugen](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 15, 2020 2:45:30 PM

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

Dear Board members,

I have read Mr. McDougal's comments and have read the information available at <https://blacklivesmatter.com/>. While I recognize that the "BLM movement" may be broader than the organization described in the website there is apparent overlap and confusion at best. I do not believe that anything stated by Mr. McDougal rose to any level requiring his resignation or even indicating that he should resign. His statement regarding t-shirts in polling places may have even been, beyond personal opinion, appropriate given that the BLM website organization, and many of its representatives appearing in media, do appear to have a strong political alignment and agenda.

While the Texas Bar should be clear that it absolutely fosters and supports equal opportunity for all, the Bar should also be clear that it is apolitical and that it agrees that as individuals in the United States we enjoy and should continue to enjoy fair latitude regarding First Amendment expression.

On a personal note I am disheartened at many of the take down tactics being employed these days against rightfully free speaking individuals and companys on all sides. Open and free discourse is the only way that we can truly address the issues before us today and move positively forward and damaging or intimidating pressure tactics have no good place in that process. I hope that our Texas State Bar chooses to stay above such and refuses to engage or become complicit in such tactics.

Thank you

Best regards,
David Haugen

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From: [Terence Cooper](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 15, 2020 1:43:16 PM

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

State Bar Board of Directors:

Larry McDougal should be removed immediately from leadership. His statements show that he is a poor representative of impartial justice for all Texans. If he represents the Texas justice system, then God help us.

Sincerely,
Terence M. Cooper
Texas Bar Card Number: 24001924

From: [Kellye Hughes](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 15, 2020 1:35:50 PM

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

Dear Board Members,

Jason Smith is my Director. I agree 100% with Jason's letter to the Board.

Since then, I learned more troubling information about Larry. While I have deep compassion for someone facing cancer and a surgery, Larry and Trey Appfel, III compounded the issue.

It is my understanding that Trey wrote the poorly worded, unsympathetic "apology." While I understand no one wants to broadcast their health issues, Trey or someone should have altered the bar members that Larry cannot respond, but also state that the issue is being looked into by the bar.

(crickets chirping)

Steve Fisher responded, way too much, to the many comments and in my opinion, he hurt people's feelings with his comments.

Steve's comment of X percentage supports Larry. Even if that percentage is 70-80%, Larry's behavior, comments, etc., disfranchises many members of the bar.

While everyone is free to say and think what they think about race relations, Larry's comments are not what I want from my Bar President.

I do not believe a class on why it is not good to be a racist is enough. Racism is innate, it is systematic, it is generational. A class might educate, but it is not sufficient for reform.

Regards,

Kellye Hughes



Kellye Hughes

Attorney, Hughes Law Center,
PC



[Redacted phone number]

TexasAdoptionLawyer.com

[Redacted address]

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From: [Jennifer Scarborough](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 15, 2020 11:26:19 AM

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

Dear Board of Directors,

I am writing to ask that Texas Bar President Larry McDougal be removed from his position. Mr. McDougal should not represent Texas attorneys because of his racist statements. Mr. McDougal said Black Lives Matter was a political statement. This is offensive to all people of color. Equality for black people is not a political issue. It is a fundamental human right.

I ask that he be removed from office and replaced with someone who can represent all Texas attorneys fairly and with respect.

Jennifer Scarborough
Law Firm of Jennifer Scarborough
TX Bar # 24106401

[REDACTED]
Harlingen, TX 78553
[REDACTED]

From: [Robert Koehl](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 15, 2020 10:58:38 AM

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

Dear Board of Directors

This email is in response to the Board's invitation to provide feedback regarding Larry McDougal's comments.

I was already concerned that former President Randy Sorrels's June 9, 2020 email to the entire Bar came dangerously close to violating the prohibition against the Bar taking a stance on political or ideological issues beyond regulating the legal profession. I am now further concerned that reaction to Larry McDougal's comments brings the Bar even closer to violating this prohibition.

