

From: [Rebecca Lightsey](#)
To: [BoardofDirectors](#)
Subject: Support the removal of Mr. McDougal as Bar President
Date: Thursday, July 23, 2020 3:36:46 PM

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

Dear Members of the State Bar Board,

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

At a time when the State Bar is working to address past injustices and racial discrimination that Black attorneys and other people of color have faced in the legal profession, Mr. McDougal is unfit to lead.

He has shown a gross mischaracterize of the Black Lives Matter movement to label it a terrorist organization.

The entire legal profession has much work to do to address racial inequality. As such, I strongly support the creation of a task force on diversity, equity and inclusion.

As a white woman who recognized the privileges my race bestows on me, it would be unconscionable for me to remain silent on this matter. Please remove Mr. McDougal from his position and create the Task Force.

Respectfully,

Rebecca Lightsey

Attorney

From: [Steven Denny](#)
To: [BoardofDirectors](#)
Subject: Support of Larry McDougal
Date: Thursday, July 23, 2020 12:32:22 PM

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

Please note my support of Larry McDougal at the specially called meeting. I have reviewed all the materials the individuals are complaining of. I agree with Larry's assessment that BLM is a political organization and wearing of the shirt in a polling place could be found to be improper by a court. It was clear to me that he was making an informed legal opinion in a private forum as an attorney and not speaking for the bar as a whole. I cannot say the same with several activist employees who have made blanket statements online, to the media, and to the bar attempting to use their positions to sway the committee and others. I do not find issue with the other posts and would note that they were made prior to his election and should not even be addressed by the bar. The attackers have labeled Larry as racist and I have not seen one shred of evidence that supports those attacks. I am personally familiar with Larry and know him to be of high moral character and an asset to the bar and the practice of law. To give voice to these politically motivated attackers is a waste of bar resources. In short, if they don't like that a conservative was elected president, they should have researched, voted, and participated in the process.

Steven Denny SBN 24005798

From: [Sherelle Sanders](#)
To: [BoardofDirectors](#)
Cc: [Sherelle Sanders](#)
Subject: SBOT President Larry McDougal - written comment and call for understanding and grace
Date: Thursday, July 23, 2020 12:18:52 AM

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

Dear Board,

I find myself typing this email close to midnight. My intent was to send this written comment approximately a week ago but I decided to take a pause. I wanted my comments to be deliberate and not simply reactive. I am an African-American woman who has practiced law in the State of Texas for twenty years. In that time, I have endured some things that I believe were motivated by race such as having a client refuse to meet with me until the senior (male and white) attorney arrived to being told more times than I can count that “you speak so well”. Yet, I find myself hoping grace can and will be extended to Larry McDougal.

I do not know Larry McDougal well but I do know him. I don’t know him well enough to know what is in his heart. Really, does anyone? What I know is when I reached out to him for help, he offered it. I am and will always be grateful for that. I read the posts from Larry regarding Black Lives Matter as well as others shared by members of the Bar via Facebook. I listened to Larry’s apology. It is my understanding that he is recuperating and trying to maintain his health while dealing with this crisis, arguably of his own making. Personally, I choose to address the comments regarding Black Lives Matter only. My rationale is simple. I am uncomfortable with the idea of combing through anyone’s past to find comments or posts that have been shared without context. Human beings are emotional creatures and I don’t know many people, including myself, who could withstand that test without something to answer for.

As to Black Lives Matter, Mr. McDougal’s comments caused me to ask myself....what does Black Lives Matter mean to me? In truth, I don’t think there is an easy answer. Why? Because there is Black Lives Matter the motto/mantra and Black Lives Matter the movement. I realized that for me, and most people I know, the answer is a little bit of both and, therefore, complicated. For me, Black Lives Matter means just that – the lives of my family, my friends, myself should matter. The movement is simply that others will be moved to agree and treat us with respect and dignity. I did not consider it in terms of politics. I don’t know if that is naïve on my part or simply the selectivity my life in the suburbs and comfortable surroundings have afforded me, despite by Blackness.

What I can and will share is that Larry McDougal’s post and the comments that followed prompted me to pull up Black Lives Matter’s website and something caught my attention almost immediately. The website prominently contains the following:

HELP US FIGHT DISINFORMATION

We need to see what you see. Black Lives Matter is a central target of disinformation and you are a key line of defense. Report suspicious sites, stories, ads, social accounts, and post about BLM. **HELP**

US

I find the above statement posted on their website to be telling. If Black Lives Matter readily admits it is a target of disinformation, it is no surprise that people can and have fallen for the campaign of disinformation. It is not a surprise that disinformation has been shared. No? It seems the appropriate response to disinformation is accurate and truthful information. That is where I come down on this. Again, none of us can know what is inside Larry's heart but I think if any person is willing to listen and learn, shouldn't they be given the chance? I fully support the Bar giving Larry McDougal a chance to further educate himself and prove that he is ready and capable to represent the diverse Bar we are all blessed to be members of.

Thank you for consideration of these comments.

Respectfully submitted,

Sherelle Sanders | Partner

Martin, Disiere, Jefferson & Wisdom, LLP

Houston, Texas | 77002

| Fax: (713) 222-0101

| www.mdjwlaw.com

Kaye Ellis Stone

Attorney at Law

Conroe, Texas 77384

• Fax: (936) 267-0150

July 23, 2020

To the Board:

Recently, I spotted a T-shirt for sale that simply states, "Make 1984 Fiction again." It doesn't look like we're making much progress in that regard.

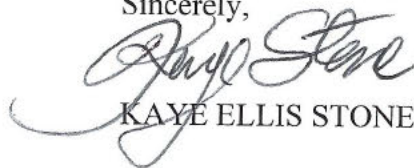
I have never met our current State Bar President, Mr. McDougal, but the m/o of "running out of town on a rail" seems pretty obvious as the speech police, thought police, and self-appointed race police strike again, as they have been steamrolling throughout our State, country, and other parts of the world to cancel/invalidate any and all duly elected representatives who do not kneel to their demands, or, more importantly, even if they do kneel to their demands, as many officials and business leaders have discovered.

I have reviewed the Board packet as currently constituted for your July 27, 2020 meeting. It appears that besides terminating our duly elected President, it has been proposed that all lawyers in Texas be required to study how racist and unenlightened we all are as part of our CLE requirements.

As a licensed attorney for 43 years, and a Board Certified criminal defense attorney for 20 plus years, it gravely offends me that anyone would presume to subject me to their lectures on "wokeness". Beyond that, I see no legal basis whatsoever for the Board of Directors to sit in judgment on Mr. McDougal and have a summary impeachment trial to remove him. If he's so bad, have all Texas attorneys revote to see if the majority wants him to stay on--oh, wait, only the self appointed righteous ones can decide this, right?

Common sense is severely lacking in how these "complaints" about Mr. McDougal are being handled. I hope enough of you will come to your senses and stop this madness. This knee-jerk intimidation and mob rule needs to stop right now.

Sincerely,



KAYE ELLIS STONE

From: [Jennifer Jackson](#)
To: [BoardofDirectors](#)
Subject: Regarding: Larry McDougal
Date: Thursday, July 23, 2020 12:29:30 PM

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

To Whom It May Concern:

I am writing to express my disapproval of the posted remarks by the State Bar president regarding a t-shirt with the saying "Black Lives Matter" being electioneering.

Regardless of the capacity in which Mr. McDougal claims to have made his comments, his position as State Bar president makes him a public figure representative of the State Bar and what he expresses publicly matters. "Black Lives Matter" is a movement, and members of both the Republican and Democratic parties support that movement. To attempt to politicize the movement is frankly only something I have heard my, shall we say, less anti-racist friends and colleagues say, and those are people who consume a particular type of media. For the State Bar president to call the movement electioneering politicizes the movement in a way that diminishes it. It's the wrong thing to do, especially when you supposedly represent the entire State Bar-- lawyers who are all races, sexes, and sexual orientations. Furthermore, in Texas, the job of determining whether something is electioneering by law falls with the Election Judge and is not determined by the opinions of outside counsel. He had no business weighing in on that issue.

I would ask for the resignation of Mr. McDougal as State Bar president.

