

From: [Vic Mendoza](#)
To: [BoardofDirectors](#)
Subject: 7.27.20 Meeting -- Public Comments
Date: Wednesday, July 22, 2020 4:14:51 PM

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

Millennials: This is what happens when you help Mom and Dad create Facebook accounts. Am I right?

Board of Directors: Thank you for accepting and uploading public comments. So far, the comments make it clear that any decision you make will be wrong. Perhaps, the larger issue here is that we can't have nice things. So, I hope that you would consider giving serious consideration to asking the Legislature to repeal the statutory provisions creating the state bar's officers and board. I'm sure SCOTX, OCA, and staff can handle the duties.

Fellow attorneys who relate to any of the above: There is a very strong argument that our colleagues have politicized our bar leadership and its processes. Accordingly, I would like to remind you of the dues refund policy:

"The purpose of the State Bar of Texas is to engage in those activities enumerated at §81.012 of the State Bar Act. The expenditure of funds by the State Bar of Texas is limited both as set forth at §81.034 of the State Bar Act and in *Keller v. State Bar of California*, 496 U.S. 1 (1990). If any member feels that any actual or proposed expenditure is not within such purposes of, or limitations on, the State Bar, then such member may object thereto and seek a refund of a pro rata portion of his or her dues expended, plus interest, by filing a written objection with the executive director. The objection must be made in writing, addressed to the executive director of the State Bar, P.O. Box 12487, Austin, TX 78711, and postmarked no later than 90 days after the conclusion of the challenged activity. Upon receipt of a member's objection, the executive director shall promptly review such objection together with the allocation of dues monies spent on the challenged activity and, in consultation with the president, shall have the discretion to resolve the objection, including refunding a pro rata portion of the member's dues, plus interest. Refund of a pro rata share of the member's dues shall be for the convenience of the State Bar and shall not be construed as an admission that the challenged activity was or would not have been within the purposes of, or limitations on, the State Bar."

-Vic

From: [Kathleen Catania](#)
To: [BoardofDirectors](#)
Subject: 7/27/2020 board meeting comment
Date: Wednesday, July 22, 2020 3:08:49 PM

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

Larry McDougal does not reflect the inclusivity, integrity or honor of our profession and should resign as President of the State Bar of Texas. Since he has made it clear that he will not do so, the Board of Directors should take necessary steps to remove him.

Kathleen Catania
Assistant District Attorney
Parker County, Texas



From: [Guy Choate](#)
To: [BoardofDirectors](#)
Subject: A Letter from the Birmingham Jail
Date: Wednesday, July 22, 2020 2:58:28 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

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

<https://swap.stanford.edu/20141218230016/http://mlk-kpp01.stanford.edu/kingweb/popular%5Frequests/frequentdocs/birmingham.pdf>

I would like to submit Dr. Martin Luther King's letter to the good people of Birmingham, Alabama. I consider this document to be one of the central tenets of our Republic, to be read with the Declaration and the Constitution. I hope that each Director will take the time to read and absorb this document from April of 1963. To imagine that we are still having these battles in July of 2020 is disheartening.

If not us, who? If not now, when?

Thank you,

Guy Choate



Guy Choate
Attorney | Board Certified, Personal Injury Law

[Redacted Address] 76903

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From: [Aaron von Flatern](#)
To: [BoardofDirectors](#)
Subject: Re: State Bar President Larry McDougal
Date: Wednesday, July 22, 2020 1:34:58 PM
Attachments: [Regarding Texas Bar President Larry McDougal.pdf](#)

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

Please see attached commentary pertaining to the hearing on 7/27/20.

Aaron von Flatern

Founding Partner

FVF Law | Fogelman & Von Flatern, LLP

[REDACTED]
Austin, Texas 78756

[REDACTED]
[REDACTED]
www.fvf.law

Please direct TRCP 21(a) e-service to: [REDACTED]



July 21, 2020

The State Bar of Texas
Attention: Board of Directors
1414 Colorado Street
Austin, Texas 78701
Sent Via Email: boardofdirectors@texasbar.com

**STATEMENT OF FOGELMAN & VON FLATERN CALLING FOR REMOVAL OF
STATE BAR PRESIDENT LARRY MCDUGAL**

Dear Board of Directors:

The lawyers and staff members of FVF Law hereby request the immediate removal of State Bar President Larry McDougal. McDougal has apparently published vile racist and sexist messages to social media. According to copies of these posts, Mr. McDougal has called the civil rights group Black Lives Matter a “terrorist group.” Mr. McDougal has apparently transmitted a meme depicting a police officer pinning a suspect to the ground, with the caption “JUSTICE: It usually happens *before* the trial.” Further, when commenting on an article regarding Texas attorneys practicing without a license, Mr. McDougal appears to have made the comment “she is hot in her Texas Bar Picture but she has Meth Head written all over her today.”

Racism and sexism have no place at the head of an organization seeking to promote justice for all. Using women and people of color as punchlines is unacceptable for any lawyer in this state, much less the leader of an organization that claims to promote diversity in the practice of law.

Finally, we cannot have a State Bar President who expressly rejects and ridicules the concept of due process. You all took oaths as lawyers, swearing to uphold United States’ and Texas Constitutions. You cannot claim to have done that in this case if you do not *immediately* remove Mr. McDougal from office.

Very Truly Yours,

/s/ Aaron von Flatern	/s/ Caitlyn Macaluso	/s/ Elizabeth Alradaideh
/s/ Josh Fogelman	/s/ David Schupp	/s/ Rachel Gluckman
/s/ Hope Guardia	/s/ Kelly Gray	/s/ Schriee Kushaney
/s/ Mark Farris	/s/ Sarah Neely	<i>And many others at the firm who</i>
/s/ Kayla Fisher	/s/ Tiffany Walker	<i>did not have a chance to review</i>
		<i>before transmission but</i>
		<i>presumptively agree</i>

Fogelman & Von Flatern, LLP

■ Austin, Texas 78746

Tel

From: [Robert LeBoeuf](#)
To: [BoardofDirectors](#)
Subject: Agenda Item No. 7 re Larry McDougal
Date: Wednesday, July 22, 2020 4:25:00 PM

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

Ladies and Gentlemen of the Board:

I do not know Mr. McDougal but have read his comments regarding the BLM matter. I did not see anything to suggest that he intended to speak for me or any other person or the State Bar of Texas itself. So far as I can tell his comments were his own, offered in his individual capacity.

Since the accuracy of his statements seem to be at issue I will say that, in my opinion, he was correct. It would take a furtive imagination to conclude that BLM is not a partisan political operative. Clearly they serve as activists and fund raisers for one particular political party. They do not even try to conceal that fact. Therefore, the wearing of a BLM shirt by a poll worker was electioneering and should not have been condoned.

I believe it would be improper for our State Bar to become embroiled in the 'cancel culture' movement and I encourage you, the Bar leadership, to stay clear of any action which might be construed as doing so. To adopt any of the many self-serving declarations or demands of the Bar's various special interest groups would be a step in the wrong direction. Likewise, without the express approval of the statewide bar membership, any action by the Bar that could be construed as supporting, endorsing, condoning, or approving of the BLM movement would be wrong.

I have seen no evidence to necessitate President McDougal's resignation and will support him in his continued leadership of our Bar.

Cordially and respectfully,

Bob LeBoeuf
Angleton

--

R. LeBoeuf

From: [Amelia Rodriguez](#)
To: [BoardofDirectors](#)
Subject: Statement for Meeting on July 27th
Date: Wednesday, July 22, 2020 10:33:45 AM
Attachments: [Statement on Larry McDougal.pdf](#)

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

Attached please find my statement. Thank you.

Amelia Rodriguez
Attorney At Law
[REDACTED]
Houston, Texas 77098
[REDACTED]

Find a local lawyer and free legal information at FindLaw.com.

STATEMENT ON LARRY MCDUGAL

My name is Amelia Rodriguez. I am an attorney in Houston, Texas and I live in Sugar Land, Texas. I have been licensed since 1994 and my practice is focused primarily in Harris and Fort Bend County.

I am submitting this statement regarding Larry McDougal, because I have various concerns with what is going on with him. Unfortunately, we live in a world where people are judged by social media, where comments can easily be taken out of context. It is sad to see this happening amongst the members of our bar. I am curious as to how many of the people/groups/organizations that are demanding that Larry McDougal resign have actually met him and had a conversation with him. My concern is that the people/groups/organizations that are asking him to resign or wanting to remove him have never had any contact with him other than social media posts by Mr. McDougal or others.

I have had the opportunity to meet Mr. McDougal, to have contact with others who know and work with him. I also attended a Fort Bend County Bar Association luncheon where he spoke on his commitment to working for and helping the members of the bar. In fact, last week I had a conversation with an African American female attorney who was shocked at what is going on and shared her experience in working with him as an opposing counsel and confirmed that he was always very respectful and professional, and she had never had the impression that he was racist. My experience with Mr. McDougal has confirmed that he is a hard working individual who seeks justice and doing what is right. He is not racist and is willing to help other attorneys, regardless of whether they are struggling with legal issues, depression issues, addiction issues, etc. I believe that Mr. McDougal is being judged on isolated incidents posted on his personal page and that is not fair because many of us are not aware of everything else he has accomplished because it is not posted on social media. I don't think any of us, if we were in his shoes, would want to be judged that way. It is my position that any of the other officials and board members should be judged on isolated incidents either, as that would not be fair. Having Mr. McDougal resign is not the solution; he should be given the opportunity to serve in the capacity that we, as members of the bar, elected him to. I think that Mr. McDougal and the Board members should be given an opportunity to work together for the good of the members of the bar that elected them to the positions they hold.

From: [Amy Ganci](#)
To: [BoardofDirectors](#); [Amy Starnes](#); bafricanamericanlawyers@gmail.com; [REDACTED]
Subject: SBOT President Larry McDougal
Date: Wednesday, July 22, 2020 3:07:28 PM
Attachments: [7.22.20 letter to SBOT.pdf](#)

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

Per yesterday's notice of Special Meeting and solicitation of written comments, please accept the attached for consideration.

Amy Ganci

Ganci, L.L.P.

[REDACTED]

Dallas, Texas 75206

[REDACTED]

AMY GANCI
[REDACTED]

GANCI, L.L.P.

ATTORNEYS AT LAW
[REDACTED]

[REDACTED]
DALLAS, TX 75206

PHONE: [REDACTED]

FAX: [REDACTED]

WWW.GANCILAW.COM

July 22, 2020

Via Email: boardofdirectors@texasbar.com; amystarnes@texasbar.com;
txafricanamericanlawyers@gmail.com; [REDACTED];

State Bar of Texas – Board of Directors and affected Sections and Committees
1414 Colorado
Austin, Texas 78701

Re: Special Meeting of the State Bar of Texas July 27, 2020
Comments concerning possible action regarding Larry McDougal

Dear Board Members and Section and Committee Leaders,

I am a member of the State Bar and have served as council to the Bar's Animal Law Section. I am a past (2016-2017) President of the Rockwall County Bar Association where I served on that association's Board for a number of years.

I am writing and have asked to speak concerning the Special Meeting being convened July 27, 2020 to address issues involving the social media posts of current Bar President Larry McDougal. I do not know Mr. McDougal personally and practice in a very different area of law than that of Mr. McDougal. However, I was disturbed to learn of the postings by Mr. McDougal, which I find especially problematic and troubling during these unusual times when social media has been weaponized by all sorts of persons and organizations for untoward purposes, our country's rule of law is being daily threatened, and basic human decency is being denigrated to the point that we can hardly call ourselves civilized.

The State Bar of Texas, one of the very largest in the United States, publishes a ***Mission Statement*** that espouses to 1) assure all citizens equal access to justice, 2) foster high standards of ethical conduct, 3) educate the public about the rule of law, and 4) promote diversity. I find Mr. McDougal's posts, written apology and video statement wholly inconsistent with these goals and ideals. Mr. McDougal's posts,

aside from calling into question possible bigotry, demonstrate character flaws inconsistent with good leadership, good judgment, or thoughtful discourse. Mr. McDougal's contention in his written apology he can unilaterally and after the fact step out of his role as Bar President and become a separate individual ("personal capacity") is disturbingly naïve. As lawyers, and particularly lawyers who become leaders of a bar association, we automatically assume a role of a community leader. Like it or not, people look up to us to be examples of what is right in action and word. We do not get the luxury of saying, "well, after 5pm I'm Joe Smith the individual and no longer president." The concept is absurd and demonstrates a refusal to take responsibility for unthoughtful words and posts. Mr. McDougal appears to acknowledge in his video statement that he cannot simply switch hats, yet he fails to explain or account for his more outlandish posts and comments.

Worse than his "personal capacity" explanation or excuse, is Mr. McDougal's ownership of the unbecoming comments. Mr. McDougal admits he really believes the things he wrote. Even though he now attempts to walk back his 2015 "terrorist organization" writing, his willingness to weigh in with demonstrably legally inaccurate opinions (as succinctly pointed out by the July 20, 2020 letter Mr. McDougal received from the African-American Bar Associations of Dallas, Houston, Austin, San Antonio, and Tarrant Counties) suggests he still holds views that at the very least "Black Lives Matter" is something "bad." We can all have opinions on whether the Ft. Bend County worker's shirt crossed electioneering lines, and we may agree or disagree whether wearing the shirt was appropriate for a poll worker in particular, but certain opinions like those of Mr. McDougal, that the worker intended to "intimate [sic] voters," or should be cited and removed, are ones a State Bar President should keep to himself, or better, simply not hold at all. Mr. McDougal declared himself judge and jury in interpreting Texas election law and its criminal implications, indicting the African American election worker sporting her BLM shirt, drawing into sharp focus his beliefs from the earlier posts; positions clearly not held by many of the over 100,000 people he purports to serve, including the undersigned. In short, Mr. McDougal's attempts at apology fall far short of what we should expect from a leader and certainly fail to approach the requests of our African-American Lawyers Section and other affected Sections of our Bar.

I think most people expect that a leader of such a large and important Bar will be a unifier; a fair-minded, wise, and educable person with great capacity for empathy and control of his/her tongue and pen (or fingers in this instance). In his "President's Message" on the Bar website, Mr. McDougal acknowledges this is an

age where we see “civil unrest on display.” A good leader would ask and explore “WHY?” and fervently avoid contributing to the problem! One does not need to look far to see that civil unrest has been fueled, ignited and stoked by irresponsible and thoughtless comments too often from those in leadership roles – Mr. McDougal’s police brutality / “justice” post comes to mind. Racial division and inequality, suppression and hate are rallying points for certain electoral bases. The rule of law is becoming a joke in light of political manipulation of investigations, indictments and sentencings (matters about which many members feel the SBOT should take a public stand). For a State Bar President to wittingly or unwittingly participate in spreading strife and causing division is completely unacceptable.

This is a very unfortunate situation, and perhaps it is the fragile nature of our democracy and the rule of law that demands action be taken. We promote that the Bar will provide a “vehicle of change.” There will be no change here, but rather great harm if the Bar does anything other than demand the resignation of Mr. McDougal – these simply cannot be our values.

Thank you for your attention to this matter.

Sincerely,

/s/ Amy B. Ganci

Amy B. Ganci

From: [Angela Nolan](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 9:29:50 AM

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

I write to express my dismay at the attempt to "cancel" Larry McDougal. I have never met the man, but I am shocked that I must write to the State Bar of Texas to state that it is wrong to attack someone for their free speech and legal opinions.

First, I agree with him regarding the poll worker wearing a "Black Lives Matter" shirt. This is intimidating, racist and has no place in a polling place. I don't think there is any room for disagreement on this as a legal matter, but lawyers often disagree on how the law is applied. That disagreement is NEVER a reason to attack someone and try to ruin their career and life.

Second, the man has the right to free speech to express whatever opinion he wants. That right is not "cancelled" because he is the head of the State Bar. Support for the police (or not) is a very controversial matter right now, but everyone should have the right to express an opinion on that. If members don't like his opinion, vote for someone else as President next time.

Third, it is a very sick society where people now comb through social media in a hateful effort to cancel anyone who has ever said anything they don't like on social media. The bar should never support drug addiction. The fact that some don't like what he said or the way he said it is irrelevant.

This kind of behavior is not about supporting what is moral or right, it is about a political agenda to stop anyone from expressing opinions that disagree with the opinion of the mob so that everyone else knows that if they express a "wrong" opinion, they will be next to be destroyed.

I am moving to Texas to escape the mismanagement of the government of the State of California. I have lived here for almost 40 years and seen the state go from a wonderfully free place with unlimited opportunity, to a one-party rule state where everything the citizens do, say and think is more tightly controlled every day. Increasingly, there is no margin for a difference from the only "accepted" opinions on things. When I see this kind of behavior from the State Bar of Texas, I wonder if that is a futile effort and whether I should just stay here--and abandon my plans to move to Texas to be more free-- because if I have to live in a hateful, aggressive, mean environment ruled by the ugly propaganda of the current prevailing "mob", at least the weather in California is nice.

--Angela M. Nolan
Bar No. 24114991

Angela M. Nolan

Attorney at law

[REDACTED]

San Jose, CA, 95160

([REDACTED])

[REDACTED]

www.AngelaNolanLaw.com

"The ultimate test of a moral society is the kind of world that it leaves to its children." Dietrich Bonhoeffer

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From: [Ashley Croswell](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 12:30:23 PM

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

Dear Board of Directors,

Please see my comments regarding Bar President Larry McDougal below, in response to a call for public comments regarding agenda item #6 for the Special Meeting set for July 27th. Thank you for allowing the public and attorneys the opportunity to provide comments.

State Bar President Larry McDougal's behavior is reprehensible for an attorney, let alone as a President of the State Bar. Political views aside, his slackjaw comments reflect appallingly on a State Bar, the mission of which is in part to "assure all citizens equal access to justice" and "foster high standards of ethical conduct for lawyers."

I find it deeply disturbing that he publicly agreed with and chose to recirculate a meme with a picture of a police officer clamping a hand over the mouth of a detainee, with the phrase "Justice: It usually happens before the trial." I recognize that he posted this in 2012, but if he had a law degree then, he should have recognized it as perverse and incorrect. Indeed, he seemingly has not matured much over the last eight years, as his posts from July 10, 2020 show.

I am only in my fourth year of practicing as an attorney. I have, fortunately, met very few attorneys that give our profession a bad name. I find it unacceptable, though, that our State Bar President should be counted among that group.

If Mr. McDougal had any respect for his office, he would acknowledge that he is not fit for it, and step down.

Sincerely,

Ashley Croswell
Marrs Ellis & Hodge LLP

Austin, Texas 78701

mehlaw.com

From: [sameena.karmally](#)
To: [BoardofDirectors](#)
Subject: BLM comments from the President
Date: Tuesday, July 21, 2020 6:24:59 PM

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

Dear Directors of the State Bar of Texas,

As our bar evolves to better represent all of the attorneys in Texas, we need leadership that is unafraid to take action when action is required. Sometimes organizations do not have the luxury of training leaders on the job, especially when it comes to matters of fundamental human dignity and civil rights. At this pivotal moment in our nation's history, attorneys of this great state should be leading the nation in difficult, but respectful, conversations. Taking into account the several statements by Larry McDougal that undermine basic human dignity and civil rights, his presidency is over. He has lost his credibility and should step down. Please take action to restore this Bar to its mission and vision. I look forward to what we can accomplish together.

Sameena Karmally

From: [Christine Meier](#)
To: [BoardofDirectors](#)
Subject: Board Meeting - Comment Concerning McDougal
Date: Wednesday, July 22, 2020 10:02:03 AM

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

Good morning:

I am submitting this comment for consideration for the State Bar of Texas Board of Directors special meeting to be held on July 27, 2020.

I have viewed the online commentary made by State Bar of Texas President Larry McDougal and I am appalled. Through his online presence, McDougal has shown a propensity to act in a manner that demonstrates poor judgment and is unbefitting of his position as the President of the State Bar. While some may argue that several posts are from years ago, I believe it shows a pattern of despicable behavior and disrespect for others and their beliefs.


The President of the State Bar is expected to lead other attorneys by setting the exceptional standards that we should all strive to attain throughout our career. The stated mission of the State Bar is to "support the administration of the legal system, *assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers*, enable its members to better serve their clients and the public, educate the public about the rule of law, and *promote diversity in the administration of justice and the practice of law.*" McDougal's comments evidence the fact that he does not support or embody this mission, making him unworthy of the office.

If McDougal refuses to resign, I would ask that the Board consider his immediate removal. McDougal's actions are unacceptable and he must be taught that there are consequences for this type of behavior.

Thank you for your time and consideration of my comment.

Sincerely,
Christine A. Meier
Texas Bar No. 24099045

Christine Meier
Attorney at law



From: [Arielle Phillips](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry - Arielle Phillips
Date: Tuesday, July 21, 2020 2:29:39 PM

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

Good afternoon

My name is Arielle Phillips, Texas State Bar no. 24068478 and I would like to thank the board for considering the creation of a task force on diversity, equity and inclusion. If the decision is made to create one, I would like to submit a request in hopes to be considered as a member of the task force.

Thank you for your time and consideration.

Best regards,

Arielle Phillips

[Sent from Yahoo Mail for iPhone](#)

From: [Will Thompson](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry - McDougal
Date: Wednesday, July 22, 2020 11:41:26 AM

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

I am a member in good standing of the Texas Bar. I fully support the recommendation of the African-American Lawyers Section of the State Bar of Texas, 2020-2021 Council. McDougal's conduct is repugnant and unworthy of his position. Better people can take his place.

From: [John Gilbert](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 3:38:17 PM

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

Ladies and Gentlemen,

I do not know Larry McDougal, but am shocked and disappointed that with nothing more than what it appears the SBOT and it's various sections have received, that you would so harshly criticize our elected president. I have been a member of the SBOT for almost 47 years and served as a director from 1982-1985, and know our organization has changed dramatically; but one thing that must not change is our responsibility to see that all, including President McDougal, are treated fairly, with a true sense of respect and justice. All of us make mistakes in our professional and personal lives, and for this we feel remorse, regret, and at times embarrassment. For this we are sorry and seek forgiveness and repentance. I imagine President McDougal feels all of these emotions, and needs our understanding and support. I strongly urge the board to look at their own lives, forgive President McDougal, and get on with the work for which you were elected or appointed.

Regards,

John R. Gilbert
John R. Gilbert, P.C.

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

From: [Jamie McNally](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 1:21:27 PM

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

State Bar Directors:

I was disheartened when I read the email I received yesterday afternoon from the State Bar regarding the upcoming special meeting. I learned from the email that our State Bar President, Larry McDougal, posted online commentary claiming that a poll worker wearing a "Black Lives Matter" t-shirt violated the law because Mr. McDougal believes that the shirt somehow qualifies as "electioneering for or against" a "candidate, measure, or political party..." I also learned from the email that Mr. McDougal had referred to the Black Lives Matter movement, in a separate post, as a "terrorist organization." But I was appalled when I read what the State Bar described, on its agenda for the meeting, as Mr. McDougal's written "apology" and listened to his video. Neither of these is an apology. His written statement merely makes it clear that these are his personal views. The video merely states that Mr. McDougal did not intend to offend anyone. These are not apologies.

I am glad that the other State Bar officers have issued a statement denouncing Mr. McDougal's views "in the strongest terms" and have scheduled a special meeting to consider options. I have practiced law in this state and been a member of the Bar for over thirty years. I find Mr. McDougal's views abhorrent. Anyone practicing law in the state is required to be a member of the Bar. But I am profoundly embarrassed to be required to be a member of an organization led by someone with Mr. McDougal's views. If you want to preserve whatever remaining organizational credibility the Bar might still have among the larger community we all serve, I suggest that Mr. McDougal resign or be removed as President at the special meeting and that you begin the very real and difficult work of trying to make amends.

Jamie McNally

JAMES F. MCNALLY, JR., PARTNER

DUGGINS WREN MANN & ROMERO, LLP

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

www.dwmrlaw.com

From: [REDACTED]
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 1:18:42 PM

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

I agree with McDougal's original posts.

I have often served as an Election Judge in Harris County, Texas.

Based on my understanding of the law, any clothing or paraphernalia that proclaims a strongly political advocacy in any direction is not allowed.

We have asked voters to take off MAGA hats and turn T-shirts inside out to vote, and I would not permit one of my election clerks, workers myself or Alternate Judge to display such including "Black Lives Matter".

This is not to disagree with or suppress the purpose of such statements.

"MAGA" falls under the same rubric. It is not inherently political, but it is decidedly used and intended as such. The same is true for "Black Lives Matter" and "All Lives Matter", as well as "Baby Lives Matter".

What are we to do as election Judges if electioneering and campaigning, as well as triggering and even oppressive social cancel culture invades the voting sites?

McDougal should be applauded.

By the way, I am a white, conservative, and I believe that black lives matter.

But the campaigning and advocacy has to stop at the 100 foot line from the polling place.

This must be interpreted with a broad brush to avoid controversy, and it is both wrong and unworkable to decide that some social issues get special exemptions.

Sincerely,

Wayne Isaacks*

Isaacks & Associates, Ltd., LLP

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Houston, TX 77070-4624

EMAIL: [REDACTED]

*Board Certified - Tax Law, by the Texas Board of Legal Specialization



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From: [Kenneth Malone](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 12:39:12 PM

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

Sent from my iPhone

From: [Bob Bennett](#)
To: [BoardofDirectors](#)
Cc: [Bob Bennett](#); [Steve Fischer](#); [Diane St. Yves](#); [Lucy Forbes](#); [Carmen Roe](#); [Andrew Tolchin](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 11:24:57 AM

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

Dear Directors,

I fully support State Bar President Larry McDougal; accept his apology for the wrongs he committed and would encourage him not to resign. For context, I have known Larry for nearly a decade. He is well respected within the criminal trial bar and is the only President of the State Bar who has proposed progressive changes and is on the verge of accomplishing something while in office. He is not a racist. Now for my background, you can go to www.bennettlawfirm.com and see the information I have posted. Was honored to be a federal trial attorney and with the United States Department of Justice-United States Attorney's Office for the Western District of Texas for half-a-decade. Spent a year in Guatemala as corporate counsel for international business and came back to Houston where I have been in private practice ever since.

I have presented over 40 CLEs for State Bar and Private organizations and firms. I was the President of the University of Houston Law Center Alumni Association and have served on Committees and Boards for the Texas Trial Lawyers Association, Houston Bar Association, and the State Bar of Texas. Presently, I am on the State Bar of Texas Committee for the Texas Lawyers Assistance Program. I am closing in on my 50 anniversary of being a Texas Attorney and continue to have an active practice. I now concentrate on representing professionals before licensing boards in Texas and before the United States Medical Exam in Philadelphia, Penn.

In 2012, State Bar Director Steve Fischer was at the Harris County Courthouse and a group of Black Attorneys approached him to discuss the Texas Grievance System and how unfair it was. According to Steve,

the attorneys were solos, family, and criminal practitioners who felt singled-out due to their practice area or for other reasons. After this discussion, Steve became dedicated to investigating and improving the Texas Grievance System and other progressive changes that were needed. He served on the State Bar of Texas Board of Directors and was recently re-elected to that same prestigious position. He was a candidate for the SBOT Presidency. He has also been a former District Attorney for Willacy County-Raymondville, Texas, and was on the Professional Rules Committee at the State Bar of Texas. Wanting to bring about change, Steve quickly realized that you need members of the SBOT Board of Directors who are progressive. He started recruiting candidates and ended up supporting Larry McDougal as our President and Sylvia Borunda Firth as our President-Elect.

Steve found in me an ally who had represented lawyers, judges, and law students who had issues with sex, drugs, alcohol, and rock & roll or all four. I knew that changes needed to be made to the Grievance System. My own situation with the OCDC was educational and transformative. Then we vetted Bar Candidates for President and the Board of Directors who were progressive and truly wanted to help lawyers. Attorneys who were solos or in small firms who did criminal law, family, or did not practice Big Law were the ones we wanted to help and to improve the Texas Grievance System. Once Larry McDougal was elected, he appointed Diane St. Yves as Chairperson for the Grievance Reform Task Force and it looked like changes for the little guy/gal were in the making. Changes like requiring sworn statements and a burden of proof of clear and convincing and eliminating immunity for false statements were being considered. An SBOT Advertising Review Committee was being formed as were other Presidential Task Forces. Then the five-year-old email surfaced and the witch hunt was on. Other posts were made public and attorneys who had never even voted in Bar Elections or had done anything to improve their profession were now expressing their opinions. Others like myself have signed up to speak on the 27th for the Directors Meeting that violates due process (insufficient notice was given), and other issues of

liability and bar rule violations were raised. Even when President McDougal apologized, those who have been called haters and the bigots were not satisfied. He proposed a Task Force to address racial reconciliation while he was struggling with his health issues. This was still not enough.

Anyone who has worked the steps has been around what the Board of Law Examiners calls “curative measures” or has any understanding of grace and forgiveness should understand that our Bar President wants the best for all attorneys and is willing to take those steps that are necessary to show his remorse and what he has learned from this experience. We all make mistakes and those who are so judgmental should look at how this can be a positive experience, an opportunity to learn, an avenue to grow and improve. Larry McDougal should be allowed to continue to improve the Bar, the Grievance System, how advertising is handled, strengthen TLAP, and so many more changes that the group in 2012 wanted to be done. I would like to see that happen and we continue to work together toward those goals we have. If anyone would like to meet and discuss my position of support or even talk on the phone about what is needed, I am available: 832-566-1490. Sincerely,

Bob Bennett,
Attorney and Counselor at Law

<https://www.youtube.com/watch?v=39QD1-gyph8>

Robert S. “Bob” Bennett
B.A. M. A. & J.D.
Adjunct Professor, Lone Star College – North Harris.
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YouTube: BobBennett: (<https://www.youtube.com/channel/UCudIJd-6LnbzjEFsezPfP4w>)

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From: [Colin Smith](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 11:27:33 PM
Attachments: [Board Meeting Inquiry.msg](#)

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

From: [Barbara Radnofsky](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 11:02:10 PM

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

21 July 2020
State Bar of Texas
Board of Directors

Re: Comments for State Bar of Texas Board of Directors special meeting at 9 a.m. CDT Monday, July 27.; Agenda Items 7 and 8.

Dear Board of Directors;

I've been an active Member of the State Bar of Texas since 1979.

Please accept these written comments to agenda items numbered 7.A, 7.D, and 8 in your posted Agenda. I wish to comment on the incorrect, racist, and ignorant statements by our Bar President, Mr. McDougal. I've read the lengthy materials you've provided as well as the Mansky decision and other, related materials.

Any commentators claiming Mr. McDougal's supposed right to say whatever he wishes — however wrong and chilling of free speech — should first study the Mansky case. A State Bar President should not be misleading the public about Supreme Court law on the nature of our Constitutional rights at polling places.

Mr. McDougal's video and written apologies affirmatively demonstrate his shocking choice to not educate himself on the facts and law (including Justice Roberts' biting comments on the State's position in Mansky), despite being given detailed, educational explanations and criticisms. He does not take seriously the suggested, constructive, helpful Calls to Actions which have been publicly released by State Bar Sections, particularly those of the African-American Lawyers Section, which would include education.

Current Agenda item 8, while needed, is insufficient; the educational and helpful suggestions by the AALS should have been brought forward and considered seriously.

Mr. McDougal's racist and ignorant comments, his demonstrated unwillingness to learn, and his inadequate written and video responses reflect very, very poorly on the State Bar of Texas.

For the first time in over 40 years, I'm ashamed to be a Member of the State Bar of Texas.

Mr. McDougal should resign his Presidency.

Sincerely,
Barbara A. Radnofsky
Houston TX

From: [Charles Green](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 8:16:35 PM

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

I hope the Board of Directors has the collective wisdom to not further a destructive trend in our society, that is to claim opposing political views are so offensive they should not even be aired in polite society and any one who does should be cancelled. This is the so-called cancel culture and it is politics at its worst. Political minds attribute motive and innuendo as they please when hearing opinion from a political opponent, and of course that attribution is in the worst possible light. In our cancel culture, whether the attributed motive is true becomes irrelevant, for the goal is to prevent debate and not risk the struggle of the free market of ideas.

As lawyers, we hear opposing arguments and views of the facts from different perspectives all day, every day. Sometimes those arguments and views of the facts can anger us. But we don't let our anger carry the day, instead we focus on logic and persuasion as, in our roles as part of our judicial system, we seek the truth. The better logic and the better persuasion prevails. We daily play out and test this free market of ideas. This is our tradition. It usually works.

It is not my purpose here to debate the comments or issues raised by statements of our duly elected State Bar President, Mr. McDougall. Neither should it be yours. If you are afraid of the free market of ideas, then cancel him. I urge you not to. Let the free market of ideas do its work.

Charles Green
Dallas, Texas

Sent from my iPad

From: [R David Weaver](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 6:17:36 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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

As a Texas lawyer for 38 years, I am appalled that the Board of Directors of the State Bar of Texas should deem it necessary to call a special meeting to address social media comments by the Bar President. Having reviewed the original comment and the President's subsequent explanation (not an apology, as no apology was necessary), I would offer the following:

1. The original comment could not be considered racist in any way, shape or form. Rather, the comment merely called out the commission of a misdemeanor by an individual working an election at a polling place and wearing a document bearing a clearly political partisan statement. However anyone feels about the BLM movement, it is indisputable that the movement is aligned and associated with the Democrat Party and its candidates. Accordingly, as the President correctly pointed out, the poll worker who chose to wear the apparel to the polling place is just as guilty as the individual working at a polling place wearing a "MAGA" hat and who was cited for misdemeanor electioneering.
2. What is more troubling is that the leadership of our Bar – indeed, MY Bar for the last 38 years – is demonstrating a sickening weakness and a failure to stand up for what we all pledged we would do when we were sworn in – to uphold the laws of the state of Texas and the United States. Calling a special meeting of the Directors to address the President's comments in which he did just that in an effort to be politically correct by bowing to the demands of the loudest and often most rude and violent of our citizens (e.g., the murder of 5 Dallas police officers during a BLM "protest") is an embarrassment.

If the Board deems it necessary to address the comments made by our Bar President on social media, I would offer a recommendation, shared by a vast majority of my colleagues with whom I am acquainted, that the Board issue a statement commending our President for his courage in standing up for the Rule of Law in our State.

R. David Weaver

 **Weaver Law, PLLC**

R. David Weaver





www.arlingtonlawfirm.com

www.arlingtontxbankruptcy.com

www.arlingtonbankruptcyattv.com



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Thank you.

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From: [Alison Kenamer](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 6:04:46 PM
Attachments: [image001.png](#)

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

To the Board:

If the Board's purpose is to consider enacting a policy making a temporary cessation of personal social medial communications a condition of candidacy for or service as State Bar President, I would support such a measure if constitutional scholars believe it would pass 1st Amendment muster. Then we would not have any such controversy on either side of such political issues. At a minimum, I would absolutely support having a State Bar President be required to refrain from commenting via social media (while not representing a particular client) on the "legality" of any individual's conduct.

However, respectfully, I am very concerned that the Board's response to the comments made by current State Bar Larry McDougal has taken on aspects of a "witch hunt." Certainly, the comment made by Mr. McDougal with respect to his opinions about law enforcement and the Black Lives Matter organization were made long before he stepped forward to run for State Bar President – in 2015. I would thus oppose the Board censuring or otherwise taking action against Mr. McDougal for that comment, made in his capacity as a private citizen before he took on State Bar President candidacy.

To the extent the Board intends to censure or otherwise discipline Mr. McDougal for comments made this year, it should consider its own "glass house." The "Joint Statement of the State Bar of Texas and Texas Young Lawyers Association Leaders regarding comments made by Larry McDougal" was made without consultation with the vast majority of the State Bar of Texas membership, and I do not believe the Board membership who participated should have entitled it as such.

I am also troubled by the fact that the vast majority of the comments condemning Mr. McDougal do not reference any personal knowledge of the man while the numerous comments from people who cite personal knowledge and experience with him support him wholeheartedly.

Finally, I find it inappropriate for the Board to take a position as to whether Mr. McDougal's comments were valid in the sense of "right or wrong" or to ascribe motives (such as being racist) to those comments. Mr. McDougal has apologized for any misunderstandings his comments may have caused. Given that Mr. McDougal presumably a history of service to the Bar and a fitness of character that the Board previously deemed sufficient to endorse his candidacy for State Bar President, the Board should accept his apology at face value and not question its adequacy or his motives. I believe having the Board take a position on whether Mr. McDougal's personal opinion (from 2015) of the Black Lives Matter organization is valid violates the Board's role as custodian of a non-political mandatory membership State Bar. I believe having the Board ascribe motives to Mr. McDougal has the Board elevating itself to the position of a body that thinks it can see into another individual's heart, mind, and soul, which I do not think it can do.

Very truly yours,
Alison Kennamer

ALISON D. KENNAMER - Partner

Brownsville, Texas 78520-7057

Website: www.rcclaw.com



Colvin, Saenz, Rodriguez & Kennamer, L.L.P.

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From: [REDACTED]
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 5:40:26 PM

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

There is not a single one of us who has not said or done something that could be considered disparaging about one group or another, or a cause, or people of country, a religion, or any other subject. During World War II, it was anyone of Japanese descent who was isolated from society, and it was considered proper conduct to do so. In World War I, people of German descent were frowned upon and not trusted. The thought of a Catholic President was rejected by many prior to the candidacy of Jack Kennedy. But a great society learns from its past mistakes and moves on to improve. Our country is great because we are continually re-defining just what is meant by three words in our Constitution: "We The People". Just who are "people" within this group depends on the times. From the struggles of the Civil War, we address the status of people of African descent, and as we do, we learn from the past and expand and correct past transgressions. The current social climate is, again, one of correction. And so we must not only study the alleged wrongs but decide what must be done to improve our society. Here, our State Bar President has made statements that do not align with current social thinking; they are deemed "inappropriate". And the real question is: to what extent do these comments reflect on the values and objectives of an organization of judicial officers who collectively represent the public interests, the conscious of our State. Our examination of these events itself reflects on the current trends in self-reflection and correction. The Genie is out of the bottle and doing nothing is not acceptable conduct, because corrective action is the order of the day. Respectfully submitted, William C. Norvell, Jr.

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From: [Alicia Hall](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 5:32:50 PM

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

I support Larry McDougal and do not believe the comments he made were inappropriate. First, he gave his professional opinion on a legal issue related to electioneering. That's what lawyers do. They interpret the law. The fact that someone is offended by that is ludicrous. What's especially disappointing is the way so many direct and members in leadership positions have thrown him under the bus in an effort to virtue signal and patronize the offended. Then, someone searched long and hard for an obscure statement he made related to the BLM organization in a blog 5 years ago before he ever thought about running for SBOT president. The BLM organization has evolved, just as Larry said his opinion has. As with every group, there are more moderate members and those with more extreme perspectives. So it is with BLM. I accept his apology. Perhaps if those who are so offended by his comments bothered to research their candidates BEFORE the election and then actually vote, we'd have a different president. Larry is who the bar elected. If a segment of the membership wants to be better represented next time, their remedy is to vote.

Alicia Hall
SBOT# 24046007

Sent from my iPhone

From: [Alicia Hall](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 5:32:38 PM

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

I support Larry McDougal and do not believe the comments he made were inappropriate. First, he gave his professional opinion on a legal issue related to electioneering. That's what lawyers do. They interpret the law. The fact that someone is offended by that is ludicrous. What's especially disappointing is the way so many direct and members in leadership positions have thrown him under the bus in an effort to virtue signal and patronize the offended. Then, someone searched long and hard for an obscure statement he made related to the BLM organization in a blog 5 years ago before he ever thought about running for SBOT president. The BLM organization has evolved, just as Larry said his opinion has. As with every group, there are more moderate members and those with more extreme perspectives. So it is with BLM. I accept his apology. Perhaps if those who are so offended by his comments bothered to research their candidates BEFORE the election and then actually vote, we'd have a different president. Larry is who the bar elected. If a segment of the membership wants to be better represented next time, their remedy is to vote.

Alicia Hall
SBOT# 24046007

Sent from my iPhone

From: [James Gordon](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 4:41:00 PM

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

I think the Board of Directors should petition the Supreme Court to promulgate new State Bar Rules to allow a recall election, pursuant to Government Code section 81.024, to be conducted as soon as possible, to resolve the issues surrounding calls for Larry McDougal's resignation.

It would be better to allow the membership to retain or remove the president by recall than for the board to decide. The Board should vote on a motion to petition the Supreme Court, but not the ultimate issue. That should be decided by the membership.

James C. Gordon
Gordon & Sykes, LLP

[REDACTED]
Fort Worth, Texas 76107
[REDACTED]
[REDACTED]

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From: [Stephen Paxson](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 4:34:46 PM
Attachments: [image001.png](#)

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

I am surprised, but I guess I am not. Increasingly we witness the sad state of affairs where an individual is castigated for expressing his personal views. I am not suggesting Mr. McDougal's views were well-taken, or not. But, the reaction from State Bar "leaders" carries the message that differing personal views are not an option.

In reviewing Mr. McDougal's July 10th post, I see no reference to his position as the President of the State Bar of Texas. I am unaware that he had an "official" Facebook page as the President of the Bar (at least I did not see any reference to such in the email announcing the Special Meeting). It is possible, somewhere on his personal Facebook page, we would see it mentioned that he is the current President of the State Bar. I have not looked. But, the post I have been provided indicates he is speaking for himself. Just as would be the case if he posted some photos of his children, or commented on his favorite sports team, or "liked" a local restaurant.

So, I am not sure how his recent personal comments cause one to believe they somehow reflect on "the values of the State Bar of Texas". Mr. McDougal's personal views do not speak for me, and I question whether other members of the State Bar of Texas feel that he was speaking for them in his social media post. Adding to this surprising development is any discussion about Mr. McDougal's post from five years ago. How would that even be associated with his present role with the State Bar? How the earlier post is considered to be part of the discussion is worrisome.

Diversity and inclusion are good things, and should create an environment for different views to co-exist and maybe discussed.

Stephen Paxson
PAXSON & ASSOCIATES, P.C.

Houston, Texas 77005

www.paxsonpc.com



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From: [Christopher Hutson](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 4:31:29 PM

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

Dear State Bar of Texas:

I am horrified by the communication I received from the State Bar regarding a “special meeting” of the Board of Directors. To put it plainly, I did not surrender my rights to free speech when I took the Bar Exam. All of the information provided to me in the email I received sends a clear message that the State Bar of Texas considers itself above the Constitution, and that it has the right to censor the political speech of its members. The “official” position of the Bar is clear from the information attached to the email and it is equally clear that those who do not conform will be subject to special scrutiny and discipline. None of the special interest groups whose statements you attached to the email have any special standing within the Bar, yet you have presented their opinions as a standard to which we must conform or else be subject to bar discipline and public censure. You have made Mr. McDougal an example and you have violated his constitutional rights in the process. I am ashamed of your actions and your disregard for the Constitutional rights of your membership. Please be advised that I will not tolerate government censorship of my political opinions and will stand for the right of all Americans to speak freely. I disagree with Mr. McDougal about...almost everything. That is not the point. Your actions in this matter are undemocratic, unconstitutional, and a disgrace to the great legal traditions of this Free country.

Sincerely Disgusted,

Christopher R. Hutson

From: [Kent McKeever](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 3:41:56 PM

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

Greetings State Bar of Texas Board of Directors,

Regarding the situation regarding Larry McDougal's position as President, I write in full support of the statements and calls to action heralded by the African American Lawyers Section of the State Bar of Texas, the Affinity Sections and Committees of the State Bar of Texas, and the African American Bar Associations from across the State of Texas.