From what I can tell, Mr. McDougal made two comments which have led to this inquiry: (1) that a poll worker violated the law by wearing a "Black Lives Matter" shirt; and (2) "Black Lives Matter" is a terrorist organization. Some have characterized these comments as "racist." On July 13, 2020 the African American Lawyers section stated that his comments were "inaccurate and misinformed at best, were hateful and harmful at worse[SIC], but were unequivocally divisive." All of these allegations beg the question of whether and how these comments were ostensibly so malicious, and whether the Board should respond.

1. Larry McDougal stated that a poll worker violated the law by wearing a "Black Lives Matter" T-Shirt. Was he correct? Federal law prohibits electioneering for any candidate, measure, or political party within a certain distance of a polling place. Federal law states that "electioneering" includes "posting, use, or distribution of political signs or literature." So the question then becomes whether the slogan "Black Lives Matter" promotes any candidate, measure or political party.

"Black Lives Matter" is not merely a movement. There is an actual organization behind this movement. The organization "The Black Lives Matter Network" was formed in 2013 and currently operates the website www.blacklivesmatter.com. This organization operates 16 chapters in North America, and takes public stances on many issues which go far beyond race relations—issues such as fiscal policy, immigration, and public education.

Much like a judge, a poll worker should avoid the appearance of impropriety. It is likely that someone could interpret the act of wearing a "Black Lives Matter" T-Shirt or otherwise displaying the "Black Lives Matter" slogan as implicit promotion of that organization's stance on these issues—which may align more closely with one candidate, measure, or political party more than another. Accordingly, Mr. McDougal is correct that it is inappropriate for a poll worker to wear or display this slogan. Is he correct that it is a crime? Maybe. But questions like this are the very type which people look to lawyers to answer. It is unthinkable that the Board would consider any action in response to his answer on this question.

2. Larry McDougal characterized "Black Lives Matter" as a terrorist group. While obviously inflammatory, this comment does not rise to the level of the condemnations levied against it.

If criticizing either the “Black Lives Matter” organization or movement is automatically “racist” then the definition of “racist” has expanded beyond anything with any semblance of meaning. Further, such an expansion of the definition is chilling in consideration of the precedent it sets. If it is automatically racist to criticize “Black Lives Matter,” is it also automatically anti-Semite to criticize the government of Israel, or anti-Muslim to criticize CAIR?

Beyond that, whether the Black Lives Matter Network qualifies as a terrorist group is a reasonable question for people to debate? In 2016, rhetoric from the Black Lives Matter movement motivated a man to murder 5 police officers in Dallas. Just last month, there were numerous riots which began as “Black Lives Matter” protests. There have been thousands of arrests in dozens of cities related to these riots in the past several weeks. There have been more than two-dozen people killed, including police officers. Whether this qualifies the Black Lives Matter Network as a “terrorist” organization is a debate which reasonable people should be able to have without the fear of being labelled a racist or having their livelihood threatened. And to merely condemn the statement as “hateful” adds nothing to such a debate—rather, it seeks to prevent the debate from ever occurring.

Of course, Mr. McDougal's statements were probably hurtful to some. We are lawyers. Sometimes our words hurt. It hurts when a prosecutor points a finger at a defendant and says she committed a crime. It hurts when a defense lawyer points a finger at a victim and calls her a liar. Hurtful words are part of our profession. They don't merit a response from the Board.

More importantly, does an organization whose *raison d'etre* is to regulate the legal profession have any business getting involved in any discussion of the merits of the “Black Lives Matter” movement or organization? Absolutely not. There is no way for the Board to get involved without running afoul of the prohibition against taking a stance on political or ideological issues. The prohibition does not have an exception for race issues. The moment the Board carves out such an exception, the precedent will be set for future boards to cut out additional exceptions as they see fit. The Board should not open such a door.

Thank you for your consideration,

Robert Koehl
SBOT 24097948

From: [John](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 15, 2020 10:40:17 AM

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

Dear Board,

I do not support Larry McDougal continuing as Bar President.

Thank you

John Brender
The Brender Law Firm



Fort Worth, TX 76104



www.brenderlawfirm.com

From: [Scott Chase](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 15, 2020 10:21:56 AM

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

I think Larry McDougal should resign. No matter how much he apologizes, he has to suffer some consequences for his comments.

