

**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](mailto:Amy.Starnes@TEXASBAR.COM)>  
**Cc:** BoardofDirectors <[BoardofDirectors@TEXASBAR.COM](mailto: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](mailto: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](http://www.kmd.law) • [www.linkedin.com/in/j-hanna](https://www.linkedin.com/in/j-hanna)

NOTICE: This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521, 2701-2710, is confidential, and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply to the sender that you have received the message in error, then delete it.

State Bar of Texas  
Board of Directors

Re: Special Called Meeting Monday, July 27, 2020 – 9:00am – written comment regarding  
Agenda Item 6

Dear Board of Directors,

To be clear: I am writing today in my personal capacity and not my professional capacity. Would this excuse anything I said afterward if my comments were improper, inflammatory, or downright offensive? No, it would not, and nor should we excuse Mr. McDougal for his improper, inflammatory, and downright offensive behavior, regardless of which capacity he was speaking in.

The views and opinions that one holds is generally what makes one electable in the first place. That is, until such time as the views and opinions expressed by the elected official run contrary to moral decency and the norms of social discourse. At that point, the elected party is open to censure from those represented. Mr. McDougal's social media pages have long been a cesspool of hate, bigotry, and racist imagery, and in all honesty, I was more shocked at his actual election as president than I was to hear he again breached the norms of decent behavior.

In the words of Maya Angelou, "When people show you who they are, believe them the first time." He has shown us who he is. The question for us is do we want this person representing Texas attorneys as our State Bar President. I, for one, do not. He should resign, without further delay.

Respectfully,

Jason R. Hanna

**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] AUSTIN, TEXAS 78701

[REDACTED], AUSTIN, TEXAS 78767

[REDACTED] main) / [REDACTED] (direct)

[www.dwmrlaw.com](http://www.dwmrlaw.com)

**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:** [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.

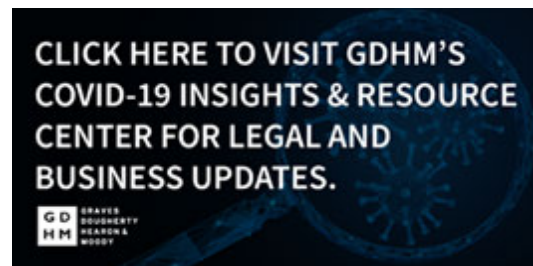
**John B. McFarland** | Attorney

Direct: [REDACTED]  
[www.oilandgaslawyerblog.com](http://www.oilandgaslawyerblog.com)

---

[REDACTED]  
Austin, Texas 78701

[www.gdhm.com](http://www.gdhm.com)



---

This electronic communication (including any attached document) may contain privileged and/or confidential information. If you are not an intended recipient of this communication, please be advised that any disclosure, dissemination, distribution, copying, or other use of this communication or any attached document is strictly prohibited. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached document.

**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:** [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](mailto: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]

[REDACTED]

??

??????

??

This e-mail transmission may contain Confidential Attorney/Client information or attorney work product which is legally privileged. The information is intended only for the use of the named recipient. If you have received this e-mail in error, please notify the sender IMMEDIATELY at [REDACTED] or [REDACTED] to arrange for return of the communicated information to this office, and you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the contents of this e-mail is illegal and strictly prohibited.

??

??

??

**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] (cell)

Fax (512) 302-3256

[REDACTED]

[www.garloward.com](http://www.garloward.com)

??

??????

??

This e-mail transmission may contain Confidential Attorney/Client information or attorney work product which is legally privileged. The information is intended only for the use of the named recipient. If you have received this e-mail in error, please notify the sender IMMEDIATELY at [REDACTED] [REDACTED] to arrange for return of the communicated information to this office, and you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the contents of this e-mail is illegal and strictly prohibited.

??

??

??



MESSAGE TO THE BOARD OF DIRECTORS OF THE STATE  
BAR OF TEXAS from  
CONCERNED MEMBERS

July 22, 2020

Board of Directors of the State Bar of Texas

Re: Larry McDougal

*Give me six lines written by the most honorable of men, and I will find an excuse in them to hang him.—Cardinal Duc de Richelieu*

Dear Board,

On July 11, 2020, a statement entitled Joint statement of the State Bar of Texas and Texas Young Lawyers Association Leaders regarding comments by Larry McDougal was posted on the State Bar of Texas website. The statement was signed by leaders in their official capacities giving the impression that it is an official statement of the SBOT and the TYLA. We object to the fact that some Board members, and others holding official positions, purporting to represent the entire two organizations, jumped into the fray concerning Larry McDougal and fostered the perception that the Bar and the TYLA officially support the organization behind the Black Lives Matter movement. We object that a public statement by these individuals was posted on an official page at the SBOT website with no apparent authorizing action by their respective Boards. This statement gives the appearance that the Bar and Association are a political organizations.

We object to official Sections of the State Bar of Texas issuing politicized statements to the same affect. We object to one of those sections making a demand, on its official letterhead, that the new President “Publicly acknowledge the importance of the Black Lives Matter movement and WHY it is important.” Not only does that “demand” also politicize the State Bar, but it is also antithetical to liberty, which all lawyers swear to protect through our oaths to the Constitution. Liberty that has been

achieved by long and often bloody battles since before the United States and Texas came into existence. The demand is an attempt to bind the conscience of Larry McDougal and, by extension, other members of the State Bar who do not agree with the organization leading the BLM movement and its tactics, and who do not erroneously conflate issues of equal justice with an official organization. We see this as an attempt to muzzle all criticism of those tactics and to force Texas Lawyers to approve rioting, arson, looting and violence tacitly.

It is an absurdity to claim that because Mr. McDougal may have been wrong on the law with regard to electioneering, he is a racist merely because he gave an opinion that an election worker wearing a BLM shirt was violating the law governing electioneering. Do those Board members, Association leaders and the African-American Lawyers Section of the State Bar claim mind-reading abilities? How do you know that Mr. McDougal would not have given such an opinion if the election worker had been wearing a Tea Party shirt? Do you plan on considering spectral evidence on that point (which has not been used in our country since the Salem Witch trials were forcibly ended) during your Star Chamber proceeding on July 27<sup>th</sup>?

We don't know what procedure you intend to employ on the 27<sup>th</sup> or what your goal is, but if there is any decision-making to be done, every Director, or voting member of the Board, who signed the joint statement, or posted it approvingly on their FB page or elsewhere should recuse themselves from any executive session pertaining to or taking any action on the agenda item. In fact, the only action that should be taken on this matter is a repudiation of the politicization of the Bar, its sections and the TYLA by officers and others who have an official role in the State Bar, and repentance for dragging us into a political fight.

If you have no intention of taking action, what is your purpose? To humiliate Larry McDougal and condemn conservative or other lawyers who will not allow you to bind their consciences by proclaiming them heretics because they do not share your views on BLM organization? Please leave such actions to the show trials of the past.

We also question how the statement posted on the SBOT website was organized in the absence of any noticed meeting of the Board. Did Directors call each other on the phone to organize this in such a way that would be a violation of the Open Meetings law and/or proper procedure in bylaws? We ask whether the efforts made to write and gain approval for the statement were made in violation of the Open Meetings Act to which the Board is subject. Please publicly answer that question during the July 27<sup>th</sup> meeting.

Lest you believe that the signatories on this letter are not on the side of justice; let us disabuse you of those notions. Every lawyer who has signed this statement is well aware of the problems we presently have in the implementation of our justice system. We are aware of the problems that Sidney Powell has identified in her books Licensed to Lie and The Conviction Factory. Those problems have a direct bearing on the treatment of minorities and every other citizen of our State by the criminal justice system. They include prosecutorial overcharging of minor, non-violent offenses, increased police abuse, punitive bail bond policies, and excessive fines, all of which originated with the USDOJ. They have worked their way into the practices of increasing numbers of young police officers, local prosecutors, and judges.

