

State Bar of Texas Board of Director's Meeting – July 27, 2020

CHARLIE GINN: All right, it is 9:03 and I am calling this meeting to order. All directors will be unmuted for roll call. With our agenda posting we invited members of the public to view a broadcast of the board of directors meeting which is live at [facebook.com/statebaroftexas](https://www.facebook.com/statebaroftexas). For providing instructions on how to - we have provided instructions on how to sign up to speak at those meetings. Sign-ups are available until 5 p.m. Friday - members of the public will remain in the Zoom waiting room until it is their turn to speak. Please note - this meeting will be recorded and the recording will be made available to the public. Mr. Executive Director - please call the roll.

TREY APFFEL: Mr. Agosto?

BENNY AGOSTO: I'm present.

TREY APFFEL: Mr. Alexander?

JERRY ALEXANDER: Present.

TREY APFFEL: Mr. Allison?

JEFFREY ALLISON: Present.

TREY APFFEL: Mr. Almanzan?

UNIDENTIFIED PERSON #1: He's here...

ANDRES ALMANZAN: Present - here.

TREY APFFEL: Mr. Baruch?

CHAD BARUCH: Here.

TREY APFFEL: Ms. Bihm?

KATE BIHM: Present.

TREY APFFEL: Ms. Brooker?

REBEKAH BROOKER: Here.

TREY APFFEL: Mr. Calvillo?

DAVID CALVILLO: Present.

TREY APFFEL: Mr. Carlos Cardenas?

CARLOS CARDENAS: Present and good morning.

TREY APFFEL: Mr. Luis Cardenas?

LUIS CARDENAS: Present.

TREY APFFEL: Mr. Cook?

DEREK COOK: Here.

TREY APFFEL: Ms. Cordova?

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DEBORAH CORDOVA: Present.

TREY APFFEL: Mr. Crain?

ROBERT CRAIN: Here.

TREY APFFEL: Ms. Davis?

CHRISTINA DAVIS: Present.

TREY APFFEL: Mr. Dawson?

ALISTAIR DAWSON: Present.

TREY APFFEL: Mr. Dokupil?

MICHAEL DOKUPIL: Present.

TREY APFFEL: Ms. Hernandez Ferrier?

MARIA HERNANDEZ FERRIER: Present.

TREY APFFEL: Ms. Borunda Firth?

SYLVIA BORUNDA FIRTH: Present.

TREY APFFEL: Mr. Fischer?

STEVE FISCHER: Yes.

TREY APFFEL: Mr. Flores?

VICTOR FLORES: Here.

TREY APFFEL: Ms. Forbes?

LUCY FORBES: Present.

TREY APFFEL: Ms. Ginn?

CHARLIE GINN: Here.

TREY APFFEL: Mr. Ginn - I'm sorry.

CHARLIE GINN: It's all right.

TREY APFFEL: Ms. Goldsberry?

SHARI GOLDSBERRY: Here.

TREY APFFEL: Mr. Gravely? He's going to be late. Mr. Harris?

AUGUST HARRIS: Here.

TREY APFFEL: Ms. Harrison?

BRITNEY HARRISON: Here.

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TREY APFFEL: Judge Hatch?

LES HATCH: Here.

TREY APFFEL: Ms. Hoggard?

UNIDENTIFIED PERSON #2: She's trying to get on.

TREY APFFEL: She's trying to get on - she'll be here. Ms. Humphrey?

WENDY-ADELE HUMPHREY: Present.

TREY APFFEL: Mr. Hurst?

MICHAEL HURST: Present.

TREY APFFEL: Mr. Kolodoski?

MATTHEW KOLODOSKI: Here.

TREY APFFEL: Justice Lehrmann?

DEBRA LEHRMANN: Here.

TREY APFFEL: Ms. Cortez Mares?

YOLANDA CORTES MARES: Present.

TREY APFFEL: Mr. McDougal?

LARRY MCDUGAL: Here.

TREY APFFEL: Ms. Carra Miller?

CARRA MILLER: Here.

TREY APFFEL: Ms. Emily Miller?

EMILY MILLER: Here.

TREY APFFEL: Judge Morales? Ms. Mount?

LYDIA MOUNT: Present.

TREY APFFEL: Ms. Murphy?

KATHRYN MURPHY: Here.

TREY APFFEL: Mr. Naylor?

STEPHEN NAYLOR: Here.

TREY APFFEL: Ms. Rispoli?

JEANINE RISPOLI: Here.

TREY APFFEL: Ms. Roe?

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CARMEN ROE: Here.

TREY APFFEL: Mr. Schramek?

ADAM SCHRAMEK: Here.

TREY APFFEL: Ms. Scott?

MARY SCOTT: Here.

TREY APFFEL: Mr. Sergi?

DAVID SERGI: Here.

TREY APFFEL: Mr. Sims?

ALAN SIMS: Here.

TREY APFFEL: Mr. Jason Smith?

JASON SMITH: Here.

TREY APFFEL: Mr. Michael Smith?

MICHAEL SMITH: Here.

TREY APFFEL: Mr. Todd Smith?

TODD SMITH: Here.

TREY APFFEL: Mr. Sorrels?

RANDALL SORRELS: Here.

TREY APFFEL: Ms. St. Yves?

DIANE ST. YVES: Here.

TREY APFFEL: Mr. Tolchin? He's here - show him as here. Mr. Vargas?

SANTOS VARGAS: Here.

TREY APFFEL: Mr. Vasquez?

MICHAEL VASQUEZ: Here.

TREY APFFEL: Ms. Welborn?

AMY WELBORN: Here.

TREY APFFEL: Mr. Wester?

JAMES WESTER: Here.

TREY APFFEL: Ms. Pack Wilson?

KIMBERLY PACK WILSON: Here.

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TREY APFFEL: Judge Yeary?

KEVIN YEARY: Here.

TREY APFFEL: Mr. Chair, we've got a quorum.

CHARLIE GINN: Thank you, Mr. Executive Director. With that, I'd like to call on director Emily Miller to bring our invitation to a mute and lead us in invitation. Ms. Miller?

EMILY MILLER: Thank you, Chairman Ginn. We come to ask the one who has many names and cannot be named to watch over our going out and our having to stay in as we gather in this electronic space. We ask you to continue to grant us the patience to gracefully adapt to these procedures, the tolerance to fully listen to our colleagues, and the persistence to bear any technical difficulties that might arise. We are grateful that we can meet in this way even as our world takes this strange turn. And while the pandemic has shown us how tightly our world is connected, it has also revealed to us the sharp disparities between poverty and privilege and between potential and power that have existed in our country for centuries. From many directions, we hear the echoes of humanity being sick and tired of being sick and tired. God and God of justice and mercy - we pray for a change in our world of injustice. Allow this diverse yet unified body to be a discerning voice for justice, mercy and peace in our land. Prepare us, we pray, to do your work. Amen.

CHARLIE GINN: Emily, thank you for those words and for your invitation. We would ask now, director Wendy-Adele Humphrey to unmute and lead us and the board in the pledges, and the flags will appear via Zoom. Wendy?

WENDY-ADELE HUMPHREY: Thank you, Chair Ginn. Please join me in the pledge. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all. Honor the Texas flag - I pledge allegiance to thee, Texas, one state under God, indivisible. Thank you.

CHARLIE GINN: Thank you, Director Humphrey. Welcome to our specially called meeting. I cannot thank you enough, whether you're watching on Facebook Live, whether you're watching on YouTube, whether you're here on Zoom with us. You have set aside your day, your career, your plans to be here this morning, and you know why we're here. It's an important meeting. For our public members that are signed up, I want to thank you for letting your voice be heard today. It's important to us that we hear you. It's important to our directors that they serve both the public and the attorneys in our bar well so I want to thank you for that. Normally, when we have our meetings, we end our meetings with a reading of the state bar mission statement. We're going to do that again today. I've asked Director Andy Almanzan to lead us in that, but before we do anything else, I think it's appropriate to hear that mission statement. So if you'll bear with me, I'm just going to recite it for us. The mission of the State Bar of Texas is to support the administration of the legal system, to 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, to educate the public about the rule of law and promote diversity in the administration of justice and the practice of law. Today, we are dealing with issues that require an awareness of our purpose. So when I say our purpose, I mean the state's bar purpose. We have limitations in front of us by case law, by the Texas Bar Act and by our policymaking. The board of directors today cannot solve this issue today. It won't be - (inaudible), but we are here. And I think today is the day to start healing.

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Today is the day that we have got to move forward. A good friend of mine, the immediate past president of the Texas Young Lawyers Association Victor Flores, told us last year as he began his term that we've all walked on floors that we haven't scrubbed. We've all walked through doors that we haven't opened. So everywhere we go, scrub floors and open doors. That's today. Today, we listen to the members of the public and the attorneys that we serve. We hear them, and we begin the process of healing. I don't think healing happens in a day. To heal requires understanding, and I think understanding requires acknowledgement. We need to do that today, and I would encourage you all to do that today, to listen. You all, most of us here, have very specific passions and ideas about what should happen. Our members of the public, we want to hear from you. We're going to hear from you. There are 68 of you, I think, that have signed up, and I couldn't be more excited about that. We're ready to hear what you have to say. We're ready to listen. If you are here today, whether you're speaking as a director, as an attorney, as a public member, understand you're here today, though, because a member of the staff made it so. They have been working around the clock for the last two weeks to make sure that we're capable of doing this. For the members of the public and the attorneys that sent in over 1,100 letters and responses and the organizations that sent that, we thank you for that too. The members of the staff compiled those and made those available to you in the materials. We all need to thank them and be appreciative of them for that, and I want to thank you personally to the staff for working around the clock and making that happen. For our public members, you're going to get a chance to speak in just a few minutes, and we will talk about that more in detail. But just to tell you, just to give you a heads-up, you'll all be given three minutes to speak. There are a lot of you, and just to be respectful of those that come after you, we ask that you limit your comments to the three minutes. I will stand up and give you an indication when to wrap up your comments, and so we ask you to do that. Make sure that your Zoom info is included, if you're calling in by video chat, under the name that you've registered by so, for security purposes, we are able to put you in the system where we can identify you. If you're calling in by phone, make sure that the phone number you registered under is the one that you're calling from. With that, let's move on to item number - excuse me, item No. 5 - comments from the president, Larry McDougal. President McDougal, the floor is yours.

LARRY MCDUGAL: Thank you, Mr. Chair. Let me just go ahead and jump right in the middle of this and tell you I accept full responsibility for my comments, all the pain and the anger and everything that they resulted in. I've been - as a result of this, I've met with the African American Lawyers Section on two occasions, their officers, and talked to them. I've talked to lawyers from all around the state. I've talked to public members from around the state, and I admit I have a lot of blind spots. And I'm working on those, and I think we all need to work on that. I think we all have blind spots and that's kind of where I'm hoping this goes into. With that, I want to apologize to everybody that felt pain, hurt, felt I was insensitive to their cause or their actions because that was never my intention to harm, or hurt or insult anybody. And I'm asking for your forgiveness. I'm sorry for that. That was never my intentions. And those posts - going back to 2012, 2014, 2015 - that was never my intention in those at all. And with that I've said I'm going to listen and that's exactly what I intend to do. But I want to acknowledge - first of all, I know I angered members of the public, I know I've angered lawyers around the state, I know that I've upset and hurt members of our bar staff and our board of directors. And to those, once again, I want to say I'm sorry and I want to assure you that was not my intentions. With that I've promised to listen and that's what I intend to do today - to listen to each and every one of you. I know that I'm going to take a lot of heat and there's going to be a lot of negative things said about me today. But I'm still going to sit

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here and listen and learn from everything that everybody has to say. And with that, Mr. Chair, I'll surrender the floor back to you.

CHARLIE GINN: Thank you, president McDougal. Members of the public will have an opportunity to comment. Time allocations will be made - three minutes per public member and or attorney that's considered to be a public number. The order for that will be done in the order that you signed up. So the first person to sign up will be given the first slot and so on. I do ask that your comments are civil. I do ask that your comments are directed towards me, the chair. And once you're concluded with your comments, if you would cede the floor. What will happen is you'll be given the three minutes. At a minute marking, I will stand up and give you an indication you have a minute left. At the three-minute marking, you will be asked to finish your thought if you haven't already done so. Again, anytime we ask you to wrap up your thought, it's not because we don't want to hear you but just out of respect for the others that wish to speak. With that, I believe our first public member is Rudy Gonzalez. Mr. Gonzalez - oh, and before you start, Mr. Gonzalez, I'm sorry. My last name is Ginn. It's pronounced Ginn but everyone calls me Gin. I hear it Gwen. I've heard Smith. I heard names all over the place. I promise you I am going to mispronounce some names and I just want to apologize to you first and foremost for that, so bear with me on that. But Mr. Gonzalez, you have the floor.

RUDY GONZALEZ.: Mr. Ginn, thank you very much. Can you hear me OK?

CHARLIE GINN: Yes, we can.

RUDY GONZALEZ.: All right. Thank you. Ladies and gentlemen, I do want to make these comments in the correct spirit and in the correct manner that is called upon for this body. Let me say the following. Mr. McDougal's conduct was and is unacceptable, and it constitutes behavior which falls well below the high standards expected of a president of the State Bar of Texas. First, his comments regarding the voting precinct worker who wore a Black Lives Matter teacher were untrue. But more importantly, they reflect an intentional belief system which is shocking and cannot be ignored by the board of directors. Oftentimes, when a person is called out because of racially charged comments which were made in the past, the excuse or explanation is one of, quote, ""I understand that my comments may have been or seen as hurtful. And that was never my intention"", close quote. And I disagree. It was exactly Mr. McDougal's intention to make a false accusation, which was racist in intent, content and purpose. To now apologize in order to attempt to keep his high office frankly rings hollow. Why didn't Mr. McDougal apologize before his prior comments about Black Lives Matter being a terrorist group received widespread attention? The reason is this, his apology and excuse are tendered for one reason and one reason only, and that is so that he can continue to serve as president of the State Bar of Texas. Colleagues, it's a new day in our world. We cannot nor should we tolerate racism in our society and certainly not in the office of the president of the State Bar of Texas. The word shame is not strong enough to describe the emotion that will be felt by those members of the State Bar of Texas who refuse to be led by an attorney who's expressed the views Mr. McDougal has expressed. I hope and trust that the board of directors will demand the resignation of Mr. McDougal. And if he refuses to do so, will take it upon themselves to remove him from office. Mr. Ginn, thank you very much for your time.

CHARLIE GINN: Thank you Mr. Gonzalez. Just as a technology point, if all of our directors right now could mute so we don't have feedback on that, I would appreciate it. Before we go on to our next speaker, - just to give everyone a quick view of the agenda that's posted - we're going to be taking breaks

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throughout the day. But after the public comments we'll be moving into the discussion period by the directors. After that, which subsection 7 - subsection 8 will be a report from our president-elect Sylvia Firth and we will conclude after that. But the agenda is posted online. We will have a closed session at the beginning of our discussion, just to get advice from our legal counsel. With that, our next speaker is Randy Chapman. Mr. Chapman, the floor is yours. (Inaudible) and we will conclude after that (inaudible).

RANDY CHAPMAN: Good afternoon. My name is Randy Chapman. I submitted written comments. My understanding is there is no procedure right now for recall and that scares me. Let's see here.

CHARLIE GINN: Your on, Mr. Chapman. You can, please, continue.

