

**From:** [Brian Marks](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Letter re Steve Fisher  
**Date:** Wednesday, July 22, 2020 5:02:18 PM  
**Attachments:** [Proposed Letter to State Bar re Director Steve Fisher .pdf](#)

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

Good Afternoon,

Please see the attached correspondence concerning Board Director Steve Fisher. Thank you in advance for your consideration.

Sincerely,

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

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**The Law Office of Brian A. Marks, PLLC**

[REDACTED]  
[REDACTED]  
San Antonio, TX, 78231  
[REDACTED]

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*Via email to [boardofdirectors@texasbar.com](mailto:boardofdirectors@texasbar.com)*  
State Bar of Texas  
Board of Directors

**Re: Board Director Steve Fisher**

Dear Board of Directors:

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

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

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

Steve Fisher's actions, which have drawn national attention<sup>2</sup>, are not only unbecoming and unwelcome, but more over, they appear to be deliberate. Mr. Fisher seems to take pleasure in deliberately inciting fellow members of the bar through inflammatory statements regarding race, disparaging remarks about others appearances and intellect, and active participation in Oppression Olympics.

We call for Mr. Fisher to do what is best for the Bar and resign from his Board position without delay. His recent and past comments, and his overall handling of this situation, have hurt members of the Bar. Mr. Fisher seems incapable of offering an apology, let alone merely acknowledging how his remarks have hurt fellow members of the Bar. Mr. Fisher has also damaged the prestige of the Bar and brought shame upon it. If he is not willing to resign, the Board should immediately take the appropriate steps necessary to remove him.

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

<sup>2</sup> [https://www.law.com/texaslawyer/2020/07/17/married-to-a-black-steve-fischers-critics-want-him-out/?cmp\\_share=share\\_facebook&fbclid=IwAR1U-w\\_zTCU5zylGfpA0qo\\_vNpyamvCnCSHFjfxN-ZytUTLC\\_3SYktTOxw](https://www.law.com/texaslawyer/2020/07/17/married-to-a-black-steve-fischers-critics-want-him-out/?cmp_share=share_facebook&fbclid=IwAR1U-w_zTCU5zylGfpA0qo_vNpyamvCnCSHFjfxN-ZytUTLC_3SYktTOxw) (last visited July 22, 2020.)

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

With respect to the slippery slope argument regarding “cancel culture,” we are calling for Mr. Fisher to resign or to be removed as Board Director because of a pattern of discriminatory remarks, inflammatory statement, and general disposition towards inciting others on a consistent basis. No one is calling for Mr. Fisher’s law license or livelihood to be “cancelled.” We hope that Mr. Fisher can learn from this situation and change, but that is up to him, and based upon his reactions to criticism, we unfortunately have serious doubts as to whether he will take this opportunity to learn from his mistakes and grow. The first step is acknowledging there is a problem. He appears to be incapable of doing that. As for the Bar at large, we must decide whether we are willing to stand up, put our collective foot down, and declare racism, sexism, and bigotry in all forms to be unwelcome within our professional ranks, especially among our leaders. Our State Bar Board Director, Steve Fisher, has lost the trust necessary to lead, with conviction and compassion, statewide efforts to actively work against the multidimensional aspects of racism, sexism, and bigotry in our profession.<sup>3</sup> He needs to go.

Thank you for your consideration,

**Lawyers for Black Lives Matter (BLM) – San Antonio**

<i>/s/ Brian Marks</i>	24086996
<i>/s/ Tanya Rivera</i>	24113681

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<sup>3</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).

**From:** [Denise Alex](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Written Comment for Special Meeting on July 27, 2020  
**Date:** Wednesday, July 22, 2020 5:22:13 PM

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

Hello,

I am writing to express my displeasure with the lack of action of our State Bar of Texas President Larry McDougal. His comments regarding a Black Lives Matter t-shirt display just how misinformed he is. His lack of action to correct or educate himself, further shows his lack of empathy and blatant disregard. His comments and the publicity following them, has further released a barrage of comments on social media that further indicate the serious racial issues within our society as well as our Bar. Therefore, I can no longer sit in silence and I feel it is my duty to demand that there be systematic changes in the State Bar in accordance with what has been demanded from several Sections of the Bar. And since Mr. McDougal does not appear to be willing to make the requested changes, I support a change in leadership.

Respectfully,  
Denise Alex

**From:** [Crump, David L](#)  
**To:** [BoardofDirectors](#)  
**Subject:** About the President's Statements: Let's Allow Disagreement  
**Date:** Wednesday, July 22, 2020 6:24:52 PM

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

To the Chair and Board of Directors:

As someone who has served the State Bar of Texas in numerous capacities, I was disappointed by the reaction to the President's statements about Black Lives Matter. Please, can't we disagree and still get along?

Certainly, there are people to whom the statement Black Lives Matter is an important positive statement. But there also are many to whom it is not positive. Those who went to the organization's web site were introduced to positions that were divisive or worse. The words have been used in connection with calls for violence against police officers and as an in-your-face taunt.

Unfortunately, the statement that Black Lives Matter also leaves out a lot of what is important. Black lives matter, but also, black incomes matter, black housing matters, and black rights matter. I have suggested the alternate phrase Black Equality Matters as a better way of saying it all.

But whatever your point of view on the phrase Black Lives Matter, please recognize that there are people of honesty and good will who hold the opposite opinion. The State Bar should above all recognize this reality.

David Crump  
Professor of Law (speaking for myself only, of course)



DAVID MICHAEL RYAN & ASSOCIATES, PLLC

Attorneys at Law

Houston, Texas 77036

David Michael Ryan

(713) 223-8448 Facsimile

July 22, 2020

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

RE: State Bar President Larry McDougal, Sr.

Dear Board:

I write to express my unequivocal support for State Bar President Larry McDougal, Sr. remaining as State Bar President. I have known Larry for over 20 years in my 27 years of practice. In the courthouses we practice, Larry's reputation is sterling. Larry is known for his character and integrity, something missing in our society.

When I was young and idealistic, I believed a lawyer took the facts as related by the client and made some initial judgments. The lawyer had a duty of utmost candor to the client. The lawyer would then investigate the facts. The lawyer then used the art of persuasion to get the most successful outcome – whether that was convincing a judge or a jury, opposing counsel or the client. I still believe this. The Bar today seems uninterested in this fundamental duty to the law and the process.

I have taken time to review all the materials provided by SBOT through today. I am dismayed at the overreaction by the Bar to comments Larry has made as a private citizen, many long before becoming President. This era of “cancel culture” and “wokeness” has infected SBOT, and I urge the Board to resist this reactionary movement for which there is no compromise, only perpetuating arguments.

This is not to say the moment has not given the Bar an opportunity to reflect on its past, present and future. As at least one commenter has noted, SBOT's efforts at inclusiveness and diversity are relatively recent. The Bar can do better. Larry has taken the principled position to admit his errors, and propose action to move forward in a more enlightened manner. Given all of us have regrets, I ask each Director to reflect on their past conduct and their answers today if one of those shortcomings should come to light.

Very difficult conversations need to be undertaken within and without SBOT. Words will be used, intentionally or not, which will enflame passions and be hurtful. Yet, the Bar must engage in this process respectfully to move forward. As Larry said in his July 2020 Facebook post, *“Great thing is you and I can disagree and still be friends. That is what*

*makes America Great [sic]”.*

I have found some of the comments in opposition to Larry to be perplexing, particularly from those who are personally critical but have never met Larry. It is claimed Larry's posts fail the Texas Lawyer's Creed. The same Creed calls on each of us to make our word our bond, not to disparage one another, or ascribe ill intent upon each other without good cause. There seems to be a distinct failure to go around by all.