Very Respectfully,

Jennifer Rogers Jackson
Bar No. 24036829

MERRILL & ASSOCIATES

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ROGER L. MERRILL



July 23, 2020

Board of Directors
State Bar of Texas
boardofdirectors@texasbar.com

Re: Larry McDougal

Dear Directors:

The Bar should not sanction Larry McDougal. I am a 1992 graduate of UH Law and have been practicing litigation ever since. Below are some thoughts in support of my opposition to sanction.

The agency described BLM as "an umbrella term for a constellation of ideas, objectives, and groups," and said the most prominent organization under that umbrella, the Black Lives Matter Global Network, is a chapter-based group whose goals include eradicating white supremacy. . . . Like any number of prominent politically active organizations—such as the National Rifle Association and Planned Parenthood—BLMGN is popularly associated more frequently with one political party versus another.

Trump has tried to make 'Black Lives Matter' a partisan issue. A federal agency says it's not. **POLITICO** - Nolan D. McCaskill 07/16/2020 12:18 PM EDT

Yes, there are some Republicans who support BLM, but it has much broader support with Democrats. Some voters might perceive a BLM t-shirt as a Democrat show of force. Regardless, Larry McDougal, like any other lawyer, is entitled to draw legal conclusions. Lawyers often find themselves on the wrong side of a legal issue. Sometimes as advocates knowing their arguments are tenuous and other times caught up in the Kool-Aid they've

stirred up. Fortunately, the law usually finds a way of aligning with fairness and justice. Mercy too every now and then. Here there's no miscarriage of justice, just a legal opinion that probably would not withstand strict scrutiny. Haven't we all been there at one point or another?

Assuming that McDougal's opinion regarding BLM is similar to President Trump's, it's concerning that we find a substantial number within our Bar saying McDougal is unfit for office for thinking more poorly of BLM than its supporters will countenance. Is the opposition founded at least in part in politics? He's too much like Trump? Must someone be labeled a racist or unfit for office if he says I like black people just like any other people, but disagree with BLM. Must our Bar President be a BLM believer? BLM is an amorphous movement with deep roots in Marxism. So, someone, like McDougal, could reasonably conclude that it involves terrorism.

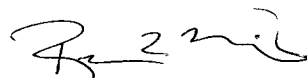
Philosophy, of course, is simply a mental exercise, except for students who must lug around thick tomes of deep thoughts. It is the application of ideology in real time where the concept meets the concrete or, as in recent practice, where brick collides with window. The engine of "progress" in the Marxist worldview is the dialectic – or conflict – which is the clash of ideas and people. Marxists hope that when the smoke clears following their riots, something new and better is formed.

Americans watching the Black Lives Matter demonstrations on TV have been witnessing the handiwork of "trained Marxists" practicing the dialectic. The hair-trigger harpies screaming obscenities in the faces of police officers attempting to keep the peace, the masked bullies yanking down statues of historical figures, the hooded guerrillas hurling Molotov cocktails – all are putting Marxist ideology into action.

The matter of Marxism: Black Lives Matter is rooted in a soulless ideology. **THE WASHINGTON TIMES** – Monday, June 29, 2020

The social justice warriors who favor BLM are now screaming for censorship of McDougal for not bending a knee to BLM. In their view, it's progress. I am concerned that such "progress" stifles freedom of discourse.

Yours very truly,



Roger L. Merrill

COATS | ROSE

A PROFESSIONAL CORPORATION

BEN L. ADERHOLT

FAX: (713) 651 0220

July 23, 2020

Mr. Larry McDougal
President, State Bar of Texas
1414 Colorado
Austin, Texas 78701

Re: Resign Now

Dear Mr. McDougal:

Your description of Black Lives Matter is unacceptable. The moral leadership we must have right now in our legal community is paramount. You can no longer provide that example nor will you be believed. Consequently, your service is ineffective.

I know. I served as President of the Houston Bar Association and as a Director of the State Bar of Texas.

Resign now.

Respectfully,



Ben L. Aderholt

BLA:tlp

cc: HBA President

Houston, Texas 77002

HOUSTON, TEXAS 77046

FAX: (713) 651-0220

WEB: www.coatsrose.com

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MARION T. KEY
(1917 -2004)

ROGER A. KEY
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* Gary R. Terrell, P C
† The Seger Firm P C

July 22, 2020

Via Email: boardofdirectors@texasbar.com

Board of Directors
State Bar of Texas
1414 Colorado
Austin, Texas 79701-1627

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

My thoughts are with you during these challenging times for the State Bar of Texas and in particular during your meeting on Monday, July 27, 2020, as you consider the recent social media postings of our President, Larry McDougal, as well as those of other directors.

First, let me say that I unequivocally denounce any form of racism, or other prohibitive form of discrimination. Rather, I strongly support diversity within our Bar Association and believe that the makeup of our membership should much more closely represent the demographic and ethnic diversity of our State. Those groups who have traditionally not been encouraged to enter the legal profession should be encouraged to do so and should be voluntarily assisted by those of us who have been fortunate enough to have been allowed to serve as attorneys for a number of years. If we are truly to be advocates for justice, then it is imperative we, as a profession, ensure that our profession includes members of all different ethnic and other diverse backgrounds.

I have known Larry McDougal since 2012 when we were newly elected District Directors of the State Bar of Texas and served with him through 2015. I had the privilege of being elected and served as Chair of the Board during the Bar year of 2014-2015. During that time, I observed Larry's growth as a Director and advocate for the State Bar of Texas. Initially Larry was perhaps a bit skeptical of the State Bar of Texas and its activities, but I watched him transition into a strong, effective advocate for the State Bar of Texas. Larry's outstanding service to the Board and our profession led me to present him with a third-year Board Member Award. After the conclusion of our term on the State Bar Board, Larry continued in his avid support of our profession and contributed in multiple ways, including numerous CLE presentations and other Bar activities. During the time I have known Larry, as a criminal defense lawyer he has always fought to protect the rights of individuals. I do know that he is an individual who strongly expresses his own personal beliefs.

Unfortunately, Larry's recent social media post, as well as posts made well prior to his election as President-Elect of the State Bar of Texas, have been divisive, hurtful, and many consider them to be inappropriate, particularly for one in the position as President of the State Bar of Texas.

It is important to remember that Larry was asked to interview for the position of President-Elect, was interviewed by the Nominations Committee, vetted and nominated to run for that office and was elected by the majority of members of our association who voted. I find it anti-democratic, shortly after his taking office, to demand his resignation or removal for having made what many would find to be inappropriate social media posts. Unfortunately, the current situation is one which would discourage anyone from allowing their name to be submitted for consideration as a candidate for President-Elect for fear that anything they might say could be deemed to be unacceptable thereby subjecting them and their career to a multitude of attacks and disparagement. One of my personal shortcomings is my undying loyalty to friends and those I respect. Although I disagree with some of Larry's Facebook posts, I feel that it is inappropriate to demand his resignation or his removal. I strongly believe that Larry still has much to contribute to our profession and the State Bar of Texas and when requested, I agreed to write this letter of support.

Given the current challenges which unified/mandatory bar associations are facing throughout the nation and in Texas in particular, I would strongly urge the Board to carefully consider in its deliberation the long-term effect your decision will have upon the State Bar of Texas. The handling of this incredibly difficult and important decision could unwittingly provide ammunition to those who would do away with unified/mandatory bar associations which, in my opinion, would result in our association becoming a State agency, subject to the whims of elected officials, rather than a self-regulated profession.

And where does this end? Without expressing an opinion as to the content of Larry's comments, I would note that as a general matter, we are an organization of lawyers, all of whom are officers of the Court. And as such, we have a duty to zealously protect and defend our treasured First Amendment liberties which, among other things, protect the rights of private citizens to engage in all manner of political speech and discourse. And it is clear that Larry was making these comments in his capacity as a private citizen. So what does it say about our organization if we begin tossing out our duly vetted and elected officers because we do not like the political viewpoints that they hold, however odious those viewpoints may be. That would only beget divisiveness and risk tearing our organization asunder. Would we then have a Liberal Bar association and a Conservative Bar Association? A Christian Bar Association or one for Hindus? There is nothing that mandates or prevents the Legislature from requiring a single bar association. And the deeper we delve into these "culture wars" the more we undermine the purpose of the State Bar as a unitary and non-political organization for the self-governance of the members of our chosen profession.