Scott Chase
Licensed since 1973
Bar Card # 04148800



From: [Kay Hill](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 15, 2020 9:00:22 AM

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

Larry McDougal absolutely must resign. He has been completely unresponsive to the needs of our Black and other minority members. He has said misogynistic things about attorneys in need of addiction help. He does NOT represent our membership in a positive light. And now there are rumors he didn't even write his own apology? He already needed to resign, as apology wasn't enough. But if he isn't even actually sorry? He must go.

Kay S. Hill
Texas Bar #24107809



From: [Carlyn A. Burton](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 15, 2020 5:00:34 PM

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

Dear Board of Directors,

I was shocked to read about the online comments from Larry McDougal, both those from recent days and from 2015. We have much work to do within our society and legal profession to end systemic racism. However, as members of the court who have sworn to uphold justice and the rule of law, we are the guardians of justice. I strongly believe that a person holding such a leadership position must hold themselves to an even higher standard, especially given the work that needs to be done. I do not see how our State Bar can do the work to end the systemic racism that still manages to permeate in our courts, justice system and within the bar with Larry McDougal at the helm. While he has apologized and says he has changed, continuing to serve as the President will simply serve as a distraction. I believe resignation or removal is needed to allow our bar to play its part in uprooting the systemic racism that permeates.

Regards,
Carlyn Burton
SBOT No. 24050361

Carlyn Burton | Partner | **Osha Liang LLP** |  | 
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From: [Leadership SBOT 2018](#)
To: [BoardofDirectors](#); [Trey Apffel](#); [Trey Apffel](#)
Subject: Letter Regarding Larry McDougal
Date: Wednesday, July 15, 2020 5:14:01 PM
Attachments: [2020.07.15 Letter to Trey Apffel.pdf](#)

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

Hello,

Attached please find the attached correspondence from Desireé Bedasa, Haleigh Jones, Rachel Kelly, Kayla Landeros, Teresa Messer, Chris Meuse, Michael Razeeq, Rekha Roarty, Omar Saenz, Austin Stevenson, Aziza Travis, and Reggie Wilson, who are some of the members of the LeadershipSBOT 2018 Class.

Thank you.

July 15, 2020

E.A. “Trey” Apffel III
Executive Director
State Bar of Texas

Texas Law Center
1414 Colorado Street
Austin, Texas 78701
Tapffel@texasbar.com
BoardofDirectors@texasbar.com

Dear Mr. Apffel:

As proud members of the State Bar of Texas, and alumni of Leadership SBOT, we are collectively writing to express deep concern and disappointment related to State Bar of Texas President Larry McDougal’s history of public comments regarding Black Lives Matter and other social issues.

A 2019 State Bar survey indicated that as of last year, there were 21,697 minority attorneys in Texas out of a total Bar membership of 105,125 attorneys. Minorities represent roughly one out of every five attorneys in Texas. In the United States, 95% of elected prosecutors are white. In roughly two-thirds of the states that elect prosecutors, there are no Black attorneys in these roles. With a legal system so stacked against Black people, it is our duty to ensure all voices of membership are heard, especially those of our Black colleagues.

Mr. McDougal’s comments made on various occasions clearly and unequivocally demonstrate that he does not have the mindset or heart to stand as a voice of the State Bar’s diverse membership. Though Mr. McDougal attempted to qualify his statements and subsequently apologized for some of them, the State Bar must now send the clear, unequivocal message that it is an inclusive organization and that the leadership of the State Bar will make it an organization of equity and inclusion for diverse attorneys. The office of the President of the State Bar of Texas must be held to a high standard, because the leadership of the State Bar speaks on behalf of and is supposed to represent the interests of all Texas lawyers.

Mr. McDougal stated that his comments were “a legal opinion. That’s all...” However, our profession consists of attorneys giving legal opinions. Attorneys can be tried for malpractice and potentially disbarred for giving an incorrect legal opinion. “That’s all” is not the proper response to a problematic legal opinion, let alone posting a wildly off-base, hate-fueled social media post grounded in conspiracy theories.