It is at least troubling so many have jumped to immediate conclusions based on selective sharing from the internet. As a few supporters of Larry have noted, there is nothing shared where Larry has spoken for over a decade concerning suicides and mental health amongst the Bar, or the need for mentorship of young lawyers. No one shared the numerous reports and photographs of Larry taking a boat out from sunrise to sunset saving people and animals during the flooding in the aftermath of Hurricane Harvey.

One of the contrived controversies regards the “hot” attorney “meth head”. His language in 2014 well predates the #MeToo Movement and greater sensitivity society has now to such comments. I have empathy for those who have commented to the Board regarding the attorney's well-being.

The attorney was suspended from the practice in 2013 and for a year continued to represent defendants in criminal court, at least one of her two clients interviewed was a person of color. The attorney had a pending felony drug case at the time of the story, and was arrested on a new drug case 2 days after the interview. A quick texasbar.com search finds the attorney was disbarred in 2016.

<https://www.khou.com/article/news/investigations/is-anyone-watching-i-team-finds-suspended-lawyers-still-practicing/285-259024153>

[https://www.texasbar.com/AM/Template.cfm?Section=Find\\_A\\_Lawyer&template=/Customsources/MemberDirectory/MemberDirectoryDetail.cfm&ContactID=297415](https://www.texasbar.com/AM/Template.cfm?Section=Find_A_Lawyer&template=/Customsources/MemberDirectory/MemberDirectoryDetail.cfm&ContactID=297415)

<https://www.law.uh.edu/libraries/ethics/attydiscipline/2017/January2017.pdf>

I question the outrage here. The language Larry used is dated for today, but was not uncommon for 2014 (though likely still uncouth). The outrage should be SBOT and the criminal justice system allowed a suspended attorney facing drug charges to keep representing defendants.

The second controversy again takes Larry's statement of September 2015 out of historical context. On August 10, 2014, Ferguson, Missouri erupted with the death of Michael Brown. Protests and riots spread across the United States and continued for the rest of the year. Additional upheaval came with more officer involved shootings of black men in Missouri and the no bill of the NYPD officers involved in the death of Eric Garner. In April 2015, rioting broke out in Baltimore in the wake of Freddie Gray's death in police custody.



Much of the media coverage included images of buildings burning, bottles and rocks being hurled at police, crowds chanting, *No Justice, No Peace; Death to the Pigs*, and the “new” slogan, *Black Lives Matter*. (I am aware the organization, Black Lives Matter, says it was founded in 2013 – I am talking about mass media coverage).

On August 28, 2015, Harris County Deputy Sheriff Darren Goforth was murdered just outside Houston. The convicted killer, Shannon Miles, is a black man with a long history of mental illness. Miles approached the uniformed Deputy from behind and repeatedly shot Goforth in the back of the head.

On August 31, 2015, CBS News broadcast a Black Lives Matter rally in which announcement of Goforth’s murder was followed by the chant, *Pigs in a Blanket, Fry ‘em like bacon!* Rally organizers later complained CBS took a 30 second video out of context but this complaint received little attention.

Larry’s post calling Black Lives Matter a terrorist organization on a blog is one week later, September 7, 2015. As another commenter noted, public reaction to Black Lives Matter in 2015 was overwhelmingly negative. Given the media coverage, timing, and past as a police officer, Larry’s reaction is at the very least understandable.

I wonder how many read all of the September 2015 post and how many stopped after the first paragraph. The second paragraph speaks to the need for police reforms. Larry takes aim at dirty cops and their enablers. Indeed, if you never read the first paragraph, you might think Larry was calling for citizens review panels. This leadership in criminal justice reform is needed by our SBOT President.

To Larry’s credit, in the intervening 5 years, Larry learned more about Black Lives Matter. Many of us did. The organization has done more in that time to distance itself from calls to violence. As with all of human experience, things evolve. I am surprised Directors would not be more willing to accept people’s attitudes and opinions can change over time.

As I noted earlier, our profession is about persuasion. It takes strength to look at your own past, acknowledge its faults, and make a demonstrable effort to change. It takes fortitude to work together. I encourage all Directors to set aside preconception and move forward with Larry and his proposed agenda, including efforts at more inclusion and diversity. It is time to move forward together.

Sincerely,

*David Ryan*

David Ryan

DMR/

**From:** [Eric Behrens](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Comments of the president  
**Date:** Wednesday, July 22, 2020 6:34:50 PM  
**Attachments:** [image003.png](#)

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

Texas continues to be under the shadow of its past as a slave state and proponent of Jim Crow laws, and at least until the past few years, has continued to publicly honor the Confederate leaders who sought to maintain that shameful institution in perpetuity. The president's description of the entire Black Lives Matter movement as a terrorist organization and similar comments are devoid of judgment, and unfortunately will continue to help tarnish our state and our profession.

My hope is that the president will join in voting to censure himself, or in whatever other action the board takes. A mere apology is shallow and insufficient.

Respectfully,

**Eric G. Behrens** | Attorney


Direct: [REDACTED] | Fax: (512) 480-5862



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

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**From:** [Eleanor Haynes](#)  
**To:** [BoardofDirectors](#)  
**Cc:**   
**Subject:** Public Comment letter to Board of Directors Regarding Special Meeting July 27, 2020  
**Date:** Wednesday, July 22, 2020 5:07:50 PM  
**Attachments:** [A Bar letter.pdf](#)

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

Please see attached letter which is being sent as a PDF



Eleanor Beavers Haynes, LL.M.\*  
Attorney and Counselor at Law  
\*Licensed in Ohio & Texas

7/22/2020

State Bar of Texas  
Special Called Meeting  
Monday July 27, 2020

*Sent via email: [boardofdirectors@texasbar.com](mailto:boardofdirectors@texasbar.com)*

**Re: Agenda Items 7 and 8**

Dear Board of Directors:

This letter is being submitted as a Public Comment regarding the most recent statements made by State Bar President, Larry McDougal. I do not know Mr. McDougal and I am not one to impose my opinion on someone without knowledge of that individual. I had an opportunity to review the "Packet" prepared for this Special Called Meeting which included his statements regarding Black Lives Matter, his Facebook posts, his apology and the list of comments made by other Members of the Bar and the General public.

I think Mr. McDougal has gotten himself and the rest of us into what the Late Congressman, John Lewis called; "Good Trouble".

Please let me explain; First, I do not agree with his perspective that Black Lives Matter is a terrorist group; nor his other "inappropriate" and insensitive statements regarding a female lawyer who suffered from addiction. Second, while most of us could probably agree, these views and statements in today's environment are either strongly supported by one group or another, or strongly opposed by one group or another; either way, there is no room for neutrality. We have no choice but to take a position; the question is where do we go from here?

Our Nation is so polarized right now it is difficult to imagine how we will pull ourselves together. The "Good Trouble" Mr. McDougal has produced by his statements, views, and comments has created the necessary catalyst for the "Bar" to awaken and face the ugly truth about ourselves and our failings in seriously, earnestly and effectively working toward a diverse, equitable and inclusive Bar. Mr. McDougal is not the first, nor will he be the last, "White" male to make demeaning and ignominious statements about "non-white males" which offends, isolates and hurts a particular non-included group.

We have the opportunity to change the trajectory of this moment and to make an unparallel change in our Organization and perhaps in this Nation. We, as a community of Legal Professionals, trained and educated, have given our oath to uphold the Constitutions of the United States and Texas. We share a unique and important position as an example of what real commitment can do for the goals of Equality, Diversity and Inclusiveness. **Mr. McDougal should be apart of that future.** If he is sincere in his apologies, then he should be the given the opportunity to show his genuine and sincere commitment to equal justice under the law and diversity in the administration of justice. He should lead the charge to make "unparallel" changes in the Bar as we know it today. His leadership should be focused on changing the direction of his prior comments and regrettable statements.