We are aware of the injustices that came to light in Ferguson, Missouri, after the killing of Michael Brown, revealed by the Arch City Defenders' White Paper. Municipalities throughout the County were engaging in rank revenue collecting through the excessive and questionable charging for petty crimes of the most vulnerable and poor segments of the population, thereby bringing them into more frequent interactions with police, prosecutors, and judges in the name of the almighty dollar. The White Paper also revealed that the municipal courts were engaging in punitive, unnecessary, and possibly unconstitutional bail practices that mired the people in poverty and desperate hopelessness because of the compounding of monetary penalties and the loss of jobs, homes, and everything else due to unnecessary incarceration before trial and conviction.

Moreover, we are aware that statistics show that people of color are more likely to be the victims of wrongful convictions because of the tactics of police and prosecutors. These evils are disparately impacting the poor and vulnerable and will ultimately affect

all sectors of our population if allowed to continue. We agree, as lawyers, we must fight against these injustices.

So, what can the State Bar do about this wickedness? It can do its job by more effectively and vigorously disciplining prosecutors who have committed ethical violations. Humiliating Larry McDougal does nothing to advance justice for anyone. It is self-righteous posturing that accomplishes nothing and diverts attention from the real problems.

The State Bar has failed miserably in holding prosecutors accountable. The book mentioned above, Licensed to Lie, recounts that the lawyers who successfully proved in court the acts of egregious prosecutorial misconduct committed in the Enron and associated federal criminal cases, filed complaints against the culpable prosecutors with the State Bar of Texas. The State Bar apparently ignored the complaints!

Before you consider forcing mandatory social engineering upon the lawyers of Texas via CLE re-education, cast the mote out of your eyes and do something that will work to achieve justice for all Texans. Do your job and address misconduct by prosecutors and stop with the dog and pony shows that do nothing but posture and cast blame on the rest of us.

Jerri Lynn Ward, J.D. 20844200

Misty L. Walker 24037662

Sheila Stewart 19218350

Zackery D. Artim 24096735

Lee Keller King 00792016

Amy D. Long 24036984

Kellye SoRelle 24053486

Chad Allman 24059373

Teri A. Walter 20815100

Sheila O'Connor Allen 24058665

**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:** [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:** [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]  
Lake Jackson, TX 77566

[REDACTED]  
[REDACTED]  
[REDACTED]



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]

American Board of Trial Advocates  
Board Certified – Personal Injury Trial Law  
Texas Board of Legal Specialization  
Board Certified – Civil Trial Law  
National Board of Trial Advocacy  
Licensed in TX, AR, CO, D.C., GA, IL,  
MA, MN, MO, NC, NY, PA, WI and WV  
<http://www.lawyerworks.com>

"Speak up for those who cannot speak for themselves,  
for the rights of all who are destitute." Proverbs 31:8.

**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:** [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: \[REDACTED\]](#)]  
**Sent:** Wednesday, July 22, 2020 1:45 PM  
**To:** Webmaster <[Webmaster@Texasbar.com](mailto: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:** [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.

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.

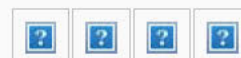
To participate by providing public comments during the meeting, please email

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](mailto: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](http://www.avast.com)

**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

Satellite Office:

Brownsville, Texas 78520

Our Site: [www.gomezlawfirm.com](http://www.gomezlawfirm.com)

Our Connections:



Confidentiality Notice: This message may contain confidential and privileged information. If you have received this communication in error, please reply to advise the sender of the error and then immediately delete this message.



**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 (ttlaadvocates listserv) >  
**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

Fax  
Cell

[www.thejdfirm.com](http://www.thejdfirm.com)

**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

July 22, 2020

Board of Directors  
State Bar of Texas  
*by electronic mail*

Re: Comments – Board of Directors Special Meeting of July 27, 2020

Dear State Bar Board of Directors:

I recently learned that some members of the State Bar of Texas are seeking to remove or sanction our president, Larry McDougal, for online comments he made regarding the Black Lives Matter organization. I am writing to oppose any such removal, sanction or other adverse action.

President McDougal expressed opinions in his personal capacity on matters that are being intensely debated in our nation today. In my view, it is not appropriate for the State Bar or any collection of its members to dictate to our president or to any other member what opinions they may hold or express on matters of public debate.

The Black Lives Matter organization has weighed into the current debate around policing, race and criminal justice by advocating, among other things, the defunding of local police departments. That policy, which is being implemented in city councils across the country, is controversial to a great many Americans, Texans and members of the State Bar.

The leaders of the Black Lives Matter organization chose to name their organization with a principle that no reasonable person could or would ever dispute. But the State Bar is composed of attorneys and we are fully capable of drawing distinctions. No matter how deeply we support the principle, we are not required to view (or speak about or write about) the organization itself, its policies or its actions uncritically.

Yet that is precisely what some in the State Bar seem determined to require, *ex post facto*, of our elected president, and presumably, by example, of the rest of the membership.

It would be a grave error for the State Bar to sanction any leader or other member for participating privately in a public debate or to declare any political organization immune from question or criticism. I profoundly hope that the State Bar will not proceed down this mistaken path.

Josh Fisher  
SBOT# 24111141

**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:** [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:** [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:** [Laura Thetford](#)  
**To:** [BoardofDirectors](#)  
**Cc:** [Trey Apffel](#); [Sylvia B. Firth](#); [REDACTED] [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 [REDACTED] > 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

*Original Submission Date: July 17, 2020*  
*Amended Submission Date: July 22, 2020*

State Bar of Texas  
Attn: Board of Directors  
1414 Colorado St.  
Austin, TX 78701  
[boardofdirectors@texasbar.com](mailto:boardofdirectors@texasbar.com)

*Re: Request to Amend Texas Disciplinary Rule of Professional Conduct 8.04, Misconduct*

Dear Board of Directors,

In light of recent events involving insensitive comments on race and gender by the President of the State Bar of Texas (“State Bar”), Larry McDougal, and discriminatory and harassing comments made by other members of the State Bar on social media such as Facebook groups called “Texas Lawyers” and “Politics for Lawyers,” we urge the State Bar to immediately adopt a resolution to amend the Texas Disciplinary Rules of Professional Conduct (“TDRPC”), Rule 8.04, to prohibit such conduct and request that the Texas Supreme Court (“TSC”) implement this change.

The Internet is an amazing communication tool. It connects us to our clients easily even when a phone call or face-to-face visit may not be possible. It allows us to reach out to our colleagues in forums to discuss law-related issues and ask questions to facilitate better representation for our clients. This connectivity is even more important during the current pandemic, while we work in physical isolation. However, there is also a dark side to the communication platforms on the Internet. Some people engage in discriminatory and harassing behavior, sometimes with the false belief that they are cloaked in anonymity behind their computer screens. Unfortunately, some attorneys participate in this as well. Indeed, national headlines have been made due to attorneys’ controversial social media activities, frequently relating to discriminatory and sexist statements. And of course, we most recently witnessed this in media coverage of Mr. Dougal’s past remarks.

These types of statements made on social media platforms (or any public platform) by attorneys reflect poorly on the legal community as a whole and tarnish our profession’s image in the eyes of the public. These acts also call into question the attorney’s professional judgment and fitness to act as a lawyer—it is questionable whether an attorney can act as a zealous advocate for a client who belongs to a population of people the attorney discriminates against. And while TDRPC Rule 5.08 prohibits willful discriminatory conduct in relation to an adjudicatory proceeding, this is simply not enough. Therefore, we urge the State Bar to adopt a resolution to amend Rule 8.04 to expressly prohibit discriminatory conduct in other settings.

The American Bar Association (“ABA”) provides goal-worthy language that is clear and allows the State Bar appropriate discretion. The relevant language in ABA Rule 8.4(g) states:

*Maintaining The Integrity Of The Profession*

*It is professional misconduct for a lawyer 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.*

This rule is appropriately limited to acts “related to the practice of law” but allows more flexibility for the State Bar to take appropriate enforcement action, whether by a private or public reprimand, assessing an administrative fee, licensure suspension or even disbarment depending on the circumstances.