Of further concern are Mr. McDougal’s comments regarding women by publicly commenting on female attorney’s looks rather than their merits. Further, disparagingly referring to a female attorney as looking like a “meth head” appears to make light of substance abuse issues. This is concerning as it is well known that addiction issues are prevalent in the legal community, which led to the formation of the Texas Lawyers Assistance Program (“TLAP”). Such matters are not jokes.

While it appears that Mr. McDougal wishes to learn from his actions and mistakes, and we hope he does, the State Bar of Texas needs leadership from someone who is ready to represent all Texas lawyers, especially given the difficult social and political issues the State Bar will have to continue to navigate in the uncertain times. We are not confident Mr. McDougal is suited for that task. The President of the State Bar should already be versed in these issues and eager to fairly represent all Texas lawyers and seek justice for every individual in the great state of Texas.

Since there is no removal process for the President of the State Bar of Texas, we respectfully demand the following:

- Mr. McDougal immediately resign from the office of State Bar of Texas President and transition the role to the President-elect;
- The State Bar of Texas develop a proposed removal process that allows membership to remove an individual from State Bar Office;
- Said proposal is distributed to membership on or before August 31, 2020; and
- The State Bar establish a Chief Diversity, Equity, and Inclusion Officer.

As you stated in the July 2020 Texas Bar Journal Executive Director's Page: "Our voices, and indeed our courage, will be needed in the days and weeks ahead as our state and nation form solutions." Mr. McDougal has failed to use his voice to help achieve a solution despite being in a unique position to do so. His polarizing actions are counterproductive to meaningful dialogue and hinder progress toward a more inclusive State Bar and judicial system.

The State Bar of Texas deserves representation that truly represents its membership. Mr. McDougal does not stand for the State Bar of Texas membership; it is clear he must resign. We appreciate your consideration. As current and future leaders of the State Bar, we are open to discussing these matters further. To do so, please contact LeadershipSBOT2018@gmail.com.

Respectfully,

Desireé Bedasa, LSBOT Class of 2018
Haleigh Jones, LSBOT Class of 2018
Rachel Kelly, LSBOT Class of 2018
Kayla Landeros, LSBOT Class of 2018
Teresa Messer, LSBOT Class of 2018
Chris Meuse, LSBOT Class of 2018
Michael Razeeq, LSBOT Class of 2018
Rekha Roarty, LSBOT Class of 2018
Omar Saenz, LSBOT Class of 2018
Austin Stevenson, LSBOT Class of 2018
Aziza Travis, LSBOT Class of 2018
Reggie Wilson, LSBOT Class of 2018

CC: Sylvia Borunda Firth, President-Elect
Randy Sorrels, Immediate Past President
Charlie Ginn, Chair of the Board
Britney Harrison, TYLA President
Victor Flores, TYLA Immediate Past President
Jeanine Rispoli, TYLA President-Elect

From: [Kaila Rhodes](#)
To: [BoardofDirectors](#)
Date: Wednesday, July 15, 2020 11:15:52 AM

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

I totally support President Larry McDougal

From: [Melissa Wilks](#)
To: [BoardofDirectors](#)
Subject: President McDougal should resign
Date: Wednesday, July 15, 2020 12:05:26 AM

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

Dear Board Members:

I am very concerned about information that has come to light over the past few days regarding President Larry McDougal.

First off, I recognize that everyone has racial bias. I also recognize that racism doesn't always come in the form of a white hood. I imagine that in his day-to-day interactions, no one would consider Mr. McDougal to be a racist, and I do not intend to accuse him of being such now. But his social media posts and commentary reveal he is someone who holds views that help racism fester and grow, and that is incredibly problematic as the highest elected office holder of SBOT. Mr. McDougal has offered an apology for some of these comments, but he did not say why his views have changed and what brought about those changes. Some people have indicated that because some of the evidence of these views is years old, we should not be concerned about them. However, given the radical nature of these views and Mr. McDougal's age at the time of holding them, I find Mr. McDougal's apology unconvincing. At least one Board member has indicated that Mr. McDougal did not even write his apology statement, which may account for the lackluster delivery.