All of us can learn from this experience, and in particular, to be more sensitive to the feelings of all members of our profession, all of those who would aspire to become members of the legal profession, and our perception by the public we serve. Hopefully, the collective wisdom of the Board will find a solution which addresses many of the concerns of the various bar sections, various local bar associations, as well as individual members of our profession who have expressed disapproval of our President's actions. With an excess of 105,000 members, it is impossible to please all of our members in any resolution of this current challenge. However, please use this as an opportunity to begin healing the wounds which currently exist within our profession.

Nothing in this letter should be construed as stating the position of any organization to which I belong and is merely an expression of my own personal views and not that of any other group or individual.

Thank you for considering my comments and thank you for your service to the State Bar of Texas.

Sincerely yours,

A handwritten signature in black ink, reading "Roger A. Key". The signature is fluid and cursive, with the first name "Roger" being the most prominent.

Roger A. Key

RAK/jes

From: [N Prieur](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Thursday, July 23, 2020 3:35:26 PM

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

This is absurd.

Black Lives Matter is considered a terrorist group, and anti-government group. Mr. McDougal should not be removed from his position.

He should not be judged and bullied into shutting up about what is wrong or right. He has his freedom of speech. HE HAS RIGHTS and A VOICE. He should not be pushed into silence because everyone is taking this so political. Black Lives Matter thinks everything is racially motivated.

I will be truly disappointed if you follow the radical left political agendas.

Nathalie

--
N

From: [Yolanda Cortes-Mares](#)
To: [BoardofDirectors](#)
Subject: Fwd: statement regarding Larry McDougal
Date: Thursday, July 23, 2020 9:50:10 AM
Attachments: [Screen Shot 2020-04-23 at 6.12.15 PM.png](#)

All,

I received the email below from one of the attorneys in District 8.

Best wishes,

Yolanda Cortes Mares
Attorney at Law

Temple, TX 76502



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Begin forwarded message:

From: scott [REDACTED]
Subject: statement regarding Larry McDougal
Date: July 21, 2020 at 3:38:56 PM CDT
To: [REDACTED] [REDACTED]
[REDACTED]

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

Dear Ms. Cartes-Mares,

I 100% support Mr. McDougal. He has his opinion as every other attorney and citizen.

Scott H. Wilkerson
Attorney at Law

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Cc: [REDACTED]
Subject: Fwd: Letter of Support for Larry McDougal-Board Meeting Inquiry
Date: Thursday, July 23, 2020 10:45:42 PM

Begin forwarded message:

From: Michelle Fulton [REDACTED]
Date: July 23, 2020 at 10:09:07 PM CDT
To: Amy Starnes [REDACTED]
Subject: Letter of Support for Larry McDougal-Board Meeting Inquiry

*** 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 as 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 a 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 are 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. 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 oath 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 he 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

*****Please Note New Mailing Address*****

The Fulton Law Firm, PLLC

League City, Texas 77573

PH:

Office Cell:

Email:

EService

email:

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From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Special Meeting of the State Bar Board
Date: Thursday, July 23, 2020 2:39:38 PM

From: JOHN BEESON [REDACTED]
Sent: Thursday, July 23, 2020 1:17 PM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Re: Special Meeting of the State Bar Board

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

I stand with McDougal, and his first comment, JohnS.Beeson 02043000

On Jul 21, 2020, at 12:19 PM, State Bar of Texas <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 amystarnes@texasbar.com or call Public Information Director Amy Starnes at 800-204-2222, ext. 1706 (toll free) before 5 p.m. CDT on July 24. Please provide the agenda item number you wish to speak on.

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

State Bar of Texas
1414 Colorado
Austin, Texas 78701



From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Public Comment: Resign
Date: Thursday, July 23, 2020 9:07:42 AM

From: Webmaster <Webmaster@Texasbar.com>
Date: Thursday, July 23, 2020 at 9:03 AM
To: Lowell Brown [REDACTED]
Cc: Amy Starnes [REDACTED]
Subject: FW: Public Comment: Resign

Joanna Herzik
State Bar of Texas
TexasBar.com

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

From: [REDACTED]
[REDACTED]
Sent: Thursday, July 23, 2020 7:16 AM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: Resign

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

Contact

First Name	David
Last Name	Jacobson
Email	[REDACTED]
Member	No

Feedback

Category	General Comments/Feedback
Subject	Resign
Department	Executive

Comments

The president needs to resign now.

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Public Comment: Our Current State Bar President. Larry McDougal
Date: Thursday, July 23, 2020 12:42:28 PM

From: [REDACTED]
Sent: Thursday, July 23, 2020 11:59 AM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: Our Current State Bar President. Larry McDougal

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

Contact

First Name	Paul
Last Name	Hoefker
Email	[REDACTED]
Member	Yes
Barcard	09772800

Feedback

Category	General Comments/Feedback
Subject	Our Current State Bar President. Larry McDougal
Department	Executive

Comments

I just saw the article in the Houston Chronicle, and I want to say that I fully support Larry McDougal. Every person in the USA is entitled to his or her opinion. I am not going to be swayed by any over-bearing group of sections of our bar association. Mr. McDougal was duly elected our State Bar President, and McDougal must be allowed to serve our his term.

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Public Comment: Larry McDougal
Date: Thursday, July 23, 2020 12:03:49 PM

From: [REDACTED]
Sent: Thursday, July 23, 2020 10:29 AM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: Larry McDougal

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

Contact

First Name	Lucy
Last Name	Seward
Email	[REDACTED]
Member	Yes
Barcard	-18052500

Feedback

Category	General Comments/Feedback
Subject	Larry McDougal
Department	Executive

Comments

McDougal's comments regarding BLM constitutes hate speech. He should resign.

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Public Comment: Larry McDougal Sr.
Date: Thursday, July 23, 2020 12:02:43 PM

From: [REDACTED]
Sent: Thursday, July 23, 2020 10:09 AM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: Larry McDougal Sr.

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

Contact

First Name	Kitty
Last Name	Schild
Email	[REDACTED]
Member	Yes
Barcard	17745800

Feedback

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

Comments

I have just read about comments made by Mr.McDougal. I, for one, am sick and tired of people who make racist and misogynistic statements and then try to excuse and "apologize" for their remarks by claiming that they didn't intend them to offend anyone. Mr. McDougal, what exactly did you intend by calling BLM a terrorist organization? Were you declaring your support of terroristic groups? Or perhaps supporting terrorism in general? I think that we all agree that you absolutely intended your words to be offensive to BLM and the people who supported them. When you called a fellow attorney "hot" were you referring to her temperature? When you followed up that description by calling her a "meth head", were you trying to say that being a "meth head" was even better than being "hot"? Again both of those remarks were intensely offensive and bothersome and I think that you were very aware of that when you made them. Defending yourself by pointing out that you weren't State Bar President at the time may be the worst thing of all. What you want us to believe is that it is okay for you to have said or written any number of intensively offensive words and statements, but that being anointed SBT president has absolved you of all your past sins. Mr. McDougal, please resign immediately from your position as SBT president. Mr. McDougal, you make me ashamed to be a member of the State Bar of Texas.

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Keep McDougal
Date: Thursday, July 23, 2020 6:14:24 PM
Attachments: [image003.png](#)
[image005.png](#)
[image007.png](#)
[image008.png](#)
[image015.png](#)
[image017.png](#)
[image004.png](#)
[image006.png](#)
[image010.png](#)
[image012.png](#)
[image014.png](#)

From: Richard Hayes [REDACTED]

Date: Thursday, July 23, 2020 at 3:13 PM

To: Amy Starnes [REDACTED]

Cc: Larry McDougal [REDACTED]

Subject: Keep McDougal

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

I am Richard D. Hayes a 40+ year attorney, past President of the Denton County Bar Association, Board Certified in Commercial & Residential Real Estate, Super Lawyer and AV rated. I have never met Larry McDougal. Probably never will. But I want the State Bar and President McDougal to know that most lawyers I've talked to believe the critics calling for resignation is another example of feigned indignation. There are more lawyers out here that support President McDougal and want him to stay as President of the State Bar. Let the whiners whine. His comments were not out of line. There is a significant number of BLM participants that are not just protesting police brutality (which there is no place for and I am sure as a Criminal Lawyer President McDougal has had clients over the years that faced that circumstance), but they are regularly engaging in violent and criminal acts of burning buildings, police vehicles, private businesses, assaulting innocent bystanders and have even killed people. I'm sure as a Criminal lawyer that President McDougal has encountered and withstood criticism before. This is so unjustified. I hope that he stays strong and if there is anything I or my ten person law firm can do to support him, I would like someone to please let me know.