For example, ABA’s [comments](#) to Rule 8.04(g) explain that the phrase “related to the practice of law” includes “interacting with witnesses, coworkers, court personnel, lawyers and others while engaged in the practice of law; operating or managing a law firm or law practice; and *participating in bar association, business or social activities in connection with the practice of law.*” This interpretation should give the State Bar the ability to sanction discriminatory or harassing comments made by attorneys in social media forums where legal issues are discussed, and including a Facebook forum like “Texas Lawyers” that permits attorneys to obtain State Bar-approved CLE credit for their participation.

And though some may claim this amendment infringes on First Amendment rights, it is not the case.<sup>1</sup> It is not a novel concept to restrict an attorney’s speech where it can be harmful to the profession. Indeed, despite their First Amendment rights, attorneys can be sanctioned for making disparaging remarks about the judiciary, disclosing confidential client information, and discussing pending cases if such discussion will substantially prejudice a proceeding. We also have additional restrictions imposed on us for commercial speech.

We are proud to be Texas attorneys. We are integral to ensuring a fair and just judicial system, both at the civil and the criminal level. We cannot allow attorneys to stain the profession through discriminatory actions. Thus, we urge the State Bar to adopt a resolution incorporating ABA Rule 8.04(g) and request TSC to adopt the change. This will allow the State Bar authority to sanction attorneys engaging in discriminatory conduct to preserve the integrity of our occupation.

Sincerely,

/s/ Laura J. Thetford  
Laura J. Thetford  
State Bar No. 24098509

/s/ Hugo H. Hernandez  
Hugo H. Hernandez  
State Bar No. 24097828

---

<sup>1</sup> See, e.g., relevant First Amendment discussion [here](#). Jeffrey Ogden Katz & Alexander I. Passo, Attorneys, the Internet, and Hate Speech: An Argument for an Amended Model Rule 8.4, 13 SEATTLE J. SOC. JUST. 65, 68 (2014).

*/s/ Jennifer Bonds Cabrera*  
Jennifer Bonds Cabrera  
State Bar No. 24091927

*/s/ Manuel Arturo Cabrera*  
Manuel Arturo ‘Manny’ Cabrera  
State Bar No. 24091929

*/s/ Akshar Bhaskar Patel*  
Akshar Bhaskar Patel  
State Bar No. 24098226

*/s/ Michael F. LeFevre*  
Michael F. LeFevre  
State Bar No. 24097985

*/s/ Jody E. Schechter*  
Jody E. Schechter  
State Bar No. 24076677

*/s/ Amanda Roberts Pierson*  
Amanda Roberts Pierson  
State Bar No. 24089258

*/s/ Sanja Muranovic*  
Sanja Muranovic  
State Bar No. 24083540

*/s/ Zainab Tarique*  
Zainab Tarique,  
State Bar No. 24113095

*/s/ Allison L. Lowry*  
Allison L. Lowry  
State Bar No. 24098016

*/s/ Oluwaseun Adeyemi*  
Oluwaseun “Seun” Adeyemi  
State Bar No. 24094495

*/s/ Jacqueline A. Brennan*  
Jacqueline A. “Jac” Brennan  
State Bar No. 24004562

*/s/ Christopher D. McMillan*  
Christopher D. McMillan  
State Bar No. 24085467

*/s/ Peter Strenkowski*  
Peter Strenkowski  
State Bar No. 24075127

*/s/ Jheris R. Jordan*  
Jheris R. Jordan  
State Bar No. 24097905

*/s/ Erika N. Garcia*  
Erika N. Garcia  
State Bar No. 24092077

*/s/ Douglas M. Brown*  
Douglas M. Brown  
State Bar No. 24048366

*/s/ Kelli Fuqua*  
Kelli Fuqua  
State Bar No. 24097713

*/s/ Hollis Henley*  
Hollis Henley  
State Bar No. 24066672

*/s/ Chaylyn Greene*  
Chaylyn Greene  
State Bar No. 24094504

*/s/ Stacy G. Vancil*  
Stacy G. Vancil  
State Bar. No. 00794777

cc:

Sylvia Borunda Firth, President-elect  
Trey Apffel, Executive Director  
Randy Sorrels, Immediate Past President

**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

Telephone [REDACTED]

Fax [REDACTED]

CONFIDENTIAL EMAIL Attorney-Client  
Privileged-and/or-Attorney Work Product The information  
contained in this e-mail is information protected by the  
attorney-client and/or the attorney work product privilege.  
It is intended only for the use of the individual named  
above. Any receipt by an inadvertent recipient shall not be  
a waiver of any work product or attorney-client privileges.  
If the person actually receiving this e-mail or any other  
reader of the e-mail is not the named recipient or the  
employee or agent responsible to deliver it to the named  
recipient, any disclosure, copying, dissemination,  
distribution, or other use of this communication is strictly  
prohibited. If you have received this communication in  
error, please immediately notify us by email or telephone  
and return the original message to us at the above address  
via U.S. Postal Service

Law Offices of Lawrence Jay Morrison, P.C.

Attorney and Counselor at Law

Fort, Worth, Texas 76132

Telephone: Facsimile: 1

Lawrence Jay Morrison

July 22, 2020

[boardofdirectors@texasbar.com](mailto:boardofdirectors@texasbar.com)

Board of Directors

State Bar of Texas

1414 Colorado

Austin, Texas 78701

Re: State Bar of Texas President Larry McDougal

Dear Ladies and Gentlemen:

First and foremost, I have never met Mr. McDougal, and have no knowledge of his political views or feelings about the Police.

Based on the information provided in the unsigned email broadcast regarding Mr. McDougal's comments on the individual wearing a 'Black Lives Matter' tee shirt while working at the polling station in For Bend County, Texas on July10, 2020, I offer the folowing:

1 The individual was in violation of :

Sec. 61.003. ELECTIONEERING AND LOITERING NEAR POLLING PLACE. (a) A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person:

(1) loiters; or

(2) electioneers for or against any candidate, measure, or political party.

(a-1) The entity that owns or controls a public building being used as a polling place may not, at any time during the 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.

(b) In this section:

(1) "Electioneering" includes the posting, use, or distribution of political signs or literature. The

term does not include the distribution of a notice of a party convention authorized under Section 172.1114.

(2) "Voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

(c) An offense under this section is a Class C misdemeanor.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

2. Black Lives Matter is a political organization founded in 2013. Its founding principles as stated by BLM co-founder Patrisse Cullors in an interview in 2015 "we're trained Marxists."

3. They are supporting the Democrat Party in the 2020 elections, with statements such as: President "Trump not only needs to not be in office in November but he should resign now," says co-founder of the Black Lives Matter Global Network Patrisse Cullors. "Trump needs to be out of office. He is not fit for office."

Thus, based on the pictures provided in the email, and the laws of the State of Texas, and the First Amendment of the United States Constitution, Mr. McDougal should not be criticized or face discipline. It is my considered opinion that those individuals complaining should be forced to take a course in Constitutional Law that explains the rights of Citizens of this Republic.

Regards,

*LJ Morrison*

Lawrence Jay Morrison  
Member State Bar of Texas x Emeritus

**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](http://www.gdhm.com)

---

This electronic communication (including any attached document) may contain privileged and/or confidential information. If you are not an intended recipient of this communication, please be advised that any disclosure, dissemination, distribution, copying, or other use of this communication or any attached document is strictly prohibited. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached document.

**From:** [Mary A. Keeney](#)  
**To:** [BoardofDirectors](#)  
**Subject:** President McDougal  
**Date:** Wednesday, July 22, 2020 3:01:00 PM  
**Attachments:** [image002.png](#)  
[SBOTAFRICANAMERICANLAWYERSSECTIONSTATEMENT\(JULY13\).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] | Fax: [REDACTED]



[REDACTED]  
Austin, Texas 78701  
[www.gdhm.com](http://www.gdhm.com)

---

This electronic communication (including any attached document) may contain privileged and/or confidential information. If you are not an intended recipient of this communication, please be advised that any disclosure, dissemination, distribution, copying, or other use of this communication or any attached document is strictly prohibited. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached document.



