

Comment on Monday's meeting

Inbox x



Barbara Denson

10:01 AM (14 minutes ago)



to me

With regard to your special meeting on Monday, I have to say, I can't believe this is happening in Texas. I thought this was one of the few states remaining where both sides could be heard. What I am hearing here sounds more like Oregon or New York, where one side silences the other side by intimidation. I sure hope we aren't headed that way.

Black Lives Matter is an anarchist organization that is promoting violence and discord throughout our great country. They have chosen a wonderful name for their organization, because of course; Black lives matter. That isn't the issue. The issue is that this organization has become a wing of the Democrats, and to have their name emblazoned on a shirt is absolutely the same thing as someone wearing a MAGA cap. Either both are acceptable at the polls, or neither is acceptable.

The people that started this movement chose a great name. It is great marketing. 99.9999999% of the people in this country agree with the statement. The statement has nothing to do with the organization. The organization is on record saying they want to defund the police and that they support Democrats. There are people representing that organization that have been destroying businesses and statues, shining lasers in people's eyes, spitting on people, throwing bricks at people, beating people, shooting people and killing people. For McDougal to say it is intimidating is an understatement. People are scared to say anything, because if you say anything, you are a racist. Being racist has nothing to do with it.

Being an American has always meant you could speak your mind. BLM is stifling free speech, because they harm anyone that doesn't promote their organization.

I don't want to see Texas start having the anarchy that BLM is promoting in other parts of the country. Please do not allow shirts that promote BLM to be worn at the polls.

Barbara Denson



"You've got to have a dream. If you don't have a dream, how are you going to have a dream come true?" - South Pacific

"A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty" - Winston Churchill

Reply

Forward

From: [La Smith](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Friday, July 24, 2020 1:34:32 PM

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

This is in regards to conservative lawyers being under attack by communist liberals. This is nonsense. Please vote to uphold all rights of every American.

Sent from my iPhone

From: [Angela Bullock](#)
To: [BoardofDirectors](#)
Subject: Change the Culture
Date: Friday, July 24, 2020 10:24:37 AM

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

Dear State Bar of Texas Board of Directors:

I've been a member in good standing of the State Bar of Texas since 1997 and never before in all those 24 years been compelled to write the Bar. I understand my email may be too late to be considered by the board, but I needed to send a short email nevertheless. Times have thankfully changed much since my early years as a young lawyer. These current times necessitate our state bar to act immediately to change our culture.

In 2016, ABA promulgated model rule 8.4g. In those four years, the State Bar of Texas has not modified our only ethical rule that mentions abusive behavior. The ABA model rule reads:

It is professional misconduct for an attorney to:

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

Why hasn't the State Bar of Texas adopted the American Bar Ass'n's Model Rule 8.4(g) or a very similar rule? Such inaction defies logic. I urge our Board Directors to immediately address this ethics issue with some teeth, follow the lead of the ABA, and work harder to cease discrimination in our profession.

All my best,
Angela C. Bullock

BULLOCK CAMPBELL
BULLOCK & HARRIS, P.C.

Tomball, Texas 77375

www.bcbhlaw.com

fax: [281-295-1713](tel:281-295-1713)

From: [ileta!](#)
To: [BoardofDirectors](#)
Cc: [REDACTED]
Subject: Comments made by Larry McDougal — for Monday mtg, 27 July 2020
Date: Friday, July 24, 2020 3:29:32 PM

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

Greetings —

My name is ileta A. Sumner, a Black female attorney in San Antonio, and I have a simple question: How did the issue of Mr. McDougal being the President of the State Bar of Texas enter the story? Did Mr. McDougal brag to the poll workers that he knew that he was correct on the campaign rules and advocacy within a certain distance from an election site because he was our President? I'm just curious how the State Bar entered the story.

Thank you —

Ciao —

ileta!
ileta A. Summer, esq.

[REDACTED]
Converse, TX 78109
[REDACTED]

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

From: [Webmaster](#)
To: [BoardofDirectors](#)
Subject: FW: Change the Culture
Date: Friday, July 24, 2020 11:09:33 AM
Attachments: [image003.png](#)
[image004.png](#)
[image006.png](#)

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: Angela Bullock [REDACTED]
Sent: Friday, July 24, 2020 11:03 AM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Change the Culture

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

Thank you for passing on to the Board of Directors . . .

Due to the coronavirus crisis, BCBH Law is complying with CDC guidelines in operating a virtual office via phone and e-mail.

When able, please forward correspondence and documents electronically.

Receipt of and response to physical mailings may be somewhat delayed.

Stay safe and thank you in advance for your patience.

All my best,

Angela C. Bullock



[REDACTED]
Tomball, Texas 77375

www.bcbhlaw.com
[REDACTED]

fax: 281-295-1713



<http://lnkd.in/d2QErz>



<https://facebook.com/BCBHLAW>



<https://twitter.com/BCBHLAW>

The information in this email is intended for the named recipients only. It may contain privileged and confidential matter. If you are not the addressee, note that any disclosure, copying, distribution or use of the contents of this message is prohibited. If you have received this email in error, please notify the sender immediately by replying to this email and delete the e-mail.



Please consider the environment before printing this email

From: Angela Bullock
Sent: Friday, July 24, 2020 10:24 AM
To: boardofdirectors@texasbar.com
Subject: Change the Culture

Dear State Bar of Texas Board of Directors:

I've been a member in good standing of the State Bar of Texas since 1997 and never before in all those 24 years been compelled to write the Bar. I understand my email may be too late to be considered by the board, but I needed to send a short email nevertheless. Times have thankfully changed much since my early years as a young lawyer. These current times necessitate our state bar to act immediately to change our culture.

In 2016, ABA promulgated model rule 8.4g. In those four years, the State Bar of Texas has not modified our only ethical rule that mentions abusive behavior. The ABA model rule reads:

It is professional misconduct for an attorney to:

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

Why hasn't the State Bar of Texas adopted the American Bar Ass'n's Model Rule 8.4(g) or a very similar rule? Such inaction defies logic. I urge our Board

Directors to immediate address this ethics issue with some teeth, follow the lead of the ABA, and work harder to cease discrimination in our profession.

All my best,
Angela C. Bullock

BULLOCK CAMPBELL
BULLOCK & HARRIS, P.C.

Tomball, Texas 77375

www.bcbhlaw.com

fax: [281-295-1713](tel:281-295-1713)

From: [Tom Sartwelle](#)
To: [BoardofDirectors](#)
Subject: FW: Effort to Invalidate Election of Larry McDougal
Date: Friday, July 24, 2020 10:55:44 AM

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

State Bar Board of Directors

I strongly oppose the Special Meeting of the State Bar Board and in particular any Board action against Bar President Larry McDougal. Alternatively, I propose an agenda item condemning the nakedly political statement issued by the seven Officers/Executive Director, self-appointed so-called Bar “leaders”, presuming to speak for 105,000 Texas Lawyers. They should withdraw this statement, issue an apology to the Bar and the public for presuming to speak for all members, and resign.

The hypocrisy of the Joint Statement of self-appointed Bar “leaders” is appalling. You self-appointed “leaders” said you represent 105,000 Texas Lawyers and “denounce in the strongest terms” opinions Larry McDougal has about “#Black Lives Matter”. But you “leaders” are also lawyers sworn to uphold the constitutions of the United States and Texas both of which protect and preserve any citizen’s right to freely express his/her opinions and that includes Larry McDougal. He did not give up his God given right to free speech by being elected State Bar President. Importantly, Larry strongly made the point that his comments were as an individual and not in his capacity as Bar President in his apology. That should end this matter.

It is obvious to anyone that BLM is a political issue. And you self-designated Bar “leaders” by “denouncing in the strongest terms possible” Larry McDougal’s individual BLM comments have taken a partisan political stance not as individuals but rather as “leaders” of the “105,000-member State Bar of Texas”. Obviously, you “leaders” want the public to believe you speak for the entire Bar and its 105,000 lawyers on the issues surrounding BLM. Believe me, you do not speak for me nor tens of thousands of Texas lawyers. Nor were any of you “leader” elected to your Bar offices to speak for Texas lawyers on any political issues.