Richard D. Hayes

Partner

Hayes, Berry, White & Vanzant, LLP



[REDACTED]



[REDACTED]



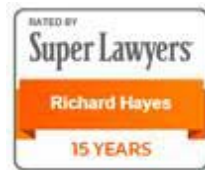
[REDACTED]



www.hbwvlaw.com



[REDACTED], Denton, TX 76201



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From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: In support of Larry McDougal
Date: Thursday, July 23, 2020 7:27:36 AM

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

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

From: Trey Apffel <Trey.Apffel@TEXASBAR.COM>
Date: Thursday, July 23, 2020 at 6:51 AM
To: Lowell Brown [REDACTED], Amy Starnes [REDACTED]
Subject: Fwd: In support of Larry McDougal

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: July 22, 2020 at 11:07:42 PM CDT
To: Trey Apffel <trey.apffel@texasbar.com>
Subject: In support of Larry McDougal

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

Dear Board Members,

I am writing this email in support of Larry McDougal. I have read many of the posts made on this subject—and they are distressing. Lawyers should not succumb to inference—observational style conclusions. McDougal has been labeled and judged a racist and a misogynist without a fair evaluation of the facts; or an opportunity to adequately explain; thereby

leading to unwarranted conclusions.

The axiom that black lives indeed matter can be separated, and sometimes must be separated, from the Black Lives Matter Movement/Organization seems to have been overlooked.

Individuals can support the Black Lives Matters cause but not support the way some members of the movement may act, for example property destruction, looting, arson and violence. To be clear, I am not saying that property is more important than black lives, but I am saying that many believe that looting, property destruction and arson are punishing people who have nothing to do with inappropriate police behavior.

There is no evidence McDougal's comment was a racially motivated. It makes more sense to interpret the post to mean that he believes that violence, rioting, looting and arson—are terrorist activities that should be condemned. It doesn't make him a racist. Nor does it make him unqualified to serve as state bar president. In the public attacks against Larry, no one addressed the rioting, looting, arson, etc that is being conducted in the name of BLM.

While I disagree with Larry's opinion on the electioneering matter— this issue has already manifested itself in Fresno California—where a complaint of electioneering was made about two signs posted near a polling location (church). “The main question in the Fresno lawsuit revolves around if the two “Black Lives Matter” banners qualify as “[electioneering](#)” — a term that refers to any effort to persuade a voter to vote for or against a specific candidate or proposal. Apparently the county attorney in that case also felt the slogan constituted electioneering. The parties settled—so the issue did not go to a judge. So, whether you agree with Larry's opinion or not, he is apparently not the only one to hold it. Analyzing what you

believe to be the elements of a crime also does not make one a racist.

POST ABOUT “JUSTICE COMING BEFORE COURT”

I don't know why Larry made this post. I suspect it was an attempt dark humor. It is not a racist post but rather a dark commentary on law enforcement. I suspect he can explain it if and when he's given the opportunity to do so.

However, what I do know about Larry is that he recognizes the need for police reform. He has discussed the need for police reform with me personally. In fact, at a CLE in which he was the course director, Larry shared many instances of police misconduct with various members of the group. He also shared with the group of criminal defense lawyers tips to when dealing with the police. As a criminal defense attorney, Larry is a defender of justice.

In summary, I have no reason to believe Larry McDougal is a racist nor do I believe he is a misogynist. I've never heard anyone else, until now, based solely on their interpretation of these four posts—say that he was anything other than helpful and appropriate in his dealings with them. Heaven help us if we are all defined by our four worst social media posts.

Thank you for your time and consideration,

Lori Elaine Laird

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Comments regarding President's remarks
Date: Thursday, July 23, 2020 7:28:32 AM

From: Stephen McKeown [REDACTED]
Date: Thursday, July 23, 2020 at 6:56 AM
To: Amy Starnes [REDACTED]
Subject: Comments regarding President's remarks

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

(Agenda item 7B).

Dear Ms. Starnes,

I think it is fair to say that all or most of the members of the state bar of Texas are disappointed in various of President McDougal's remarks, which were offensive to a number of different groups (and, by extension, to all of us).

That said, they were remarks made in the believed semi-privacy of social media. Removing President McDougal would certainly be effective virtue signaling, but I am unclear what else it would achieve; I am deeply skeptical that any members of the board have not made offensive comments in private or semi-public on one or another occasion. Moreover, removing Mr. McDougal would raise significant free speech concerns. I believe that the Texas Bar will achieve far more by reprimanding the President but leaving him in office than in the empty and hypocritical virtue signalling of removing him, which holds out the pretended but impossible standard that any of us is beyond reproach. I do not think that our society is being improved by removing everybody who says offensive things, and I would be particularly troubled by the board removing a duly elected president for stating his private opinions.

I also am skeptical about the utility of creating a Task Force. This is of course the standard move in such situations, but I have yet to hear of anything being achieved thereby. Why don't we just take the money we would spend on that and dedicate a scholarship for a minority law student at the University of Texas, which would actually help somebody?

Sincerely,
Stephen McKeown
Bar #24075511

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Board Meeting Inquiry
Date: Thursday, July 23, 2020 6:14:44 PM
Attachments: [image001.png](#)

From: "Solcher, Gregory D." [REDACTED]
Date: Thursday, July 23, 2020 at 4:16 PM
To: Amy Starnes [REDACTED]
Subject: Board Meeting Inquiry

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

Amy, please convey my thoughts to the board. I didn't vote for McDougal and I don't know him. I will point out that I quit the ABA decades ago after the ABA started advocating on the issue of abortion. Regardless of your position on that issue, it was clear to me it had nothing to do with the law. I hope the TBA does not venture down that road. You are forcing members like myself to pay dues to your organization. You then appear to be making a political statement or at the very least you are contemplating taking a political action against a member for expressing a personal opinion in a private capacity.


I understand the need to conform to the current cancel culture but I would hope the TBA would have the courage to refrain from political actions or provide a means whereby the dues of apolitical members will not be used for this purpose.

Sincerely,

Gregory D Solcher
Flahive, Ogden & Latson

[REDACTED]
fax: 512.241.3318

[REDACTED]
Board Certified-Workers' Compensation
Texas Board of Legal Specialization

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From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Board Meeting Inquiry
Date: Thursday, July 23, 2020 5:53:22 PM

From: "Roy L. Stacy" [REDACTED]
Date: Thursday, July 23, 2020 at 4:22 PM
To: Amy Starnes [REDACTED]
Subject: Board Meeting Inquiry

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

I support President McDougal, and oppose any effort to remove him.

Roy L. Stacy



[REDACTED]
Dallas, Texas 75202

[REDACTED]
(214) 748-1421 Fax
[REDACTED]

From: [Sue Schechter](#)
To: [BoardofDirectors](#)
Subject: For July 27th meeting and the membership office
Date: Thursday, July 23, 2020 9:18:40 AM

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

Reading the former comments of the current State Bar President about BLM and about the female attorney (reported today in the Houston Chronicle) gave me a heavy heart. It reminded me that as a practicing lawyer I was never a fan of having a unified bar. I then realized that as a retired lawyer, I do not have to be associated with this organization anymore. I do not want to be a part of an organization that is headed by someone who would feel free to comment about a female lawyer in such a manner and would ever have viewed BLM as a terrorist group.

Please accept my resignation from the State Bar of Texas. Thank you ---

Sue Schechter

Chappell Hill, Texas

From: [Cicely Reid](#)
To: [BoardofDirectors](#)
Cc: [Carmen Roe](#)
Subject: Final Comments on Larry McDougal for 7/27/2020 meeting
Date: Thursday, July 23, 2020 5:06:37 PM

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

Good Afternoon C Roe – and Good Afternoon Texas Bar Board of Directors:

I am not sure if this message will make it into the public materials for the 7/27/2020 meeting or not. If not, I certainly understand – I think the deadline was yesterday? I apologize in advance for missing it. Full disclosure: during this pandemic, I have honestly struggled to recall what day it is; as each day working from home seems to legit melt together into the next day. LOL. ☺

Anyhow, I did take the time to read all 5 sets of public comments that have been posted on the State Bar website. Most of these comments were in the form of letters from lawyers all over the State both in support of Larry and calling for his resignation. By my tally – the opinions are actually pretty even. A fair number for Larry – a fair number against him.