**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

**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



CARPENTER & CROFT, PLLC

[www.CarpenterandCroft.com](http://www.CarpenterandCroft.com)

CONFIDENTIALITY NOTICE: The information contained in this email message, and any documents attached, is privileged and confidential and is intended only for the use of the addressee. Nothing in this email is intended by the attorney or the client to constitute a waiver of the confidentiality of this message. If the reader of this message is not the intended recipient, or employee/agent of the intended recipient, you are hereby notified that any duplication, dissemination or distribution of this communication is unauthorized. If you have received this document in error, please notify the above office by telephone [REDACTED] or by email immediately.

IRS CIRCULAR 230 DISCLAIMER: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any U.S. federal tax advice provided in this communication is not intended or written to be used, and cannot be used, by the recipient or any other taxpayer (i) for the purpose of avoiding tax penalties that may be imposed on the recipient or any other taxpayer, or (ii) in promoting, marketing or recommending to another party a partnership or other entity, investment plan, arrangement or other transaction addressed herein.

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

[REDACTED], Houston, Texas 77055-7674  
Business Mobile: [REDACTED] · Office: [REDACTED]

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:** [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](mailto: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.<sup>[1]</sup> He must be removed.

Thank you for your consideration,

*/s/ Melanie Lira, SBOT: 24091298*

**President of National Lawyers Guild – San Antonio**

---

<sup>[1]</sup> 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:** [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:** [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] fax

The information contained or attached herein is legally privileged and/or confidential information intended only for the person to whom it is addressed. If you are not the intended recipient then you are hereby notified that any use, dissemination, distribution, or copying of the information is strictly prohibited. If you have received this transmission by error, please immediately advise the sender by return email. Thank you.

**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

Fax

**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](https://texasbar.com/coronavirus) for timely resources and updates on bar-related events.**

---

**From:** Trey Apffel <[Trey.Apffel@TEXASBAR.COM](mailto:Trey.Apffel@TEXASBAR.COM)>  
**Date:** Wednesday, July 22, 2020 at 9:48 AM  
**To:** Lowell Brown [REDACTED], Amy Starnes [REDACTED]  
**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](mailto:trey.apffel@texasbar.com)

---

**From:** Michelle Fulton [REDACTED] >  
**Sent:** Tuesday, July 21, 2020 9:31 PM  
**To:** Trey Apffel <[Trey.Apffel@TEXASBAR.COM](mailto:Trey.Apffel@TEXASBAR.COM)>; [REDACTED]  
**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:**

**Office Cell:**

**Email:** EService

**email:**

\*\*\*\*\*

***CONFIDENTIALITY NOTICE: Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this email message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone at and destroy the original message. Thank You.***

**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.

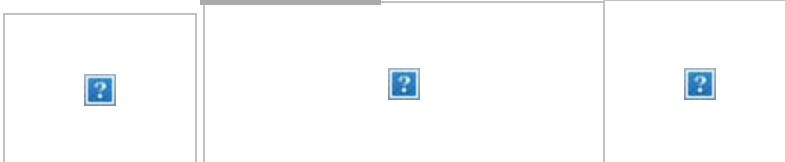
Sincerely,

***Michelle Simpson Tuegel***

Attorney at Law

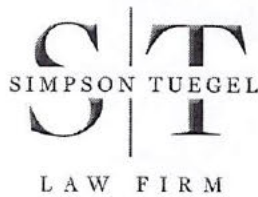
[REDACTED]  
Dallas, Texas 75226

Office Phone: [REDACTED]



Privileged/Confidential information may be contained in this message and attachments and may be confidential and subject to legal privilege. Access to this e-mail by anyone other than the intended recipient is unauthorized.





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*

**Michelle Simpson Tuegel**  
**The Simpson Tuegel Law Firm, PLLC**

Dallas, Texas 75226

(O), (C)

[www.shewinslaw.com](http://www.shewinslaw.com)



**The Nation**

# **When the Long Arm of the Law Belongs to a Black Man**

*El Paso's police chief is the latest right-wing darling to demonize the movement for black lives.*

*By Debbie Nathan*

JULY 26, 2016



El Paso's Chief of Police Greg Allen speaks in El Paso, Texas. (*AP Photo / Astrid Galvan*)

**A**n African-American representative from El Paso County took the podium at last week's Republican National Convention, with the party's celebrity-of-the-moment, Milwaukee County's African-American sheriff, David Clarke, to denounce the Black Lives Matter movement. Many people watching assumed that El Paso County was that place on the Texas-Mexico border where illegal immigration, narcotrafficking, and terrorist mayhem reigns, because the country needs a wall. But all those assumptions were wrong. The rep was actually from El Paso County, *Colorado*, several hundred miles north. Back in El Paso, Texas, meanwhile, the border city has such a low homicide rate—an average of only 15 a year since 2001, in a population that's now about 700,000—that El Paso has for years been deemed the safest city of over half a million people in the country.

No one knows why El Paso is so safe. The Border Patrol crawls along the Rio Grande river, in squad cars, vans, and armed; they like to take credit for the law and order. The police do, too. They're also headed by an African American, Chief Gregory Allen.

Allen is a lifelong El Pasoan, whose African-American parents and grandparents also lived for generations on the Mexico border. One of Allen's grandfathers was a railroad porter, part of a venerable black community in El Paso. During the height of Jim Crow, A. Philip Randolph unionized black train porters, making their job some of the best that African-American men could aspire to. The Southern Pacific and the Santa Fe rolled through Texas to points north and west. El Paso was a major stop on the trips, and many black porters bought homes and raised their families here.

Among civil-rights activists in El Paso, Greg Allen, age 65, has for long been known for a "tough cop" attitude, at times bordering on thuggishness. An avid practitioner of Shotokan, Tae Kwon Do, Hapkido, and karate, he is muscular, curt, and often scowls when speaking with the media. In the early 1990s, during the height of "super-predator" and "gang" paranoia nationally, he was a police sergeant and member of the department's anti-gang unit. In one incident during those years, an off-duty policeman parked at an Arby's

had a run-in with a high-school student who the cop thought disrespected him. Allen joined that cop and others in arresting the boy and a few others. The boys were illegally detained in a police office, and one boy said Allen cursed at him and knocked him around so hard that both of his eardrums burst and he suffered a fracture of the jaw. A police review board substantiated the charges and Allen was suspended from the force for a week. The assault made the newspapers, but that was before the days of the Internet. By 2008, everyone had forgotten about the beating, and the City Council appointed Allen as police chief.

It was in that role that Allen appeared, dour and scowling, at a press conference just after five law-enforcement officers were murdered on July 7 during an anti-violence protest in Dallas. The press conference, organized by local El Paso politicians, was intended to express regret and sadness not only at the deaths of the Dallas officials but also at those of the two black men recently killed by cops in Baton Rouge and suburban St. Paul. Allen stood apart, refusing to speak, until reporters approached him. A vigil, organized by local university students affiliated with the movement for black lives, was scheduled for that weekend. Asked what he thought about the upcoming event, Allen, stiff with anger, said that Black Lives Matter—presumably referring to the national organization—was a “radical hate group” that was responsible for what happened in Dallas and which “the leadership of this country needs to look into.”

Allen’s statement was reported throughout the right-wing media, including internationally, coming as it did from a high-ranking black cop.

Meanwhile, to the extent that it’s possible in sleepy, media-starved El Paso, all hell broke loose... or maybe, all heck.

Congressmember Beto O’Rourke (D-Texas) joined County Judge Veronica Escobar and other pols in denouncing Allen and implying that the City Council should fire him. The City Council quaked—many members are beholden to the local cop union for campaign support—and did nothing.

Citizens, meanwhile, went to war on social media. El Paso is only about 14 percent white (Latinos predominate, at 81 percent, while blacks are about 3.5 percent). Many people flocked to the police department’s Facebook and

Twitter pages, praising Chief Allen and denouncing either the national network of Black Lives Matter organizations or the more nebulous movement that has formed under that banner. A few critics chimed in on both sites, expressing distress, disgust, and shame, mostly directed at Chief Allen.