Thank you for giving me the opportunity to express my opinion and lend my voice to this important and necessary dialogue.

Best Regards,

*Eleanor B. Haynes*

Eleanor B. Haynes

From: [Gregory Jackson](#)  
To: [BoardofDirectors](#)  
Subject: Board Meeting Inquiry  
Date: Wednesday, July 22, 2020 9:23:41 PM

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

To the Board,

Mr. McDougal is going to create a task force that he will sit on and listen to ensure diversity and **inclusion of everyone** everybody (is just another way of saying All Lives Matter, and NOT saying Black Lives Matter). He is entitled to his opinion and its good that we now know it. Here is my opinion as a black man holding a Master of Accountancy, CPA and law licenses stilling facing obstacles that neither he nor any other Non-black has faced or will ever face: we are tired of half-hearted empty apologies and he is not worthy to lead a diverse State Bar. But, this is Texas, the great state holding the dubious distinction of being the LAST state in the Union to tell Black people that slavery had ended – the getaway with as much as you can and apologies if you get caught state.

**A few questions to Mr. McDougal: do Black Lives Matter?** Yes or No, period. How often have you watched an evening newsperson's or eyewitness' account or actual footage of a black police officer shooting an unarmed white person (choking to death an unarmed nonviolent white suspect in custody), black police officers breaking into the home and shooting to death a white person, a black police officer "mistaking" a white person's apartment for their own and killing the white person? I personally have never seen one. So, if All Lives Matter, how about you Mr. McDougal and the rest of your like-minded friends and associates informing the white police officers that Black Lives are included / Matter (stop killing black people!!).

I explained to my neighbor that I have survived as a 52 year old black man in America by remembering my mother's words 'they may not always be right, but they are always the police and they have the guns and you have to live to tell the story... please come home son' and I reminded my 12 year old daughter that 'they are looking for a reason especially when you are black, don't give them one' [obey the officer lawful commands] which I could not reconcile after watching THE 8 minutes and 46 seconds BECAUSE all they need is a black person.

It is not like black people are asking for 400 years of "opposite day" to make things right, even, equal and just. As for reparations, this country does not possess nor could it generate the kind of wealth need to cleanse the stain of the African's forced bondage and horrific treatment Own the legacy that granted and guaranteed white advantage - lie, rob, rape, steal and kill. We survived despite horrors and hardship, so get over it!!!

I (request that) move to recall Mr. McDougal and second, third such a motion if proper in this setting, **BLACK LIVES MATTER!**

/s/Greg

Gregory A. Jackson, C.P.A.  
Attorney and Counselor at Law

State of Texas HUB Certificate 1264035558700

Vendor Number: 520411

Home Office

Google Voice

From: [REDACTED]  
To: [BoardofDirectors](#); [Amy Starnes](#)  
Subject: Written Comment for July 27, 2020, Board Meeting  
Date: Wednesday, July 22, 2020 5:09:10 PM

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

I don't know what special kind of soul sickness allows a person to watch a video of unarmed Eric Garner being choked to death by police, and conclude that the Black Lives Matter organization designed to bring attention and justice to these murders was a "terrorist" organization. It makes me sick to know that such a statement was made by our current Bar President. Statements like his validate the true terrorists, one of whom pounded a nail to the side of my tire because of my "Black Lives Matter" bumper sticker.

The truth of racial violence in this country has been overwhelmingly white on black violence. But our society has been so perverse until recently it was radical for us to say "ouch," we should be more mindful about where we bleed. If you cannot say that your own life matters – there is no freedom of speech. All other utterances pale in significance.

I listened to the apology. There was nothing there to make me think there had been an epiphany. And frankly, I don't care about his personal evolution one bit. I care about action and moving this country forward. No, I do not want another task force. For what? To investigate whether there has been race discrimination in the United States? Please!

The African American Lawyers Bar suggested making diversity training a required part of the yearly CLE requirement. I fully support this action. When was the last time I was discriminated against in Court by a Judge due to race? March 2020. I am not only filing a complaint against him with the State Commission on Judicial Conduct, but it is my plan to go back and file against Judges for past incidences. To do otherwise is to continue to be an accomplice. As someone else so eloquently put it, I am tired of the everyday racism. I am tired of being tired.

Dorothea Laster  
Attorney at Law  
SBN: 11970400  
July 22, 2020



From: [John Wheat Gibson, Sr.](#)  
To: [BoardofDirectors](#)  
Subject: Board Meeting Inquiry  
Date: Wednesday, July 22, 2020 5:30:06 PM

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

What, exactly, is the problem to be addressed? Various commenters have said "We have a problem with racism at the state bar," but nobody has identified any problem. Nobody has reported being denied a benefit, privilege, or honor on account of their skin color. Nobody has reported discrimination on account of skin color in connection with any state bar business or activity. We should have more black lawyers, but we can't go down on the street and force black people to abandon their current occupations and be lawyers. Should we print up Texas Bar licenses and distribute them randomly to black pedestrians? The hypocrisy of the Pharisees calling for the crucifixion of heretics is palpable. They do not advocate making black lives matter in any meaningful sense. They want to feel pious and morally superior, but will not demand the measures that would bring more black people (about a third of whom lived in poverty before the pandemic) into the profession: providing free, high quality education from kindergarten through law school and encouraging parents to value learning. They vomit pious, feel-good words, but refuse to demand the reforms that would make black lives better. The problem for black people is not that they have dark skin; if it were, the solution would be simply to paint all of them white; the problem is the economic and psychological deprivation that has resulted from generations of discrimination, not some genetic connection between intelligence and skin color. What present and future generations of black people need is equal opportunity. That means providing equal education and overcoming the anger and hopelessness that they have suffered from slavery to the present. It also means treating black people as human beings, with the respect and dignity that all human beings deserve as a right, not a privilege. It means reforming law enforcement

and prosecuting cops who commit murder, but much more. It means ending the de facto segregation that results from treating black people as a monolithic, amorphous mass of incompetents who need protection by sanctimonious, hypocritical, comfortable, superior, white people, instead of as autonomous individuals. It requires concrete measures, like police reform and using our tax money to provide opportunity instead of spending \$740 billion to murder children all over the planet. It does not mean converting the State Bar of Texas into a mob of goons screeching for the lynching of lawyers who object to the violence committed in the name of "Black Lives Matter." It does not mean burning lawyers at the stake for politically incorrect rhetoric. It does not mean forcing Texas lawyers to swear an oath of allegiance to BLM, the Republican Party, the ACLU, the Republic of Texas, Antifa, the Episcopal Church, or any other organization. It means providing every child, regardless of color, with the opportunity to become a lawyer if they choose.

John Wheat Gibson, P.C.

By John Wheat Gibson

Texas Bar No. 07868500

[REDACTED]

Dallas, Texas 75201

[REDACTED]

[REDACTED]

**From:** [Jill Verdick](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Board Meeting Inquiry  
**Date:** Wednesday, July 22, 2020 9:56:23 PM

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

Greetings to the Board. I just returned from vacation and read your message. I am saddened to know that someone in a high position in Any state bar would do what has been done here. It is unacceptable and the individual is obviously not fit for leadership going forward in the Bar. Thank you for making me aware and allowing me to comment. Jill Verdick

Sent from my iPhone

**From:** [joshua weaver](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Re: Board Meeting, Monday July 27  
**Date:** Wednesday, July 22, 2020 5:25:18 PM  
**Attachments:** [IMG\\_4698.JPG](#)  
[IMG\\_4699.JPG](#)  
[IMG\\_4702.JPG](#)  
[IMG\\_4697.JPG](#)  
[IMG\\_4700.JPG](#)

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

To State Bar President Larry McDougal and to the State Bar of Texas Board of Directors,

I am writing to you regarding President McDougal's posts on social media (please see attached for screenshots from widely reported news media).