It is time for us to relinquish power and control as the oppressor, to listen to and to amplify the voices of the long-oppressed, and to seek restorative and reconciling justice for us all. One place to start is by following the aforementioned calls to action with the same zealous fervor we are summoned to in our duties as lawyers. Count me in.

And may you, with all the authority and power you have been given, let go and let justice roll down, as expressly dictated to you by the ones we must truly learn to follow. It's the only way we may find our way out of the quagmire that is systemic racism and white supremacy.

If President McDougal balks, even in the slightest, at any of the calls to action already demanded, he should resign or be forced to relinquish his position. A leader who is unwilling to follow the long-oppressed and marginalized in this moment is not one who should be leading any of us, especially not our State Bar.

Shalom,

Kent McKeever

State Bar No. 24083481

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From: [William Goren](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 3:34:52 PM

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

Hi y'all

While I live out of state, I am active in the bars of GA, TX, and IL. Many years ago, I was on the TX Bar standing Committee on Disability and am currently very active in the animal law section.

I am writing to support the idea of a diversity and inclusion committee. In fact, I am very active in the Federal Bar Association's Diversity and Inclusion Task Force. The only thing I would ask is that the diversity and inclusion committee include the perspective of attorneys with disabilities. We have made progress but have a long way to go. We can do better as the link below discusses.

<https://www.fedbar.org/blog/why-dont-you-have-people-with-disabilities-working-for-you-and-why-cant-you-retain-them/>

Thank you for your consideration.

Bill

William D. Goren, Esq., J.D., LL.M.
Attorney and Consultant
Americans with Disabilities Act (ADA)


www.williamgoren.com/blog

From: [Neal H Paster](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 3:33:52 PM

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

While I believe that Mr. McDougal has an inviolate 1st Amendment right to say or write just about anything not deemed unlawful or threatening in expressing his personal opinions, he must understand that because he is the elected leader of our State Bar, he has a concurrent duty to our organization not to subject it to criticism for improvident declarations of his personal views when they may be misconstrued by the public as being also those of our organization. If he is intent on making personal online or other public postings of his own personal opinions, at a minimum, he must clearly state that they are his personal opinions and not those of the membership of the State Bar of Texas or of that organization whatsoever. His failure to do so in these instances has caused at least some members of the public to reasonably perceive that he was stating the views of the State Bar and its membership for which I take offense as one of those members with regards to many of his declarations, and especially that the Black Lives Matter movement is a "terrorist organization". That is not only not true but is open to being construed as, and indeed has been taken by many as, a racist statement. For that, he has caused all of the Bar members, myself included, to be thought of as a group of racists, rightfully or wrongfully. For that, he must be severely censured by the" themselves, and the prosecutors who continue to protect the miscreants do more damage daily to the public's perception that there is no real justice in this country. As attorneys, we should be in the forefront of trying to eradicate those perceptions, not adding fuel to the fire. As a fellow Caucasian, neither Mr. McDougal nor I can truly fully comprehend what it is like to be Black or Brown in this country, but we still should understand that members of the minority communities are mistreated daily by our criminal justice system for no reason other than the color of their skin. And, as attorneys, we must demand true color-blind justice for everyone.

I feel that Mr. McDougal for the good of all of the thousands of attorneys who are compelled to be members of the State Bar should seriously man up, admit that no amount of apologizing is enough, and voluntarily resign as Bar President. I believe that he would otherwise be placing the rest of the membership in the untenable position of having to either demand he be discharged or be looked upon as complicit with his views. It may be more punishment than he deserves under the law, but it would be the appropriate thing for him to do if he truly honors the rest of us and our profession.

Neal H. Paster


Houston, TX 77083


State Bar No. 15560500

Sent from [Mail](#) for Windows 10

From: [Mark Brand](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 3:29:19 PM

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

I don't know Mr. McDougal or any of the members of the Board. I became a licensed lawyer in Texas shortly after moving to Houston in 1980, and have remained a member of the State Bar of Texas (inactive, but dues paying) since then even though my wife and I moved to Illinois in 1987. I am now mostly retired from a long career as a civil litigator and trial lawyer.

Our country has seen great upheavals in recent years, not just from the current trying times surrounding the coronavirus pandemic but in our continued grappling with our collective history in dealing with issues of race and justice. And not just recently and currently. We have struggled as individuals, a nation and a profession to understand the facts of our history, but one way or another to deal, or not, with our collective and individual perceptions and prejudices. We might all be able to agree that there are many and varying degrees of thought about our system of justice, both civil and criminal.

Then there is social justice, which might or might not cross paths directly with our framework of statutory and case law. So as lawyers how do we deal with individual or collective opinions concerning social, emotional and other opinions and viewpoints that we can't fit neatly within an evidentiary framework? It's easy enough to say, as we often do as general election voters, "I would never vote for him or her. They don't think like I do or embody my values, and therefore they shouldn't be part of the landscape I live in." And those choices become easier to justify with our ready access to information, past and present, and to avenues to disseminate our positions and feelings.

So if our professional and personal standards are that we will tolerate nothing that is or appears to be offensive to our senses of right and wrong, moral and immoral, in an effort at least to cleanse our collective souls and consciences, will any of us be able to pass that test? Every time?

Recall the famous quote from Aristotle (and Legally Blonde): "The law is reason free from passion," with the premise that judges should rule not from passion but with reason and precedent. Like it or not, the Board members are the judges of Mr. McDougal. I suppose the Board could say it is not acting in a legal capacity here. Then what, as club members taking their lawyer hats off? No doubt we as lawyers have all faced many a day when our positions and clients were unpopular and the other side and maybe even the public wondered how we could live with ourselves. But we know that is our job, in order that each person gets a hearing. And that, if judges, we consider the person, witnesses and all of the evidence free from passion. If Mr. McDougal is to be judged by a panel of his peers we should expect and deliver nothing less. We would each hope for the same.

Thank you.

Mark Brand

From: [Mark Bentley](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 3:08:22 PM
Attachments: [PastedGraphic-1.tiff](#)

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

I am deeply embarrassed by the fact that this individual was elected President of the Bar.

I think this is a product of the system where the State Bar directors select the candidates and present a binary choice to the bar, with only the official bios sent out to the members to decide whom to vote for. In my experience it usually turns on who has a more similar background, or who went to your law school.

There is no excuse for the racist, authoritarian, and sexist comments by any member of the Bar, let alone the person chosen to represent and preside over the State Bar of Texas.

Nothing short of immediate removal is appropriate.

Mark E. Bentley
Attorney at Law

[REDACTED]
Austin, Texas 78704
[REDACTED]



Commercial Real Estate Law

From: [Richard Hunt](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 3:01:49 PM

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

Freedom of speech is an important value, and there is room for discussion about the goals and means of many organizations, but the comments from McDougal reflect a set of beliefs inconsistent with the ideal of equal justice for all. In particular, his belief that Black Lives Matter is necessarily associated with the Democratic Party and is a terrorist organization assumes that equal justice for Blacks and other minority groups is a matter of political opinion rather than a requirement of our Constitutions, state and federal. His comparison to pro-life and pro-choice t-shirts also assumes that critical questions of constitutional law are not merely associated with specific political parties, but that beliefs about abortion are matters of politics rather than conscience. His apologies merely prove that he'll say whatever he has to in order to keep his job. The real man was exposed in the social media posts.

McDougal's presence at the helm of the Bar cannot help but increase the distrust of the legal professional that is already all too common in minority communities. Unless we want the Bar to be perceived as a haven for racists and a tool of party politics he has to go.

Richard M. Hunt
Hunt | Huey PLLC

Dallas, Texas 77216

hunthuey.com
accessdefense.com

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From: [REDACTED]
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 2:37:23 PM

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

I suggest to sanction the current President of the Bar for actions that took place five years ago is without merit. Comments about several topics I made, no matter if correctly understood or not, approximately five years ago I have likely changed my mind about. I think the Board has let this matter get way out of bounds.

Wm. T. Habern
St Bar 08665500
Sent from [Mail](#) for Windows 10

From: [Stuart Shaffer](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 2:15:12 PM

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

Greetings,

I wish to caution this board from taking any action against Larry McDougal for offering his legal *opinion*. To express an opinion regarding social issues is a long standing American right. I do not believe Larry McDougal was offering his opinion as the *SBOT President*, but rather as an individual. If the members of the Texas State Bar are displeased with Larry's actions, they may express so in an election.

Be cautious what kind of precedent *you* set here. *You* never know when your opinions might fall out of favor with society and place *you* on the chopping block. In that moment, *you* may wish *you* had afforded more freedom to those with whom you disagreed.

Stuart A. Shaffer, Esq.

From: [Marialyn Barnard](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 2:03:44 PM

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

Dear SBOT Board of Directors:

I believe in forgiveness as a Christian and as a human. I believe people can change. I believe in apologizing, asking for forgiveness, and giving forgiveness. This is where real change begins.

I do not support this “eye for an eye” mentality and this bullying tactic of trying to force the resignation of our elected Texas State Bar President Larry McDougal.

I am greatly saddened by those who are pursuing this attack. I thought our profession was better than this in Texas. I ask the SBOT Board of Directors to do the right thing and not pursue a resignation or any type of reprimand of Larry McDougal.

Respectfully and Sadly,
Marialyn Barnard
Justice, Retired, Texas Fourth Court of Appeals

Sent from my iPhone

Sent from my iPhone

From: [Paul Kennedy](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 1:56:37 PM

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

Either McDougal made the comments because he doesn't care about the police killing unarmed black men and women without consequence or he made the comments to appeal to potential clients in the Fort Bend County area who were racist. Whatever the case, whether McDougal is a racist or make racist statements to bring in business, he needs to go.

PAUL B. KENNEDY
Bailey & Galyen
Managing Attorney

[REDACTED]
Houston, Texas 77058

[REDACTED]
Email: [REDACTED]
Please see our Web Site for
a listing of all offices and locations

<http://www.thetexasattorney.com>
<http://www.pinjury.com>

From: [Jennifer House](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 1:47:08 PM
Attachments: [image003.png](#)

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

Good afternoon,

Please allow me to express my position with regard to pending board action in relation to Mr. McDougal. I have reviewed his alleged comments, along with the context of same and spent time reading the positions of various contributors who posted comments on various Facebook posts. I read and accept his apology. I would not have required it. I likely spent several hours studying the merits of the situation.

I am not in favor of requiring Mr. McDougal to resign. His comments were originally posted in 2015 and the world has changed dramatically in the intervening five years. What was said and done on a regular basis five years ago would not be as readily accepted today, this is a given. This is true of the BLM movement as well as the #metoo movement.

Many people hold the opinion that there is a radical and criminal faction within the group of protestors who recently wrought havoc in the streets of major US cities. Although I would not have used the term "terrorists" five years ago, many would have. Many still would. It has nothing to do with racially charged motivation, the appellation is born out of fear of what some people did in the wake of Mr. Floyd's death, presumably in the name of protest. Some portion of the activity was pure malice and was intended to provoke fear. If farmers revolted in favor of agricultural subsidies and lit modern cities on fire, destroyed property and engaged in thievery, those actions would be equally criticized. Some might use the term terrorism. That the activity was undertaken by persons of color does not excuse it, nor does it place the activity above personal commentary and opinion. It makes it relevant and a subject of discourse.

I will not support our State Bar in an effort to engage in restrictions upon free speech or to determine suitable speech content based upon a popular descent into thought patrolling. Lawyers should be the foremost protectors of the Bill of Rights and action taken by our State Bar in an effort to contort these comments into grounds for impeachment is not acceptable. I will not undertake specialized training sponsored by the State Bar in an ostensible effort to train and convince me of the proper agenda and vocabulary to espouse. I am really quite incredulous that this issue has gained the foothold which makes this special meeting necessary. I will think and practice with equanimity and compliance with the law. I think Mr. McDougal will do the same.

Jennifer L. House

Partner

Board Certified Personal Injury Trial Lawyer

Texas Board of Legal Specialization

BINGHAM MANN & HOUSE

[REDACTED]

Houston, Texas 77006

[REDACTED]

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From: [Amy Dinn](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 1:31:12 PM

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

At the very least our board of directors need to behave in a professional manner and represent the profession in a manner that benefits all attorneys who are licensed to practice law.

The recent actions by State Bar of Texas President Larry McDougal and Director Steve Fischer in online commentary fail to meet that minimum standard expected of state bar leadership.

I am not saying that they aren't capable of meeting that standard of professionalism, but both of their recent comments do not meet that standard. Moreover, their public, published comments have definitive racist overtones.

If the bar wants to stay relevant to the attorneys that it serves, its leadership needs to be capable of meeting the challenges of our times in a professional and inclusive manner. I have lost faith in both of these elected officials that they have the best interests of our bar in mind (as opposed to their own self-interest) when they were acting in a public capacity recently. At the very least their actions should be censured by the State Bar of Texas.

I would strongly suggest that the bar adopt guidelines for its officers and directors when acting in professional capacity so that there is a set of standards that future conduct by any officer or director could be judged against. If there are already such standards, I cannot believe that they have not been violated by the current conduct, and I would strongly urge removal of both individuals from their positions on that ground.

Thanks

Amy Catherine Dinn
Managing Attorney
Environmental Justice Team
Equitable Development Initiative
Lone Star Legal Aid

[REDACTED]
Houston, Texas 77001 [REDACTED]
[REDACTED]
[REDACTED]

From: [Leslie Barrows](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 1:30:30 PM

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

Dear Board of Directors:

I have read the social media posts. I have followed Mr. McDougal on social media for several years. His posts are very entertaining. I believe that he has strong personal opinions on social media and should be allowed to post his opinions on his personal account. We should be focusing our time and energy on getting through this pandemic together.

Our SBOT Presidents sacrifice their time and energy for us. It is not an easy position.

Very Truly Yours,

Leslie Barrows

Family and Estate Planning Attorney and Mediator

The Barrows Firm, P.C.

Southlake, Texas 76092

Office Hours

Monday through Thursday: 8:30am to 12:00pm and 1:00pm to 5:00pm

Friday: 8:30 to 12:00pm

Closed on Federal Holidays

From: [Jennifer Perry](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 4:12:30 PM

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

I support the removal of Larry McDougal due to the offensive nature of his remarks, which do not represent the values of the State Bar.

Jennifer Specht Perry
TX Bar # 24056357

Sent from my iPhone

From: [REDACTED]
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry re: Bar President
Date: Tuesday, July 21, 2020 3:59:10 PM

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

To the Board of Directors:

I share the disappointment of many that our Bar president would wade into a politically fired legal debate over electioneering, all the more so when he appears to be wrong (“Black Lives Matter” isn’t a “candidate, [ballot] measure or political party,” so as a matter of plain meaning the shirt isn’t “electioneering”—and really, who is intimidated by a poll worker’s shirt?!). That McDougal social media post justifies some pointed feedback about the Bar president needing to stay about the fray and refrain from throwing firecrackers into it. If the president takes heed, this episode is not a basis to undo an election. I share the view of many that many positions taken in the name of the BLM *organization* are hostile to freedom and rights, but I assume until shown otherwise that anyone saying “BLM” means, as I would, the literal content of the words. Only the most primitive racists would disagree that black lives matter as much as all others, and the corollary that black people should not be killed or brutalized with impunity by people with badges.

But Mao-era re-education for all Texas lawyers, with a curriculum straight out of a race-centric playbook and political agenda, is a ludicrous overreaction. It should remain in the race- and other identity-focused sections, and as a *option* for CLE. The Bar has absolutely no business prescribing China-style re-education for Texas lawyers, as if we are all presumptively racist, etc. and need help from the self-annointed race and sensitivity police. Adopting such a proposal would make sense only if the Bar wants to supply ammunition to the lawyers seeking to abolish a unified Bar because it overreaches by spending money and taking positions in the service of directors’ political/cultural preferences or image.

As I read it, the officers’ & directors’ statement on this matter implies that president McDougal’s comments about the BLM shirt were racist (McDougal’s “comments about [BLM] do not reflect the values of the State Bar of Texas and we denounce them in the strongest terms. . . . we are united against racism”). A simpler and very common explanation for this type of dust-up is that people are communicating about hotly debated issues while using words or phrases to which they give very different meanings. McDougal and many others see “BLM” and think of the organization and various noxious positions of people who purport to speak for it. Most of us see “BLM” and just think: Yes, black lives do matter. Talking past one another without recognizing or acknowledging it is a symptom of the times, not a thought crime.

Jack McKinley

From: [Karen McRae](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 12:23:10 PM

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

When I first started practicing law in 1981 I was in culture shock. I thought only ignorant people were racists - (I went to UT Austin undergrad in the 70s; and, at St. Mary's Law School, even though there were only 2 Black students in the entire school, no one made racial slurs and students were much more polished than the lawyers I subsequently met and worked for in Dallas, Texas.)

And they were very open about it, unless, of course, there were Black paying clients present...those were the good Blacks.

At first I would say something, trying to be careful not to offend the racists; and, at one point even thought about quitting the small firm where I worked, but I was too worried about being ostracized if I quit for that reason and so it went on.

Then one day I was invited by a Black friend I practiced karate with in San Antonio, to be among a handful of people chosen to escort Angela Davis from the airport to her speaking engagement at the University of Texas in Arlington. We were to be her bodyguards.

When I accepted and told my boss, I expected some consequences. He was, however, impressed and on board; not because he wasn't a racist but because Ms. Davis was famous.

Throughout the next 3 or 4 years I became partner and then left for other reasons. The entire time, among our partnership, and the half dozen other lawyers that officed with us, there were only a couple of other lawyers who were not racists. There were several staff members and law clerks that during time that were not racists but, among the lawyers, most were.

Over the years and as I have met many, many lawyers in Texas and elsewhere I attributed these early experiences to an older white southern male generation on its way out - at least among lawyers. But now I read the despicable things McDougal said and posted, and how many defend him; and, how entitled he believes he is - to remain Texas' Bar president - and I am disheartened and ashamed.

Racism is not a political issue. Its a moral one. I wish I had said more back then.

Get in the 21st century Texas Bar and remove him from office.

Karen McRae

Attorney at Law

Office: 

From: [REDACTED]
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 12:09:26 PM

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

Friends:

I just spent about 30 minutes reading the attachment to the "Board Meeting Notice" which referenced various remarks by State Bar President Larry McDougal. I read everything including comments from fellow attorneys. I was particularly impressed by the letter from Susan Keckler, whose political persuasion seems pretty close to mine, and who has had personal contact, albeit through Facebook, with Mr. McDougal over a period of time.

I will acknowledge, that after reading everything, I was still uncertain as to what the law is regarding wearing apparel for poll workers. Personally, I would be pretty upset if I encountered a poll worker wearing an NRA or MAGA shirt or cap. However, it might be a little more productive to have that person put something else on rather than citing them or worse.

Mr. McDougal's most egregious comments seem to have come in 2015, but he says that his thinking has changed since then. I am willing to take him at his word. Apparently, much of the American public's thinking has also evolved since that time, if you believe what is being shown by the public opinion polls. I think that it's very important for that thinking to continue to move in the right direction. (I would not want to be judged today on what my viewpoint was 5 years ago.)

Mr. McDougal has made some mistakes, which he has acknowledged, perhaps with some help. In terms of what happens next, I believe that it would be more productive, and would certainly promote the healing required as a result of Mr. McDougal's comments, if he and the African-American Lawyers Section were to agree to work more closely together in order to promote the goals espoused in the Black Lives Matter movement. As a "white moderate," I understand our perceived lack of "sensitivity" in issues such as this one. I also understand the great power of "forgiveness."

In this instance, "forgiveness" of Mr. McDougal and the implementation of affirmative corrective action will hopefully sensitize those who are watching and make all of us more supportive of Black Lives Matter. Alternatively, a forced resignation or other vindictive action, although perhaps justified, will only harden existing positions and make a desirable goal more difficult to reach.

I appreciate the opportunity to present these views to the Board of Directors.

Miles Schulze,
The Schulze Law Firm,

Dallas

From: [Laurie Stiteler](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 12:08:07 PM

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

Ladies and Gentlemen --

I agree with previous comments submitted by David Haugen, Zachery Artim and Georgia Trudeau, who has practiced with President McDougal for 30 years. The man is not a racist. His observation that the election worker's shirt was inappropriate was correct. No election worker would be allowed to wear an NRA shirt, and BLM is certainly as controversial.

I hope to see that this vendetta against Larry McDougal is over and that he may be allowed to serve the Bar as we elected him to do.

Thank you.

Laurie Stiteler
Bar No. 19251700

From: [P. Brown](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 11:41:05 AM

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

Board Members -

I am both saddened and disappointed to see that the State Bar of Texas Board of Directors is even considering action against State Bar President Larry McDougal for posts and comments made between 2012 and 2020. May I respectfully remind you that each of us took an oath to uphold and defend the Constitution of the United States, and that most certainly includes the First Amendment .

With the exception of the 2014 post that specifically called for his response, there is no reference to Mr. McDougal being an attorney, let alone an officer of the Texas Bar, and he certainly doesn't appear to represent that he speaks for our organization or for us as members of the Texas Bar. If these posts call into question his fitness for the office, then why were they not brought to the attention of the members when he was running for the position, rather than only now when our Country is pandering to elements who seek to silence those with whom they disagree?

I am not acquainted with Mr. McDougal, nor do I condone or agree with the statements that he posted. His right to state his opinions, however, should be strongly defended by all of us who have pledged to protect the freedoms of this nation.

Respectfully,

Portia K. Brown

Attorney at Law

[REDACTED]
The Woodlands, TX 77380
[REDACTED]

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From: [Jim Seitz](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 11:05:05 AM

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

Dear State Bar,

I am writing in regard to State Bar President Larry McDougal's social media comments. I know Mr. McDougal professionally (he represented a family member) but that knowledge does not affect my comments.

I believe Mr. McDougal's comments were an expression of opinion. I believe that freedom of expression is a fundamental value of American democracy. As Patrick Henry (or Voltaire) said, I may disagree with what you say, but will defend to the death your right to say it.

It seems that current culture thinks it is appropriate to jump on the bandwagon and condemn anyone who may have made any statement at any time that may in any way differ with the current popularly held belief of what is "right" or "woke." This "cancel culture" is inconsistent with historical and constitutional values and creates a dangerously chilling effect on the free expression of opinion and ideas. To make a statement that is unpopular or inconsistent with current popular trends is not wrong. To the contrary, it furthers the free expression of thought and ideas.

I do not believe the State Bar should succumb to pressure or participate in any actions that limits or discourages freedom of thought, opinion or discourse.

James W. Seitz
Bar #24034156

From: [Derick Lancaster](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 10:13:21 AM

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

To the Board of Directors,

While I believe that Mr. McDougal's comments about the Black Lives Matter movement are evidence of a lack of empathy and a lack of understanding of racial issues in America, I am most concerned by Mr. McDougal's 2012 post regarding police brutality. The rule of law is the only thing that separates us from the state of nature. To have a lawyer, much less a *leader* of lawyers, take the position that police brutality is a form of justice is totally unacceptable.

Mr. McDougal's written apology is a non-starter. The apology lacked a recognition that what he said publicly was unacceptable. The apology lacked one iota of remorse for anything except being caught.

I'm further disturbed by Mr. McDougal giving a legal opinion that he is not qualified to give, namely in the area of electioneering. Mr. McDougal can read a statute, excellent, but as others have pointed out in these public comments and on social media, the case law does not support Mr. McDougal's position. I believe this shows a lack of thoroughness and attention to detail that other lawyers should find unacceptable.

As lawyers, all we have is our reputation, Mr. McDougal should resign before he hurts his any further.

Sincerely,

Derick Lancaster

--

Derick W. Lancaster, Esq.
www.dericklancaster.com

From: [Edward Rothberg](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 7:57:35 AM

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

To the Board:

Whatever your opinion is of BLM, I certainly hope and pray that the State Bar of Texas is not going to engage in the current fashion of cancel culture. In our great country, Mr. McDougal is entitled to his opinion whether you agree with him or not and no matter how distasteful you think it is. He cannot be sanctioned for his opinion. If his opinion can be quashed with sanctions as opposed to a real debate, we are witnessing the beginning of the end of our Republic and our start down the road to where government controls the message and dissenting thoughts are punished (i.e. totalitarianism).

Need I remind you that the State Bar is a governmental entity which may not abridge the the right of free speech guaranteed by the first and fourteenth amendments? I kind of get it that many politicians these days tend to ignore basic constitutional rights - like prohibiting church services while simultaneously allowing public protests directly in contravention of the right to assembly and the prohibition against laws regarding religion. But these politicians really don't care because by the time you finish a court case, the events of today will likely be ancient history and maybe those sacred rights will be abridged. But lawyers must "care" about the constitution. If you disagree with Mr. McDougal, challenge him to a debate. Bring a BLM official to rebut his claims. Allow the public to judge based on the merits after a thorough vetting. If you still disagree with Mr. McDougal on this or any other issue, you can vote him out the next time you have an election.

Best regards
Edward Rothberg
Texas Bar No. 17313990

From: [Sue Koriath](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 1:29:43 AM

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

I hope the board will do what they can to remove Mr. McDougal from any position of authority. These posts are appalling. This man has no business in a leadership position in the State Bar of Texas.

I am a lifelong Texas resident, an attorney licensed in this state for 38 years this fall, board certified in Criminal Appellate Law, and mostly retired after serving for nearly 20 years as an assistant district attorney and 14 more years working as a special prosecutor for rural counties all over this state. In my experience, careless and bigoted comments like McDougal's do a grave disservice to the community and the legal profession. I believe he should not be representing other attorneys as an officer of the State Bar.

Sincerely,

Sue Koriath
SBN 11681975

From: [D. Rudolph Taylor, Jr.](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 8:46:02 PM

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

Dear Board,

I support Larry. I appreciate a president who is not afraid to speak out against anti-American rioters who are demanding pro-American citizens keep quiet and bow to their demands. This is no time to bury our heads in the sand. Our democratic republic hangs in the balance.

"Timid men prefer the calm of despotism to the tempestuous sea of liberty." Thomas Jefferson

Thank God Larry is not a timid man.

Respectfully,
/S/ Rudy Taylor
SBN. 24039498

From: [Gina De Gennaro](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 7:07:20 PM

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

Dear Board of the State Bar of Texas,

I cannot express how **incensed** I am at the comments by Mr. McDougal which have recently been made public.

His views are a **disgrace** to himself, his profession, and the State Bar of which he is still, somehow, President.

I do not wish to be represented by someone who holds these views.

If he does not voluntarily resign he should be removed for cause.

Gina De Gennaro

Gina De Gennaro, P.C.

[REDACTED]

San Antonio, Texas 78216-4718

[REDACTED]

[REDACTED]

[REDACTED]

Board Certified, Estate Planning and Probate Law

Texas Board of Legal Specialization

From: [John Geddie](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 5:54:19 PM

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

I do not agree with your plan to castigate Mr. McDougal. His statements were appropriate to electioneering law.

There is no need to politicize this matter. It won't get Democrats votes in November and it embarrasses the Bar.

John B. Geddie
TBA# 07786500

From: [Tim Copeland](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 5:38:53 PM

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

We should not be forced to "belong" to an organization whose leadership expresses ideas we consider odious. The unified bar is a relic of the past and people like Larry McDougal the product of such a bar. We don't want our dues to support his presidency in any manner. His removal from office is mandated if the Board of Directors is to retain any semblance of integrity. Tim Copeland (UT '77) Erika Copeland (Texas Tech '91)

From: [Anton Paul Hajek III](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 5:24:06 PM

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

Time has made Larry's words unfortunate, but not untrue when uttered. He was acting in his individual capacity and should not be reprimanded at this time. I am sure we have all said something which we later would not have said.

Anton Hajek

08716630

From: [Lon Strong](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 5:10:10 PM

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

Larry McDougal's comments and responses to the t-shirt seem, in my opinion, his legitimate opinions. Shouldn't election areas be free of any even inferences of pressures? As I understand it, he didn't say what his title is (assuming that matters) or that he was speaking for any group. His comments in 2015 are history and just because someone said something several years ago doesn't mean they still hold those opinions. That is one of the huge benefits discussions and education can have on prior opinions or beliefs. Just because a bank robber is convicted and goes to jail does that have to condemn them to be bank robbers forever?

As a general matter, if this recent "sensitivity training" our country is experiencing, and now it seems the State Bar Association, continues, we will need to address everyone's feelings, erase all history, rename countless cities (including our capital), streets, buildings and remove all statutes. We can follow what each of use feels is "right" and ultimately turn ourselves into a lawless society. Or alternatively we can follow the law, take time and sit down together, instead of damaging public and private property at huge costs, and discuss these matters and come to some mutual conclusions or let our courts decide the issues. Yes the Boston Tea Party happened; but do we need another Civil War?

Sure there are legitimate racial and other equality concerns and those should be discussed and addressed. However, the over reaction to every comment, concern, or hurt feelings, will lead to more over reaction and inappropriate responses. The isolation of emails, tweets, or other written statements without knowledge of context very often leads to much misunderstanding.

I suggest and urge this matter to be dropped and the State Bar Association get on with educating its members and serving the public.

Thank you,

Lon Strong

Retired Texas Attorney

From: [Jimmy Verner](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 4:52:35 PM

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

I don't know Mr. McDougal at all. But I have read the materials and followed the comments on the Texas Lawyers Facebook group. I quit the group because of the discord caused by Mr. McDougal.

I have not read or watched Mr. McDougal's apology but will assume it is sincere. The apology makes no difference. Mr. McDougal has lost the confidence of a large number of Texas lawyers. He cannot effectively represent us as a group. He should resign or be removed from his office.

Thank you for the opportunity for my voice to be heard.

Jimmy Verner
Dallas, Texas
SBN 20549490

From: [Donald Buckman](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 4:10:08 PM

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

This is much ado about nothing! Why are you wasting time (mine and others') acting like this is World War III? It is hardly worth a special bulletin to the membership and an emergency board meeting.

Don Buckman

From: [Chris Cavazos](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 3:40:25 PM

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

Larry McDougal should resign.

Christopher D. Cavazos
State Bar 24050396

--

Christopher D. Cavazos
BCP Criminal Defense Attorneys

From: [Erik Reynolds](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 3:18:25 PM

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

I would like Mr. McDougal to resign.

Thank you,

Erik Reynolds
State Bar: 24063669

--

Erik Reynolds
Attorney At Law

[REDACTED]
San Antonio, TX 78205
[REDACTED]
[REDACTED]

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From: [John Nation](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 2:49:13 PM

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

RE: President McDougal:

What is he doing at a polling place taking pictures? If it's not electioneering, it's very close to it. More importantly, doesn't he have better things to do. Doesn't State Bar business keep him busy enough? I am sure we lawyers did not vote for him to engage in confrontational politics.

If you don't want your politics, comments or actions put under scrutiny, don't run for office. Don't run for State Bar President. Every time you open your mouth and say something, people assume you're speaking for the State Bar. It should have occurred to him that he would need to suppress his opinions for the year that he is President. Apparently it never occurred to him that his statements would offend and concern many members of the Bar whom he represents.

I notice his written apology was short and I fear his penance will be grudging. I don't know how he recovers from this. Nevertheless, the Bar needs sensitive leadership of all members of the Bar, not just those attorneys who agree with him and we are not getting it. If he wants to spend his days firing off tweets from his easy chair, fine, but he should not be State Bar President. He's supposed to be president of all Texas lawyers, and he's not acting like it.

This incident has raised concerns about recent events, and there have been calls to action and many other actions which I applaud. But this is no thanks to him.

Respectfully,
John Nation

From: [Mimi Coffey](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 2:21:43 PM
Attachments: [MCLERegs-Jan12020.pdf](#)

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

Please also address the issue that under the current regs, one can't claim out of state CLE for more than 3 hours of self study. The NCDD (National College of DUI Defense) has been providing free CLEs to its member (high level DWI training) and yet it can't be counted??
"It is better that ten guilty escape than one innocent suffer." William Blackstone

Mimi Coffey
The Coffey Firm

[REDACTED]
Dallas, TX 75247
[REDACTED]
[REDACTED]

[REDACTED]
Fort Worth, TX 76117
[REDACTED]
[REDACTED]
[REDACTED]

From: [Mark Kopidlansky](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 1:48:21 PM

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

I am extremely disappointed by the modern-day witch hunt being conducted by the State Bar of Texas.

If someone says that the Holocaust didn't happen or that 6 million lost lives is no big deal, then that is certainly something that I think we should all be upset about. But we have now moved far past that to a "cancel" culture where the liberal left (through its control of the media) has created a narrative that anyone who supports Trump or has issues with the BLM movement is automatically deemed a racist and needs to be "cancelled" and have their lives destroyed.

That is ridiculous. A fascist culture is being created in America where only those who control the media and control the narrative are allowed to have opinions, and anyone who disagrees with the left's opinion is demonized

For someone to oppose the BLM movement has absolutely nothing to do with diversity in the law and has everything to do with the fact that such movement has been hijacked by fanatics and has become plagued with unnecessary violence.

A few years ago, 5 police officers and one DART officer were killed during a BLM protest here in Dallas. Did the State Bar come out and condemn that loss of life?

During the recent George Floyd protests (which were spearheaded by the BLM organization), dozens of people (predominantly African-American men) were murdered and billions of dollars of property damage was caused. In fact, here is a link to just a few of the African-American men murdered during the protests (<https://fox6now.com/2020/06/08/deadly-unrest-here-are-the-people-who-have-died-amid-george-floyd-protests-across-us/>). Did their lives matter? And if their lives did matter, then why hasn't the State Bar condemned the violence and loss of innocent lives resulting from the protests?

At one point during the protests, the Dallas Police Department notified people in my neighborhood that a mob was heading in our direction. I spent a night sleeping on a mattress by my front door with self defense instruments by my side in legitimate fear for my safety and the safety of those in my house. Does my life matter?

Here is a link to the official mission statement of the BLM movement (<https://blacklivesmatter.com/what-we-believe/>). Consider this excerpt from their webpage:

1. "We disrupt the Western-prescribed nuclear family structure requirement by supporting each other as extended families and "villages" that collectively care for one another, especially our children, to the degree that mothers, parents, and children are comfortable."

That is literally straight out of the communist playbook from Karl Marx, where Marx calls for either abolishing the family or expanding and stretching the definition of the "family" so that the "family" is effectively replaced by the communist government (if you research Marx and communism, it won't take long to discover that "villages" and "collectively" are just veiled references to the government).

Marxism (which the BLM organization promotes) is the exact opposite of what America was founded on. The fact that someone is critical of that movement in no way means they are critical of African-Americans or in any way opposed to the advancement of African-Americans. Rather, it merely means they are critical of a movement that has violence following it everywhere it goes. And by even holding this inquiry, the State Bar is showing that it is now becoming a tool of the left-wing cancel culture that is gripping

America and is contributing to the rise of left-wing fascism in America. Just really disappointing.

Mark from Dallas

From: [Kim Baker](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 1:39:18 PM

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

Larry McDougal public comments:

1. The first amendment protects Mr. McDougal's freedom of speech whether we like his speech or not.
2. While the Black Lives Matter movement isn't a political organization, the Black Lives Matter organization/group is. (<https://blacklivesmatter.com/what-we-believe/>) They don't necessarily stand for the same values and principles. Many agree with the equality movement but not the organization's political views.
3. Stating that "wearing a shirt that represents an organization connected to a political party is electioneering" does not make one racist.

Thank you,
Kim Baker
00789138

From: [John Gehring](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 1:29:13 PM

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

get rid of McDougal and the others. Issue policy statement supporting diversity and inclusion and PRACTICE IT!!!!!!

--

John G. Gehring
Attorney at Law

[REDACTED]

San Antonio, Tx. 78254

Phone: [REDACTED] **Fax:** [REDACTED]

[REDACTED]

From: [REDACTED]
Subject: Board meeting inquiry
Date: Tuesday, July 21, 2020 3:30:52 PM

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

I am concerned about the nature of the inquiry and any proposed action. I would strongly oppose any attempt to censure Mr. McDougal for expressing an opinion that is contrary to a particular prevailing political orthodoxy, unless there is a clearly expressed racist view, which there certainly was not here (unless "racist" has been radically re-defined to mean any opinion contrary to that prevailing political orthodoxy). Otherwise, are there any Bar restrictions, whether rules or guidelines, that would restrict an elected Bar officer from publicly expressing his/her personal opinion on any matter, even a controversial one? For example, would there be an inquiry and a special board meeting if Mr. McDougal had stated that America was rife with systemic racism and the police should be defunded? If not, then Mr. McDougal should be left alone.

I am also highly skeptical of the creation of the "Task Force on Diversity, Equity, and Inclusion." My impression is that the State Bar has had decades of efforts to ensure equal opportunity to all races and that this "Task Force" would merely be a tool for the enforcement of political orthodoxy and the silencing (by shaming and ridicule) of anyone expressing an opinion contrary to that orthodoxy.

Respectfully submitted, -Allan Tiller


E. ALLAN TILLER, PLLC

E. Allan Tiller, PLLC

Houston, TX 77002

(e)

From: [Andrew Tuegel](#)
To: [BoardofDirectors](#)
Cc: [Michelle Simpson Tuegel](#); [REDACTED]
Subject: Board Meeting Inquiry: Larry McDougal must go!
Date: Tuesday, July 21, 2020 1:55:35 PM
Attachments: [image001.png](#)

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

To the Board of Directors:

I am writing to urge the Board of Directors to immediately remove Larry McDougal from his position as President. His racist and misogynistic actions have shown he is unfit to lead our organization and represent the diverse group of attorneys that compose the Texas Bar.

Mr. McDougal's July 11, 2020 apology video, while appreciated, only further confirms that he is not the right person to lead our bar through this moment. He claims his 2015 blog post calling the Black Lives Matter movement a "terrorist group" does not reflect his thinking today. He claims his views have changed. And yet, the only reason his 2015 comments resurfaced is because in 2020, he is still showing his opposition to people making the basic, fundamental statement that Black Lives Matter. I see no change.

Furthermore, he apparently has no problem in valuing members of the bar by their perceived attractiveness. He argues that he is still fit and able to lead the Texas bar, but his actions show otherwise. If the Texas Bar is serious about confronting racist and misogynistic actions to promote justice, equality, and safety amongst its members, it must show concrete actions. There is no better place to start than at the top and immediately remove Larry McDougal from his position.

Nothing short of removal will do. To stop short will show that the Texas lawyer "good old boy" system still exists. If he is not fired, it will set the precedent that if you get caught denigrating Black people or women, go hire a crisis public relations firm to write an apology for you, and the Board of Directors will let you off with a slap on the wrist to let you continue in one of the most prestigious positions for a lawyer in our state. This cannot be the standard.

The Texas Bar has a unique opportunity to lead on this issue in this moment. I sincerely hope it uses it to show that we do not tolerate racism and sexism – that our Black member lawyers and women member lawyers deserve to be treated with professionalism and respect. This should not be a controversial or even necessary statement in 2020, but apparently to Larry McDougal, the reminder is needed.

Best,

Andrew Tuegel
Attorney at Law

[REDACTED]



The Law Offices of Frank L. Branson, P.C.

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From: [Frank L. Leffingwell](#)
To: [BoardofDirectors](#)
Cc: [Frank L. Leffingwell](#)
Subject: Board Meeting July 27, 2020
Date: Wednesday, July 22, 2020 12:51:37 PM
Attachments: [image001.png](#)
[image002.png](#)

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

To the Board of Directors:

I am writing today in response to Larry McDougal's recent comments on social media relating to Black Lives Matter. I am an attorney, have been a member of the State Bar of Texas (SBOT) since 1993, a former elected official, and a white male.

As the board of directors of the SBOT, I am sure that you have been inundated with calls and messages providing point of view and advice regarding this matter; however, ultimately the task of determining the appropriate response and the correct way forward will be your responsibility alone as the current stewards of the SBOT. The SBOT plays a very important role in Texas – not only for the legal professionals who comprise its membership but also for the people of the State of Texas. You and your predecessors have worked hard and successfully to establish and maintain a reputation for the SBOT as an honorable institution worthy of the respect and honor of its membership and of the public we serve. As our SBOT leaders you have been put to the task of identifying the changing needs of this institution as it moves into the future and the task of implementing the solutions you chose to satisfy those needs.

My concern with respect to McDougal's comments – other than the content of the comments themselves – is that they demonstrate a failure to recognize that for so long as he serves a leadership role with the SBOT his comments and actions – both good and bad – are not reflective of him personally but instead are reflective of the SBOT. An apology that is - at least in part - based on the assertion that his comments were made in his personal capacity and not in his capacity as the president of the SBOT is not acceptable nor, in any event, should an apology of any kind factor into your decision making. I should add that I do not know McDougal and have no personal feeling about him one way or another. However, based upon his recent comments and his apparent belief that he can make controversial comments without consequence to the institution he serves as president cause me to have grave doubts as to his understanding of leadership – particularly at a time when great sensitivity is required of all leaders. As members of the board, I am sure this must be of concern to you as well.

My hope is that as the board of directors of the SBOT your decision making will be guided by determining whether this president's understanding of his role in the SBOT is one which will serve to protect the SBOT as an institution, ensure that the SBOT enjoys the continued respect of all its members and the public, and that the SBOT will make new efforts to promote a sense of goodwill and inclusion among its members.

Further I hope that you will not allow your decision making to be limited to the matter at hand but rather that you will take a broader view of your role and consider confronting racial issues with greater attention and resources not only for the benefit of the SBOT and its members but also so that the SBOT and its members may assist the public we serve as an example of how these issues can be successfully overcome.

Thank you for your service and please know how many legal professionals and members of the public – old and young – are counting on your wisdom at this important time.

Please do not hesitate to contact me if I may be of service to you.

Respectfully,

Frank L. Leffingwell

Frank L. Leffingwell, J.D., LL.M. | Attorney

Direct: [REDACTED] | Fax: [REDACTED]



[REDACTED]
Austin, Texas 78701

www.gdhm.com



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From: [Michelle Simpson Tuegel](#)
To: [BoardofDirectors](#)
Subject: Board Meeting: Larry McDougal
Date: Wednesday, July 22, 2020 8:44:32 AM
Attachments: [SimpsonTuegelLetter.pdf](#)

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

July 22, 2020

To the Board of Directors:

I am writing to urge the Board of Directors to immediately remove Larry McDougal from his position as President. His racist attitudes and actions have shown he is unfit to lead our organization and represent the diverse group of attorneys that compose the Texas State Bar.

Mr. McDougal claims his 2015 blog post calling the Black Lives Matter movement a “terrorist group” does not reflect his thinking today. However, the only reason his 2015 comments resurfaced is because in 2020, even in the midst of the important George Floyd protests, he clearly voiced his opposition to people making the basic, fundamental statement that Black Lives Matter.

Perhaps Larry McDougal deserves time to learn from his mistakes and seek forgiveness, but he does not deserve to lead a bar that is made up of more than white members. If the Texas Bar is serious about confronting racist comments and actions to promote justice, equality, and safety amongst its members, then action is required here and now. There is no better place to start than at the top and immediately remove Larry McDougal from his position. Nothing short of removal will do.

Lawyers and bar associations should be voices and leaders when it comes to issues of equality and changing the status quo. We are at a point in history where groups such as ours must take a stand when it comes to challenging the racial inequality that has plagued this country for too long. I hope the State Bar of Texas uses this platform to show that we do not tolerate racism—that our Black member lawyers deserve to be treated with professionalism and respect. Black Lawyers Matter. Black Lives Matter. These should not be political or controversial statements, but apparently to Larry McDougal, the reminder is needed.