RANDY CHAPMAN: Oh, OK. My name's Randy Chapman. I've been a member of the state bar and active attorney for 43 years. I submitted written comments, which I hope bar board members are able to review. All of which is - first of all, let's never ever see this happen again. And by that I would recommend to the state bar board that through your executive committee you establish a procedure for recall. And - because who knows what could happen in the future or what other actions a bar president - or trouble they could get into whether it be a serious criminal violation or other matter that would prove them as being unable or unfit to serve. Secondly, I do not know - I know there have been conversations but I do not know whether Mr. McDougal has agreed to each of the recommendations of the African American Bar Association. Given the 5th Circuit opinion that I have had an opportunity to review, it is my understanding that he may not be removed from office. However, each of the steps that are recommended by the association and endorsed by hundreds of lawyers, and certainly local bar sections, should be implemented at this time. And if he is not able to make such a statement, then he should be - in my judgment - removed, or curtailed or appropriate guardrails set. You control the budget of the office of president. Finally, we are entering a year where President McDougal will be the voice of the bar, along with our executive director, before the state legislature. I highly recommend that our executive director be that voice who I greatly respect, and not Mr. McDougal with his history of misstatements of law and poor judgment. That concludes my remarks unless there's any questions.

CHARLIE GINN: Thank you Mr. Chapman. I appreciate it. Our next speaker is Jerry Walter. Mr. Walter, the floor is yours.

JERRY WALTER: Thank you Mr. Chair. I'm here today to address the racism and misogyny that is pervasive in our bar. And while I know it can't be fixed in one day, the censure resignation and or removal of Mr. McDougal and Mr. Fischer is an important first step. We all know what Mr. McDougal said and did at this point. We saw the insincere apology video where he claimed his views had changed but you couldn't articulate how or why. We saw that he failed to even address his misogynistic comments or his apparent support for police brutality. But then Mr. Fischer publicly revealed that Mr. McDougal was actually given a pre-written apology speech and pressured to read it in that video apology. So unless Mr. Fischer has been repeatedly lying about that for weeks, the insincerity of the video makes sense. Sincerity is hard to fake when you're being forced to read the words of another. But today we heard the same insincere words - the apology of I'm sorry if you were offended, which is different than apologizing for the offensive things that were said. Mr. Fischer, on the other hand, has a well-documented history of racist and misogynistic comments, as well as frequent bullying and unprovoked personal attacks. For example, a couple of years ago when a New York attorney apologized for making racist comments, Mr. Fischer told that attorney to kill himself. You can probably still find Mr.

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Fischer's tweet. It's right above the one where he uses the R-word as a derogatory term. Now, telling anyone to commit suicide is obviously heinous, particularly in our profession. But Mr. Fischer seeks vastly more compassion for his own comments and for Mr. McDougal's while refusing to acknowledge how they've hurt others. And yet, just last week Mr. Fischer was discussing his colleagues and told a reporter that, quote, "sometimes I enjoy taunting them so they get angry at me", end quote. Now, we can all agree that using racist taunts isn't appropriate, especially from someone in a leadership position. But a director using them to intentionally anger the very people he's supposed to represent is completely unacceptable. It's very clear that neither of these men are fit to represent all members of the bar. It's even more clear to me because I took the time to listen. I listened to our marginalized colleagues, and I heard them describe their pain, their frustration, their experiences. But now both of these men are essentially accused of having split personalities, some kind of Dr. Jekyll and Mr. Hyde syndrome, where they're allegedly great people in person, but they have horrendous behavior online. It's time we acknowledge that online behavior is no less real than in-person behavior. It's 2020 in the middle of a pandemic. Everything's online. We're online right now. And in Mr. Fischer's case at least, his conduct is admittedly intentional and meant to anger our colleagues. This all reminds me of the quote, "When someone tells you that you hurt them, you don't get to decide that you didn't." This applies not only to Mr. McDougal and Mr. Fischer who have hurt our colleagues, but to all of us. It applies to any attorney who has dismissed the feelings of their colleagues when it comes to the issues of race or sex. And at this point, there must be consequences. Anything else feels like the leadership here today is giving its stamp of approval to the lowest elements of our bar. This isn't about legal precedent. It's about doing the right thing. And I'm just one voice. But I know that I'm not alone when I say that the only sufficient consequence is resignation or removal. I learned the most by listening to our hurting colleagues, and now is the time to listen and to act accordingly. Thank you for your time.

CHARLIE GINN: Thank you Mr. Walter. Our next speaker is a U.A. Lewis. You have the floor.

U.A. LEWIS: Good morning. I'm U.A. Lewis and I would - thank you all for this meeting. I think it's very important. And I make the following statement. We are at a critical moment in our history. This year an imperfect man, George Floyd, a Texan, is (inaudible) throughout the world. I personally refuse to let the claim go out prematurely. Today, I am compelled to ask whether the State Bar of Texas will require me and my colleagues to follow the leadership of a bar president who on social media stated that a person simply proclaiming Black Lives Matter on a shirt at a voting location was committing a crime or whether the State Bar of Texas will take conclusive action to uproot the intolerance that has permeated the bar's history. The fact our mandatory bar finds itself with Larry McDougal at the helm eloquently speaks of a system that enables lawyers expressing supremacist attitudes to thrive boldly, freely, and unfettered. The bar leadership has a choice. It can continue to perpetuate the role the State Bar of Texas lawyers and judges have played in institutionalizing the injustice and violence that has devastated and destroyed countless Black lives and families, or it can take meaningful actions in the face of this conduct by our state bar president. Meaningful action would be what has been proposed by the affinity bars. But we also expect much more as outlined in our letters. I'm not unlike my other Black colleagues and their experiences. We have had to deal with a lot of hate-filled interruptions as lawyers brought on by discriminatory attitudes inside and outside of the bar, but have been made to continue to work and just put these things behind us. We should not be made to carry this burden. All members of the bar should have the same goal; ceasing to tolerate all forms of racism, discrimination and bias within our profession. This is your responsibility as leaders of the bar and our responsibility as leaders in the

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community. While responsibility for systemic correction cannot be placed solely on any one individual, it begins by requiring responsible action on the part of each individual in the State Bar of Texas, starting with its president. As an intelligent, educated man, McDougal knew better than to engage in divisive actions publicly, but he felt comfortable. He should well know also that Black Lives Matter is a multicultural, multi-party, conscious-raising response to police misconduct, abuse and violence. It's a humanitarian effort insisting on human rights and dignity by our government in the United States for Black people. The State Bar of Texas has an opportunity to lead the way for other bar associations and for the nation by demonstrating it aims towards eradicating racism and be a model. It's time to pay more than lip service to our bar's mission and listen to the voices of black lawyers. We matter, too. I demand equality and respect, and I'm making these demands because Black Lives Matter. Thank you.

CHARLIE GINN: Y'all, I'm sorry. Keep hitting mute and speaking and forgetting to take myself off mute. Mrs. Lewis, thank you for your comments. Mr. Drummond, you have the floor.

DYLAN DRUMMOND: Well, good morning. And thank you to the bar board for holding this meeting today. My name is Dylan Drummond, and I've been honored to devote much of my professional life, nearly two decades, to serving the bar in several capacities. Yesterday was two years to the day that I proposed to my wife who is African American. Before we started dating, I was largely unaware of the extent to which racism is still pervasive today. Things that still shock and surprise me have been commonplace for her and her family every day of their lives. They've seen this bigotry so many times before from similar men. As the Texas Legislative Black Caucus noted in its correspondence it submitted to this board, quote, ""When someone shows you who they are, believe them."" That's exactly what Larry McDougal and Steve Fischer have repeatedly and consistently done with their sexist, misogynistic and racist social-media posts over the past eight years. In response, and because their own conduct has disqualified them from leading our bar, I publicly called for each to resign in the press in correspondence to this board and on social media. But I didn't just want to talk about others holding themselves to a higher standard. As a member of this bar, I am called to put action behind my words. So two weeks ago - because I did not wish to appear to benefit in any way from the (inaudible) presidency after calling for him to relinquish his office - I submitted my resignation from the post he appointed me to on the PJC oversight committee. That same week, my Caucasian ex-wife contacted many on this board, and made false and defamatory statements about me and my wife with a stated expressed intent to impugn our personal and professional reputations. Although, numerous board members apparently received the scurrilous and actionable disparagement, only one publicly threatened to publish it in direct retaliation for my calls for his resignation. That was Steve Fischer. Specifically, Steve warned me to, quote, ""be careful when casting stones"" because he could, quote, ""find a copy and post it if you like."" If I've cast any stones, they've merely been his own public comments, which he repeatedly used a racist term to refer to the African American spouse of a fellow board member. Although, I won't follow an ethics complaint against Steve because I have no desire to effect his ability to practice law, his latest conduct leaves no doubt that he is unfit to lead our bar in any capacity. If he and Larry care at all about the mission, history, and dignity of the bar they sought to serve, its hardworking staff or their fellow attorneys, they must resign. Thank you very much.

CHARLIE GINN : Thank you Mr. Drummond. Our next speaker is Mr. Alan Tysinger. Mr. Tysinger, the floor is yours.

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ALAN TYSINGER: Thank you all. I appreciate the privilege of being able to speak this morning. Coming into this, it's a very hot room, not temperature wise but emotion wise. And I think we would do all well to remember that a lot of these emotions are things that are not helping us to make our best decisions. And talking through this with some friends recently, that issue came up that a lot of people are very passionate, even very angry, about some of the things that have happened. And the friend told me well, that's important, that's really valid to consider. But do you make your best decisions when you're angry, when you're upset, when you're emotional? And I think most of us would answer no. I love everybody in the bar. From the first days in law school I remember coming in and realizing and seeing what a rich tapestry there was - not just of color but also of background, experience, political persuasion. All those things come together to make us a wonderful environment for practice. And with all of those differences, there's going to be friction, there's going to be conflict. We're not always going to agree. And I think how we learn from disagreement, how we heal from conflict is going to tell us whether we're going to be able to create a better bar for everyone and a better justice system for the community we serve. We all have opinions about where this should go today and I think that's great that we've thought, deliberated, consulted with others about it. But consider a few things. Sixty two percent of Americans have political views they're afraid to share publicly. This was from a poll just a few days ago. Is that the kind of environment we want to foster within the bar? And I heard a great man tell me one time about setting precedent for actions like this - calling for resignations of those whose political views you disagree with. If you leave a key under the mat in front of your door, more people than just you can use it and get inside your house, and most of us don't do that anymore. We have codes, we have buttons, we have Ring, we have apps. But the principle still holds. When you leave a key under the doormat, more people than you can unlock it, get inside your house and do what they will. We live in a world where the current, regnant social movement that's affecting change, and affecting lives and persuading people is Black Lives Matter. But we also live in a world where social movements rise and fall. Occupy Wall Street, the Tea Party, the anti-war movement of the early 2000s. All of these things are controversial and at times divisive. And I want to be very clear, the moral principle that Black Lives Matter should not be divisive and I don't think it is.

CHARLIE GINN : Mr. Tysinger, please finish your thought.

ALAN TYSINGER: I would just ask you to consider, do you want to live in a world where your adherence to social movements is a litmus test for participating in bar leadership? My answer is no.

CHARLIE GINN : Thank you Mr. Tysinger. Mr. Andrew Bailey, you have the floor.

ANDREW BAILEY: Thank you for your time. I've been just very concerned about what's been going on here, not just for the state of the bar but also for the state of discourse in our country. What I've seen here - what's happened with Mr. McDougal is downright Orwellian. Larry - he said something that was admittedly an ignorant hyperbolic statement to say it's something I personally do not agree with. But what he said, he said in 2015. He said it at a time when that was actually not an extremely out-there position to have. But what has happened here is - because he said something that was a relatively reasonable position, that comparing wearing a Black Lives Matter t-shirt to wearing a MAGA hat, that people went and they disagreed with it. But they didn't just say OK, you disagree, you have your opinion, I have mine. They went and they said no, we can't agree, so I'm going to go look through everything he's ever said in the last eight years, and find something bad and we're going to destroy that person. And that's the real problem that I have here. Is - because we're judging people right now by a standard

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where it's not about every - it's not about everything that they've done, it's about what is the worst thing that they said on social media. In my opinion, people should be judged by the sum of all of their actions, not just what is the worst thing that you've ever said in the last eight years. And quite frankly, somebody who hasn't said anything offensive in the last eight years or something stupid in the last eight years, that's somebody that I don't trust. Because us as lawyers, we say stupid stuff sometimes. And this isn't just about whether you agree with what he said or disagree with what he said, it's about that you have to have the ability to be wrong. Because if we don't have the ability to be wrong, then we're going to be afraid to speak. And this is too serious of a consequence to just dismiss like that. With Steve - I do know Steve a little bit better than I know Larry. And I personally cannot say - cannot think of a lawyer who has given more of his time to helping other lawyers than what Steve has. And to be judging him - to be basing all this off of a few social media comments, to me, is just ridiculous. There is - these two people have done nothing but give back to the legal community. And yet the people who are attacking them are basing all of their attacks on not liking a couple of things that they have said. I would wonder what - the people who are attacking them - what have they given back to the legal community? And I think instead we should be looking to move forward - is what do we do to actually make a difference with the issues that are in front of us. Nobody asked the board of directors to be involved with trying to cure offensive things that were said online. That's - quite frankly, I don't think that that's why we elected you guys to do your job. We elected you to improve our bar. And there are issues that you could address with systemic racism that do involve the bar. We could improve - work to improve appointments, you could work to go after the overzealous prosecutors. Those would be things that I would support. But to do those...

CHARLIE GINN: Mr. Bailey, please finish your thought.

ANDREW BAILEY: OK. I'll just thank you there.

ANDREW BAILEY: All right. Thank you Mr. Bailey. Our next speaker is recording Rekha Roarty. Ms. Roarty, the floor is yours.

REKHA ROARTY: Thank you. My name is Rekha Roarty. I'm a proud member of the State Bar of Texas and I'm calling for President McDougal to resign. Until today, despite what he has said, President McDougal has mostly refused to sit down and discuss his comments with bar members, saying he doesn't want to be based on interrogation. However, as bar members we are his constituents. He should have to discuss his public comments with us. Inclusiveness within the bar should be non-negotiable. The fact that he does not want to discuss his comments shows that he knows what he said was wrong and cannot defend his comments. President McDougal attempted to rectify the situation by reading an insincere apology and then disappeared. He gave another insincere I'm-sorry-your-feelings-were-hurt type of apology this morning. I'm not saying he has to be available to address every single Facebook comment posted or answer every phone call. But more contact with his constituents over this issue was expected. My guess is he thought this would blow over within a week. Clearly, it hasn't. Clearly, it shows he did not understand the offensiveness of what he said. President McDougal's poor handling of the situation shows he does not have the ability to leave the bar. The leader of a prestigious organization consisting of over 100,000 members - roughly one-fifth of whom are minorities, myself included - must be accommodating when a significant percentage of the membership takes issue with something that was said. I'm proud to be a lawyer. I'm proud to be a member of the State Bar of Texas. I'm not proud to be a part of an organization that's led by someone who makes public statements that are, at best, ill-

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informed and reflective of poor judgment, and, at worst, condescending, racist, sexist and pro-police brutality. It appears that Mr. McDougal does not wish to step down. It further appears that there is no process in place to remove a sitting president who won't resign. This needs to be immediately changed. We're lawyers, we make rules. If there's not a rule currently in place, one needs to be written. This sort of situation cannot happen again where we have a president who refuses to step down when he clearly needs to. A state bar of over 100,000 members cannot be controlled by the whim of one person. This is just the tip of the iceberg of what could occur. And we need a procedure in place to help in case this sort of situation arises again. Further, the division that this issue has created within the bar shows that President McDougal must step down. The fact that there's this much controversy surrounding his comments proves that he will be an ineffective leader regardless of whether one agrees or disagrees with the statement because anything he does will be clouded by the memory of these comments. These comments will become the central focus of his term and his term has only just begun. The credibility of the entire state bar is currently affected at an international level due to the worldwide publicity these comments have received. Frankly, the state bar will look like a joke if President McDougal does not step down. Lawyers have enough problems gaining the public trust as is. We don't need this on top of the social stigma that already exists. This matter has turned into a huge distraction. It's preventing the state bar from accomplishing any of the goals set for this year and making any meaningful progress. With regard to the creation of a diversity...