In response, the police department blocked the critics from viewing its Twitter account.

A few days after Allen made his incendiary statement, a coalition of black church leaders quietly called a town-hall meeting with Chief Allen for the city's tiny African-American community. Several people came, some from the historic community, others attached to El Paso's large military presence through Fort Bliss, the Army station in town. The media were not there, but an attendee recorded part of the meeting. In the video, Julie Loving-Scott, a stylish real-estate agent, stands and confronts Chief Allen. She describes moving herself and her four black sons from Georgia to El Paso, specifically in order to feel "safe." Now, Loving-Scott says, her voice shaking, her sons, who are interested in supporting local Black Lives Matter events, are fearful. "What do you have to say about this, Mr. Black Man?" Loving-Scott asks, livid.

Allen does not out-and-out apologize to Loving-Scott. (He has attributed his remarks to his "emotions" about the dead cops in Dallas.) But he does assure Loving-Scott that her sons are safe in his town. They're not, really.

Maybe they don't have to worry much about being murdered. But according to El Paso's annual racially sorted traffic-stop data, locals do need to worry about being searched and arrested if they're driving while black.

Statistics show that blacks have an almost three-times higher rate of being searched after a stop than do whites, and they're four times as likely to be arrested. (Local Latinos are also much more likely to be consent-searched and arrested than whites.) The numbers for black people reflect experiences recounted to me. A 31-year-old man with a good job and three years of college said he has been stopped about five dozen times in 12 years—by both Latino and Anglo police officers—in which he's been asked to consent to

searches, sometimes sat on the curb, and occasionally has been called a *mayate*—the border-Spanish word for “nigger.” A middle-aged, military lifer said he knows two young black men and a woman in town who’ve had similar experiences. Black City Councilman Carl Robinson has talked during a council meeting about young blacks complaining of being stopped in “The Devil’s Triangle”—a neighborhood in the largely black, military side of town. Police have said that the Triangle has a lot of drugs and prostitution. They’re suspicious of the area and the young people in it. A black cop in charge, even in a mainly Latino community, doesn’t seem to solve any problems, especially when the black cop denounces the black children of his town.

But a black cop in charge gets play when he denounces—in the press, at the Republican National Convention. El Paso County, Colorado, got some of the play. El Paso, Texas, hard on the border of Trumpian paranoia, missed the podium, but made the press. The response of the community, a border-town community of all colors, got no attention, and meanwhile, all the talk is of a wall.

**LAW OFFICES OF MIKE PARKER**  
A PROFESSIONAL CORPORATION

CARTHAGE, TEXAS 75633

TELEPHONE ( )

FACSIMILE ( )

**MIKE PARKER**

ATTORNEY & COUNSELOR AT LAW

BOARD CERTIFIED \*\*\*\* CIVIL TRIAL LAW  
TEXAS BOARD OF LEGAL SPECIALIZATION

July 22, 2020

To: Board of Directors  
State Bar of Texas  
[boardofdirectors@texasbar.com](mailto:boardofdirectors@texasbar.com)

Re: Larry McDougal, President of the State Bar of Texas

Dear Members of the Board:

I do not find any of the statements or attitudes attributed to our duly elected president to be of such a nature and magnitude as to not have been completely rectified by his public and presumably sincere apology and pledge. I do not think he has proven himself to be unfit to lead us as our President. He should be allowed to complete the term of office for which he was elected.

Any member may voice their personal opinion on this matter but any official censure of Mr. McDougal in an official capacity shall not include my voice.

Respectfully,

LAW OFFICES OF MIKE PARKER  
a Professional Corporation

  
Mike Parker

MP/kp

**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]

**STATEMENT OF CONFIDENTIALITY**

The contents of this e-mail and its attachments are intended solely for the addressee(s) hereof. In addition, this e-mail transmission may be confidential and it may be subject to privilege protecting communications between attorneys and their clients. If you are not the named addressee, or if this message has been addressed to you in error, you are directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Delivery of this message to any person other than the intended recipient(s) is not intended in any way to waive privilege or confidentiality. If you have received this transmission in error, please alert the sender by reply e-mail; we also request that you immediately delete this message and its attachments, if any.



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:** [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 [REDACTED]

**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:** [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

Connect with me on [LinkedIn](#)  
[Schedule](#) an appointment with me.



*The lynchpin to your success.*

This communication does not imply attorney representation or an attorney-client relationship. Lynch Law Firm, PLLC uses engagement letters for all clients and all matters. If you do not have an engagement letter in place with Lynch Law Firm, PLLC for the particular matter addressed in this correspondence no representation or relationship exists. The contents of this e-mail message and any attachments are confidential and are intended the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of the information contained in this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by e-mail and delete this message and any attachments.

**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



Dallas, Texas 75209-3105



Website: [RichardElliottLaw.com](http://RichardElliottLaw.com)

email address: [REDACTED]



LAW OFFICES OF  
**RICHARD H. ELLIOTT**  
Attorney and Counselor at Law

---

DALLAS, TEXAS 75209

[www.richardelliottlaw.com](http://www.richardelliottlaw.com)

BOARD CERTIFIED - CIVIL TRIAL LAW and  
PERSONAL INJURY TRIAL LAW  
TEXAS BOARD OF LEGAL SPECIALIZATION

July 22, 2020

Via email: *trey.apffel@texasbar.com*  
and Facsimile (512) 427 4100

E.A. "Trey" Apffel III, Esq.  
Executive Director, STATE BAR OF TEXAS  
Texas Law Center  
1414 Colorado Street  
Austin, Texas 78701

Re: President Larry P. McDougal

Dear Trey:

I trust this letter finds you in good health.

I write in support of State Bar President Larry McDougal. I have known Larry for a number of years and served for three of those years alongside him as a Director of the State Bar. I have known Larry to be an honest lawyer, family man and straight shooter. I have never heard or seen Larry say or do anything that would indicate any racist or sexist viewpoints.

All of the clamor and uproar misses the point. He was expressing an opinion. Others may have different opinions than his, but they are just that, opinions. They have that right. Larry McDougal is not denying others the right to have their own opinions; but they are attempting to punish Larry for expressing his opinions. This is hypocrisy.

LAW OFFICES OF  
**RICHARD H. ELLIOTT**

E.A. "Trey" Apffel III, Esq.  
July 22, 2020  
Page 2

---

This whole thing is bigger than Larry McDougal, bigger than a State bar presidency. What this is about is the way in which our country is being fundamentally changed and dismantled from within. First, the schools were indoctrinated; then the corporations are blackmailed into paying ransom and succumbing to the will of a few radicals. Next, the police are attacked and private gun ownership is curtailed. Then our history is erased. And even the words in our language are changed. Churches and the family are marginalized. Then our institutions are attacked. The State Bar of Texas is one of those institutions. Imagine the joy in the hearts of all Marxist Socialists if such a venerable institution as the Texas Bar were to oust its own President for having the audacity to express an opinion. This is straight out of George Orwell's *1984*, in which "newspeak" was designed to diminish the range of thought. Frankly, it is more than that, it is insane.

God help this country, not just the State Bar of Texas, if Larry McDougal is forced from office because of opinions he expressed.

I urge the State Bar NOT to remove Larry McDougal as President or force him to resign. Nor should he be reprimanded. I urge the Board to drop the matter before it brings discredit to our State Bar.

Respectfully yours,

*/s/ Richard Elliott*

Richard H. Elliott

RHE/dkb

cc: Board of Directors  
*boardofdirectors@texasbar.com*



**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:** [REDACTED] [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,

[REDACTED] Harrison

--



Attorney at Law

[REDACTED]  
Corpus Christi, Tx 78401

Phone: [REDACTED]

Fax: [REDACTED]

***Confidential and Privileged:***

***Attorney/Client Communication. Unauthorized persons are prohibited from viewing or using this communication in any way. If you have received this message and are not the intended recipient, please contact me immediately and then immediately delete the message without saving, printing, or forwarding it. Thank you.***

**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: [Stephanie Valdez](#)  
To: [BoardofDirectors](#)  
Subject: Addendum  
Date: Friday, July 17, 2020 8:18:35 PM

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

BOD,

I am sure these screenshots will be brought to your attention. I took them off Twitter. I was looking for news of a speaking engagement that Fischer had posted about, not expecting to find these.