Membership in the State Bar of Texas is not voluntary. Thus, the members have not joined because they have a common belief system and common political views. Just the opposite. Being an involuntary member and then having seven “leaders” speak for me on issues that were never discussed during their elections is offensive to say the least. None of you “leaders” discussed your BLM opinions before Bar members voted you into office. It is not your place to now presume to speak on the BLM issues. Not everyone agrees with your assessment of BLM. To confirm that statement perhaps you “leaders” should listen to the Black voices who disagree with BLM. Voices like Thomas Sowell,

Larry Elder, Deroy Murdock, Leo Terrell to mention just a few.

This Special State Bar Board meeting on an obvious political issue like BLM is nothing more than raw partisan politics---liberal versus conservative. And is unbecoming of lawyers who above all others should be defending the right to freely express opinions even opinions that they may believe are offensive or unenlightened. As lawyers we persuade by well crafted arguments. This Special Meeting is not a meeting to persuade anyone but rather is being called by a group of “leaders” who’s gnostic like special insights into BLM gives them an excuse to try to nullify a State Bar election. This nakedly political move is merely Cancel Culture by professionals attempting to enforce their own political views on others.

I write this comment for myself and the few other Texas lawyers I have talked to about this special meeting and the issues raised. While the other lawyers agree with my opinions, they are not inclined to express opinions publicly because they fear the Cancel Culture. A sad commentary on our so-called free society.

Larry McDougal should not resign, nor should he be censured in any way. On the other hand, the self-appointed Bar “leaders” should resign after they publicly withdrawn the joint statement with a public apology for the presumption of speaking for all Texas lawyers on BLM issues.

**Thomas P. Sartwelle
Member State Bar of Texas
Texas Bar No. 17656000**



From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Larry McDougal
Date: Friday, July 24, 2020 3:14:03 PM

On 7/24/20, 3:11 PM, "mmcdougal@mcdougallaw.com"
<mmcdougal@mcdougallaw.com> wrote:

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

>

>First - a disclaimer - I am no relation to Larry.

>Second - I am writing to let you know that Larry has my full support and
>confidence. I have known him for probably 24 years and have found him
>to be a very honest and forthright lawyer. It is my opinion, that Larry
>is being roasted unfairly. First, what he said in 2015 surely cannot be
>held against him today, but then again, statues that have stood for
>hundred of years are being torn down, without having bothered anyone,
>including the last president of the United States, Mr. Obama.

>Third - BLM is a worthwhile organization, if it maintains its focus.

>The problem, as I see it, is that it has engendered a feeling of
>invincibility in a population whose only purpose is to riot, loot,
>assault and run amok in our cities, under the guise of BLM. BLM has
>done nothing to disassociate itself from this group and has not, as far
>as I know, condemned those persons for their unlawful conduct. These
>people are, in fact, "terrorists."

>Fourth - From what I have seen, a black life matters only if one is
>killed by a white cop. Nothing has been said about the black rioters,
>looters and assaulters attacking white people. Nothing has been said
>about blacks killing whites. Nothing has been said about blacks killing
>other blacks.

>Fifth - I agree that police agencies should and must train and educate
>themselves better to enforce the laws they are sworn to enforce. They
>need more training and education to interact with the public they are
>sworn to protect and serve. This is what BLM should be encouraging and
>promoting.

>Sixth - It is my belief that Larry will make a tremendous president of
>our Texas Bar and this "witch hunt" needs to be terminated.

>Thank you for time.

>Michael A. McDougal

>State Bar No. 13570000

>Admitted to the Bar - September 20, 1971.

>Board Certified in Criminal Law since December, 1981.

>Former District Attorney for Montgomery County, Texas (1997-2009)

>

>--

From: [Amy Starnes](#)
To: [BoardofDirectors](#)
Subject: FW: Public Comment: State Bar President commentary
Date: Friday, July 24, 2020 9:11:16 AM

From: [REDACTED]
Sent: Friday, July 24, 2020 12:39 AM
To: Webmaster <Webmaster@Texasbar.com>
Subject: Public Comment: State Bar President commentary

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

Contact

First Name	Earl
Last Name	Spielman
Email	[REDACTED]
Member	Yes
Barcard	18933350

Feedback

Category	Other
Subject	State Bar President commentary
Department	Committees

Comments

I have been a Texas Lawyer for over thirty years. I have known Larry McDougal for at least thirty. I have never seen a more decent friendly helpful or kind man in all of those years. I have spent plenty of time around him, and I never heard a racist or condescending word out of his mouth. In fact, it is the opposite. I have seen him help so many people, regardless of their race or creed, and he never gave it a thought about what a person, man or woman, might be; as a criminal defense attorney, he has been a pure warrior. Regarding the current situation and when he made some questionable comments about BLM half a decade ago, the platform for BLM was very different from today's. That platform had an agenda that many members here would find offensive and hurtful, and some would consider anti-Semitic. I understand that many members here, especially the newly licensed, may not be aware of that. Be that as it may, freedom of speech is still alive in Texas and the US, and Larry was not a State Bar representative at that time. I do also understand that he now wears a public hat, and as such, must be more careful in his choice of words. Larry has apologized if anything he has said hurt anyone's feelings, and I'm sure a discussion on sensitivity couldn't hurt all of us. Removal is too harsh and in doing so would harm the Bar in many ways. Besides, I am not sure you have the power to do precisely that. I understand there will be committee discussions regarding this matter, and dialogue is always a healthy thing. Minority members need to feel like their opinions matter, and they indeed must be heard. In summation, I am giving my support for Larry McDougal.

July 24, 2020
State Bar of Texas
Board of Directors
1414 Colorado Street
Austin, TX 78701

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

Dear Officers and Directors:

Mr. McDougal is certainly entitled to his personal opinions, but his actions render him unfit to serve as State Bar of Texas President. As lawyers, we are held to a higher standard, including respect for due process/due course of law, professional courtesy to each other, and respect for the residents of the great State of Texas. Indeed, we take an oath requiring us to support the Constitutions of the United States and of the State of Texas. That same oath requires us to conduct ourselves with integrity and civility.

Mr. McDougal's posts cast doubt on his commitment to upholding this higher standard. His Facebook post stating "JUSTICE: it usually happens *before* the trial" for example, indicates that Mr. McDougal does not share the same respect for the constitutional mandated due process (due course of law) rights that Texans are afforded under both the federal and Texas constitutions.

Similarly, his Facebook comment of "she is hot in her Texas Bar Picture but she has Meth Head written all over her today" evidences a lack of respect for the woman in question, including crude and unnecessary comments on her physical appearance based on her gender. So much for integrity and civility. More alarmingly, this post appears to have been made at least partially in Mr. McDougal's professional capacity, as the original poster tagged Mr. McDougal as the then ethics chair and asked for his response as the ethics chair.

Finally, with respect to others who are commenting that some of the posts are "older" and that Americans' views on BLM are evolving, I would remind all that the social media posts in question are less than a decade old at their oldest. These are not comments made by Mr. McDougal in the 1960's, these are not faxes of Mr. McDougal unearthed from the 80's—no, they are *social media* posts, which necessarily make them relatively recent. Mr. McDougal knew better when he made these statements.

Mr. McDougal should resign. He is entitled to his opinion, but his actions are so abhorrent that we should all be appalled that someone who conducts himself in this manner would represent all Texas lawyers as State Bar President.



Eileen M. Keiffer
Texas Bar No. 24060273 (inactive)

From: [Jose Villanueva](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal - removal is necessary
Date: Friday, July 24, 2020 5:49:49 PM

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

Dear SBOT Board of Directors:

I believe you should vote to require our SBOT president to resign or vote for a special election or explore impeachment or any other method or combination of procedures to be rid of Larry McDougal.

I have been a board member of the Community Race Relations Coalition of Waco for about 15 years. During that time, I have been fighting racism at the local level and have seen that words of hate spoken in the unguarded moment are a true reflection of the soul. Prepared words of apology or contrition are calculated to appease but rarely to reflect true change — unless paired with a record of action.