CHARLIE GINN: Ms. Roherty, please finish your thought.

REIKA ROHERTY: ...Force, this incident proves that it's painfully obvious such a task force is needed. Please don't forget to include the young lawyers and law students in such a task force. Thank you for the time.

CHARLIE GINN: Thank you, Ms. Roherty. Our next speaker is Candice Matthews. Ms. Matthews is on phone so if you're watching this on live, there is a small delay and so be aware of that. But Ms. Matthews, you have the floor. Your time will begin when you begin speaking.

CANDICE MATTHEWS: I'm actually on the video.

CHARLIE GINN: Great. Sorry.

CANDICE MATTHEWS: OK. And that's Dr. Matthews, sir. I worked hard for that name. Are we good?

CHARLIE GINN: Yes, ma'am. Your time starts now.

CANDICE MATTHEWS: OK. I'm Dr. Candice Matthews. I am the statewide accountability chair for the Texas Coalition of Black Democrats, and we are demanding that Texas State Bar President Larry McDougal should resign from his current position within your organization because of his assertion that wearing a Black Lives Matter T-shirt at a polling location is a partisan political activity that violates the Texas Election Code is another clear example of the problem hindering our ability to achieve justice under the law for Black Texans and Black Americans. President McDougal's Facebook post implies that protecting Black lives is a political issue and that only one political party cares about doing so or that Black people only support one political party when that is factually not true. In fact, McDougal's interpretation of Black Lives Matter as simply a partisan political slogan or a symbol does not reflect the mindset of someone committed to the substantive fight for justice for all and the protection of the constitutional right of freedom of speech. Furthermore, McDougal's Facebook post is in fact negative

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political statement on the meaning and purpose of Black Lives Matter, notwithstanding the cleanup statement from the State Bar of Texas. Secondly, Texas State Bar President Larry McDougal 2015 Facebook post was sexist and objectifying women. It's completely deplorable, stating, and I quote, ""she's hot in her Texas Bar picture, but she has methhead written all over her today."" So this is the representation of the president of the Texas Bar Association? This is asinine. In closing, the Texas State Bar is supposed to be a prominent organization in Texas at the forefront of equal justice under the law for all Texans. McDougal's statement does not reflect the full commitment to that awesome responsibility. Texans and Texas lawyers need and deserve better - better judgment and a broader commitment of justice for the leadership and of the State Bar that is reflected Larry McDougal's statement to Black Lives Matter and women. Thank you.

CHARLIE GINN: Dr. Matthews, thank you very much. Our next speaker is Eve Schatelowitz. Ms. Schatelowitz, if I mispronounce your name, you have my apologies. You have the floor, ma'am.

EVE SCHATELOWITZ: Thank you. Can you hear me?

CHARLIE GINN: We certainly can.

EVE SCHATELOWITZ: OK good. I want to start - I've seen that a lot of people have seemed to have written statements. I went ahead and wrote one out. I would like to say three things. Larry McDougal is not a racist. And even if he were racist, his speech, even as State Bar of Texas president, is protected under the First Amendment. Thirdly, if this state bar were to even censure him during his tenure as president of State Bar of Texas, that infringes upon all the self-governance that we as lawyers have. So let me elaborate a little bit. I have known Larry professionally and as a friend for several years. My personal experience with Larry as a lawyer is that he is hardworking, he is ethical, he's client-focused, runs his own law practice, which takes a great deal of dedication and self-discipline. I do know he has represented clients of various ethnicities, including Hispanic and black. He does so with vigor, and he cares about the outcome of all of his clients' cases. He is willing to also take on controversial cases that require a great deal of focus and willingness to represent people who don't even want - well, society doesn't want to take under their wing, under the Constitution. But he so believes in the Constitution that he protects even the most heinous - the people accused of the most heinous crimes. Larry's position on social media regarding a poll worker wearing a BLM shirt as violation of electioneering laws was nothing more than a legal opinion to which he is entitled. If someone wants to have a differing opinion, that's what we do. It's an adversarial system in Texas. That doesn't make him a racist. What his position has led to, though, is all of this inflamed anger that, oh, if you don't believe in BLM, then you must be a racist. And so that led to people trolling through Facebook posts from 2012, 2014, 2015. And, you know, if you're going to look, even if you look at posts from 5, 6, 8 years ago and assume that he is a racist or a misogynist based upon those posts, that means that we all believe that a person can never change and never grow, and that is simply not part of the human condition. For example, I was a Democrat most of my adult life. I say was. I mean, I voted for Obama twice. But things happen throughout the world over time and years that make us re-evaluate, hopefully, our thoughts and our positions. And I don't know that Larry would have said the same things back in 2012 or 2014 or 2015. I don't stick him in that box and that paradigm. We've got to...

CHARLIE GINN: Please finish your thought.

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EVE SCHATELOWITZ: To - let me skip through. Obviously, First Amendment goes, I believe, to anyone who has any concept of our Constitution, so I'll skip through that. But let me say, if we were to censure him, he was duly elected in 2019 by the membership of the bar. And to take that away, to have him demand that he step down and have him resign, takes away our own right as attorneys for self-governance. This is the entire point. If the state bar wants to set up...

CHARLIE GINN: Ms. Schatelowitz, I'm sorry, would you please finish your thought?

EVE SCHATELOWITZ: Thank you. I would just like to say I totally support Larry and he is a really good man. In no way should he resign or should he be censured in any way. Thank you.

CHARLIE GINN: Thank you, ma'am. Our next speaker is Chelo Carter. Ms. Carter, you have the floor.

CHELO CARTER: I'm here today to request the resignation of bar president Larry McDougal and El Paso director Steve Fisher. Please note the following statement is mine alone and not that of my employer. Mr. McDougall should resign not only because, as a seasoned lawyer, he made online posts evidencing poor judgment and bias towards people of color, women, lawyers suffering from addiction and criminal defendants - he has proven to be wholly ineffectual as a leader in the aftermath of his statements becoming public. This vacuum in leadership only served to embolden more intolerant members of the Texas bar to redouble efforts to harass female and diverse members of the bar and their supporters. Mr. Fisher has a long history of making disparaging comments about and to female and diverse colleagues. As a director of the State Bar of Texas and a person serving on the state Commission on Judicial Conduct, this persistent and unchecked behavior is problematic. It reveals biases that cannot be underestimated and should not be tolerated from a leader of the bar. What he and Mr. McDougal fail to understand is that their public statements and the harm they cause amount to an unjust tax on female and diverse members of the bar. Mr. McDougal's and Mr. Fisher's supporters excuse their behavior in the name of the First Amendment while obtusely calling fellow members of the bar a lynch mob for speaking. They also forget the wronged election worker's First Amendment right to wear a t-shirt (unintelligible) black lives matter. Their supporters also state in so many words that issues of diversity and inclusion are political issues, and that the bad acts of these bar leaders should be excused based on personal interactions. The concept of equal rights is only a political issue for those who wish to remain more equal than their colleagues, and while if some value character statements do not mitigate the completely foreseeable harm to the bar caused by their intentional acts. As the conference statement includes a request related to online behavior by officers and directors, I would be remiss not to address the problems plaguing online Facebook groups comprised solely of Texas lawyers, and in particular those run by state bar leaders and otherwise de facto associated with the State Bar of Texas. These bar groups operate without the guardrails or benefits of traditional bar groups, and in the name of free speech some Texas lawyers are regularly permitted to harass female and diverse colleagues. While these online groups have utility, it comes at a price. They have groaned against the bar leaders' outsized influence on State Bar of Texas matters, including elections, while making harassment the price of admission for their female and diverse colleagues.

: In conclusion, I respectfully request that the resignation, removal - respectfully request the removal or resignation of Mr. McDougal and Mr. Fisher, or that their roles be appropriately limited, that bar vetting procedures be made more rigorous, that the bar support a (unintelligible) Enabling Act to provide for the removal of an officer or director for cause, and that the bar support the adoption of ABA model rule

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8.4G. As to the online bar discussed above, I respectfully request that the bar update its policies to prohibit bar leaders from running online bar groups recognized in any way by the State Bar of Texas, and provide that bar groups must meet certain qualifications, including addressing the challenges of online discourse to be recognized by the bar. Thank you.

CHARLIE GINN: Thank you, Ms. Carter, for your comments. Our next speaker is Bill Holston. Mr. Holston, you have the floor. Just as a quick reminder before you begin, all directors, please have yourself muted if you're not. We will be taking a break at 10:30 in about 30 minutes. And for our speakers, I will come back in your screen when you have roughly a minute left. I'll ask you to finish your thought if you go over, so please be aware of that. Mr. Holston, the floor is yours, sir. Mr. Holston, you're muted, and I don't think you probably intend to be. If you would please unmute yourself, we'll give you your time back. Good deal. All right. Your time starts now. Thank you.

BILL HOLSTON: Thank you. I've been a member of the State Bar of Texas since 1981. I'm currently the executive director of the legal services nonprofit doing immigration work, representing asylum seekers, many of whom are persons of color. For that work and because of the actions of my great team here, in 2019 - (inaudible) - Texas. I'm a 64-year-old white man born in 1956 in Mobile, Ala. From the age of about 12, I've been working to confront the racism and white supremacy with which I was raised. First, I want to start with what should be a noncontroversial statement, and that is that Black lives matter. Second, I support and request that the bar establish all of the demands of the African American Lawyers Association as confirmed by the affinity sections of the bar as the minimum of what we should do as a bar to become a more equitable organization. Third, we do not need a bar leadership which is spending its time and energy defending or apologizing for whether they are racist. This misses the point. Every white person, particularly every white man, has benefited from white privilege and therefore struggles with racism. What we do need are bar leaders, like every white leader of every institution, including myself, that are devoted to the hard work of doing the reading and research to understand that it's not enough just to not be a racist but you must be determinedly antiracist, and that's the type of leadership we need. We should be examining our own bias - I know I am - and - that all white people have in identifying inequitable practices in our institutions and dismantling all the vestiges of white supremacy that mar all of our institutions. And I specifically recommend the work by Black writers like Kendi's ""How To Be An Antiracist"" or Oluo's ""So You Want To Talk About Race."" If you as bar leaders are devoted to that hard work, then thank you, and if you're not, then you need to get out of the way and allow leaders that are. Thank you very much for your service to the bar.

CHARLIE GINN: Thank you for your comments, Mr. Holston. Mr. Bennett, you have the floor. That is Bob Bennett. Your three minutes begins now. Mr. Bennett, are you on the - Mr. Bennett, if you would unmute yourself, we will make sure we get you your time back, but we cannot hear you.

BOB BENNETT: Now can you hear me?

CHARLIE GINN: Yes, sir. I can. Your time starts now. Thank you.

BOB BENNETT: Thank you. My name is Bob Bennett. I've been a member of the State Bar of Texas since 1974. I'm former president of the University of Houston Law School Alumni Association. I've served on bar committees. I've served on Houston Bar Association committees. I've been on Texas Trial Bar Association committees. I have a practice representing doctors, lawyers and judges that don't play well with others, and so I think I understand ethical responsibilities, what the role of our directors should be.

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In short, I know Larry McDougal. I know him to be a very fine man. I know him to be an honorable president-elect. He did more than any other president-elect that we've ever had before. He's now president. He has proposed task forces that need to be put in place. I strongly recommend that he not resign. He has apologized. Certainly, for me, that apology is accepted, and it's time for us to move on. Mr. Chairman, thank you very much.

CHARLIE GINN: Thanks for your time, Mr. Bennett. Our next - I may have - I think I missed a speaker, and for that, I apologize. U. Lawrence Boze, U. Lawrence Boze, I apologize. You have the floor.

URIELE BOZE: Hello. Can you hear me, Mr. Chair?

CHARLIE GINN: Yes, I can.

URIELE BOZE: All right. Thank you. Thank you. Good morning to all the members of the board. My name is U. Lawrence Boze. I'm a past president of the National Bar Association, the nation's largest and oldest association of African American lawyers and judges. I'm also a past member and vice chair of the Texas Board of Law Examiners, appointed by the Texas Supreme Court as well as a past delegate on behalf of the state of Texas to the House of Delegates to the American Bar Association. I speak today on behalf of myself as well as Algenita Scott Davis and Walter Sutton, who are both are past president of the National Bar Association as well as two former members of this board of directors. It is our position that the state bar is at a long-overdue crossroads regarding the systematic racism of the State Bar of Texas, and this has all come across because of the unfortunate racist and female biased remarks that have been made by the present state bar president, by which he has attempted to first misrepresent to the public at large that Black Lives Matters is affiliated with a political party as well as also being a terrorist group. Black Lives Matters has never been a terrorist group and has never been affiliated with any political party, and to say that is affiliated with a political party is in fact a racially inferred statement that it is in fact so because a lot of its members African-Americans, which means they can now only be a part of one political party, that is the Democratic Party, which is not true. Black Lives Matter is diverse in its origin and is diverse with regard to its members who - as to race, gender, sexual orientation and religion or lack thereof. I am fully aware and willfully aware, rather, of a lawsuit I think is presently pending where three Texas white attorneys have sought to have the Texas - the State Bar of Texas, which is one of the few mandatory law associations still existence in the United States, to stop having and ceased assisting giving money to diversity and pro bono programs. We, of course, are totally in objection to this, and we're asking and seeking - no, demanding that the State Bar have more inclusion for minority lawyers in the state bar, have more minority writers write programs and articles for the Texas Bar Journal, included in more programs, and in fact the State Bar chairman in fact change the way that it vets for bar leaders, especially for president-elect, because this present system is not working. These kinds of things - we should never have a president-elect or a president coming forward and representing all the diverse lawyers of the State Bar who makes remarks like this and make them public, either presently or in the past. Now, I am aware that the State Bar president indicates he will not resign. So be it.

CHARLIE GINN: Please please finish your thought, sir.

U. CHARLES BOZE: I've got one minute? OK.

CHARLIE GINN: No, sir, no. If you'd please finish your statement.

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U. CHARLES BOZE: OK. Thank you, Mr. Chair. This is bigger than one person, Mr. Chairman, and I ask that my remarks be so acted upon. Thank you.

CHARLIE GINN: Thank you, Mr. Bose, for your comments. And again, I apologize for missing you in the lineup. Our next speaker is Ms. Laura Thetford. Mr. Thetford, are you on the line or on the Zoom chat?

LAURA THETFORD: Yes, I am. Thank you, Chairman.

CHARLIE GINN: You bet. Your time starts now.