1. He has not deleted them. This, in addition to comments that he's made, tells me that he has no comprehension that what he's posting is inappropriate.
2. In my initial email, I said I believe that he's dangerous. Exhibits attached.
3. We have been devastated by alcoholism, mental health issues, and suicides within our profession. This man cannot remain as one of our leaders. In fact, I would submit that you all need to help him.

Please do the right thing. I am terribly concerned for anyone interacting with this individual, as well as for his own well-being





**AaronSchlossbergLaw** · 22 May 18

To the people I insulted, I apologize. Seeing myself online opened my eyes – the manner in which I expressed myself is unacceptable and is not the person I am. I see my words and actions hurt people, and for that I am deeply sorry. While people should be able to express themselves freely, they should do so calmly and respectfully. What the video did **not** convey is the real me. I am not racist. One of the reasons I moved to New York is precisely **because** of the remarkable diversity offered in this wonderful city. I love this country and this city, in part because of immigrants and the diversity of cultures immigrants bring to this country. Again, my sincerest apologies to anyone



1



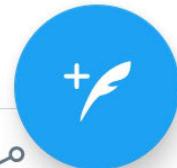
**Steve Fischer** @Stevefis... · 15 Mar 18 ✓

You already have no brains- why sire a retard? [twitter.com/Tony\\_Artza/sta...](https://twitter.com/Tony_Artza/status/978888888888888888)



**Connery** @Cj\_maccy · 14 Mar 18

If I cut off my balls, I can't have kids??



5:48



N 58%



**Steve Fischer**

303 Tweets





**Tweets**

**Tweets & replies**

**Media**

**Likes**



**Steve Fischer** @Stevefis... · 15 Mar 18 ✓

You already have no brains- why sire a retard? [twitter.com/Tony\\_Artza/sta...](https://twitter.com/Tony_Artza/status/978888888888888888)



**Connery** @Cj\_maccy · 14 Mar 18

If I cut off my balls, I can't have kids??



**Steve Fischer** @Stevefisc... · 06 Feb 18 ✓

Letter to the Editor: State Bar Wants to Limit Presidential Candidates to Backroom Selection Process [at.law.com/HvqBEo?cmp=sha...](https://at.law.com/HvqBEo?cmp=sha...) via @TexasLawyer



Letter to the Editor: State Bar Wants

Letter to the Editor: State Bar Wants  
to Limit Presidential Candidates to Ba...  
law.com



Thank you,  
Stephanie V. Gonzales  
24037628

Get [Outlook for Android](#)

**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:** [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

**WALTER L. BORGFELD, JR.**  
**Attorney at Law**

Walter L. Borgfeld, Jr.

Lufkin, Texas 75904

July 22, 2020  
VIA EMAIL [boardofdirectors@texasbar.com](mailto:boardofdirectors@texasbar.com)

Members of Board of Directors  
State Bar of Texas

Re: My comments on Agenda Items for Special Called Meeting July 27, 2020

Ladies & Gentlemen:

I was privileged to serve an appointed Lawyer member of the Broker/Lawyer Committee for a number of years.

An interesting question is being raised with regard to the free speech rights of any attorney serving as an officer of the State Bar! Does an attorney lose his right to express his legal opinion in his private face book account which only his "friends" are supposed to have access to, when he becomes an officer or director of the State Bar? I THINK NOT! As far as the President's explanation of his position contained in his face book post is concerned, it was more than adequate!

The agenda item for "the creation of a State Bar of Texas Task Force on Diversity, Equity, and Inclusion" is plainly an effort to place the State Bar of Texas in the middle of a political movement and DOES NOT comply with the SBOT MISSION.

Sincerely

  
Walter L. Borgfeld, Jr.  
SBOT #02670000

**From:** [REDACTED]  
**To:** [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:** [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

Office [REDACTED]  
[REDACTED] [REDACTED]

Fax [REDACTED]  
[REDACTED]

Houston, TX 77070-4624

EMAIL: [REDACTED]

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



DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

**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:** [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:** [Cory Squires](#)  
**To:** [Ray Cantu](#)  
**Subject:** Fwd: Public Comment: Concerning Comments Made by State Bar President Larry McDougal  
**Date:** Friday, July 10, 2020 7:53:17 PM

---

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** July 10, 2020 at 7:51:47 PM CDT  
**To:** Cory Squires <Cory.Squires@TEXASBAR.COM>  
**Subject:** Public Comment: Concerning Comments Made by State Bar President Larry McDougal

<b>* State Bar of Texas External Message *</b> - Use Caution Before Responding or Opening Links/Attachments	
<b>Contact</b>	
<b>First Name</b>	Allison
<b>Last Name</b>	Reppond
<b>Email</b>	[REDACTED]
<b>Member</b>	Yes
<b>Barcard</b>	24085733

<b>Feedback</b>	
<b>Category</b>	Complaints
<b>Subject</b>	Concerning Comments Made by State Bar President Larry McDougal
<b>Department</b>	Executive
<b>Comments</b>	
<p>Hello, I am contacting you out of concern regarding the leadership of our State Bar. I am in an unaffiliated Facebook group called Texas Lawyers, and State Bar President Larry McDougal made a comment that I find extremely troubling. In a now-deleted post in the group, Mr. McDougal commented that he believed an election worker wearing a "Black Lives Matter" t-shirt was engaged in electioneering because the movement is "strongly affiliated with a political party." The phrase "Black Lives Matter" should not be treated as a political statement. It is simply a matter of fact, and the leadership of our state bar should acknowledge the value of the lives of our Black attorneys, as well as their staff and clients and our communities as a whole. Mr. McDougal made the troubling and incorrect comparison to an election worker wearing a MAGA hat at the polls. This comparison is disgraceful, as the "MAGA" slogan is directly affiliated with a political candidate such that it is sold on merchandise available for purchase from that candidate's campaign. One phrase ("MAGA") is truly a political slogan associated with a particular candidate. The other ("Black Lives Matter") is a principle that is not tied to any political party or politician. It is shameful to see our State Bar President making such comments, and I question his ability to act on behalf of our Black members and other</p>	



members of color in a fair and equal way. I am glad to provide a copy of Mr. McDougal's exact comment for your review. I hope that the State Bar of Texas will engage in internal discussions regarding Mr. McDougal's inappropriate conduct. Warm regards, Allison Reppond

**From:** [Webmaster](#)  
**To:** [Lowell Brown](#)  
**Cc:** [Amy Starnes](#)  
**Subject:** FW: Public Comment: McDougal Fiasco  
**Date:** Monday, July 20, 2020 9:04:22 AM

---

Joanna Herzik  
State Bar of Texas  
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:** [REDACTED]  
**Sent:** Saturday, July 18, 2020 1:52 PM  
**To:** Webmaster <Webmaster@Texasbar.com>  
**Subject:** Public Comment: McDougal Fiasco

<b>* State Bar of Texas External Message *</b> - Use Caution Before Responding or Opening Links/Attachments	
<b>Contact</b>	
<b>First Name</b>	Bill
<b>Last Name</b>	Knoph
<b>Email</b>	[REDACTED]
<b>Member</b>	No

<b>Feedback</b>	
<b>Category</b>	General Comments/Feedback
<b>Subject</b>	McDougal Fiasco
<b>Department</b>	Executive

<b>Comments</b>	
So, the headlines read that attorneys want the head of Bar President Larry McDougal due to comments made in 2015. This is utter nonsense. In 2015, Black Lives Matter was not as refined as they are now, they did indeed call for death to police and white people. They were then, and remain, a political action group bordering on radicalism and domestic terrorism (Re: July 2016 ambush on Dallas Police, 5 officers killed). For Texas lawyers to call for McDougal's resignation is ridiculous and absurd. I do not know Larry McDougal, but this atrocity needs to be addressed by concerned citizens of the Great State of Texas, to which, I am. Sincerely, Bill Knoph Waco, TX	