I have not seen how Larry McDougal has changed. Those old FB posts are words spoken in the unguarded moment, they reflect the true self. He claims in the recent video apology, that in those five to eight years he has changed his opinions and (perhaps his heart), however, he gives no evidence of actions taken during those years to demonstrate this transformation. He claims that his future actions will reflect his change of mind and heart — those are prepared words intended to appease. There is no substance to them — anyone can make promises. I believe that if he has “changed,” it is only lately and only to try to keep his current office.

How can such a person truly speak for the entire Bar? I certainly would not find his leadership to have any moral authority. I suspect most Bar members who are ethnic or racial minorities or women or with differing abilities or GLBTQ+ and probably many others would likewise find him lacking.

Please take all actions available to you, including creation of new procedures, to remove Larry McDougal as president of the SBOT.

Sincerely,

Jose

Sent from my iPad.

Jose R. Villanueva
Law Office of Jose R. Villanueva

Waco, Texas 76710

(866) 821-1162 (fax)

CONFIDENTIALITY NOTICE: This electronic mail message, and any attachment to it, is intended only for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, please contact the sender by reply electronic mail and destroy all copies of the original message. If you are the intended recipient but do not wish to receive communication through this medium, please advise the sender immediately.

Crisarla 'Cris' Houston, Esq.
6401 Landmark Drive
Waco, Texas 76710

Jennifer R. Jenkins, Attorney and Counselor at Law
The Law Office of Jennifer R. Jenkins
[REDACTED]
Houston, Texas 77098

July 23, 2020

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

RE: Larry McDougal's Unacceptable Social Media Posts - A Call for His Resignation or Removal

Dear State Bar of Texas Board of Directors:

As members of the State Bar of Texas (SBOT), we are disturbed by State Bar President Larry McDougal's social media posts. We call for his immediate resignation or removal so that a more fit leader with a track record of advancing equality, empathy, compassion, respect, and justice for all may take the helm to steer our organization toward a more diverse, equitable, and inclusive future. We wholeheartedly agree with the statements of our like-minded SBOT officers, executives, employees, members, and friends (provided to SBOT members in the July 21, 2020 email with the subject "Special Meeting of the State Bar Board"). We concur with the multiple emails and statements calling for the SBOT leaders and members to act promptly to effectively address implicit bias, racism, sexism, and insensitivity. We decry Mr. Dougal's insensitive and derisive insults hurled at our female colleague who battles drug addiction and the civil rights activists, attorneys, American people, and world citizens who labor to have this nation and the world acknowledge systemically that "Black Lives Matter." We also concur with the multiple emails calling for Mr. McDougal's resignation or removal.

"To be black in America is to live in a constant state of anxiety."

- Joseph Palmore, Houstonian, Educator, Poet, Actor, Playwright, and Founder of ACTing Up Studios

Mr. McDougal publicly called Black Lives Matter a terrorist organization and criminalized the organizers and those of us who support them. Although free speech rights grant Mr. McDougal the liberty to voice such wrongheaded opinions, his patently false statement is dangerous and divisive. The right to free speech does not immunize one from facing the professional and personal consequences of espousing racist, sexist, dehumanizing, derisive, and divisive speech. The danger lies in Mr. McDougal's "dog whistles" that incite criminalization and marginalization of black people and others seeking racial justice and equality in this land fraught with a history of over 400 years of racial injustice and inequality (constituting heinous crimes against humanity and gross human and civil rights violations). The danger also lies in Mr. McDougal's perverted, incorrect assessment of the source of terror. Terror is formally defined as fear or anxiety. As Mr. Palmore aptly asserted, black people in America live in a constant state of anxiety, i.e., terror and fear. The reason for this terror is that we endure the life-threatening effects of institutionalized racism, such as the centuries-old police brutality that Mr. McDougal egregiously deems "justice" that "usually happens *before* the trial." Shame on Mr. McDougal for distorting fact and history by mischaracterizing the terrorized as terrorists when the former has the courage to organize Black Lives Matter to combat the police violence that Mr. McDougal openly and unabashedly condones.

Our civil rights activists and leaders (Martin Luther King, Jr., Joseph Lowery, Medgar Evers, James Chaney, Andrew Goodman, Michael Schwerner, Fannie Lou Hamer, John Lewis, C.T. Vivian, the Freedom Riders, and countless others) have been murdered and brutalized by law enforcement officers, vigilantes, public officials, and American citizens because people (like Mr. McDougal) using "dog whistles" and blatant propaganda have criminalized and dehumanized our activists and leaders. Mr. McDougal also wrongheadedly criminalized a poll worker wearing a Black Lives Matter t-shirt, incorrectly analogizing her to a poll worker found to be in violation of electioneering law

for wearing a Make America Great Again (MAGA) hat. Though his combined careers as a policeman, prosecutor, and criminal defense attorney span decades, Mr. McDougal's past and present online comments show that he remains unable to comprehend the apolitical human and civil rights motivations for the Black Lives Matter movement. Black Lives Matter urges America and the world to respect the value of black lives and end systemic racism in policing and other institutions that disadvantage black people. We cannot support a SBOT president who parrots such dangerous and divisive untruths to mobilize criminalization of Black Lives Matter supporters who lawfully exercise their constitutional right to fight for racial equality, justice, and human and civil rights for black people in America. The Black Lives Matter movement is part of a greater civil and human rights movement that is seeking to heal the soul of our nation. Mr. McDougal has displayed disdain for Black Lives Matter, even after the senseless murders of George Floyd, Ahmaud Arbery, Breonna Taylor, and numerous other unarmed black people.

Mr. McDougal's disdain further extends to our colleague who has the good fortune of being "hot in her Texas Bar picture" while having the misfortune of having a "short lived legal career" because of drug addiction. Addiction and other mental illnesses plague a significant number of our dear SBOT colleagues, who are currently in the throes of addiction, in recovery, or in their graves because of their struggles. The SBOT President must lead all of us, including attorneys suffering from addiction and mental illness, with compassion, sensitivity, and respect.

Mr. McDougal's social media posts and refusal to meet with the leaders of the African-American Lawyers Section of the SBOT to discuss a reparative path forward do not reveal one isolated incident of prejudice and insensitivity. The posts demonstrate a pattern of behavior unbecoming of a leader. Mr. McDougal's actions would be excusable if he were only a member of the SBOT; he could take the time he needs to grow without the burden of performing the demanding task of leading the fourth largest state bar in the country. In contrast, Mr. McDougal's actions are inexcusable for the President of the SBOT because his actions are antithetical to the SBOT's mission and are irreparably harmful and offensive to various members of the SBOT and the community at-large.

Mr. McDougal's written and video apologies do not fix the problem he has created. Mr. McDougal is simply sorry that he got caught, offering flimsy apologies that do not explain reasons for his change of heart or address his inappropriate, hurtful behavior. The fact that Mr. McDougal has refused to meet with the SBOT African-American Law Section representatives to discuss their call to action to repair the harm that his words and actions have caused convinces us that Mr. McDougal's resignation or removal are the only appropriate responses.

We have no confidence in Mr. McDougal's fitness to lead us, two African-American women. He does not possess the judgment or temperament to lead the SBOT. Mr. McDougal should immediately step down to make room for Ms. Sylvia Borunda Firth, the President-Elect, to lead our organization toward a more diverse, equitable, and inclusive future. Steve Fischer has stated that those who call for Mr. McDougal's resignation or removal are in the minority. Please do not succumb to the tyranny of the majority and perpetuate the systemic racism and oppression that has created this issue for the SBOT by ignoring the racial minorities and the numeric minority, who seek to be led by an unbiased, empathic President.

Please contact us at [REDACTED] or info@crisshoustonlaw.com to discuss this urgent matter.

Thank you for your time and attention.

Yours in service,

/s/ Crisarla Houston

Crisarla 'Cris' Houston, Esq.
State Bar of Texas Number: 24048554

/s/ Jennifer R. Jenkins

Jennifer, R. Jenkins, Attorney and Counselor at Law
State Bar of Texas Number: 24094751

From: [Mark R. Zeidman](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Friday, July 24, 2020 2:00:09 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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

I am writing for myself and not on behalf of this firm.