Surprisingly, what I did not read nearly enough of in the public comments so far is the critical issue of **disenfranchisement**. A few of the letters touched on it; however in my opinion – not nearly as deeply as is necessary to really shed light on the real problem here. I have spent a lot of time over the last week or so thinking about what I believe this boils down to in the final analysis:

I was licensed to practice law in Texas in November 2001. Since that date, I have paid my bar dues (and up until recently attorney occupation taxes) faithfully every single year. I have fulfilled my MCLE requirements every year. I have attended State Bar annual meetings, CLEs, luncheons. I have researched candidates and voted in State Bar elections. I have supported my friends that have ascended to positions of leadership within the State Bar. I have faithfully read the bar journal. I have tried to the best of my ability to be a good and decent State Bar of Texas “citizen”. I have done my pro bono. I have actively and enthusiastically participated in our little lawyer democracy, and up until now, I have had faith in it and trusted that it has all of our best interests at heart.

What should I get in return for my dutiful civic participation? What should be my expectation? What is the quid pro quo?

If the State Bar of Texas is a mini- democracy that appropriately reflects American values – then what I am entitled to as a card-carrying member of the Bar is **FAIR REPRESENTATION**. I am entitled to **UNBIASED LEADERSHIP** that I can comfortably and confidently access in the same manner as my non-black lawyer peers. Anything less than that removes my rights as a member of the Texas Bar and leaves me disenfranchised and unacceptably not represented in the same way as my peers. As I have stated in my many social media posts and comments – this issue is not about Larry McDougal as a person. This is not about him being a “nice guy” and a “good man”. **This is not about his first amendment rights to free speech.**

To be clear - the President of the United States does not have the ability to publicly exercise his first amendment right to free speech whenever he wants to without a thought to the consequences of what he says because his words are too powerful. Every time he opens his mouth – the world watches and reacts. He cannot say whatever he wants, because that is not responsible leadership. He cannot go wherever he wants to go without secret service protection because his safety is too important. The POTUS actually **GIVES UP and RELINQUISHES** a fair amount of his individual freedom in order to hold office. **That is the price that is paid to be POTUS**. The same is true for Larry. If he wants unfettered unrestrained first amendment rights – then President is not the job for him. This is not about his friends writing in support of him. This is not even about people that have been offended and hurt by his words and social media posts and comments writing letters against him demanding his resignation. To focus on all of this is in my opinion a red herring of sorts and kind of a waste of time. **This is about his ability to make the necessary sacrifices to lead**. A real leader recognizes that. If you listen closely to Larry and his advocates – what you will actually hear is them begging all of you to keep Larry on as a leader – but do not require that leader sacrifice from him. Ask yourselves – what happens to democracy when we don't require our leaders to make the necessary sacrifices for the greater good of the people that they represent? And how is that fair to all of the leaders that came before him and worked so hard to do some good in the world? I am pretty sure that Randy and every Texas Bar President that came before him did not work his ass off during their respective administrations to bring more diversity, equality, and inclusion into the Texas Bar only to have it all unravel now.

The real issue here is undoubtedly does the democracy that the State Bar of Texas purports to be function effectively and efficiently into the future if 2020 becomes the year that disenfranchisement of the black lawyers in Texas is allowed to stand? If we- as the licensed black lawyers in Texas - are forced against our will to accept a leader that holds racist values and viewpoints – where does that leave us? How do we continue to participate in a democratic organization that does not take OUR RIGHTS into account in a way that is fair and balanced? How do we as black lawyers continue to have faith in an organization that places the first amendment right to free speech of a white man with racist views over our agreed upon covenant of fair representation of **ALL Texas LAWYERS REGARDLESS of race?**

This is the real issue. A democracy is only as strong as the participants faith in it. When those participants lose faith and stop participating in that democracy – it eventually erodes and fails.

To not remove Larry McDougal as President of the State Bar at this point is to basically say to me and every black member of the State Bar of Texas – Larry's first amendment right to free speech is more important than your right to fair leadership that you can feel comfortable accessing and engaging. This is the **VERY DEFINITION** of systemic and institutional racism.

This is EXACTLY how systems and institutions discriminate against people of color. The very simple fact that we are having this debate – the fact that I feel compelled to type this e-mail is in itself systemic racism in practice. I should not have to fight and beg for fair and balanced leadership. I am entitled to that as a matter of democratic law just like every other white lawyer in Texas. The very simple fact that as black lawyers – we do not feel comfortable being in the same room with Larry McDougal - should be enough. It means that he is not the caliber of leader that we all deserve. He

cannot effectively represent us.

Quick anecdote to illustrate this point: last year – when Randy Sorrels was State Bar President – I used to run into him from time to time at Avalon Diner in Houston on Saturday mornings there with my friends and family and his family. We would always casually speak to each other. Say hello, etc. I always knew that if I had a question about Bar stuff (I never did – but hypothetically) Randy was open and approachable and prepared to answer. Most importantly - I know that Randy is not a racist or a misogynist – and so I felt comfortable in that space knowing he was the leader of the Bar that I belonged to. I felt represented. I felt equal. I felt included. I basically felt like everyone else.

Now – knowing what I know about Larry McDougal – not only do I not feel comfortable approaching him or communicating with him openly in any setting - I have zero confidence in his ability to take any concerns that people that look like me – black women – into account in his role as Bar President. That feeling is unacceptable. It places an unreasonable burden of exclusion onto me that my white peers do not necessarily have to endure. It cuts off my access to Bar leadership. That is not OK. That is not democracy. It is disenfranchisement. Plain and simple.

In the final analysis – this is what the Board really has to contend with. Is this who we are as a governing body? Are we OK with disenfranchising a portion of our members thru no fault of their own - because their skin is black? Is this the identity of the State Bar of Texas? Does Larry McDougal represent the best of us? His first amendment rights notwithstanding - should Larry be our LEADER given what has transpired? Is this the legacy we want Bar leadership in 2020 to leave behind? What is our identity as Texas Lawyers? Who are we really? What statement do we want to make to the world about who we are?

What all of you decide to do in this moment is what will define all of us and answer these questions with certainty.

Thank you for your time and consideration. I look forward to the meeting on 7/27.

Best,

Cicely

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LAW OFFICE OF DAVID ROGERS

[REDACTED]
Round Rock, TX 78681

[REDACTED]
Fax (512) 685-1144

July 15, 2020

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

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

Re: *Larry McDougal*

Texas State Bar:

I don't know Larry McDougal. I have never read any racist comment attributed to him.

I have seen him pilloried by bigots for expressing a reasoned opinion regarding electioneering.

Mr. McDougal's position with regard to whether a poll worker wearing a BLM t-shirt inside the polling station violated electioneering laws is not racist – it is an opinion regarding the application of the law to a specific set of facts. Larry McDougal is a lawyer. Lawyers debating points of law in a lawyer's private Facebook group is not bizarre or malicious – it is routine and appropriate. It is one thing to have a heated debate about a political issue or a point of law, but it is monstrous to demand someone be dismissed from elected office, sanctioned, threatened or have their career destroyed over the interpretation of legal points. When bigoted lawyers took offense at what appears at first glance to be a sound legal opinion, they trolled McDougal's personal Facebook page and dug up private posts from years and years ago – posts that have nothing to do with 2020, Larry McDougal's statement in 2020, or who Larry McDougal is today as a lawyer and as President of the State Bar of Texas. This is a tactic worthy of Terror Jacobins, not rational Texans.

Now, these would-be Robespierres¹ are demanding Citizen McDougal's head. Lawyers are —allegedly— people, too, but we claim a higher standard of behavior than Twitter Bastillieres. Twitterati are expected to froth like this, but lawyers allegedly know how to behave professionally. It is notable that Madame DeFarge was not a member of the bar.

Larry McDougal should ***not*** step down as President of the State Bar of Texas; nor should Larry be reprimanded in any way. Even though he is an elected official, he is nonetheless entitled to publicly respond to inquiries with well-reasoned legal opinions. Cancel culture is despicable and pernicious. Those who practice it merit contempt, not our obeisance. This Mobthink within the State Bar of Texas is embarrassing and unworthy.