LAURA THETFORD: Thank you. Hi, my name is Laura Thetford and I've been a licensed Texas attorney since November of 2015. I'd like to use my time to discuss an opportunity for positive change in light of the controversy caused by Mr. McDougal's statements as well as other statements made by members of the state bar that are being discussed today. As it stands, the bar has little authority to consider an allegation against a Texas attorney for discriminatory or harassing conduct. The only clear rule against such conduct is disciplinary rule 5.08, but 5.08 only applies to willfully discriminatory activities in connection with an adjudicatory proceeding. Thus, I urge you consider adopting a rule like the American Bar Association's Rule 8.4. Rule 8.4 states in relevant part that any attorney cannot engage in conduct that the attorney knows or reasonably should know is harassment or discrimination on the basis of a protected characteristic, including race or gender, in conduct relating to the practice of law. ABA's comments to the rule explain that the phrase related to the practice of law includes participating in bar association business or sexual activities in connection with the practice of law. A rule like this would allow the disciplinary committee to formally consider complaints like those against Mr. McDougal and other members of the state bar. The committee includes 387 volunteer agreements with many members, both lawyers and non-lawyers, serving on 17 committees throughout the state. This ensures a robust conversation and adequate consideration when allegation of discrimination or harassment arises. And while some will argue that the rule violates the First Amendment, this is not true. Two years after adopting 8.4G, the ABA responded to critics with an article explaining the extensive considerations it took before dropping the rule after a three-year-long process. For the sake of brevity, I will send that information along with the written summary of the statement after the meeting. However, it is worth noting that the article states the amendments to add 8.4G passed the ABA House of Delegates by unanimous vote. Also, it's not a noble idea to restrict an attorney's speech as it relates to the practice of law. Indeed, despite our First Amendment rights, attorneys can be sanctioned for making disparaging remarks about the judiciary, disclosing confidential client information, and discussing pending cases of such discussion will substantially prejudice a proceeding. Even if there is strong opposition on First Amendment grounds based on the ABA's rule, that doesn't mean the bar should stop from taking action. At least 25 jurisdictions have a rule in place making it unethical for a lawyer to engage in discriminatory, harassing conduct. The rules of those states would provide alternative language for the board's consideration if necessary. Therefore, in closing, I urge the board to take the necessary steps to adopt a rule like ABA's 8.4G to prohibit discriminatory and harassing conduct as it relates to an attorney's practice of law. This is a vital step for the bar. It supports the bar's mission of advancing diversity and inclusion in the administration of justice and the law by giving the bar the tools to address a situation such as this when it occurs again. Thank you, and I'm happy to answer any questions that you might have.

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CHARLIE GINN: Thank you, Ms. Berman, for your comments - excuse me, Ms. Thetford, for your comments. Lauren Berman, are you on the line or on the Zoom call?

LAUREN BERMAN: Yes, I'm here.

CHARLIE GINN: All right, your time begins. You have the floor. Thank you very much.

LAUREN BERMAN: Good morning, and Black Lives Matter. The treatment of people of color within the bar has always required the attention of this board. Systemic oppression and racism did not appear recently. However, Mr. McDougal's decision to use his position of power as president of the bar - the person who speaks for all of us - to show his disdain towards someone who is raising these same issues within her own community, to single her out, to accuse her of criminal activity, has made issues of race within the bar something that must be dealt with immediately and cannot be put on a to-do list of something that they'll get to later. Some have indicated they believe Mr. McDougal's apology was sincere, that they take him at his word that his feelings on Black Lives Matter and racial issues in this country have evolved. This is despite Mr. McDougal giving no clarification on how his views have changed, what changed them, and what they are today. In fact, all it takes is a review of the supporting materials Mr. McDougal provided for this meeting to see that his views have not changed whatsoever, and that he is unfit to lead us in the steps that we must urgently take to end systemic racism within our bar. Mr. McDougal had the opportunities to submit materials that would show the change he has made personally and the changes he would like to implement going forward. Instead, let's take a look at what he submitted. Mr. McDougal, after allegedly being reformed on issues of race, found it appropriate to include a letter from Angela Taylor who stated that Black Lives Matter mission statement is disturbing, and this only gives the liberal mob more control. Mr. McDougal apparently saw value in including a letter from Bill Knox who stated that Black Lives Matter called for death to police and whites. In Mr. McDougal's defense, he included Mabel Simpson's statement that, quote, ""BLM is violent and criminal"", unquote. Particularly abhorrent is the letter Mr. McDougal chose to include from Noel Mesa, who submitted a nine-page essay summarizing his criticisms of Black Lives Matter and defending the police officer who murdered George Floyd. There are many more examples I could read that time will not allow me today. That Mr. McDougal's judgment told him it was acceptable to advance the vile and racist ideas in the letters he included in his own meeting materials today rather than submitting something that would show positive changes he would make conclusively demonstrates he cannot lead us on this issue and must resign immediately. Thank you.

CHARLIE GINN: Thank you, Ms. Berman. Our next speaker is Ashley Myrick. Ms. Myrick, are you on the phone or on the Zoom call?

ASHLEY MYRICK: I am. Can you hear me?

CHARLIE GINN: We sure can. Your time starts now. Thank you, ma'am.

ASHLEY MYRICK: OK. Given that the complaints about Mr. McDougal and Mr. Fisher are related to comments made on Facebook and other internet sources, I think it's appropriate that I speak about what I've seen on those particular Facebook pages with regard to racism and misogyny. First, I don't know Mr. McDougal. I do know Mr. Fisher through my Facebook pages. So I just want clarify that with my remarks. In large part, I'm concerned that Mr. Fisher and Mr. McDougal are being called on for removal for statements made on Facebook pages. As I said, I do not know Mr. McDougal, but in the

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interactions that I've had with Mr. Fisher, I do not believe that he is racist. With regard to Mr. McDougal just briefly, in particular the comment that he made that Black Lives Matter is a political activist group - in my opinion, that's not a reason for him to resign or label him a racist. Black Lives Matters does have many facets, but certainly one of those facets does include political activism. So with that with that comment in particular, I think labeling that as racist and calling for his removal is inappropriate. With regard to Mr. Fisher, one of the earlier commenters talked about the many things that he has done for attorneys, and I would agree. Mr. Fisher has helped build many of these Facebook lawyer message pages, and I won't go over his resume for time, but I think everyone knows all the time and effort he has put into the state bar and working on behalf of fellow attorneys. Mr. Fisher's comments on message boards - he is very brusque. He is blunt. I will agree with that. Some of his comments I truly disagree with.

CHARLIE GINN: You have one minute remaining.

ASHLEY MYRICK: Thank you. I have told Mr. Fisher at times that I disagree with what he has to say, and that I think his comments are inappropriate. He's never hit back with me with misogynistic remarks. Unfortunately, I can't say that about other members of these message boards. And that's why I think it's very concerning to me that we're talking about Mr. Fisher and Mr. McDougal with comments that I think at best are questionable as to racism and misogyny. I can give specific examples of the use of racist comments towards a Native American attorney, the use of the n-word with a hard R, and using misogynistic comments such as the c-word and the b-word against me. Those comments were made by a fellow attorney because we had political disagreements. To really - just to conclude, what concerns me is that those specific examples of racism - they're known on that message board - on those message boards, and many of the attorneys that are calling for Mr. Fischer's removal - those attorneys stood up for and excused the clear racist comments because they politically agreed.

CHARLIE GINN: Ms. Myrick, please finish your thought.

ASHLEY MYRICK: OK. These comments, or these calls for resignation from what I can see are largely based on political matters and based on Internet comments. And with what I think is rampant racism and misogyny on the message boards from other people, I think calling for their resignation at this point - it's just inappropriate.

CHARLES GINN: Thank you, Ms. Myrick, for your comments. Ms. Ginger Witherspoon, are you on our Zoom call? Ms. Witherspoon, you may be muted. We are muting our members of the public when they come in so that they don't interfere with the other speakers. So when you come on, you may need to unmute yourself. Ms. Witherspoon, are you on the call? Ms. Witherspoon, we can't hear you. We will come right back to you after the next speaker if there's an issue. We'll try to get in touch with you right now. Mr. Lewis Iselin, are you on the call?

LEWIS ISELIN: Yes I am.

CHARLES GINN: All right, it's your floor, sir. Your time starts now.

LEWIS ISELIN: Thank you, Chair. Good morning. I am Lewis Iselin, a 15-year member of the State Bar of Texas and a former director from 2012 to 2015. I'm a strong supporter of the unified mandatory bar when it is non-political. The official meeting announcement for this meeting was first posted on the State Bar of Texas blog page - not the news page, not the board page, the blog page. That's the same page where the State Bar of Texas leadership posted its attack on Larry McDougal in the name of the

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state bar. I was told the board was simply notified and no dissenting opinion was allowed. So how did we get here? This political rage started with a question about electioneering. As no court of competent jurisdiction has answered the question asked, most yes and no answers with legal reasoning further the purpose as stated in the state bar act. It was appropriate for Larry McDougal to answer as an experienced law enforcement officer who practices criminal defense. Despite clear political maneuvering and active work to defend this racism smear against him, there is no denying that, but for Larry McDougal answering the electioneering question as yes, we would not be in this meeting. To advance the quality of legal services to the public, open and free discussions by attorneys are crucial, including disagreements. Calling Larry McDougal a racist for his yes answer is bullying, nothing more - an attempt to silence his opinion and the opinion of anyone else who agrees with him. It is, in fact, an attack that stomps on the professionalism in the Texas lawyers' creed and is an attempt to interfere with other attorneys' independence required by the Texas rules of disciplinary procedure. The fact that bar leadership joined the criticism with the hallmarks of an official bar statement, including the executive director on the official website, meets bar procedure 2.0302, was also bullying and an appeasement of bullies. It was a refusal to defend the Texas lawyers' creed and a contradiction of the State Bar's recent representations in court. At a time when the existence of the State Bar of Texas as a unified mandatory bar is an issue in federal court, a reasonable person would expect the State Bar would take special care not to cross the line with political statements. These political attacks do not speak for me, yet I am forced to support them through my dues and my Texas attorney title. Are we approaching the point where I will be forced to resign from State Bar of Texas? As this is not the first time in recent history that a bar leader publicly called a bar reformer a racist, it now looks like a pattern of political attacks by bar leadership on those who want to reform the bar for all attorneys. In closing, let me beg the bar - assert control over the state bar and end the politicking by the state bar. Why would the board tolerate the same abusive tactics supported by bar leadership that led to the Texas Supreme Courts and Court of Criminal Appeals joint order for all Texas attorneys to follow the Texas lawyers creed? Defend the state bar as nonpolitical and enforced that all state bar leaders follow and defend the Texas lawyers' creed. The board must demand the resignation of every State Bar of Texas leader, employee or section leader who joined the political attacks on Larry McDougal. The board cannot be silent at a time when the existence of a State Bar of Texas is in jeopardy. Thank you for your time and attention to the survival of the State Bar of Texas.

CHARLES GINN: Thank you, sir. We do have Ginger Witherspoon. Ms. Witherspoon, can you hear me?

GINGER WITHERSPOON: Yes I can. Can you hear me?

CHARLES GINN: I can. The floor is yours Your time starts now.

GINGER WITHERSPOON: Thank you. I want to make it very clear today that I'm not here speaking as a Democrat or Republican or a liberal. As one of Jehovah's Witnesses, I do not get involved in politics, and the reason I say that is because I've read the letters submitted to the board of directors, and so many out there want to make this a political issue, and to me it's not a political issue. I'm here as a member of the State Bar of Texas and also as a fellow colleague who Steve Fisher directed his comments to and spoke directly about. I'm not here to speak about Mr. McDougal, but directly about Steve Fisher, who is also on the board. Steve made two racist comments to me on his Texas Facebook post. One, he cited that I was married to a black. He actually stated that twice. Some people were making the comment that maybe it was a mistake, he meant a black man. He actually said to a black on two separate occasions

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where he actually was stating that my husband is nothing more than an object. He also then stated, you did nothing to help civil rights this week except you're still married to a black. A little history about myself - I'm 48 years old. I am from Texas. My family's been in Texas since the early - or since the late-1800s. My great-grandfather was in the KKK. He was a Klansman. This on my mother's side. My grandfather disowned his Klansman father and considered himself not to be racist because he did not wear a white cap and gown, although he received the monthly newsletter from the KKK and would read it to me and my sisters and we were young. That language sticks in my head. My elder sister would cry and ran into the car while I argued with my grandpa. My grandfather also disowned me when I married my husband because, as he believed and these are his words, people should marry their own kind. You see, racism comes in varying degrees. Some think because they don't wear a white cap and gown that they're not racist, but they are and they say racist things. When Steve said to me, you did nothing to help civil rights this week except you're still married to a black, what that said to me is that what I did for my husband's civil rights was I upgraded his status in society by allowing him to marry an educated white woman. This is Klan language. This is hate language and this cannot be tolerated by this bar. My 21-year-old son is about to take the LSAT and this is not the bar that I want to give to him. It's hurtful. It was hurtful to me and there was no apology to me, and Steve needs to be removed from this board immediately. Thank you.

CHARLIE GINN: Thank you, Ms. Witherspoon. And next up we have Georgia Trudeau. Ms. Trudeau, are you on the Zoom call? Ms. Trudeau, if you're there, you may need to unmute yourself. (Unintelligible). OK, we got you now. Your time starts now, ma'am.

GEORGIA TRUDEAU: I have known and worked with Larry McDougal for over 20 years. He is honest, kind, a gentleman and does not have a mean or racist bone in his body. Larry worked his way up the hard way. His license was not handed to him on a silver platter. Some with vindictive animus went trolling through Larry's legal opinions and years of posts on a mission to destroy. Some of you rushed in and joined, perhaps to virtue signal before you became a target. Your actions against Larry have had a chilling effect on many. Will we be next to be doxed, humiliated and pilloried because we happen to have a legal opinion that does not fit your agenda? The Fort Bend County poll worker who wore a Black Lives Matter shirt to the polls showed she supported a violent political ideology of the Democrat Party. Texas election code and federal law prohibits such activity. SCOTUS said that states have a compelling interest to prevent voter intimidation, and there must be a safe zone around polling sites. Your joint statement proclaims BLM primarily seeks social justice. That is laughable. Since 2013, the facts prove BLM is a violent, Marxist, anarchist organization designed to destroy law and order, the nuclear family and Christianity. Susan Rosenberg, a convicted terrorist, is their vice chair. For nine weeks, we have seen BLM murder blacks, whites, burn, loot and destroy churches, businesses and federal courthouses. BLM intimidates people into bowing down, taking notes and raising an angry fist in salute. There is no appeasement. Mayor Selby of Olympia changed her tune after BLM vandalized her home. She declared them domestic terrorists.

CHARLIE GINN: Ms. Trudeau, you have one minute.

GEORGIA TRUDEAU: The NYPD Police Chief bowed down, but was beaten in broad daylight. The State Bar through Facebook and the press has become a public forum and a publisher. The publicized joint statement engaged in viewpoint discrimination, political censorship, and publicly tarnished the reputation of a fine individual, all the while kowtowing to a terrorist organization bent on destroying

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democracy. The statement attempts to censor, dampen, chill and threaten Larry supporters' rights of free speech. It is a sad day when socialist outliers have been allowed to undermine and weaponize the State Bar against an elected official. It is sadder still when non-members are encouraged to step forward and publicly tar and feather Larry and his supporters live on Facebook. You who have not sinned cast the first stone. Remember, King Solomon said acquitting the guilty and condemning the righteous are detestable to the Lord.

CHARLIE GINN: Ms. Trudeau, your time is up. Thank you very much for your comments. Our next speaker is Kelly Fitzgerald.

KELLY FITZGERALD: Yes, good morning.

CHARLIE GINN: You have the floor ma'am.