I am appalled at the attitudes towards women and minorities displayed by bar president McDougal as reported by the State Bar, the Houston Chronicle, and other trade media. His judgment is extremely questionable in matters involving race and discrimination. At a minimum, he should commit to consulting with members of the Board, and with affected sections of the State Bar dealing with Asian Pacific, Hispanic, LGBTQ, Native American and African American issues before addressing any such issues publicly. In my view, he should stay off Facebook and other social media while he is State Bar President unless it is clear he is speaking only for himself.

MARK ZEIDMAN

Attorney / Shareholder



FERGUSON BRASWELL
FRASER KUBASTA PC

[Redacted Address]

Texas 77027

[Redacted Phone Number]

www.fbfbk.law



BBB Rating: A+

as of 7/1/2020

[Click for Profile](#)

[in](#) [te](#) [v](#) [c](#) [d](#) [n](#) [o](#) [w](#) [n](#) [l](#) [o](#) [a](#) [d](#) [v](#) [-](#) [c](#) [a](#) [r](#) [d](#)

IMPORTANT/CONFIDENTIAL: This message contains information from the law firm of Ferguson Braswell Fraser Kubasta PC that may be subject to the attorney-client or work product doctrine, or may be otherwise confidential and exempt from disclosure under applicable law. Unless expressly stated otherwise nothing contained in this message should be construed as a digital or electronic signature nor is this message intended to reflect an intention to make an agreement by electronic means. DO NOT COPY OR FORWARD TO UNAUTHORIZED PERSONS. If you are not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or forwarding of this communication is strictly prohibited. Unauthorized interception of this message may be in violation of the Electronic Communications Privacy Act, 18 U.S.C. § 2510 et seq. If you have received this communication in error, please notify us immediately at our Dallas telephone number: [Redacted]

From: [Dee Dee McKee](#)
To: [BoardofDirectors](#)
Subject: Larry McDougal
Date: Friday, July 24, 2020 5:11:10 PM

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

Dear Board Members,

I am writing to denounce the actions and words of Larry McDougal in the strongest of terms, to ask for his resignation or removal as soon as practicable, and to ask that the State Bar of Texas promptly pursue diversity, equity, and inclusion efforts both within the bar and within its own leadership.

As a Black attorney, I am especially disgusted by both the statements and actions of Mr. McDougal and of several of the other Board members and members of the bar in recent weeks. As a graduate of Harvard Law School, I am also acutely aware of how embarrassing this is for the State of Texas within the national and international legal communities. If there is time, I would be happy to speak in support of these sentiments.

Although I didn't have time this week to write a lengthy letter, many of my fellow attorneys as well as Bar Sections and Committees who bear similar opinions have already spent copious amounts of time explaining their viewpoints more eloquently than I can with limited time. The Board Materials regarding the Proposed Task Force on Diversity, Equity and Inclusion also already include many of the measures that I would propose.

However, I think that it's worth saying something with respect to the calls for Mr. McDougal to resign: Mr. McDougal should be relieved of his position as soon as practicable. I have read and listened to Mr. McDougal's response and apology and find those statements to be woefully inadequate. An explanation of why you did what you did or saying that something was only said in your "personal capacity" is not an apology. In addition, even if you do accept Mr. McDougal's apology as valid, his pattern of conduct and the resulting backlash in recent weeks makes it impossible for him to continue leading effectively, and his continuation in the office of the President sends the message that the bar is a "safe space" for open racism and other discrimination. Establishing a Diversity, Equity and Inclusion Task Force is not enough. Anything short of Mr. McDougal's removal or resignation sends the message that the State Bar of Texas condones racism.

I understand that there are certain procedural limitations on the removal or resignation of an officer based on the State Bar Rules. However, the Board should take the necessary action to propose appropriate amendments to State Bar Rules or otherwise seek to relieve Larry of his position without disrupting the next full term of the office of the president to be served by President-Elect Sylvia Borunda Firth. Mr. McDougal's statements and action are unbecoming of the office that he holds and it is an international embarrassment to the State Bar of Texas that he continues to hold the post.

I hope that the State Bar of Texas takes seriously its commitment to drive positive change within the bar and doesn't waiver from doing what is right in the face of such injustice.

Black Lives Matter,

Dee Dee C. McKee
TX Bar #24094835
Law Office of Dee Dee C. McKee, PLLC
Austin, Texas 78748

From: [Johnny Williams](#)
To: [BoardofDirectors](#)
Subject: Monday Meeting
Date: Friday, July 24, 2020 3:43:39 PM

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

Dear Board of Directors:

I believe that the State Bar of Texas needs to be very careful regarding its meeting on Monday. Any time an organization starts to take sides on speech it can soon become open to abuse and oppression. While I hope that all members of the Texas State Bar believe that all individual black lives matters, many members including me disagree with much of the Black Lives Matter agenda, such as reparations, the western nuclear family model being replaced with a community and village model, free college and trade school education for all black people for life, etc. Although I find the "all cops are bastards" and "whites are murders" signs at Black Live Matters protest hurtful and alarming, I will defend their right to carry such signs, make those statements and do not believe that the carriers should be penalized for their signs and statements.

I am also concerned about establishing a State Bar of Texas Task Force on Diversity, Equity, and Inclusion. Anyone who debates the establishment of such a Task Force with honesty cannot doubt that the work and findings of any such Task Force will be substantially and necessarily political in nature. As the Board of Directors is aware, the State Bar of Texas is prohibited from taking political positions.

Thank you for any consideration that you give my comments and I hope that the Board of Directors acts without rushing to judgment in its decision.

From: [Elizabeth Hurst](#)
To: [BoardofDirectors](#)
Subject: Mr. McDougal/In Support of His Resignation at this Time
Date: Friday, July 24, 2020 3:40:28 PM

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

Dear Board of Directors:

I believe we can all agree that decency is a basic characteristic that one would want in an officer of the court and a person leading the Texas Bar with its diverse membership. Is decency characterized by posting about a female lawyer that "*She is hot in her Texas Bar picture but she has meth head written all over her today.*" Just think about this statement for a moment. Is it decent for a lawyer to post a meme suggesting that "Justice" should happen at the curbside by police instead of in the courts? Think about this for a moment- a lawyer seemingly supporting curbside justice over a trial? Does this indicate a leader of the Texas lawyers? Is it decent to post unfounded and inflammatory statements about a movement to protect Black lives from racist law enforcement practices, no matter what year it occurred? No, it is not, and it shows very poor judgment and a blindness to the plight of others. There is no empathy in these actions/postings. Mr. McDougal has the right of free speech, but as members of the bar we have right to a leader with good judgment and who understands what is offensive and hurtful language and who can represent the diversity of the Bar and uphold the decency of the profession. I guess he was trying to be "cute" in these postings, but it is offensive.

Based on the lack of decency evidenced by his postings, I respectfully ask that Mr. McDougal step down, as his leadership will only be divisive. Even though he apologized, he has damaged his reputation within the legal community and he needs to build trust again, so his reputation can be repaired. Every attorney across the US that I have spoken with about this matter has been in shock about his poor judgment. Apparently, at this point in his life, Mr. McDougal does not understand what others already understand. Though I believe he can learn and become more aware by listening and thereby building up his reputation again; but for now, we need and deserve leadership that is respectful to all and to the rule of law. We need a leader that shows decency and professionalism, someone we can respect and someone that has ideas that are forward thinking, not outdated about women and people of color.

I have some reading selections for Mr. McDougal, if he really wants to grow and learn. I also suggest he listen to a fellow Texan's podcasts, *An Angry Black Man*. I wish him the best of luck in developing some understanding on these issues and to hearing about his turnaround, but I can't support his leadership at this time, nor can I trust him to use good judgment in running of the Bar. It is hard to write these things as I am sure he feels some shame for his actions, but we have to stand up for what is right (decent) for all.

He has to be willing to listen and grow or his reputation will be forever tarnished. It is hard to have respect for someone, whose postings show a total lack of respect for others, no matter how "nice" his friends say he is to them.