**From:** [Webmaster](#)  
**To:** [Lowell Brown](#)  
**Cc:** [Amy Starnes](#)  
**Subject:** FW: Public Comment: Larry McDougal  
**Date:** Monday, July 20, 2020 9:02:49 AM

---

Joanna Herzik  
State Bar of Texas  
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:** [REDACTED]  
**Sent:** Saturday, July 18, 2020 7:48 AM  
**To:** Webmaster <Webmaster@Texasbar.com>  
**Subject:** Public Comment: Larry McDougal

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

#### Contact

<b>First Name</b>	George
<b>Last Name</b>	Goolsby
<b>Email</b>	[REDACTED]
<b>Member</b>	Yes
<b>Barcard</b>	8192500

#### Feedback

<b>Category</b>	General Comments/Feedback
<b>Subject</b>	Larry McDougal
<b>Department</b>	Executive

#### Comments

I join in the call for Me. McDougal to resign or be removed as our Bar President. Indeed, he needs to embark on a listening tour, but he can do that on his own time and for the rest of his life.

**From:** [Webmaster](#)  
**To:** [Lowell Brown](#)  
**Cc:** [Amy Starnes](#)  
**Subject:** FW: Special Meeting of the State Bar Board  
**Date:** Tuesday, July 21, 2020 2:51:54 PM

---

Joanna Herzik  
State Bar of Texas  
[TexasBar.com](https://www.texasbar.com)

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

---

**From:** jim niedermeyer [REDACTED]  
**Sent:** Tuesday, July 21, 2020 1:56 PM  
**To:** Webmaster <[Webmaster@Texasbar.com](mailto: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**

Larry M. has done nothing wrong and has nothing to apologize for. He cited the law. It either applies to ALL or to none.

Sent from [Mail](#) for Windows 10

---

**From:** [State Bar of Texas](#)  
**Sent:** Tuesday, July 21, 2020 12:29 PM  
**To:** [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.

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](mailto: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](mailto: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



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

**From:** [Webmaster](#)  
**To:** [Lowell Brown](#)  
**Cc:** [Amy Starnes](#)  
**Subject:** FW: Public Comment: Removal of the Texas State Bar President  
**Date:** Monday, July 20, 2020 2:51:10 PM

---

Joanna Herzik  
State Bar of Texas  
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:** [REDACTED]  
**Sent:** Monday, July 20, 2020 2:43 PM  
**To:** Webmaster <Webmaster@Texasbar.com>  
**Subject:** Public Comment: Removal of the Texas State Bar President

<b>* State Bar of Texas External Message *</b> - Use Caution Before Responding or Opening Links/Attachments	
<b>Contact</b>	
<b>First Name</b>	Michael
<b>Last Name</b>	Field
<b>Email</b>	[REDACTED]
<b>Member</b>	Yes
<b>Barcard</b>	6961150

<b>Feedback</b>	
<b>Category</b>	General Comments/Feedback
<b>Subject</b>	Removal of the Texas State Bar President
<b>Department</b>	Not Applicable

<b>Comments</b>
<p>My name is Michael Field. I am a retired attorney and a member of the Bar. I call upon the State Bar President to resign. I believe the views espoused by Mr. McDougal are antithetical to those that should be advanced by the leadership of the Texas State Bar. Almost as troubling is the lack of good judgement evidenced by Mr. McDougal in his decision to broadcast those views on social media. The fact that the State Bar Act in the Texas Government Code provides no mechanism for the removal of the Bar President is an oversight that should be corrected. Never the less, should Mr. McDougal not voluntarily resign, I call upon the State Bar of Texas Board of Directors to craft procedures where by Mr. McDougal can be removed.</p>

---

**From:** [Cory Squires](#)  
**To:** [Ray Cantu](#)  
**Subject:** Fwd: Public Comment: Larry must go  
**Date:** Tuesday, July 14, 2020 7:40:09 PM

---

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** July 14, 2020 at 7:38:16 PM CDT  
**To:** Cory Squires <Cory.Squires@TEXASBAR.COM>  
**Subject:** Public Comment: Larry must go

<b>* State Bar of Texas External Message *</b> - Use Caution Before Responding or Opening Links/Attachments	
<b>Contact</b>	
<b>First Name</b>	Nathan
<b>Last Name</b>	Begley
<b>Email</b>	[REDACTED]
<b>Member</b>	Yes
<b>Barcard</b>	24078219
<b>Feedback</b>	
<b>Category</b>	Complaints
<b>Subject</b>	Larry must go
<b>Department</b>	Executive
<b>Comments</b>	
It is unconscionable that Larry McDougal would be allowed to serve as bar president after making multiple racially insensitive remarks and social media posts. First off, this man has had decades to learn the error of his quietly racist ways and has not rehabilitated himself. Secondly, he represents the bar to the general public and the appearance of justice is just as important as justice itself. How can a minority have confidence in the Texas Bar when an insensitive good ol' boy racist can't see far enough past his privilege to acknowledge they matter? Larry McDougal is too stupid to know that BLM is not a political party or candidate, therefore he is too stupid to be bar president.	



**From:** [Webmaster](#)  
**To:** [Lowell Brown](#)  
**Cc:** [Amy Starnes](#)  
**Subject:** FW: SBOT Management vs. President Larry McDougal  
**Date:** Monday, July 20, 2020 9:07:56 AM

---

Joanna Herzik  
State Bar of Texas  
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:** Simpson, Paul [REDACTED]  
**Sent:** Saturday, July 18, 2020 4:21 PM  
**To:** Webmaster <Webmaster@Texasbar.com>  
**Cc:** larry@l [REDACTED] Trey Apffel <Trey.Apffel@TEXASBAR.COM>  
**Subject:** SBOT Management vs. President Larry McDougal

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

To Whom It May Concern:

As a member of the Texas State Bar, I write concerning the Bar's response to a five-year-old post by State Bar President Larry McDougal concerning "Black Lives Matter."

Mr. McDougal apparently wrote in September 2015 that "Groups like Black Lives Matter has [sic] publicly called for the death of just not Police Officers but also White Americans. This is a terrorist group." In response, the State Bar recently stated that Mr. McDougal's 2015 comments "do not reflect the values of the State Bar of Texas and we denounce them in the strongest terms...Indeed, we applaud any organization whose primary goal seeks to ensure equal justice for all Americans." In addition, there have been calls for Mr. McDougal to resign his office due to his 2015 comments.

Certainly every attorney supports the ideal of "equal justice for all Americans." Every Texas lawyer should agree that all black lives does matter, and that they should be treated with the same dignity and respect as anyone else – without regard for race, religion, gender, and national origin. But support for *ideals* is not the same as support for a *movement* or an *organization*. Support of any group entails favoring some ideals over others; elevates the organization's needs over individual principles; and risks loss of integrity for expedience. The State Bar should not curry favor with any organization, regardless of how popular or fashionable, lest the State Bar lose its own independence.

Consider also that multiple organized and amorphous groups operate under "Black Lives Matter" umbrella. Some have undisclosed and non-transparent [funding sources and expenditures](#). BLM founders have [openly admitted](#) they are "trained Marxists" with an [immediate goal](#) of removing the current President from office. The [BLM website proclaims](#) its goals to "disrupt the Western-prescribed nuclear family structure" and to "foster a queer-affirming network [free] from the tight grip of heteronormative thinking," and [joins in the calls](#) to "Defund the Police."

These goals are far afield from what the State Bar called the "primary goal" of ensuring equal "justice for all Americans." They are political and ideological goals not shared by most Americans, and certainly outside the legitimate purview of the State Bar of Texas—a mandatory Bar association comprised of all Texas attorneys.