KELLY FITZGERALD: Thank you. Good morning, ladies and gentlemen of the board. My name is Kelly Fitzgerald and I have been a licensed attorney in Texas since 1997. I am here today to make good trouble. For too long, I stood on the sidelines and did not speak out when incidents of racial discrimination occurred. My only excuse - and it is a lame one I now realize - is that I did not want to create more controversy and more divisiveness, and that my assurances to my fellow friends and citizens of color that I was not racist were enough. But in 2016, I came across (unintelligible) From Dr. Martin Luther King Jr., which hit me like a hard punch in the stomach. In the end, we will not remember the words of our enemies but the silence of our friends. (Unintelligible) that I cannot be silent any longer. The comments made by Mr. McDougal as recently as July 10th, 2020, are inexcusable from anyone. Soldiers fought on the battlefields to win us all our constitutional rights. As attorneys, we pick up where the soldiers left off and battle every day in courtrooms across this state and country to fight for equal justice and equal protection of the laws for our clients, no matter who they are or what their status in this country is. As such, it is unacceptable that an attorney would view the struggle for civil rights as political and give unprompted, incorrect legal advice regarding the Texas election code. It is completely unconscionable when it comes from an attorney who is now the state - the president of the State Bar of Texas. Larry, I supported you, I voted for you, I encouraged others to vote for you, as well. Your comments made on July 10, 2020, along with your posting of justice always occurs before the trial meme make it impossible for me to continue their support. I ask you in the interest of ending division and disruption of the state bar to resign. To the board of directors, if it is not possible to remove Mr. McDougal, if he refuses to resign, I ask that you adopt the reforms listed by the African-American lawyer section of the State Bar of Texas - most especially, the requirement of implicit bias training. Thank you for providing attorneys the opportunity to address you on the matter which affects us all.

CHARLIE GINN: Thank you, Miss Fitzgerald. I appreciate your comments. Our next speaker is Dana Palmer. Mr. Palmer, the floor is yours. Mr. Palmer, you may be on mute. If you might, unmute yourself. Mr. Palmer, are you with us? All right, we'll come - we'll get in contact with Mr. Palmer. Mr. David Lopez. Mr. Palmer, the floor is yours. Mr. Palmer, you may be on mute. If you might, unmute yourself. Mr. Palmer, are you with us? Mr. Lopez, there's a delay where you are right now. And when you unmute yourself, for technological reasons that - you're going to hear our echo. Mr. Lopez, you may begin speaking when you're ready. Just unmute yourself and begin speaking. Thank you very much.

DAVID LOPEZ: Hi, I am David Lopez. I have...

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CHARLIE GINN: Mr. Palmer, you may be on mute. If you might, unmute yourself. Mr. Palmer, are you with us? Mr. Lopez, there's a delay where you are right now. And when you unmute yourself, for technological reasons that - you're going to hear our echo. Mr. Lopez, you may begin speaking when you're ready. Just unmute yourself and begin speaking. Thank you very much.

DAVID LOPEZ: Hi, I'm David Lopez. I have...

CHARLIE GINN: Mr. Palmer, you might be on mute. If you might, unmute yourself.

UNIDENTIFIED SPEAKER: Mr. Lopez.

DAVID LOPEZ: Yes?

UNIDENTIFIED SPEAKER: Can you please mute your TV?

CHARLIE GINN: Mr. Palmer, are you with us? Mr. Lopez, there's a delay where you are right now. And would, you unmute...

UNIDENTIFIED SPEAKER: OK.

CHARLIE GINN: I tell you what, we're at the 10:30 break right now. Let's do this. We're going to get in touch with Mr. Lopez on the break and make sure that this is going to work. This is a good time to take our 10-minute break. It is 10:30. We will take a 10-minute break, so please be back at 10:40, and we will begin promptly. Thank you very much. Do not - oh, yes, if you're a director, do not leave the Zoom call. Please stay on the Zoom call so you don't have to get back in. Thank you. OK, it is 10:41. We are going to call the meeting back to order. Quick few notes - for those of you that are calling in, if you are calling in or using your computer to video conference in, please turn down your Facebook Live feed because there is a delay. So please turn the volume off of your Facebook Live feed when you call in to help prevent any feedback or delay. Just as if you would call into the radio and you got your volume up - same principle here. So when you call in, please mute your Facebook Live and unmute yourself to speak. With that, we are going to start with Mr. David Lopez. Mr. Lopez, are you on the phone?

DAVID LOPEZ: Yes, sir.

CHARLIE GINN: All right, Mr. Lopez, the floor is yours. And your time starts now.

DAVID LOPEZ: I am David Lopez. I am a longtime Latino lawyer in Houston, Texas. I would like to give some historical perspective to my opinion. It was Cinco de Mayo 43 years ago when a young Mexican-American went to a cantina in Houston. He had returned from service in Vietnam with personal problems, including abuse of alcohol. He got into a dispute with the owner and police were called. He was arrested and driven to a secluded spot on the banks of a bayou. There, five police officers beat him brutally. When he was taken to jail, the booking officer refused to accept him until he was taken to a hospital for treatment of serious injuries. Instead, the officers again took him to the secluded spot. And one of them pushed him into the bayou two stories below. That officer was quoted as saying he wanted to know if a wetback could swim. Joe Capo Torres' body was found the following morning, and his mother was notified. It happened to be Mother's Day. Some of the officers who assaulted Torres were criminally charged. Eventually, upon conviction, they were sentenced to serve less than one year in jail. Shortly after, a group of Houston University students - mostly Hispanic - gathered at a party to celebrate one of them having received a doctorate degree. During the party, a couple got into an argument

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outside the house. Police were called, and they intervened. When a group from the party went out to investigate, they were attacked and beaten by the police. I represented four Mexican-American partygoers in a civil lawsuit, including one who was photographed was entered into evidence. The photos showed on his forehead the embedded brand symbol of an officer's boot. It was not the result of a kick but of an officers forcibly stepping on his head and pressing while he was down. The jury returned a verdict against the police. And when the jury and the judge had exited the courtroom, the four police officer defendants angrily threw and kicked chairs against the counsel table.

CHARLIE GINN: Mr. Lopez, you have about one minute remaining on your time, sir.

DAVID LOPEZ: Similar abuses by police have long existed, and they continue with little or no punishment. Anger and frustration and protest against police have at times deteriorated into rioting. Defenders of police rationalize police misconduct as attributable to a few bad apples. In stark contrast, some refer to protest of police as terrorism. Mr. Chair, much more troublesome than the use of the term terrorism is the apparent lack of a basic understanding of why reform is demanded. Whether the president leaves his post is a matter for his conscience.

CHARLIE GINN: Mr. Lopez, if you please finish your thought, sir.

DAVID LOPEZ: Yeah, but you need to do more than apologize. Until you show a serious and visible commitment to understanding the evil of systemic discrimination and to appreciate the frustration and anxiety of oppressed people, the president could not represent.

CHARLIE GINN: Thank you, Mr. Lopez, for your comments. Mr. Dana Palmer?

DANA PALMER: Good morning, can you hear me?

CHARLIE GINN: I can. You have the floor, sir. Your time starts now.

DANA PALMER: Thank you for giving everyone the opportunity to speak. There are certainly a lot of tragedies that are involved with the issue that we're talking about. But what I'm going to talk about doesn't address any of the specifics necessarily. I'm here in support of the constitutional right of a member of the Bar, whether they're in office or not, to speak and to say what they want to say. The first amendment applies to everyone. We took an oath to uphold the Constitution no matter how unpopular. We do not give up the right of free speech or the - Larry or Steve don't give up their ability to express an opinion or political opinion - legal or personal opinion. Larry wasn't speaking in its official capacity, neither was Steve. What I'm trying to (inaudible) all points of view. Classical liberalism is about free speech. I would like to see our bar be more inclusive and more tolerant to anyone espousing something that they protest, whether it is this side or the other. And this is regardless of what my own personal political opinion says. There is no rule that you void your personal opinions for a year while you're the bar president. Silencing voices and cancel culture is wrong. Racism is wrong. I detest racism. President's a one-year term. Procedurally, it's not in the purview to remove the president regardless of the president's viewpoint. And free thought requires the ability to be offended. The bar is more inclusive and more tolerant to differing opinions no matter who the person is, no matter what the content is. Any comments that Larry made pre-election should be res judicata. There was already an election. There was a referendum by the election. That should - stuff should have been brought up before. Larry is a former police officer. You may not like his points of view, but he has a point of view, and he's entitled to a point of view. And in this, this is a political issue. The doctor who mentioned the Texas Coalition of Black

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Democrats said it was a negative political statement. This is clearly a political issue. And as a compulsory bar, the bar should not be trying to regulate a political opinion by the board members based on the voices of a few. We have an election every year. It's not like it's a four-year presidential or any longer term. A vote should be able to take care of this - and which allows all of the members to speak. I think that George Floyd's death is absolutely tragic. And I personally think that Black lives definitely matter. The slogan is a slogan.

CHARLIE GINN: Mr. Palmer, finish your thoughts.

DANA PALMER: But there is a difference between the slogan and the organization which, by their own admission, is a political organization. Sixty-two percent of Americans with political opinions are afraid to express them. I'm sure I would be receiving the same vitriol because regardless of what my personal opinion is...

CHARLIE GINN: Mr. Palmer, please finish your thought.

DANA PALMER: I'm simply defending Larry's and Steve's ability to speak. Thank you very much for your...

CHARLIE GINN: Thank you for your comments, Mr. Palmer. Our next speaker is Amy Ganche. We will be taking a 30-minute lunch break at 12:15, for your planning purposes, so just be aware of that - at 12:15. Amy Ganche, are you with us?

AMY GANCHE: I am, Mr. Ginn. Can you hear me?

CHARLIE GINN: I can. You have the floor, ma'am.

AMY GANCHE: Thank you, sir. I'd like to thank the board members and section and committee leaders for allowing me this time. Again, my name's Amy Ganche. I've been a member of the state bar for over 30 years. I've been fortunate and privileged enough to serve as counsel to the (unintelligible) section of the bar. (Unintelligible) serving as the president of the Rockwall Bar Association and a member of that board for a period of years. During the time that I've listened to the comments and I've read the materials that have been submitted in connection with this issue - made some notes. And I'm going to try to tailor my comments and maybe make this a little bit shorter. A lot has been said about racist views and impressions people have from the comments of Mr. McDougal. And I'd like to focus my talk a little bit more on the issues that I feel affect, directly, the rule of law. As I indicated in my letter submission, I don't know Mr. McDougal personally. I will defend his right to free speech and to share his opinions and views publicly. But there are certain opinions and certain ideas which simply must be disqualifying factors for leadership positions. This is especially true for - to maintain an inclusive bar and particularly safeguard the rule of law. And I don't believe, like the last speaker suggested, that this is a political issue. Leaders should be examples of - to our community of morally correct behavior and of decent and civilized conduct - heard from many who talked about Mr. McDougal conduct being unacceptable and calling for his resignation or removal about which there are some complicated issues procedurally. I submit that we are on a very slippery slope spawned by social media platforms that give a speaker the right and opportunity to say things without unwanted scrutiny, with impunity. And this has enabled and engendered a product in this country that is becoming more and more indecent. And it's shocking, and it's troubling, and it's something the bar needs to take a position on. It affects, directly, the rule of law. I've encouraged the bar in separate questions to take a more political stance on issues that are clear attacks on our judicial system. And here I'm referring specifically to the posts I saw that celebrated

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police violence and celebrated attacks and arrest and conviction without a due process. I believe deeply that this - the tolerance of rude and unbecoming behavior in our leaders is something that is staining the fabric of our society right now - and denigrating basic decency in this country, leading to division, challenges to our most beloved and important institutions (unintelligible).

CHARLIE GINN: Ms. Ganche, you finish your thought, please.

AMY GANCHE: Yes, sir. I would just say that I disagree that there's stupid comments that get made. This is something different. Decent men, decent people don't make stupid comments, they - and this shouldn't be tolerated. It cannot be tolerated at this time. We must insist on better.

CHARLIE GINN: Thank you, Ms. Ganche. Our next speaker is Mabel Simpson. Ms. Simpson, are you on the call? Ms. Simpson? You might unmute yourself if you're on the call. All right, we will do our best to get back with you in just a few minutes. Helen Yarell? Helen, are you on the call? All right, and Carol Robinson. Carol Robinson?

CAROL ROBINSON: Yes, I'm here. Good morning. Can you hear me?

CHARLIE GINN: Thank you very much. Your time starts now, sir.

CAROL ROBINSON: I appreciate you very much. And I appreciate all the commentary. Let me just get to the heart of the issue for me. We may not have any control over President McDougal's decision to resign or not. But if what I'm hearing this morning is an indication of where the bar is, the real question is, do we still need a mandatory bar in the state? Because what I've heard is people say that there's a unlimited First Amendment right to say anything when you're in the leadership of the state bar. And that dearly and deeply concerns me because now we're having advocacy that there should be an unrestricted right to send me back to a time where slavery was an acceptable condition in this country. I'm for free speech, but there are some things that reflect the systematic and institutionalized oppression of Black people. I don't know Larry McDougal, I don't know the member of the state bar board, but I worry about when it becomes acceptable for their kind of behavior to be in the leadership of the bar, and I'm mandated to pay my dues, and those funds are being used by individuals that see me and my life as unworthy of protection. This is not a legal debate or discussion for me, so I'm not going to stay on the phone and talk about the removal of Mr. McDougal. That'll be on the directors and that'll be on his call. I support Item 8, diversity and equity and inclusion, but I've been in the profession long enough that we're here today - I was in law school in the mid- to early-1980s. We've been trying to push forward on diversity, inclusion and equity since at least the 1980s. And to come all this way and we are having this discussion today speaks volumes about the institutionalized nature of discrimination and racism in this country. And I'm not sure that another commission by the state bar is going to be sufficient.

CHARLIE GINN: Mr. Robinson, you have one minute left, sir.

CAROL ROBINSON: I appreciate it. Let me finish on this last thing. This conversation needs to also touch on this point. In the midst of this moment, we have a commission out there right now that will report back to the legislature about taking away the rights of people in urban counties to elect judges, judges that are elected under the standards that were once sufficient qualifications to be elected. But now that we're electing black, brown women and men to the judiciary in our urban counties, the same kind of mindset reflected by Mr. Dougal is not taking hold that you should take away our right to elect our

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judges. If the bar see these as political issues, then, honestly, I don't think we need a mandatory bar in the state anymore. And we're going to have to have a real conversation about that beyond this conversation today. Thank you very much for your time and good luck to you.

CHARLIE GINN: Thank you, Mr. Robinson, for your comments. Ms. Ellen Yarell. I'm sure I'm mispronouncing your name, and I apologize. Ellen, are you on the call? If you might, you might unmute yourself. We've got indication that you're there, so you might unmute yourself, Ellen.

ELLEN YARELL: Can you hear me now?

CHARLIE GINN: Yes, ma'am, I can. The floor is yours, and your time starts now.

ELLEN YARELL: My response to the situation with Mr. McDougal is based on prior activities with him as a member of the bar. I will be the first to admit - and Larry would be the first to, probably, acknowledge - that I didn't vote for him for president of the state bar. My opinion of him is that he is not reflective of the caliber of the past presidents of this oldest organization. I think of Randy Sorrels. I think of Jim Sales. And in my personal opinion, I don't think Mr. McDougal reflects me as a professional in the practice of law. And with his most recent activities, I think that the best way to describe him is to use an old Texas saying that says all hat, no cattle. Thank you.

CHARLIE GINN: Thank you for your comments. Mr. Robert Callahan, are you on the call, sir?

ROBERT CALLAHAN: I am.

CHARLIE GINN: All right, Mr. Callahan, your time starts now. You have the floor.