Larry McDougal's politics are irrelevant. Political viewpoints are not criminal matters or grievable offenses under the rules of the State Bar. Our profession is governed by rule of professional conduct which do not and can not dictate political opinions. Larry McDougal must be allowed the decent peace to do his work as a private lawyer and as President of the State Bar of Texas.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Rogers", with a long horizontal flourish extending to the right.

David Rogers,
SBN 24014089

¹ They are entitled to their own opinions, but not the heads of our Citizens.

From: [Jon Davis](#)
To: [BoardofDirectors](#)
Subject: Diversity Training CLE
Date: Thursday, July 23, 2020 12:13:17 PM

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

I respectfully request that you not impose any sort of “diversity” training upon members of the bar. We are under enough stress from the circumstances of this year without yet another requirement of additional training.

If anything, provide some online, free courses on the topic which will count towards our present ethics CLE requirements.

Sincerely,

Jonathan R. Davis

Jonathan R. Davis
SBNo. 05519190

Mailing address: [REDACTED], San Angelo, Texas 76902

To: Board of Directors, Texas State Bar

From: Fred J Meier

Subj: Board Special Meeting of July 27, 2020
Agenda Item 7A
President Larry McDougal on-line comments

Ref: Board Notice of Meeting and Invitation to provide comments
Dtd July 21 @ 1023 pm

Comments on Bar Board of Directors' McDougal Inquiry

Introduction

I have been a member of the State Bar of Texas for over 33 years and have been a licensed attorney for 44 years. I offer my comments in objection to the Board's inquiry regarding Mr. McDougal's personal texts as constituting an unwarranted attack on his constitutionally protected 1st Amendment right of free speech.

Comments

It is egregious that this assault has been initiated by Texas lawyers, made even more odious by reason of its apparent prosecution by the Board of the Texas State Bar Association. Forbid that this inquiry be the foreshadow of an attempt to overturn, by Board fiat, a duly recorded election by the membership of the State Bar. We have well seen enough such ill-advised transparent political actions over the past 3 years.

In addition, it is axiomatic that Mr. McDougal's comments on the applicability of the Electioneering statute are correct as applied to citizens involved in the election process as voters, candidates or advocates; but it should be without question that the statute must absolutely be applied in an even broader meaning of 'electioneering' to an individual who presents at the polling place as a badged "State of Texas Election Official", as was the case here. (Ref. Posed Photo) If there is any question as to the propriety of an item as constituting 'electioneering', as presented by such an official, it must be removed from the polling place so as to avoid even the appearance of being

‘electioneering’. The reported statement by the official involved (as she posed for picture to be taken at the polling place?), “This is not a political statement.”, is the absolute confirmation of what the intent actually is. If not a political statement, why would one need to declare it such in this circumstance? Recall the ancient words of Marc Anthony at the funeral of Julius Caesar: “I come to bury Caesar, not to praise Caesar”. Probably the most infamous ‘non-political’, really ‘political’, utterance in history. Such is clearly the case here.

It is facially not credible to assert that the BLM logo is not associated with a political dialogue directly projected by a recognized political organization in our reality. Given the vast media coverage given the BLM logo and movement, one cannot imagine that a man in the street interview anywhere in this State, even the Nation, could register a response that would not reflect this view. Protest you may, but the uniform appearance of BLM symbolism, logos and well publicized associated actions have long answered the question as to where the “movement’s” affiliations, allegiances and ambitions lie on the political spectrum. (It seems unnecessary to recite the particulars of this history here.) The problem for the argument against Mr. McDougal’s view that BLM is so associated, is that this is virtually a universal public perception. Ergo, BLM has become an identified political entity; thus its logos and identity fall well within prohibitions of the “electioneering” statute.

CONCLUSION

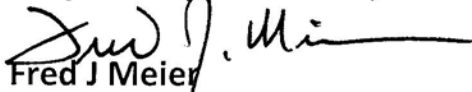
I protest the Board’s actions going forward with this inquiry as being without basis. It is a naked assault on Mr. McDougal’s individual 1st Amendment Rights of Free Speech, and as such is ultimately unconstitutional. If it is a precursor to an attempt to recall Mr. McDougal, it should be plainly labeled as such so as to assure him and the membership full opportunity for due process.

Mr. McDougal did not surrender his personal right to free speech on his election as Bar President, just as the election official involved did not surrender her personal right to free speech upon becoming an election official. Per statute, she just cannot exercise it while working as an election official in the polling place; just as Mr. McDougal should be restrained from presenting his personal speech under color of his official duty as Bar President or as representative of the State Bar of Texas. It cannot seriously be posed that more

than a handful of Texas citizens, other than members of the Bar and his personal acquaintances, could identify him as President of the Texas Bar.

I also urge the Board to take steps to immediately cease adding to the record of the inquiry, submissions including or based on social media history which is neither relevant to the subject matter of the inquiry, or timely enough to be meaningful to the inquiry. I have seen only the 2015 posting by attorney Robert Fickman in the record, which totally fails in relevancy on both accounts. I agree with another commenter that such offers fall under the rubric of the new catch-all "cancel-culture", and are not appropriate here.

Respectfully Submitted,


Fred J Meier

State Bar #13907820

From: [John Tinder](#)
To: [BoardofDirectors](#)
Subject: commentary made by State Bar of Texas President Larry McDougal
Date: Thursday, July 23, 2020 6:49:00 AM

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

The State Bar of Texas Board of Directors

If you are keeping track, this is my proxy "vote."

1. I do NOT think President Larry McDougal should be removed or forced to resign.
2. I do NOT think that other officers or directors should be removed or censured.
3. I DO think we should create a State Bar of Texas Task Force on Diversity, Equity, and Inclusion.

John W. Tinder, II
SBN 24003060



Paul M. Shinkawa

Attorney at Law

Austin, TX 78691

July 22, 2020

John Charles Ginn
Chairman of the Board of Directors
State Bar of Texas
1414 Colorado St.
Austin, TX 78701

Mr. Chairman and Members of the Board:

Thank you for the opportunity to review and comment on the issue involving President Larry McDougal. I only became aware of this matter earlier this afternoon and have spent the intervening hours familiarizing myself with the materials posted with the agenda item for Monday's Board meeting.

I have been a member in good standing of the Bar since November 11, 1978, and from 1989 to 2019 was Board certified in Administrative Law. Like most lawyers, I have developed skills enabling me to judge a person's veracity and as Japanese American I have seen and experienced both explicit and implicit bias. When I first read of President McDougal's remarks, I felt a chill and a feeling of disappointment that I have not experienced since my earliest years in practice. I had hoped that after all these years and particularly within our profession, we might have outgrown these attitudes.

I am fully in agreement with the comments and proposals submitted by the African-American Lawyers Section of July 13 as well as being in agreement with those joint statements of the Sections filed on July 17, 2020.

In addition, I would like to offer my personal observations on President McDougal's video apology. My very clear impression of President McDougal from the video is that he is sincerely sorry for saying anything. While he stated that he no longer believes that Black Lives Matter is a terrorist organization, he never indicated what has replaced that belief. He has not indicated that he has any understanding of the actual meaning of Black Lives Matter, and he has not shown any evidence that his attitudes toward non-white people is any different today than it was in 2015. However, he is definitely sorry that he opened his mouth.

I think we deserve more from our president than that. I believe that he is baffled by the controversy surrounding him and he is clueless as to what the concept of implicit bias is. If he agrees to the suggested training, I think it should also include an evaluation or assessment of whether any of it actually takes hold. I know that you are each aware, although the general membership may not be, that even though President McDougal's term office is only for one year, he has additional responsibilities as the Past President in the year following. This is a problem that needs to be fixed; we cannot afford to let his term as President run out as a solution.

As a future matter, I note that membership participation in Bar elections is very low. If as I suspect, most of those voters are older members like me, we likely have very poor skills at researching a candidate's social media history. I think that if President McDougal's social media history had been known before the election, we would not have this problem to address. We as members and voters need to do better.

Thank you.

Sincerely,

Paul M. Shinkawa
State Bar ID No. 18266500



From: [Roy L. Stacy](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Thursday, July 23, 2020 4:23:31 PM

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

I support President McDougal, and respectfully oppose any effort to remove him.