Even if Mr. McDougal does not still hold these views, a prudent leader would know better than to go on social media and provide a highly questionable legal opinion expressed in the manner it was. His opinion did not read like one of a legal professional, and basic common sense would say that sharing a meme advocating police brutality is highly suspect and unbecoming of any member of the Bar. I certainly expect better from our leadership.

Mr. McDougal's online activity indicates that, at the very least, he is insensitive to minorities, women, and people potentially suffering from substance abuse issues and that he condones police brutality. This indicates to me that he is not fit to lead the State Bar of Texas.

I tend to give people too much credit. I tend to give people the benefit of the doubt. I am not doing that this time. Mr. McDougal needs to resign from his position in the best interests of the members of SBOT, and SBOT needs to show that Texas attorneys stand against these displays of bigotry.

Thank you,
Melissa Wilks
SBN: 24081213

From: [Deaton, Mark](#)
To: [BoardofDirectors](#)
Subject: President McDougal
Date: Wednesday, July 15, 2020 7:04:25 AM

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

To the Board of Directors –

President McDougal has been in office for less than a month and has brought the State Bar the most negative attention the organization has received in years. His comments indicate a deep lack of awareness of both a) what Black Lives Matter means and b) what interests those who say “Black Lives Matter” are trying to communicate. The lack of humility in understanding the lived experience of members of the bar whom he is supposed to serve, lead, and represent is galling.

As a white guy, I am super-late in coming to understand how systemic racism has truly affected and benefited me-and I’ve been on my firm’s Diversity Committee *for years*. But I did not run to be President of the State Bar. President McDougal needs to either learn something immediately about his position in this system of racial prejudices and have a plan to lead the Bar that reflects a commitment to diversity that will extend beyond the current moment, or he needs to get out of the way and allow someone to step up who will lead. He has effectively hobbled himself. And made the Bar look dumb by his recent and past statements and actions.

Sincerely,

Mark Deaton
Shareholder
Munsch Hardt Kopf & Harr, P.C.

J. Mark Deaton

Munsch Hardt Kopf & Harr, P.C.
700 Milam Street, Suite 2700 / Houston, Texas 77002-2806

Direct: [REDACTED] / [REDACTED] / munsch.com

For information and updates on the coronavirus, visit Munsch Hardt’s [COVID-19 Business Resource Page](#).

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From: [Bobby Mims](#)
To: [BoardofDirectors](#)
Subject: SBOT President Larry McDougal
Date: Wednesday, July 15, 2020 3:07:21 PM
Attachments: [Letter to SBOT re Larry McDougal.pdf](#)

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

Members of the Board of Directors.

Re: President Larry McDougal

Members of the Board of Directors of the State Bar of Texas:

Larry McDougal has apologized for a 2015 Facebook post. He says that his opinion has changed. There exists a phenomenon that many people have changed their views on race and racial issues in just the last few weeks. I submit that it is transformative. As an example, in Smith County, the Tyler ISD school board is preparing to rename Robert E. Lee High School. There is little opposition. Less than a year ago it this was very controversial with much resistance from the public. It was very divisive, and the school board tabled the issue. Now, just a few months later, it will be a reality. Tyler, Texas, is the largest city in East Texas. East Texas is where whatever remains of the old Confederacy is located. Even here, the mood of the people and their opinions have changed dramatically in the last few months. If Larry ever held such beliefs, and I do not believe that he did, then those are far in his past like much of the public.

I know Larry, and I know him to be the last thing you would ever find in a racist. He is a former police officer. Recall in 2015 the police were under attack as they are now. Five officers were shot and killed in Dallas after a peaceful protest, and emotions were very high. He has not made similar statements since because his opinions have changed.

Moreover, and more importantly, he is the duly elected President chosen by the majority of the voting Texas lawyers. Larry should finish the term as our President as I believe that he has the support of thousands of lawyers. As lawyers, we should stand against the politics of personal destruction.

I am attaching a letter that I earlier wrote to the board expanding on this matter.

Thank you for your service on our board and considering the above and the letter attached.