**To President McDougal: I respectfully urge you to resign.**

**To the Board: if President McDougal does not step down voluntarily, I urge you to pursue any and every reasonable action to immediately remove President McDougal.**

The posts made by President McDougal on social media are shameful and unbecoming of a Texas attorney. President McDougal's comments are a reflection both of poor character and of poor judgement.

If President McDougal's posts weren't enough to demand his immediate resignation, his apology video should be. If President McDougal has come to regret these posts over the years and amend his beliefs, as he indicated in his apology video, then he had ample time to remove the posts, or disclaim them, or otherwise make any public indication that his beliefs have changed.

He did not.

Instead, President McDougal offers a hasty apology after being caught in which he assures us that he didn't mean to hurt anyone's feelings. This is the empty apology of a man who still doesn't fully comprehend the harm that he and the beliefs he has supported have caused to so many of our colleagues and fellow Texans.

Beyond the disgrace that President McDougal has brought upon the State Bar of Texas and upon Texas lawyers, he has now become a rallying figure for some of our colleagues on social media who feel comfortable openly expressing their own racist and bigotted ideas.

This cannot stand.

If President McDougal is permitted to serve out the rest of his term, he will remain as a beacon of ignorance and division within our profession. If President McDougal

refuses to do the right thing and resign, the Board must take action and remove him. Anything less will be perceived as a failure of leadership and of integrity by the Board.

Now, more than ever, we need good leaders. We need leaders with moral integrity and sound judgement. We need leaders who will unite and help mend the deep rifts in our society.

In these difficult times, I have faith that we can do better than President McDougal.

Sincerely,

Joshua Weaver, Bar Card Number: 24098927

Amanda Milam, Bar Card Number: 24077839





99+

Timeline

Like

Comment

Share

Larry McDougal

January 23, 2012



www.PatriotFront.com

# JUSTICE

It usually happens *before* the trial.





**Larry McDougal**

While it does not state a specific candidate or political party, it does state a group strongly affiliated with a political party.

There is a case where a MAGA hat was held to be electioneering which is a Class C Misd. I see no difference in that hat and this shirt. She should have immediately been removed from the premises and issued a citation for Electioneering

In my view the lady pictured above committed a Class C Misd and here is the law to prove it

Sec. 85.036. ELECTIONEERING. (a) During the time an early voting polling place is open for the conduct of early voting, a person may not electioneer for or against any candidate, measure, or political party in or within 100 feet of an outside door through which a voter may enter the building or structure in which the early voting polling place is located.

(b) The entity that owns or controls a public building being used as an early voting polling place may not, at any time during the early voting period, prohibit electioneering on the building's premises outside of the area described in Subsection (a), but may enact reasonable regulations concerning the time, place, and manner of electioneering.

(c) During the early voting period, the early voting clerk shall keep continuously posted:

(1) at the entrance to the room or area, as applicable, in which the early voting polling place is located, a sign on which is printed in large letters "Early Voting Polling Place"; and  
(2) at the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker. No electioneering between this point and the entrance to the early voting polling place."

(d) A person commits an offense if the person electioneers in violation of Subsection (a).

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





Andrew A. Wright shared KHOU 11 News's photo.

Feel bad for this attorney as clearly there is an addiction problem going on...but the State Bar of Texas needs to get off its behind and make sure this doesn't get that bad...Larry McDougal...aren't you the ethics chair?



The KHOU 11 News I-Team found attorneys in Texas practicing law with suspended licenses and uncovered that the courts are skipping a simple step that could protect clients. Read more -->

<http://bit.ly/1fq98Un> I-Team news --> <http://bit.ly/TWzNOh> Mobile/Tablet --> <http://bit.ly/oTqYew>

Share · 8 hours ago · 🌐

Share · 8 hours ago · 🌐

👍 2 people like this.



**Joshua Normand** So wrong

7 hours ago



**Joshua Normand** and pisses me off

7 hours ago



**James Stevens** The moment my wife saw her on TV she gasped, "oh my gosh, she's a meth-head!" I was thinking EXACTLY the same thing.

7 hours ago



**Stephen Ligon** I'm here everyday and I don't think I've ever seen her.

6 hours ago · 🌟 1



**Larry McDougal** she is hot in her Texas Bar Picture but she has Meth Head written all over her today. The SBOT has already suspended her license it is up to the DAO to prosecute her.

5 hours ago





**Larry McDougal**

September 7, 2015 at 1:38 pm

You are pretty much correct. I do disagree with you on one point. The news media has waged war on law enforcement officers in the aftermath of several highly publicized killings. Groups like Black Lives Matter has publicly called for the death of just not Police Officers but also White Americans. This is a terrorist group.



## < Inside Fort Bend County Courts - This...



**Daniel Chung Lee**

I understand why people are upset, this is borderline, but This is not political. There are Black Lives that vote Republican and by saying it's political you are saying that Republican Black Lives Don't matter, because you are staying that BLM is all democratic voters. Maga is different because that was a term coined by a Presidential candidate. Indiana Republican convention recently declared BLM on June 21, 2020.

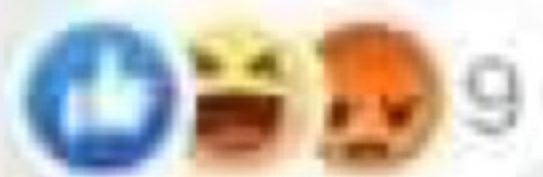


6 hrs Like Reply More



**Larry McDougal**

**Daniel Chung Lee** i believe it crosses the line. There was no reason for a poll worker to wear that shirt other than intimate the voters. It would be the same if someone wore an anti abortion or pro life shirt. It was electioneering and it is a crime in Texas. Polling places should be free from any form of intimidation, political issues or candidate  
Great thing is you and I can disagree and still be friends. That is what makes America Great

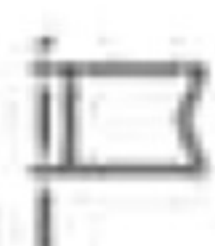


6 hrs Like Reply More



**Daniel Chung Lee**

**Larry McDougal** I think it's a gray





**From:** [Kyle Deese](#)  
**To:** [Trey Apffel](#); [MCLE Mclemail](#); [BoardofDirectors](#)  
**Subject:** Attorney's Request for Suspension of Section 10.5.1 of MCLE Regulations  
**Date:** Wednesday, July 22, 2020 7:06:28 PM  
**Importance:** High

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

Dear Board of Directors, Mr. Apffel, and the MCLE Department:

In light of the COVID-19 pandemic, I am writing to request: (i) that the State Bar temporarily suspend Section 10.5.1 of the Texas MCLE Regulations; and/or (ii) that the State Bar allow individual out-of-state CLE applications for live CLE webinar events attended during the 2020 calendar year.

At present, pursuant to Section 10.5.1, the MCLE Department is not permitted to accept individual applications for electronically-delivered CLE (i.e., live or pre-recorded teleconferences, webcasts, satellite broadcasts, or any other electronically-delivered programming).