Roy L. Stacy



Dallas, Texas 75202

(214) 748-1421 Fax

From: [Allen Cummings](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Thursday, July 23, 2020 12:03:56 PM

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

Ladies and Gentlemen:

I have reviewed the posts of State Bar President Larry McDougal, read his written apology and watched his virtual apology.

While I appreciate the fact that Mr. McDougal has apologized for what I consider as offensive online statements, I am concerned that in spite of apologies his views have been held for a long time and cannot be changed by a mere apology. I am also concerned that there was not a more thorough vetting of Mr. McDougal by the State Bar Board of Directors which should have discovered these online statements.

After careful consideration, I believe that Mr. McDougal must resign or the Board of Director must request he resign as President of the State Bar of Texas. While he is entitled to his personal views, the views he expressed online are not appropriate for a person representing all the lawyers in Texas.

Allen D. Cummings
Attorney at Law
Board Certified Oil, Gas and Mineral Law
Texas Board of Legal Specialization

Austin, Texas 78746
PO Box 92541
Austin, Texas 78709

www.acummings-law.com

From: [Cyndia Hammond](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Thursday, July 23, 2020 2:11:40 PM

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

I am writing about my concerns of the recent statements of State Bar President Larry McDougal. As an attorney and an anti-racist who has become more and more educated about the racial issues in our country, I am deeply disturbed by the blatant White Supremacy and biases that are present not only in the statements by Larry McDougal and his supporters, but in looking at the races and genders of past Bar presidents.

It is clear that although our State Bar has claimed to make progress towards diversity and inclusion, those diverse individuals that make up our Bar are not represented in the office of President. I am sure there would be claims of “unqualified,” but what is clear is that any efforts to increase diversity are not making it to the highest office in the State Bar. How is another task force going to solve this? On its face, the Bar has a history of White Supremacy – hopefully not the robe wearing type, but definitely in the representation aspect in the office of President.

Larry McDougal and his supporters are not entitled to any more education, especially where our lawyers of color are burdened yet again to try to get the White guy to understand that he is racist. For clarification purposes because I am sure some fragility reared its ugly head and someone out there said, “I/he is not racist,” I use the definition of prejudice plus power to simplify my allegations that his actions were racist. A Black Lives Matter t-shirt is not partisan; MAGA is partisan. BLM is not a terrorist organization. BLM is a simple statement of amplification because it is clear, in the responses to this event and in Mr. McDougal’s actions, that amplification is necessary even this late in the game. If Mr. McDougal did not care enough about diversity and racial bias and the current state of events in our country to educate himself, that is not something he or anyone else at the Bar should think he is entitled to learn at the expense of any more persons of color. Period. I do think that there needs to be more education about racial biases in our CLE options (the CPS education is doing well in this area, in part because of trauma awareness including racial trauma), but education is not enough – especially when the ones who need to hear it most are most likely to be tuned out to the education.

Mr. McDougal and others need to understand that the intent of their statements is FAR outweighed by the impact felt by persons of color. A significant portion of the Bar was put on notice that he does not represent them or their interests. He claims he is willing to listen and learn – all while turning a deaf ear and NOT LISTENING to the lawyers his statements impacted the most. You do not get to claim that you are listening and learning when your very reactions prove you are doing neither by failing to listen and failing to teach yourself!

One final thing. I am deeply disturbed that so many supporters are claiming that a hurt portion of our Bar is a “mob.” Significant portions of the Bar have recognized an injustice. They are not coming after his career. They are not suppressing his 1st Amendment rights. Instead they are pointing out that when a person in power exhibits this level of prejudice, the person should no longer remain in

power. Keeping someone with these views at the head of the organization undoes whatever progress the organization has made with efforts to increase diversity. It appears that the efforts have not been very effective unfortunately – there is still a victim mentality on persons in power when they are the ones wielding the power against persons of color. The fear of the white guy losing power is a sign of how entitled the white guy feels to the position. Yes, he was elected last year. He can do things this year that show that he is not fit to assume the office that he was elected to hold. The president-elect that is coming up appears to be one who would increase diversity in the position. If he truly wants to show that he is listening and learning, he should consider handing the reigns over to the diverse candidate and sitting this one out. This would show that he is committed to dismantling racism in the State Bar of Texas and dismantling White Supremacy. It would show that his fragility and his entitlement should not be the focus of the organization, but he is willing to do what is right to keep from dismantling any progress the organization has made at increasing diversity.

Additionally, there needs to be some procedure put into place regarding removal of a State Bar President or any other position that does not have a procedure in place already. It is disturbing to me that one is not already laid out which is obviously complicating this issue.

Cyndia Hammond

Attorney at Law

[REDACTED]

Texarkana, Texas 75504

[REDACTED]

(888) 370-3156 (fax)

[REDACTED]

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From: [John Moncure](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Thursday, July 23, 2020 8:37:40 AM

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

No apologies to the mob are necessary.

From: [Nancy R. Kornegay](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry re Larry McDougal
Date: Thursday, July 23, 2020 12:05:21 PM

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

Dear Board,

Larry McDougal should resign as President for the following reason: He shows a basic lack of knowledge and understanding regarding legal issues that affect all Texans. First, he thinks the Black Lives Matter movement (“BLM”) is a terrorist- and political-organization-affiliated movement—it is not—and that wearing a BLM shirt at a polling place constitutes wearing a political-party-affiliated shirt. It does not. Second, his Facebook posting of a photo of a subdued man with a police officer’s hand across his mouth and nose with the caption “Justice usually happens before trial”—is offensive. It is offensive to anyone who believes in the principle here in the United States that one is innocent until proven guilty. Third, he has made objectifying and slanderous comments about women—“hot” and “meth head.”

McDougal claims he is not a racist. When is the last time you met a racist who admitted they were a racist? He probably says he is not a misogynist either.

As for Steve Fischer endorsing McDougal’s non-racist status? Fischer is deservedly under scrutiny himself for his “she is married to a Black” comment. Of course, he too disclaims being a racist.

Texas lawyers deserve better representation by their SBOT officers and directors than either of these men can provide.

Best regards,
Nancy Kornegay

Nancy R. Kornegay | Partner | Trahan Kornegay Partners LLP

| Houston, Texas 77046

| 832.426.7023 fax

www.tkpllp.com

From: [REDACTED]
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Thursday, July 23, 2020 8:24:54 AM

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

To whom it may concern:

I am opposed to any negative action against Larry McDougal. Despite holding a public office, he is entitled to his personal opinion on any issue. He should not have to apologize for his personal opinion.

On the other hand, you do not speak for me. Please do not represent to the public that your opinions are mine.

Bill Richey

State Bar No. 16874950
GRIFFIN & MATTHEWS

[REDACTED]
Beaumont, TX 77701

[REDACTED]
409-832-1000 Fax
Griffinandmatthews.com

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From: [Diana Ball](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry - Larry violated our Mission: He must Resign or be Removed.
Date: Thursday, July 23, 2020 1:29:50 PM

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

Dear State Bar Board of Directors,

Larry McDougal discredited and disgraced you, me and the legal profession. At this critical time in our history, the public face of Texas lawyers cannot be a cowboy hat-wearing vigilante who, however well-regarded by some, is wholly incapable of exercising the good judgment required to self-regulate his personal exercise of First Amendment rights.

Larry publicly judged a poll worker a criminal.

That act standing alone violated Our Mission and authorizes the Board to remove Larry should he refuse to resign:

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.

1. Larry: Resign or be Removed.

In exchange for the privilege of representing the Texas bar, Larry gave up his right to express personal opinions that violate the tenets and spirit of our Mission and are unjust, divisive, non-inclusive and damage the integrity of all lawyers in the public eye.

It doesn't matter if Larry's the greatest guy in the world or if we believe he is sincere when he says he is not a racist. (I assume he also says he is not a misogynist, he supports attorneys in need of TLAP, and he opposes abuse of human rights by law enforcement.) Larry's current lapse of judgment--considered in the context of both our nation's reckoning with the need for social justice and racial equality and the evidence of Larry's past inflammatory commentary--has inflicted significant damage to you and me and the integrity of the legal profession at large. If within weeks of taking office, Larry showed he can't be trusted to simply keep his mouth shut when the privilege of his office requires, what other failures of good judgment might he commit to our detriment over the next 11 months?