Regards,

Elizabeth A. Hurst

P.S. I understand that other leadership members have made statements about woman on LinkedIn and Facebook that, if true, are extremely demeaning toward women. I hope the Bar is looking into these issues and I really hope they are untrue, as it is depressing for us woman that this still goes on. Bar Leadership needs to be more diverse and inclusive.

From: [Chielsey Barber](#)
To: [Don Jones](#); [Amy Starnes](#)
Cc: [BoardofDirectors](#)
Subject: Re: Board Meeting Inquiry
Date: Friday, July 24, 2020 10:52:09 AM
Attachments: [image006.png](#)

This is new. We can include in the next round. Have we decided when the next round will be uploaded?

Chielsey Barber
Executive Office
State Bar of Texas
512.496.0441 **mobile**
cbarber@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.

This message and all attachments are confidential. Any unauthorized review, use, disclosure or distribution is prohibited. If you believe this message has been sent to you in error, please notify the sender by replying to this transmission and delete the message without disclosing it. Many written communications, including emails, to or from the State Bar of Texas regarding Bar business may be public information and therefore subject to public disclosure.

From: BoardofDirectors <BoardofDirectors@TEXASBAR.COM>

Date: Friday, July 24, 2020 at 10:49 AM

To: Don Jones [REDACTED] Chielsey Barber
[REDACTED]

Subject: FW: Board Meeting Inquiry

This came into the BOD email. I think it might go in 7E. Forwarding it for you to look at if you have not already seen it.

Amy Starnes

Public Information Director

State Bar of Texas

[REDACTED]

[REDACTED]

Web: [Texasbar.com](https://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: Dennis Peery [REDACTED]
Sent: Thursday, July 23, 2020 2:20 PM
To: BoardofDirectors <BoardofDirectors@TEXASBAR.COM>
Cc: Patricia O. Alvarez [REDACTED]; HS [REDACTED]; Javier Espinoza [REDACTED]; Lisa Rocheleau [REDACTED]; Dan Sciano [REDACTED]; Sandra Laurel Ford [REDACTED]; Matthew Pearson <[REDACTED]>
Subject: Board Meeting Inquiry

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

Dear Members of the Board,

On behalf of the San Antonio Chapter of The American Board of Trial Advocates (ABOTA) please see the attached resolution from our chapter dated July 22, 2020. Thanks for your consideration on this issue of civility and professionalism that reflects on all members of the State Bar of Texas.

Dennis C. Peery



[REDACTED]
San Antonio, TX 78201
[REDACTED]

Email: [REDACTED]

Web: www.tylerandpeery.com



THIS ELECTRONIC E-MAIL MAY BE SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE OR THE ATTORNEY WORK PRODUCT PRIVILEGE OR OTHERWISE CONFIDENTIAL. ANY DISSEMINATION, COPYING OR USE OF THIS E-MAIL BY OR TO ANYONE OTHER THAN THE DESIGNATED AND INTENDED RECIPIENT(S) IS UNAUTHORIZED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE DELETE IT FROM YOUR SYSTEM IMMEDIATELY. INTERNET COMMUNICATIONS CANNOT BE GUARANTEED TO BE SECURE OR ERROR-FREE AS INFORMATION COULD BE INTERCEPTED, CORRUPTED, LOST, DESTROYED, ARRIVE LATE OR INCOMPLETE, OR CONTAIN VIRUSES. THEREFORE, WE DO NOT ACCEPT RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS THAT ARE PRESENT IN THIS EMAIL OR ANY ATTACHMENT, THAT HAVE ARISEN AS A RESULT OF E-MAIL TRANSMISSION.

From: [Joseph Erwin](#)
To: [BoardofDirectors](#)
Subject: SBoT / Bd of Dir / July 27 Meeting / Comments
Date: Friday, July 24, 2020 10:30:39 AM

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

[The first email was rejected, possibly because the comment was attached as a file. Here it is as text in the email message.]

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

Dear Ladies and Gentlemen,

I write in response to your invitation for comments on item 7 of the agenda for your July 27 meeting. This is my personal opinion and not an official statement of my firm.

Generally, I must say that the President of the State Bar should not concern himself with mundane matters, however proximate they might be. But he has done so and someone doesn't like what he said. And then they retrieve comments from before he was elected to office.

First, as for the resolution by the Dallas Bar Association, it is not clear who did that. It is not signed by anybody, it is not posted on its website, there is no press release about it on the website, and I, as a member, did not receive any email about it. More consensus and collegiality and less edicts and fiats, please.

Next, regarding Mr. McDougal's comment that the poll official wearing a Black Lives Matter (BLM) shirt was electioneering in violation of section 85.036 of the Election Code, the definition of "electioneering" in that section "includes the posting, use, or distribution of political signs or literature." From the plain language of the statute, it does not appear to be limited to a candidate or issue on the ballot being voted. So it is a fair comment that the election official was in violation of the statute.

But if you do not think that BLM is a political party, take a quick look at its website. It is everything political. The website and all of its pronouncements clearly say so. BLM does more than protest in the streets but isn't a street protest political *per se*?

Also, whether BLM is a terrorist organization should be debatable – but according to the orthodoxy of woke progressives, anything about BLM cannot be commented upon except in the most effusive, deferential, and positive manner. The question should be debated because of BLM's stated positions – e.g., "We disrupt the Western-style nuclear family requirement . . ." – and with whom it associates itself and the people it idolizes.

One of its co-founders, Patrisse Cullors, has described herself in a video (on YouTube) as a "trained Marxist." Another BLM co-founder, Alicia Garza, evoked a confirmed violent radical when she said: "When I use Assata's powerful demand in my organizing work, I always begin by sharing where it comes from, sharing about Assata's significance to the Black Liberation Movement, what it's political purpose and message is, and why it's important in our context." Alicia Garza, "A Herstory of the #BlackLivesMatter Movement, <https://www.thefeministwire.com/2014/10/blacklivesmatter-2/>. The reference is to Assata Shakur (a/k/a JoAnne Chesimard) who has lived in Cuba since escaping from prison in 1979. Shakur was convicted of killing a New Jersey policeman in 1973. She was the first woman to make the FBI's Most Wanted List. A BLM mural in Palo Alto, California this month included

the image of Shakur.

And if we are going to look into the past of Mr. McDougal, it is fair to look into the past of an important supporter of BLM. A major funder of BLM is the nonprofit fund Thousand Currents, which has on its board of directors, Susan Rosenberg. Rosenberg was sentenced to 58 years in prison (sentence commuted after 16 years by President Clinton) for possessing explosives and illegal weapons. She was also complicit in a number of bombings and bank robberies in the 1980s and was charged with numerous crimes. Most charges were dropped as part of her plea agreement. Rosenberg's most notorious activity was driving a getaway car during the robbery of a Brinks armored car in 1981 during which a Brink's guard and two policemen were killed.

Finally, we see this knee-jerk moral shaming and virtue signaling too often in these times. What standard is being applied to sanction a lawyer for positing that someone has violated a state statute? Is that not what prosecutors and judges do every day? Will his First Amendment rights as an officer of a government agency be considered? I submit it is debatable, but not sanctionable, to consider whether the poll worker violated an electioneering statute and whether BLM is a terrorist organization. It is also debatable whether the effort to punish Mr. McDougal is cancel culture in action – but the conclusion there seems obvious.

When you have an arbitrary standard for what is acceptable speech for the ideologically pure, it will change with the changing passions of the crowds, and you, too, could be next. It is already happening. See, M. Cohen, "New York Times Opinion Writer Bari Weiss Resigns, Citing Hostile Culture and Lack of Ideological Diversity," www.politico.com (July 14, 2020). You might review a history of the French Revolution, especially the part where the mob turns on Robespierre and sends him to the guillotine.