Sincerely,

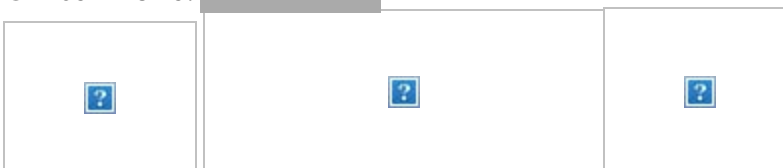
Michelle Simpson Tuegel

Attorney at Law

[REDACTED]

Dallas, Texas 75226

Office Phone: [REDACTED]



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From: [Ian Kalis](#)
To: [BoardofDirectors](#)
Subject: Board of Directors - Special Called Meeting - Re: Larry McDougal
Date: Tuesday, July 21, 2020 1:25:58 PM

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

Board of Directors- I write to you regarding Larry McDougal's reprehensible comments in their entirety. I do not personally know Larry McDougal, but his true colors have come to light as evidenced by his several comments and Facebook posts. BLM is a terrorist group? Come on, how can he truly represent the SBOT when we know what he is really trying to say? Read between the lines. Writing about another lawyer being "hot?" Sounds like something a middle school student/high school student would write on Facebook. A task force is not going to change his true feelings, beliefs, and behavior. A task force is just a charade.

Mr. McDougal's apology was insincere and hollow because (1) he does not even know or understand what he is apologizing for and (2) he does not truly regret his behavior because he does not see anything wrong with what he did.

We need mature, fair, and impartial leadership at the SBOT (and at all levels of leadership) and this behavior cannot be tolerated whatsoever. I request that Larry McDougal resign. If he chooses not to resign, I request that the Board remove him from leadership.

Thank you for your time and consideration.

Ian C. Kalis

ATTORNEY AT LAW

LAW OFFICE OF CHRISTOPHER KALIS

[REDACTED]

[REDACTED]

DALLAS, TEXAS 75248


[REDACTED]

[REDACTED]

www.kalislaw.com

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From: 
[BoardofDirectors](#)
Subject: Board of Directors Meeting, July 27th
Date: Wednesday, July 22, 2020 4:03:01 PM

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

To the Board of Directors of the State Bar of Texas -

My plans had not included writing this letter. However, being a good ally requires listening and recognizing need. The anemic response from Larry McDougal plus the rising tide of white defensiveness in light of this and related issues mandates a response.

This will be my tenth year as a member of the State Bar of Texas. In that time, I have grown from a baby second-career attorney to someone who is now a professional neutral who regularly speaks on ethics and implicit bias. I am the chair for District 4 of the grievance committees. I am a member of the Board of Directors for The Woodlands Bar and the administrator of several attorney-only Facebook Groups, including Houston Lawyers. Many of you know me.

Today is not supposed to be the day for my voice. It should be for the voices of attorneys who have been excluded for generations from full recognition and the benefits of being members of the State Bar of Texas. Attorneys who have been treated as "other," dehumanized, minimized, and ignored. Today should be their day to be heard, but from online comments and reports it appears that once again hearts are being hardened and faces turned away. With a bar that is majority white and male we need to be sure that the majority of voices do not drown out the demands of those who have been harmed.

I see no point in my asking for the resignation of any elected bar leadership for their statements when there is no rule they have violated under our ethical guidelines. While their comments are harmful, abusive, and indicative that they are unfit for the positions they hold, what rule has been broken? That this Bar has not adopted ethical rules which allow redress by attorneys and clients when faced with egregious verbal and harassing conduct by bar members was a deliberate choice. This is the predictable outcome.

I have been gifted with the stories of women and minorities who have faced physical harassment in non-litigation contexts, fended off hailstorms of offensive language from inside and outside of their law firms, and from the attorneys they have retained to represent them. They have no recourse in our grievance system. While other bars across the nation have aggressively addressed harassment and discrimination, the State Bar of Texas has turned its back on its minority members – from women to attorneys of color – to placate the white male majority of this bar.

The purpose of removing a bar president or any other person in a leadership role within the bar is seemingly to prevent the issue of discrimination, harassment, and is to increase equality among persons of all backgrounds, ethnicities, and statuses. The problem is that removal or resignation of the current bar president will do nothing to prevent this issue from arising again. The State Bar of Texas needs to make systemic changes. I strongly urge you to consider adopting an ethical rule to address discrimination.

The American Bar Association promulgated model rule 8.4g in 2016. In the long four years since, the State Bar of Texas has not modified their only ethical rule that even touches on abusive behavior. The ABA model rule reads:

It is professional misconduct for an attorney to:

(g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.



While the American legal system is adversarial the practice of law need not be hostile. The cowboy

belief that the ability to attack the person of another attorney is necessary component of zealous advocacy does not even pass the muster of the codes of behaviors required by the very law schools that educate us.

If there is to be a task force, adoption of this rule or a modified version of this rule should be its focus. A forward-looking rule that would allow the reporting and handling of comments like those made by Larry McDougal, Steve Fischer, and others. A rule that would not reward bad behavior with positions of trust. Without the adoption of a rule that prohibits discrimination, the behavior will continue because there is no real check on it.

Respectful regards,

Denise Peterson, FCI Arb

From: 
 [BoardofDirectors](#)
Subject: Board of Directors Special Meeting Comment
Date: Wednesday, July 22, 2020 3:40:32 PM
Attachments: [SBOT.pdf](#)

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

Please see the attached comments.

Walter L. Borgfeld, Jr.

From: [Bob Bennett](#)
To: [BoardofDirectors](#)
Cc: [Bob Bennett](#); [Steve Fischer](#); [Diane St. Yves](#); [Lucy Forbes](#); [Carmen Roe](#); [Andrew Tolchin](#); [Diane St. Yves](#); [Ryan Gracey](#);
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 11:24:57 AM

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

Dear Directors,

I fully support State Bar President Larry McDougal; accept his apology for the wrongs he committed and would encourage him not to resign. For context, I have known Larry for nearly a decade. He is well respected within the criminal trial bar and is the only President of the State Bar who has proposed progressive changes and is on the verge of accomplishing something while in office. He is not a racist. Now for my background, you can go to www.bennettlawfirm.com and see the information I have posted. Was honored to be a federal trial attorney and with the United States Department of Justice-United States Attorney's Office for the Western District of Texas for half-a-decade. Spent a year in Guatemala as corporate counsel for international business and came back to Houston where I have been in private practice ever since.

I have presented over 40 CLEs for State Bar and Private organizations and firms. I was the President of the University of Houston Law Center Alumni Association and have served on Committees and Boards for the Texas Trial Lawyers Association, Houston Bar Association, and the State Bar of Texas. Presently, I am on the State Bar of Texas Committee for the Texas Lawyers Assistance Program. I am closing in on my 50 anniversary of being a Texas Attorney and continue to have an active practice. I now concentrate on representing professionals before licensing boards in Texas and before the United States Medical Exam in Philadelphia, Penn.

In 2012, State Bar Director Steve Fischer was at the Harris County Courthouse and a group of Black Attorneys approached him to discuss the Texas Grievance System and how unfair it was. According to Steve,

the attorneys were solos, family, and criminal practitioners who felt singled-out due to their practice area or for other reasons. After this discussion, Steve became dedicated to investigating and improving the Texas Grievance System and other progressive changes that were needed. He served on the State Bar of Texas Board of Directors and was recently re-elected to that same prestigious position. He was a candidate for the SBOT Presidency. He has also been a former District Attorney for Willacy County-Raymondville, Texas, and was on the Professional Rules Committee at the State Bar of Texas. Wanting to bring about change, Steve quickly realized that you need members of the SBOT Board of Directors who are progressive. He started recruiting candidates and ended up supporting Larry McDougal as our President and Sylvia Borunda Firth as our President-Elect.

Steve found in me an ally who had represented lawyers, judges, and law students who had issues with sex, drugs, alcohol, and rock & roll or all four. I knew that changes needed to be made to the Grievance System. My own situation with the OCDC was educational and transformative. Then we vetted Bar Candidates for President and the Board of Directors who were progressive and truly wanted to help lawyers. Attorneys who were solos or in small firms who did criminal law, family, or did not practice Big Law were the ones we wanted to help and to improve the Texas Grievance System. Once Larry McDougal was elected, he appointed Diane St. Yves as Chairperson for the Grievance Reform Task Force and it looked like changes for the little guy/gal were in the making. Changes like requiring sworn statements and a burden of proof of clear and convincing and eliminating immunity for false statements were being considered. An SBOT Advertising Review Committee was being formed as were other Presidential Task Forces. Then the five-year-old email surfaced and the witch hunt was on. Other posts were made public and attorneys who had never even voted in Bar Elections or had done anything to improve their profession were now expressing their opinions. Others like myself have signed up to speak on the 27th for the Directors Meeting that violates due process (insufficient notice was given), and other issues of

liability and bar rule violations were raised. Even when President McDougal apologized, those who have been called haters and the bigots were not satisfied. He proposed a Task Force to address racial reconciliation while he was struggling with his health issues. This was still not enough.

Anyone who has worked the steps has been around what the Board of Law Examiners calls “curative measures” or has any understanding of grace and forgiveness should understand that our Bar President wants the best for all attorneys and is willing to take those steps that are necessary to show his remorse and what he has learned from this experience. We all make mistakes and those who are so judgmental should look at how this can be a positive experience, an opportunity to learn, an avenue to grow and improve. Larry McDougal should be allowed to continue to improve the Bar, the Grievance System, how advertising is handled, strengthen TLAP, and so many more changes that the group in 2012 wanted to be done. I would like to see that happen and we continue to work together toward those goals we have. If anyone would like to meet and discuss my position of support or even talk on the phone about what is needed, I am available: 832-566-1490. Sincerely,

Bob Bennett,
Attorney and Counselor at Law

<https://www.youtube.com/watch?v=39QD1-gyph8>

Robert S. “Bob” Bennett
B.A. M. A. & J.D.
Adjunct Professor, Lone Star College – North Harris.
Business Law and Ethics
Licensing Services for Professionals
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Pinterest: Robert Bennett

YouTube: BobBennett: (<https://www.youtube.com/channel/UCudIJd-6LnbzjEFsezPfP4w>)

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From: [Megan Becker](#)
To: [BoardofDirectors](#)
Subject: BOD Letter re McDougal and Fischer
Date: Wednesday, July 22, 2020 1:31:49 PM

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

MEGAN BECKER

, Houston, Texas

State Bar of Texas
Board of Directors
1414 Colorado Street
Austin, Texas 78701-1627

TO THE ESTEEMED MEMBERS OF THE STATE BAR OF TEXAS,

How do I begin a letter that will make a difference when you have undoubtedly reviewed so many similar letters calling for the ousting of President Larry P. McDougal and District 17 Director Steve Fischer these past couple weeks?

How do I add anything new to the regurgitated accusations of bigotry, misogyny, racism, classism, and verbiage that is unbecoming of this Bar and Officers of the Court?

The disgusting Facebook posts (I will not repeat them, we all have them pretty much memorized at this point) written by these men regarding minorities and women made over the past several years, months, recent weeks do *reflect* those views of several other Members of this Bar as much as they *influence* other Members. We who belong to several Texas lawyer Facebook groups have seen the defense of these men and their comments by licensed attorney bigots. Then those others like myself who attempt to defend minorities, women, Black Lives Matters, or other progressive organizations and views are ridiculed, laughed at, and called evil (or worse).

Whether McDougal's or Fischer's opinions were made within their personal capacity before achieving their current positions does not matter. They were both lawyers at the time. **We are all Officers of the Court "24/7/365."** Now, as elected officials, both men are in the limelight even more so. Many young lawyers look up to them as much as elder lawyers respect McDougal and Fischer based upon past personal interactions with both men. Their bad behavior is tolerated . . . perhaps due to a "good ol' boy" system . . . or because it is just easier not to change.

I am not saying that McDougal or Fischer are bad, malicious, or intentionally nefarious. Perhaps "clueless" is a better adjective. And thankfully, they have apologized for bigoted remarks. I credit them with the courage to apologize. However, they then diluted those apologies by continuing to downplay the pain, unprofessionalism, and

absolute insensitivity that those remarks have caused—sometimes, even doubling down and defending their remarks in later posts.

To whoever is reading this right now: Are you proud that they also represent you?

These men do not reflect those views and values of the State Bar of Texas and/or the oath to which we have all sworn. Neither has upheld the duties of their offices. Therefore, both McDougal and Fischer should either be: (1) Asked to resign; or (2) removed from their current positions.

To help ensure that this does not happen again, I would also respectfully ask that we: (1) Look to revise our own Model Rules of Professional Conduct and Code of Ethics to emphasize the integrity of the profession and that such bias shall not be tolerated; and (2) require annual Continuing Legal Education bias and inclusion training, which will cover the latest improvements made within our Bar. I would be honored to assist with both initiatives.

I appreciate your attention and time it has taken to deal with these difficult issues.

Sincerely,

Megan Becker, Attorney and Counselor at Law

Texas Bar Number: 24101495

From: [Boyd Mangrum](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 1:26:43 PM

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

To the members of the Board of Directors:

Agenda Item: Larry McDougal situation

So that you can put my comments in context, I am an "AV" rated 47-year attorney, about a 30-year member of the Texas Bar College, and Board Certified in Civil Trial Law and Personal Injury Trial Law for about 40 years.

Please forgive me if I am emotional about this topic, but it strikes at the heart of my existence as a proud member of the State Bar of Texas. That it could be discovered, belatedly, that its newly installed President is an extremist with what I would characterize as blatantly racist views, reveals a fundamental disorder in our manner of selecting officers. No matter what happens to Mr. McDougal, there **MUST** be adopted new election procedures aimed at preventing this embarrassing and damaging occurrence.

The controlling documents of every corporation of which I have knowledge have standard provisions, incorporated into every employment contract of its leaders, by which they are peremptorily terminated if any aspect of their conduct is so immoral, outrageous, illegal, or contrary to normal societal notions of appropriate conduct as to result in actual or potential damage to its reputation, acceptance, or standing. Apparently the State Bar of Texas has made no similar provision as to the conduct of its officers. I urge the Bar to immediately commence studying this issue so as to avoid a recurrence of this contretemps.

By the same token, if the Board feels that it lacks authority to sanction or remove Mr. McDougal under its present governance, then the study should include provisions for study as to authorizing impeachment, sanctions, and removal of its officers.

Now, to Mr. McDougal. It should be noted that he skillfully concealed his extremist and racist views from the Board and the membership during the election process. Bar members had only the one slick, one-sided brochures furnished, and nothing in his brochure even suggested his true nature. The Board of Directors obviously made no investigation of Mr. McDougal and didn't even bother to review easily available social postings he had made. For this incompetence and negligence, each of you Board Members owes an apology to the membership. You are as much at fault for the situation as is Mr. McDougal, for you could have easily prevented it by making sure that the Bar members were made aware of all important aspects of the two candidates. In this, you failed. So, we had an election which was not a fair one. An uninformed electorate, from whom the truth has been concealed, will likely result in a

bad electoral decision, which is what we have here.

The statement from the Board, essentially condemning McDougal's remarks, was nice. But in saying that he "doesn't speak" for the State Bar, the Board misses the point. OF COURSE he speaks for the Bar; that is one of the primary purposes of having a President, to be the face of the Bar and to speak for the Bar. I assure each of you that if McDougal remains as President for this year, the State Bar of Texas will be the laughing-stock of the state bars of the other 49 states. And every right-thinking member of the Texas Bar will feel shame at having him as President, and at having a Board of Directors so ineffective as to allow him to corruptly reach that office and then retain it when his clearly disqualifying views were made public.

That Mr. McDougal would stubbornly refuse to resign when he was exposed as a racist, speaks more loudly of his character than does his Youtube "apology." He is willing to see the once-proud reputation of our State Bar crumble into dust, rather than do the only right and honorable thing. The State Bar of Texas can only be washed clean of this distasteful episode by its immediate separation from Larry McDougal.

Finally, if anyone has the belief that he is not what his words indicate, I would argue the Bible, Matthew 7:20, "Wherefore by their fruits ye shall know them." His words were calculated to sow hatred and disrespect for the less fortunate. We all know that they show his true character. Act on it.

Boyd Mangrum,

07/22/2020

From: [Brian Marks](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 22, 2020 4:24:01 PM
Attachments: [Letter to State Bar re Larry McDougal.pdf](#)

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

Good Afternoon,

Please see the correspondence attached below regarding State Bar President, Larry McDougal. We thank you in advance for your consideration.

Respectfully,

Brian Marks, on behalf of Lawyers for Black Lives Matter - San Antonio

--

The Law Office of Brian A. Marks, PLLC

[REDACTED]

San Antonio, TX, 78231

[REDACTED]

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Via email to boardofdirectors@texasbar.com
State Bar of Texas
Board of Directors

Re: President Larry McDougal

Dear Board of Directors:

We write in our capacity as members of Lawyers for Black Lives Matters (BLM) - San Antonio. Our group formed organically in recent months. It should have formed a long time ago. Our Facebook group includes over 300 members, most of whom are Texas attorneys.

As lawyers, we possess a license that comes with moral and ethical obligations. We believe those obligations require us to use our knowledge and skills to fight the forces that continue to systematically oppress black Americans.

Broadly, Black Lives Matter is a movement for equal justice and against state sanctioned, racially motivated violence. Presently, the movement is believed to be the largest in United States history.¹ The time is now for the Bar to take a stand.

We support all of the action items called for by the African American Lawyers Section of the State Bar of Texas in its July 13, 2020 letter, and we encourage the Board to adopt those action items immediately.

We further call for Mr. McDougal to do what is best for the Bar and resign from his position without delay. His recent and past comments, and his overall handling of this situation, have hurt members of the Bar. Mr. McDougal has also damaged the prestige of the Bar and brought shame upon it. If he is not willing to resign, the Board should immediately take the appropriate steps necessary to remove him.

Irrespective of any apology issued, Mr. McDougal's recent and past discriminatory comments disqualify him to serve as the principal leader for the Bar. He has lost the respect of too many of his constituents, who are compelled to join in order to practice in Texas.

Mr. McDougal's supporters correctly point out that he has the right to freedom of speech, but freedom of speech does not entail freedom from consequences. To the contrary, when a person in a position of power makes derogatory and divisive remarks, unbecoming of that position, he should expect to be held to account. The

¹ See <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html> (last visited July 21, 2020); <https://news3lv.com/news/local/black-lives-matter-protests-mark-historic-civil-rights-movement-unlv-professor-says> (last visited July 21, 2020).

President of the State Bar of Texas must be held to a high standard - serving in such a leadership role is a privilege, not a right. Moreover, the Bar has a compelling interest in maintaining the public perception of the integrity of the profession in order to facilitate a system with the purpose of administering justice neutrally.

With respect to the slippery slope argument regarding “cancel culture,” we are calling for Mr. McDougal to resign or to be removed as President because of a pattern of discriminatory remarks, including one made under the veil of legal authority, after he was elected. No one is calling for Mr. McDougal’s law license or livelihood to be “cancelled.” We hope that Mr. McDougal can learn from this situation and change, but that is up to him. As for the Bar at large, we must decide whether we are willing to stand up, put our collective foot down, and declare racism to be unwelcome within our professional ranks, especially among our leaders. Our State Bar President, Larry McDougal, has lost the trust necessary to lead, with conviction and compassion, statewide efforts to actively work against the multidimensional aspects of racism in our profession.² He needs to go.

Thank you for your consideration,

Lawyers for Black Lives Matter (BLM) – San Antonio

/s/ Brian Marks	24086996
/s/ Rachael Rubenstein	24073919
/s/ Melanie Lira	24091298
/s/ Kevin McManus	24057996
/s/ Rashin Mazaheri	24055924
/s/ Tanya Rivera	24113681
/s/ Ron Salazar	00788341
/s/ Sarah May	24100940
/s/ Steven Gilmore	24096173

² See Robert J. Patterson’s definition of anti-racism available at <https://www.businessinsider.com/what-is-anti-racism-how-to-be-anti-racist-2020-6> (last visited July 22, 2020).

From: [Doug Lukasik](#)
To: [BoardofDirectors](#)
Subject: Brief Comments to the State Bar on Larry McDougal
Date: Wednesday, July 22, 2020 2:01:39 PM

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

Dear Board of Directors:

As someone relatively uninterested in State Bar matters, I was surprised to see yesterday's email on the controversy generated by State Bar President Larry McDougal's recent and past comments on Black Lives Matter (I admittedly could not have named the State Bar President and previously knew nothing of his opinions on any political/social matters). I am further surprised that his comments – while mildly inflammatory – would necessitate a special meeting of the State Bar Board of Directors.

In particular, the comments under discussion include his opinion on the legality of an election worker wearing a "Black Lives Matter" T-shirt to a polling place. While I lack expertise in election law, it seems that Mr. McDougal's opinion on this topic should not be considered remotely controversial or problematic. His opinion from several years ago on BLM generally – where he called this loose confederation of interest groups a "terrorist organization" (or something similar) – is mildly inflammatory and likely an unfair categorization of the movement writ large, though an accurate assessment about some of its fringier adherents (which was certainly established several years ago in Dallas).

However, this email is not intended to be a debate on Black Lives Matter (its goal of improved police treatment of/interactions with minority groups is a noble undertaking and long overdue, while some of its social commentary generally is rather less well grounded). Instead, it seeks to provoke consideration of whether a quasi-governmental organization such as the State Bar should be policing the speech of those involved in the organization, even its leadership.

While unpopular speech may make a number of members of the State Bar squirm, one might hope that the State Bar itself would understand that (a) efforts to chill unpopular speech are highly problematic; (b) countenancing such efforts only encourages more of them in the future; and (c) the State Bar should be very protective of a robust, First Amendment-inspired dialogue between competing ideas, even where such ideas generate controversy. As a wise person once told me, attorneys are the "grassroots defenders of the Constitution." I am hopeful that the Board of Directors will demonstrate a real commitment to that ideal.

Thank you for your consideration.

Sincerely,

Douglas W. Lukasik
Sloan Matney, LLP



Dallas, Texas 75219



SloanMatney

From: [REDACTED]
To: [BoardofDirectors](#)
Cc: [REDACTED]
Subject: Comments re Agenda Items 7 and 8 for meeting 7-27-2020
Date: Wednesday, July 22, 2020 3:59:14 PM
Attachments: [State Bar Comment Letter.pdf](#)

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

Please see the attached letter.

Thank you.

Cheri Duncan
Assistant Public Defender
Harris County Public Defenders Office

**Comments Regarding Agenda Items 7 and 8
State Bar of Texas Board of Directors
Special Meeting, July 27, 2020**

**Submitted by the following attorneys and staff of the
Harris County Public Defender's Office:**

Alexander Bunin
Chief Public Defender

Sherlene Cruz
Assistant Public Defender

Troy Jefferson
Mental Health Clinician

Sherifat Akorede
Mental Health Clinician

Eric J. Davis
Chief, Trial Division

Mandy Jones
Assistant Public Defender

Wade Bainum
Chief, Bail Hearing Division

Amanda G. Downing
Assistant Public Defender

Saif Kazim
Assistant Public Defender

Brandon Ball
Assistant Public Defender

Cheri Duncan
Assistant Public Defender

Kevin Keating
Assistant Public Defender

Amalia Beckner
Assistant Public Defender

Leslie Ginzel
Chief, Holistic Services

Mona Kermani
Assistant Public Defender

Te'iva Bell
Assistant Public Defender

Lori Gooch
Assistant Public Defender

Amanda Koons
Assistant Public Defender

Rodney Brown
Assistant Public Defender

Ashley Guice
Assistant Public Defender

Daniel Kundiger
Assistant Public Defender

Jacquelyn Carpenter
Assistant Public Defender

Kenneth Hardin
Assistant Public Defender

Patrick Lara
Assistant Public Defender

Zakiya Carter
Assistant Public Defender

Megan Harper
Investigator

John Lewis
Investigator

Kimberly Clark-Washington
Mental Health Clinician

Chris Henderson
Assistant Public Defender

Ian Thomson Loyd
Assistant Public Defender

Alexandra Compean
Intake Administrator

Nicolas Hughes
Assistant Public Defender

Melissa Martin
Assistant Public Defender

Allison Mathis Assistant Public Defender	Damon Parrish II Assistant Public Defender	Priyanka Shetty Client Advocate
Miranda Meador Assistant Public Defender	Cynthia Patterson Investigator	Nicholas H. Smith Assistant Public Defender
Ny'Keitha M. Mclonson Case Clerk	Audrey Rife Investigator	Guadalupe Tello Client Advocate
Amy Mena Assistant Public Defender	Rahmel Robinson Client Advocate	Jane Scott Vara Assistant Public Defender
Nicholas Mensch Assistant Public Defender	Jannell Robles Assistant Public Defender	Natalie Ware Assistant Public Defender
Tolu Nelms Assistant Public Defender	Mary Grace Ruden Assistant Public Defender	Alicia White Administrative Assistant
Ginikachi Okeke Client Advocate	Daucie Schindler Assistant Public Defender	Bob Wicoff Chief, Writs Division
Olubukunola Oyewuwo Assistant Public Defender	Chris Self Assistant Public Defender	David Williams Investigator

Public defenders believe Black lives matter.

We have devoted our careers to defending and serving people who are accused of crimes and who cannot afford to hire counsel. A disproportionate number of our clients are Black and Latinx.

We believe each one of our clients deserves to be treated with the same respect and care as any individual who has the means to hire any law firm in the country. We witness, daily, the truth that this is not how our justice system works. We strive, daily, to change that truth.

We also believe that each one of our lawyers and other legal professionals deserves to be treated with the same respect as the white male lawyers who have traditionally run the State Bar. Whether by design or accident, the Texas Bar has resembled a country club for decades.

In its 80-year history, the Texas Bar has had only one Black president. It has had only two Latinx presidents and only six female presidents. Presently, the Board of Directors includes forty-six voting members; only two are Black. This does not reflect the far more diverse make-up of Texas lawyers as a whole, who are mandated to become members of the Texas Bar as a condition of their licensure and continued practice.

We abhor the casual racism that we have seen from President Larry McDougal in the short time since he was sworn in, and in the past. We abhor the casual racism and sexism that board member Steve Fischer has displayed recently, and in the past.

This type of bigotry runs nonstop in the background of our lives. Like a computer program, it is not always visible, but it is always felt by those who are its targets. In this case, it is not only extremely visible, but its targets include ourselves, our colleagues and our clients. This is why we feel compelled to respond.

The racism and sexism exhibited by Mr. McDougal and Mr. Fischer – whether deliberate or unconscious – highlight the ineffectiveness of the bar to promote equity and professionalism in practice as well as policy. Texas Bar leadership should, at a minimum, require that a representative possess the ability to self-regulate in public settings, to speak as an agent of a large and diverse group rather than just for himself, and to listen and learn rather than alienate and argue. We believe that the statements made by Mr. McDougal and Mr. Fischer were not only offensive in their content, but also show their inability to perform effectively in leadership roles.

The bar can do better. What it will take, however, is a move from words to action – consistent, intentional, effective action. Fortunately, the immediate repudiation of Mr. McDougal's words by most of the Board of Directors and TYLA shows that the bar is interested in opening a new era of professionalism and equality for all. So does the calling of this special meeting.

This is a moment of opportunity for the State Bar of Texas. The time is right for the bar to begin the hard work of knocking down silent barriers to full participation by, and respect for, its members who have been disenfranchised and disrespected.

Mr. McDougal and Mr. Fischer must resign or be removed immediately from their positions. We maintain hope that this experience has been educational for them, and that they have had cause and opportunity to examine their deeply held biases and work towards reforming them.

It is past time for the racist and sexist language and conduct of good ol' boys to be excused or overlooked simply because they are people who have been active in our profession for a long time, or because we know them personally. The bar must require more than popularity from its leaders.

The Texas Bar, too, can learn a lot from the organizations already at work for equality. The bar already has multiple entities within its structure that are devoted to addressing the issues confronting minorities and women. The bar should tap these

groups now to organize further responses to the problems of racism, sexism, and all other -isms. There is no need for yet another task force, which would only waste additional time and money. Empower the current committees to do real work, and respect and follow their lead. They are already organized to act; they simply need to be given the ability and authority to do so.

To summarize, those who have signed this letter:

- 1) **in response to Agenda Item 7**, demand the immediate resignation or termination of President Larry McDougal and board member Steve Fischer; and
- 2) **in response to Agenda Item 8**, suggest empowering current organizations within the bar to act and to recommend organization-wide actions, rather than forming a new task force.

From: [Alex Gonzalez](#)
To: [BoardofDirectors](#)
Subject: Call for Resignation/Removal of Mr. McDougal and Mr. Fischer
Date: Wednesday, July 22, 2020 10:54:26 AM
Attachments: [image001.png](#)
[image002.png](#)

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

I am writing to condemn the recent comments made by Mr. McDougal and Mr. Fischer and to call for their immediate resignation or removal from their respective positions with the State Bar of Texas.

Both individuals hold positions of influence over the direction of our Bar and its social efforts. More importantly, they purport to serve as representatives of all licensed Texas attorneys, even those of minority background. Their recent comments cast serious doubt on their ability to represent the interest of Black and other minority attorneys.

Empathy and understanding are crucial characteristics of any leader. The comments made by Mr. McDougal and Mr. Fischer show that both men lack understanding of the racial issues faced by minority attorneys. Further, the lack of remorse shown by Mr. Fischer, and Mr. McDougal's disingenuous apology video show that they lack empathy. Their apologies appear more motivated by a self-interest to quickly move on from this issue and not because they feel genuine regret for their actions.

To allow them to continue to represent one of the largest bar associations in the country would be to tolerate and condone their actions. We are better than that. In order to move forward and witness true progress in our bar association, I call for their immediate resignation or removal from their respective positions.

Sincerely,
Alex Gonzalez
Attorney at Law

PADILLA  RODRIGUEZ





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From: [Calvin Hartmann](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 2:21:35 PM

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

Thank you for providing members of the Bar an opportunity to comment upon this inquiry. At the outset I will state that I have never met nor do I know Mr. McDougal. At first blush, however, I would respectfully suggest this exercise by the State Bar Board of Directors against Mr. McDougal appears to be an effort to soothe the conscience of the State Bar for having permitted him to have been elected.

On September 20, 1970, I became a member of the State Bar of Texas. My area of practice has been criminal law, both as a prosecutor for twenty-five years and as a criminal defense attorney for the same period of time. In either role I always subscribed to the principles underlying the respective oaths to be an attorney and a prosecutor. Implicit, if not explicit, in those oaths was an obligation not to discriminate against any person based upon that person's race, color, creed, sex, national origin. That obligation, however, does not preclude one from expressing an opinion, subject to the proscriptions of the foregoing.

The difficult issue to be addressed sub judice (sic) is whether Mr. McDougal, by offering an opinion regarding the Black Lives Matter movement in 2015 and more recently has so far departed from the acceptable norm of those principles underlying the aforementioned oaths and in some wise made inappropriate and discriminatory comments because the subjects of his comments were directed at members of the black race. As a result of the recent comment and that in 2015 other comments as far back as 2012 also have surfaced and come under scrutiny and criticism.

As would have been anticipated by Mr. McDougal in our current culture, but now only in hindsight, the comments would naturally have been seen by those seeking to be offended. Once the outcry the expected mea culpa from Mr. McDougal was forthcoming, ostensibly to appease members of the hierarchy of the State Bar and then the offended. This was followed up by the patently anticipated, and arguably self-serving script from the State bar to the effect that Mr. McDougal's comments "do not reflect the values of the State Bar" and are denounced in the strongest terms."

Once again, the offended have caused another genuflection, this time by the State Bar. The push back example of Goya Foods was rejected and the Bar joins a multitude of those, such as the makers of Uncle Ben Rice and Aunt Jemima products who have recently succumbed to the intimidation and the cancel culture so now rampant in America.

Unfortunately, this country is no longer the home of the free to express an opinion, that is one can no longer express an opinion that does not harmonize with those seeking to be offended. Any opinion at odds with the offended, whether factually supported or not, will be scrutinized and ultimately be concluded to be discriminatory and/or racist. The howling from the aggrieved party will begin, most likely catalyzed by the media, and not until there is complete capitulation will the aggrieved be satisfied. Much like a child, however, that appeasement only will be for a brief moment awaiting the next "aggrieved offense."

My opinion of the Black Live Moment is of no moment to this discussion and little will be gainsaid by expressing it herein other to observe the actions of Black Lives Matter speak for themselves. Diversity in the State Bar is important and the Bar should make every effort to insure all members are treated equally and with the same opportunities. In all candor it would seem that the diversity objective is made difficult by those carving out various bar associations based upon race, gender, etc. instead of seeking to assimilate. Similarly, racial justice is important and should be supported.

This matter is not an issue of diversity or racial justice, however. I am troubled by the direction in which this country is headed, and much of that direction is being orchestrated by those groups, camouflaged under a claim of racial justice. The fact that a significant portion of those movements are led by members of the black race does not make me a racist for having that concern and opinion. When Mr. McDougal expressed his opinion, whether factually correct or not, does not per se indict him as a racist either. One must always remember that racism is not a one-way street contrary to public opinion; unfortunately, travel goes in both directions.

I understand why the Black Lives Matter spokesperson took umbrage to the comments; it is beyond peradventure that any negative comment would have been considered per se to have been racist. That is the sad state to which this country has deteriorated and the standard now in place. For those of the Board with sharp knives there is a good probability that their closets similarly are occupied by skeletons from years past best to remain locked therein. As we all have discovered Facebook, twitter, online emails, and other social media are ripe for the pickings.. To make Mr. McDougal the sacrificial lamb will not appease the "mob"; what it will do is provide the paradigm for future efforts by that "mob."

I respectfully request that the Board move forward with its diversity programs and other "appeasements", and permit Mr. McDougal to do the job for which a majority of those voting elected him to do.

From: [Cassandra Hernandez](#)
To: [BoardofDirectors](#)
Cc: [Cassandra Hernandez](#)
Subject: BOD Letter
Date: Wednesday, July 22, 2020 3:56:17 PM
Attachments: [Letter.pdf](#)

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

See attached. Thank you!

Cassandra Hernandez
Attorney
Hernandez Law Group, P.C.

[Redacted]

Dallas, Texas 75248

[Redacted]

www.juanlaw.com

Amarillo Office:

[Redacted]

Abilene Office:

[Redacted]

Mexico Office:

[Redacted]

Cassandra Garcia Hernandez
Dallas, Texas

July 22, 2020

Dear State Bar of Texas Board of Directors,

I want to share my appreciation for the community being given the opportunity to have some avenue to express their opinions about the statements made by the current president Larry McDougal and board of director Steve Fischer. Just the process of allowing people to air their grievances is a step in the right direction. However, should this be an attempt to just let people vent and "they will get over it" with no action, it will be another extremely damaging failure by the leadership of the state bar.

I have seen great effort by some members of the Board of Directors such as Lydia Mount and Jason Smith to condemn the statements made and to have open dialogue with anyone and everyone that has a question or concern. That is the kind of leadership that we as bar members look for. My wish is that more Board of Directors follow suit and have more productive conversations within their districts to find ways to address concerns of the attorneys within their area. I cannot comment on all of the Board of Directors, to be honest I do not know many of them and haven't really seen any reach out near as much as the two I named. They may have but I just may have missed it or didn't know they were Board of Directors. I do however want to make sure to address the continued inflammatory comments and behavior that one particular Board of Director continues to exhibit – Steve Fischer. Many who have been part of any of the online groups in which Steve is a part of know who he is. My first experience with Steve was to witness him attack a female attorney and the way he went about it greatly disturbed me. In our profession it is only natural to have healthy debate but the way he attacks is disgusting. I once asked a fellow Dallas attorney about it and had them tell me that Steve means well but is very aggressive in how he gets his point across. As well as that he has done a lot for SBOT. Frankly I was equally disgusted with that response and reminded of it when I saw another lawyer recently come to his defense with the same excuse. That type of behavior not only has no place within our profession but more so in our leadership. I believe that Steve needs to do some self-reflecting and maybe even some sensitivity/bias training. I hope that one day he can show our profession that he deserves to hold a leadership position when he possesses the actual ability to speak to people as a leader does.

Until then, I do not believe he should be in any leadership position. I am sure everyone will touch on the statements he made to a fellow attorney being "married to a black" and so won't continue to repeat the same statements. I just want to voice that speaking to someone in such a way is beneath anyone in our profession. I hope that the board is aware of the news article where Mr. Fischer states that he would not step down and that he almost enjoys speaking to people in such a way to get them to attack him back. This type of behavior and motivation is disturbing and very concerning. I hope that the board as well as the State Bar will take these matters very seriously. I would be happy to provide a copy of the article if no one else produces the same.

As for president Larry McDougal, at least in his defense he apologized (unlike Steve). However, the change in his tone from his first apology on the SBOT page to his Youtube apology cannot go unnoticed. Further, what all has come to light goes deeper than an "electioneering opinion". The community perception of our bar is of utmost importance as well as our perception as member of the bar. I will say that McDougal's posts and statements were so egregious that no apology can save face. In order for our organization to truly show that we stand for justice for all and stand up against sexism and racism, McDougal needs to go. I would hope that he would do the honorable thing on behalf of our organization and step down allowing the president-elect to begin her term early. I however hope that like I suggested for Mr. Fischer, Mr. McDougal will do some self-reflecting and take training to hopefully be able to be a true leader.

I hope that both of these individuals take this as a learning lesson (although I think McDougal may more than Fischer but I hope for the best). I also hope this situation will stand as a lesson to others in our profession that this type of behavior will not be tolerated in our leadership and will not reflect our organization. The best way that can be done is by both McDougal and Fischer to be relieved of their leadership. I understand this is a tough situation to pop up during your term but it was that needs to be handled with care. We are hoping you as leadership will show our community what we are truly about and make us lawyers proud to be part of the Texas State Bar.

Warm regards,



Cassandra Garcia Hernandez

From: [Carter, Chelo](#)
To: [BoardofDirectors](#)
Cc: [Carter, Chelo](#)
Subject: Chelo Carter - Comments for Special Called Meeting of SBOT Board of Directors
Date: Wednesday, July 22, 2020 2:22:39 PM
Attachments: [Letter to State Bar of Texas.pdf](#)

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

Please see my comments attached hereto and submitted in connection with the above-referenced meeting.

Chelo

Chelo Carter
Associate General Counsel
Fannie Mae

[REDACTED]
Plano, TX 75024
[REDACTED]

fanniemae.com

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Chelo Carter
SBN 24025286

July 22, 2020

State Bar of Texas
1414 Colorado Street
Austin, Texas 78701

Re: Comments by State Bar of Texas President Larry McDougal and El Paso Steve Fischer
and the Problem of Online Bar Groups and the State Bar of Texas

Dear Ladies and Gentlemen of the State Bar of Texas:

I am writing regarding recent actions by the President of the State Bar of Texas (SBOT), Larry McDougal, and El Paso Board of Director, Steve Fischer. I conclude with some thoughts on the problematic association of the SBOT with Online Bar Groups.

Both Mr. McDougal and Mr. Fischer represent the members of the State Bar of Texas and yet each has fallen short of meeting the SBOT stated mission, including by failing to “foster high standards of ethical conduct for lawyers” and “promoting diversity in the administration of justice and the practice of law.”

President of the SBOT, Larry McDougal

Mr. McDougal’s comments online, over a span of years, evidence a lack of discernment and an underdeveloped appreciation of the rights of and challenges faced by women and minorities. The unsolicited advice he gave regarding a Black woman volunteering her time to help others undertake their civic duty wrongheadedly likened the name of a civil rights movement (Black Lives Matter) to the political slogan adopted and printed on merchandise sold by the current President of the United States during his 2016 presidential campaign and his presidency (MAGA). His erroneous conclusion was that the election worker should have “immediately been removed from the premises and issued a citation for Electioneering.” Mr. McDougal made this statement as the President of the SBOT, notwithstanding his defense that this offending comment, as others, was on his personal Facebook page. In making this statement, he knowingly associated it with a photograph of the election worker, which was circulated widely solely due to his role as the President of the SBOT. Whether Mr. McDougal is aware of it or not, he is one of only two spokespersons authorized to speak on behalf of the SBOT. As SBOT President, he does not have the luxury of switching hats as it pleases him. As the President of a mandatory bar, he arguably has even less latitude.

While this incident shows poor judgment and bias, it alone is not why I think Mr. McDougal should resign. Other online posts similarly evidence poor judgment and bias and reflect poorly on him and the SBOT. In one he calls Black Lives Matter a “terrorist group”; in another, he characterizes a female colleague in distress as “hot” in her SBOT photograph before adding that she “has meth head written all over her today.” Lastly, Mr. McDougal posted a meme depicting a law enforcement officer subduing a suspect with a caption reading, “Justice: It Usually Happens Before the Trial.” This last pronouncement is anathema to the rule of law and an

affront to the stated ideals of the SBOT. Interestingly, these comments were made by a person whose firm website credits him as a presenter of multiple Texas Bar CLE seminars on ethics.

The reason Mr. McDougal should resign is that he has proven to be wholly ineffectual in issuing a substantive and sincere apology for his statements about the election worker and, to my knowledge, he has not addressed the other Facebook posts at issue. Instead, he offered a limited apology that I understand was written by Trey Apffel, “unfriended” various lawyers that took issue with his posts, and hired a PR firm. I understand he deactivated his Facebook page, ostensibly to prevent further scrubbing of his posts. We have seen four posts. There might be more. He also offered to implement a diversity task force without crediting Sylvia Borunda Firth, President-Elect of the SBOT who proposed the idea and has made it a feature of her tenure at the SBOT. To my knowledge, Mr. McDougal has not reached out to the election worker to apologize for his role in making her the center of this controversy. He likely thinks to do so would lead to a lawsuit against him and some of his supporters and he might be right.

Mr. McDougal’s inept handling of the aftermath of his Facebook posts being published widely shows a failure of leadership. Besides the initial disregard for female and diverse members of the SBOT and their supporters, the void left by lack of responsible leadership emboldened more intolerant members of the SBOT to heap additional verbal abuse on Mr. McDougal’s detractors. Ignoring his role as a representative of one of the largest bar organizations in the country and hiding behind principles of free speech, Mr. McDougal’s supporters have not only condoned biased and problematic behavior but they have likened attorneys who disagree with them to “lynch mobs,” “Marxists,” and “Communists” while portraying them as “sensitive” and “hysterical.” Worse yet, they have shamefully and irresponsibly continued to argue that the election worker committed a crime in public forums while displaying her likeness. With friends like this, Mr. McDougal does not need enemies. Mr. McDougal must resign because there is not enough time in his remaining tenure to address the wrongdoing wrought by him and his most ardent supporters and featured in national and international legal articles. They have stubbornly squandered every opportunity to make this right. Like it or not, Mr. McDougal was brought through the SBOT election process with insufficient vetting and is the voice (and face) of the SBOT. As long as he remains the President of the SBOT, the SBOT will be tethered to his statements and those of his supporters.

I respectfully request that,

Mr. McDougal resign or be removed from his position as SBOT President so that the President-Elect of the SBOT may supplant him as President of the SBOT,

If Mr. McDougal does not resign or is not removed, that the Board of Directors examine opportunities in keeping with the law and other documents governing the SBOT, to limit his role especially as it may impact female and diverse members of the SBOT,

Members of the SBOT be required to take at least 1.5 hours of implicit bias training each year in order to fulfill mandatory CLE requirements,

Vetting processes for selecting nominees to Officer and Director positions with the SBOT be overhauled to be more rigorous and keeping in mind the diversity of the SBOT, and

SBOT procedures be revised to provide for the removal of an Officer or Director of the SBOT on a vote of no confidence or for cause or similar.