2. Remove Steve Fischer.

The same rationale applies to Steve Fischer's abuse of the privilege of service as a Director. He doesn't represent you or me or the best face of the legal profession.

3. Reform the vetting!

What in the world happened in the presidential vetting process? In 2020, there is no excuse Larry's background was not discovered and deemed disqualifying.

4. Unless you're a bar insider or follow bar social media, your first notice was Tuesday's email.

Thank you for inviting members to comment. However, please know it feels disenfranchising to tell a member of a compulsory bar that their written comments may not be considered unless offered within 28 hours of first notice of a problem threatening the very heart of the Texas legal community, particularly when that notice was coupled with a veritable data dump that demanded hours to read, research and thoughtfully consider. Yes, these are challenging times, but I believe the bar's leadership can and should do better when it comes to communicating issues and engaging members in the problem-solving process, even when, as now, there's a sense of urgency to act.

Respectfully, and with gratitude to the Board and bar staff for your dedicated service to the members,

Diana Ball
State Bar No. 01520300

Austin, TX 78701
mobile

From: [Helbing, M. Scott](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Comment - July 27th - Mr. McDougal
Date: Thursday, July 23, 2020 12:34:01 PM
Attachments: [image001.png](#)

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

My name is Scott Helbing. I am a partner at Haynes and Boone, LLP. My comments in this email are my personal opinions and are in no way intended to reflect the opinion of Haynes and Boone, LLP or my other partners.

While many reasonably disagree strongly with Mr. McDougal's 2015 comments, I am deeply concerned that the call for Mr. McDougal to resign (1) is based on the tendency to "dissolve complex issues in a blinding moral certainty" and (2) is a perpetuation of a disturbing trend in our country of illiberalism and the attempt to silence speech and thought that does not "conform".

I am a father to 3 kids, one of whom is black. I will be the first person to stand on the rooftops and shout that "black lives matter". I abhor racism. However, that does not mean that I endorse or support the political ideals and the goals of the Black Lives Matters organization's founders. It is entirely reasonable for our State Bar President to have the same view and to speak openly about it prior to his role as State Bar President. The Black Lives Matters organization and its founders are bringing about many great and needed conversations about race. They also stand for what many view as a number of extreme political ideas. An educated individual should be able to speak out against any organization that he/she doesn't agree with (even if many in society disagree with the speech). Lawyers, of all citizens, should understand the importance of the free exchange of information and ideas. A recent open letter on justice and debate from over 100 university professors stated, "Censorism of ideas is spreading more widely in our culture: intolerance of opposing views, a vogue for public shaming and ostracism, and the tendency to dissolve complex policy issues in a blinding moral certainty".

As lawyers, we should defend freedom of conscience and speech, even ideas we deem to be offensive counter-speech. Mr. McDougal is being "punished" based on statements he made in 2015 prior to his election as State Bar President. He should not be asked to resign from his elected position based upon his prior expression of ideas. Intolerance of speech and ideas is ultimately harmful to a free society. I would hope that an organization of lawyers would not participate in this type of intolerance and cancel culture. Civil debate is the way to challenge ideas, not retribution.

Thank you,
Scott H.



Scott Helbing
Partner



Haynes and Boone, LLP



Dallas, TX 75219-7672



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FROM THE DESK OF

David A. Chaumette

July 22, 2020

BY EMAIL

Trey Apffel
Executive Director
State Bar of Texas
1414 Colorado St, Austin, TX 78701

Dear Mr. Apffel,

I understand that the State Bar of Texas is holding a special meeting on Monday, July 27, 2020 regarding Larry McDougal and his recent conduct. Although I am not a member of the State Bar, I did feel important to give you my perspective on Mr. McDougal, as I have known him for more than twenty years.

Simply, I am a black man and I would know if Mr. McDougal were a racist. I have known more than my share of racists, including those with active bar cards and state bar titles. Mr. McDougal is not one of them. He is not a racist in any sense of the word. What he is is blunt and outspoken, but neither of those should lead to his removal from office.

Mr. McDougal and I met long ago in Fort Bend County where we both have lived for years. In all that time, I have known him to be consistent in his opinions: a former cop, he is vociferously pro-law enforcement, and, as a defense attorney, he is similarly wary of the overreach of law enforcement. He is also not shy with either of these opinions (or really any other for that matter).

Years ago, when I needed support, Mr. McDougal was unnecessarily kind to me. It was not a faux public show of support or something done for some ulterior motive. Just a kind man being real. Much more than other members of the Bar who knew me better. That is the real Larry McDougal, someone that the State Bar needs.

Unfortunately, some of his recently expressed opinions seem insensitive and ill-considered. Some of them, I believe, are taken out of context, but, even conceding that they may not be, I also know that he has adequately publicly expressed regret for those same statements. To remove him from his bar position would be a significant mistake for the Bar at a time when it cannot afford such a misstep.

Sincerely yours,



David A. Chaumette

HOUSTON, TEXAS 77005

July 23, 2020

Via Email: boardofdirectors@texasbar.com

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

Re: Comments by State Bar of Texas President Larry McDougal and in Support of the African American Lawyer's Section

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

There is no power in the world that can stop the forward march of free men and women when they are joined in the solidarity of human [family].

- *Walter Reuther*

I stand in support and in solidarity with my colleagues condemning Mr. McDougal's comments. There is no need to repeat what so many of our colleagues have written and reported about the comments made by Mr. McDougal, and I will not do so here.

It is no coincidence, not insignificant, and a true testament to the power, diversity, and alliance of and in the profession that these comments have been unconditionally condemned and a Call to Action has been proposed and supported by so many:

African American Lawyers Section
Asian Pacific Interest Section
Diversity in the Profession Committee
Hispanic Issues Section
LGBT Law Section
Native American Law Section
Poverty Law Section
Texas Minority Counsel Program Steering Committee
Women & the Law Section
Women in the Profession Committee

It is truly amazing to see so many join together in unity and solidarity in defense and support of those against whom these comments were directed. Indeed, our own Creed requires us, by the People of Texas – without exception – to know that professionalism requires more than merely avoiding the violation of laws and rules, that we recognize that we owe to the administration of justice personal dignity, integrity, and independence, and that we should always adhere to the highest principles of professionalism. Mr. McDougal's words do not adhere to the Creed and are not befitting of the office he now holds.

This is not a time for cheap heavy-handed words, but instead an incredible opportunity for action that will endure. Based on my colleagues' near unprecedented joinder, it is clear that the free men and women of the Texas Bar are marching forward, joined in solidarity as sisters and brothers of the Bar.

I am reminded that during times of hurricanes and storms, palm trees survive. Palm trees survive because their roots are large in number and spread across a wide area, anchoring the palm tree against the beating winds. Palm trees survive because their trunks are wiry, flexible, and near impervious to snapping during torrential rains. Palm trees survive because they are rooted in diversity and are so flexible as to not break in the harshest of storms.

This is an incredible opportunity for our Bar to find strength in its true roots, and to recognize now is the time to be flexible from what has always been, to steer away from cheap words and focus on meaningful action. I repeat, support, and stand in solidarity with the statements made by the AALS on July 12, 2020 and the Joint Press Release dated July 17, 2020, including:

Black Lives Matter.

Police brutality is wrong in all instances; it is not justice.

President McDougal's opinion of a female attorney's looks has no place in public discourse, and appearances do not measure any person's merit.

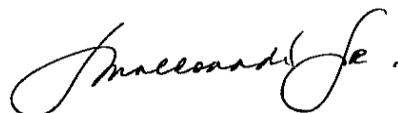
Lawyers experiencing substance addiction and mental health issues deserve support and empathy from the SBOT and its leaders, not belittlement of their plight.

Mr. McDougal's comments are directly at odds with the SBOT's fundamental ideals.

I support the AALS's proposals, and further call on the Bar to be better. It's easy to stand up for your own rights ... Can you stand up for someone else's? It is time for us, as the Bar, to do so.

Thank you. As always, I remain

Very truly yours,

A handwritten signature in cursive script, reading "Joe Maldonado, Jr.", with a stylized flourish at the end.

Joe Maldonado, Jr.
Past-President
Laredo-Webb County Bar Association