I strongly recommend you read George Orwell's *1984* ("Don't you see that the whole aim of Newspeak is to narrow the range of thought? In the end we shall make thoughtcrime literally impossible, because there will be no words in which to express it."). See also, G. Baker, "The News Media Becomes Fluent in Newspeak," *Wall Street Journal* (July 20, 2020). Orwell's *Animal Farm* is also recommended ("No one believes more firmly than Comrade Napoleon that all animals are equal. He would be only too happy to let you make your decisions for yourselves. But sometimes you might make the wrong decisions, comrades, and then where should we be?"). These books seem most apt here and now.

If you want to divide America, just keep telling us what we can and cannot say.

Regards,
/s/ Joseph M. Erwin

Dallas, Texas 75201

From: [Roy J Leatherberry](#)
To: [BoardofDirectors](#)
Cc: [StateBar President](#)
Subject: Special Meeting of the State Bar Board - Written Comments
Date: Friday, July 24, 2020 4:33:58 PM

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

I have received the email regarding the special meeting of the State Bar Board and I have reviewed the incorporated materials.

I have been a practicing attorney in the State of Texas for nearly three decades. This is the first time that I have provided any input with respect to anything having to do with the State Bar.

As I understand it, the agenda for the special meeting consists, essentially, of four items.

I believe that these four items are inextricably intertwined, consisting of a mosaic, and fraught with dangers for the State Bar. As such, these written comments are directed to Agenda Items 7, 8, 10, and 11.

I will begin with Item 11, "SBOT Mission Statement." On SBOT's website we are advised that "Our Mission: is:

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.

Left undefined as the term is, I have no idea what "diversity" in this context means.

Below this statement is a link to the "Governing Documents," with reference to Government Code Section 81. Section 81.012 of that Chapter states that the rationale of the SBOT ("In order that the public responsibilities of the legal profession may be more effectively discharged") leads to the "following purposes":

- (1) to aid the courts in carrying on and improving the administration of justice;
- (2) to advance the quality of legal services to the public and to foster the role of the legal profession in serving the public;
- (3) to foster and maintain on the part of those engaged in the practice of law high ideals and integrity, learning, competence in public service, and high standards of conduct;
- (4) to provide proper professional services to the members of the state bar;
- (5) to encourage the formation of and activities of local bar associations;
- (6) to provide forums for the discussion of subjects pertaining to the practice of law, the science of jurisprudence and law reform, and the relationship of the state bar to the public; and
- (7) to publish information relating to the subjects listed in Subdivision (6).

In light of the issues presented on the agenda, I think that a brief historical recapitulation is warranted.

The current controversies mirror those in the late 1970s as discussed, principally, in the October 1978, November 1978, December 1978, and September 1979 issues of the Texas Bar Journal.

In 1978 there was a legislative recommendation by the Sunset Commission to sunset the SBOT. As is evident by the discussion in the referenced issues of the Texas Bar Journal, there was a great deal of consternation not only as to whether to continue the SBOT but even *what* the SBOT is.

The Sunset Commission Staff recommended a separation of the regulatory functions performed by the SBOT from the professional services provided to the members of the SBOT. It stated:

Other services such as opposition or support of legislation can best be done on a voluntary basis where the view of the membership can be clearly reflected.

After nearly 30 years of development, it would seem strange that the lawyers of the state would not have developed a sense of purpose that is central to the maintenance of a healthy vigorous voluntary professional association.

The present structure of the organization could be maintained if the association become voluntary as an aid to the Supreme Court in drawing upon the membership for appointments in the area of regulatory functions.

The full report was published in the October 1978 issue of the Texas Bar Journal. The following month a series of “Pro & Con” responses were published. Members of the Bar vocalized positions very similar to some of the ones that are being expressed forty years later. The editors requested additional comments, which were published in the December edition. The SBOT, itself, provided a report in response to the Sunset Commission Staff report in that same issue as well.

Much of the focus was on the fact that the SBOT was (as it still remains) an administrative agency under the judicial department and, therefore, it was not within the power of the legislative department to regulate it. Indeed, the Supreme Court explicitly claimed as such in an order issued in 1979 that it was the judicial department and not the legislative department that has the “power to regulate and control the practice of law and to provide for the proper administration of justice.”

The legislature chose not to sunset the SBOT but, instead, implemented the State Bar Act.

In the September 1979 issue, President J. Chrys Dougherty stated: “We survived. But that survival was at great cost and it carries with it a great challenge.” He concluded: “to continue to survive, it requires constant care and support.”

Thus the danger the SBOT faces today.

The SBOT survived in 1979 *only* because it argued that it was the administrative arm of the judicial department and, as an agency within the judicial department, exercises no power or authority that the judicial department itself exercises.

That is its mission.

And its limitation.

In its reply to the Sunset Commission, the SBOT asserted that “the proper functions of a state bar extend far beyond merely regulating and licensing attorneys.” However, as a state agency, the SBOT acknowledged that it is limited to performing only “proper state functions.”

The SBOT stated in its report: “The purposes of the State Bar are to advance the administration of justice and the science of jurisprudence, to encourage interaction between its members, to improve relations between the public, the judiciary and the Bar, and further the profession's interests.”

However, in the same report, it recognized that it is a “public corporation” and, as such, “as an instrument of the State [it] holds powers and privileges subject to the sovereign will.”

As a public corporation, one might suppose that the State Bar may have corporate values, but as an administrative agency under the judicial department, these values cannot be other than those of that department of government and, thus, can only be those values found in the Constitution of the State of Texas “subject to the sovereign will.”

Further, the judicial department (and by extension, its administrative agencies), under Article II of the Texas Constitution only has judicial power and those executive and legislative powers expressly conferred by the Constitution itself.

Any assumption that these governmental entities can have and express values or a mission independent of the sovereign people of Texas has serious consequences, particularly in light of the other items on the agenda regarding the suit involving mandatory membership dues.

The issues in the current litigation are exactly the issues present in 1978 and 1979 and the recognition by the SBOT at that time as to the limits of its authority are the only thing that kept it alive.

This leads directly into the agenda item involving the expressions of Mr. McDougal in his private capacity and not as a representative of the SBOT.

Regulation of the expression of “values” held by attorneys (particularly if those “values” are expressed in the context of a critique of an inherently political organization), is not a core judicial function, an inherent power of the judicial department, or an expressly conferred power by the Constitution to the department.

What is true of the judicial department is especially true of an administrative agency attached to the judicial department (or a department within that agency) whose sole constitutional justification is to regulate the practice of law and not to express its own (or its leaders) “values.”

I do not know Mr. McDougal. I have never had any contact with Mr. McDougal. Therefore I am not qualified to have any opinion whatsoever with respect to what he may or may not believe. I am only able to comment upon the text itself as it has been provided. And, in the

absence of evidence not otherwise produced, it is beneath the State Bar and TYLA to suggest that Mr. McDougal was advocating anything other than what he explicitly stated he was advocating. This type of mischaracterization, bad faith misunderstanding, and straw-man creation leads, inevitably, to a fear to express any kind of opinion whatsoever.

If there is any value that the SBOT should have, it is protection of the right to express and debate one's opinion.

Further, it is very clear that Mr. McDougal expressed his opinions in his *private* capacity.

It is equally clear that the “leaders” of the SBOT and the Texas Young Lawyers Association, in their assertions that comments made by Larry McDougal “do not reflect the values of the State Bar of Texas” have explicitly done so in their capacity as leaders of the SBOT.

Mr. McDougal’s statements may not reflect the personal values of the individual “leaders” of these organizations but the state agency that is the SBOT and TYLA is not a person and for the reasons previously discussed cannot, by definition, have “values” of its own.

Instead, as implicitly recognized by the SBOT in its response to the Sunset Commission, and as explicitly stated in Article I of the Texas Constitution, “all political power is inherent in the people,” and the “values” that an administrative agency expresses are limited to those values that are of the sovereign people of Texas and not reflective of the political concerns of the “leaders” of an administrative agency.

Indeed, by issuing their opinion under the color of authority (as opposed to as private citizens), it might reasonably be argued that the “leaders” here have, themselves, violated the values of the State Bar to the extent that the values of the State Bar are a reflection of the values of the State Constitution.

Article I, Section 8. “Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.”