El Paso Director, Steve Fischer

Mr. Fischer has a long history of making disparaging comments about and to female and diverse colleagues and he must resign. As a Director of the SBOT and a person serving on the State Commission on Judicial Conduct, this persistent and unchecked behavior is problematic. I have personally seen these comments in Facebook posts. He consistently makes statements that women cannot read and cannot understand the points he makes when they disagree with him. He has more than once compared Black people unfavorably to Jewish people in stating that Jewish people have suffered more in recent history than Black people. In one comment, he stated, "Jews suffered way worse than Blacks-equal jobs or equal ovens. We do our best to get an education and help others, while you want to shout and complain." Set aside that such comparisons are impossible to make, especially by anyone with a moral compass, his statements reveal a bias that cannot be underestimated and should not be tolerated from a leader of the SBOT.

A recent incident occurred in a Facebook group that he founded and presides over as an administrator, Texas Family Lawyers, that while illustrative is not unique for Mr. Fischer. He attacked many diverse female colleagues who disagreed with him on a matter, set up a poll that included a misrepresentation of their positions, and then browbeat them with the poll results. He also engaged in very personal attacks, including his well-known attack on Mrs. Ginger Witherspoon, wherein he said, "You did nothing to help civil rights this week except you're still married to a Black." I left Texas Family Lawyers as a result of Mr. Fischer's attacks. It is not my area of practice, so I could afford to leave without losing a resource. Mr. Fischer kicked Mrs. Witherspoon and at least one Black woman out of Texas Family Lawyers for disagreeing with him. I believe he kicked out more. He then, in Texas Family Lawyers and elsewhere, disparaged Mrs. Witherspoon and used the same posts in which he criticized her to recruit additional members to Texas Family Lawyers. Meanwhile, as with Mr. McDougal, his most fervent supporters attacked Mrs. Witherspoon and others, including me, who came to her defense.

Mr. Fischer has been approached numerous times regarding his propensity to attack female and diverse colleagues and he responds with his civil rights accomplishments and more dismissive comments, often doubling down. Most recently, in yet another instance of acting against his interest, he stated in an article in Law.com that he enjoys taunting fellow lawyers. Mr. Fischer has a long history of making indefensible statements at the expense of female and diverse colleagues, apparently for sport, and has had ample time for self-reflection and correction. His actions are damaging to the SBOT and its members and reflect poorly on all of us.

For these reasons, I respectfully request that,

Mr. Fischer resign or be removed from his position as a Director of the SBOT and from his position with the State Commission on Judicial Conduct,

If Mr. Fischer does not resign or is not removed, that the Board of Directors examine opportunities in keeping with the law and other documents governing the SBOT, to limit his role especially as it may impact female and diverse members of the SBOT,

Members of the SBOT be required to take at least 1.5 hours of implicit bias training each year in order to fulfill mandatory CLE requirements,

Vetting processes for selecting nominees to Officer and Director positions with the SBOT be overhauled to be more rigorous and keeping in mind the diversity of the SBOT, and

SBOT procedures be revised to provide for the removal of an Officer or Director of the SBOT on a vote of no confidence or for cause or similar.

The Problem of Online Bar Groups and the SBOT

I would be remiss in my statements to omit a discussion of Online Bar Groups that, whether intentionally or not, have become de facto affiliated with the SBOT and have grown over time to have an out-sized and unsanctioned influence on SBOT elections and other SBOT matters. The claim that these Online Bar Groups are unaffiliated with the SBOT and “belong” to their creators is disingenuous at best. They have been branded with names that align with all lawyers in Texas or all Texas lawyers specializing in a certain subject matter area, for example, *Texas Lawyers* and *Texas Family Lawyers*. The sole criteria for admission to these groups is that an applicant for admission have a Texas Bar Number. I understand that the SBOT invites representatives of these recognized Online Bar Groups to participate in SBOT functions and reimburses expenses incurred in connection with attendance. Administrators of several of these groups have official roles with the State Bar of Texas. Lawyers with official roles with the SBOT and traditional Bar groups share official statements to some of these Online Bar Groups. Content on some of these Online Bar Groups qualifies as self-study materials for purposes of obtaining CLE credits.

These Online Bar Groups lack many of the features and guardrails of traditional Bar groups, yet they are accorded access and status with the SBOT. They do not have official structures, with elections and procedures in place. They offer no organized community efforts or pro bono or educational opportunities beyond the self-study credit. Content is approved or deleted by the administrators at their discretion without announced criteria for doing so. People are kicked out of these groups at the whim of the administrators. While these Online Bar Groups have some utility, it comes at a price to the SBOT. There is no accountability and they have been plagued with unprofessional behavior, bias and harassment. Repeat offenders are routinely permitted in the name of freedom of speech to antagonize any and all and, as you can imagine, much of this bad behavior is targeted at female and diverse attorneys. This harassment is the price of admission to a group that otherwise might provide real value to a person’s practice of law.

Some Online Bar Groups are run, at least in part, by people in leadership positions with the SBOT. For example, Texas Lawyers is recognized as being the largest Bar group of the SBOT and was founded and is led by a current SBOT Director. It is recognized on the SBOT website. Its current membership is listed as 14,896, approximately 14.4% of SBOT membership. Texas Family Lawyers, is one of many Online Bar Groups where Steve Fischer serves as a founder and administrator while he is a sitting Director of the SBOT. There is at least one other SBOT Director that serves as an administrator of Texas Family Lawyers. Like Texas Lawyer, Texas Family Lawyers is a group recognized on the SBOT website. On its face, leadership of Online Bar Groups by Directors of the SBOT appears to be a conflict of interest that creates an extralegal arm of the SBOT with undue influence on its activities. That these Online Bar Groups are not held to any cognizable standards only exacerbates the problem.

Accordingly, I respectfully request that,

The SBOT research and publish the extent to which Online Bar Groups, in their current forms described above, act as extralegal extensions of the SBOT or unlawfully expand the power of Officers and Directors who administer or moderate them,

The SBOT update its policies to prohibit Officers and Directors from administering or moderating (or causing or controlling same) Online Bar Groups recognized or supported in any way by the SBOT, and

The SBOT develop a list of requirements that Online Bar Groups must meet to be recognized or supported in any way by the SBOT in order to address the particular challenges presented by discourse in online forums.

Thank you for your consideration of my thoughts on the above-referenced matters and the proposals I present in connection therewith. My employer, Fannie Mae, is a corporate leader in matters of inclusion and diversity, but the content of this letter is mine alone.

Respectfully,

/S/ Chelo Carter

Chelo Carter
Associate General Counsel
Fannie Mae

July 22, 2020

Via E-mail to: boardofdirectors@texasbar.com

State Bar Board of Directors
1414 Colorado Street
Austin, Texas 78701

Re: Comment on Agenda Item 7(A) & 7(D) for the July 27, 2020 Special Called Meeting of the Board of Directors

To Our Board of Directors and State Bar President,

I have practiced plaintiff's employment law for over 14 years in the States of Texas, Michigan, and California.

I write because I would like to see concrete and positive action flow from the debate and discussion that has resulted from current and past online posts of State Bar President Larry McDougal and Director Steve Fischer.

I also write because I feel I have useful input to provide as a member of three State Bar associations, including one with an Elimination of Bias CLE requirement, on how the State Bar of Texas can implement a meaningful Elimination of Bias CLE requirement.

There is a Need for Bold, Public, & Meaningful Action – Apologies are Not Enough

On a day-to-day basis, I represent a diverse cross-section of employees who have suffered workplace discrimination, harassment, and retaliation for exercising their legal rights.

Unfortunately, we see our fair share of intakes from the legal world – from paralegals to legal secretaries to associates to even partner-track attorneys claiming gender, pregnancy, race, or disability discrimination or even sexual harassment.

I believe the issue of explicit and implicit gender, race, disability, and other biases in the legal profession in Texas, at both small and large firms, is very real.

I have also seen divisive, offensive, misogynistic, and racist commentary online from many Texas attorneys on a Facebook group called Texas Lawyers, and even in the public comments that certain Texas attorneys have prepared to submit in advance of this Special Called meeting.

Unfortunately, having the public attention now focused on similar comments made Mr. McDougal and Mr. Fischer has had two very negative effects.

First, it has caused serious damage to our State Bar's reputation amongst our colleagues in other states and amongst lay people in the State of Texas who become our jurors, our clients, our witnesses, our staff, and our opposing parties.

Second, it has also fueled certain attorneys to feel brazen and entitled in expressing certain views that are despicable, and in launching personal and other attacks on those of us who are attempting to have professional and forward-looking debate on these issues.

Needless to say, all around, both the precipitating events and fallout reflect quite poorly on the supposedly high standards of civility, professionalism, and ethics attorneys are supposed to hold themselves to in exchange for a license to practice law, and we can only repair that damage by taking bold and public actions that are fully supported by Mr. McDougal, Mr. Fischer, and the entire board.

Input on Making a Meaningful Elimination of Bias CLE Requirement

I support and stand as an ally to the minority bar sections who have called for changes to CLE requirements, funding allocations, and State Bar priorities.

But, let's make no mistake about it.

Bias in the legal profession in Texas isn't limited to "implicit" bias.

There is plenty of explicit and consciously held bias out there in our profession and in society at large in Texas that affects every lawyer's practice regardless of whether one practices criminal law, personal injury law, real estate law, or even transactional law.

California, New York, Missouri, and Minnesota are among the states that require member attorneys to take one or more CLE credits per year on the topic of bias.

As a member of the California State Bar I am familiar with how meaningful and educational “Elimination of Bias” CLE courses can be.

I strongly recommend that the State Bar of Texas require that at least 1 hour of each member attorney’s annual ethics credits be fulfilled by a CLE course on Elimination of Bias, and that qualifying CLE courses be specifically defined to include courses on (1) Federal, state, and local laws prohibiting discrimination or harassment based on race, national origin, gender, disability, religious, sexual orientation, or immigration status; and/or (2) the impact of biases in the legal profession and in the criminal and civil justice system.

CLEs that qualify could cover such topics as:

- sexual harassment in the workplace;
- accommodating litigants, witnesses, and jurors with disabilities
- blind testers, fair housing laws, and race discrimination in real estate,
- ADA defenses and counter-claims to eviction suits;
- local Minority & Women-Owned Business Enterprise contracting requirements;
- tips and tricks on addressing bias in voir dire and jury selection;
- a constitutional exploration of the line between free speech and hate speech;
- what churches and religious employers need to know about Federal discrimination laws;
- what every family law practitioner needs to know about the Indigenous Child Welfare Act
- big law diversity statistics and hiring, retention, and promotion strategies.

In short, such a CLE requirement if properly defined and explained to the membership can impart concrete and critical knowledge, tools, and expertise that will improve every Texas lawyer’s ability to practice in their chosen field, in a diverse society, and in a state where state, Federal, and local laws on diversity, discrimination, and harassment impacting virtually every area of practice.

For this reason, the State Bar should model this new CLE requirement not on an “implicit bias” model but on the “elimination of bias” model that the State Bars of New York, California, Minnesota, and Missouri have adopted.

Sincerely,

TREMAIN ARTAZA PLLC

By: Christine Hopkins

Christine Hopkins, Esq.

From: [Christine Hopkins](#)
To: [BoardofDirectors](#)
Cc: [REDACTED]
Subject: Comment on Agenda Item #7 A & D for the Special Called July 27, 2020 Board Meeting
Date: Wednesday, July 22, 2020 2:47:50 PM
Attachments: [image002.png](#)
[Hopkins Letter to State Bar Board of Directors.pdf](#)

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

To the State Bar Board of Directors,

I am a member of the State Bar of Texas (as well as the State Bars of California and Michigan), and I submit this written comment on Agenda Item # 7(A) and #7(D) in advance of the July 27, 2020 Special Called Meeting.

Thank you in advance for the time and attention you are all paying to this important matter and to public comments.

Sincerely,

- Christine Hopkins

TREMAIN
ARTAZA PLLC
www.tremainartaza.com
Direct: [REDACTED]

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From: [Trey Apffel](#)
To: [John Sirman](#); [KaLyn Laney](#); [Ray Cantu](#); [Lowell Brown](#)
Subject: FW: Latest developments re: Larry McDougal
Date: Friday, July 17, 2020 10:42:09 AM

Trey Apffel
Executive Director
STATE BAR of TEXAS
512.427.1500 direct | 800.204.2222, ext. 1500
trey.apffel@texasbar.com

From: Carmen Roe <[REDACTED]>
Sent: Friday, July 17, 2020 9:53 AM
To: Trey Apffel <Trey.Apffel@TEXASBAR.COM>
Subject: Fwd: Latest developments re: Larry McDougal

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

Trey,

See attached.

CMR
CARMEN ROE
CARMEN ROE | LAW FIRM

[REDACTED]
WWW.CARMENROE.COM

Begin forwarded message:

From: Cicely Reid <[REDACTED]>
Date: July 17, 2020 at 9:41:56 AM CDT
To: Carmen Roe <[REDACTED]>
Subject: Re: Latest developments re: Larry McDougal

Good Morning Carmen,

So, quick update from yesterday's Zoom meeting/roundtable with some of the stakeholders.....

Late yesterday afternoon, Larry reached out to the Chair of the SBoT AALS and accepted (tentatively) the terms contained within the press release.

He is balking on the CLE piece of if - blaming the Bar Board of Directors - essentially stating that the Board will never agree with the CLE requirement. (not sure how accurate or inaccurate this is)

Everyone was encouraged by this move - however; the vast majority are still very uneasy and uncertain in terms of Larry remaining in his position.

Most still feel that he needs to resign. I tend to agree.

FYI - Steve Fisher - ever the agitator - reached out to one of our members and stated that if we continue to put pressure on Larry to resign - then Larry will simply align with Gov. Abbott, AG Paxton, and go on Dan Patrick's radio show and begin to advocate for the abolition of the State Bar of Texas. This did NOT sit well AT ALL. Honestly, Steve seems to be making everything way worse.

The sentiment seems to still center around the meme that Larry posted on Facebook (albeit years ago) that stands for the proposition that "justice happens before the trial", and the depiction of police violence inflicted on a citizen in the photo.

Most of the lawyers continue to question how someone that clearly feels this way about due process of law - that it should be avoided in lieu of the police exacting street justice in the form of violence- can actually effectively serve as the President of one of the largest Bar organizations in the Country.

The black lives matter comments were troubling as well for obvious reasons - but all were concerned about Larry's stance on police violence as an ex cop turned criminal lawyer in the post George Floyd era. He has not addressed any of this in a meaningful way. Apologizing if he offended anyone does not inspire confidence in his leadership.

All this to say we all still feel that it is best that he resign. We also fully recognize that his resignation is unlikely. We continue to explore ways to resolve this very messy issue.

I will give you another update ASAP.

Best,

CR

On Thu, Jul 16, 2020 at 1:14 PM Carmen Roe <[c.roe@statebartexas.org](#)> wrote:

Cicely,

Thank you for this very considered email. I will forward it to the Chair or the Board of Directors to be distributed to all Directors for consideration. We have a meeting scheduled to discuss this issue next week.

Thank you again for reaching out in this important issue. Please forward

anything additional updates.

CMR
CARMEN ROE
CARMEN ROE | LAW FIRM

WWW.CARMENROE.COM

On Jul 16, 2020, at 11:04 AM, Cicely Reid

<[REDACTED]> wrote:

Good Morning C,

I just wanted to drop you a quick line to give you an update on what has been going on this week w/ Larry.

As I am sure you know, the African American Lawyer's Section (AALS) did initially speak with him, and released a statement to the press. (Attached).

I am a part of the advisory committee/roundtable that has been collaborating and discussing this issue with the AALS and the affinity sections of the Bar and their leaders - and the last request was that Larry come back to the table and discuss the demands in the press release and develop a timetable to move forward. It was decided that this was the best most reasonable course of action instead of just demanding that he resign outright because of his social media posts.

First he agreed to it. Then he backed out. Then the idea was floated that his son sit down with us because of Larry's recent health issues, emergency surgery for cancer, etc. At the last minute, that plan was scrapped. Reportedly because neither of them wanted to be "interrogated" or participate in an "inquisition".

The roundtable with him was supposed to happen today. Larry will not be in attendance - but the roundtable is still happening as planned to discuss next steps.

I have been **VERY** vocal about my opinion that Larry McDougal is not fit to lead the SBoT and needs to resign immediately. How he handled this is in my mind further evidence of his lack of character and fitness to lead. The SBoT President has to always be in a position and an accepting and flexible posture to be responsive to ALL members - especially when a crisis like this comes up. If his recent health problems prevent him from sitting down and

hashing out a solution to all of this - that is another reason why he needs to resign. Perhaps he needs to step aside and focus on his health.....

I would like for the SBoT Board to know that we have tried very hard to work with Larry to develop and execute a plan to move forward.

Not only is he refusing to resign - he is also refusing to come to the table with us and work on a solution.

This is EXACTLY what makes him unfit to lead the SBoT - and I would like for the Board to seriously consider this during deliberations next week.

To be clear - the AALS and the other black lawyers involved in this effort are not some angry mob demanding Larry's resignation as is being portrayed on social media. What he posted on social media is horrible and indicative of someone that holds unacceptable racist values and views. Even in the face of that - earnest attempts were made to reach out to him and implement some changes to make his Presidency - his administration - more fair, balanced, and inclusive.

Larry McDougal has rebuffed and rejected us reaching out to him and trying to move forward. He has to date agreed to nothing. He is refusing to step down.

Anyway - I just wanted to make sure that you and the rest of the Board were aware of this - and I will update you after the roundtable this evening if there are any new developments.

Please let me know if you have any questions or need any additional information. I am happy to help.

Best,

CR

<press release AALS SBoT.pdf>

From: [jdockery](#)
To: [BoardofDirectors](#)
Subject: Comment - State Bar President
Date: Tuesday, July 21, 2020 6:54:20 PM

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

I am a former President of the San Antonio Black Lawyers, Chair of the State Bar Racial Diversity Committee, and Chair of the Texas Minority Council Program. I am also a member of the African-American Lawyers Section. I have read SBOT President McDougal's written apology, his YouTube apology, his Facebook Post, the African-American Lawyers Section recommendation, the San Antonio Bar Association Statement, and the position of the State Bar of Texas.

I support the efforts of the State Bar of Texas to advance diversity and inclusion within the Bar and the State of Texas. I fully support the following statement from the State Bar: *"We will work closely with and support the State Bar Office of Minority Affairs and the State Bar sections and committees that are committed to advancing the goals of diversity and inclusion and equal justice under the law. We also support President-elect Sylvia Borunda Firth's plans to create a task force to further advance these issues. We look forward to reporting more about these efforts in the weeks ahead."*

If President McDougal continues as Bar President, I hope he will dedicate his time to advancing inclusion in the State Bar. I would work with him and other Bar leaders to make a difference.

James C. Dockery

From: [Marianne W. Nitsch](#)
To: [BoardofDirectors](#)
Subject: Comment as to fitness of McDougal to serve as State Bar President
Date: Wednesday, July 22, 2020 9:48:16 AM
Attachments: [image003.png](#)

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

Good morning,

I am writing to register that in light of recent social media posts that have come to my attention, I do not believe Mr. McDougal has the requisite fitness to continue to serve as President of the State Bar. These online posts evidence a pattern of hurtful, narrow-minded comments that are not acceptable in 2020 (nor should they ever have been).

Thank you, Marianne Nitsch SBN: 24098182

Marianne Nitsch | Attorney

Direct: [REDACTED] Cell: [REDACTED] | Fax: [REDACTED]



[REDACTED]
Austin, Texas 78701

www.gdhm.com

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From: [Mitch Mitchell](#)
To: [BoardofDirectors](#)
Subject: Comment for July 27 Special Meeting
Date: Tuesday, July 21, 2020 4:51:21 PM

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

I write to urge Mr. McDougal to resign.

I think Mr. McDougal's social media comments were unbecoming someone who is the face of an undeniably diverse body in 2020. They were hurtful to many, and the State Bar would be better positioned to address its past-due efforts on diversity, equity, and inclusion (the subject of a soon-to-be-created task force) without him at the helm. I am sure Mr. McDougal has now learned how his comments were hurtful and regrets them, but I do not think he is the right person to lead the State Bar on the course it must take.

Mitch Mitchell
Attorney



GAUNTT KOEN BINNEY & KIDD, LLP
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Gauntt Koen Binney & Kidd, LLP

Spring, Texas 77386

From: [Melanie Lira](#)
To: [BoardofDirectors](#)
Subject: Comment on President Larry McDougal
Date: Wednesday, July 22, 2020 4:04:38 PM
Attachments: [Letter to State Bar.pdf](#)

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

Via email to boardofdirectors@texasbar.com

State Bar of Texas

Board of Directors

Re: President Larry McDougal

Dear Board of Directors:

I write in my capacity as President of National Lawyers Guild - San Antonio (NLG). I am a licensed attorney in the state of Texas since 2016. I believe that my license comes with moral and ethical obligations, which I must utilized to combat systematically oppress black Americans and injustice.

Today I write on behalf of NLG concerning the behaviors of Mr. McDougal. I believe that he must to do what is best for the Bar and resign from his position without delay. His recent and past comments, and his overall handling of this situation, have damaged the prestige of the Bar and brought shame upon it. If he is not willing to resign, the Board should immediately take the appropriate steps necessary to remove him.

Irrespective of any apology issued, Mr. McDougal's recent and past discriminatory comments disqualify him to serve as the principal leader for the Bar. He has lost the respect of too many of his constituents, who are compelled to join in order to practice in Texas.

Mr. McDougal's supporters correctly point out that he has the right to freedom of speech, but freedom of speech does not entail freedom from consequences. To the contrary, when a person in a position of power makes derogatory and divisive remarks, unbecoming of that position, he should expect to be held to account. The President of the State Bar of Texas must be held to a high standard - serving in such a leadership role is a privilege, not a right. Moreover, the Bar has a compelling interest in maintaining the public perception of the integrity of the profession in order to facilitate a system with the purpose of administering justice neutrally.

This is not a slippery slope argument or “cancel culture.” Mr. McDougal’s pattern of discriminatory remarks, including one made under the veil of legal authority, after he was elected is the sole reason he must be removed. He may be allowed to continue to practice as an attorney, however, I do not wish to be a part of a mandated organization that is chaired by such disgrace.

As for the Bar at large, we must decide whether we are willing to stand up, put our collective foot down, and declare racism to be unwelcome within our professional ranks, especially among our leaders. Our State Bar President, Larry McDougal, has lost the trust necessary to lead, with conviction and compassion, statewide efforts to actively work against the multidimensional aspects of racism in our profession.^[1] He must be removed.

Thank you for your consideration,

/s/ Melanie Lira, SBOT: 24091298

President of National Lawyers Guild – San Antonio

^[1] See Robert J. Patterson’s definition of anti-racism available at <https://www.businessinsider.com/what-is-anti-racism-how-to-be-anti-racist-2020-6> (last visited July 22, 2020).

Melanie M. Lira

Attorney at Law
Lira | Cazares Defense Firm

San Antonio, Texas 78202



From: [Pete Kennedy](#)
To: [BoardofDirectors](#)
Subject: Comment on State Bar President Larry McDougal
Date: Wednesday, July 22, 2020 2:31:20 PM
Attachments: [image002.png](#)
[McDougalOnlineComments.pdf](#)

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

To the Board of Directors – When someone shows you who they are, believe them the first time. Mr. McDougal’s posts express contempt for (other people’s) free speech, very poor understanding of the law, and disregard for due process. After-the-fact apologies are unconvincing. Mr. McDougal has shown he is not fit to represent all Texas attorneys. The Board should ask him to resign. – Pete Kennedy.

[Peter D. Kennedy](#) | Shareholder

Direct: [REDACTED]



[REDACTED]
Austin, Texas 78701

www.gdhm.com

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From: [Rick Steeno](#)
To: [BoardofDirectors](#)
Subject: Comment regarding Larry McDougal
Date: Tuesday, July 21, 2020 1:21:50 PM

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

So he said some things people don't like. SO?? It's been said enough; free speech means nothing if we are not willing to hear things we don't like.

Aren't we lawyers? If we don't protect free speech, no one will.

The State Bar of Texas must not participate in today's "Cancel Culture."

--

Attorney , Licensed in Texas and Oklahoma



From: [Elisabeth Fairbanks](#)
To: [BoardofDirectors](#)
Subject: Comment regarding Larry McDougal
Date: Wednesday, July 22, 2020 3:25:37 PM

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

As attorneys, we have an obligation to be fair, unbiased, and to uphold the law. Many of our clients are black and people of color who already face barriers to engaging in the legal system. We should not espouse exclusionary ideas that further hurt the people in these communities.

The president of a state bar organization should be held to the highest standard. It is dangerous and inappropriate for someone in such a position of power to make derogatory statements about vital social movements such as Black Lives Matter. Attorneys should be fighting for equality regarding the killing of black people at the hands of the police, not denying the legitimacy of citizens' voices that cry out against such violence and demand fairness and equality under the law.

Additionally, Mr. McDougal shared a meme stating "justice happens before the trial," with an image of a police officer physically brutalizing a person against the ground. No one who mocks due process of law should have the honor and responsibility of leading a state bar organization.

I understand that Mr. McDougal has issued an apology, but that does not absolve him of his actions. He has the right to free speech, but that doesn't mean he should be free from repercussions for his statements and actions. Mr. McDougal will not effectively be able to lead this organization now that this has been brought to light.

The state bar has already condemned Mr. McDougal's statements. Mr. McDougal should resign from his position, and if he refuses to do so, he should be removed as State Bar of Texas President.

Sincerely,
Elisabeth Fairbanks
State Bar No. 24113652

From: [Fred Keys](#)
To: [BoardofDirectors](#)
Subject: Comment Regarding Retention of Larry McDougal as State Bar President
Date: Tuesday, July 21, 2020 6:15:14 PM
Attachments: [McDougal Letter.docx](#)

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

Please review the attached memo regarding the retention of State Bar President Larry McDougal.

Fred Keys
TBN 11373900
Senior Consultant
Fred Keys Consulting LLC



Sent from [Mail](#) for Windows 10

From: [Josh Fisher](#)
To: [BoardofDirectors](#)
Subject: Comments - July 27 Special Meeting
Date: Wednesday, July 22, 2020 3:57:37 PM
Attachments: [State Bar Special Meeting Comments.docx](#)

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

Dear State Bar Directors,

Attached please find my comments in advance of the July 27 special meeting of the Board.

Best regards,

Josh Fisher
SBOT# 24111141

From: [GREG HEATH](#)
To: [BoardofDirectors](#)
Subject: Comments for BOD Special Called Meeting Monday, July 27, 2020
Date: Wednesday, July 22, 2020 5:53:58 AM

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

Dear Directors,

Although I have strong feelings on the topics and am disgusted by the subject postings, I will refrain from railing against the postings by Mr. McDougal. I want to be counted as being against his continuing to serve as our State Bar President. Regardless of whether the postings reflect is personal views and whether his views may have evolved over the years (or even the last few days), he should see that his continuing as President our State Bar is a disservice. It is unfortunate that he is unwilling to step down for the good of the Bar and our profession.

Regards,

Gregory S. Heath

SBN 00792572

From: [Lauren Kalisek](#)
To: [BoardofDirectors](#)
Subject: Comments for July 27th Special Meeting
Date: Tuesday, July 21, 2020 8:54:38 PM

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

Dear Board of Directors

Please accept these comments for consideration of the items of your special Board meeting scheduled for Monday July 27th. As a member of the State Bar of Texas, I am very much supportive of diversity, equity, and inclusion initiatives within our State Bar, including, specifically, more robust training and resources on implicit bias that can be made available to all Texas lawyers and outreach to diverse communities to support law school enrollment and entry into the legal profession. In addition, it is especially important that our State Bar leadership display an understanding of these important principles so that we can establish a culture throughout the bar that is supportive of marginalized communities in our state. This is not about censoring free speech, it is about doing a better job of serving all the people in our state. Unfortunately, the online comments from Mr. McDougal are harmful to this effort and undermine the effectiveness of his leadership on these important issues. I believe that the appropriate action would be for Mr. McDougal to resign and allow the State Bar to move forward with a fresh start.

Thank you for your consideration of these comments and good luck with your deliberations.

Lauren Kalisek
Austin, Texas
Licensed 1995

From: [David Gilliland](#)
To: [BoardofDirectors](#)
Subject: Comments regarding Larry McDougal
Date: Wednesday, July 22, 2020 1:08:47 PM

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

State Bar Directors,

I agree with my fellow bar members who call for the removal/resignation of Larry McDougal. But I recognize that the Bar is in something of a Catch-22.

The public comments Mr. McDougal made in various forums are undoubtedly representative of the views of many members of the Texas Bar. This is borne out by the numerous comments the Bar has received in support of Mr. McDougal.

Race is a pernicious issue in America. As a 64-year old white male, I am painfully aware of the deep-seated fear and bigotry felt towards people of color by so many – some of them related to me by blood. Throughout my life, it has often been assumed by others who do not know better that I am sympathetic to those views because of my appearance – a blonde-hair, blue-eyed white male. Mr. McDougal's comments are the paradigm for what has come to be acceptable rhetoric among people who have not overcome their fear and bigotry. I have heard the same or similar things said to me or in my presence throughout my life – there have been many tense and embarrassing moments when I responded in ways that were unexpected. Every white person knows this and has had the same experience.

It is time for institutions to denounce the type of divisive language and behavior that has been exhibited by Mr. McDougal. He has not apologized. Saying "I am sorry if someone was offended" is not an apology. If he were to actually apologize, I would have a hard time believing it was genuine. People don't change that quickly.

Mr. McDougal is entitled to his view that Black Lives Matter is a terrorist group – he is entitled to be ignorant and share his ignorance with others. But as the leader of a Bar Association that is supposed to be a guardian of the rule of law (which includes the Constitution), it is incumbent on him to have a more nuanced and informed view of what is going on in America. The rule of law depends on us distinguishing between fact and fiction.

Protest, a right enshrined in our First Amendment, has ALWAYS been confronted with those who accuse the protestors of being terrorists. That was a common theme during the civil rights movement, though the language of that day was "outside agitators." State Bar leaders should be more aware and enlightened. As a 34-year bar member, I expect and demand that.

David Gilliland
Managing Partner
Duggins Wren Mann & Romero, LLP
[One American Center](#)

[REDACTED]

Austin, Texas 78701

[REDACTED]

Austin, Texas 78767

[REDACTED]

[REDACTED]

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From: [Mark Weiss](#)
To: [BoardofDirectors](#)
Subject: Comments; Board of Directors" Special Meeting, Monday, July 27
Date: Wednesday, July 22, 2020 4:23:24 PM

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

Ladies and Gentlemen:

I am a member of the Bar. Please accept my comments, below:

As to Mr. McDougal:

I do not know Mr. McDougal.

I do not believe I voted for him.

I do not particularly care for him.

What I do care for is the rule of law.

Mr. McDougal might be a boor.

Mr. McDougal might be crass.

Mr. McDougal has a different opinion than some about whether a "black lives matter" shirt is violative of Texas law when worn in a polling place.

His statements and view offend some. His interpretation of Texas law might not be correct. But, as lawyers, we must say, "so what?" *That is what free speech is about.*

If the State Bar were to sanction McDougal, it would be sanctioning free speech. It would be ascribing merit to some views, and chilling others.

That would be more reprehensible to a free society than anything "offensive" or "wrong" Mr. McDougal or anyone else might say.

As to a "diversity, inclusion and equity" task force:

Unfortunately, those concepts don't exist in a vacuum but in a context.

In the context of what Martin Luther King called the content of one's character and not the color of one's skin, each is a beautiful concept and I support them completely.

However, it's highly doubtful that that is what those demanding the task force mean.

For example, the letters signed by local bar organization leaders that you've posted among the materials for the upcoming meeting are peppered with terms such as "systemic racism", "agents of change", "social justice" and so forth, each of which is a component of the belief system often referred to as "Critical Social Justice" or "Critical Race Theory," both of which

I've studied to some degree. They work on the basis of "discourse theory" as theorized by the French postmodernist Michel Foucault, on ideas of radical (not liberal) identity politics, and on "implicit bias tests" that have failed to replicate and are consequently discredited among reputable social scientists.

In that context, "diversity, inclusion and equity" are about anything *but* diversity, inclusion and equity.

Instead, they are racism disguised as "anti-racism," they are exclusion disguised as inclusion, they are "eugenics lite" ascribing characteristics and unknowable thoughts on the basis of immutable characteristics, *i.e.*, skin color and ethnicity. As such, we should object to them on the strongest grounds because they are the antithesis of civil rights and individual liberty.

That said, if, instead, the Board were to create a task force, its work must be grounded on empirical studies that have held up well to attempts to replicate findings, rather than on abstract theoretical concepts like "whiteness" or "white fragility" that are unfalsifiable and consequently, not well-regarded by serious social scientists, as well as completely racist.

Second, if the Board were to create a task force, it must assure that any policies adopted and "training" that is mandated will be consistently principled in opposition to prejudiced assumptions about whole demographics, which is, itself, racist.

Unfortunately, there have been numerous accounts of "diversity training" in which prejudiced assumptions have been made about the attitudes of white people, Jews, Asians, and men simply because of the color of their skin, their ethnicity, or their sex. Doing so under the auspices of the Bar would, in essence, create a state sanctioned hostile environment for those unfavored members, a completely opposite result than one of true inclusiveness.

Third, if the Board were to create a task force, it must assure that its makeup, and any resulting mandated "training," will be inclusive of all ideological, religious, and philosophical beliefs and values to be found among the members of the State Bar. There are, of course, many belief systems and ethical frameworks from which prejudice and discrimination can be consistently opposed; however, the framework known as "Critical Social Justice" or "Critical Race Theory" works *purely* on a concept of knowledge as a "construct of power" perpetuated by language and a need to overturn "hierarchical binaries of power and privilege" as a matter of principle. That type of belief system cannot be affirmed by those who hold liberal views of individual agency, conservative views of individual responsibility, or many religious worldviews which reject that level of cultural constructionism. Having studied the Critical Social Justice approach, I also understand that it can be difficult or impossible to disagree with because its claims are *purely subjective and interpretive in nature, and because it explicitly casts disagreement as part of the problem.*

Last, I understand that, in the circumstances of the present moment, the urge to do something about the issues of race and racism are causing many organizations to take hasty action, many of which are leading to decisions that leave them exposed to a variety of unintended consequences. This is particularly true for the Bar, because it is a government agency under the administrative control of the Texas Supreme Court. The wrong action might lead to a politicized membership, to another argument that will be used to attack the mandatory nature of the Bar, and even to possible legal exposure for State sanctioned discrimination, depending on the policies and practices adopted.

Thank you for your consideration.

Sincerely,

Mark Weiss

July 22, 2020

Via: boardofdirectors@texasbar.com

RE: State Bar board to meet July 27 on president's online comments, diversity task force

Dear Board of Directors of the State Bar of Texas:

This correspondence concerns the president's online comments and the diversity task force. I will address the diversity task force, but that is only based on that issue is needed no matter the outcome of the president's online comments. Texas has about 27,000 minority attorneys out of 105,000 attorneys, which many of the total and other number also includes many who are minorities in several ways. We must address the diversity and inclusion issues in our industry.

As to the president's online comments, I think that Larry McDougal either accepts the recommendations of the African American Lawyers Section or the Board votes to terminate his position in whatever manner they have under the law and rules of the State of Texas. I honestly think he needs to resign, but he seems to be putting his needs above the needs of the State Bar of Texas. We already have division in the industry along with Legislative support to sunset our organization. We do not need fighting within our organization about issues that should have been solved back in the 1960's.

We need all of the board of directors to decide to stand as a collective against harming another member of the Bar or the public "... by words or conduct, bias or prejudice based on race, color, national origin, religion, disability, age, sex, or sexual orientation towards any person ..." as stated in the Texas Disciplinary Rules of Professional Conduct Section 5.08 Prohibited Discriminatory Activities. It is limited to adjudicatory proceedings, but the State Bar of Texas is "dedicated to protecting the public through the attorney discipline system," which uses the process of adjudication. As the Bar President, he is over this process for every attorney licensed in Texas.

His actions from all of the BLM posts to the suspended female comments did not hold true to the mission of the State Bar of Texas, which is "... assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, ... and promote diversity in the administration of justice and the practice of law." His actions went against three of the pillars of the mission he decided to uphold in his role as president of the State Bar of Texas.

Larry McDougal should resign, or in the alternative, the State Bar of Texas should terminate him along with opening and FUNDING a diversity task force. Also that task force should add the ABA 8.4g rule to prevent this action in general and not just within an adjudicatory proceeding.

Sincerely,


Cristal Robinson, Attorney


Amarillo, Texas 79101

Cristal Robinson, Attorney

P: 


From: [Cristal Robinson](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 2:44:00 PM
Attachments: [image001.png](#)
[SBOT - Racial Issues.pdf](#)

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

Attached is the signed letter as seen here.

July 22, 2020

Via: boardofdirectors@texasbar.com

RE: State Bar board to meet July 27 on president's online comments, diversity task force

Dear Board of Directors of the State Bar of Texas:

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Sincerely,

Cristal Robinson, Attorney

Cristal Robinson, JD & MBA

Attorney – Mediator – Consultant



www.cristalrobinson.com (text, messenger, email)

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From: [Dahlia Gutierrez](#)
To: [BoardofDirectors](#)
Subject: Re: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 11:53:29 AM

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

Lisa: I was Chair of Hispanic Issues Section, the year you were State Bar President. I am forwarding a copy of the email that my husband and I both submitted to SBOT Board of Directors, re: Larry McDougal's statements. I also forwarded my reply to Women and the Law Section.

I know that you are still very "well connected" with the Bar and particularly the African American Bar Associations in the State. I feel that our statement to the State Bar, was a little "watered down", but that is because my husband did not want to sign off on anything too inflammatory. Nevertheless, we both are very troubled by the situation and are willing to write and or directly make a more assertive statement, if necessary.

At a time, when female Federal Judges are being attacked (MERELY FOR BEING FEMALE) and are being called "LAZY LATINA"; as justification. We CANNOT discount or diminish the comments made by Larry McDougal. For him to state that it is merely his "personal opinion" that "Black Lives Matter" is a TERRORIST ORGANIZATION is both actionable and inexcusable. His comment is not a "personal opinion" but rather is a LEGAL CONCLUSION which carries serious criminal penalties if proven. As such, any person who would be affiliated with and/or in support of such an organization would also be subject to criminal prosecution. His comments have tarnished and quite possibly damaged the ability of both female and/or minority attorneys to practice law and to garner the trust and confidence of the general public. ARE WE GOING TO TURN BACK 50 YEARS OF HISTORY AND HAVE "LITMUS TEST" FOR WOMEN AND MINORITY LAWYERS again ?

Frankly, any amount of "diversity education or implicit bias training" is NOT appropriate in this circumstance. Personally, I believe that Larry McDougal's RESIGNATION is the only adequate remedy; as his character and professional demeanor have been revealed as inadequate to lead a diverse Bar Association.

I know that you are very on top of this issue. If there is any way that either George or I can be of further help or support to any attorney group, please feel free to contact me.

Hope all is well with you and your family during these difficult times.
Very sincerely,

DAHLIA M. GUTIERREZ

On Tue, Jul 21, 2020 at 7:36 PM Dahlia Gutierrez <[REDACTED]> wrote:

We are appalled and dismayed by the public comments made by Larry McDougal after he was sworn in as President of the State Bar of Texas.

His comments are a perfect example of the implicit and systemic racism and bias that most of the country is protesting AGAINST.

In fact "BLACK LIVES MATTER" is not a "terrorist group", and there is one black U.S. Senator, who acknowledges such, and who happens to be a registered Republican.

Additionally, there are numerous elected officials of BOTH parties, who still support a "woman's right to choose" when it comes to personal health issues, including, her right to an abortion. Many of these elected officials are women.

It was especially disturbing and distressing to read Larry's views on law enforcement and the criminal justice system. He concludes, without reason, or evidence, that "innocent cops will be convicted" in a court of law based solely upon emotion and flawed reasoning. What message does this send to our legal community; not to mention to the general public with regard to the effectiveness and integrity of our judicial process ?

Frankly, it is extremely troubling and difficult to comprehend why, Larry McDougal would find it appropriate to use his position within the State Bar to promote views that are RACIST, SEXIST, and misleading to the point of distorting and eroding the confidence of the general public in the criminal justice system.

We request that action be taken by the State Bar Board of Directors which acknowledges the harm that has been done; and furthermore, that the State Bar takes active measures to regain the confidence and good will of both the Texas Bar and Bench.

Perhaps, Larry McDougal is not the best person for the job ?

DAHLIA M. GUTIERREZ

Former CHAIR, SBOT, Hispanic Issues Section

GEORGE E. DIX

George R. Killam, Jr. Chair, Emeritus

University of Texas School of Law

From: [David Carpenter](#)
To: [BoardofDirectors](#)
Subject: Removal of President
Date: Wednesday, July 22, 2020 9:04:25 AM
Attachments: [image001.png](#)

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

The State Bar of Texas cannot sit idly by and allow all Texas lawyers to be categorized as racists and misogynists. McDougal's remarks, regardless of his intent and apology, cannot be allowed to stand without strong action by the State Bar. I have been a member of the State Bar for 42 years and we stand for social progress and reform. We have all said and done things we regret, but he has to go, either voluntarily or by action of the Board of Directors.

J. David Carpenter
Attorney

[REDACTED]

Waco, Texas 76710

[REDACTED]



[REDACTED]

www.CarpenterandCroft.com

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From: [Dawn Ferrell Clements](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 7:01:32 AM

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

The individuals in positions of Bar leadership who engaged in the written exchanges should be strongly encouraged to immediately resign from their positions of leadership. All of them. Whether we agree or disagree with various contentions each made is not the point. Discretion and knowing when to keep one's mouth shut, is.

The Texas Bar should strongly encourage courts to prohibit "Black Lives Matter" t-shirts and similar attire in the court. Such attire has no place in our courts.

Finally, if lawyers are "practicing" without a license, immediate and sweeping action should be taken to prevent that conduct.

Dawn Ferrell Clements
Texas Bar 04362320
Arkansas Bar 2009087
Indiana Bar (inactive in good standing)
Illinois Bar (retired in good standing)

From: [REDACTED] m
To: [BoardofDirectors](#)
Subject: Board of Directors Meeting, July 27th
Date: Wednesday, July 22, 2020 4:03:01 PM

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

To the Board of Directors of the State Bar of Texas -

My plans had not included writing this letter. However, being a good ally requires listening and recognizing need. The anemic response from Larry McDougal plus the rising tide of white defensiveness in light of this and related issues mandates a response.

This will be my tenth year as a member of the State Bar of Texas. In that time, I have grown from a baby second-career attorney to someone who is now a professional neutral who regularly speaks on ethics and implicit bias. I am the chair for District 4 of the grievance committees. I am a member of the Board of Directors for The Woodlands Bar and the administrator of several attorney-only Facebook Groups, including Houston Lawyers. Many of you know me.

Today is not supposed to be the day for my voice. It should be for the voices of attorneys who have been excluded for generations from full recognition and the benefits of being members of the State Bar of Texas. Attorneys who have been treated as "other," dehumanized, minimized, and ignored. Today should be their day to be heard, but from online comments and reports it appears that once again hearts are being hardened and faces turned away. With a bar that is majority white and male we need to be sure that the majority of voices do not drown out the demands of those who have been harmed.

I see no point in my asking for the resignation of any elected bar leadership for their statements when there is no rule they have violated under our ethical guidelines. While their comments are harmful, abusive, and indicative that they are unfit for the positions they hold, what rule has been broken? That this Bar has not adopted ethical rules which allow redress by attorneys and clients when faced with egregious verbal and harassing conduct by bar members was a deliberate choice. This is the predictable outcome.