ROBERT CALLAHAN: I am tired of being told that I am less than. Our work as lawyers is hard enough. We navigate depression, stress, anxiety, the frustration of a justice system that often renders injustice. Social media is an escape. Some of you are familiar with my personal life - that our family has come under attack by racist comments at our home and have been targeted. When I come here, it's an opportunity to be renewed by the fellowship of our community. And even here, no less than the president of our organization went out of his way to articulate that I am still less than. We all know how this began with the picture of the poll worker. For some reason, it seems that it offends our senses and our sensibility just to hear the phrase that Black Lives Matter. We can have another conversation about the fact that when I make that declaration, I am not necessarily endorsing the organization. But that's for another time. That poll worker was not necessarily making a statement that was political in nature. It was an affirming statement that my life has value. Under the State Bar Act, there are removal procedures that are aligned out. I have included those in my email June - July 22. I believe is the fourth hyperlink. In short, under the State Bar Act 81020, it talks about the board of directors and who's a board member. That includes the elected officers. It talks about removal under 81.027. It talks about - in the state bar rules - that - sorry, it's the state bar rules 1.3 - Article 1.3 that the board - means the state bar board of directors and includes the administrators. The Section 1 says that the board shall enforce the act in these rules. So you now have an obligation, an affirmative duty to act under these circumstances. And finally, the board is the final determination of the qualifications of a member. And so, therefore, you have the power to say that he is not qualified because of his actions. When Larry McDougal said these things as president, he knew three things. Number one, he's the elected acting president of our organization. He knew that he's in a position of significant influence. He knew, no. 2, that he had barely been in the role, and no. 3 - he's opining to the Texas Lawyers Group which has more

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than 14,000 members including judges and prosecutors. So when he's talking about this woman, it sounds a whole lot like Henry II saying, ""will no one rid me of this meddlesome priest."" This action for removal - which I'm asking you to call for a vote for removal - is the equivalent of...

CHARLIE GINN: Mr. Callahan, please finish your thought.

ROBERT CALLAHAN: Thank you. It's the equivalent of removal of Confederate monuments that are long overdue to be taken down, and I ask you to put this to a vote and to remove him from our leadership. Thank you.

CHARLIE GINN: Thank you for your comments, Mr. Callahan. Ms. Mabel Simpson, are you on the call? Ms. Mabel Simpson, if you will - you were given an indication that you're on, and so if you will unmute yourself - Ms. Simpson? All right, we will - we will try to circle back around to you Ms. Simpson.

UNIDENTIFIED PERSON #1: She's unmuted.

CHARLIE GINN: You're unmuted but we still can't hear you. OK, we'll call you in just a minute, Ms. Thomas - we'll contact you in just a second. Jolsna Thomas, are you on the call?

JOLSNA THOMAS: Yes I am.

CHARLIE GINN: The floor is yours, ma'am - your time starts now.

JOLSNA THOMAS: Hello, my name is Jolsna Thomas, I'm the immediate past president of the South Asian Bar Association of Austin. We, the SABAA association - the South Asian Bar Association of Austin - stand in solidarity and as allies with the African-American Bar Associations that have taken up a stand and written their letter as of July 20 2020. The apologies that have been given today clearly show a lack of awareness of unconscious bias. This is why the call to action is especially important. We also demand that you require anti-racism and implicit bias training for all attorneys as a part of their continuing CLE certification. Elimination of bias is something that other states do, such as the state of California, where I am also licensed. Additionally, you need to increase the funding for the Office of Minority Affairs and you need to work with the bar journal to publish and highlight stories and successes, as well as the challenges, regarding diversity within the profession. We all need to stand in solidarity together and we need to make sure that all voices are heard. I stand with Black Lives Matters, and we stand with our brothers and sisters of the African-American Bar Associations throughout the state. Thank you very much.

CHARLIE GINN: Thank you for your comments. I understand that we have Ms. Simpson now on the line - Ms. Simpson, are you with us? Ms. Simpson? You might unmute. All right, we'll...

UNIDENTIFIED PERSON #2: Mr. Japhet?

CHARLIE GINN: OK, Regina Richardson, are you on the line?

TIMOTHY JAPHET: No.

REGINA RICHARDSON: Yes, I am.

CHARLIE GINN: Ms. Richardson, the floor is yours.

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REGINA RICHARDSON: Thank you so much. Thank you to the board for this special meeting and the opportunity to speak. I'm here on the border in South Texas where Hurricane Hanna hit. It hit us harder than expected, but I found a source of power - electricity - to be here today to be heard, so I do appreciate the opportunity. I do want to say that in listening to Mr. McDougal's supporters, several have echoed the sentiment that they don't believe he is a racist. But that's not the question - the question is was what he said racist? What he has said, is that racist in its content? And that, I do think, doesn't require a whole lot of critical thinking - it's on its face and it is what it is. And the biggest concern for me, not just as a minority by way of my culture, my background, and my gender, but as a person who was raised with the idea that inclusion is automatic - inclusion is what the world is supposed to be. And with having a president of a group whose membership is compulsory who has made comments that are within them divisive - clearly divisive, I would submit - we are all licensed professionals who are trained in critical thinking, so we should all be able to recognize that the content of what was said is clearly that which divides and furthers any disenfranchising of so many. And so if Mr. McDougal proposes that the content of what he said is not a reflection of who he is, then, with all due respect, he can show that character of who he is by graciously stepping down and undergoing whatever journey he feels is appropriate for him if, in fact, he does want to open up his mind and his heart to everything that is the - is in opposite of what he has put forth. The fact that people have pointed out that they're scared of speaking - they're scared of coming forward because of consequences, well, that is inherent in speaking. We've seen it in peaceful protests - we've seen it in fighting for change. You get a backlash, you get pushback, you get disagreement. And another thing of note is that a disagreement with something that you said is not bullying. This is not what we're about.

CHARLIE GINN: Ms. Richardson, please finish your thought.

REGINA RICHARDSON: Yes, sir. In a compulsory type of membership in this kind of group, Mr. McDougal, respectfully, I would ask that you do the right thing and allow us to move forward, truly, with a leadership that this diverse group of professionals can have confidence in and move forward, and I do wish you the best. Thank you for the opportunity.

CHARLIE GINN: Thank you, Ms. Richardson, for your comments. Timothy Japhet - are you on our call? Timothy if you would unmute yourself, I believe we can have you come on - are you on our call?

TIMOTHY JAPHET: Good morning. Is this working now?

CHARLIE GINN: Yes, it is. The floor is yours, sir.

TIMOTHY JAPHET: Each year, we have an election held where the members of the bar vote for the office of the president of the state bar of Texas. You know, I can't speak for everybody else, but it seems like I get a lot of information in my mailbox regarding candidates, you know? And it seems like we start this new election process as soon as the old one's over - which I guess that may be necessary - but, in other words, there's a lot of notice surrounding the election of the state bar president. I also get a lot of information on how to vote, when to vote, where to vote, the different positions the candidate might take, and, like it or not, at the end of the day, I've been exposed to both candidates. If I wish to, I can fully further my education online by looking at stuff on social media. You know, these two people didn't sneak underneath the radar. You know, we knew who they were. You know, and having said that, you know, I will object and resist any group attempting to go ex post facto change the result of an election and disregard the votes of the majority by attempting to shame the official into resignation for

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statements made before the election in question. And though some of the statements were made afterwards, a lot of them were made before. You know, it seems like we're wasting a lot of time here to deal with an elected official by trying to shame us all into how we voted. And we kind of just wasted all that time up in Congress for four years doing, that didn't we? You know, and how dare we assume to know the mind of the voters and how dangerous it is to attempt to change a result through social shaming, and, furthermore, demanding all the voters who supported the official - who, by now, was forced into the public stock - put on our duly-issued guilt suit. No thanks, I'm not wearing my guilt suit. I voted for the guy and I voted for him because he's a good president. We still live in a democracy for now, and disenfranchising the majority of voters by shaming them into changing their votes because the minority doesn't like the results - it's not only silly, it's intimidation and coercion and, quite frankly, I'm surprised it's being allowed. You know, I read the Black Lives Matter website today and it talked about justice. And it talked about justice being restorative - not punitive. What we need is restorative justice - not punitive justice. Let's help this guy, not hang him. You know, if they want to form a committee to actually get something done around here, let's form one - a committee - to investigate the statewide spreading the Constitution and the right to protect against an overbroad and overzealous and underinformed state local government and leave this guy alone to do his job (unintelligible).

CHARLIE GINN: Thank you, sir, for the comments. Ms. Simpson, I believe we have you on the phone. And I think that part of the issue might be the delay on your Facebook Live feed. So turn that down, if you would, and the floor is yours. Are you with us, Ms. Mabel Simpson?

MABEL SIMPSON: Yes, can you hear me?

CHARLIE GINN: We sure can. The floor is yours now.

MABEL SIMPSON: Thank you for your patience. My position on this is, first of all, I voted for Mr. McDougal as well. I voted for him because of his leadership capacity. I sent an email regarding this particular detail because I'm in agreement - this social media blast has no place at all at the state bar level. And, you know, I have a lot of respect for all lawyers - I don't care what color they are, I don't care what size they are, but I am put back that this board would even take this up, primarily because this is a president of the state bar. We are the ones that have sworn to make sure we uphold the laws in this state, and those laws are written by our legislature out of Austin. The electioneering laws are crystal clear. I have held public office myself - I know what it means not to step across that line with the campaigning material. A Black Lives Matter T-shirt is hugely political. If anyone did their own independent research - and I'm sure this has been redundant with a number of people that have testified here - the BLM movement is actually a political vehicle for the Democratic Party to raise money in this country. If you believe differently, you need to go to the donate now button on their website - it goes directly to Act Blue - everyone knows that. And that is not money that comes back to any particular support in any community that these - everyone's looking for. It does not. It is strictly a campaign driver for the Democratic Party. In that regard, we, as the lawyers in this state, have upheld and sworn to uphold the laws that are drafted and they're legislated by our legislature here. And for us to disregard that - thank goodness Mr. McDougal had enough chutzpah to stand up and say that's a violation of electioneering laws. I was very disappointed...

CHARLIE GINN: Ms. Simpson, you have about one minute left.

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MABEL SIMPSON: I was disappointed to hear that the state - that the board had stated in their statement online that he does not support the values system. This is not about a value system - this is about an electioneering law that was violated. Enforce the law. That's what's wrong right now not only locally in this state but in this country. Enforce the law. That is what we swore our oath to do. And I find it appalling that we're not doing it here. And I support Mr. McDougal. He should not step down. This is about a violation of electioneering law. Everyone should be held to the same standard of those laws that are implemented in this state that are passed by our legislature that we place in office. That's all I have to say. Thank you.

CHARLIE GINN: Thank you, Ms. Simpson. And thank you for trying to get on with us. We appreciate it very much. Melissa Thrillkill, are you on the call?

MELISSA THRILLKILL: Yes, I am.

CHARLIE GINN: The floor is yours, ma'am.

MELISSA THRILLKILL: Thank you. Thank you, board, for having this meeting. My name's Melissa Thrillkill. I'm an attorney in Dallas, Texas. And I am a member - or chair, actually, of the Texas Entertainment Sports Law Council. I'm also chair of the poverty law section, but I speak today as an individual attorney. And I also speak to you today as a proud member of the mob. I say proud member because in reading the letters, I see I'm in good company. The mob is composed of people who are demanding more from our elected officials, composed of people who are willing to speak up and out for racial justice. It is composed of people who are ready to hold you accountable. And it's composed of people who recognize the flaws in our justice system - the major flaw being explicit racial bias in the courtrooms, jails, statutes, police departments, DA offices and, as we're learning today, in individual attorney offices and law firms. So I'm a proud member of the mob who refuses to let this get swept under the rug. I've submitted my personal letter, and I expect that you members have already read it, so I will not rehash it. My letter does ask for the resignation of Mr. McDougal. My letter also asks this board to address the embarrassing and disgraceful conduct of your fellow board member from El Paso, Mr. Steve Fisher. And I trust you understand why he has been brought into the midst of this. Mr. McDougal and Mr. Fisher are accustomed to saying whatever they want, however they want to whomever they want. And when they are finally called to answer for it, they and their supporters cry witch hunt. They cry cancel culture. They cry group think. This is a typical tactic to silence those without power. And there's also evidence they have lived a life so privileged that they've never had to answer for anything they've ever said. And that speaks volumes. Mr. McDougal's apology also speaks volumes. It's clear he didn't mean it. It's clear he doesn't understand why he even issued it. And therefore, he should not be anywhere near a force - a diversity task force of noninclusion. Those letters in support of Mr. McDougal put him on some pedestal for being a cop turned criminal defense attorney. And in his interview with the TBJ, he tried to convince me that he liked standing up for the little guy. Well, Mr. McDougal couldn't wait to criminalize a black woman in the polling location in Fort Bend County. He was so ready to criminalize her he did it publicly and demanded that she be removed and cited immediately. Who knows if he prompted further harassment of that poll worker. And we'll never know if he did. As for Mr. Fisher, he'll likely call me a troll and call me unhappy. That is something he and his wife actually called me yesterday when I spoke up to challenge the nonsense they were spewing on social media - nonsense about this meeting, as a matter of fact. Mr. Fisher thinks I'm a troll because I don't accept his behavior and I take time to call him out on it. And if that makes me a troll, then sign me up. I'll gladly be a trolling member of the mob

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because I know what that means. It means I stood up for something, and it means I stood up for someone and that I refused to be bullied. Put simply, Mr. Fisher is an embarrassing (unintelligible) profession. I ask that you give him no power - you give Mr. McDougal no power. And if you have to do it for three years, you do it for three years. And finally, I think...

CHARLIE GINN: Ms. Thrillkill, please finish your thought.

MELISSA THRILLKILL: OK, I also ask that you delegitimize any sort of Facebook group that is administered by Mr. Fisher or anybody else. These Facebook groups are a cesspool of misogyny and racism. And when you send some of our colleagues into those groups, you're sending them into a danger zone. Thank you for your time.

CHARLIE GINN: Thank you for your comments. Our next speaker is Chrisarla Houston. Houston, are you on the line?

CHRISARLA HOUSTON: Yes, I am. Can you hear me?

CHARLIE GINN: We sure can. And you - the floor is yours. And your time starts now. Thank you.

CHRISARLA HOUSTON: Thank you. Greetings, Jennifer Jenkins and I, Chrisarla Houston, appreciate the opportunity to voice our call for Mr. McDougal's resignation or removal. I will be brief. Please bear with me because I'm under the weather. To be Black in America is to live in a constant state of anxiety - Joseph Palmore. Mr. McDougal publicly called Black Lives Matter a terrorist organization and criminalized the organizers and those of us who support them. His patently false statement is dangerous and divisive. The danger lies in Mr. McDougal's dog whistles that incite criminalization and marginalization of Black people and others seeking racial justice and equality. The danger also lies in Mr. McDougal's incorrect assessment of the source of terror. Terror is defined as fear or anxiety. As Mr. Palmer 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. Mr. McDougal has wrong-headedly criminalized a poll worker wearing a Black Lives Matter T-shirt, as well. We cannot support a State Bar of Texas 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. Mr. McDougal has publicly ridiculed our female colleague who battles drug addiction. Addiction and other mental illnesses plague a significant number of our dear colleagues. The State Bar of Texas must lead all of us, including a...

CHARLIE GINN: Excuse me, you have about one minute remaining.

CHRISARLA HOUSTON: The state bar 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 State Bar of Texas to discuss a reparative path forward do not reveal one isolated incidence of prejudice and insensitivity. The posts demonstrate a pattern of behavior unbecoming of a leader. Mr. McDougal's apologies do not fix the problem. The fact that Mr. McDougal has refused to meet with the State Bar of Texas African-American law section representatives to discuss their call to action to repair the harm that

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his words have caused convinces us that his 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 State Bar of Texas toward a more diverse, equitable and inclusive future. Thank you.