Many Texas practitioners, including myself, prosecute claims under various federal statutes and regularly attend national conferences each year to better serve Texans. Due to the ongoing COVID-19 pandemic, many national conferences elected to switch from in-person events to live webinar events.

I hope you all will agree that the temporary suspension of Section 10.5.1 for live and/or pre-recorded webinar events is both reasonable and warranted under current circumstances.

If this email correspondence should have been directed to the attention of any other individuals, please let me know. Thank you for your time and consideration.

Best regards,  
Kyle



**Kyle S. Deese**  
Attorney at Law  
[Redacted]  
Lubbock, Texas 79424

[Redacted]  
469.200.4800 (Fax)  
[Redacted]



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**From:** [Munoz, Karen](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Statement Regarding Larry McDougal's Comments  
**Date:** Wednesday, July 22, 2020 4:59:58 PM

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

Our nation is in a moment where thousands are pushing for justice and demanding change on many fronts. People across the country are showing up in the streets and in every way possible to push for social change. As future lawyers, we understand it will always be movements that lead social change. The law has served primarily to oppress and keep justice out of the hands who need it most. We came to law school to change that reality. As the next generation of Texas lawyers, we refuse to allow bigoted leadership stop us from the changes so desperately needed by so many.

For these reasons, we at the People's Parity Project - St. Mary's strongly condemn the racist, derogatory statements Larry McDougal, President of the State Bar of Texas, made concerning Black Lives Matter. While we can't say we're surprised, we nonetheless demand better from our leadership.

As law students, we believe we have a responsibility to demystify—and dismantle—the coercive legal tools that have stacked the system against the people. We're fighting for a justice system that works for working people, especially workers of color, women, and low-wage, precarious, immigrant, disabled, and LGBTQ+ workers. Larry McDougal's statements run counter to everything we're working to build, and the State Bar of Texas should be ashamed to have Larry at the helm.

Our legal system is supposed to protect workers and consumers, and hold the powerful accountable when they break the rules. With leadership like Larry, it's easy to understand why and how the law fails so many, so often. We are committed to being part of the change and will continue to call out racism whenever and whenever we see it.

We endorse the [Call to Action created by the African American Lawyers Section of the State Bar of Texas](#).

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*The People's Parity Project is a national organization of law students organizing nationwide to end how the legal profession—and the law itself—enables harassment, discrimination, and other injustices. People's Parity Project St. Mary's Law Chapter is the first People's Parity Project chapter in Texas.*

Karen Munoz  
Community Outreach Chair  
People's Parity Project St. Mary's Law Chapter

**From:** [Laurie Hamilton](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Larry Dougal  
**Date:** Wednesday, July 22, 2020 6:31:11 PM

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

Larry was absolutely correct in what he posted. As for that comment that followed "there are Black Lives" that vote republican. Well there certainly are black conservatives who vote republican. I am not sure who was meant by "Black Lives". But there is no no doubt in my mind that there are absolutely no "Black Lives Matter" organization members or followers who would advocate or even suggest that anyone should vote for Donald Trump - in fact I am pretty sure that would probably get your ass beat. So it is pretty safe to say that she and BLM are pushing the Democrat party vote. So yes I think the average person would agree with that and so yes it was most certainly "electioneering" "being done by this woman. I would even go so far as saying that wearing it at a polling place was indirectly a threat of physical violence.

Am I to understand that there was a problem found with what Larry Dougal posted?  
If so I am seriously appalled .....

Why are so many trying to silence free speech?  
Why is there a problem when a breach of law is called out, because of who is involved.?  
Are you sending a message that we are all now going to be under Communist control...  
And we should stay home lock our door crawl under the bed and hope no one comes to murder us?

What is going on here? I can't believe this is the United States.  
We use to be so accepting of diversity and open expression of ideas  
Doesn't seem like that anymore .... More people need to speak up!

Sent from my iPad

**From:** [Larry Taylor](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Written Comments  
**Date:** Wednesday, July 22, 2020 5:07:14 PM  
**Attachments:** [image001.png](#)  
[Larry McDougal-Final.pdf](#)

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

Respectfully,



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www.cochrantexas.com

Bryan D. Pope  
*Attorney at Law/Partner*

Larry F. Taylor, Jr.  
*Attorney at Law/Partner*

Nicole R. Taylor  
*Attorney at Law/Partner*

July 22, 2020

To: State Bar Board of Directors

Larry P. McDougal Sr., who is certified in criminal law by the Texas Board, is the current President of the Texas State Bar. Because he is a criminal law attorney, sheer statistics would suggest that he is in constant contact with Black clients which should give him some insight into what his Black clients go through. Maybe he practices for something other than protecting the Constitutional rights of his clients or for them to be treated equally under the law. I once thought of a President as someone who leads an organization for the purpose of protecting and improving the life of **all** its members and to be the voice to speak on their behalf.

So, let us take a look at why I have written this letter. McDougal stated he has grown from his 2015 online blog statement wherein he referred to Black Lives Matter as a terrorist group that has called for the death of police officers and white Americans (according to a tweet by Ashton Woods, a founder of Black Lives Matter Houston). Since this statement was made, he states that he has grown and understands that is not the case.

However, earlier this month, McDougal said he believed a person who wore a Black Lives Matter t-shirt to a polling place committed electioneering, which is a Class C misdemeanor. McDougal compared this incident to a case in which wearing a MAGA hat was held to be electioneering. "I see no difference in that hat and this shirt," he wrote below a photo of the person wearing the Black Lives Matter shirt.

So, Mr. McDougal, you want members to believe that you have grown or changed?! First, being Black is not a political statement. It is a race of people who are diverse in their thoughts, political affiliation, and their heritage. The fact that a person's life matters is also not a political statement. I thought we all agreed that deaths like George Floyd mattered on both sides of the aisle. So that leaves me to ask, "What the hell were you thinking?"

You have had the opportunity to learn and see how the criminal system can be unfair to people of color. This knowledge, combined with your first statement, is as horrible as any statement that one could make about another race. So, in giving you the benefit of the doubt and hoping that you have grown leads us to look at your latest statement. Your recent statement is nothing more



than a watered-down version of your first statement. Once again, the fact that we are somehow joined to a political party by the color of our skin, and that the belief in the protection of life, places us on one side of a political party? These thoughts are as opposed to the Constitution that you have taken an oath to uphold, as the belief that all Americans should look the same.

As the President of the Texas State Bar, your job is to consider **all** of your members in your deeds and words. If these thoughts and views are what you truly believe, then you should voluntarily step down. A true leader would not seek to hurt or cause division in the very organization that they have taken an oath to protect.

The Texas State Bar should be leading the fight for equal justice under the law for all people, including the Black lives that have been wrongly killed at the hands of police officers. Rather than speak on the issue of whether a person wearing a Black Lives Matter shirt has committed a crime, you should use your influential pulpit to work tirelessly to support organizations, like BLM, to ensure that Black Americans receive the same protections afforded by the U.S. Constitution as other Americans.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Larry F. Taylor, Jr.', with a stylized, flowing script.

Larry F. Taylor, Jr.

**From:** [Mark Brown](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Agenda item #5; Mr Larry P. McDougal  
**Date:** Wednesday, July 22, 2020 5:07:45 PM  
**Attachments:** [Brown letter to SBT board regarding Mr. Larry P. McDougal\\_07222020.pdf](#)

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

SBT Board:

I attach my letter regarding Mr. Larry P. McDougal as a pdf.

Thanks.