I have been gifted with the stories of women and minorities who have faced physical harassment in non-litigation contexts, fended off hailstorms of offensive language from inside and outside of their law firms, and from the attorneys they have retained to represent them. They have no recourse in our grievance system. While other bars across the nation have aggressively addressed harassment and discrimination, the State Bar of Texas has turned its back on its minority members – from women to attorneys of color – to placate the white male majority of this bar.

The purpose of removing a bar president or any other person in a leadership role within the bar is seemingly to prevent the issue of discrimination, harassment, and is to increase equality among persons of all backgrounds, ethnicities, and statuses. The problem is that removal or resignation of the current bar president will do nothing to prevent this issue from arising again. The State Bar of Texas needs to make systemic changes. I strongly urge you to consider adopting an ethical rule to address discrimination.

The American Bar Association promulgated model rule 8.4g in 2016. In the long four years since, the State Bar of Texas has not modified their only ethical rule that even touches on abusive behavior. The ABA model rule reads:

It is professional misconduct for an attorney to:

(g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

While the American legal system is adversarial the practice of law need not be hostile. The cowboy

belief that the ability to attack the person of another attorney is necessary component of zealous advocacy does not even pass the muster of the codes of behaviors required by the very law schools that educate us.

If there is to be a task force, adoption of this rule or a modified version of this rule should be its focus. A forward-looking rule that would allow the reporting and handling of comments like those made by Larry McDougal, Steve Fischer, and others. A rule that would not reward bad behavior with positions of trust. Without the adoption of a rule that prohibits discrimination, the behavior will continue because there is no real check on it.

Respectful regards,

Denise Peterson, FCI Arb

From: [Derick Lancaster](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 10:13:21 AM

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

To the Board of Directors,

While I believe that Mr. McDougal's comments about the Black Lives Matter movement are evidence of a lack of empathy and a lack of understanding of racial issues in America, I am most concerned by Mr. McDougal's 2012 post regarding police brutality. The rule of law is the only thing that separates us from the state of nature. To have a lawyer, much less a *leader* of lawyers, take the position that police brutality is a form of justice is totally unacceptable.

Mr. McDougal's written apology is a non-starter. The apology lacked a recognition that what he said publicly was unacceptable. The apology lacked one iota of remorse for anything except being caught.

I'm further disturbed by Mr. McDougal giving a legal opinion that he is not qualified to give, namely in the area of electioneering. Mr. McDougal can read a statute, excellent, but as others have pointed out in these public comments and on social media, the case law does not support Mr. McDougal's position. I believe this shows a lack of thoroughness and attention to detail that other lawyers should find unacceptable.

As lawyers, all we have is our reputation, Mr. McDougal should resign before he hurts his any further.

Sincerely,

Derick Lancaster

--

Derick W. Lancaster, Esq.
www.dericklancaster.com

From: [Doug Kilday](#)
To: [BoardofDirectors](#)
Subject: Improper comments by State Bar President Larry McDougal
Date: Wednesday, July 22, 2020 1:26:59 PM
Attachments: [image004.png](#)

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

Dear State Bar Directors:

Thank you for your leadership and stewardship of the State Bar of Texas. I am grateful for your service to the Bar, the legal system, our communities, and our State.

I write to express deep concern over the very recent and historical online commentary by our current State Bar President, Larry McDougal. I will address my concerns separately in those two categories – the very recent comments, and the historical comments.

Mr. McDougal's Very Recent Improper Comments

As you know, the recent comments relate to the phrase “Black Lives Matter,” which appeared on a t-shirt at a polling location earlier this month in Fulshear, Texas. Speaking as State Bar President just twelve days ago, Mr. McDougal publicly condemned the t-shirt and the appearance of that phrase at a polling location. Worse, he argued that “it is a crime in Texas” and that it somehow constitutes a “form of intimidation”. Mr. McDougal publicly argued that the person wearing this t-shirt “should have immediately been removed from the premises and issued a [criminal] citation for Electioneering.”

Mr. McDougal has every right to his opinions, however hurtful and inappropriate those opinions may be, and he also has the right to express his views. The question is whether he may express views of this type while also maintaining his role as President of the State Bar of Texas. As a leader of our State Bar, Mr. McDougal's comments carry added weight and importance. The public may reasonably view that he is speaking for the Bar, and for all Texas lawyers. His words may influence public officials, including those who administer elections and those with the authority to arrest and prosecute or to serve as judges and jurors in legal proceedings. As members of the Bar, we have a right – indeed, a duty – to make clear that Mr. McDougal does not speak for the Bar on these matters. As Directors of the State Bar, you have the right to make that clear as well. All of us have the right to select who may speak for us, and who may not. Mr. McDougal may have a constitutional right to speak his mind, but he does not have a constitutional right to the public megaphone that goes along with being President of the Bar.

Mr. McDougal does not speak for me, he certainly does not speak for a substantial number of our members, and I believe he has relinquished his right to continue serving effectively as State Bar President.

The phrase “Black Lives Matter” is not a political statement. It should not be perceived as a political statement. It is not a catchphrase for or against any particular candidate running for public office. It

is not a mantra of any political party. It is a pronouncement – a truth – that is long overdue in our country. It is a phrase that has been, is, and should be embraced by political, civic, corporate, and other leaders, across party lines. Black lives do matter. They matter to all of us. Republican and Democrat leaders at all levels of government have said so. And we need to say so, publicly and out loud.

It is especially important that we as lawyers, and as the State Bar, speak that truth clearly today.

Why is this such an important issue for the legal profession?

As you know, *the laws* of our country, our state, and our communities have been used to ensure that black lives do *not* matter. As lawyers, we must acknowledge that our laws and our profession have been primary tools of oppression in our nation's tragic history on race. Our laws embraced and enforced slavery. Our constitution declared that black lives only count as 3/5th of a person. After emancipation, our laws perpetuated the vestiges of slavery through "black codes" that limited freedom and kept many black lives in forced labor. For another century, our laws were used to expressly enforce segregation, and to deny black lives the right to vote, and access to jobs, housing, education, and other opportunities. In more recent decades, even after *Brown vs. Board*, and *Loving vs. Virginia*, and other landmark U.S. Supreme Court rulings that make all of us proud of our profession and its role in shaping our world for the better, our laws have still been used to ensure that black lives do not matter the way that other lives do. One notable example is the long-standing sentencing disparity for crimes involving cocaine that is mixed with baking soda and water (i.e., crack cocaine, which has been more commonly used in our country by people of color) versus cocaine powder (which has been more commonly used in our country by white people). Despite having the same chemical properties, these two substances were treated vastly differently by our federal sentencing guidelines starting in 1986. In order to receive the exact same sentence, a person convicted of a crime involving cocaine *powder* would need to possess, sell, purchase, or distribute a quantity 100 times greater than a person convicted of the exact same crime but with *crack* cocaine. The exact same chemical substance would yield a 100-to-1 sentencing disparity. These enormous disparities have only been lessened in very recent years. Experts estimate that 80 to 90 percent of those incarcerated for crimes involving crack cocaine – with their mandatory minimum sentences and their vastly longer prison terms for even tiny quantities – have been black lives. Many of those black lives remain in prison, while their white counterparts have gone free.

Our laws have tragically reinforced that black lives do not matter, or that they do not matter as much as other lives.

That is why it is so important that our leadership speak clearly for all Texas lawyers and all Texans that black lives *do* matter. If we are to truly live up to our ideals of justice for all, then we must speak up for those who have been targeted, diminished, marginalized, and disproportionately punished and mistreated by our laws. We must say that the lives of our black brothers and sisters matter.

Again, this is not a political statement. It is something that all of us should proudly embrace. At the very least, it is critical that we tolerate and accept those who choose to promote that black lives

matter. When our State Bar leadership falsely suggests that the phrase “black lives matter” is somehow “a crime in Texas” or a form of “intimidation,” it pours salt into the wounds of those who have been victimized by oppressive laws in this country for far too long.

It is my view that these hurtful and improper words disqualify Mr. McDougal from continuing to effectively serve as President of the Bar for all Texas lawyers. I call on Mr. McDougal to resign. If he chooses not to resign, I call on the State Bar leadership to exhaust all available avenues to seek his removal.

Mr. McDougal’s Past Improper Comments

Recently it has come to light that Mr. McDougal has previously made grossly inappropriate comments on social media in recent years, but before he became State Bar President. Those improper comments include (i) falsely labelling Black Lives Matter as “a terrorist group” in 2015, (ii) outrageously referring to a female lawyer struggling with drug addiction as “hot in her Texas Bar Picture but has Meth Head written all over her today” in 2014; and (iii) posting a photo that appears to show police violence with the offensive quote “JUSTICE – It usually happens *before* the trial” in 2012. While these social media postings were not made while Mr. McDougal was acting as State Bar President, they are still deeply offensive, divisive, and hurtful.

These public postings raise troubling questions about how Larry McDougal was selected to be on the ballot as one of two candidates for State Bar President. As you know, members of the State Bar of Texas are asked to vote for one of two pre-selected candidates for State Bar President. When we choose among the two candidates presented, most lawyers assume there has already been a thorough vetting process. It is clear that the vetting process has failed us here. I would encourage the Bar to re-examine the vetting process to ensure that social media postings are carefully scrutinized before any person is elevated as a final candidate to serve as State Bar President. If any lawyer has a history of posting racist, sexist, or otherwise offensive material on social media, they should not be on the ballot.

Conclusion

Again, I thank you for your service to the Bar, and for considering these comments. Please let me know if you would like to discuss any of these matters further.

I hope all of you are staying safe and well during this time.

Best regards,

-gdk

G. Douglas Kilday | Attorney at Law

Direct: 

Fax: [REDACTED]



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From: [Doug Lukasik](#)
To: [BoardofDirectors](#)
Subject: Brief Comments to the State Bar on Larry McDougal
Date: Wednesday, July 22, 2020 2:01:39 PM

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

Dear Board of Directors:

As someone relatively uninterested in State Bar matters, I was surprised to see yesterday's email on the controversy generated by State Bar President Larry McDougal's recent and past comments on Black Lives Matter (I admittedly could not have named the State Bar President and previously knew nothing of his opinions on any political/social matters). I am further surprised that his comments – while mildly inflammatory – would necessitate a special meeting of the State Bar Board of Directors.

In particular, the comments under discussion include his opinion on the legality of an election worker wearing a "Black Lives Matter" T-shirt to a polling place. While I lack expertise in election law, it seems that Mr. McDougal's opinion on this topic should not be considered remotely controversial or problematic. His opinion from several years ago on BLM generally – where he called this loose confederation of interest groups a "terrorist organization" (or something similar) – is mildly inflammatory and likely an unfair categorization of the movement writ large, though an accurate assessment about some of its fringier adherents (which was certainly established several years ago in Dallas).

However, this email is not intended to be a debate on Black Lives Matter (its goal of improved police treatment of/interactions with minority groups is a noble undertaking and long overdue, while some of its social commentary generally is rather less well grounded). Instead, it seeks to provoke consideration of whether a quasi-governmental organization such as the State Bar should be policing the speech of those involved in the organization, even its leadership.

While unpopular speech may make a number of members of the State Bar squirm, one might hope that the State Bar itself would understand that (a) efforts to chill unpopular speech are highly problematic; (b) countenancing such efforts only encourages more of them in the future; and (c) the State Bar should be very protective of a robust, First Amendment-inspired dialogue between competing ideas, even where such ideas generate controversy. As a wise person once told me, attorneys are the "grassroots defenders of the Constitution." I am hopeful that the Board of Directors will demonstrate a real commitment to that ideal.

Thank you for your consideration.

Sincerely,

Douglas W. Lukasik
Sloan Matney, LLP



Dallas, Texas 75219



SloanMatney

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: I'm a Law Professor. Here's What Happened After I Spoke Out on Black Lives Matter.
Date: Wednesday, July 22, 2020 7:34:42 AM

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
Web: Texasbar.com

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

From: Doyle Neighbours [REDACTED] >
Date: Tuesday, July 21, 2020 at 9:42 AM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Subject: I'm a Law Professor. Here's What Happened After I Spoke Out on Black Lives Matter.

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

<https://www.dailysignal.com/2020/07/20/im-a-law-professor-heres-what-happened-after-i-spoke-out-on-black-lives-matter/>

From: [Dylan O. Drummond](#)
To: [Amy Starnes](#)
Cc: [Meca Walker](#); [Hedy Bower](#); [Katherine Korrodi](#); [BoardofDirectors](#)
Subject: FW: Special Meeting of the State Bar Board
Date: Wednesday, July 22, 2020 10:26:18 AM

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

Good morning Amy,

I'm concerned that the July 11, 2020 formal statement from the Executive Committee of the Texas Bar College joining the Joint Statement issued by the Bar and TYLA earlier that day condemning Larry's remarks was not included in the Board materials. Our statement was signed by the College's officer corps, which includes a former SBOT President.

I've attached screenshots from our statement released on Twitter, Facebook, and Instagram. Can you make sure they are included in the Board materials and linked under the "Other Lawyer Associations/Groups" heading at https://www.texasbar.com/AM/Template.cfm?Section=Meeting_Agendas_and_Minutes&Template=/CM/HTMLDisplay.cfm&ContentID=50837?

I've cc'd the College's current Chair, Executive Director, and Managing Director. Thank you again and please let me know if you need anything else in this regard.

-DOD

Dylan O. Drummond

Counsel

Tel  Fax 

Cell 

 Dallas, TX 75201

grayreed.com | [Connect with me on LinkedIn](#)



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From: State Bar of Texas <webmaster@texasbar.com>

Sent: Tuesday, July 21, 2020 12:18 PM

To: Dylan O. Drummond < >

Subject: Special Meeting of the State Bar Board

State ☐ Bar of Texas



Dear Member,

The State Bar of Texas Board of Directors will hold a special meeting at 9 a.m. CDT Monday, July 27.

Among items on the agenda, the board will accept comments, discuss, and consider possible action regarding online commentary made by State Bar of Texas President Larry McDougal and other officers and directors. The board also will discuss the creation of a State Bar of Texas Task Force on Diversity, Equity, and Inclusion.

To view the agenda click [here](#).

Click [here](#) to see the board materials, which include the online commentary; a video-recorded apology from McDougal; joint statements issued by bar officers, committees, and sections; and other comments submitted by bar members and the public.

To participate by providing public comments during the meeting, please email amystarnes@texasbar.com or call Public Information Director Amy Starnes at 800-204-2222, ext. 1706 (toll free) before 5 p.m. CDT on July 24. Please provide the agenda item number you wish to speak on.

Written comments will be accepted by email at boardofdirectors@texasbar.com until the time of the meeting. To ensure board members have time to review your written comments in advance of the meeting, please submit them by 5 p.m. CDT on July 22.

State Bar of Texas
1414 Colorado
Austin, Texas 78701



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.

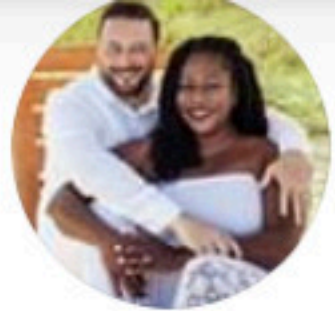
The Bar is better than either of these men. They should resign.

-DOD

--

-[DOD](#)

469.320.6191 (Direct)
512.789.2939 (Mobile)



Dylan O. Drummmond is with Kimberly Houston Drummmond in Dallas, Texas.

1d · 🌐

I've devoted much of my professional life to proudly serving the State Bar of Texas in several capacities.

President Larry McDougal and Director Steve Fischer are not fit to lead it.

Their continued tenure delegitimizes and debases both our Bar and our State.

Texans deserve better.

Larry McDougal


While it does not state a specific candidate or political party, it does state a group strongly affiliated with a political party.

There is a case where a MAGA hat was held to be electioneering which is a Class C Misd. I see no difference in that hat and this shirt. She should have immediately been removed from the premises and issued a citation for Electioneering

In my view the lady pictured above committed a Class C Misd and here is the law to prove it

Sec. 85.036. ELECTIONEERING. (a) During the time an early voting polling place is open for the conduct of early voting, a person may not electioneer for or against any candidate, measure, or political party in or within 100 feet of an outside door through which a voter may enter the building or structure in which the early voting polling place is located. (b) The entity that owns or controls a public building being used as an early voting polling place may not, at any time during the early voting period, prohibit electioneering on the building's premises outside of the area described in Subsection (a), but may enact reasonable regulations concerning the time, place, and manner of electioneering. (c) During the early voting period, the early voting clerk shall keep continuously posted: (1) at the entrance to the room or area, as applicable, in which the early voting polling place is located, a sign on which is printed in large letters "Early Voting Polling Place"; and (2) at the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker. No electioneering between this point and the entrance to the early voting polling place." (d) A person commits an offense if the person electioneers in violation of Subsection (a). (e) An offense under this section is a Class C misdemeanor.

4 hrs **Angry** Reply More



Larry McDougal

January 23, 2012



Larry McDougal

September 7, 2015 at 1:38 pm

You are pretty much correct. I do disagree with you on one point. The news media has waged war on law enforcement officers in the aftermath of several highly publicized killings. Groups like Black Lives Matter has publicly called for the death of just a few police

Steve Fischer

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

Steve Fischer

So you married a Black - now wheres that money?

3h Like Reply

+2

How many people of color oppose the post Steve Fischer?

3h Like Reply



**Steve Fischer ▶ Texas
Lawyers**



3d · 



Dylan O. Drummond
Steve:

As someone who's blissfully married to a beautiful, badass, African-American Texas attorney—GTFO with your feigned ignorance & flacid apology.

Racist terms like the one you repeatedly used aren't merely "inappropriate" or "intemperate" as you disingenuously suggest. Instead, it was a term you were clearly comfortable enough using that you did so publicly, and you employed it intentionally to maliciously refer to [REDACTED]'s African-American husband.

If you truly don't know any better by 2020—as old as you are—you don't wanna know. Best for you not to speak to, about, or on anyone whose spouse is African-American. Believe that.

From: [Edna Yang](#)
To: [BoardofDirectors](#)
Subject: State bar President Larry McDougal
Date: Wednesday, July 22, 2020 11:45:10 AM

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

Dear Board of Directors,

I have been a member in good standing for the past 18 years and I sincerely hope that you will take action and remove Mr. McDougal from his position as the State Bar president if he refuses to resign of his own accord. His racist and sexist comments and personal views (both present and past) reflect poorly upon the State Bar as an institution which is designed to assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers educate the public about the rule of law, uphold the lawyer's creed, and promote diversity in the administration of justice and the practice of law. He has no shown no empathy or understanding for those who have suffered and continue to suffer from racism and ignorance, such as his.

Mr. McDougal's apology is insufficient. Simply stating that he meant no offense and that his statements were made in a personal capacity demonstrate his lack of understanding of the nature of his comments, and his role and obligation as State Bar President to uphold the highest standards for our profession. I am appalled by not only the racist comments made by Mr. McDougal, but also by his clear inability to think critically as a lawyer and interpret laws and case law regarding prohibitions on electioneering. Is this the standard we as a professional organization should uphold and by which be judged?

As State Bar president Mr. McDougal is a public figure. His statements, even in his private and personal capacity, carry the weight of his position. The fact that he does not understand this basic concept is troubling. I have no confidence in him as a president. The fact that our resources need to be diverted in this manner to address the offensive actions of Mr. McDougal demonstrates that he is not the leader that we need. I do not believe that he is capable of upholding the State Bar's commitment to justice and diversity in the administration of the law and ask that you remove him immediately from his position.

Sincerely,
Edna Yang
State Bar No 24037752
Licensed October 2002

From: [Edward Rothberg](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 7:57:35 AM

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

To the Board:

Whatever your opinion is of BLM, I certainly hope and pray that the State Bar of Texas is not going to engage in the current fashion of cancel culture. In our great country, Mr. McDougal is entitled to his opinion whether you agree with him or not and no matter how distasteful you think it is. He cannot be sanctioned for his opinion. If his opinion can be quashed with sanctions as opposed to a real debate, we are witnessing the beginning of the end of our Republic and our start down the road to where government controls the message and dissenting thoughts are punished (i.e. totalitarianism).

Need I remind you that the State Bar is a governmental entity which may not abridge the the right of free speech guaranteed by the first and fourteenth amendments? I kind of get it that many politicians these days tend to ignore basic constitutional rights - like prohibiting church services while simultaneously allowing public protests directly in contravention of the right to assembly and the prohibition against laws regarding religion. But these politicians really don't care because by the time you finish a court case, the events of today will likely be ancient history and maybe those sacred rights will be abridged. But lawyers must "care" about the constitution. If you disagree with Mr. McDougal, challenge him to a debate. Bring a BLM official to rebut his claims. Allow the public to judge based on the merits after a thorough vetting. If you still disagree with Mr. McDougal on this or any other issue, you can vote him out the next time you have an election.

Best regards
Edward Rothberg
Texas Bar No. 17313990

From: [Elisabeth Fairbanks](#)
To: [BoardofDirectors](#)
Subject: Comment regarding Larry McDougal
Date: Wednesday, July 22, 2020 3:25:37 PM

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

As attorneys, we have an obligation to be fair, unbiased, and to uphold the law. Many of our clients are black and people of color who already face barriers to engaging in the legal system. We should not espouse exclusionary ideas that further hurt the people in these communities.

The president of a state bar organization should be held to the highest standard. It is dangerous and inappropriate for someone in such a position of power to make derogatory statements about vital social movements such as Black Lives Matter. Attorneys should be fighting for equality regarding the killing of black people at the hands of the police, not denying the legitimacy of citizens' voices that cry out against such violence and demand fairness and equality under the law.

Additionally, Mr. McDougal shared a meme stating "justice happens before the trial," with an image of a police officer physically brutalizing a person against the ground. No one who mocks due process of law should have the honor and responsibility of leading a state bar organization.

I understand that Mr. McDougal has issued an apology, but that does not absolve him of his actions. He has the right to free speech, but that doesn't mean he should be free from repercussions for his statements and actions. Mr. McDougal will not effectively be able to lead this organization now that this has been brought to light.

The state bar has already condemned Mr. McDougal's statements. Mr. McDougal should resign from his position, and if he refuses to do so, he should be removed as State Bar of Texas President.

Sincerely,
Elisabeth Fairbanks
State Bar No. 24113652

From: [Elliott Klein](#)
To: [BoardofDirectors](#)
Subject: Re: Larry McDougal July 27, 2020 Special Meeting of the State Bar Board
Date: Wednesday, July 22, 2020 3:57:31 PM
Attachments: [2020-7-22 Larry McDougal Letter.pdf](#)

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

Attached please find my letter commenting on the Larry McDougal matter.

Sincerely,

Elliott Klein
SBOT #11557300

LAW OFFICE OF ELLIOTT KLEIN, PLLC

Houston, Texas 77225 ■



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22 July,

2020

Mr. Trey Apffel, Executive Director
State Bar of Texas
Texas Law Center
1414 Colorado Street
Austin, TX. 78701

Dear Mr. Apffel:

The undersigned, being Members of the State Bar of Texas living in Dallas, hereby in the strongest possible terms condemn and denounce the statements made by current State Bar President Larry McDougal concerning "Black Lives Matter".

Mr. McDougal has previously called Black Lives Matter a "terrorist" organization, and he recently criticized an African-American poll worker for wearing a Black Lives Matter T-shirt; erroneously accusing her of violating the law.

In contrast, we stand firm and united against racism in any form, and true to our oath taken as Members of the Bar, we are dedicated to equal justice for all. Indeed, we applaud any organization whose primary goal seeks to ensure equal justice for all Americans.

We believe that State Bar President McDougal's statements show that he lacks the values, understanding, and commitment that are essential foundations of our legal profession and our nation. President McDougal should immediately resign from office or be removed.

Please share this sentiment with the entirety of the membership of the State Bar Board of Directors.

Most sincerely,

Melissa Bellan
Dominique Collins
Dennise Garcia
Amber Givens
Mark Greenberg
Martin Hoffman
Stephanie Huff
Raquel Jones
Angela King
Gracie Lewis
Lela Mays
Audrey Moorehead
Eric V. Moyé
Etta Mullen

Brandon Birmingham
Remeka Edwards
Hector Garza
Lisa Green
Julia Hayes
Peggy Hoffman
Sandra Jackson
Shequitta Kelly
Andrea Lane
David Lopez
Maricella Moore
Derrick Morrison
Nancy Mulder
Tonya Parker

Dan Patterson
Alice Rodriguez
Cheryl Shannon
Gena Slaughter
Dale Tillery
Carmen P. White
Bridgett Whitmore
Tina Yoo-Clinton

Andrea Plumlee
Paula Rosales
S. Craig Smith
Brenda Hull Thompson
Ingrid Warren
Ernest White
Staci Williams

From: [Trey Apffel](#)
To: [BoardofDirectors](#)
Cc: [Amy Starnes](#); [Lowell Brown](#)
Subject: FW: State Bar President
Date: Wednesday, July 22, 2020 3:20:10 PM
Attachments: [State Bar Protest ltr.rtf](#)

From: ERIC V. MOYE <[REDACTED]>
Sent: Wednesday, July 22, 2020 2:40 PM
To: Trey Apffel <Trey.Apffel@TEXASBAR.COM>
Subject: State Bar President

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

Good Afternoon, Mr. Apffel

We write you in advance of the Emergency called meeting next Monday.
May I please trouble to let know that you have received this letter? A simple acknowledgement via return email would certainly suffice.

Thank you very much

Eric V. Moyé

From: [Carroll Robinson](#)
To: [BoardofDirectors](#)
Cc: amystarns@texasbar.com
Subject: For Board
Date: Tuesday, July 21, 2020 9:55:55 PM
Attachments: [SBOT letter Re- Atty. Larry McDougal.pdf](#)
[Fort Bend DA Response to McDougal's Comments.pdf](#)

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

Please share the attached letter and memo with the members of the Board of Directors.

Thank you,

Carroll G. Robinson, Esq.

From: [Frank L. Leffingwell](#)
To: [BoardofDirectors](#)
Cc: [Frank L. Leffingwell](#)
Subject: Board Meeting July 27, 2020
Date: Wednesday, July 22, 2020 12:51:37 PM
Attachments: [image001.png](#)
[image002.png](#)

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

To the Board of Directors:

I am writing today in response to Larry McDougal's recent comments on social media relating to Black Lives Matter. I am an attorney, have been a member of the State Bar of Texas (SBOT) since 1993, a former elected official, and a white male.

As the board of directors of the SBOT, I am sure that you have been inundated with calls and messages providing point of view and advice regarding this matter; however, ultimately the task of determining the appropriate response and the correct way forward will be your responsibility alone as the current stewards of the SBOT. The SBOT plays a very important role in Texas – not only for the legal professionals who comprise its membership but also for the people of the State of Texas. You and your predecessors have worked hard and successfully to establish and maintain a reputation for the SBOT as an honorable institution worthy of the respect and honor of its membership and of the public we serve. As our SBOT leaders you have been put to the task of identifying the changing needs of this institution as it moves into the future and the task of implementing the solutions you chose to satisfy those needs.

My concern with respect to McDougal's comments – other than the content of the comments themselves – is that they demonstrate a failure to recognize that for so long as he serves a leadership role with the SBOT his comments and actions – both good and bad – are not reflective of him personally but instead are reflective of the SBOT. An apology that is - at least in part - based on the assertion that his comments were made in his personal capacity and not in his capacity as the president of the SBOT is not acceptable nor, in any event, should an apology of any kind factor into your decision making. I should add that I do not know McDougal and have no personal feeling about him one way or another. However, based upon his recent comments and his apparent belief that he can make controversial comments without consequence to the institution he serves as president cause me to have grave doubts as to his understanding of leadership – particularly at a time when great sensitivity is required of all leaders. As members of the board, I am sure this must be of concern to you as well.

My hope is that as the board of directors of the SBOT your decision making will be guided by determining whether this president's understanding of his role in the SBOT is one which will serve to protect the SBOT as an institution, ensure that the SBOT enjoys the continued respect of all its members and the public, and that the SBOT will make new efforts to promote a sense of goodwill and inclusion among its members.

Further I hope that you will not allow your decision making to be limited to the matter at hand but rather that you will take a broader view of your role and consider confronting racial issues with greater attention and resources not only for the benefit of the SBOT and its members but also so that the SBOT and its members may assist the public we serve as an example of how these issues can be successfully overcome.

Thank you for your service and please know how many legal professionals and members of the public – old and young – are counting on your wisdom at this important time.

Please do not hesitate to contact me if I may be of service to you.

Respectfully,

Frank L. Leffingwell

Frank L. Leffingwell, J.D., LL.M. | Attorney

Direct: [REDACTED]



[REDACTED]
Austin, Texas 78701

www.gdhm.com



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From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 7:02:04 PM

Amy Starnes
Public Information Director
State Bar of Texas
Office: [REDACTED]
Cell: 5 [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: James Pigg [REDACTED] >
Date: Tuesday, July 21, 2020 at 6:53 PM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Subject: Board Meeting Inquiry

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

What a bunch of politically correct bullshit. If you cannot wear a *MAGA* hat, then you cannot wear a BLM t-shirt. I am so tired of double standards. Sad to see the Bar Association involved in such partisan shenanigans.

James Pigg

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 3:29:39 PM
Attachments: [image002.png](#)

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
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: Allan Cease <[REDACTED]>
Date: Tuesday, July 21, 2020 at 2:19 PM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Subject: Board Meeting Inquiry

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

To Whom It May Concern:

I have known Larry McDougal for at least twenty years. I have spent time with him professionally and socially. I have had numerous conversations with him and have observed him in the courtroom. I can state without any hesitation that he has absolutely no prejudice regarding any race or creed. There is no doubt that he takes his position as the President of the State Bar of Texas seriously and is an asset to every member of the Bar.

It is very discouraging to me as a Vietnam Veteran, U.S. Army helicopter pilot, former U.S. Army JAG lawyer and 43 year lawyer (almost 39 years as a Texas lawyer) to see a good man like Larry be crucified over a private comment he made about a group. I am certain that if he had the opportunity, he would take back that comment. I have seen his apology video and it is clearly sincere.

It is my request, as a member of the State Bar of Texas, that Larry McDougal suffer no sanction for his exercise of Free Speech and that his apology be accepted.

Thank you,

Allan A. Cease
Allan A. Cease, P.C.

Attorney at Law

[REDACTED] 0

Sugar Land, Texas 77478

Telephone [REDACTED]

Fax: [REDACTED]

www.allanceaselaw.net



CIVIL TRIAL LAW



From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 7:25:05 PM
Attachments: [image001.png](#)

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
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.

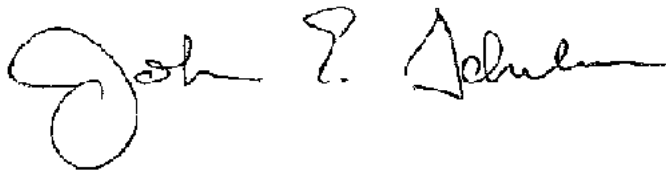
From: John Schulman <[js](#)>
Date: Tuesday, July 21, 2020 at 1:42 PM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Cc: "[\[REDACTED\]](#)" <[\[REDACTED\]](#)>
Subject: Board Meeting Inquiry

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

Dear Amy And Other Colleagues,

By way of background, I consider myself to be a civil rights lawyer, among other things. I have been representing people of color and women in Texas since 1978 in a variety of legal claims. I am personally a supporter of the Black Lives Matter movement. I agree with the thought that a polling place should have neither a MAGA cap nor a Black Lives Matter emblem displayed on a poll worker or otherwise at the polling place. Seems like it is in the essence of American democracy to keep that kind of slogan outside of the active polling place.

Very truly yours,



John E. Schulman

[\[REDACTED\]](#)
[\[REDACTED\]](#)

Dallas, Texas 75206

Telephone: [REDACTED]

Fax: [REDACTED]

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From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Board Meeting Inquiry -Larry McDougal
Date: Wednesday, July 22, 2020 3:39:03 PM
Attachments: [image003.png](#)
[image004.png](#)
[State-Bar-letter.pdf](#)

From: Jerri Ward [REDACTED] >

Date: Wednesday, July 22, 2020 at 3:24 PM

To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>

Subject: RE: Board Meeting Inquiry -Larry McDougal

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

Please replace what I sent earlier with this version.?? One of the attorney???'s names was accidentally left off.??

??

Thank you.

??

??

??



Jerri Lynn Ward, J.D.

Garlo Ward, P.C.

[REDACTED]

Lakeway, TX?? 78734

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

www.garloward.com

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From: Jerri Ward [REDACTED] >

Sent: Wednesday, July 22, 2020 2:53 PM

To: 'amy.starnes@texasbar.com' <amy.starnes@texasbar.com>

Subject: Board Meeting Inquiry -Larry McDougal

??

Dear Ms. Starnes,

??

Please find the attached communication from 9 attorneys who are members of the State Bar of Texas

??

??

??



Jerri Lynn Ward, J.D.

Garlo Ward, P.C.

[REDACTED]

Lakeway, TX?? 78734

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

??

??????

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From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Board Meeting Inquiry McDougal Agenda Item
Date: Wednesday, July 22, 2020 3:44:24 PM

From: MmMargaret Schulman <[REDACTED]>

Date: Wednesday, July 22, 2020 at 3:40 PM

To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>

Subject: Board Meeting Inquiry McDougal Agenda Item

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

A substantial part of my legal practice for the past 15 years has been directed toward representing individuals who suffered discrimination due to their race, sex, age, or disability. Mr. McDougal's comments equating a MAGA hat and a BLM t-shirt do not offend me; I agree that neither is appropriate in a polling place.

Mr. McDougal is entitled to his opinion of the BLM movement and I am troubled that the Texas Bar has been dragged into this dispute between Mr. McDougal and those offended by his analogy. Though I doubt that any apology would be accepted or perceived as sincere by his critics, Mr. McDougal has also apologized at length for his offending comments in 2015. In my perception, it is time for the Texas State Bar to move forward and focus on concerns that address the needs of a wider demographic, rather than focusing to such a degree on Mr. McDougal's critics.

Respectfully submitted,
Margaret K. Schulman

Sent from [Mail](#) for Windows 10

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: Fw: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 4:40:08 PM

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
Web: Texasbar.com

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

From: Daniel Perkins <[REDACTED]>
Sent: Tuesday, July 21, 2020 3:44 PM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>; [REDACTED]
Subject: Board Meeting Inquiry

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

Comments on Agenda Item #6 /#7.

Our State Bar President Larry McDougal has disgraced himself and the State Bar of Texas. I read his posts, and his written apology. I reviewed his video apology. Mr. McDougal's apology shows that he does not yet understand what he did wrong. His behavior is absolutely unacceptable and a disgrace.

The State Bar of Texas represents ALL attorneys in the State of Texas. Mr. McDougal's personal views which he posted publicly this month and at earlier times, show that he should not be the President of the State Bar of Texas.

A sincere apology from Mr. McDougal would be accompanied by a resignation of his position as the President of the State Bar of Texas. If Mr. McDougal chooses not to resign, proceedings to remove him should be initiated immediately. If Mr. McDougal does not resign or can not be removed, then the State Bar should censor his actions.

Blessings,
Dan Perkins

WatkinsPerkins
Law Group

Daniel J. Perkins
Attorney | Mediator

[REDACTED]
Greenville, Texas 75403 [REDACTED]

Phone: [REDACTED]
[REDACTED]

www.Watkins-Perkins.com

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 10:28:12 AM

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
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: "Robert M. Clark" [REDACTED] <[REDACTED]@[REDACTED]>
Date: Wednesday, July 22, 2020 at 9:35 AM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Subject: Board Meeting Inquiry

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

Dear fellow members of the State Bar of Texas and its elected leadership:

As a member of the State Bar of Texas I object to Mr. Trey Apffel, the paid executive director of the state bar, signing a resolution or taking a public position on Larry McDougal's recent comments. Mr. Apffel is being disloyal to the institution of the State Bar of Texas by taking a public stand in an intra-bar leadership matter in contravention of his roll as a salaried employee. He signed a resolution as executive director, not as a member of the bar. Would Mr. Apffel allow other members of the staff to make varying public statements about bar leadership?

Sometimes the career staff of non-profits think that the elected leadership are mere honorifics. Mr. Apffel's action shows that is the case in this matter. In my opinion Mr. Apffel should be asked to immediately clean out his desk if for no other reason than his unprofessional conduct.

At this time I do not know any of the officers of the state bar and I do not know Mr. McDougal or Mr. Apffel. I am writing this letter in order to give my opinion regarding Mr. Apffel's breach of his duties to the SBOT. Consider this a complaint regarding Mr. Apffel, although I would be happy to speak to him publicly or privately about this matter. This is the first letter I have written to the State Bar leadership in my thirty-seven years of law practice.

Sincerely yours,
Robert M. Clark

Robert M. Clark

[REDACTED]

[REDACTED]
[REDACTED]net



American Board
of Trial Advocates

This message and any attachments are confidential and subject to the attorney-client privilege and the attorney work product doctrine. Any unauthorized review, use, dissemination or disclosure hereof is prohibited by applicable federal and state criminal and civil laws. If you believe that this message has been sent to you in error, please notify the sender by replying to this message, and delete the message without disclosing it. Thank you.

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Board Meeting Inquiry
Date: Tuesday, July 21, 2020 2:05:26 PM

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
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: Neil Meyer <[REDACTED]>
Date: Tuesday, July 21, 2020 at 1:53 PM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Subject: Board Meeting Inquiry

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

I am appalled and ashamed at the statements of State Bar of Texas President McDougal and insist that he either resign immediately or be removed from office by the Board. Positions with the Bar are a great privilege and require the highest level of ethical conduct by office holders, both prior to and during the term of office. Mr. McDougal has shown himself completely unfit and now unable to fulfill that role, and he has lost any confidence he may have had prior to revelation of these horrendous statements. He is an embarrassment to our profession.

Neil D. Meyer
Uvalde, Texas
Texas Attorney No. 13994200

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: Fw: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 11:04:12 AM

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
Web: Texasbar.com

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

From: ron helson [REDACTED] >
Sent: Wednesday, July 22, 2020 6:47 AM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Subject: Board Meeting Inquiry

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

The BLM shirt does bring up an interesting question of whether or not it is a political organization. If you go to their website and hit the donate button you will see that you are donating to Actblue. Actblue is a self described left leaning, democrat and progress political action committee.

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Comments to Agenda
Date: Tuesday, July 21, 2020 8:42:16 PM

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
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: "Ayer, Mitchell E." <[REDACTED]>
Date: Tuesday, July 21, 2020 at 8:37 PM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Subject: Comments to Agenda

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

Item #7A I support Larry McDougal and see nothing wrong with his Facebook posts. Black Lives Matter is widely reported to have directors with a Marxist background and directly or indirectly has led to arson, looting, and injury. It is a sad day that Larry McDougal is criticized for supporting law enforcement and the Rule of Law. In any event he has a right to his opinions. We need to stop this whole Cancel Culture and politically correct speech.

Item #8 Oppose creation of a Task Force on Diversity, Equity and Inclusion. See teachings of Martin Luther King.

Mitchell E. Ayer

From: [Trey Apffel](#)
To: [BoardofDirectors](#)
Subject: FW: Concerned member of the Bar
Date: Tuesday, July 21, 2020 4:53:17 PM

From: Brister, Austin W. <[REDACTED]>
Sent: Tuesday, July 21, 2020 4:39 PM
To: Trey Apffel <Trey.Apffel@TEXASBAR.COM>
Cc: [REDACTED]
Subject: Concerned member of the Bar

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

Mr. Apffel:

I am writing as a concerned member of the State Bar.

Out the outset, let me be clear that I believe very strongly that the lives of black people matter, that black people are fully entitled to equal freedom and equal justice in society and under the law, and that all black people should be treated with an equal level of dignity, respect, and compassion as any other person, without regard to race, national origin, gender, sexual orientation, or religion.

However, it appears that some are attempting to blur the lines and draw a false equivalence between (1) the ongoing national movement in support for equality and justice for black people, and (2) support of the organization Black Lives Matter Global Network, Inc. and its constituent chapters (BLMF). But these are not one and the same thing. While there is a "black lives matter" movement, there is also a BLMF organization, which was founded in 2013. The BLMF organization has taken many stances on issues of public importance which go far beyond merely the fundamental ideals of equality and justice. For instance, the BLMF organization has taken public stances on issues such as fiscal policy, immigration, education, police, and the nuclear family. One can be fully in support of equality and justice for all black people, while disagreeing with the specific political positions adopted by the BLMF organization. The Texas State Bar, a mandatory bar organization, should not involve itself in taking public stances on these sorts of political or ideological issues.

A cornerstone to any free society is that no organization should be shielded from all criticism. The State Bar should seek to protect and promote both equality, as well as free speech, and open and honest discourse. Of course, various chapters of the BLMF organization should have the right to continue to express any of their positions. Members of the Bar should also be free to support those positions. However, members of the Bar should also be free to criticize those positions.

Also, I am concerned that over the past month, some have attempted to use Mr. McDougal's personal Facebook comments from years ago as an opportunity to demand numerous changes and requirements from the State Bar that would be applicable to all attorneys across the State of Texas. While I personally have no problem with some of the suggested changes, I am concerned at the prospect of the State Bar adopting changes and requirements in this fashion, without due process.

This simply is not appropriate.

Finally, I must note that the opinions expressed in this message are solely mine and should not be construed as being written on behalf of my firm.

Austin

Austin W. Brister

Partner

McGINNIS LOCHRIDGE

Houston, TX 77002



McGINNIS LOCHRIDGE

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From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: For Board
Date: Tuesday, July 21, 2020 10:23:00 PM
Attachments: [SBOT letter Re- Atty. Larry McDougal.pdf](#)
[Fort Bend DA Response to McDougal's Comments.pdf](#)

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
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: Carroll Robinson <[REDACTED]>
Date: Tuesday, July 21, 2020 at 10:18 PM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Subject: Fwd: For Board

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

Amy, please make sure the attached documents are shared with the Board of Directors. Thank you.

Carroll

Sent from my iPhone

Begin forwarded message:

From: Carroll Robinson <[REDACTED]>
Date: July 21, 2020 at 9:55:03 PM CDT
To: boardofdirectors@texasbar.com
Cc: amystarns@texasbar.com
Subject: For Board

Please share the attached letter and memo with the members of the Board of Directors.
Thank you,
Carroll G. Robinson, Esq.

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: gschilter
Date: Tuesday, July 21, 2020 5:17:11 PM
Attachments: [gschilter.docx](#)

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
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: "Schilter, George" <[REDACTED]>
Date: Tuesday, July 21, 2020 at 5:12 PM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Cc: "Schilter, George" <[g](#)[REDACTED]>
Subject: gschilter

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

[Amy This is a slightly revised copy of a document I just sent you. Please present this copy to the Board at the meeting for inclusion in the record and copy Trey and President McDougal.](#)

ATTENTION PUBLIC OFFICIALS: A "Reply to All" of this e-mail could lead to violation of the Texas Open Meetings Act. A "Forward" of this e-mail to another public official could also lead to violations of the Texas Open Meetings Act if a quorum is eventually involved. Please reply only to the sender.

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: I'm a Law Professor. Here's What Happened After I Spoke Out on Black Lives Matter.
Date: Wednesday, July 22, 2020 7:34:42 AM

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
Web: Texasbar.com

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

From: Doyle Neighbours [REDACTED] >
Date: Tuesday, July 21, 2020 at 9:42 AM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Subject: I'm a Law Professor. Here's What Happened After I Spoke Out on Black Lives Matter.