Regards and Respectfully,

Bobby Mims
Tyler, Texas
SBN 12172200
BOREN & MIMS, PLLC

Bobby D. Mims

Criminal Defense Attorneys

Tyler, Texas 75702



TCDLA Member

BOREN & MIMS, PLLC

Attorneys at Law

Tyler, Texas 75702

July 14, 2020

State Bar of Texas
Texas Law Center
1414 Colorado Street
Austin, Texas 78701

Re: President Larry McDougall

Dear Sir or Madam:

I am writing to support our President Larry McDougall. I have known Larry for many years and I know his heart. This man has been a brave and loyal peace officer where he put his life on the line for public safety. As a lawyer he has prosecuted dangerous criminals and sent them to prison. I have known Larry in his criminal defense practice where he has fearlessly defended the accused and upheld the Constitution.

Now, because of some social media post, he is being pilloried by a few individuals who know nothing of Larry. They do not know that Larry and his law firm routinely represent minorities and poor folks *pro bono* and without expectation of anything in return. They do not know the justice that he has obtained for some of the same folks. In these days of “*defund the police*” and “*Black Live Matter*,” I know of very few individuals who have actually made a difference on the issues that these people purport to support.

It is one thing to demonstrate, to scour social media for embarrassing posts, to pillory a good leader from the anonymity of the internet, but it is another thing to actually go out and make a difference. Larry has made a difference all of his life. Larry has been a policeman protecting the public, a prosecutor sending criminals to prison, a criminal defense lawyer defending actual living breathing persons against the overwhelming power of the government, and now he the duly elected President of the State Bar of Texas.

I am a Past President of the Texas Criminal Defense Lawyers Association. During my tenure Larry served as our liaison to the State Bar where he coordinated TCDLA’s mission with the State Bar. He has grown into one of the most effective leaders in the legal profession with a national reputation. The State Bar and our members are fortunate to have him as our President. Indeed, we just elected him and he has the confidence of the vast majority of lawyers in Texas.

Please know that Larry McDougall has my unqualified support as our President.

Sincerely yours,



Bobby D. Mims
SBN 12172200

BDM/ns

From: [Jennifer Simons](#)
To: [BoardofDirectors](#)
Subject: State Bar Leadership
Date: Wednesday, July 15, 2020 8:40:55 PM

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

As a licensed attorney in Texas since 2005, I urge the State Bar to take a bold move. Please ask the President to resign.

I have had no dealings with the President and cannot begin to assume what's in his heart. I have every reason to take him at his word and to be generous with benefit of the doubt.

But there comes a time when a leader's very presence—because of mistakes that he now regrets—serves as a distraction (at best) or detraction (at worst) from the mission of any of organization. This is one of those times.

Let the President focus on his recovery and let the Bar focus on its own healing. It's time to part ways.

From: [Richard King](#)
To: [BoardofDirectors](#)
Subject: State Bar President - Larry McDougal
Date: Wednesday, July 15, 2020 7:33:42 PM

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

To Whom it May Concern:

I am writing in strong support of President, Larry McDougal. I read his online post and I agree with what he posted. Black Lives Matter is a political group. If it's not, what percentage of BLM Supporters have ever donated to Republican campaigns, Right leaning causes, or Right leaning interest groups? Of course, this number would be near zero.

Black Lives Matter seems essentially to be a Marxist group, out promoting racial division in an effort to gin up turnout for the 2020 Presidential Election. Some BLM Supporters have also engaged in acts of domestic terrorism, as we have all seen clearly on television during the rioting and looting. I support anyone's right to protest, which is a fundamental Constitutional Right but not the rioting and looting. This cannot be tolerated and the BLM Movement has been instrumental in fomenting those circumstances. Also, the fact remains that these claims of "institutional racism," "systemic racism," and widespread police brutality against African Americans are just fundamentally not true. The State Bar of Texas should never accommodate any "political group" in any way, shape or form.

I strongly support our State Bar President and do not wish to see him resign. This is just ridiculous. If we don't start standing up to these malign, Left wing, dark influences in our democratic society; it will eventually lead to the rise of real Facists groups in the United States. People in this country just won't tolerate this kind of bullying and intimidation. Thanks.