Mark Brown

(Mark Adams Brown  
Attorney & Counselor At Law

[REDACTED]  
San Angelo, TX 76903

Voice [REDACTED]

Fax 325.659.6432)

MARK ADAMS BROWN  
ATTORNEY AND COUNSELOR AT LAW  
SAN ANGELO, TEXAS 76903  
MARKBROWN@BROWNLAWFIRM.NET

TELEPHONE: [REDACTED]

TELECOPIER: (325) 659-6432

July 22, 2020

Board of Directors  
State Bar of Texas  
Austin, Texas

Via e-mail

Re: Attorney & Counselor At Law Larry P. McDougal

Dear Board Members:

I am writing with dismay at the apparent rage over Mr. McDougal's July 10 online post about electioneering.

1. I don't believe that lawyers surrender their individual right of free speech when they agree to serve as a director or officer of the state bar. This applies especially to the right, and duty, to criticize in the lawyer's home county what could reasonably be viewed as unlawful government behavior.

2. Mr. McDougal's concern that the election official's attire was unlawful was a reasonable opinion expressed in reasonable language. For critics to characterize it as "shocking to the conscience" is absurd. To think it entitles anyone to extract concessions from Mr. McDougal, the board, or the bar, is preposterous.

3. Freedom of speech, and the importance of government employees obeying the law, must be honored in Texas by all public bodies, especially the state bar.

4. As public bodies subject to the First Amendment, the state bar and its board cannot be enforcers of political correctness. Nor can the state bar send members to political re-education camp. And please know that every state bar section must pledge that it will not act as a political or social advocacy group, SBT Board Policy Manual, September 2018. Part V, 5.01.02 (B) (8), though at least six

sections presently seem to be ignoring that.

5. Moreover, the state bar is actually supposed to stay away from divisive issues, as reflected in the board rules about not approving legislative proposals that are ideological or political<sup>1</sup> or substantially philosophically or emotionally divisive.<sup>2</sup>

6. Equal protection of the law is a defined legal concept. Diversity, inclusion, social equity, and microaggression are not.

7. The ethnic makeup of the state bar will approach that of the general population only when the out-of-wedlock birth rates equalize. Without their father in the home, children will often lack the financial stability, confidence, and motivation needed to become lawyers. That is where work is needed.

Respectfully yours,

A handwritten signature in black ink that reads "Mark Brown". The signature is written in a cursive, slightly slanted style.

Mark Brown

MB:mb

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<sup>1</sup> The board's rules forbid supporting legislation if it can "... be construed to advocate political or ideological positions." SBT Board Policy Manual, September 2018. Part VIII, 8.01.03 (G).

<sup>2</sup> The board's rules forbid supporting legislation where there is "potential of deep philosophical or emotional division among a substantial segment of the membership of the bar." SBT Board Policy Manual, September 2018. Part VIII, 8.01.03 (C).

**From:** [Marjorie Elaine](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Fw: 5 year old Facebook "stalking" of Larry McDougal  
**Date:** Wednesday, July 22, 2020 5:01:20 PM

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

Ps- note submission from ET zone, aka, timely with CT deadline. Thanks.

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**From:** Marjorie Elaine  
**Sent:** Wednesday, July 22, 2020 5:59 PM  
**To:** boardofdirectors@texasbar.com <boardofdirectors@texasbar.com>  
**Subject:** Re: 5 year old Facebook "stalking" of Larry McDougal

Very disappointed to learn of this witch hunt aka manufactured grievance. It's not much in "diversity" when free speech is muzzled and only the group think of the day is correct. It's not much surprise to learn Facebook figurs into this. One of the silenced. Sad.

**From:** [Marjorie Elaine](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Re: 5 year old Facebook "stalking" of Larry McDougal  
**Date:** Wednesday, July 22, 2020 4:59:34 PM

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

Very disappointed to learn of this witch hunt aka manufactured grievance. It's not much in "diversity" when free speech is muzzled and only the group think of the day is correct. It's not much surprise to learn Facebook figurs into this. One of the silenced. Sad.

**From:** [Nina Bujosa](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Steve Fischer & Larry McDougal Must Go Immediately  
**Date:** Wednesday, July 22, 2020 11:59:07 PM

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

Steve Fischer & Larry McDougal Must Go Immediately. They must be removed from their positions as a director and President of The State Bar of Texas.

The statements herein are my opinions.

There is nothing that can be said to in anyway justify or “white-wash” their statements as anything other than they are both are racists, bigots, misogynist, have mental issues, and don’t have the temperament or mental stability, to be a director and the President, of the State Bar of Texas. I don’t know which of the two is worse as they are both deplorable. I sincerely believe Steve Fischer needs mental help and someone close to him better act. He sends inappropriate private messages to people he doesn’t know, and writes a ton of very inappropriate, racist, bigoted, and misogynistic posts CONSTANTLY!! He has publicly attacked people constantly on Facebook postings with degrading, nasty, and questionable mentally insane comments. Here is quote by Steve Fischer in a very recent article in “Texas Lawyers”: “ “Sometimes, I enjoy taunting them, so they get angry at me,” he said. “If I had not taken Larry’s side, this would not have happened.”

When asked why he **acted offensive on purpose**, Fischer said he gets really passionate about defending his friends and defending free speech. “I get over-passionate, and I sometimes feel bad later,” Fischer said.” What normal person acts like that??? That is not a mentally stable person.

Larry McDougal’s piece that he wrote on the poll worker wearing the “Black Lives Matter” t-shirt — in which he played judge, jury, and executioner, and just crucified that poll worker and called for her to be arrested. He just plain acted like he was right on the law because he is Larry McDougal! (AND he wasn’t right on the law!!). He was arrogant and a douche bag in that post. I guess he thinks he is the ultimate authority on the law and what he says IS IT!! He also has that mentality that people, who should never be a law enforcement officer have. He is dangerous—and it is pervasive in his personality. He conceives himself as the law. His police perspective of the world is corrupt and shameful and dangerous.

Both have a toxic mentality.

Both Fischer and McDougal are unconscionable bullies. They are defective and deficient, inept, unfit, and incompetent, to be a director and the President of The State Bar of Texas, and should not and cannot represent us on the State Bar of Texas.

If they are not removed, I want my bar dues returned.

Thanks,  
Nina A. Bujosa  
Attorney at Law  
Texas Licensed June 1989

**From:** [Natasha J. Martin](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Comments on Larry McDougal  
**Date:** Wednesday, July 22, 2020 5:03:50 PM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)

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

Directors –

Thank you for your service to this state’s lawyers. I am submitting written comments in response to Larry McDougal’s recent and historical online statements regarding Black Lives Matter and other matters. His statements are highly offensive to me as an African American woman practicing in Texas and he is in no way qualified or fit to represent me or members of the bar like me.

His online comments are summarized here.

- 1. McDougal calling Black Lives Matter a political group (comparable to MAGA) and concluding that a black election poll worker wearing a BLM shirt was intimidating and committed a Class C misdemeanor for electioneering.*
- 2. McDougal claimed that BLM is a terrorist group.*
- 3. McDougal, a former police officer, and now a criminal defense attorney, shared a meme with a photo of police violence with the tagline “justice happens before the trial.”*
- 4. McDougal referred to a female member of the bar struggling with drug addiction as “hot” and as “having meth head written all over her.”*

These are jaw-dropping, racially insensitive, sexist, and inappropriate. We should expect better from our Bar President and of each other as bar members. I would not tolerate such behavior from a colleague or fellow bar member and the Board should not tolerate this behavior from its presiding officer. If this Board does not take some form of disciplinary action, that inaction sends an exclusionary message to me as a person of color and a woman. The actions taken by this Board are not reflective of Mr. McDougal’s poor and ignorant choices, they are reflective of this Board.