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

<https://www.dailysignal.com/2020/07/20/im-a-law-professor-heres-what-happened-after-i-spoke-out-on-black-lives-matter/>

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Larry McDougal Public Comment
Date: Tuesday, July 21, 2020 3:30:11 PM

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
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: Hillary Kramer Lynch [REDACTED] >
Date: Tuesday, July 21, 2020 at 3:24 PM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Subject: Larry McDougal Public Comment

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

Larry,

This request is directed at you, not the Board. This request is for you to voluntarily step down. In divisive times like today, you should sacrifice yourself for the State Bar. Despite your true intentions or your apology, your actions have brought disdain on your office and the State Bar. Take the presidential, the classy path and resign. Step aside. Allow for a more effective and respected leader to continue on the important duties and responsibilities of the State Bar President. But also, work on tuning into your own prejudicial biases and move past them. By stepping aside, you will set a more heroic example for others. That example is sacrifice over self.

Hillary Kramer Lynch
State Bar No. 24055800

From: [Trey Apffel](#)
To: [BoardofDirectors](#)
Subject: FW: Larry McDougal
Date: Tuesday, July 21, 2020 4:51:59 PM

From: Joan Cain [REDACTED]
Sent: Tuesday, July 21, 2020 3:50 PM
To: Trey Apffel <Trey.Apffel@TEXASBAR.COM>
Subject: Larry McDougal

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

Texas State Bar Board of Directors:

Larry McDougal was elected by lawyers across the entire state of Texas. Many if not most of the lawyers on Facebook know that he has often, over the years, posed important and relevant issues on Facebook, on a wide range of issues. Many different opinions and personal insights are then offered and a lively discussion ensues. I consider it imperative for him to continue posing important and relevant questions for our state's foremost minds to ponder and discuss.

I believe that free speech is one of our nation's most important rights, but more than that, I believe that in considering various issues, the good, the bad and the ugly, sunshine is the best disinfectant, and to ponder these issues is to know ourselves, and our fellow human beings.

To freely discuss differing ideas and opinions of legal consequence is to understand legal interpretation. His remark regarding electioneering is an important legal question that could affect various organizations and poll watchers and that will likely come up again in November. Many election judges do not know the law when administering the polls. It was informative to see the Election Code posted.

I encourage each of you to be willing to discuss the difficult issues of our time in an objective way. We can do so in a way that is respectful of all human beings and reflects the dignity inherent in our profession. Texas has never been a place that participates in cancel culture simply for discussing ideas; we are better than that. We cannot give way to censorship of differing ideas or discussion of important legal issues, ideas or concepts.

Thank you for your consideration of this important issue and for your commitment to the free discussion of the legal issues that fuel the growth and continual evolution of our profession.

Best Regards,

Joan Cain
[REDACTED]

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Letter of support for Larry McDougal
Date: Wednesday, July 22, 2020 10:30:34 AM

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
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: Trey Apffel <Trey.Apffel@TEXASBAR.COM>
Date: Wednesday, July 22, 2020 at 9:48 AM
To: Lowell Brown <lowell.brown@texasbar.com>, Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Subject: FW: Letter of support for Larry McDougal

Trey Apffel
Executive Director
STATE BAR of TEXAS
512.427.1500 **direct** | 800.204.2222, ext. 1500
trey.apffel@texasbar.com

From: Michelle Fulton [REDACTED]
Sent: Tuesday, July 21, 2020 9:31 PM
To: Trey Apffel <Trey.Apffel@TEXASBAR.COM>; randy.sorrells@texasbar.com
Subject: Letter of support for Larry McDougal

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

Dear esteemed board members:

I am writing this letter today to show my support to our president of the state bar of Texas Larry McDougal. I have had the pleasure of knowing Larry for the past 18 years as both a colleague and a friend. I am dismayed at the current state of events that have portrayed Larry is supposedly being racist and misogynistic. The Larry that I know is none of those things. I have seen and watched Larry assist many attorneys of all races, ethnicities, sexual orientation and religions throughout the past 18 years. Larry has always been one of the attorneys that anyone who had a question about how to go about doing their job could turn to and count on

helping hand being extended. But most of all, free speech is guaranteed to all under the first amendment of our constitution. just like the rest of you on the board and every member of the state bar of Texas, we have an inherent right to speak our mind and see what we think. I believe the things that Larry said or arguably controversial but the bigger crime is the Witchhunt that has been organized to try and force him and Steve Fischer to resign. Larry proposed creating a task force to address the issue of inclusiveness in the state bar of Texas and our daily practice of law. Not only did he apologize for his actions but he proposed a solution and I think and feel that He should be given the opportunity to see that through because I have heard a lot of talking this past couple of weeks but other than personal attacks and demanding his resignation, I have not seen one other attorney propose any type of solution except for Larry. To ask for his resignation is to infringe on our rights under the first amendment and that is unconstitutional and flies in the face of the earth we took when we received our license to practice law. I sincerely believe that if everyone will lay down their pitchforks and allow Larry to form the task force he proposed, we will finally see some real change. Therefore, I support Larry 100% and oppose any actions to try to force him to resign the position that he was legitimately elected to. Censorship of one person will only lead to eventual censorship of us all, and that should be a frightening prospect to every attorney in this country. We all have the right to disagree with Larry's actions but we do not have the right to censor his ability and his first amendment rights under the threat of trying to remove him from the post to which he was duly elected if he doesn't comply with what others think is acceptable. We are all human and we all say and do things that we should not or that other people think we should not have done or said but that does not change the fact that Larry has the right to speak his opinion. Nothing he said was prefaced with any inference that he was speaking for the state bar of Texas and then that made it clear that his opinions were his own. That is all that matters. I say that it is time to stop the witchhunt and start addressing the problem of increasing inclusiveness and tolerance by allowing Larry to create the task force he proposed. Thank you all for the opportunity to address the Board regarding my support of Larry McDougal remaining as my state bar of Texas president.

Kindest regards,

A. Michelle Fulton

The Fulton Law Firm, PLLC

[League City, Texas 77573](#)

PH:

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From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: McDougal Apology
Date: Tuesday, July 21, 2020 2:15:38 PM

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
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: "Larry W. Harrison" <[REDACTED]>
Date: Tuesday, July 21, 2020 at 2:08 PM
To: Larry McDougal <[REDACTED]>
Cc: Randy Sorrels [REDACTED], Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Subject: McDougal Apology

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

Dear Larry, you were my friend before this latest issue about your 2015 post and you are my friend now. I completely accept your apology, and more importantly, I fully understand your transformation and changed reasoning about Black Lives Matter. I have a renewed and deeper appreciation and respect for BLM, in large part, due to the events of 2020.

Please continue being the transparent leader for our bar consistent with your character and principles which includes the ability to admit mistakes and step-up and do something about it.

Public apologies are painful, but you've done the next right thing. Let's stay focused on the needs and goals of the Bar; learn from these events, and move on in your serving as our President of the State Bar of Texas.
Blessings and grace, Amen.

Larry W. Harrison
Bar No. 09117500

PS: Randy, please forward my email to all of the bar leaders; if appropriate, or perhaps my cc to Amy Starnes of this email is the best method of sharing my email.

Sylvia Borunda Firth, President-elect Randy Sorrels, Immediate Past President Charlie Ginn, Chair of the Board Trey Apffel, Executive Director

Britney Harrison, TYLA President Victor Flores, TYLA Immediate Past President Jeanine Rispoli, TYLA President-elect



Larry W. Harrison
Board Certified Personal Injury
Texas Board of Legal Specialization



From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Message from Your State Bar District Director
Date: Tuesday, July 21, 2020 4:33:12 PM

Amy Starnes
Public Information Director
State Bar of Texas
Office: 512-427-1706
Cell: 512-825-7657
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: Bill Hibbs [[mailto: \[REDACTED\]](#)]
Sent: Tuesday, July 21, 2020 4:18 PM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Re: Message from Your State Bar District Director

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

Read the SBOT President's posts. Looks like a "witch hunt" to me. I guess the powers that be think the wrong person won the election.

Bill Hibbs

From: State Bar of Texas <webmaster@texasbar.com>
Sent: Tuesday, July 21, 2020 3:40 PM
To: [REDACTED]
Subject: Message from Your State Bar District Director

State Bar of Texas



Dear District 11 attorneys,

I am the newly elected Director for our district on the Board of Directors for the State Bar of Texas. Please note that, in addition to the below, you are welcome to contact me at any time

regarding the subject matter of the July 27 board meeting, or any other Bar issue. I have heard from very few attorneys in our district on this subject matter. I welcome any comments from you.

My contact information is as follows:



Please see the message below the State Bar sent today:

The State Bar of Texas Board of Directors will hold a special meeting at 9 a.m. CDT Monday, July 27.

Among items on the agenda, the board will accept comments, discuss, and consider possible action regarding online commentary made by State Bar of Texas President Larry McDougal and other officers and directors. The board also will discuss the creation of a State Bar of Texas Task Force on Diversity, Equity, and Inclusion.

To view the agenda click [here](#).

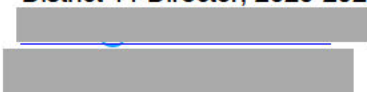
Click [here](#) to see the board materials, which include the online commentary; a video-recorded apology from McDougal; joint statements issued by bar officers, committees, and sections; and other comments submitted by bar members and the public.

To participate by providing public comments during the meeting, please email amy.starnes@texasbar.com or call Public Information Director Amy Starnes at 800-204-2222, ext. 1706 (toll free) before 5 p.m. CDT on July 24. Please provide the agenda item number you wish to speak on.

Written comments will be accepted by email at boardofdirectors@texasbar.com until the time of the meeting. To ensure board members have time to review your written comments in advance of the meeting, please submit them by 5 p.m. CDT on July 22.

Sincerely,

Carra Miller
District 11 Director, 2020-2023



Austin, Texas 78701

[Unsubscribe](#)



From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: public comment, regarding agenda item #6 of July 27, 2020 special meeting
Date: Wednesday, July 22, 2020 2:13:33 PM
Attachments: [image001.png](#)
[ltr to state bar, comments re McDougall11.pdf](#)

See attachment.

From: [REDACTED] <[REDACTED]>
Date: Wednesday, July 22, 2020 at 2:04 PM
To: Amy Starnes <Amy.Starnes@TEXASBAR.COM>
Cc: BoardofDirectors <BoardofDirectors@TEXASBAR.COM>
Subject: public comment, regarding agenda item #6 of July 27, 2020 special meeting

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

Hello Ms. Starns,

Please accept my attached written comment, addressed to the board of directors, regarding agenda item #6 of the July 27, 2020 special meeting.

I originally just emailed boardofdirectors@texasbar.com but it bounced back undeliverable. Thank you.

Sincerely,

Jason R. Hanna, J.D.

Senior Attorney, Entities & Estates



KEARNEY, McWILLIAMS & DAVIS, PLLC

Houston: [REDACTED] Houston, TX 77007

Denver: [REDACTED], Denver, CO 80202

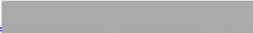
San Antonio: [REDACTED] San Antonio, TX 78258

Office [REDACTED] • Fax: [REDACTED] • Cell: [REDACTED]

www.kmd.law • www.linkedin.com/in/j-hanna

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From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Special Meeting of the State Bar Board
Date: Wednesday, July 22, 2020 1:55:34 PM


From: John McIntyre [[mailto:](#) 
Sent: Wednesday, July 22, 2020 1:45 PM
To: Webmaster <Webmaster@Texasbar.com>
Subject: RE: Special Meeting of the State Bar Board

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

GREAT NOW I CAN WEAR '

'white lives matter or baby lives matter or 1CORINTHIANS 6:9-11 TSHIRTS! Thanks for diversity and inclusion for Christians, and others to express themselves. JOHN MCINTYRE SBOT13683400

Sent from [Mail](#) for Windows 10

From: [State Bar of Texas](#)
Sent: Tuesday, July 21, 2020 10:26 PM
To: 
Subject: Special Meeting of the State Bar Board

State Bar of Texas



Dear Member,

The State Bar of Texas Board of Directors will hold a special meeting at 9 a.m. CDT Monday, July 27.

Among items on the agenda, the board will accept comments, discuss, and consider possible action regarding online commentary made by State Bar of Texas President Larry McDougal and other officers and directors. The board also will discuss the creation of a State Bar of Texas Task Force on Diversity, Equity, and Inclusion.

To view the agenda click [here](#).

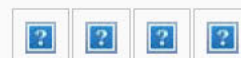
Click [here](#) to see the board materials, which include the online commentary; a video-recorded apology from McDougal; joint statements issued by bar officers, committees, and sections; and other comments submitted by bar members and the public.

To participate by providing public comments during the meeting, please email

amystarnes@texasbar.com or call Public Information Director Amy Starnes at 800-204-2222, ext. 1706 (toll free) before 5 p.m. CDT on July 24. Please provide the agenda item number you wish to speak on.

Written comments will be accepted by email at boardofdirectors@texasbar.com until the time of the meeting. To ensure board members have time to review your written comments in advance of the meeting, please submit them by 5 p.m. CDT on July 22.

State Bar of Texas
1414 Colorado
Austin, Texas 78701



Virus-free. www.avast.com

From: [Simpson, Paul](#)
To: [BoardofDirectors](#)
Cc: [Trey Apffel](#); [larry \(\)](#)
Subject: FW: Special Meeting of the State Bar Board
Date: Tuesday, July 21, 2020 3:29:09 PM

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

Dear State Bar Directors:

The online materials [linked below](#) end as of July 17. FYI, I submitted a comment on July 18, 2020. Will you also be considering materials submitted after July 17?

Paul Simpson
Partner
McGINNIS LOCHRIDGE
[Redacted]
Houston, TX 77002
[Redacted]



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From: State Bar of Texas <webmaster@texasbar.com>
Sent: Tuesday, July 21, 2020 12:18 PM
To: Simpson, Paul <psimpson@mcginnislaw.com>
Subject: Special Meeting of the State Bar Board

State Bar of Texas



Dear Member,

The State Bar of Texas Board of Directors will hold a special meeting at 9 a.m. CDT Monday, July 27.

Among items on the agenda, the board will accept comments, discuss, and consider possible action regarding online commentary made by State Bar of Texas President Larry McDougal and other officers and directors. The board also will discuss the creation of a State Bar of Texas Task Force on Diversity, Equity, and Inclusion.

To view the agenda click [here](#).

Click [here](#) to see the board materials, which include the online commentary; a video-recorded apology from McDougal; joint statements issued by bar officers, committees, and sections; and other comments submitted by bar members and the public.

To participate by providing public comments during the meeting, please email amystarnes@texasbar.com or call Public Information Director Amy Starnes at 800-204-2222, ext. 1706 (toll free) before 5 p.m. CDT on July 24. Please provide the agenda item number you wish to speak on.

Written comments will be accepted by email at boardofdirectors@texasbar.com until the time of the meeting. To ensure board members have time to review your written comments in advance of the meeting, please submit them by 5 p.m. CDT on July 22.

State Bar of Texas
1414 Colorado
Austin, Texas 78701



From: [Dylan O. Drummond](#)
To: [Amy Starnes](#)
Cc: [Meca Walker](#); [Hedy Bower](#); [Katherine Korrodi](#); [BoardofDirectors](#)
Subject: FW: Special Meeting of the State Bar Board
Date: Wednesday, July 22, 2020 10:26:18 AM

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

Good morning Amy,

I'm concerned that the July 11, 2020 formal statement from the Executive Committee of the Texas Bar College joining the Joint Statement issued by the Bar and TYLA earlier that day condemning Larry's remarks was not included in the Board materials. Our statement was signed by the College's officer corps, which includes a former SBOT President.

I've attached screenshots from our statement released on Twitter, Facebook, and Instagram. Can you make sure they are included in the Board materials and linked under the "Other Lawyer Associations/Groups" heading at https://www.texasbar.com/AM/Template.cfm?Section=Meeting_Agendas_and_Minutes&Template=/CM/HTMLDisplay.cfm&ContentID=50837?

I've cc'd the College's current Chair, Executive Director, and Managing Director. Thank you again and please let me know if you need anything else in this regard.

-DOD

Dylan O. Drummond

Counsel

Tel

Cell

Dallas, TX 75201

grayreed.com | [Connect with me on LinkedIn](#)



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From: State Bar of Texas <webmaster@texasbar.com>

Sent: Tuesday, July 21, 2020 12:18 PM

To: Dylan O. Drummond <[\[REDACTED\]](#)>

Subject: Special Meeting of the State Bar Board

State ☐ Bar of Texas



Dear Member,

The State Bar of Texas Board of Directors will hold a special meeting at 9 a.m. CDT Monday, July 27.

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State Bar of Texas
1414 Colorado
Austin, Texas 78701



From: [Trey Apffel](#)
To: [BoardofDirectors](#)
Cc: [Amy Starnes](#); [Lowell Brown](#)
Subject: FW: State Bar President
Date: Wednesday, July 22, 2020 3:20:10 PM
Attachments: [State Bar Protest ltr.rtf](#)

From: ERIC V. MOYE [REDACTED] >
Sent: Wednesday, July 22, 2020 2:40 PM
To: Trey Apffel <Trey.Apffel@TEXASBAR.COM>
Subject: State Bar President

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

Good Afternoon, Mr. Apffel

We write you in advance of the Emergency called meeting next Monday.
May I please trouble to let know that you have received this letter? A simple acknowledgement via return email would certainly suffice.

Thank you very much


Eric V. Moyé

From: [Griselda Ponce](#)
To: [BoardofDirectors](#)
Subject: Fwd: Special Meeting of the State Bar Board
Date: Tuesday, July 21, 2020 7:30:27 PM

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

As one of many member of the State Bar of Texas (bar # 24046645), I find McDougal's comment regarding BLM as offensive and narrow-minded but don't think it warrants having him step down or removed as President so long as he is sincere in his effort to be open-minded regarding the BLM objectives and the nation-wide movement to ensure there's justice for all minorities who've been subject to systematic racism and selective arrest and prosecutions. I am hopeful that Mr. McDougal is open to understanding the true struggle and fear minorities confront with our justice system and as a bar of attorneys who swear an oath to seek justice for our clients, that he shows he understands that as the President, his words speak volumes more than an individual defense attorney's.

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

From: State Bar of Texas <webmaster@texasbar.com>
Date: Tue, Jul 21, 2020 at 12:25 PM
Subject: Special Meeting of the State Bar Board
To: <

State Bar of Texas



Dear Member,

The State Bar of Texas Board of Directors will hold a special meeting at 9 a.m. CDT Monday, July 27. Among items on the agenda, the board will accept comments, discuss, and consider possible action regarding online commentary made by State Bar of Texas President Larry McDougal and other officers and directors. The board also will discuss the creation of a State Bar of Texas Task Force on Diversity, Equity, and Inclusion.

To view the agenda click [here](#).

Click [here](#) to see the board materials, which include the online commentary; a video-recorded apology from McDougal; joint statements issued by bar officers, committees, and sections; and other comments submitted by bar members and the public.

To participate by providing public comments during the meeting, please email amystarnes@texasbar.com or call Public Information Director Amy Starnes at 800-204-2222, ext. 1706 (toll free) before 5 p.m. CDT on July 24. Please provide the agenda item number you wish to speak on.

Written comments will be accepted by email at boardofdirectors@texasbar.com until the time of the meeting. To ensure board members have time to review your written comments in advance of the meeting, please submit them by 5 p.m. CDT on July 22.

State Bar of Texas
1414 Colorado
Austin, Texas 78701





--

Griselda Ponce, Esq.

Ponce Law Firm, P.C.

[REDACTED]

Austin, Texas 78753

{ [REDACTED]
[REDACTED]

www.PonceLawFirm.com

Follow me on Twitter: @PonceLaw

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<http://www.facebook.com/pages/Ponce-Law-Firm-PC/148629568481523>

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From: [GREG HEATH](#)
To: [BoardofDirectors](#)
Subject: Comments for BOD Special Called Meeting Monday, July 27, 2020
Date: Wednesday, July 22, 2020 5:53:58 AM

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

Dear Directors,

Although I have strong feelings on the topics and am disgusted by the subject postings, I will refrain from railing against the postings by Mr. McDougal. I want to be counted as being against his continuing to serve as our State Bar President. Regardless of whether the postings reflect is personal views and whether his views may have evolved over the years (or even the last few days), he should see that his continuing as President our State Bar is a disservice. It is unfortunate that he is unwilling to step down for the good of the Bar and our profession.

Regards,

Gregory S. Heath

SBN 00792572

From: [Guy Choate](#)
To: [BoardofDirectors](#)
Subject: A Letter from the Birmingham Jail
Date: Wednesday, July 22, 2020 2:58:28 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

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

<https://swap.stanford.edu/20141218230016/http://mlk-kpp01.stanford.edu/kingweb/popular%5Frequests/frequentdocs/birmingham.pdf>

I would like to submit Dr. Martin Luther King's letter to the good people of Birmingham, Alabama. I consider this document to be one of the central tenets of our Republic, to be read with the Declaration and the Constitution. I hope that each Director will take the time to read and absorb this document from April of 1963. To imagine that we are still having these battles in July of 2020 is disheartening.

If not us, who? If not now, when?

Thank you,

Guy Choate



Guy Choate
Attorney | Board Certified, Personal Injury Law



San Angelo, TX 76903

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From: [D Reyes](#)
To: [BoardofDirectors](#)
Subject: I support Larry mcdougal
Date: Tuesday, July 21, 2020 2:11:37 PM

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

BLM is a Marxist group. It is clearly noted on their website! I LOVE all people. I support the cause of many. But what is going on through the official BLM movement is not okay.

I do not support slavery or hate or anything like that.

People need to be able to openly discuss thoughts and opinions.

I support Larry Mcdougal.

Devonna Reyes
Resident of Allen, Texas 75002

From: [Doug Kilday](#)
To: [BoardofDirectors](#)
Subject: Improper comments by State Bar President Larry McDougal
Date: Wednesday, July 22, 2020 1:26:59 PM
Attachments: [image004.png](#)

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

Dear State Bar Directors:

Thank you for your leadership and stewardship of the State Bar of Texas. I am grateful for your service to the Bar, the legal system, our communities, and our State.

I write to express deep concern over the very recent and historical online commentary by our current State Bar President, Larry McDougal. I will address my concerns separately in those two categories – the very recent comments, and the historical comments.

Mr. McDougal's Very Recent Improper Comments

As you know, the recent comments relate to the phrase “Black Lives Matter,” which appeared on a t-shirt at a polling location earlier this month in Fulshear, Texas. Speaking as State Bar President just twelve days ago, Mr. McDougal publicly condemned the t-shirt and the appearance of that phrase at a polling location. Worse, he argued that “it is a crime in Texas” and that it somehow constitutes a “form of intimidation”. Mr. McDougal publicly argued that the person wearing this t-shirt “should have immediately been removed from the premises and issued a [criminal] citation for Electioneering.”

Mr. McDougal has every right to his opinions, however hurtful and inappropriate those opinions may be, and he also has the right to express his views. The question is whether he may express views of this type while also maintaining his role as President of the State Bar of Texas. As a leader of our State Bar, Mr. McDougal's comments carry added weight and importance. The public may reasonably view that he is speaking for the Bar, and for all Texas lawyers. His words may influence public officials, including those who administer elections and those with the authority to arrest and prosecute or to serve as judges and jurors in legal proceedings. As members of the Bar, we have a right – indeed, a duty – to make clear that Mr. McDougal does not speak for the Bar on these matters. As Directors of the State Bar, you have the right to make that clear as well. All of us have the right to select who may speak for us, and who may not. Mr. McDougal may have a constitutional right to speak his mind, but he does not have a constitutional right to the public megaphone that goes along with being President of the Bar.

Mr. McDougal does not speak for me, he certainly does not speak for a substantial number of our members, and I believe he has relinquished his right to continue serving effectively as State Bar President.

The phrase “Black Lives Matter” is not a political statement. It should not be perceived as a political statement. It is not a catchphrase for or against any particular candidate running for public office. It

is not a mantra of any political party. It is a pronouncement – a truth – that is long overdue in our country. It is a phrase that has been, is, and should be embraced by political, civic, corporate, and other leaders, across party lines. Black lives do matter. They matter to all of us. Republican and Democrat leaders at all levels of government have said so. And we need to say so, publicly and out loud.

It is especially important that we as lawyers, and as the State Bar, speak that truth clearly today.

Why is this such an important issue for the legal profession?

As you know, *the laws* of our country, our state, and our communities have been used to ensure that black lives do *not* matter. As lawyers, we must acknowledge that our laws and our profession have been primary tools of oppression in our nation's tragic history on race. Our laws embraced and enforced slavery. Our constitution declared that black lives only count as 3/5th of a person. After emancipation, our laws perpetuated the vestiges of slavery through "black codes" that limited freedom and kept many black lives in forced labor. For another century, our laws were used to expressly enforce segregation, and to deny black lives the right to vote, and access to jobs, housing, education, and other opportunities. In more recent decades, even after *Brown vs. Board*, and *Loving vs. Virginia*, and other landmark U.S. Supreme Court rulings that make all of us proud of our profession and its role in shaping our world for the better, our laws have still been used to ensure that black lives do not matter the way that other lives do. One notable example is the long-standing sentencing disparity for crimes involving cocaine that is mixed with baking soda and water (i.e., crack cocaine, which has been more commonly used in our country by people of color) versus cocaine powder (which has been more commonly used in our country by white people). Despite having the same chemical properties, these two substances were treated vastly differently by our federal sentencing guidelines starting in 1986. In order to receive the exact same sentence, a person convicted of a crime involving cocaine *powder* would need to possess, sell, purchase, or distribute a quantity 100 times greater than a person convicted of the exact same crime but with *crack* cocaine. The exact same chemical substance would yield a 100-to-1 sentencing disparity. These enormous disparities have only been lessened in very recent years. Experts estimate that 80 to 90 percent of those incarcerated for crimes involving crack cocaine – with their mandatory minimum sentences and their vastly longer prison terms for even tiny quantities – have been black lives. Many of those black lives remain in prison, while their white counterparts have gone free.

Our laws have tragically reinforced that black lives do not matter, or that they do not matter as much as other lives.

That is why it is so important that our leadership speak clearly for all Texas lawyers and all Texans that black lives *do* matter. If we are to truly live up to our ideals of justice for all, then we must speak up for those who have been targeted, diminished, marginalized, and disproportionately punished and mistreated by our laws. We must say that the lives of our black brothers and sisters matter.

Again, this is not a political statement. It is something that all of us should proudly embrace. At the very least, it is critical that we tolerate and accept those who choose to promote that black lives

matter. When our State Bar leadership falsely suggests that the phrase “black lives matter” is somehow “a crime in Texas” or a form of “intimidation,” it pours salt into the wounds of those who have been victimized by oppressive laws in this country for far too long.

It is my view that these hurtful and improper words disqualify Mr. McDougal from continuing to effectively serve as President of the Bar for all Texas lawyers. I call on Mr. McDougal to resign. If he chooses not to resign, I call on the State Bar leadership to exhaust all available avenues to seek his removal.

Mr. McDougal’s Past Improper Comments

Recently it has come to light that Mr. McDougal has previously made grossly inappropriate comments on social media in recent years, but before he became State Bar President. Those improper comments include (i) falsely labelling Black Lives Matter as “a terrorist group” in 2015, (ii) outrageously referring to a female lawyer struggling with drug addiction as “hot in her Texas Bar Picture but has Meth Head written all over her today” in 2014; and (iii) posting a photo that appears to show police violence with the offensive quote “JUSTICE – It usually happens *before* the trial” in 2012. While these social media postings were not made while Mr. McDougal was acting as State Bar President, they are still deeply offensive, divisive, and hurtful.

These public postings raise troubling questions about how Larry McDougal was selected to be on the ballot as one of two candidates for State Bar President. As you know, members of the State Bar of Texas are asked to vote for one of two pre-selected candidates for State Bar President. When we choose among the two candidates presented, most lawyers assume there has already been a thorough vetting process. It is clear that the vetting process has failed us here. I would encourage the Bar to re-examine the vetting process to ensure that social media postings are carefully scrutinized before any person is elevated as a final candidate to serve as State Bar President. If any lawyer has a history of posting racist, sexist, or otherwise offensive material on social media, they should not be on the ballot.

Conclusion

Again, I thank you for your service to the Bar, and for considering these comments. Please let me know if you would like to discuss any of these matters further.

I hope all of you are staying safe and well during this time.

Best regards,

-gdk

G. Douglas Kilday | Attorney at Law

Direct: [REDACTED] | Cell: [REDACTED]

Fax: [REDACTED]



[REDACTED]
Austin, Texas 78701
www.gdhm.com

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From: [Natalie Lynch](#)
To: [BoardofDirectors](#)
Subject: July 27 Board Meeting
Date: Wednesday, July 22, 2020 10:38:43 AM
Attachments: [unknown.png](#)

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

This is the mission statement of the State Bar of Texas:

The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law, and promote diversity in the administration of justice and the practice of law.

While Larry McDougal is the President of the State Bar of Texas, the Bar is acting against the administration of any legal system that seeks to assure all citizens equal access to justice.

Additionally, Mr. McDougal's behavior aggressively manifests lower standards of ethical conduct. As a leader, his views and presence as a head of the bar actively dismantles any diversity in the administration of justice and practice of the law and announces our professional dedication to injustice.

In reviewing the State Bar Act, I find that the State Bar of Texas was statutorily founded to follow these purposes:

- (1) to aid the courts in carrying on and improving the administration of justice;
- (2) to advance the quality of legal services to the public and to foster the role of the legal profession in serving the public;
- (3) to foster and maintain on the part of those engaged in the practice of law high ideals and integrity, learning, competence in public service, and high standards of conduct;
- (4) to provide proper professional services to the members of the state bar;
- (5) to encourage the formation of and activities of local bar associations;
- (6) to provide forums for the discussion of subjects pertaining to the practice of law, the science of jurisprudence and law reform, and the relationship of the state bar to the public; and
- (7) to publish information relating to the subjects listed in Subdivision (6).

In a forum related to the discussion of subjects pertaining to the practice of law in Texas, and elsewhere, Mr. McDougal actively revealed the underlying race and gender bias he holds. As a leader, bias against the professionals practicing law and citizenry dependent on our work, he is systemically dismantling our professional ability to practice law with high ideals, integrity, and standards of conduct.

In summary, the bar can either hold to its statutory mandate and organizational mission, or it can concientiously engage in the continuation of systemic degradation of disempowered attorneys and citizens. I hope the State Bar of Texas will take the righteous approach and remove Larry McDougal from his role as President.

Natalie R. Lynch : ATTORNEY, AWI - CH



Austin, Texas 78759

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From: [Melissa M. Martinez](#)
To: [BoardofDirectors](#)
Subject: July 27 Board Meeting
Date: Wednesday, July 22, 2020 12:14:04 PM

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

Good Afternoon,

I was just informed that a section that I recently joined, Women and the Law, took it upon themselves to sign a press release concerning the State Bar of Texas President Larry McDougal. I vehemently disagree with their decision and the so called calls to action. Cancel culture is a cancer upon our Republic and I will not support it in any way. Mr. McDougal is the duly elected President of this Bar. If the majority of Bar Members decide they do not wish to support his reelection then that is their choice. To attempt to discipline him or try to force him to resign at this point is ridiculous.

Not everyone supports Mr. McDougal's views, but not everyone opposes them either. To force one group's views upon the whole is wrong no matter which direction it is stemming from.

Regards,

Melissa M. Martinez

Registered Patent Attorney

Martinez Law Group PLLC

[REDACTED]
Houston, Texas 77292-4009

[REDACTED]
[REDACTED]
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From: [Melissa Carr](#)
To: [BoardofDirectors](#)
Subject: July 27 Board meeting
Date: Wednesday, July 22, 2020 10:49:09 AM

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

Dear Board of Directors:

I am writing to express my dismay over the comments made by the State Bar President about a female attorney's appearance at the July 27 board meeting. Stating that she was "hot" in her bar picture but now is clearly having a drug problem reduces an attorney's value to solely appearances. Women, generally, have to deal with the constant bombardment of society's judgments about their physical appearance. Women lawyers have the additional unique challenge in that we are expected to be "tough" so that we can "fit in" while also avoiding being viewed as "bossy" or "bitchy."

By commenting solely on her appearance, the president failed to uphold the values of our state bar. All lawyers, regardless of gender, should be judged according to their service as jurists and not their appearance. When a person of authority--such as the State bar president--engages in this kind of reductionism, it not only encourages similar bad behavior and attitudes but also alienates women members of the bar. It is my hope that you will take the severity of this comment seriously and act accordingly.

Sincerely,
Melissa Carr White
Senior Trial Attorney
Chamberlain McHaney, PLLC
Austin, Texas

From: [Christine Mangle](#)
To: [BoardofDirectors](#)
Cc: [Christine Mangle](#)
Subject: July 27, 2020 Meeting Comment
Date: Tuesday, July 21, 2020 10:21:24 PM

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

Dear Board of Directors,

I am writing regarding online commentary posted by State Bar of Texas President Larry McDougal. I accepted the apology Mr. McDougal posted to YouTube on July 11, 2020 as a POC (Latina) attorney. Now, actions must follow because words alone are not enough. I am still willing to give Mr. McDougal a chance to walk the walk. His online comments and posts over the years regarding use of force by law enforcement, Black Lives Matter being a “terrorist organization”, and a female attorney being “hot” are simply deplorable and sully the Office of the President of the SBOT. However, I strongly believe in redemption.

I fully support the African-American Lawyers Section’s statement regarding President McDougal and the actions they are asking him to take. Should he fail to fully undertake the actions that AALS recommends, then I would call for President McDougal to resign.

I understand that the board also will discuss the creation of a State Bar of Texas Task Force on Diversity, Equity, and Inclusion. I fully support this initiative, however, I sincerely hope this task force takes action to not only help members of our Bar understand and recognize racism, sexism, and xenophobia but to also learn how to stop these things from occurring in the first place among our Bar members and with the public we serve.

I look forward to seeing real, lasting change in not only President

McDougal but also in our Bar. As one of my favorite writers said: “Do the best you can until you know better. Then when you know better, do better.” - Maya Angelou

Respectfully,

Christine L. Mangle, J.D., Baylor Law School, 1994

From: [Thomas Ross](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal and Steve Fischer Comments
Date: Wednesday, July 22, 2020 3:11:26 PM

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

To the State Bar Board of Directors,


I am writing generally in support of both Larry McDougal and Steve Fischer, and in opposition to any effort to remove either from their duly elected positions. While I may not agree with either the sentiments or the wording in their respective social media comments, it is not, nor should it be, the province of the Board to regulate its leaders' political speech.

Mr. McDougal's opinions on a poll worker wearing a Black Lives Matter (BLM) t-shirt were based on his belief that BLM is a political cause. While his legal analysis may have been flawed, it is simply not true that the BLM movement is apolitical, regardless of the movement's merits. Ultimately it is a movement for change that is inherently political and necessarily occupies a place in the political landscape. The Board should not be taking political positions and particularly should not be punishing political speech for being outside of a particular dogma. This is especially true given the current litigation in *McDonald v. Sorrels*. It has been my opinion that the suit is frivolous, however should the Board begin taking action to punish political dissent it would only serve to strengthen the legal and substantive positions of the plaintiffs.

As attorneys we routinely discuss issues that do not have simplistic or binary options. It is important that we have the ability to have these robust discussions, and perhaps even lapse into error in our discourse, without fear of official retribution from the Bar or this Board.

The sentiments expressed by Mr. McDougal do not reflect my own, and I wish that Steve had used more prudent language in his comments. Nevertheless, if for no other reason than maintaining the political neutrality of the Bar, I continue to support both of them in their respective positions.

Respectfully,

Thomas Ross - Attorney at Law


From: [Jorge Gomez](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal comments
Date: Wednesday, July 22, 2020 4:01:55 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

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

Dear Board of Directors,

I am conflicted in my feelings as I feel strongly that Mr. McDougal's words were inappropriate yet believe in freedom of speech and ideas. And would never want to stifle speech or ideas.

Thus, I would defer to the African American Lawyers Section's position and requests.

For me I think it is best to listen in this situation and let the individuals aggrieved by Mr. McDougal's statements lead us in how to respond/address what should occur as a consequence for these ill-informed and tone-deaf words.

Thank you,

Jorge L. Gómez



Houston, Texas 77080

Fax:

Satellite Office:

Brownsville, Texas 78520
(956) 541-6480

Our Site: www.gomezlawfirm.com

Our Connections:



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From: [John B. McFarland](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 22, 2020 3:38:53 PM
Attachments: [image003.png](#)
[image002.png](#)

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

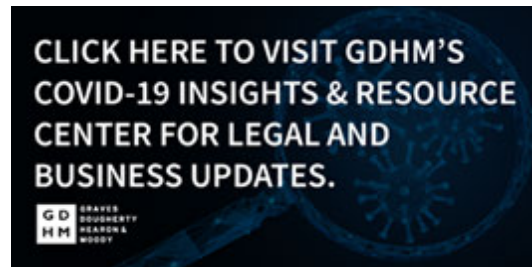
I join with those who wrote the joint statement to the Bar and TYLA leaders in condemning comments by Larry McDougal. Although he says these were his personal comments, he has a responsibility as president of the Bar to reflect the mission and ideals of the Bar and TYLA in his personal actions and conduct. I do not advocate for a particular position the Bar should take, but I believe the board should provide a response commensurate with the mission and ideals of the Bar.

John B. McFarland | Attorney

Direct: [REDACTED] | Fax: [REDACTED]
www.oilandgaslawyerblog.com

[REDACTED]
Austin, Texas 78701

www.gdhm.com



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From: [Rose Harrison](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 22, 2020 11:32:40 AM

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

I'd like to remain anonymous with regard to my comment. I do not personally know Larry and have never met him, but I did vote for him based on a recommendation from a fellow lawyer. However, from his comments I've read, I believe he should resign. An apology is not enough. We need to send a message to all members of the state bar - that if you are the president of this organization - or any leader in this organization for that matter - YOU MUST LEAD BY EXAMPLE - those things that are most precious to our profession such as being ethical, maintaining integrity, following all rules of professional conduct, reporting misconduct, etc. - must apply even in one's private life if you are going to lead a state-wide professional organization. If the president of an organization is not following rules, then why should its members?

Thank you,

Rose M. Harrison

--



Attorney at Law

Corpus Christi, Tx 78401

Phone:

Fax:

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From: [Ron Salazar](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 22, 2020 6:42:21 AM

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

Dear Board of Directors,

I have been practicing law and been a member of the State Bar of Texas since 1993. During that time the SBOT has strived to uphold the dignity of our profession.

Larry McDougal's irresponsible comments diminish the public's perception of our organization and the dignity of our profession. The Board should remove Mr. McDougal from office immediately. Allowing Mr. McDougal to continue as President will politicize the SBOT and diminish the dignity of our organization. An after the fact apology will not unring the bell.

Sincerely,

Ron Salazar

Sent from [Mail](#) for Windows 10

From: [Sally Helppie](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Tuesday, July 21, 2020 7:59:50 PM

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

Dear Board:

Thank you for sending us links to the various social media posts Larry McDougal has made. It is worse than the media reports implied.

I strongly urge you to encourage Mr. McDougal to do the honorable thing and resign from his position immediately. We lawyers cannot "quit" the SBOT in protest and it is outrageous that someone who would make such uninformed and bigoted statements is the face of Texas lawyers.

Some of his statements were very recent. Moreover, the fact that he went so far as to quote from the Electioneering statute in claiming that a BLM shirt is equivalent to a MAGA hat is conclusive evidence that this was not an "impulsive" act. Notably, the federal Office of Special Counsel specifically has acknowledged that BLM is **not** a partisan organization; a MAGA hat, by contrast, is literally the campaign slogan of a specific candidate.

On top of the bigotry, he is demonstrably wrong on the law (as established, *inter alia*, by the Office of Special Counsel). The president of the SBOT absolutely should not be threatening people by putting out inaccurate statements of the law, whether in his individual or official capacity. I would love to find out if he considers any of the following to be "electioneering" and thus misdemeanors: A Fox News tee shirt; an "I love Rachel Maddow" tee shirt; a League of Women Voters beanie; a Washington Redskins baseball cap. You surely can come up with many, many more examples during the public questioning and I hope you will grill him.

Realize that, by his public posts, Mr. McDougal is stating a position that Republicans do not support BLM. Since many Texas lawyers in fact are Republicans, and since many (I would hope most since we are charged to uphold justice for all) in fact do support BLM and all it stands for, that is a smear and does not reflect well on any of us.

This man should not be representing lawyers. If it is true that the Board cannot dismiss him, and if he should shamelessly refuse to step down, then I would like to see a strong censure in many public places (including as a permanent feature on the SBOT website and in all the journals), and other actions beyond statements (such as reducing his ability to tap into SBOT email lists, budgets for travel & entertainment, etc.). In addition, I would like you to report back to the full Bar the steps required to institute a recall election or an impeachment.

Thank you for reading this and I hope you will each consider this matter with utmost seriousness.

This is not the time in history to allow a SBOT officer making racist statements to get "off the hook" by issuing an apology, claiming he's "learned" or changed his mind, or that he was "merely" expressing a personal opinion pursuant to his First Amendment rights.

Sincerely,

Sally C. Helppie, Esq.

Vincent Serafino Geary Waddell Jenevein, P.C.

Thanksgiving Tower

[REDACTED]

Dallas, TX 75201


Direct Dial: [REDACTED]

Main Dial [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

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From: 
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Tuesday, July 21, 2020 6:33:56 PM
Importance: High

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

I FULLY SUPPORT LARRY MCDUGAL! This is going to far. This woman trying to get him fired is a racist. It doesn't matter if Mr. McDougal is Republican or Democrat, this is another black person trying to get another white person fired for saying something they disagree with. These kind of actions need to stop now. As a white Republican I feel that white people no longer have freedom of speech. We are now the minority, especially if you are a Republican. Mr. McDougal is The Best attorney in Ft. Bend County! I have several family members and friends that have personally hired him, including myself. I will personally start a protest and rally if Mr. McDougal is fired.

Thank you,

Kim Maly

From: [John Brusniak](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Tuesday, July 21, 2020 5:50:25 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 believe the merits and demerits on Larry McDougal's conduct have been amply expressed. I do not need to add my opinion to what has already been said. Please do not read any of the following as either condemning or approving of Larry McDougal's conduct.

Instead, I would recommend the board of directors look at this as lawyers and consider the standards by which they are going to make a precedential decision. It is important to know how conduct of future Bar presidents is to be judged. To that end, I pose some questions.

1. Is there a written code of conduct for the president of the State Bar? If yes, was that code violated? If not, should there be a written code of conduct in the future?
2. Regardless of whether there is a written code of conduct, is there a minimum implied standard of conduct for the president of the State Bar? If so, what is that standard?
3. Is there a written or implied standard for social media communications that applies to the president of the State Bar that differs from the standard expected of members of the State Bar of Texas? If so, what is appropriate social media commentary by the president of the state bar, and what is not? Is there a clear standard for social media communications that applies to all members of the State Bar?
4. We have seen both President Obama and President Trump attacked after their elections for things they did (or were accused of doing) prior to their elections. What is the impact of a State Bar election? Does it act as a form of limitations, barring consideration of pre-election conduct or public commentary? Or is some prior conduct or commentary that was not widely known prior to the election sufficient grounds for removal after an election?
5. Does the amount of time left in the term of the president of the State Bar make a difference as to whether the president should be removed or sanctioned?
6. What are the requirements for transparency in this process?
7. If a president of the state bar is to be removed or sanctioned for cause, should an opinion be written stating clearly the grounds? To whom should that opinion be disseminated?