CHARLIE GINN: Ms. Houston, please finish your thought. Oh, thank you, ma'am. Thank you for your comments. Our next speaker is Ms. Denise Peterson. Ms. Peterson, are you on the line?

DENISE PETERSON: I'm here.

CHARLIE GINN: Wonderful. Ms. Peterson, the floor is yours.

DENISE PETERSON: Thank you. I apologize for the background. I'm in the middle of a move. If you hear the refrigerator beeping, we have a refrigerator problem. First of all, I'm an attorney in the state of Texas. I'm also a full-time practicing mediator. Many of you already know me. I want to start off by stating I stand with the African-American section statements - the statements of the Black attorneys that I've spoken before me, who will speak after me - because as a white person, I don't get to decide what racism is. That's not my role. My role is to be an ally and to listen and to act and when people tell me. Because when someone comes to me and tells me that they have been hurt, it is my responsibility to listen and address that hurt even if I'm the one that caused it. This past Friday, one of the greatest Americans passed away. It was Representative John Lewis. On March 7, 1965 he was beaten on the Edmund Pettus bridge, a bridge named after a Confederate war brigadier general and grand wizard of the Klu Klux Klan. Yesterday, his body lay in state. And in that time from 1965 to 2020, no one thought, hey, we should maybe rename that bridge. Those are the legacies of racism and white supremacy in the United States. And Texas is not immune to this. Although technically desegregation began in 1955, that is also the year that the Houston Lawyers Association was formed because the Houston Bar Association did not permit Black members. Texas actually didn't desegregate Houston specifically until 1965 due to the actions of white politicians and white attorneys that met over a weekend and arranged a news blackout to prevent the protesters that were in Houston from getting their voices heard. Our bar is, by its own nature, white-focused. We are 63% male, 78% white. Our minority members do not have a voice because they are minority. The white voices and male voices can easily drown them out. So what we must do and what we have to do is listen. We must adopt the ABA model Rule 8.4 - which has already been read out by previous members - to give a mechanism going forward to address racism in our profession and racist and harassing acts by our leadership. And that is all I have to say today.

CHARLIE GINN: I've been talking, and I have not unmuted, so sorry for the technological difficulties. Thank you for your comments, Ms. Peterson. R.K. Sandill, are you on the line?

RAVI SANDILL: Yes, sir.

CHARLIE GINN: It is your floor, sir. And your time starts now.

RAVI SANDILL: Thank you, Mr. Chairperson. First and foremost, I'd like to thank the staff of the State Bar of Texas. This has been a seamless process and something that's fairly incredible for someone who holds hearing every day and doesn't seem to make these things go as smoothly as this. I'm Ravi Sandill. I'm the judge of the 127th District Court in Harris County. I want to first ask the State Bar of Texas to move forward with this diversity inclusion and equity task force. As the president elect, Sylvia Firth, is a proponent of, I think more than just having a task force, we need to have action items that come out of

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this. I have asked the Supreme Court of Texas and the Texas Court of Criminal Appeals to make bias education workshops mandatory for the judiciary in the state of Texas. Today I ask that the State Bar of Texas also make that a part of all attorney's CLE requirements. And before I end, I do want to take this moment - in the 20 years that I've been a member of the State Bar of Texas, I've never seen so much interest in what the state bar does. There are over 1,100 comments, and there are over 1,200 viewers on the Facebook feed today. And to all of you out there watching, all of you out there that have commented, I hope that your engagement does not end today. I hope that we can make this bar everything we want it to be. And I think this meeting - and I want to thank the bar, again, for having it - helps democratize the bar. And in the future, I hope the engagement that we all feel today and the energy that we have to make this bar better for all of Texas and all the citizens that we represent will go forward. And thank you, bar, for your time. Thank you for all you commenters. And I hope that something tangible comes out of today's meeting.

CHARLIE GINN: Thank you, sir, for your comments.

GRETCHEN MCCORD: Gretchen McCord, are you on the call? Ms. McCord, you might unmute yourself. Are you on the call?

GRETCHEN MCCORD: Yes, I am.

CHARLIE GINN: Thank you, ma'am. It's your floor. And your time starts now.

GRETCHEN MCCORD: Thank you. This is not about Mr. McDougal's right to hold certain opinions or his First Amendment right to say the things that he said. This is not about whether he is a good person or a bad person. This, actually, is not about him - about Mr. McDougal - period. This is about the State Bar of Texas. This is about who best serves the interests of the bar as a whole and we members who comprise it. Part of that service, particularly for the president of the bar, is representing the State Bar of Texas to lawyers and future lawyers, to our clients and to the public at large not only in our state, but nationwide and, as we now know, internationally. The mission of the State Bar, in part, is to assure all citizens' equal access to justice, foster high standards of ethical conduct for lawyers and promote diversity in the administration of justice and the practice of law. I can't imagine how anyone could begin to argue that the actions at issue here - denigrating African-Americans, women and the justice system that is the very core of the bar's purpose - serve this mission. Regardless of his intent, Mr. McDougal's actions directly and powerfully undermine confidence in the ability to, quote, ""assure all citizens' equal access to justice."" His actions exemplify not the highest but the lowest standards of conduct for lawyers and are not remotely ethical. And his actions promote a decrease in diversity in both the administration of justice and the practice of law. I join others in calling on Mr. McDougal either to restore at least some of the members and the public's trust in the bar by fulfilling the AALS's call to action or to put the interests of the bar before his personal interests by resigning. I also call on the bar to establish a process for removing officers when a situation becomes so dire that doing so is necessary to maintain (unintelligible).

GRETCHEN MCCORD: You have about one minute remaining, ma'am.

GRETCHEN MCCORD: And I've just completed. Thank you.

CHARLIE GINN: Well, thank you for your thoughts and your comments very much. Mr. Richard Elliott, are you on the call?

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RICHARD ELLIOTT: Yes, can you hear me?

CHARLIE GINN: I can, sir. You have the floor. And your time starts now.

RICHARD ELLIOTT: Thank you Mr. Chairman, again - and Mr. Apffel, President McDougal, officers and board members, state bar staff and fellow lawyers. My name's Richard Elliott. I'm an attorney in Dallas. And I practiced for 48 years. And I urge the State Bar not to censor Larry McDougal or to any try to force his resignation. I have known Larry McDougal for a number of years. I served as a director, with this board, with Larry for three years. I've gotten to know him quite well. Larry McDougal is no racist. But for reasons set forth in my written response to the board, this is dangerous ground that we're treading on here - to force a president to resign for expressing an opinion that may differ from others. What Larry said may not sit well with others - obviously, it doesn't - it may have been wrong, it may be bone headed, but he has that right to express his opinions. Listen to me very carefully. Larry McDougal is not trying to restrict your rights to express your opinions. There is a hypocrisy. We all took an oath to defend Larry McDougal's right that you're trying to take away from him now. I've heard him earlier today on his televised apology and asked that we move on. And I think we should. I love the state bar. I love practicing law. I love lawyers. And I hope we can continue in the bar association that we have. God bless the state bar. Thank you.

CHARLIE GINN: Thank you, Mr. Elliott, for your comments. Alawanle Atatande, you with us, Alawanle?

ALAWANDE ATATANDE: I am.

CHARLIE GINN: All right, thank you, sir. The floor is yours.

ALAWANDE ATATANDE: The social media posts of Mr. McDougal give a snapshot into the thoughts he has harbored over the last several years. Larry McDougal's intention was to let other people know how he felt on multiple occasions. His recent comments show that he has not changed. He is the president of the State Bar of Texas. He's supposed to be a representative of all members of the bar. Those include the 6% of the bar that are African-American. The fact that he was a former police officer makes his first post that much more troubling, that sometimes justice - it usually happens before the trial. He's also now a criminal defense attorney. As a person that, that post wouldn't make me comfortable with him representing me as a criminal defendant. If I can't trust him to represent me in that capacity, how can I trust him to represent all attorneys as a president of the Texas Bar? Adding in that I am a black man, those comments are that much more offensive. The post - that post is on January 23, 2020. About a month later, someone thought justice should come before the trial on February 26, 2012. George Zimmerman killed Trayvon Martin. A month later, Rekia Boyd is killed by an off-duty cop. That was justice before the trial for Tamir Rice, for Michael Brown and for Jordan Davis. That is justice before the trial when you are Black. Black Lives Matter was started in response to this justice that Mr. McDougal spoke about. He referred to Black Lives Matter as a terrorist organization and doubled down on that take. Black Lives Matter was started in order to have a conversation about the injustice that our country is now coming to terms with. And at that time when Black voices were trying to be heard, the response was all lives matter. It was an attempt to silence those who spoke up. It changed the conversation from police brutality to rhetoric like Black Lives Matter is a terrorist group. When Colin Kaepernick took a knee to protest police brutality, the conversation was shifted to respect the flag and away from the conversation. I ask us here today to remain focused on the conversation. And that is about Mr. McDougal's actions. That is about him taking accountability for the choices that he made when he made

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the choice to make those posts. We're being told to move on. I see an attempt to shift the narrative by those who will label Mr. McDougal's removal as cancel culture. Mr. McDougal is a lawyer. He understands that there are consequences for your action. He's not being canceled. Hopefully, he resigns or is removed from his position as the president. He will still have his law practice, he'll still have his bar membership, he'll still, clearly, be supported by other members of the bar. He will continue to keep on living. That is something that cannot be said for George Floyd, Breonna Taylor, Sandra Rice, Renisha McBride, Walter Scott and Philando Castille. This is not just an opinion, this is our lives. Mr. McDougal does not represent me. It is impossible to reconcile his comments with the integrity required for his position. To allow him to remain as president of the bar means that this bar is adopting his hateful and racist sentiments. Mr. McDougal must be removed.

CHARLIE GINN: Thank you for your comments and for taking the time to speak with us today. Our next speaker is Sean Hall. And I'm sorry, ma'am. Sean Hall - is it Laconia? You might take yourself off mute. We're showing that you're on our meeting. Sean Hall Lacuna - Lacona?

SEAN LACONA: (Unintelligible).

CHARLIE GINN: OK, we're going to try to get in touch with you, ma'am, and come back to you. Martin Harry? Martin Hairy? Martin Harry, are you on the phone? We have you on. If you will unmute yourself, that might help.

MARTIN HARRY: OK, can you hear me?

CHARLIE GINN: I can. Thank you, sir, the floor is yours.

MARTIN HARRY: All right, thank you. I oppose this effort to shame and remove McDougal. The complaint is premised on a belief that BLM deserves universal approval and support. It doesn't. AALS implies that all lawyers should and do think the same about BLM. This is wrong. BLM is partisan in the extreme. In a statement last year, it stated the Trump administration, quote, ""cultivate a deeply radicalized racist support base,"" unquote. A BLM founder has said that their goal is to remove Trump from office. This rhetoric is divisive. BLM informs us that it is not just about the sanctity of Black lives. Opposition to BLM is not anti-black, but that is what is claimed here. BLM is bigoted against police. In May, it stated, we know that police don't keep us safe. In 2015, the organization protested against police in Minnesota and chanted pigs in a blanket, fry them like bacon. This speech is hateful and dehumanizing - likening human beings to animals to be slaughtered. While BLM preaches that discrimination based on status is wrong, it attacks police officers based on their status. BLM perpetuates fraud and deceit. On its website, BLM claims Michael Brown was murdered by Darren Wilson. They use Brown's death as evidence that Black lives, in their words, are systematically targeted for demise. Darren Wilson, however, was exonerated by the Obama administration's Department of Justice headed by Eric Holder. Facts show Wilson acted in self-defense and there is no evidence that racial animus motivated his actions. Sanctimonious lawyers complain they are offended by an opinion about a person's appearance, but their sensibilities are seemingly unaffected by rank dishonesty. To remedy the perceived wrong thinking of one man. AALS wants all of us - required by government - to belong to this organization to spend two hours...

CHARLIE GINN: Mr. Harry, you have about one minute remaining.

MARTIN HARRY: Thank you. To spend two hours every year to be indoctrinated about bias, this is a perverse way of showing the evil of government oppression. While advocating for diversity, they

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demand conformity. And if you don't conform, you must be punished and they are using the state to do it. They are the very oppressors they claim to oppose. What is going on here is symptomatic of a far bigger problem. The bar condemns divisiveness but purposefully divides itself into sections by race and ethnicity. Universities are supposed to be a place for the free exchange of ideas but they now have speech code. Lawyers and legislators claim to be for the rule of law but hail judges who legislate by fiat. We have lawyers serving as district attorneys who flout their oath and refuse to enforce the law. The most serious problem here is not a disagreeable opinion but the willing politicization of the law where ethics are situational and law is nothing more than a means to an end. I object to this. Thank you.

CHARLIE GINN: Thank you, sir, for your comments. Our next speaker is Mr. Mark Brown. Mr. Brown are you on the call?

MARK BROWN: Yes, sir. I'm here.

CHARLIE GINN: Yes, sir. You have the floor and the time is starting now. Thank you, sir.

MARK BROWN: Thank you. I'm Mark Brown. Good morning everybody I'm in San Angelo, practiced here for 38 years. I think we can all agree that Black Lives Matter. But today we're talking about Mr. Larry McDougal, who I think, as a matter of due process, the only relevant act is his July-10 post. I believe Mr. McDougal acted reasonably on July 10 and performed a public service. He warned an election official in his home county of Fort Bend that in her enthusiasm to proclaim that Black Lives Matter, she was wearing a shirt - that in his view - offended the election laws. Had the shirt said White lives matter, it would have still posed the same problem. Two Texas laws ban the presence of signs at polling places if the signs relate to candidates on the ballot. If a sign says Black Lives Matter or white lives matter, either sign would relate to candidates if Black candidates were opposing white candidate. In that July election, that was the case - the statewide senatorial runoff between Royce West and MJ Hegar. A Black Lives Matter shirt could be reasonably seen as encouraging voting for the Black candidate, as could a white lives matter shirt if the converse were true. Now, Texas' electioneering laws have not been struck down by the U.S. Supreme Court and probably never will be. In the Minnesota case cited, the U.S. Supreme Court actually mentioned Texas' statute and said that it is more lucid than Minnesotans. In addition, a different constitutional calculus would apply to the Fort Bend County scenario. Instead of a Minnesota voter displaying a political sign, we have a Texas election official - a government representative displaying a sign. Now, unlike voters, government representatives acting in that capacity do not have the full protection of the First Amendment's freedom of speech guarantee, and thus would have weaker grounds to challenge a lot of specificity.

CHARLIE GINN: Sir, you've got about a minute remaining.

MARK BROWN: Thank you. Let me also note that we have six law sections of the bar who have made massive written social-advocacy demands on Mr. McDougal and on the bar. Those demands violate the board's policy manual, which prohibits law sections from engaging in political or social advocacy. The State Bar of Texas is a mandatory bar, it's not to be political or ideological. We're not the American Bar Association. Finally, I would note that the concepts of inclusiveness, social equity and diversity are vague, ideological and political. And...

CHARLIE GINN: Finish your thought sir.

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MARK BROWN: ...Violate the constitutional principles of equal protection and free speech. And I think they have no place in a state bar's task forces, or mission statements or other business. They need to go to the legislature. Thank you.

CHARLIE GINN: Thank you for your comments and your thoughts today. All right. We have Shawn Hall Lecuona. Are you on the call ma'am?

SHAWN HALL LECUONA: Yes, can you hear me?

CHARLIE GINN: We can. Yes, ma'am. The floor is yours and your time starts now. Thank you.