I would expect Mr. McDougal to resign. How can he equally serve members that he has alienated and offended? If he does not resign, I fully support the Board enforcing the call to action presented by the African American Lawyers Section of the State Bar.



Thank you for the opportunity to submit comments. The time is now to do better and be better for our bar members, and to set an example of equality for future lawyers to come. Mr. McDougal does not embody where this bar needs to be going.

Thank you,

**Natasha J. Martin** | Attorney

Office: [REDACTED] | Fax: 512.536.9939 | Cell: [REDACTED]

Austin, TX 78701



[www.gdlm.com](http://www.gdlm.com) | [Bio](#) | [LinkedIn](#)



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**From:** [Ouisa Davis](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Emergency Board of Directors Meeting 7/27/2020  
**Date:** Wednesday, July 22, 2020 5:25:12 PM  
**Attachments:** [Ltr to Board of Directors 7-22-2020.pdf](#)

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

I am attaching a letter to the Board of DIrectors.

Thank you,

Ouisa D. Davis  
Attorney & Counselor at Law

[REDACTED]  
El Paso, Texas 79901

Office: [REDACTED]

Cell: [REDACTED]

FAX 915/792-0582

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Thank you.

Ouisa D. Davis  
Attorney & Counselor at Law

[REDACTED]  
El Paso, Texas 79901

Office: [REDACTED]

Cell: [REDACTED]

Fax: (915) 792-0582

Email: [REDACTED]

July 22, 2020

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

VIA EMAIL: [REDACTED]

Re: Special Meeting of the State Bar of Texas Board of Directors  
July 27, 2020, online as per COVID guidelines

Esteemed colleagues:

I have been licensed by the Supreme Court of Texas and a member of the State Bar of Texas since November 1991. I love being a lawyer and admire and respect most of my colleagues. In the almost 30 years of my tenure, I have watched the various attempts at inclusion of disaffected and excluded members – the creation of the African-American Lawyers Section in 1992 stands out most clearly. But I have also witnessed the creation of sections to address minority issues, women's issues, issues facing disabled attorneys, mental health and alcohol abuse issues. Each time these types of issues were raised and addressed; I was filled with hope for long-term change.

In early July 2020, I received my print version of the Texas Bar Journal. On the cover was our newly installed President of the State Bar of Texas. I was pleased to see that Mr. McDougal, a sole practitioner, family and criminal defense lawyer, was beginning his leadership tenure of this organization. I believed that there would finally be a voice in State Bar leadership advocating for the sole practitioner, and movement in the on-going efforts toward diversity and inclusion in the committee selection process.

On July 10, 2020, while scrolling through the many lawyer Facebook groups administered or moderated by newly elected board members Steve Fischer, Andrew Tolchin, and Lucy Forbes, and others, I was shocked to see a post by Mr. McDougal wherein he singled out and provided an unsolicited legal opinion decrying a photograph of Black female citizen working in a polling place while wearing a Black Lives Matters t-shirt. His post stated that the Black Lives Matter organization was a political organization identified with a particular political party. His post cited to a statute. In that post, Mr. McDougal asserted his legal opinion that this young woman had violated the electioneering statute. His action subjected this unwitting citizen to possible criminal investigation and prosecution. And his legal opinion was wrong.

On subsequent days, several other Facebook posts by Mr. McDougal emerged supporting police brutality (2012), making misogynistic references to a female attorney including a reference to her as a “meth-head” (2014), and referring to the Black Lives Matters organization (a loose association formed as a non-profit organization) as a terrorist organization.

The July 10 post and subsequent discoveries occur in a time of pandemic and societal unrest. The societal unrest is due to the brutal law enforcement murders of citizens of this country and calls by the community for significant reform of the criminal justice system. It is a time for cool leadership and not agitation.

The various Texas lawyer Facebook group conversations erupted into discussions about societal issues on race, sexism, and general discrimination and calls for understanding of diversity issues and reform.

These should all be appropriate conversation topics on any discussion group involving lawyers. But the posts of proponents of these three topics were deleted by the administrators of the group and many Black members were removed. Many of these discussions descended into racist commentary and misogynistic diminishment of the people supporting a view in favor of female, Black, and Hispanic lawyers calling for clarification and an apology from our duly elected State Bar president – who is supposed to lead us, who is supposed to represent all of us, And who demonstrated less than a month after his induction, that he does not care about the conflicts or discrimination that we experience.

I was continually shocked at the lack of willingness of many colleagues to consider the reality that:

- 1) the BLM movement is not “a terrorist organization,”
- 2) that there is a clear need for reform of the criminal justice system at all levels, and
- 3) law enforcement tactics involving excessive use of force in unwarranted situations requires immediate attention and reform.

I was appalled at the “shut-down” of young lawyers asking valid questions, looking for mentorship, begging for leadership in crafting a response to incidents of racism that they have experienced as law students, in the courtroom from colleagues and judges, and in social settings.

I was amazed at the lack of awareness of senior attorneys and Bar leaders in the language they employed in responding to the racial issues that our country is currently called upon to address, especially around the issues of law enforcement reforms in the use of excessive force.

These Facebook groups were used to promote the candidacy of many newly elected Bar leaders, including Mr. McDougal. The existence of these groups were promoted as a member benefit to State Bar members. CLE credit (3 hours, 1 hour ethics) is available as self-study credit to participants. There is an implicit relationship between this Facebook groups and the State Bar of Texas, no matter how loudly the relationship is denied.

Here are a few ways that meaningful change can be realized from this debacle:

## 1. Amendment of the Texas Rules of Disciplinary Procedure

While a commitment to work toward diversity and inclusion is included in the mission statement of the State Bar of Texas, it remains an aspirational goal. It is not carried over into the aspirational Texas Lawyers Creed. It is not a standard of conduct in the rules of Texas Rules of Disciplinary Procedure. The only provision remotely related to the issues of diversity and inclusion is in Section 5.08, which states:

a) A lawyer shall not willfully, in connection with an adjudicatory proceeding, except as provided in paragraph (b), manifest, by words or conduct, bias or prejudice based on race, color, national origin, religion, disability, age, sex, or sexual orientation towards any person involved in that proceeding in any capacity.

(b) Paragraph (a) does not apply to a lawyer's decision whether to represent a particular person in connection with an adjudicatory proceeding, nor to the process of jury selection, nor to communications protected as confidential information under these Rules. See Rule 1.05(a),(b). It also does not preclude advocacy in connection with an adjudicatory proceeding involving any of the factors set out in paragraph (a) if that advocacy:

- (i) is necessary in order to address any substantive or procedural issues raised by the proceeding; and
- (ii) is conducted in conformity with applicable rulings and orders of a tribunal and applicable rules of practice and procedure

This rule does not reach conduct outside of an adjudicative proceeding. It does not create a standard of conduct for judges and attorneys to relate to one another or society at large. It is high time that the Model ABA Rule of Professional Conduct relating to discriminatory conduct and language be included in the Texas Rules of Disciplinary Procedure.

## 2. Create Space for Real Diversity and Inclusion

It is high time that the State Bar of Texas make meaningful its aspirational commitment to diversity and inclusion. Rather than suggesting that bar members “run for office,” I would suggest that committee should be made up of representatives from each diversity committee or section rather than by appointment by the President. The former method would ensure diversity and inclusion in every State Bar committee, as opposed to the latter which continues to ensure exclusion.

## 3. Diversity and Implicit Bias CLE

In order to reflect upon our attitudes and contributions to this cultural climate, I recommend that 4 hours of mandatory CLE on diversity and implicit bias be included in the current CLE platform. This was done previously in the days of sexual harassment lawsuits filed against lawyers, law firms, and judges. It has been done for the TLAP program. It's time that we

address the historical systemic racism and implicit bias issues within the Bar and bar membership.