Societal ills cannot be attributed to a single causative factor, as Marxists ("class struggle") and many BLM activists ("systemic racism") contend. Harvard (and, incidentally, black) academic Glenn Loury [sums up the flaws and problems](#) with these narrow views and their simplistic solutions to society's challenges:

If the system is structured to deny the potentiality of black humanity, then the system is structured as to affirm the humanity of the particular groups that are overrepresented in the prized venues of American life. People don't realize that they're playing with fire when they take these disparities as *ipso facto* evidence of systemic failure. Groupness implies disparity because groupness, if taken seriously, implies differences in ways of living life. Groups differ. Groups are not evenly distributed across society. But, insofar as opportunity is also a consequence of informal associations among people—for example, what goes on in their families—again, I repeat: *You can get equality only at the cost of tyranny.*

However, the most disturbing aspect of this kerfuffle is the reflexive response of the State Bar to make Larry McDougal shut up. At a time of much societal stress and turmoil, the last thing we should do is to banish dissenting voices. Of all people, attorneys—trained and attuned to the value and necessity and heritage of free speech that is essential to America—should not join the mob that would silence challenging or questioning voices. As one author [recently wrote](#):

"Sorry, folks, but if you're chiding people for raising a voice of dissent in a moment of crisis and mass emotion, you might be [the baddies](#). And if your revolutionary summer has no room for people who stand athwart history by insisting on an open space for debate—it's a sure sign that winter is coming, and not a nice one.

As *Atlantic* columnist Conor Friedersdorf [points out](#), moments of crisis and mass emotion are ones in which it is *especially* important to heed dissenting voices. We should not be shutting off or shouting down debate on such questions as, Which police

reform proposals will work? \$B!&(B€\$B!&(B and even, \$B!&(B€\$B!&(B How much of a factor is racism in police brutality? \$B!&(B€\$B!&(B If a movement insists on unanimity and refuses to tolerate dissent or even neutrality, that should be a huge red flag. \$B!&(B€\$B!&(B

Finally, although this is being sent via my law firm \$B!&(B€\$B!&(B's email, the foregoing statements are solely my own and do not represent the views or positions of my law firm. Thank you for your consideration.

*Paul Simpson*

Partner

**McGINNIS LOCHRIDGE**

Houston, TX 77002

f 713-328-1806



**McGINNIS LOCHRIDGE**

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

**From:** [Joanna Herzik](#)  
**To:** [Lowell Brown](#)  
**Cc:** [Amy Starnes](#)  
**Subject:** FW: Contact form submission from Ronique Bastine Robinson  
**Date:** Monday, July 20, 2020 10:20:02 AM

---

An important notification from LexBlog


---



I don't think Larry McDougal should resign. He's apologized and I think you as the SBOT need to use his statements as a teaching moment to show what growth looks like, what it means to be unaware and to become enlightened. Larry has a good platform and wants to do good for the bar to enrich the legal lives of all lawyers in Texas. I've known him for over 20 years. He made a horrible statement, but no one has ever checked him because he was part of a system that didn't frown on speaking your mind if you were a certain color and certain gender but he's being educated that those ways can no longer stand in a diverse and inclusive environment. Is the lesson long overdue? Perhaps, but just because he didn't get there sooner doesn't make him racist. It makes him in need of a diplomatic and sincere overhaul. He must understand the power of his words along with the influence of his office, and embrace the expansive culture he was voted to lead. Thank you.

This message was sent via the contact form on <https://blog.texasbar.com/contact/> from Ronique Bastine Robinson [rbrobinson@bastinelaw.com](mailto:rbrobinson@bastinelaw.com).

Joanna Herzik  
State Bar of Texas  
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:** LexBlog [mailto:notifications@lexblog.com]  
**Sent:** Monday, July 20, 2020 10:15 AM  
**To:** Teri Rodriguez <Teri.Rodriguez@TEXASBAR.COM>; Joanna Herzik  
<Joanna.Herzik@TEXASBAR.COM>  
**Subject:** Contact form submission from Ronique Bastine Robinson

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



**From:** [Cory Squires](#)  
**To:** [Ray Cantu](#)  
**Subject:** Fwd: Public Comment: Letter to State Bar of Texas  
**Date:** Thursday, July 16, 2020 9:27:19 AM

---

Sent from my iPhone

Begin forwarded message:

**From:** "[REDACTED]"  
**Date:** July 16, 2020 at 9:26:50 AM CDT  
**To:** Cory Squires <Cory.Squires@TEXASBAR.COM>  
**Subject:** Public Comment: Letter to State Bar of Texas

<b>* State Bar of Texas External Message *</b> - Use Caution Before Responding or Opening Links/Attachments	
<b>Contact</b>	
<b>First Name</b>	Sheela
<b>Last Name</b>	Ranganathan
<b>Email</b>	[REDACTED]
<b>Member</b>	No

<b>Feedback</b>	
<b>Category</b>	Complaints
<b>Subject</b>	Letter to State Bar of Texas
<b>Department</b>	Not Applicable
<b>Comments</b>	
<p>Dear State Bar of Texas, Recently, we have come to learn of comments made by the new State Bar of Texas president, Larry McDougal, condemning the Black Lives Matter movement as a "terrorist group" and threatening election workers for supporting the movement. While we are encouraged to see that he has apologized for such hateful and ignorant comments, we simply do not believe that his apology is enough. As the president of the State Bar of Texas, it is his duty to set a moral example for all lawyers in the state. Expressing such views as he did not only jeopardizes that duty but also suggests that all Texas lawyers support such bigoted views. As future lawyers of Texas, we want to vehemently voice our displeasure with such an assertion. While we understand that the "terrorist group" comment was made five years ago, the comment was wildly inaccurate, ignorant, and racist even then. Asserting that BLM wants to kill "not [just] police officers but also white Americans" always has been a falsehood peddled by conspiracy theorists and anti-Black charlatans. President McDougal's recent threat against an election worker for wearing a BLM shirt underscores that President McDougal's beliefs have changed very little if at all. BLM has consistently been about peacefully promoting the fair and equitable treatment of Black people in a country that far too often disregards Black lives as expendable. The fact that the head of a state organization in charge of who becomes a lawyer would subscribe to such blasphemous claims against BLM endangers the trust we as future lawyers should have in the system when it comes to aiding BLM. We believe that people</p>	

can change. We are counting on it. However, President McDougal has taken no meaningful steps to demonstrate that he has changed nor has he offered meaningful plans as president of the Bar that reflect a change. Tangible actions that would reflect change include: commitment to attending racial sensitivity training or a class on racial bias; creation of a program to address racial inequities in the justice system and the legal profession; donation to organizations committed to highlighting Black voices and repairing Black communities. A years-delayed apology, without more, rings hollow. We echo the call to action by the African-American Lawyers Section of the State Bar of Texas. And we strongly encourage President McDougal and the Bar to implement the suggestions from the AALS, including public acknowledgment by President McDougal of the importance of the Black Lives Matter movement and the appointment of at least two AALS members to the Presidential Task Force. We respectfully ask President McDougal to commit to the fair treatment of all lawyers—and all Texans—by taking these actions or step down from his role as president of the State Bar of Texas. Signed,  
Law Students for Black Lives



**From:** [Webmaster](#)  
**To:** [Lowell Brown](#)  
**Cc:** [Amy Starnes](#)  
**Subject:** FW: Special Meeting of the State Bar Board  
**Date:** Tuesday, July 21, 2020 1:09:32 PM

---

Joanna Herzik  
State Bar of Texas  
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:** Tommy Hull [REDACTED]  
**Sent:** Tuesday, July 21, 2020 1:03 PM  
**To:** Webmaster <[Webmaster@Texasbar.com](mailto: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**

So it appears he disagreed with the loud hypocritical left wing faction of politics. Glad y'all are working on the important stuff. Like always.

Sent from my iPhone

On Jul 21, 2020, at 12:20 PM, State Bar of Texas <[webmaster@texasbar.com](mailto:webmaster@texasbar.com)> wrote:

**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 [REDACTED] 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](mailto: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