There is no evidence in the materials provided for review that anything that Mr. McDougal stated was an abuse of the privilege “to speak, write or publish his opinions.” The actions of the leaders of these entities, under the color of their authority as agents of the State, arguably, amount to the passing of a law “curtailing the liberty of speech.”

In its joint statement the State Bar and TYLA explicitly referenced “#BlackLivesMatter.”

That hashtagged phrase is important because it goes to the entire gist of the original objection posted by Mr. McDougal to the wearing of this logo in the context of a polling place.

The U.S. Patent and Trademark Office has, of course, refused to register phrases in use by various organizations. There is much confusion regarding what the phrase “Black Lives Matter” actually means. There is no confusion, however, as to what that phrase, with the spaces removed and the hashtag added, references.

Further, a review of Mr. McDougal’s postings make it clear that his use of “#BlackLivesMatter” refers to the organization represented at blacklivesmatter.com. As noted

on that organization's website: "#BlackLivesMatter was founded in 2013 in response to the acquittal of Trayvon Martin's murderer." In addition to this statement, the website is full of political positions (including the statement: "We know that police don't keep us safe — and as long as we continue to pump money into our corrupt criminal justice system at the expense of housing, health, and education investments — we will never be truly safe.").

Given its bare survival in 1979, and the current litigation that it is now embroiled in, it is simply inappropriate for the leaders of the SBOT and TYLA, *in their official capacities*, to take any position regarding the personal beliefs of any of its members with respect to a political organization. Indeed, by explicitly referencing "#BlackLivesMatter" (hashtag included, spaces removed) in its statement, without simultaneously disassociating itself from some of the positions articulated by that group, it gives every semblance of endorsement.

One might be surprised that the leaders of the State Bar and TYLA, while expressing no hesitation to denounce the comments made by Mr. McDougal with respect to #BlackLivesMatter, does not simultaneously denounce the comments made by #BlackLivesMatter calling the criminal justice system "corrupt" even though calling out such representation would appear to be the express mission of the State Bar as articulated on its website.

We are advised by statute that the "purpose" of the State Bar includes, among other things, "to provide forums for the discussion of subjects pertaining to the practice of law, the science of jurisprudence and law reform, and the relationship of the state bar to the public."

But how, exactly, is the issuance of these statements, without any input or discussion by the members of these entities, carrying out this purpose?

We can debate whether various political positions held by the organization utilizing the moniker "#BlackLivesMatter" are anathema to large portions of the sovereign people of the State of Texas. Regardless of whether they are or whether they are not, for the SBOT and the TYLA to ally with an inherently political organization over the constitutional right of one of its members to criticize or critique the organization, with the resulting stifling of debate, is simply shameful.

And, if it is not itself illegal, it certainly calls into question the appropriateness of the continued existence of the unified and mandatory nature of the SBOT as a state agency and public corporation.

This is simply a river into which an organization that is currently battling over the question of mandatory dues should never have waded.

It is incumbent upon the SBOT to remain within its constitutional mandate and limitations and to avoid taking controversial positions that do not further its purpose and, indeed, may cause certain citizens to question the SBOT's existence as currently constituted.

In providing these comments I want to make it very clear that these are my own comments and are not to be construed as being made with either the knowledge or approval of any organization with which I am affiliated.

Roy J Leatherberry IV

Board Certified - Workers' Compensation - Texas Board of Legal Specialization
State Bar No. 00789441

GOSSETT, HARRISON, MILLICAN & STIPANOVIC

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

SAN ANGELO, TEXAS 76902-0911

GREG GOSSETT*
GEORGE W. HARRISON (Retired)
PAUL H. MILLICAN**
PAUL D. STIPANOVIC
WESLEY M. GIESECKE
AMY ZETZMAN

FAX (325) 655-6838
e-mail: [REDACTED]

SAN ANGELO, TEXAS 76903

BOARD CERTIFICATION IS
BY THE TEXAS BOARD OF
LEGAL SPECIALIZATION

*BOARD CERTIFIED - COMMERCIAL REAL ESTATE LAW
**BOARD CERTIFIED - TAX LAW AND ESTATE PLANNING
AND PROBATE LAW

July 24, 2020

To State Bar of Texas Board of Directors:

Re: Larry McDougal

Dear Board Members:

We are concerned, even alarmed, with the recent attacks on innocent persons whose "crime" had been historical comments or an expression of ideas which fall outside of certain social or political beliefs held by members of a movement or subset of our culture. Larry McDougal is the latest victim of such attacks.

Mr. McDougal's comment on a Facebook post that the wearing of a BLM shirt by a poll worker violated election laws was neither racist nor illegal. It was simply a legal opinion expressed in a social setting.

A joke made the rounds back in the days of the Cold War about an exchange between an American and a Soviet diplomat. The American said, "But in America we have freedom of speech." The Soviet diplomat responded, "We, too, in Russia have freedom of speech...but only if the truth is spoken."

Back then, everyone laughed at the joke. Today, no one laughs.

Please rise above the cultural and political morass and do the right thing. Support our State Bar President, Larry McDougal.

Very truly yours,

GOSSETT, HARRISON, MILLICAN &
STIPANOVIC, P.C.


Paul H. Millican and Paul D. Stipanovic

From: [Jeffrey M. Travis](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Friday, July 24, 2020 6:14:50 PM

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

Pursuant to the email I received from the State Bar inviting me to comment on the issues to be addressed at the special meeting, I write to support Larry McDougal. The Board of Directors should take no action against him for his comments regarding the poll worker who wore a Black Lives Matter t-shirt while working at a polling place.

As I understand it, Larry McDougal expressed the opinion that a poll worker wearing a Black Lives Matter Tee shirt should not have been allowed to wear that shirt while working at a polling place during the recent run-off election. That statement is NOT racist. That view is shared by many non-racist people. Black Lives Matter, it is argued, is not a political party, so its emblems and slogans are not banned from the polling places. But Black Lives Matter IS a political organization and a political movement. The polling places should be free from ANY political influence, and t-shirts clearly conveying a political message of any sort should not be worn by poll workers in a polling place.

In making the statement referenced above, Larry McDougal expressed an opinion, an opinion that is shared by many people. To take action against him for his opinions would be another manifestation of a growing intolerant cancel culture that is dangerous to our free society. People of all walks of lives, lawyers and non-lawyers, people of color and Caucasian people, should be free to express their (non-violent) opinions without any fear of retribution. While I strongly believe Black Lives Matter should be able to express their opinions (so long as they are non-violent opinions), I also believe Larry McDougal is entitled to express his (non-violent) opinions. He didn't give up that right when he was elected to his State Bar office.

Finally, Larry McDougal has apologized for his remarks. I don't feel that he needed to, but he did. In his apology, he made it clear that he denounced racism in every form. He apologized to anyone he offended. If there was a legitimate issue raised by his statements, his apology has fully addresses it.

Jeffrey M. Travis
TRAVIS LAW GROUP
A Professional Corporation

[REDACTED]
Dallas, Texas 75240
[REDACTED]
Fax (972) 934-4101

Confidentiality Notice: This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, and is legally privileged. Unauthorized viewing, use, disclosure, or distribution is strictly prohibited. If you are not the intended recipient (identified above), please contact the sender at [REDACTED], or by reply e-mail, and immediately destroy this message and all copies thereof.

From: [John Henry](#)
To: [BoardofDirectors](#)
Subject: Board Meeting Inquiry
Date: Saturday, July 25, 2020 3:59:15 AM


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

As much as I appreciate the Texas Bar for addressing the long overdue problem of racial discrimination in the Texas Bar Association, a much bigger issue is nationality discrimination because it has largely been ignored. I am an attorney licensed in New York and Federal Court in the Southern District of Texas. The Texas Bar has reciprocity with a number of states, but the bar makes it difficult to waive into the Texas Bar based solely on Nationality. I think it is about time that the Texas State Bar begins to address this Nationality issues. A lot of times, I find it extremely difficult to find legal employment in Texas due to my nationality.