#### 4. Task Force to Implement Recommendations

Finally, I submit that, before creating task forces in a knee-jerk reaction to Mr. McDougal's highly inappropriate history and conduct, the Bar leadership needs to hear from the impacted community – women, Black lawyers and judges, attorneys suffering from a disability – to fashion the remedy appropriate to this situation. It won't be in a one-day listening session. It will take a lot of work.

These are just a few of the many steps the Bar can take to respond to the call to action expressed by so many of our colleagues.

I don't know whether or not Mr. McDougal should resign. There is no mechanism for his removal from office. But this is a moment for the Bar – one that can really make a difference in the fabric of the legal community of Texas. The Bar is a microcosm of the larger world and we can really make some change here.

Mr. McDougal's social media presence and the conduct in his defense are symptoms of a larger cultural problem in society, reflected in within the State Bar membership.

As a person licensed since November 1991, there have historically continued to be systemic issues in the Bar structure. Also, the implicit bias expressed in social media and around the water-cooler by people who are supposed to be colleagues, judges and other members of the legal community, coupled with the ability of law enforcement to treat citizens as "less than" based upon the statistical information available and the obvious outcome of "lethal force" encounters, underscores the need for systemic change in society. The same is true for the Bar.

This is a wake-up call for all of us. Are we listening?

As lawyers, we are called to be more. Pain and injustice in the Black community, and the Black community of lawyers, has been inflicted by people who are supposed to stand for something better, something more pure and just, the concept of forming a "More Perfect Union." I took and continue to take my oath of office seriously, I adhere, to the best of my ability, to the Texas Lawyers Creed, and I work diligently every day to demean myself in the practice of the law and to support the Constitution of this State and the United States. I hope we all do.

It is my firm belief that leadership is not "won" but earned. Trust is implicit in the votes cast for our leaders in society, government and the State Bar. Anyone who holds themselves forth as available for and willing to stand in leadership speaks for more than themselves. Therefore, when an elected "leader" demonstrates implicit bias or, as in this case, explicit bias, they must be accountable to their constituency. Any attempt at reform must be sincere. An apology issued because they were "caught" must be coupled with actions toward a cure.

Perhaps we are willing to give Larry McDougal an opportunity to cure. But actions speak louder than words. Even biblical justice includes recognition of fault - by commission or omission, repentance for fault, and conversion - overt concrete actions to cure the impact of that fault.

Historically, lip service has been paid to issues of sexism, gender discrimination, sexual harassment, racism, ethnic discrimination, and exclusion within the bar and within the Bar structure. Setting up committees, the creation of "sections," and "divisions," and task force recommendations that are never meaningfully implemented do nothing to address the attitudes prevalent in many State Bar members. Until there are teeth in the anti-discrimination policies and statements, they remain simply aspirational.

It's time that color/gender-blind standards are adopted in the rules of professional conduct so that there are consequences to flippant discriminatory, misogynistic and racist statements by leaders and members of the State Bar.

We can do better. It's time that we take steps to make non-racism, non-discriminatory, non-sexist conduct of the Bar mandatory. I am willing to work with the State Bar leadership in any capacity in which my gifts may be useful toward that end.

Thank you for your courtesies in and attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ouisa D. Davis". The signature is written in a cursive, flowing style.

OUISA D. DAVIS

**From:** [Atty Garcia](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Fwd: Written comments - President Larry P. McDougal  
**Date:** Wednesday, July 22, 2020 5:03:05 PM

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

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

**From:** Atty Garcia [REDACTED] >  
**Date:** Wed, Jul 22, 2020 at 4:50 PM  
**Subject:** Written comments - President Larry P. McDougal  
**To:** <[amystarnes@texasbar.com](mailto:amystarnes@texasbar.com)>  
**Cc:** <[boardofdirector@texasbar.com](mailto:boardofdirector@texasbar.com)>

Friends,

When an action is taken against an individual--rightfully-elected to an honorable position--based on legally-sound personal comments, I fear what would become of those who are not in the public spotlight who get caught up in a similar situation.

This action is a clear example of being penny-wise but pound foolish.

At a time that people are losing their jobs, homes, and hope, this is the best the Bar can do? Ignore the real problem facing Texas--and Texas lawyers, and instead force Mr. McDougal to make extra-ordinary penance?

This brings to mind a very profound saying once uttered by one from Galilee:  
"The one without fault, cast the first stone."

Thank you for your time.

-Ruben Garcia, Attorney-At-Law



**From:** [Robert Pelton](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Board Meeting Inquiry ----LARRY MCDUGAL  
**Date:** Wednesday, July 22, 2020 8:13:40 PM

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

FELLOW LAWYERS AND OTHERS---I have know Larry McDougal for at at least 30 years..NEVER in that time have I ever found him to be insensitive to his fellow man or woman no matter their color or religion.In 2011,I created a Ethics Hotline for Criminal Lawyers and have worked closely with Ellen Pitluk--I have been a lawyer since 1975 and have been president of Harris Co Criminal Lawyers Assn,associate director of TCDLA.I have an Ethics committee made up of lawyers i consider to have the highest of ethical standards....Larry McDougal was one of my first choices and remains on the committee if he can as president of State Bar...I was the personal lawyer for Marvin Zindler.I have recently created the Criminal Law Institute with Judge TEd Poe and my brother Joe Pelton for the education of lawyers...I know we all make mistakes and say things we later regret...To punish Larry McDougal for something he did or said years ago would be a terrible mistake and injustice...As lawyers we are seeking Justice and I know Larry McDougal seeks justice for all his clients no matter their religion or color...I am asking you in the interest of Justice to allow this Honorable man to continue his work as State Bar President-----  
Respectfully.Robert Pelton

From: [William D Sutton](#)  
To: [BoardofDirectors](#)  
Subject: Board Meeting Inquiry  
Date: Wednesday, July 22, 2020 6:01:51 PM

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

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

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

Re: Larry McDougal

Dear Directors,

I am a member of the Bar writing this email to express my view regarding the pending hearing on Larry McDougal's Facebook post of July 10, 2020 relating to the Black Lives Matter tee shirt worn in a photo posted by Inside Fort Bend Courts. I have reviewed the post and do not consider it to be racist or offensive. Consequently, I do not believe that the Board should consider or take any adverse action against Mr. McDougal based on this post.

If the post was made to impugn the Black Lives Matter movement (BLM), this would be an entirely different matter. However, he does not make any negative comments about BLM at all. In his post he simply claims that BLM has an affiliation with a political party. Which, if true, could be reasonably interpreted that the tee shirt is electioneering. This is not racism. If a senior leader of Bar sees what he or she considers to be a violation of the law and does nothing, I would be concerned about his or her character. However, here our President called out what he believed to be wrong. In that sense, I am proud that he would he would address the issue and not be silent. That said, It is regrettable that he chose a forum such as Facebook rather than calling in the appropriate officials to review the situation and resolve it.

We need the Bar and its leaders to stand firmly for diversity, racial equality, equal justice and the rule of law. I do not view his actions, particularly in view of his apology, to be cause for the Board to censure or remove Mr. McDougal. However, the Board should carefully review, and if necessary update, its social media policy to insure that issues like this are unlikely to reoccur.

The State Bar is not a howling mob. As lawyers, we do not rush to judgment. I am in total support of the Bar working actively for more racial inclusion, diversity and equality, but if we start down the path of convicting a lawyer for stating a legal opinion, we do grievous damage to both the lawyer and the law.

Sincerely,

William D. Sutton  
State Bar No 19539600