All the best,

John Brusniak

BRUSNIAK TURNER FINE, LLP
— PROPERTY TAX ATTORNEYS —

Office Address: [REDACTED] | Dallas, Texas 75287

Mailing Address: [REDACTED] | Dallas, Texas 75370

Main: [REDACTED] | Direct: [REDACTED]

www.TexasPropertyTaxAttorneys.com



From: [Whitney Holt](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Tuesday, July 21, 2020 3:12:03 PM

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

As someone currently applying for law schools, Larry McDougal's comments about the Black Lives Matter movement is absolutely horrifying. If he continues to hold his position with the bar, that will set the tone for how the State Bar of Texas will be perceived as holding or not holding legal professionals accountable for their openly racist rhetoric and actions. It is absolutely imperative that he be removed from his position. We have enough unapologetic bigots in positions of power without allowing one to knowingly serve as the face of the group that's supposed to ensure legal professionals are held to appropriate standards.

Let's even pretend that we can set morality aside for a second: if for no other reason than public perception, the entire justice system is quickly (and rightfully) finding itself under fire. This is the State Bar of Texas' opportunity to show REAL progress, not just lip service, to playing their part in repairing the deep injustices that have been perpetuated in the legal system. Larry McDougal needs to be removed- anything less is a slap on the wrist.

Thank you for taking this into consideration.

Best,
Whitney Holt

From: [Brent Thompson](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Tuesday, July 21, 2020 2:24:01 PM
Attachments: [Letter to SBOT Board re Larry McDougal for July 27 2020.pdf](#)

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

Dear Board of Directors,

Attached are my public comments. Thank you.

--

Brent Thompson

Cell 

From: [Lee Wilson](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Tuesday, July 21, 2020 2:00:05 PM
Attachments: [image002.png](#)

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

I'm writing in support of Mr. McDougal, and absolutely object to any effort to remove him, discipline him, or take any action against him for any of these "divisive" comments included in the State Bar's email dated July 21, 2020.

First of all, the statement that the Black Lives Matter movement simply stands for seeking justice for those unlawfully killed by law enforcement is patently false. One only needs to go to their website to determine that. The site speaks to a host of other issues they advocate; the purported issue is just one of many:

<https://blacklivesmatter.com/what-matters-2020/>

"BLM's #WhatMatters2020 will focus on issues concerning racial injustice, police brutality, criminal justice reform, **Black immigration, economic injustice, LGBTQIA+ and human rights, environmental injustice, access to healthcare, access to quality education, and voting rights and suppression.**"

<https://blacklivesmatter.com/what-we-believe/>

"We make space for **transgender brothers and sisters** to participate and lead.

We are self-reflexive and do the work required to **dismantle cisgender privilege and uplift Black trans folk, especially Black trans women who continue to be disproportionately impacted by trans-antagonistic violence.**

We build a space that **affirms Black women and is free from sexism, misogyny, and environments in which men are centered.**

We practice empathy. We engage **comrades** with the intent to learn about and connect with their contexts.

We make our spaces family-friendly and enable parents to fully

participate with their children. We dismantle the **patriarchal practice** that requires mothers to work “double shifts” so that they can mother in private even as they participate in public justice work.

We disrupt the Western-prescribed nuclear family structure requirement by supporting each other as extended families and “villages” that collectively care for one another, especially our children, to the degree that mothers, parents, and children are comfortable.

We foster a queer-affirming network. When we gather, we do so with the intention of **freeing ourselves from the tight grip of heteronormative thinking**, or rather, the belief that all in the world are heterosexual (unless s/he or they disclose otherwise).

We cultivate an intergenerational and communal network free from ageism. We believe that all people, regardless of age, show up with the capacity to lead and learn.”

It is completely dishonest to argue that the BLM movement merely focuses on one issue, because it doesn't. Mr. McDougal recognizes that, as do most others that are honest with themselves. It is an insult to the intelligence of the Bar of this state to try to convince everyone otherwise.

Regarding whether BLM constitutes a political organization and thus validating/invalidating Mr. McDougal's legal opinion on that issue, the multiple “Donate” buttons on BLM's website lead to this address:

https://secure.actblue.com/donate/ms_blm_homepage_2019

Let's take a look at what the specific page for this organization:

<https://secure.actblue.com/donate/supportactblue>

“ActBlue is a nonprofit organization that builds tools **Democrats** count on to run their own small-dollar fundraising programs.”

The letter from the African American Bar Associations' letter (included in the State Bar's July 21, 2020 email) argues that following:

“Texas Election Code contains two provisions prohibiting electioneering: Tex. Elec. Code § 61.003 (voting generally) and § 85.036 (early voting).² Both provisions prohibit electioneering “for or against any ***candidate, measure, or political party***” “within 100 feet of an outside door through which a voter may enter the building or structure in which the early voting polling place is located.” (emphasis added).³ In addition, Texas Election Code § 61.010 prohibits “**wear[ing] a badge, insignia, emblem, or other similar communicative device relating to a candidate, measure, or political party appearing on the ballot, or to the conduct of the election**, in the polling place or within 100 feet of

any outside door through which a voter may enter the building in which the polling place is located.”

At the very least, Mr. McDougal’s argument that BLM is “related to” a “political party” is tenable.

I’m incredibly tired of reading positions that completely ignore the facts before us, and I find it incredibly insulting to the intelligence of the members of the State Bar of Texas that some believe they can take positions that do so without any concern for responses that defeat them. This is contrast to every argument we make on behalf of our clients in our everyday practice. In my opinion, this is in large part due to the social pressure that many feel for expressing an opinion that goes against the grain. I find it incredibly disturbing that “the grain” in this situation even lays in that direction, considering the truth about this organization, rather than the airbrushed version some seem to believe they can sell to those not discerning enough, or more likely, too scared, to argue otherwise. I’m not one of those people.

No, none of those positions make BLM a “terrorist” organization. But those arguing that BLM is solely about police brutality and its impact on black lives are being dishonest. And the manner in which some of those affiliated with BLM go about their efforts certainly draw questions as to whether or not BLM supports the nature of those efforts and the violence utilized in them. If they do, that certainly lends credence to that accusation by Mr. McDougal.

It is utterly absurd that he’s being asked to resign, or do anything in regard to these comments. He shouldn’t have apologized. There’s nothing to apologize for. This movement to effectively police and punish “wrongthink” goes against every ideal we as Americans share within our Constitutional pact with each other.

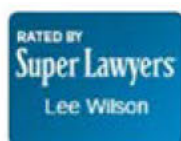
People are not required to support any movement, any idea, or any organization. They are free to speak against any movement, idea, or organization. The fact that this meeting is being held at all offends every aspect of what this country was founded upon.

Lee Wilson
Managing Attorney

THE WILSON FIRM

[REDACTED]
The Woodlands, Texas 77381
[REDACTED]
[REDACTED]

www.thewilsonfirmpllc.com





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***DIRECTIONS (From Houston/Spring):** Please take I-45 North, and take exit #77, Research Forest Dr. Take a left on Research Forest Dr., and travel approximately 1.8 miles. Please park in the visitor's parking lot, which is located on the right side of Research Forest Dr., BEFORE you get to New Trails Dr. There's a white and grey sign that says "Visitor 2700." After you park, you should see two bridges that go over water in between the parking lot and our building. Please take the bridge on the left. At the end of the bridge, turn right on the sidewalk – do not enter the building - and keep walking until you see our suite number (124) on your left side. Please enter and have a seat in the waiting area. Someone will come to greet you momentarily.

From: [Brian Marks](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Wednesday, July 22, 2020 4:24:01 PM
Attachments: [Letter to State Bar re Larry McDougal.pdf](#)

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

Good Afternoon,

Please see the correspondence attached below regarding State Bar President, Larry McDougal. We thank you in advance for your consideration.

Respectfully,

Brian Marks, on behalf of Lawyers for Black Lives Matter - San Antonio

--

The Law Office of Brian A. Marks, PLLC

[REDACTED]

San Antonio, TX, 78231

[REDACTED]

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From: [Helen Currie Foster](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal's comments
Date: Wednesday, July 22, 2020 2:14:14 PM

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

Dear Board,

Please disapprove, deplore and disavow the statements and comments by Larry McDougal denigrating Black Lives Matter. The Texas Bar should lead the way in assuring the public that the Texas Bar demands treatment of clients and the public in non-racist fashion, with equal justice, care and consideration.

Very truly yours,

Helen Currie Foster

Sent from my iPhone

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From: [Rafael Rodriguez](#)
To: [BoardofDirectors](#)
Cc: [Caitlyn Cox](#)
Subject: Letter Comment Regarding Removal of Larry McDougal as President of the State Bar of Texas
Date: Tuesday, July 21, 2020 5:06:40 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[2020.07.21 - R. Rodriguez Letter Comment to Board of Directors, State Bar of Texas, Regarding Removal of Larry McDougal.pdf](#)

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

Board of Directors:

??

Please find attached my letter comment related to the removal of Larry McDougal as President of the State Bar of Texas.

??

Thank you.

??

Rafael

??

Rafael C. Rodriguez

Attorney + Founding Member



**RODRIGUEZ
LEGAL** PLLC

Email:??

Web: rodriguezlegal.com

??



??

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??

From: [Paul Tu](#)
To: ["Carmen Roe"](#); [Trey Apffel](#); [BoardofDirectors](#)
Subject: Letter in Support of Larry McDougal
Date: Wednesday, July 22, 2020 4:11:12 PM
Attachments: [image001.png](#)
[image003.png](#)
[Letter Support for Larry McDougal.pdf](#)

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

Hi,

Please find the attached Letter of Support for President Larry McDougal.

Thank You

Paul F. Tu

 **ARRINGTON | TU | BURNETTTM**
ATTORNEYS & COUNSELORS AT LAW
www.ATBLawfirm.com



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From: [Pat Heptig](#)
To: [BoardofDirectors](#)
Cc: ["Pat Heptig"](#)
Subject: Letter to Board of Director for Special Meeting re Larry McDougal
Date: Wednesday, July 22, 2020 10:30:48 AM
Attachments: [image006.png](#)
[Letter to Texas State Bar Board of Directors \(7 22 20\).pdf](#)

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

Dear Board of Directors,

Please see the attached letter in support of State Bar President Larry McDougal.

Regards,

J. Pat Heptig

J. Pat Heptig
Heptig Law Group, Ltd.

Dallas, Texas 75252



From: [Hugh Lindsay](#)
To: [BoardofDirectors](#)
Subject: LETTER TO THE STATE BAR BOARD OF DIRECTORS
Date: Tuesday, July 21, 2020 3:52:25 PM
Attachments: [AMMENDED LETTER TO THE STATE BAR BOARD OF DIRECTORS.pdf](#)

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

Attached is an amended letter to the State Bar Board regarding their meeting to consider actions taken by Mr Larry McDougal.

Hugh Lindsay



Virus-free. www.avg.com

From:


[BoardofDirectors](#)

Subject:

McDougal opinion re electioneering at polls

Date:

Tuesday, July 21, 2020 1:46:17 PM

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

I have no doubt that the t-shirt was in violation of election laws. As an election judge, I have required persons with similar political messages to cover them while in the polls.

Doug Markham, Houston

From: [Jim Mallios](#)
To: [BoardofDirectors](#)
Subject: McDougal should be removed
Date: Wednesday, July 22, 2020 1:55:48 PM

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

Folks-I have reviewed all the information I have been provided by the Bar. Mr. McDougal should be removed from office. Racial intolerance and racism was exhibited by his postings. An apology and reaffirmation of the rule of law is insufficient for the President of our Bar. I have 3 biracial grandchildren and sat with their parents for the Talk with the one oldest to hear it. It was not pleasant. If we are to stand for anything as a Bar association, it must be for justice without excuse. I favor removing Mr. McDougal as the Bar President. j

Jim Mallios

MALLIOS & ASSOCIATES, P.C.

Attorneys at Law

Physical Address:

[REDACTED]

Austin, Texas 78746

Mailing Address:

[REDACTED]

Austin, Texas 78746

[REDACTED]

[REDACTED])

[REDACTED]

Texas State Bar No. 12867450

From: [REDACTED]
To: [BoardofDirectors](#)
Subject: Mr. Lary McDougal
Date: Wednesday, July 22, 2020 4:15:08 PM
Attachments: [Fort Worth Law Offices of Lawrence Jay Morrison.pdf](#)

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

I am available at your convenience.
Lawrence Jay Morrison

Law Offices of Lawrence Jay Morrison

[REDACTED]
Fort Worth, Texas 76132
[REDACTED]

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From: [Shannon Nash](#)
To: [BoardofDirectors](#)
Subject: Please add to public comments
Date: Tuesday, July 21, 2020 1:28:48 PM

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

We're all adrift on a sea of what's acceptable and what's not, who's a legitimate group and who is not, "can I express how I feel " or do I remain silent with my thoughts.

I've known Larry since his first days as an attorney. During all this time he has never exposed me to any of his personal beliefs nor pushed them in my presence. I disagree totally with Larry's politics but I've always known him to be a gentleman dedicated to his, and our, profession across the board. His integrity and ethics are equal to any of ours.

Is BLM political or a terrorist group? I suspect that Larry is entitled to his stand on that issue just as much as our U S president that so many seem to presently admire is. As to the meth head comment I'm sure Larry would do anything to have never said it. Haven't we all been there however. "The moving hand, having writ, moves on...". The real question "is Larry a good man to lead the state bar?" As I said I know the man and the answer is a resounding "Yes". The second question should be "does Larry deserve to continue to serve if he refrains from making public controversial comments?" How many lawyers are in the state? How many have offered to serve the state bar? Coming from the criminal side I'd suggest the equivalent of deferred adjudication. My bet is that he'll never cross that threshold again and mission accomplished. As for me personally, it would be like giving up my soul and I don't empathize with the desire to serve.

Larry, on the other hand, does care and has earned the chance.

Shannon T Nash
Tolleson & Nash
Spring

Sent from my iPhone

From: [REDACTED]
To: [BoardofDirectors](#)
Subject: Please Respect the First Amendment - In Every Application
Date: Tuesday, July 21, 2020 4:48:35 PM

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

Dear Board:

I have reviewed the commentary of President McDougal, as well as the criticism against it.

I do not support the suppression of free speech; not even in an electioneering context. I disagree with President McDougal's original position.

But please do not create a committee that could be empowered to penalize any member of the bar for expressing their honest opinions on controversial matters.

The Bar is a state actor and, as such, it is bound by the 14th Amendment's guarantee of fundamental liberties; including free speech.

Diversity and inclusion, properly understood, is not in conflict with free speech. It is strengthened by it to the extent that the truth is the goal.

I recognize how it might appear ironic to defend President McDougal's right to argue that criminal laws should be enforced to suppress free expression of support for BLM.

That does not change the fact that the best antidote to false or offensive speech is more speech and more tolerance of disagreement.

Thank you,

Nick Dranias, esq.

Nick Dranias Law & Policy Analysis LLC

www.ndlawpolicy.com

[REDACTED]

Phoenix, AZ 85048

[REDACTED]

[REDACTED]

[REDACTED]

skype: Nick.Dranias

[REDACTED]

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From: [REDACTED]
To: [BoardofDirectors](#)
Subject: President Larry McDougal
Date: Wednesday, July 22, 2020 2:29:55 PM
Attachments: [20200722141534836.pdf](#)

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

My letter is attached for your consideration. Thank you.

Michael D. Parker
Attorney at Law
Board Certified, Civil Trial Law
(By Texas Board of Legal Specialization)
Law Offices of Mike Parker

[REDACTED]

Carthage, Texas 75633

[REDACTED]

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From: [Alan Schoolcraft](#)
To: [BoardofDirectors](#)
Subject: President Larry McDougal
Date: Tuesday, July 21, 2020 4:04:21 PM

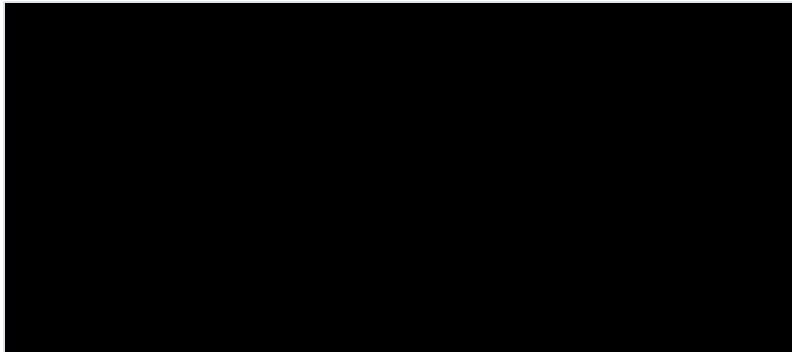
*** *State Bar of Texas* External Message * - Use Caution Before Responding or Opening Links/Attachments**

Dear Board Members,

I have been a member of the SBOT for 42 years and I am extremely concerned that my Bar is on the precipice of being dragged into a political firestorm that could inflict profound and possibly permanent damage to the Bar.

I have read the post by Mr. McDougal dated July 10, 2020 and I see nothing more than a legal opinion that touches on a topic that is highly charged politically.

While the Black Lives Matter organization is viewed by many as an organization focused on remedying real or perceived racial injustice, it is viewed by others as an organization with a much more expansive political agenda. I invite you to visit the "What we believe" page on the BLM website and determine for yourself if the organization is simply a racial justice organization or an organization seeking to provoke a much more expansive social and political agenda. Here is their site: [What We Believe - Black Lives Matter](#)



What We Believe - Black Lives Matter

Four years ago, what is now known as the Black Lives Matter Global Network began to organize. It started out as ...

Regardless of how you feel about the BLM organization, I think any rational person would have to agree that they are a controversial political movement. I agree with another comment from a fellow attorney who said wearing that shirt at the polls was as inappropriate as a poll worker wearing an NRA, Abortion Rights, or Anti Abortion T-shirt. Mr. McDougal's post did nothing more than state this obvious conclusion and express his opinion concerning the legality of that type of dress.

HERE'S THE BOTTOM LINE: Nothing in the recent post (nor in the posts from many years ago) in any way indicated that it was made on behalf of the Bar. Indeed, the only thing creating a link between Mr. McDougal and the SBOT are the cries of outrage and protest that have arisen against Mr. McDougal from members of the Bar.

If the Board feels it is necessary to do something to address this controversy, I would suggest a resolution encouraging ALL officers of the Bar to refrain from making public comments about topics that are or may be perceived as politically controversial.

Alan Schoolcraft
Bar No: 17803250

From: [REDACTED]
To: [Trey Apffel](#)
Cc: [BoardofDirectors](#)
Subject: President Larry McDougal
Date: Wednesday, July 22, 2020 2:58:12 PM
Attachments: [image001.png](#)
[State Bar of Texas - on Larry McDougal.pdf](#)

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

Please see attached comments on Larry McDougal.

Thanks you.

Richard H. Elliott



**Civil Trial Law and
Personal Injury Trial Law**
Attorney at Law

[REDACTED]

Dallas, Texas 75209- [REDACTED]

[REDACTED]

[REDACTED]

Website: RichardElliottLaw.com

email address: [REDACTED]



From: [Mary A. Keeney](#)
To: [BoardofDirectors](#)
Subject: President McDougal
Date: Wednesday, July 22, 2020 3:01:00 PM
Attachments: [image002.png](#)
[SBOT African American Lawyers Section Statement \(July 13\).pdf](#)

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

Dear State Bar Directors:

It is my understanding that you have invited comment from members of the Texas Bar regarding Mr. McDougal's recent comments regarding the phrase "Black Lives Matter" and his condemnation of a t-shirt with that phrase being worn at a polling location. Mr. McDougal argued that wearing the t-shirt was "a crime in Texas" and constituted a "form of intimidation." It is unacceptable for the President of the Texas State Bar to make these reckless and ignorant statements. And in doing so in his capacity as President of the State Bar, he leaves the impression that he speaks for all of us. He does not speak for me. My colleague Doug Kilday aptly described the phrase "Black Lives Matter" in an earlier email to you this week:

The phrase "Black Lives Matter" is not a political statement. It should not be perceived as a political statement. It is not a catchphrase for or against any particular candidate running for public office. It is not a mantra of any political party. It is a pronouncement – a truth – that is long overdue in our country. It is a phrase that has been, is, and should be embraced by political, civic, corporate, and other leaders, across party lines. Black lives do matter. They matter to all of us. Republican and Democrat leaders at all levels of government have said so. And we need to say so, publicly and out loud.

(I wish I could have said it better, but I cannot top his description.)

I have also been advised of sexist and racist remarks that Mr. McDougal has made in the past – e.g., referring to a female attorney as "hot in her Texas Bar Picture but has Meth Head written all over her today" (in 2014) and referring to Black Lives Matter as a "terrorist group" (in 2015). The comments are deeply offensive and appear to be indicative of Mr. McDougal's general views of women and minorities.

Mr. McDougal's statements reflect a lack of qualifications for the position he now holds. A mere apology for these remarks does not cut it. I believe he should resign. If he declines to do so and you determine that you can remove him, I recommend that you do so. If neither of these occurs, I support the recommendations submitted by the African-American Lawyers Section of the State Bar and attached hereto. I would add that he probably needs some training in recognizing and correcting biases against women as well.

And, for the future, please establish a more thorough vetting process for the candidates selected to run for State Bar President. If these earlier comments had been brought to light sooner, it seems highly unlikely that Mr. McDougal would have been allowed to be a candidate.

Thank you for your service and for taking the time to consider these comments.

Respectfully,

Mary A. Keeney | Attorney

Direct: [REDACTED]



[REDACTED]
Austin, Texas 78701
www.gdhm.com

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From: [C.R](#)
To: [BoardofDirectors](#)
Subject: President removal
Date: Tuesday, July 21, 2020 6:41:04 PM

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

I find our President's comments unacceptable and disturbing. He needs to be removed. If he is not removed, I will be exploring ways to dismantle the State Bar. If we can't remove a jerk like this, we don't deserve to exist.

Craig Rogers
SBN: 17163640

From: [Wayne Krause Yang](#)
To: [BoardofDirectors](#)
Subject: President
Date: Wednesday, July 22, 2020 1:52:19 PM

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

July 22, 2020

Dear Board of Directors,

I write regarding the actions of our current State Bar President, Larry McDougal. In short, he has demonstrated his lack of capacity to lead the State Bar of Texas and should be removed from his position. Mr. McDougal seeks to mislead us when he claims that his statements can only be attributed to his personal capacity. The State Bar President represents all Texas lawyers, and his statements misrepresent us as a profession. I am a staunch, long-time advocate for free expression, but Mr. McDougal has no right to remain President of the State Bar when he spreads unfounded misconceptions and perpetuates harmful prejudices. He does not deserve that entitlement.

The role of the State Bar is to educate the public about the rule of law, uphold the lawyer's creed, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, and promote diversity in the administration of justice and the practice of law. Mr. McDougal, as our public representative, has done the opposite of these things. Allowing him to remain our representative implicates us all in a tacit endorsement; and I want no part of it whatsoever. We must remove Mr. McDougal as President before he does further damage to a noble institution.

Sincerely,

Wayne Krause Yang
Texas Bar No. 24032644

From: [REDACTED]
To: [BoardofDirectors](#)
Subject: Public comment for special meeting 7/27
Date: Tuesday, July 21, 2020 9:40:03 PM

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

Dear Board of Directors:

I am writing in response to the State Bar email allowing member and public comments to be heard at the special meeting on Monday.

While I am still a relatively new attorney at only 4 years of practice, my generation of attorneys are the future of the State Bar. I am outraged at the comments made by Mr. McDougal that I have seen and read. I watched his apology video and found it insincere and perfunctory. His comments online are undoubtedly misogynistic, bigoted, and apathetic to the plight of attorneys struggling with mental illness and/or drug addiction. I also read the comments in response to the State Bar's posts on social media and found the SB's replies lacking.

As a female attorney, I found Mr. McDougal's comment about the female attorney in disciplinary proceedings to be antiquated, foul, and sexist. It's awful to think that the President of the State Bar would voice these sentiments in such a public forum. To say the least, it is unprofessional. My understanding is that he was serving on the ethics committee at that time.

Even more troubling is Mr. McDougal's Facebook post of a meme showing a man being held down by police with a caption of "Justice: it usually happens before the trial." As a prosecutor, this is appalling. Considering the current state of our country, these beliefs render Mr. McDougal unfit to lead the membership. Now more than ever, the State Bar should stand for civil liberties and due process. Mr. McDougal clearly does not.

Finally, the barrage of attacks on Black Lives Matter. Likening an organization that promotes equal rights and protections to a terrorist organization is horrifying. First, I will say that supporting and standing for human rights is not terrorism. Next, I will say that the totality of these unprofessional, unethical, distasteful comments towards minority groups of the membership (women, people of color) is indefensible. This is not "cancel culture" as one Baby Boomer attorney described it in her open letter. This is about accountability. Mr. McDougal needs to take accountability for his hateful statements and memes. He needs to step down as President. It is the only way that we can move forward. If he refuses, the Board needs to explore what options are available for his removal.

My generation is the future of the State Bar and it is horrifying to see the direction that we are trending in. Immediate action is necessary for it to change.

Thank you for your time and consideration.

Sincerely,

Erin Toolan

From: [Paula Pierce Attorney](#)
To: [BoardofDirectors](#)
Subject: Public Comment on 7/27/20 Board Meeting Agenda #5
Date: Wednesday, July 22, 2020 10:48:29 AM

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

Dear Board of Directors,

I make this comment individually and not as a member or representative of any section.

President McDougal's recent public remarks denigrating the Black Lives Matter movement were shockingly inappropriate. While I understand and support every person's right to freedom of speech and association, a public figure such as the President of the State Bar of Texas must understand that his public comments inevitably reflect on the Bar and all Texas attorneys. Certainly, everyone makes occasional mistakes. However, Mr. McDougal's remarks were not a mistake or accident. We can infer this from his many previous postings that contain biased content that is insensitive, racist, sexist, and sometimes extreme. Sadly, Mr. McDougal's apology rings hollow.

I have not researched the issue personally but understand that the State Bar Act does not address removal of a Bar President for cause. I reviewed the Bar Policy Manual this morning and found no removal provisions. My hope would be that Mr. McDougal would resign quietly, but he does not appear willing to do so. He does not represent my views or my interests, and in the first month of his tenure has proven to be incapable of projecting the air of professionalism and ethics demanded of the President of a large bar association. Lawyers already have an image problem - sometimes deservedly so. Every day we fight the public perceptions of the lawyer as greedy, shady, unethical, and a shark. We don't need to add racist, sexist, and conspiracy theorist to the mix. The President and other elected officials of the State Bar of Texas must display the utmost in competence, professionalism, and ethics. I am not confident that Mr. McDougal can rise to the task.

If there is a means to remove Mr. McDougal, I support removing him. If the only means we have of addressing this matter is censuring Mr. McDougal, then I respectfully request the Board censure him.

I support the action plan submitted by the African American Lawyers Section.

Sincerely,

Paula Pierce, Attorney

P. Pierce Law, P.C.

[REDACTED]
Austin, TX 78757
[REDACTED]

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From: [Elizabeth Salinas-Strittmatter](#)
To: [BoardofDirectors](#)
Subject: Public Comment Regarding Larry McDougal and Steve Fischer
Date: Tuesday, July 21, 2020 3:36:06 PM

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

Dear Board of Directors,

I am writing to you concerning recent and past online comments made by Larry McDougal and Steve Fisher, both of whom hold leadership positions within the State Bar. By now, you have received an eyeful of screenshots showing the online activity of both men, including posts, comments, and memes which are wholly inappropriate and arguably racist and sexist in nature.

The damage that both men have caused to the integrity of the State Bar is immeasurable. Indeed, discussions relating to their posts, comments; and memes have garnered the exclusive attention of at least three online lawyer forums of which I am a member and received national media attention. What you may not know, however, is how their actions have impacted so many of us, including me as a Latina.

The casual use of descriptions like "terrorist organization" that Mr. McDougal assigned to the BLM social justice movement, and the casual use of the phrase "a Black" by Mr. Fischer in an online exchange with a fellow attorney, are body blows to many of us who are not white and who suffer from bigotry, ignorance, prejudice, and microaggressions on a daily basis. Worse, their words have caused deep divisions within attorney ranks and served as virtue signals for some to open the floodgates on BIPOC, POC, and women who have voiced their objections to both men's actions.

I have personally read hundreds of online comments in Texas online lawyer forums in which BLM is maligned, vilified, and otherwise insulted by members of the Bar, many of whom fail to understand what BLM actually is. I have also read hundreds of online comments by white attorneys making light of Mr. McDougal's comments; refusing to acknowledge that his legal analysis regarding "electioneering" was wrong; refusing to comprehend that he actually called for a Black poll worker to be arrested for wearing a BLM t-shirt at an election site; and who want to falsely throw up the cry of "First Amendment!" in their defense of him.

I have also personally seen and reviewed more than 2 dozen screenshots of exchanges between Mr. Fischer and members of this Bar in which he repeatedly makes misguided, offensive, and arguably racist and sexist statements over a lengthy period of time. He has a demonstrated history of aggression against marginalized attorneys, while continuing to espouse his own defense of in self-serving statements designed, I can only presume, to make us feel "grateful" that he is here to act as our imaginary savior.

I tell you this so that you will know that I have done my due diligence on both men. In doing so, I have been emotionally devastated by their words as well as by their abject refusal to acknowledge that their words are not only offensive, they are damaging to the psyche of those of us who live with racism every day and who hoped that within the State Bar we would finally be viewed as equals. To now know that not only are BIPOC, POC, and woman considered secondary citizens by many members of the Bar, but that those members are

choosing to defend both men because they have "helped" many people over the course of time is devastating.

I, along with other BIPOC and POC, are left with the reality that two members of the Bar leadership are casual racists who when called out on their words, not only double down, but refuse to acknowledge the impact that they have had on their colleagues of color. Mr. McDougal's "apology" was insincere and failed to take any substantive responsibility for the harm that his words caused. For his part, Mr. Fischer continues to post almost daily in online forums offensive and tasteless statements, including assertions that we should forgive his "friend" because he is in ill health and that Mr. McDougal was somehow incapacitated when he was "told" to apologize and to read a statement on camera. Additionally, he has predicted doomsday scenarios of Bar abolishment by the State if we continue to complain about Mr. McDougal and outright intimated that those of who have never "served" the Bar do not now enjoy the right to speak on Bar issues. His words are calculated and designed to further silence the voices of marginalized attorneys in this state.

Silence in the face of Mr. McDougal and Mr. Fischer's repeated statements is complicity. White attorneys of this Bar have a choice on whether to speak out, and you as Bar leaders have a choice on whether to take any action against them. I do not have a choice on whether to speak out. As a POC woman, I either stand up for my colleagues or I lay in a pile of complicity. I refuse to be complicit.

I am respectfully asking that you immediately remove both men from their leadership roles. Neither can effectively lead at this point and the Bar deserves a chance to right their wrongs, as well as attempt to repair the damage that they have caused. The Bar also has an obligation to help heal the wounds caused by both men and to seek input from BIPOC, POC, and women on how best to move forward.

Both men need to resign and if they will not resign, you should immediately and unequivocally remove them from their positions of leadership. Their positions are a privilege which they no longer deserve to enjoy.

Regards,
Elizabeth Salinas-Strittmatter
SBN 24041849

From: [REDACTED]
To: [Amy Starnes](#)
Cc: [BoardofDirectors](#)
Subject: public comment, regarding agenda item #6 of July 27, 2020 special meeting
Date: Wednesday, July 22, 2020 2:05:05 PM
Attachments: [image001.png](#)

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

Hello Ms. Starns,

Please accept my attached written comment, addressed to the board of directors, regarding agenda item #6 of the July 27, 2020 special meeting.

I originally just emailed boardofdirectors@texasbar.com but it bounced back undeliverable. Thank you.

Sincerely,

Jason R. Hanna, J.D.

Senior Attorney, Entities & Estates



KEARNEY, McWILLIAMS & DAVIS, PLLC

Houston: [REDACTED]

Denver: [REDACTED]

San Antonio: [REDACTED]

Office: [REDACTED] • Fax: [REDACTED] • Cell: ([REDACTED])

www.kmd.law • www.linkedin.com/in/j-hanna

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From: [Susan Myres](#)
To: [BoardofDirectors](#)
Subject: Question for President McDougal
Date: Tuesday, July 21, 2020 6:49:19 PM
Attachments: [image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

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

While you were at the poll and saw a shirt that had a matter that offended you while at the poll, did you seek out the head of the precinct/deputy in charge of making sure all workers and voters were in compliance with election rules? If so, what did they say or do? If not, why not?

What is the policy for inclusion affirmed by the State Bar of Texas?

Respectfully submitted,



Susan Myres

*Texas Board of Legal Specialization Certified Family Law Specialist
President, American Academy of Matrimonial Lawyers
Fellow, International Academy of Family Lawyers*

TEL [REDACTED]

[REDACTED] Houston, Texas 77046

www.thehoustondivorcefirm.com



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From: [Dahlia Gutierrez](#)
To: [BoardofDirectors](#)
Subject: Re: Board Meeting Inquiry
Date: Wednesday, July 22, 2020 11:53:29 AM

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

Lisa: I was Chair of Hispanic Issues Section, the year you were State Bar President. I am forwarding a copy of the email that my husband and I both submitted to SBOT Board of Directors, re: Larry McDougal's statements. I also forwarded my reply to Women and the Law Section.

I know that you are still very "well connected" with the Bar and particularly the African American Bar Associations in the State. I feel that our statement to the State Bar, was a little "watered down", but that is because my husband did not want to sign off on anything too inflammatory. Nevertheless, we both are very troubled by the situation and are willing to write and or directly make a more assertive statement, if necessary.

At a time, when female Federal Judges are being attacked (MERELY FOR BEING FEMALE) and are being called "LAZY LATINA"; as justification. We CANNOT discount or diminish the comments made by Larry McDougal. For him to state that it is merely his "personal opinion" that "Black Lives Matter" is a TERRORIST ORGANIZATION is both actionable and inexcusable. His comment is not a "personal opinion" but rather is a LEGAL CONCLUSION which carries serious criminal penalties if proven. As such, any person who would be affiliated with and/or in support of such an organization would also be subject to criminal prosecution. His comments have tarnished and quite possibly damaged the ability of both female and/or minority attorneys to practice law and to garner the trust and confidence of the general public. ARE WE GOING TO TURN BACK 50 YEARS OF HISTORY AND HAVE "LITMUS TEST" FOR WOMEN AND MINORITY LAWYERS again ?

Frankly, any amount of "diversity education or implicit bias training" is NOT appropriate in this circumstance. Personally, I believe that Larry McDougal's RESIGNATION is the only adequate remedy; as his character and professional demeanor have been revealed as inadequate to lead a diverse Bar Association.

I know that you are very on top of this issue. If there is any way that either George or I can be of further help or support to any attorney group, please feel free to contact me.

Hope all is well with you and your family during these difficult times.
Very sincerely,

DAHLIA M. GUTIERREZ

On Tue, Jul 21, 2020 at 7:36 PM Dahlia Gutierrez <[REDACTED]> wrote:

We are appalled and dismayed by the public comments made by Larry McDougal after he was sworn in as President of the State Bar of Texas.

His comments are a perfect example of the implicit and systemic racism and bias that most of the country is protesting AGAINST.

In fact "BLACK LIVES MATTER" is not a "terrorist group", and there is one black U.S. Senator, who acknowledges such, and who happens to be a registered Republican.

Additionally, there are numerous elected officials of BOTH parties, who still support a "woman's right to choose" when it comes to personal health issues, including, her right to an abortion. Many of these elected officials are women.

It was especially disturbing and distressing to read Larry's views on law enforcement and the criminal justice system. He concludes, without reason, or evidence, that "innocent cops will be convicted" in a court of law based solely upon emotion and flawed reasoning. What message does this send to our legal community; not to mention to the general public with regard to the effectiveness and integrity of our judicial process ?

Frankly, it is extremely troubling and difficult to comprehend why, Larry McDougal would find it appropriate to use his position within the State Bar to promote views that are RACIST, SEXIST, and misleading to the point of distorting and eroding the confidence of the general public in the criminal justice system.

We request that action be taken by the State Bar Board of Directors which acknowledges the harm that has been done; and furthermore, that the State Bar takes active measures to regain the confidence and good will of both the Texas Bar and Bench.

Perhaps, Larry McDougal is not the best person for the job ?

DAHLIA M. GUTIERREZ

Former CHAIR, SBOT, Hispanic Issues Section

GEORGE E. DIX

George R. Killam, Jr. Chair, Emeritus

University of Texas School of Law

From: [Laura Thetford](#)
To: [BoardofDirectors](#)
Cc: [Trey Apffel](#); [Sylvia B. Firth](#); rsorrels@awtxlaw.com; [Randy Sorrels](#)
Subject: Re: Joint Letter to the State Bar of Texas
Date: Wednesday, July 22, 2020 3:11:41 PM
Attachments: [Joint Letter to the Texas State Bar re President \(Amended 07.22.20\).pdf](#)

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

Hi Ms. Starnes and Sylvia,

I am submitting an amended joint letter, attached, with an additional signature. I also added a hyperlink to the ABA comments on Rule 8.4 and made a minor edit to one of the sentences.

Please share this updated version with the board for the meeting.

Thank you in advance, and have a nice week.

Laura

On Fri, Jul 17, 2020 at 8:30 PM Laura Thetford <laura.thetford@gmail.com> wrote:

Hello,

Attached please find a joint letter from certain members of the State Bar regarding a proposal to amend Texas Disciplinary Rule of Professional Conduct 8.4, Misconduct. This amendment is proposed in light of certain recent events involving the President of the State Bar.

If you have any questions, please do not hesitate to contact me. We appreciate your attention to this matter.

Sincerely,

Laura J. Thetford
State Bar No. 24098509

From: [Elliott Klein](#)
To: [BoardofDirectors](#)
Subject: Re: Larry McDougal July 27, 2020 Special Meeting of the State Bar Board
Date: Wednesday, July 22, 2020 3:57:31 PM
Attachments: [2020-7-22 Larry McDougal Letter.pdf](#)

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

Attached please find my letter commenting on the Larry McDougal matter.

Sincerely,

Elliott Klein
SBOT #11557300

LAW OFFICE OF ELLIOTT KLEIN, PLLC

 **Houston, Texas 77225**  



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From: [George](#)
To: [BoardofDirectors](#)
Subject: re: meeting tp criticize (?) McDougal
Date: Tuesday, July 21, 2020 2:36:10 PM

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

1. Black Lives Matter is, indeed, a political movement.

2. The claim that black lives matter ought to be obviously true, and is, except, say in Chicago and at the ubiquitous abortion mills. Otherwise black lives **do** matter.

George Renneberg, member, State Bar of Texas

From: [Aaron von Flatern](#)
To: [BoardofDirectors](#)
Subject: Re: State Bar President Larry McDougal
Date: Wednesday, July 22, 2020 1:34:58 PM
Attachments: [Regarding Texas Bar President Larry McDougal.pdf](#)

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

Please see attached commentary pertaining to the hearing on 7/27/20.

Aaron von Flatern

Founding Partner

FVF Law | Fogelman & Von Flatern, LLP

[REDACTED]
Austin, Texas 78756

[REDACTED]
[REDACTED]
www.fvf.law

Please direct TRCP 21(a) e-service to: [REDACTED]

From: [Misty Deatherage](#)
To: [BoardofDirectors](#)
Subject: Re: Texas Bar Leadership
Date: Tuesday, July 21, 2020 1:40:39 PM

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

To whom it may concern,

I am sure that you have all read/heard this over and over again at this point; the Bar cannot have leadership that behaves the way Mr. McDougal and Mr. Fischer have. I do believe they should step down based on their lack of leadership skills and because they have lost the confidence of those who rely on them to lead. There is no room for RACISM and MISOGYNY in the State Bar of Texas. NONE

I am going to address a different issue, because I am sure there are more informed and educated individuals who are addressing the racial and misogynistic issues. I want to address the concept put forward by Mr. Fischer that "they have done so much for the Bar."

Let me present it as a true story.

I have been overweight my whole life. My Father in Law could not help addressing my weight every time we visited him. My husband told him it was inappropriate, other family told him it was inappropriate, and I told him it was inappropriate. Yet he continued. We drew a line, and stopped visiting because he just would not stop. He was shocked, after all he had done so much for us, how could we not look beyond that. In other words, he thought he had purchased his right to verbally and mentally abuse me.

It is wonderful that they have done so much for the Bar, and for lawyers in Texas (and I hope they will continue to do good for the Bar and Texas lawyers), BUT it does not excuse behaviors, and no one purchases or earns the right to mistreat any person, race, gender or class because of the good they believe that they have done. I ask you, as the leadership who has not lost the confidence of the members of the bar, to draw the line.

Moving forward without consequence makes the State bar complicit in Racism and Misogyny, we are far better than this.

Best,

Misty L. Deatherage
Deatherage Law



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From: [Laura Barbosa](#)
To: [BoardofDirectors](#)
Subject: Regarding Larry McDougal
Date: Tuesday, July 21, 2020 1:30:09 PM

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

This is a changing world. At a time when the Washington Redskins have ultimately agreed to change the blatantly Racist mascot/symbol because the call to arms against racism is so strong, the Texas Bar should see fit to do the same.

Larry McDougal should be forced to resign.

Much the same as the statues of confederates and the confederate flag, our bar should see fit to follow suit and force this racist to come down from his power. His own Racist words demonstrate that he will not be able to empathize or work with Non-white board/bar members. Let alone his criminally accused clients! The hate and superiority in his heart is not something that he will be able to overcome. It's proof that he cites a bad interpretation of the law with regard to Black Lives Matter to benefit his biased, racist political view. Clearly, BLM is equivalent to "love peace not war" not MAGA. MAGA is Trump. BLM does not support any particular candidate.

Larry McDougal should not represent our noble Texas Bar. He should be forced to resign.

Do the right thing. Do not let this biased, racist man represent our Texas Bar.

Laura Martinez Barbosa
Texas Bar #24040713

From: [David Carpenter](#)
To: [BoardofDirectors](#)
Subject: Removal of President
Date: Wednesday, July 22, 2020 9:04:25 AM
Attachments: [image001.png](#)

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

The State Bar of Texas cannot sit idly by and allow all Texas lawyers to be categorized as racists and misogynists. McDougal's remarks, regardless of his intent and apology, cannot be allowed to stand without strong action by the State Bar. I have been a member of the State Bar for 42 years and we stand for social progress and reform. We have all said and done things we regret, but he has to go, either voluntarily or by action of the Board of Directors.

J. David Carpenter
Attorney

[REDACTED]
Waco, Texas 76710
[REDACTED]



[REDACTED]
www.CarpenterandCroft.com

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From: [Robert, Chris, & Cody](#)
To: [BoardofDirectors](#)
Subject: Removal Research for July 27th agenda
Date: Wednesday, July 22, 2020 12:44:43 AM

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

Ladies and gentlemen:

Judging from the online chatter, it seems that many members of the board of directors believe there are no provisions for removing a sitting president. I have reviewed the governing documents and determine that you do have authority to remove a president if so desired.

While the attached is a long read, the TL;DR version is at the end. Thank you for your consideration.

- Robert Callahan

Authority for Removal of a Sitting President:

Bar Board Policy Manual

2.03.01 General. The President-elect, the President, and the Immediate Past President shall enjoy all of the authority, duties, rights and responsibilities afforded each of them by the State Bar Act, the State Bar Rules, this Policy Manual, and the Board.