Sincerely,

Richard Lee King, Esq.

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Please consider the environment before printing this e-mail.

From: [Consuelito Martinez](#)
To: [BoardofDirectors](#)
Subject: The removal of Larry McDougal and Steve Fischer from office.
Date: Wednesday, July 15, 2020 3:33:45 PM

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

Good Afternoon,

I am an attorney licensed to practice law in the State of Texas (24095835), and I am writing to you with some concerns regarding the behavior of Larry McDougal and Steve Fischer via social media. Both have stated strongly divisive positions on public forums regarding Black Lives Matters. Moreover, both individuals have partaken in making online comments, I strongly believe are inappropriate, and have been unfortunately imputed to the State Bar of Texas.

Please proceed with at least an investigation, and the removal of both individuals from the positions as representatives of the State Bar Association.

Best,
Consuelito Martinez

From: [Lowell Brown](#)
To: [Amy Starnes](#); [Patricia McConnico](#)
Subject: FW: The NEW Roundtable's Response to Larry McDougal's Recent Statements
Date: Wednesday, July 15, 2020 5:35:02 PM
Attachments: [image001.png](#)
[image002.png](#)

FYI on the statement below. We just featured this organization in TBJ.

From: Trey Apffel <Trey.Apffel@TEXASBAR.COM>
Date: Wednesday, July 15, 2020 at 1:21 PM
To: Lowell Brown [REDACTED]
Subject: Fwd: The NEW Roundtable's Response to Larry McDougal's Recent Statements

Sent from my iPhone

Begin forwarded message:

From: Courtney Perez [REDACTED] >
Date: July 15, 2020 at 12:19:53 PM CDT
To: "[REDACTED] >, Randy Sorrels
[REDACTED] >, "Alexander, Jerry" [REDACTED] >,
[REDACTED] >,
[REDACTED] >, Wendy Humphrey
[REDACTED] >, "Michael K. Hurst" <[REDACTED]> >,
[REDACTED]
[REDACTED] >, Britney Harrison [REDACTED],
[REDACTED]"
<[REDACTED]>
[REDACTED]
Cc: SBOT African-American Lawyers Section [REDACTED] >, Chasity
Henry <[c\[REDACTED\]](#)>, Trey Apffel <trey.apffel@texasbar.com>
Subject: The NEW Roundtable's Response to Larry McDougal's Recent Statements

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

I am writing to you in my capacity as President-Elect of the NEW Roundtable, Inc., an organization of over 80 Black women outside counsel and in-house counsel in Dallas. Our membership includes general counsel and decision-makers at major corporations and health systems as well as partners at Am Law 200 and minority-owned law firms. As you may know, The NEW Roundtable was recently featured in the Texas Law Book, highlighting both the diversity of the Bar and the contributions Black lawyers have

made and are making to the Bar. Our lives matter.

To say that NEW Roundtable members were troubled by Larry McDougal's statements and stance on the Black Lives Matter movement is a gross understatement. The NEW Roundtable has issued the following official statement in response:

The NEW Roundtable stands in solidarity with the African American Lawyers Section of the State Bar of Texas and its demands of State Bar of Texas President Larry McDougal. Larry McDougal's statements concerning the Black Lives Matter movement ignores the responsibility he owes to represent all Texas lawyers and undermines his credibility to achieve the State Bar's stated purpose of promoting diversity in the administration of justice and the practice of law. The NEW Roundtable supports all efforts of the State Bar of Texas and the Texas Young Lawyers Association to promote diversity, inclusion and anti-racism within the profession and unequivocally condemns any actions by anyone in leadership that undermine those efforts. Mr. McDougal's apology was insufficient and came only after his comments were circulated among the public at large. We hope that Mr. McDougal will rise to the call of the hour and address the African American Lawyers Section's call to action. Should he refuse to do so, we insist that he resign.



Courtney Barksdale Perez | Partner

[REDACTED]

[REDACTED]

[REDACTED]

BOARD CERTIFIED IN LABOR & EMPLOYMENT LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

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