Furthermore, I have seen the inconsistent application of the law within the judiciary. An individual withdraws money from a corporate account unauthorized and is given a very long sentence sometimes up to or more than 20 years or a loss of a license, especially if the individual is a practicing attorney from a different nationality background. A corporation does the same thing to an individual and the Judge says that it's nothing. I have noticed that Judges here are pro-corporation to the point of being ridiculous and it may be because of the political influence these corporations exert in the election of Judges. The foregoing is something that I think the Bar needs to address.

Thank you.

Best regards,

John-Henry


--

CONFIDENTIALITY NOTICE

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

This e-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, is confidential and is legally privileged including, without limitation, attorney-client privilege. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please notify the sender by return e-mail, and delete it immediately.

Thanks for your cooperation in this matter.

Accept Larry McDougal's Apology

 Follow up.



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

I encourage the board to accept Mr. McDougal's apology and move on. Allow him to grow from this experience, and the rest of us as well.

If we erase everyone who says anything that could be considered offensive or insensitive, we'll soon have no one left.

Please don't give in to the loud voices and social media generated mob mentality. Give this a chance to work itself out.

If there is a problem, the next election will take care of it.

Sincerely,
Vic Feazell
SBOT# 06872280

Vic Feazell
<https://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.vicfeazell.com%2F&data=02%7C01%7CBoardofDirectors%40TEXASBAR.COM%7C1ce5736170f04289cc7e08d830a0c97c%7Cece4a672274e48cfa4575e83671cbe8d%7C1%7C0%7C637312814454992176&sdata=LtXzYQj8KZgcLkzE4PviqIOERn3qY7R0CGeZxx1BLTQ%3D&reserved=0>

HON. CARROLL G. ROBINSON, ESQ.

July 21, 2020

Board of Directors
State Bar of Texas

Dear Members of the Board:

I am writing to express my disappointment and frustration with the recent comments on Black Lives Matter by Larry McDougal, President of the State Bar of Texas (SBOT).

Attorney McDougal's comments were factually wrong. Black Lives Matter is not affiliated with any one particular political party. He was wrong on the law. See the attached memo from Brian Middleton, District Attorney of Fort Bend County. Worse, and most dangerously, his comments were an expression of racial bias.

Attorney McDougal was essentially advocating for the criminalization of free speech and the criminalization of Black voters for expressing their support of self-preservation and increased police accountability. The comments were an expression of New Jim Crowism; the institutionalized criminalization of Black people.

The comments were inconsistent with a commitment to equal justice under the law. They reflected an implicit bias against the value-and equal worth-of the lives of Black Texans and Black People in America.

The SBOT is supposed to be a leader of the effort to secure equal justice under the law, in Texas.

If the SBOT is to represent all lawyers in Texas and speak for equal justice under the law for all Texans, we need culturally competent leadership guiding and leading the organization.

A simple apology is not enough to absolve Attorney McDougal in this situation. This is a teachable moment not only for him-one individual-but also for the SBOT as to how much work still has to be done in our profession to truly achieve Liberty and Justice for all.

If the leadership of the SBOT can't adequately represent all its members, why should we be mandated to pay dues to support people who are opposed to advancing our community's best interests and our progress in the legal profession?

Attorney McDougal's comments are an expression of the kind of latent bias that has been a roadblock to truly diversifying the legal profession, as it relates to the number of Black lawyers in the profession, the number of Black partners at multi-lawyer law firms in Texas and increasing the presence of Black lawyers as corporate General Counsel or Associate General Counsels at corporations and financial firms and institutions across Texas and nationally.

Institutionalized bias is real and must also be addressed in the legal profession.

What the Board of Directors-and Attorney McDougal-decide to do about what was, to me, clearly biased and racially insensitive comments will speak volumes about the present condition of the SBOT and its future viability as an entity that can represent all Texas lawyers.

I thank you all for your service and dedication to the profession and look forward to working with the Board to address with this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Carroll G. Robinson", followed by a long horizontal flourish line.

Hon. Carroll G. Robinson, Esq.
Former Minority Director, SBOT/TYLA
Former Chairman, AALS
Past President, Houston Lawyers Association
Former Board Member, National Bar Association
Former National Chairman, NBLSA



DISTRICT ATTORNEY'S OFFICE

Fort Bend County, Texas

BRIAN M. MIDDLETON
District Attorney

(281) 341-4460

July 13, 2020

VIA EMAIL TO ROBINSONCARROLL97@GMAIL.COM

Honorable Carroll G. Robinson, Chairman
Texas Coalition of Black Democrats

**RE: SECTION 85.036 OF TEXAS ELECTION CODE AND ADVOCACY
ORGANIZATION T-SHIRTS WORN INSIDE POLLING LOCATION**

Dear Mr. Robinson:

In your letter, dated July 11, 2020, you requested that my office render a legal opinion regarding "the insinuation by State Bar President Larry McDougal that a t-shirt bearing inscription of an advocacy organization violates Texas election law."

Section 85.036 of the Texas Election Code provides, in pertinent part:

- (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....
- (f) (2) Electioneering includes the posting, use, or distribution of political signs or literature.

(emphasis added).

The Texas Election Code defines a measure as "a question or proposal submitted in an election for an expression of the voters' will."

The Texas Election Code does not define candidate, political signs, or political literature. However, the Texas Secretary of State's website defines a political party as "An organized group of people with common values and goals, who try to get their

candidates elected to office. The Democrats and the Republicans are the two major political parties in the USA today. Other political parties with ballot access in Texas include the Green Party and the Libertarian Party.”

The Oxford American Dictionary defines an advocacy organization or advocacy group “as a group of people who work together to achieve something, especially by putting pressure on the government, etc., usually representing people who are unable to speak for themselves.”

Thus, Section 85.036 prohibits use of signs or literature in favor of or against a candidate, a measure, or the libertarian, green party, democrat, or republican party. Accordingly, apparel that simply identifies an advocacy organization or its slogan would not be use of a sign for or against a candidate, measure, or political party and does not appear to be within the scope of Section 85.036.

The United States Supreme Court has held that laws abridging the freedom of speech, including wearing a t-shirt, restrict a form of expression within the protection of the First Amendment. In *Minnesota Voters Alliance v. Joe Mansky*, 138 S.Ct. 1876, 201 L. Ed. 201 (2018), the Supreme Court held that the Minnesota statute, which included a political apparel ban, implicated the Court’s non-public forum based standard of review which was “whether the ban on political apparel is reasonable in the light of the purpose served by the forum.” 138 S.Ct. at 1891

The Petitioners in *Minnesota v. Mansky* were wearing (1) a “Tea Party” t-shirt, (2) “Please I.D. Me” t-shirt, and (3) “Don’t Tread on Me” t-shirt with “Tea Party” logos. 138 S.Ct. at 1885. The Supreme Court noted the Minnesota statute did not define the term political and the word could be “expansive.” 138 S.Ct. at 1888. The Court noted that the term can encompass anything ‘of or relating to government, a government, or the court conduct of governmental affairs.” 138 S.Ct. at 1888. The State of Minnesota argued that the statute was a limited “ban to proscribe only words and symbols that an objectively reasonable observer would perceive as conveying a message about the electoral choices at issue in the polling place.” 138 S.Ct. at 1889. In considering that argument, the Supreme Court posed the question, “Would a “Support Our Troops” shirt be banned, if one of the candidates or parties had expressed a view on military funding or aid for veterans? What about a “#MeToo” shirt, referencing the movement to increase awareness of sexual harassment and assault.” 138 S.Ct. at 1890. In declaring the Minnesota statute violated the First Amendment, the Supreme Court reasoned that “a rule whose fair enforcement requires an election judge to maintain a mental index of the platforms and positions of every candidate and party on the ballot was not reasonable.” 138 S.Ct. at 1891.

Therefore, an in interpretation of Section 85.036 of the Texas Election Code that would restrict apparel including inscriptions similar to "Support Our Troops", "Me Too", "All Lives Matter", "Blue Lives Matter" or "Black Lives Matter" would require an election judge to maintain a mental index of the platforms and positions of every candidate and party on the ballot which would be in contravention of the United States Supreme Court's ruling in *Minnesota v. Mansky*.

If you have any questions, please contact me.

Sincerely,



Brian M. Middleton