7.09 Codes of Conduct The Executive Director, in consultation with the Chair, the President, the General Counsel, and the Policy Manual Subcommittee, shall prepare and promulgate codes of conduct applicable to State Bar staff, volunteers, participants, and attendees who are attending, participating in, or working at any State Bar event, meeting, or activity. The purpose of the codes of conduct shall be to provide a professional, harassment-free environment for everyone involved, regardless of race, sex, color, religion, national origin, age, military and/or veteran status, sexual orientation, gender identity, gender expression, disability, or other characteristic protected by applicable federal, state, or local law.

State Bar Act

Sec. 81.027. REMOVAL OF DIRECTOR. (a) The board of directors may remove a director from the board at any regular meeting by resolution declaring the director's position vacant. It is a ground for removal from the board that a director...(2) does not maintain during service on the board the applicable qualifications for office.

State Bar Rules

Art. 1. 3. "Board" means the State Bar board of directors.

ARTICLE IV ADMINISTRATION

Section 1. Board of Directors; Duties A. The State Bar shall be governed by a board which shall enforce the Act and these Rules

Section 5. Qualifications of Officers and Directors:

A. Qualifications for Serving as Director. The board is the judge of a candidate's qualifications.

Section 8. Director Vacancies and How Filled:

A. Death of a board member, *****judgment of incompetency*****, a board member's resignation or any failure to qualify shall create a vacancy.

Section 10. Officers

A. The officers of the State Bar shall be the president, the president-elect and the immediate past president

Section 13. Vacancy in an Office:

A. Death of an officer, *****judgment of incompetency*****, an officer's resignation or failure to qualify shall create a vacancy in the office.

Short Version:

- President is an Officer & Board Member subject to the Governing Documents of those offices.
 - Governing Documents say we have high expectations of our Officers / Board Members.
 - Board of Directors decides whether a member is qualified & can remove if not.
 - Board of Directors, alone, decides a members qualifications.
 - Incompetency = not qualified.
 - Incompetency is defined as:
 - a. lacking the qualities needed for effective action; or
 - b. unable to function properly; or c. inadequate to or unsuitable for a particular purpose
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The Law Office of Callahan & King



<http://www.callahankinglaw.com>



From: [Rosario Stornello](#)
To: [BoardofDirectors](#)
Subject: SBOT President Larry McDougal, Sr.
Date: Tuesday, July 21, 2020 2:11:44 PM

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

Dear BOD SBOT:

This is a free country and everyone is entitled to their opinion and my opinion is I strongly oppose any attempt to force Larry McDougal, Sr. to resign as President of the SBOT.

I have known Larry McDougal for nearly 15 years. I voted for him for SBOT President. I have known Larry to be an honest and honorable man and attorney. I have known him to help any fellow lawyer who has asked for it. He has represented all of his clients with the highest ability, zeal, & ethics. Bottom line, Larry is a good man and a good lawyer and a good SBOT President.

I have read the statements (social media posts) at issue from 2012, 2014, 2015 & 2020. Some people disagree with the statements Larry has made on social media. That is their opinion and they have a right to it & to express it. Larry has his opinion and he has a right to it and to express it. This is free speech.


It is wrong to censor or crucify or "cancel" our fellow Americans because of their opinion. There are two quotes attributed to Founding Father Patrick Henry that are important to this discussion. "I disapprove of what you say, but I will defend to the death your right to say it," and "Give me liberty or give me death," Liberty is the state of being free within society from oppressive restrictions imposed by authority on one's way of life, behavior, or political views. If you force Larry to resign because of his opinions you are destroying Liberty & free speech. You will be violating the core values of American society.

Larry gave his legal opinion in the 2020 post about a poll worker wearing a BLM shirt and whether that was legal or appropriate. I am surprised at the number of attorneys willing to attack another attorney for their legal opinion. It is shameful for our Profession to attempt to stifle free speech.

To claim the BLM is sacrosanct against any opposition or criticism is laughable and quick frankly offensive. That is the tactic of marxists and facists and should not be the tactic of legal professionals.

Thank you for your time and consideration.

Respectfully,
Rosario Stornello

Stornello Law Firm, P.C.
Rosario Stornello, Esq.
Attorney & Counselor At Law


Sugar Land, TX 77479- [REDACTED]
[REDACTED]

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From: [Amy Ganci](#)
To: [BoardofDirectors](#); [Amy Starnes](#); [REDACTED]
Subject: SBOT President Larry McDougal
Date: Wednesday, July 22, 2020 3:07:28 PM
Attachments: [7.22.20 letter to SBOT.pdf](#)

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

Per yesterday's notice of Special Meeting and solicitation of written comments, please accept the attached for consideration.

Amy Ganci

Ganci, L.L.P.

[REDACTED]

Dallas, Texas 75206


[REDACTED]

From: [Ivan Friedman](#)
To: [BoardofDirectors](#)
Subject: SBOT President must resign
Date: Tuesday, July 21, 2020 9:53:11 PM

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

Ivan Friedman, J.D., M.P.A.
Board Certified Family Law -TBLS
www.ivanfriedman.com




San Marcos TX

From: [Doug Fletcher](#)
To: [BoardofDirectors](#)
Subject: Special Meeting - State Bar of Texas Board of Directors - Written Comments
Date: Tuesday, July 21, 2020 5:36:25 PM
Attachments: [image002.png](#)

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

Board of Directors
State Bar of Texas

Re: Considered disciplinary action against President Larry McDougal

As an attorney who has practiced law in the State of Texas for 40 years, I am horrified by the fact that the State Bar of Texas Board of Directors is considering disciplinary action, including a request to resign, against State Bar President Larry McDougal for comments he made several years ago. Whether or not those comments are accurate or true is not important. The State Bar needs to stand for freedom of expression and freedom of speech. The right to express our thoughts, whether or not they are consistent with today's present state of political correctness, is critical to any form of constitutional right of freedom of speech. I find it ironic that before you will consider such actions the Board will pledge allegiance to both the United States and Texas flags. One of the ending phrases of the pledge to the United States flag is, "liberty and justice for all."

Please stand tall against this current form of cultural bullying by such organizations as Black Lives Matter and other leftist organizations. If you kowtow to the demands for the resignation of President McDougal this will only be the first step in further demands, and I am certainly reluctant to be a member of such an organization. Please stand for freedom.

I am also opposed to the creation of the State Bar of Texas Task Force on Diversity, Equity and Inclusion. The State Bar has done an excellent job on encouraging diversity and such voluntary programs are commendable. However, I fear that this task force on diversity could easily become an enforcement committee on diversity, equity and inclusion and could lead to some type of quota requirement for law firms, especially in this hyper-sensitive atmosphere that we are presently in.

Sincerely,
Doug Fletcher



Douglas D. Fletcher | Attorney at Law
Fletcher, Farley, Shipman & Salinas, LLP

[Redacted]
Dallas, TX 75231

[Redacted]
www.fletcherfarley.com
[map](#) | [vcard](#)

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From: [Mary Margaret Croft](#)
To: [BoardofDirectors](#)
Subject: Special Meeting 7-27 Comments for Board Review
Date: Wednesday, July 22, 2020 10:54:07 AM
Attachments: [image002.png](#)

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

Good Afternoon,

I write to demand the immediate removal of Larry McDougal from the board of directors. Mr. McDougal is a disgrace to the State Bar of Texas and is not competent to be on the Board, much less lead this prestigious, diverse organization.

I have read Mr. McDougal's comments and watched his apology. However, a change of views does not happen in 12 days. Mr. McDougal stated that wearing a "Black Lives Matter" T-shirt was actionable as electioneering! That is a gross misunderstanding misappropriation of a statement that simply means people with darker colored skin have value. To see that statement as anything other is to oppose that value judgment. As an attorney, I interpret statements for a living – in court, in statute, in contract. Mr. McDougal is head of an organization of interpreters. Clearly Mr. McDougal cannot be trusted to interpret statements of any kind, much less lead an organization of such interpreters since he does not value a large portion of the population. Mr. McDougal does not value people (including attorneys) of color. He is incompetent and should be removed immediately.

In addition, Mr. McDougal made misogynistic comments towards a woman, and fellow member of the Bar. Mr. McDougal stated that a female was "hot in her Bar picture." As a female attorney and a mom (who incidentally is working remotely with no childcare in a pandemic), I do not trust Mr. McDougal to represent women who are members of the Bar. Mr. McDougal does not value women (including attorneys). He is incompetent and should be removed immediately.

Our Bar is a prestigious organization, and one I worked diligently to join. I refuse to pay mandatory dues to an organization led by an incompetent attorney who does not value any Bar member other than white males. Black Lives Matter. Women Matter. Justice matters.

You have a fiduciary duty and a duty of loyalty to this organization as Board Members. In addition, as attorneys you have sworn oaths to uphold our profession with professionalism, zeal, and respect. Pursuant to section 81.027 of the Texas Government Code, you have the authority to remove a director who is incompetent. There is no question that Mr. McDougal is not competent to lead the bar, or serve on its board. I implore you to exercise your duty and serve the Bar well.

Respectfully,

Mary Margaret Croft
Attorney


Waco, Texas 76710



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From: [Mike Milligan](#)
To: [BoardofDirectors](#)
Subject: Special Meeting Concerning SBOT Pres Larry McDougal
Date: Wednesday, July 22, 2020 3:48:58 PM
Attachments: [The Nation Article re Greg Allen 2016.pdf](#)

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

Dear Board:

Attached is an article from The Nation magazine accurately reporting the comments of El Paso Police Chief Greg Allen about Black Matters Matter, following the horrific assassination of five Dallas police officers during the BLM protest. I think the Board will agree that his comments were at least as incendiary as Mr. McDougal's, probably more so.

Neither the El Paso Mayor, City Manager, any member of the City Council, or anyone in authority has called for Chief Allen's resignation. He has a great deal more power than the largely ceremonial position of State Bar President. If the City government does not consider unjustified criticism of BLM disqualifying, then why does the State Bar?

I hasten to add that I find the comments of both men reprehensible. Black Lives Matter does not promote terrorism, and certainly not "cop-killing." I would hope that my State Bar, in whatever action it takes, notes with disapproval the comparability of the inappropriate remarks by Mr. McDougal and Chief Allen.

Respectfully yours,
Michael T. Milligan
53-year Lawyer
State Bar #14148200

Law Office of Mike Milligan

El Paso, Texas 79902

From: [Charles Awalt](#)
To: [BoardofDirectors](#)
Subject: Special Meeting of the Board for July 27, 2020
Date: Tuesday, July 21, 2020 4:18:59 PM
Attachments: [LetterToTheBoardFor7-27.pdf](#)

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

Please include the attached letter (in PDF) in the Materials for the Board Meeting.

Charles Awalt

From: [Victor Negron](#)
To: [BoardofDirectors](#)
Subject: Special Meeting of the State Bar Board re Larry McDougal
Date: Tuesday, July 21, 2020 2:47:31 PM

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

Directors of the State Bar Board:

I have become aware of some of the allegations being made against current State Bar President Larry McDougal. The purpose of this email is to provide the State Bar Board one point of view, as they deliberate about any action they may seek to take against President McDougal.

As I understand it, Mr. McDougal is alleged to have done the following:

7/1/20 Mr. McDougal takes office as President of the State Bar of Texas

7/10/20 Mr. McDougal posted, on personal social media, about an election poll worker in Fort Bend County who was wearing a "Black Lives Matter" t-shirt. McDougal asserted that this person was violating the law, should have been issued a citation, and should have been removed from the premises. Afterward, a 2015 post allegedly by Mr. McDougal was circulated on the internet. It is alleged that, in this post, Mr. McDougal referred to Black Lives Matter as a "terrorist group."

7/11/20 Some leaders of the State Bar of Texas and the Texas Young Lawyers Association issued a joint statement "denouncing" Mr. McDougal's online comments.

7/13/20 The African American Lawyers Section of the State Bar issued a "Call to Action" to Mr. McDougal in a press release, requesting a formal written apology and that he adopt specific policies concerning training and education as his "Presidential Project" in an effort to combat systemic racism.

Mr. McDougal has since apologized for calling BLM a “terrorist organization”, and repeated his personal view of equality of all people.

My comments are limited to the facts recited immediately above.

First of all, Mr. McDougal did not cede his First Amendment Right of Free Speech upon taking the oath of President of the State Bar of Texas. That oath requires him to “preserve, protect and defend the Constitution of the United States and of this State...” That includes the First Amendment to the U.S. Constitution.

Whether Black Lives Matter movement (BLM) has or has not been designated a “terrorist organization” by the appropriate agency is irrelevant: Mr. McDougal had every right, even if we disagree with him, and even if he was completely wrong, to state what he said. He has already stated publicly that he was not speaking in his capacity as President of the State Bar. It is worth noting that, in our current climate, nothing anyone has ever said or done in their lives is out-of-bounds: you can be held accountable for these actions decades after they occurred. “Let he who is without sin cast the first stone.” But for the grace of God, so many of us would be living different lives if we had been held accountable for thoughtless actions of our past. Let us judge Mr. McDougal on his actions as President of the State Bar, not what he said or did before he took office. The 105,000 members of the State Bar had a chance not to vote for him, and instead they elected him. Let him do his job (which does not include his private social media posts) and let’s judge him on that.

As for BLM: Part of the problem in the current discourse about “black lives matter” is a confusion of many between the phrase “black lives matter” and the organization calling itself “Black Lives Matter”. These two concepts are not interchangeable: a person can easily support the fact that all lives matter,

including black lives. This same person can, at the same time, legitimately refuse to support the organization BLM. The backgrounds of the founders of BLM, many of the incendiary statements made by its proponents (including the burning down of U.S. institutions), and actions taken (some violent) by members of this movement can give rise to a rational disagreement about whether such an organization can or should be supported. There have been some calls in our society for BLM to become its own political party. Thus, seeing someone at a place where electioneering is prohibited might give rise to a call to arrest such a person and have them face the consequences of having violated the law.

I support the concept that all lives matter, including black lives. I do not support BLM or its underlying principles. Last I checked, it is not against the law to disagree with BLM. Not yet. Maybe the State Bar Board of Directors will make it illegal. We'll see.

Victor Negron

From: [Willis, Tasha L](#)
To: [BoardofDirectors](#)
Subject: State Bar President
Date: Tuesday, July 21, 2020 2:53:44 PM

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

For many things in life there are grey areas, but not in this case. You are a racist or you are not. It is simply not enough to apologize later to hold on to a position you don't want to lose. Being State Bar President should be a privilege. Once elected, members of the Texas Bar should be able to safely assume their president represents all members equally. Certainly, there are more worthy candidates that will represent all members equally not simply pretend to do so while disguising their true feelings.

Tasha Willis
University of Houston Law Center

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From: [Edna Yang](#)
To: [BoardofDirectors](#)
Subject: State bar President Larry McDougal
Date: Wednesday, July 22, 2020 11:45:10 AM

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

Dear Board of Directors,

I have been a member in good standing for the past 18 years and I sincerely hope that you will take action and remove Mr. McDougal from his position as the State Bar president if he refuses to resign of his own accord. His racist and sexist comments and personal views (both present and past) reflect poorly upon the State Bar as an institution which is designed to assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers educate the public about the rule of law, uphold the lawyer's creed, and promote diversity in the administration of justice and the practice of law. He has no shown no empathy or understanding for those who have suffered and continue to suffer from racism and ignorance, such as his.

Mr. McDougal's apology is insufficient. Simply stating that he meant no offense and that his statements were made in a personal capacity demonstrate his lack of understanding of the nature of his comments, and his role and obligation as State Bar President to uphold the highest standards for our profession. I am appalled by not only the racist comments made by Mr. McDougal, but also by his clear inability to think critically as a lawyer and interpret laws and case law regarding prohibitions on electioneering. Is this the standard we as a professional organization should uphold and by which be judged?

As State Bar president Mr. McDougal is a public figure. His statements, even in his private and personal capacity, carry the weight of his position. The fact that he does not understand this basic concept is troubling. I have no confidence in him as a president. The fact that our resources need to be diverted in this manner to address the offensive actions of Mr. McDougal demonstrates that he is not the leader that we need. I do not believe that he is capable of upholding the State Bar's commitment to justice and diversity in the administration of the law and ask that you remove him immediately from his position.

Sincerely,
Edna Yang
State Bar No 24037752
Licensed October 2002

From: [Annie McAdams](#)
To: [BoardofDirectors](#)
Subject: State Bar President Larry McDougal
Date: Tuesday, July 21, 2020 5:26:34 PM

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

Texas Bar Board of Directors,

First, thank you for your service and time during this tumultuous and challenging time. Also, thank you for accepting comment and further considering Mr. McDougal's recently discovered comments. While I find the past comments deeply troubling and unbecoming of our bar, I accept Mr. McDougal's acknowledgement and apology as meaningful and genuine. I believe in redemption, forgiveness and in the power of learning from our mistakes. Nonetheless, a leader and leadership should also know when it is not the right time to be of service. At this time should Mr. McDougal remain as president the distraction, apathy and disengagement will be too costly. Accordingly, I encourage Mr. McDougal to make the difficult decision to step down and I ask this Board to accept his resignation.

Annie McAdams

ANNIE McADAMS PC

| Houston, TX 77005

| www.anniemcadamspc.com

From: [John Kirtley](#)
To: [BoardofDirectors](#)
Subject: State Bar President, Larry McDougal
Date: Wednesday, July 22, 2020 1:57:07 PM

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

In addition to the public comments, made by Mr. McDougal, it has been brought to my attention, by other attorneys, that he, apparently, re-posted this meme:

"Justice: it normally happens before the trial" with a *picture of a police officer pinning a suspect to the ground*.

This is antithetical to the rule of law and the Constitution(s) that Mr. McDougal and the rest of us swore to uphold.

Additionally, while commenting on an article, regarding Texas attorneys practicing without a license, Mr. McDougal appears to have made the comment,

"She is hot in her Texas Bar Picture but she has Meth Head written all over her today."

Statements like these do not reflect the values and mission of the State Bar of Texas or the attorneys for whom it serves. Accordingly, I respectfully ask that Mr. McDougal tender his resignation forthwith.

With kind regards,
John Kirtley

John T. Kirtley, III
Ferrer, Poirot & Wansbrough

[REDACTED]
Dallas, Texas 75219
[REDACTED]

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"Speak up for those who cannot speak for themselves,
for the rights of all who are destitute." Proverbs 31:8.

From: [Bree Perrin](#)
To: [BoardofDirectors](#)
Subject: State Bar President
Date: Tuesday, July 21, 2020 1:34:03 PM

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

I have been a license attorney since 2005 and I am writing to urge the Board to call for the State Bar President's resignation.

I do not presume to know Larry McDougal, I have not had any personal dealings with him. I believe he ran on an admirable platform for the bar position he now holds and a lot of that was premised on reform.

In order to truly achieve reform we must first and foremost demand that the bar is inclusive of all it's members. That no one attorney experiences explicit or implicit racism or bias due to being BIPOC. Especially from our bar leaders.

Based on the discussions in online forums, I also believe that additional training is necessary for a majority of our bar members. It is no longer acceptable to just claim "I am not a racist" -- we must actively be anti-racist in our leadership, in our businesses, and in our institutions. How can we claim to uphold our oath otherwise?

Bree Perrin
Houston

From: [Rebecca McMichael](#)
To: [BoardofDirectors](#)
Subject: State Bar Request for Comments
Date: Tuesday, July 21, 2020 3:05:34 PM

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

I would like the Texas Bar to consider taking real action to demonstrate its resolve to be a force for real change in the criminal/racial justice change arena. The State Bar should sponsor a group of volunteer attorneys willing to devote their time to perform criminal expungements for those people who are suffering from the systematic racism and inequities in our criminal justice system. The Texas State Bar could be a leader with a strong initiative showing more than words, real action. And I would be happy to be the first participant, leader or assist in any other manner that would make this initiative a transformative success.

Sincerely,

Rebecca McMichael

From: [Jennifer Kingaard](#)
To: [BoardofDirectors](#)
Subject: Statement Calling for Resignation or Removal of State Bar President
Date: Tuesday, July 21, 2020 1:29:30 PM

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

Dear Board of Directors of the State Bar:

I have been a member of the State Bar since 2005. I find Larry McDougal's comments regarding the Black Lives Matter movement to be tone deaf and ignorant at best. They do not reflect an understanding of race relations in this country, and his apology rings hollow. While an apology might have sufficed in the past, given today's climate, Mr. McDougal should have perceived the divisiveness impact of his comments. Mr. McDougal's distortion of Black Lives Matter as a political movement instead of a movement meant to value the marginalized members of our community shows a true lack of empathy. He is not the type of leader who should represent Texas lawyers. As you know, the State Bar President needs to represent all Texas attorneys.

Mr. McDougal's comments tarnish the reputation of the State Bar. To allow him to remain in office will only further damage the State Bar and our great State. I call on the Board of Directors to require the immediate resignation or removal of Mr. McDougal.

Thank you for your consideration.

Regards,

Jenny Kingaard

Staff Attorney for
Justice Frances Bourliot
Fourteenth Court of Appeals

From: [Amelia Rodriguez](#)
To: [BoardofDirectors](#)
Subject: Statement for Meeting on July 27th
Date: Wednesday, July 22, 2020 10:33:45 AM
Attachments: [Statement on Larry McDougal.pdf](#)

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

Attached please find my statement. Thank you.

Amelia Rodriguez
Attorney At Law
[REDACTED]
Houston, Texas 77098
[REDACTED]

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From: [Melissa Kingston](#)
To: [BoardofDirectors](#)
Cc: [Melissa Kingston](#)
Subject: Statements by Larry McDougal and Steve Fischer
Date: Tuesday, July 21, 2020 2:39:55 PM

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

Members of the Board of Directors,

I write to express my extreme disappointment and disapproval of the recent statements on the subjects of Black Lives Matter and/or black people in general made by State Bar President Larry McDougal and Board Member Steve Fischer. It is shocking to me that these two lawyers not only do not appreciate that Black Lives Matter is a civil rights movement but that they so wantonly and unabashedly use language such as “married to a black” and characterizing the Black Lives Matter movement as a “terrorist organization” or a Democratic group. As the President of the State Bar of Texas and/or member of the Board of Directors of the Bar, these two individuals should not only have a basic understanding of one of the most important and long-coming civil justice movements of our time, they should be advocating for the ideals of Black Lives Matter – that all people are created equal and should be treated equally and equitably under the law. Instead, not only are they not leaders in the movement, they have actively worked against it. As a lawyer, I find their conduct and their stated biases intolerable for any lawyer, much less the highest offices of one of the largest bar associations in the nation.

That the statements were made of private social media pages is no defense. The President of the State Bar of Texas and members of the Board of Directors simply cannot express racist sentiments in private without discrediting the entire organization and certainly the offices they hold. The public outcry following the statements made by these individuals amply demonstrates that the statements made, language used and attitudes displayed were not done in a vacuum. In the words of the Texas Supreme Court and the Court of Criminal Appeals in publishing *The Texas Lawyers’ Creed – A Mandate for Professionalism*, “We must always be mindful that the practice of law is a profession. As members of a learned art we pursue a common calling in the spirit of public service. We have a proud tradition. Throughout the history of our nation, the members of our citizenry have looked to the ranks of our profession for leadership and guidance.”

These ideals are stated clearly and in more detail throughout the Preamble to the Texas Rules of Professional Conduct:

“1. A lawyer is a representative of clients, an officer of the legal system and a public

citizen having special responsibility for the quality of justice. Lawyers, as guardians of the law, play a vital role in the preservation of society. The fulfillment of this role requires an understanding by the lawyers of their relationship with and function in our legal system. A consequent obligation of lawyers is to maintain the highest standards of ethical conduct.

4. A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

5. As a public citizen, a lawyer should seek improvement of the law, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance, and should therefore devote professional time and civic influence in their behalf. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.

6. A lawyer should render public interest legal service. The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. Every lawyer, regardless of professional prominence or professional workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged. The provision of free legal services to those unable to pay reasonable fees is a moral obligation of each lawyer as well as the profession generally. A lawyer may discharge this basic responsibility by providing public interest legal services without fee, or at a substantially reduced fee, in one or more of the following areas: poverty law, civil rights law, public rights law, charitable organization representation, the administration of justice, and by financial support for organizations that provide legal services to persons of limited means.

9. Each lawyer's own conscience is the touchstone against which to test the extent to which his actions may rise above the disciplinary standards prescribed by these rules. The desire for the respect and confidence of the members of the profession and of the society which it serves provides the lawyer the incentive to attain the highest possible degree of ethical conduct. The possible loss of that respect and confidence is the ultimate sanction. So long as its practitioners are guided by these principles, the law will continue to be a noble profession. This is its greatness and its strength, which permit of no compromise.”

Similarly, the Mission Statement for the State Bar of Texas mandates that we “support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law and promote diversity in the administration of justice and the practice of law.”

By characterizing Black Lives Matter as a partisan terrorist group and by at least impliedly publicly threatening an election worker with criminal prosecution, Mr. McDougal has failed our profession, failed to meet his personal requirements to promote justice for all and the betterment of our legal system, and failed the State Bar of Texas by clinging to racist ideals and by not instead promoting notions of equality and fairness for all. While there is no erasing the damage his actions have brought to the State Bar of Texas, his resignation would clearly and unequivocally stand for the proposition that his racist ideals and actions have no place in our Bar Association and have been rejected by same.

Likewise, by referring to someone as “a black” in a dehumanizing manner and by unfairly reinforcing old stereotypes about black people, stating, “Jews suffered way worse than Blacks—equal jobs or equal ovens. We do our best to get an education and help others, while you want to shout and complain,” Mr. Fischer has also failed our profession, failed to meet his personal requirements to promote justice for all and the betterment of our legal system, and failed the State Bar of Texas by clinging to racist and divisive ideals. A call for Mr. Fischer’s resignation would likewise send a clear message that his ideas and conduct are not acceptable to the Association.

I am calling on you, members of the Board, to take definitive, prompt action to denounce the statements by these men and to make meaningful changes to what is clearly a systemically broken organization. Certainly, the vetting process needs improvement.

Thank you for your consideration.

Melissa Kingston
SBN 24013435



Melissa R. Kingston, Esq.

Friedman & Feiger, LLP [REDACTED], *Dallas, Texas 75254*

www.fflawoffice.com

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From: [Michael J. Thomas](#)
To: [BoardofDirectors](#)
Cc: [REDACTED]
Subject: suggestion for LENIENCY regarding current SBOT President Larry McDougal Sr.
Date: Tuesday, July 21, 2020 3:35:30 PM

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

State Bar of Texas
Board of Directors

I have seen (via the links in the email from the State Bar of Texas received today) the post by current bar President Larry McDougal Sr.

I believe that the posts by Mr. McDougal were directed essentially towards polling place issues (atmosphere, etiquette, etc.), not any political or other group. His post did **not** suggest that it was posted in any manner related to his current post as President of the State Bar of Texas.

As background, while I am a Texas lawyer (admitted on motion without exam, at the end of 2011), I have never practiced there, ignoring one traffic case in El Paso, TX, when I was in Las Cruces, NM. I do not know Mr. McDougal or anyone in his firm for that matter.

Because this can be a learning experience, and an example of dialogue rather than simply being an instance of the current trend towards a "cancel culture," I believe the board should exercise its discretion to perhaps remind him that posting items (even in one's personal capacity) can be twisted or misconstrued by those seeking to attack his official capacity, e.g.

However, I simply do not believe that the post at issue objectively warrants anything more than a discussion. It certainly does **not** warrant any adverse-type action.

What if a board member posted something two years ago about some topic, say gun control, or criminal law, or some other legal topic, with which I disagreed? Does that mean that you should have to resign your position simply because I disagree with you legally or even politically ?

While I understand that the state bar board of directors needs to have a meeting, I am hopeful that the board will exercise good judgment and discretion in this matter.

Thank you for reviewing this.

Sincerely

Michael J. Thomas
Licensed in New Mexico, Michigan, Texas and Arizona

--

Michael J. Thomas [REDACTED]

From: [Daniel Ure](#)
To: [BoardofDirectors](#)
Subject: Support of Larry McDougal
Date: Tuesday, July 21, 2020 2:55:09 PM

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

To the Board:

I write in support of Larry McDougal for the following reasons:

1. **Mr. McDougal's opinion was factually and legally correct.** I have served as an election judge many, many times over the course of almost 10 years. I would never wear a shirt like that worn by this woman because I recognize that it is contrary to the oath I took as an election judge. Larry was precisely correct, no matter how politically popular support for BLM is at the moment; this kind of political statement is meant to intimidate voters. I would object to a KKK robe worn by an election worker also because both outward symbols of political expression when acting as a judge or poll worker. Poll workers sign an oath that they will not try to influence voters. The expression of political opinions, including in apparel choices, violates that oath. They are appropriate in other contexts, but not when acting as an impartial agent of the elections.
2. **The State Bar has no business taking sides politically.** I pay dues to retain my license, but I disagree with political positions the State Bar takes. It is precisely this kind of political action (i.e., having a hearing because Larry expressed a legal opinion with political ramifications) that makes me and many in my position feel ostracized by the State Bar. In my view, the State Bar should not take ANY political position. It exists to serve lawyers, and the taking of political positions should be entirely out of its bailiwick, regardless of how "woke" or how strongly staff members want to virtue signal for personal reasons. This should be a professional organization, not a vehicle for personal political ambitions. There are plenty of associations that exist for the purpose of political activism. A professional organization that represents ALL of the professionals in a given area should not be one of them.
3. **Free expression is the foundation of our society.** The solution to bad speech is not less speech, but more speech. We are entering dangerous territory as a country when a man faces the sacrifice of his life's work, his reputation and his position because he chose to express a politically unpopular legal opinion (which was correct, legally, regardless of how popular the woman's opinion is at the moment). Instead of defending the importance of political discourse, the State Bar has expressly granted the seal of approval to those who would silence the other side of the argument, rather than try to win through persuasion. Cancel culture is dangerous for our political system over the long term. Political gamesmanship that would penalize a man for expressing a legal opinion regarding electioneering is exactly what leads to suppression and oppression in the long term. When people fear expression of an opinion because it might contradict the current zeitgeist, we are close to becoming like pre-revolution France. The guillotine and strictures on what lies inside a person's mind are not far behind this kind of thinking. That, I think we can all agree, is antithetical to the formation and maintenance of a free society.

Please be a part of the problem rather than a part of the solution. This rightfully should be a tempest in a teacup, rather than a formal hearing. I would be shocked if I wasn't accustomed to this kind of politically correct foolishness from the State Bar. Please support Larry.

With respect,

Daniel S. Ure

Investment Advisor Representative / USA Financial Securities Corp.

General Counsel / McLane Advisors

[Redacted]

[Tomball, TX 77377](#)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Daniel S. Ure is an investment advisor representative of, and advisory services and securities are offered through, USA Financial Securities Corp., Member FINRA/SIPC. USA Financial Securities Corp. is a Registered Investment Advisor located at 6020 E. Fulton St., Ada, MI 49301. McLane Advisors is not affiliated with USA Financial Securities.

From: [Wyatt Wright](#)
To: [BoardofDirectors](#)
Subject: Thoughts on Larry McDougal incident
Date: Tuesday, July 21, 2020 3:05:41 PM

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

I am writing to express my feelings regarding SBOT President McDougal's recent activities which have now cast our bar into the national spotlight, negatively.

We are all taught in law school that avoiding impropriety is not enough. Indeed, persons holding a public trust, such as attorneys—and certainly the leader of our state bar—must also avoid the *appearance* of impropriety. Failing to avoid such appearance of impropriety, Mr. McDougal has an obligation to resign immediately—not because his beliefs are antagonistic to decorum in a civilized society (which they certainly are), but because there is a cloud over his office which cannot be erased. Rather than cause our bar more damage, he must resign.

Mr. McDougal has embarrassed himself miserably, and the bar, by recklessly claiming that a “black lives matter” shirt is the equivalent of a “MAGA” hat for purposes of electioneering. Any 1L law student can tell the difference between a broad-based call for social justice that doesn't endorse any candidate or party (the “black lives matter” shirt), and a laser-focused endorsement of a specific political candidate by wearing campaign apparel distributed by Mr. Trump's re-election campaign (the “MAGA” hat). So, one of two possible scenarios exists: ONE, Mr. Dougall is an intelligent lawyer who knows the difference but knowingly made the false comparison anyway in an attempt to bully others; or, TWO, Mr. McDougall is not very bright and ought not be a lawyer at all. Either way, he has no business as our SBOT president.

Lastly, Mr. McDougall's apologies, whether or not sincere, could never be enough to undo the damage he has caused.

Alexander Wyatt Wright
Texas State Bar No.: 24037741



From: [Graysonatty](#)
To: [BoardofDirectors](#)
Subject: Today's Special Meeting
Date: Wednesday, July 22, 2020 7:34:02 AM

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

I have known Larry McDougal since he was a 2nd year law student and working as a law clerk where I was employed. Though we are not personally close, in all that time, and up to the present day, I have observed him to be a person of high integrity and character and I have never observed or heard him do or say anything that could be reasonably interpreted as prejudicial or biased against any person or group.

Many of us have found that sharing comments or momentary viewpoints/opinions on social media can lead to misinterpretation and unintended consequences. I believe that is the case here and I do not believe Mr McDougal deserves any more criticism or sanction than he has already received. To pursue this issue further will only worsen the wounds that need to heal.

Thank you for the service this Board provides to the Texas Bar.

John L Grayson

Sent from my Tricorder.

From: [Rubenstein, Rachael](#)
To: [BoardofDirectors](#)
Subject: Written Comment for Special 07/27 Mtg. Re: President Larry McDougal
Date: Wednesday, July 22, 2020 1:16:28 PM

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

Dear State Bar of Texas Board of Directors:

I write to express my support for all of the action items called for by the African American Lawyers Section of the State Bar of Texas in its July 13, 2020 letter, and I encourage the Board to adopt those action items immediately.

I further call for Mr. McDougal to do what is best for the Bar and resign from his position without delay. His recent and past comments, and his overall handling of this situation, have hurt members of the Bar. Mr. McDougal has also damaged the prestige of the Bar and brought shame upon it. If he is not willing to resign, the Board should immediately take the appropriate steps necessary to remove him.

Irrespective of any apology issued, Mr. McDougal's comments disqualify him to serve as President of the Bar. He has lost the respect of too many of his constituents.

Freedom of speech does not mean freedom from consequence. To the contrary, when a person in a position of power makes derogatory and divisive remarks, unbecoming of that position, he should expect to be held to account. The President of the State Bar of Texas must be held to a high standard - serving in such a leadership role is a privilege, not a right. Moreover, the Bar has a compelling interest in maintaining the public perception of the integrity of the profession in order to facilitate a system with the purpose of administering justice neutrally.

With respect to the slippery slope argument regarding "cancel culture," my position is that Mr. McDougal should resign or to be removed as President because of his pattern of discriminatory remarks, including one made under the veil of legal authority, after he was elected. I am not calling for Mr. McDougal's law license or livelihood to be "cancelled." I genuinely hope that Mr. McDougal listens and learns from this situation and joins in active efforts against the multidimensional aspects of racism in our profession, but that is up to him. Separately, the Board, and the Bar as a whole, must act decisively and with moral clarity. The time is now to take a stand, put our collective foot down, and declare conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race to be unwelcomed within our professional ranks, especially among our leaders.

Lastly, I encourage the proposed task force on diversity, equity, and inclusion to evaluate adopting ABA Model Rule 8.4(g), or an appropriately tailored variation thereof.

Respectfully,

Rachael E. Rubenstein
State Bar No. 24073919

Direct

• Fax

• Cell

This email message and any attachments are confidential and may be privileged. If you are not the intended recipient, please notify us immediately by reply email and destroy all copies of this message and any attachments. Please do not copy, forward, or disclose the contents to any other person. Thank you.

From: [Jason Milam](#)
To: [BoardofDirectors](#)
Subject: Written Comment for Special Public Meeting Re: Larry McDougal
Date: Wednesday, July 22, 2020 4:02:05 PM

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

Esteemed Colleagues:

I have read media reports and listened to the apology issued by President McDougal. I find his remarks on social media and failure to remove such postings to be reprehensible and unbecoming of his office. Further, I believe his apology—if it can be accurately called that—to be insufficient. He is entitled to his opinion as a private citizen but, as President of the State Bar of Texas, his comments are rightly subject to heightened scrutiny. I believe his continued service would undermine public confidence in our profession and in the rule of law generally. I ask that you remove him his office.

Regards,

Jason Milam
SBN: 24088897
Trial Attorney
Milam & Fanning, PLLC
The Hamilton House
[REDACTED]
Waco, TX 76701
[REDACTED]
[REDACTED]

From: [Laura Tansey](#)
To: [BoardofDirectors](#)
Subject: Written comments for State Bar of Texas Board of Director meeting
Date: Tuesday, July 21, 2020 3:57:39 PM

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

State Bar of Texas President Larry McDougal needs to be fired for the public comments he has made in regard to Black Lives Matter, women, and police brutality. He is misinformed and offensive. I find it appalling that he wrote such statements.

--

Laura L. Tansey
Attorney at Law



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From: [Davis Law Group](#)
To: [BoardofDirectors](#); [Amy Starnes](#)
Subject: Written Comments in Anticipation of All Members Meeting of July 27
Date: Wednesday, July 22, 2020 12:46:47 PM
Attachments: [clip_image001.png](#)

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

I am copying here a response email to a TTLA Listserv post discussing President McDougal's comments and the upcoming hearing. Since I took the time to write it, I'm also sending it along for the Board's consideration.

I would be happy to speak, if there is time, in support of these sentiments. But I honestly would prefer fewer white guys talking, so please only schedule me a speaking slot if it is not taken from those who know the harshness of being Black in an unjust America.

Thank you,

Josh

From: Joshua Davis
Sent: Wednesday, July 22, 2020 11:29 AM
To: TTLA Advocates List Server < >
Subject: Re: [ttlaadvocates] What State Bar President Larry McDougal said.



List: [ttlaadvocates](#)**Sender:** [Joshua Davis](#) ([click to reply privately](#)) ([Profile](#)) - [Search](#)

WARNING: ANY USE, TRANSMISSION, COPYING, INTERCEPTION OR DISCLOSURE OF THIS MESSAGE (IN WHOLE OR IN PART) BY ANYONE OR TO ANYONE NOT A MEMBER OF THE TTLA LISTSERV IS ILLEGAL AND UNAUTHORIZED. SEE FURTHER WARNINGS BELOW.

Black Lives Matter is not a political statement.

It is a moral truth that has lacked substantive legal and social-economic meaning in this country for centuries. And it is a moral truth that continues to be untrue in the real world today.

Stating that the Black Lives Matter movement is political is a kind of tone deaf statement during a moment of moral crisis that requires real leadership. And it's a statement that must be confronted.

And when you combine that statement with McDougal's other prior posts, I don't need a debate about what's "in the man's heart." It does not matter to me if he is racist inside. He is clearly opposed to correcting a moral failing that has existed and is ongoing in this country today. His heart is for him and his maker.

And upholding and celebrating BLM is a small effort. And if you are opposed to making an effort to

do something about a clear moral and legal injustice then we are opposed.

At this point, opposition to BLM, or even just silence, is a vote for the status quo. And we know that the status quo is continued systemic racism within our legal systems and the racist application of the law to Black Americans.

How are you going to lead the Texas Bar when we know that the status quo is necessarily racist, but have dismissed as “political” the driving force for change? The forces aligned against the racist systems that apply the law. Racist outcomes for black boys and black girls born in this country because their skin is a different color than my children. And we haven’t even begun to debate the disparate impact to Brown communities (also significantly different statistically). How is it that being against racism has become political?

Make no mistake, BLM is a moral litmus test. If this were the 1960s McDougal would be speaking out against Dr. King and that he “needs to wait” and “proper time,” etc... And, then as now, he’d be on the wrong side of history.

Count me done on nodding my head while some white men—who’ve never known discrimination because of the color of their skin or what’s between their legs—speak their approval or disapproval of what constitutes OK speech around race and gender. Or what should be allowed, accepted, forgiven and ignored. Just please take a seat and listen.

Like our most recent gender based feud reveals, our TTLA needs to be introspective about this predominantly male, predominantly white organization.

You want to be a marginalized organization in the coming decade of Texas politics? Then make race and gender issues a question of tribes we belong to based upon our personal race and gender. Rather than viewing these issues through our true lenses—what is just? What is right and righteous?

Black Lives MATTER. There is zero political about that statement. And the fact that McDougal concluded that statement is political—assigning a politics to a moral truth—he reveals enough about himself that I don’t want him leading me. Because he’s not being a sound moral leader. Because it is not a political statement, it is a true moral statement that we must make a reality in my lifetime. Because McDougal’s generation, thus far, failed to make it a reality in his.

Making the allegation that BLM is political is like saying masks are political now—it’s only become political to those that wish to make it political. Because they wish to divide and drive a certain voter to the polls. And, to be very cynical, it is one of the few allegations of BLM—an organization who’s specific purpose is promoting Black equality—that can be made while having a seemingly benign meaning. The latest version of a dogwhistle that communicates your brand of “whiteness.”

And for the #alllivesmatter crowd: If you cannot hold these two truths in your head simultaneously: (1) all lives matter—because of course—but also (2) we need to focus on making Black lives matter, because, you know, systemic racism, you shouldn’t be practicing law.

I could care less for reminders about sensitivities—I ain’t sensitive. I am a lawyer tired of the law being applied to people differently just because of the color of their skin. And I think our Bar President should likewise be tired of that—because we’re for laws lawfully applied. And we do not need to apologize for that truth. We do not need to hide our lamp, we should let it shine. Do its work of disinfecting things. The result may be a bit harsh, but it’s a process. McDougal will be just fine and may learn a thing or two.

I put this long email away last night because I thought maybe I was being sensitive. I also don't want to make this post more than it is, or sound the self-righteous woke tone that seems to follow a white man defending minority rights in this day. And I certainly can agree with much of what Ed communicates. But my silence gnaws at me. I hadn't seen a reply and I felt I had to.

And it was because of the reference to the larger struggle against Covid-19. Because talking about "insensitive" statements misses much of the point. This virus *is* hurting and killing our Black and Brown communities at much higher rates than whites. The virus may not be a discriminator, but the struggles of the systemically marginalized communities in this country have no doubt continued to suffer because of those systems that marginalize. So, no, we're not all in this together. I'm sitting at home working from a safe distance—most of the "essential" jobs skew heavily in the Black and Brown direction, so they're encountering much greater risk of life and limb as they try and put that food on the table.

And the continued excusing of white (usually men) in power for their statements like this is just one stone in the unjust wall. Words that reflect, if not outright racism, a tone deafness that reveals a character unmatched to the moment. And, for that reason, he (and at least one other Board member) need to go.

I've never cared much for apology, primarily because forgiveness is best for the forgiver not the forgiven. I'd like to see a real change within organizations so that they respond rightly. It feels like we're beginning to see some of that. But the Bar board has, at last count, 2 POC—out of I think 20 or 22 people. What is that about? We can continue to do the same stuff as we've done for the last 60 years—forms of tokenism and excusing white men for stupid comments and actions because they "mean well," or "I know him and he's..." But I'm real tired of that and the outcomes it's produced to this point.

I'm happy to sit down and listen and be led by those that don't look like me. And I think maybe this is a good time for McDougal to sit down and do the same.

Sorry, but I had to speak up.

Josh Davis
Board Certified-Personal Injury Trial Law



DAVIS
LAW
GROUP

Houston, Texas 77002

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