SHAWN HALL LECUONA: Thank you kindly, Mr. Ginn. Regarding agenda item number four, that's the purpose for which I'm speaking today. Our pledges declare the heart of the people. One nation under God, indivisible, and one state under God, one and indivisible. As one state bar, we must continue endeavoring to keep the unity of the spirit of the law in the bond of peace. This is our responsibility as stewards of the law. As such Liberty and Justice for All is possible, as we state submitted to him - almighty God - knowing that it is easier for heaven and earth to pass away than for one dot of the law to fail and become void. Those who have come before us knew the truth that this land and the people who call it home are in covenant with the one who will never separate or divide what he joined together as one state, in one nation for his namesake. The will of the people is honored by the will of almighty God. It's in our Constitution, and to honor him is to honor them - the people, the ones we serve, the ones we represent. Supporting the pledges and constitutions that are laid upon this foundation, we are in no position to judge anyone but rather each of us should examine our own heart. Failing to acknowledge conscience and significant development of the law conflicts with these pledges and the will we profess to uphold. The law demands liberty and justice for all. That is A L L - including each and every bar member. Almighty, the supreme being, he is immutable. His law is - thank you for finally hearing these words and pondering them in your own heart. My name is Shawn Hall Lecuona. I've been practicing the law for more than 33 years in this state, nation and abroad. And I appreciate the opportunity to speak my heart and my voice. God bless you all. Thank you.

CHARLIE GINN: Thank you ma'am for your comments and for taking the time to speak with us today. Our next speaker is Nover Morales. Are you on the call?

NOVERT MORALES: I am on the call.

CHARLIE GINN: The floor is yours and your time starts now sir.

NOVERT MORALES: Thank you. My name is Nover Morales. I am the vice chair of the Hispanic Issues Section. Recently, we and the public have learned of statements by the State Bar of Texas president Larry McDougal concerning race, women, drug addiction and police brutality that are shocking to the conscience, misinformed and, at best, display a severe level of misunderstanding and a lack of empathy. In the interest of the integrity of the State Bar of Texas, its members, the people its members served, we express our strong disappointment in his behavior and are calling on all members of the bar to raise and maintain its standards as an organization of attorneys, judges and a supporting staff that work with us. We, the Hispanic Issues Section of the State Bar of Texas, we do stand in solidarity condemning President McDougal's comments and hereby fully endorse and adopt the call to action and a response to the State Bar of Texas president Larry McDougal's comments concerning Black Lives Matter. By the African American law section letter dated July 12, 2020, the State Bar of Texas should - as its mission

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statement states - support the administration of the legal system to ensure 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 and the rule of law, and promote diversity in the administration of justice in the practice of law. We strongly and unequivocally request of the State Bar of Texas that the board of directors immediately and affirmatively act on the proposals made by the African American Lawyers Section to include implementing educational opportunities at all levels of the practice of law to include the engagement - and include the engagement of law schools - to address bias and racism while promoting diversity, inclusion and equity - including implicit bias training or related education as a requirement for lawyers in Texas. All of this has done, affirmed and requested in the interests of justice and in supporting the rule of law. We'd like to say raise the bar. If you would like to read the full statement - this full statement, this letter is available on the Hispanic Issue Section on the Facebook page. That's all I have. Thank you.

CHARLIE GINN: Thank you for your comments and for calling in, Mr. Morales. Alecia Jones, are you on the call?

ALECIA JONES: I am.

CHARLIE GINN: Yes ma'am. The floor is yours and your time starts now. Thank you.

ALECIA JONES: Thank you. I am Alecia Jones and thank you for the opportunity to be heard. This is our time for change. And at this point, the comments made by Mr. McDougal were divisive and have segregated a large portion of our state bar. The misogyny and the racism are unfortunately commonplace in the practice of law and we, as Black women, suffer through the comments and the overall atmosphere that misogyny and racism creates. Unlike some of our fellow board members, we don't - we have to live in a society where Black Lives Matter isn't just a movement, it's a statement. The sheer fact that you - Mr. McDougal - felt comfortable to make those statements that he has made is indicative of the privilege that BLM is trying to make known. Whether he steps down or not, we cannot return to the status quo. We need diversity in leadership, and we need to recognize and dismantle oppressive systems and to engage in education and training to help to prevent racism, and misogyny and implicit bias as has already been called for. The Texas Bar needs to take a stand. It's our time to set a precedent for bars to follow. But more importantly, it's our chance to show the marginalized - the minority - that Black lives actually do matter. And for those that are including biblical quotes to support racist statements, please read the Bible entirely and know that even the brown-skinned, wool-haired Jesus flipped tables. Black Lives Matter is not political. For me, it's life. And that's all that I have.

CHARLIE GINN: Thank you ma'am for your comments and for taking the time to speak with us today. Hannah Alexander, you are our next speaker. Are you on the call?

HANNAH ALEXANDER: Yes, sir. I am.

CHARLIE GINN: Yes, ma'am. You have the floor and your time starts now. Thank you.

HANNAH ALEXANDER: My name is Hannah Alexander and I'm a member of the Texas Employment Lawyers Association. And I'm presenting on agenda item seven on TELA's behalf. Christine Hopkins - another TELA member - will explain TELA's organizational interests in this matter and our recommendations for the board action. I will explain why Mr. McDougal's posts are of such great concern to TELA. It is the position of TELA that Mr. McDougal's social media activities were deeply

offensive to people of color, women and disabled individuals. They were careless and unprofessional at best. This type of behavior is harmful to the clients we represent on a daily basis and fundamentally contrary to the values that we, as an organization, espoused. While Mr. McDougal issued a partial apology after he was called to account by another lawyer and offered to launch a listening campaign to better understand concerns over racial injustice, there are broader issues that Mr. McDougal has not yet to acknowledged. To date, Mr. McDougal has not apologized for his crude and sexist comments on Facebook about a disabled-female colleague - comments that he apparently made while chairing the Texas Criminal Defense Lawyer Association's Ethics Committee. Similarly, Mr. McDougal has not addressed the meme he posted on Facebook depicting a police officer kneeling on a person's neck with the caption, justice happens before the trial. In our opinion, both of these posts demonstrated a disdain for the rule of law and due process that is highly disturbing - especially since Mr. McDougal has, a criminal defense attorney, presumably represents clients who have experienced injustice and police abuse. The Houston Chronicle and several other media outlets have carried stories about Mr. McDougal's posts, bringing embarrassment to our profession. Having the public attention focused on such posts has several negative effects. For one, this type of publicity has damaged our reputation among the Texas residents who become our jurors, clients, witnesses and opposing parties. It breeds mistrust in the legal system among already underrepresented communities. It causes many victims to turn away from the legal system, allowing discriminatory actions to continue unchecked. And it also means that lawyers - like our members who regularly represent victims of discrimination - have to work that much harder to convince our clients to trust attorneys and the justice system. Public statements such as this by members of the state bar leadership also damage our state bar's reputation among colleagues in other states and embolden other state bar members to feel entitled to engage in similar behavior. There are so many Texas lawyers who, on a daily basis, work hard to maintain a high level of ethics, professionalism and kindness, and think twice about what they say in public forums. If rank and file lawyers can manage to maintain these basic standards, we believe our leaders should, too. We urge Mr. McDougal and the board to take bold and public action to show the public, in a broader state, bar membership that discriminatory behavior will not be tolerated from lawyers, and that lawyers will be held to a higher standard of professionalism. Thank you so much and look forward to my comments from - my colleague's comments from Christine Hopkins later on.

CHARLIE GINN: Thank you Miss Alexander for the comments. Mr. Roger Thomson I believe you're on our call, Mr. Thomson.

ROGER THOMSON: Yes. Thank you. Good afternoon or good morning, depending on where you are. The mission statement of the Bar Association states that - in part - that it is to promote diversity in the administration of justice in the practice of law. Mr. McDougal's actions clearly do not reflect upon the best ethics to follow through on this thing. And I believe that he should resign from office, and if not, be censored. And if he won't resign from office, to defend that office until his term has ended. Secondly, on the task force that has been presented - first of all, and I would propose that it not be called the minorities because that just perpetuates the concept of minority and it should be entitled Diversity and inclusion. But I think that one of the things that the state bar could do to show how serious it is in following its mission statement is to include in the CLE requirements, one hour of diversity and inclusion training. There are several states that have done this already and I believe that it would show that the bar is here in following through with its mission statement as it stated. Thank you. That's all I have.

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CHARLIE GINN: Thank you sir for your comments and for taking the time to speak with us. Stephanie Valdez, are you on our call ma'am?

STEPHANIE VALDEZ: I am. Thank you. Can you hear me?

CHARLIE GINN: We can and the floor is yours. Your time starts now.

STEPHANIE VALDEZ: Great. Thank you. I'd like to address - actually, echo comments that were made earlier about the purpose of the state bar. The president McDougal, and also, I'd like to talk about Steve Fischer as well, have now become incapable of providing effective leadership in that regard due to their comments on social media. We've got the state bar having the following purpose - actually six purposes. One of which being to A, the courts and carrying on in improving the administration of justice, advancing the quality of legal services and it goes on and on. But part of that is having high ideals and integrity, high standards of conduct. And none of that is going to be accomplished with these guys in service. And I don't think anything's been mentioned today - I might've missed it. But Fischer's comment or meme that he commented on it - that he commented saying kill yourself. We have had a lot of attention paid last year about mental health and he can't be effective in that regard. I'd like to note also that Latinos - according to the last census - made up 40% of Texas. And they're going to be - or we're going to be a majority by 2022. Blacks are 12%. The numbers are most likely undercounted according to the census because of various reasons - many reasons. Who are our clients going to be? And how are these attorneys that are making all these horrendous commentary going to deal with the population that they don't understand and they don't want to understand at this point because I think they're afraid to acknowledge their own implicit bias. And it seems like they think implicit bias necessarily means that they're racist and that's not true at all. We all have implicit bias. People just need to deal with it, understand it and be prepared to face it. But these comments that we're getting on - OK, thank you - that we're getting on the Internet, we're being called thugs, prostitutes, communists, idiots, morons, too sensitive, snowflakes, socialist, fragile, Marxist, lib-tards, evil, hysterical, trolls, radical. If they call their colleagues that, what do they think about their clients? Who's going to protect them? It's our duty to do that. It's your duty to do that as directors. Do the right thing. Thank you.

CHARLIE GINN: Thank you ma'am for your comments and for taking the time to speak with us today. Mr. David Lee I understand is on the call. Mr. Lee, are you with us?

DAVID LEE: I am.

CHARLIE GINN: Thank you sir the floor is yours and your time starts now.

DAVID LEE: Very well. Let me start up by saying I think that there has been a gross overreaction to what was said, especially recently. This commentary regarding the criticism of someone wearing an overtly political t-shirt - which the BLM t-shirt certainly is political. It may not be ascribed to one particular party de facto but it is. And obviously, the other party that's in power now tends to denigrate everything they say and does their level best to - if you will pardon the phrase - keep them down. I am with the BLM. I support their movement. I likewise, support the expression of Judge Sandel that says we need mandatory implicit-bias training. I know that I am in need of such training. We had a colloquy on the web regarding the awareness of privilege. And the analog was right-handed people don't realize how very strongly all implements and so forth - doors opening and things like that - are in favor of them. I'm a lefty. I see it. OK. And so to do that degree I can relate to people who have been held down - who have

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been a legacy of slavery and were indeed in statute. They're suffering still from it 100 plus years after the fact. I've been a lawyer for going on 35 years here, and seldom have I seen someone with the sort of candor and straight shooter-ness that - if you will - that Larry possesses. He's a man after my own heart, so you - he's not a diplomat. He doesn't discriminate. He tells you exactly what he thinks about things and that is incredibly valuable. We seldom get that from the executive. Unfortunately, we've been getting it in large doses from one particular guy lately but I think most of us (unintelligible) what he has to say. By contrast, if you look at everything that happens through a lens that expects the worst, you're going to see the worst. It's like going to the magic show and you see the top hat on the table. You know the guy's going to go over there and pull a rabbit out of it sooner or later. So when you see this one comment about what, to me, - I agree with him - was electioneering and he has the temerity to actually mention her sex. We can't even mention the gender of people we talk about these days? That is implicit - or explicit I should say misogyny. That's too far. So...

CHARLIE GINN: Finish your thought, sir.

DAVID LEE: I shall. While I support the imposition of a requirement that we all have training to try to undo our ingrained biases, I do not think that it is meat for our organization to get rid of the person we have now, who is the kind of person we need, in fact, who tells you exactly - what's really happening. That is all too rare. Thank you.

CHARLIE GINN: Thank you for your comments Mr. Lee. Ouísa Davis, I understand you're on our call. Ouísa Davis.

OUÍSA DAVIS: I am. Thank you.

CHARLIE GINN: Thank you ma'am. The floor is yours. The time starts now.

OUÍSA DAVIS: Thank you. First of all, I'd like to greet all of our board of directors - especially the local directors. It's good to see everybody here. I am here to support - by my verbal testimony - the letter that was submitted on July 22 of 2020. And I kind of want to go beyond that following Mr. Lee's comments. As a Black woman and attorney for over 30 years - or almost 30 years - I would like to submit that this position that was expressed by Mr. Lee is precisely the problem. We have a systemic issue with exclusion and discrimination within the bar. It became just brutally obvious as the result of the postings of Mr. McDougal. I have met Mr. McDougal on a few occasions. I don't have any personal animus against him. I don't know what the board wants to do as far as his position is concerned. What I do say, though, is that it is time to put teeth into the mission statement and the aspiration to create a bar that is inclusive, and part of the exclusivity of the bar goes to these attitudes that Black people and women are somehow suffering. Yes, we are suffering from discrimination, and it became obvious by the commentary of our colleagues after the post by Mr. McDougal of July 10, 2020. But we're also suffering exclusion from voluntary Facebook groups that are now run by board directors. Whenever we want to discuss a societal issue that impacts our law practice, these groups are supposed to be a place to air legal issues and discuss them, and instead, we are kicked out of the groups. After speaking to one of the administrators, I was hung up on - or attempting to speak to him after he spoke for 10 minutes and wouldn't let me get a word in edgewise. I think it's time that the bar really put teeth into the mission statement and the part about diversity and inclusion. I think it's time that each of these minority sections and committees that have been created whenever there's been an uproar at the exclusion of Black people, of women, of disabled people, of the LGBTQ community - it's time that they have a seat on

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every single bar committee. It's time that we stop thinking about things in terms of minority directors and we give actual power to the constituency that the bar represents. I also believe that it's time we put teeth into the rules of disciplinary procedure, which limit discrimination to an adjudicatory proceeding. It's time that that language be excised and that the ABA model rule be included so that any conduct of an attorney that is discriminatory, racist, misogynistic or the level of insult and...

LISA DAVIS: Ms. Davis, please finish your thought.

LISA DAVIS: Thank you - degradation that was witnessed after July 10, 2020, be grounds for disciplinary action. It's time that we change this bar for the attorneys of the future, no matter what the color of their skin, their gender, their sexual orientation or their level of ability. Thank you so much. This is such a critical moment in the life of the bar, and I look forward to working with the bar in any capacity that I can be helpful. Thank you.

CHARLIE GINN: Thank you, Ms. Davis, for your comments. Mr. David Ryan.

DAVID RYAN: Thank you. Directors...

CHARLIE GINN: You bet.

DAVID RYAN: ...I've been practicing for 27 years, mostly criminal defense. I am also a firefighter and first responder. I've known Larry McDougal for approximately 20 years. Let's hit some of the highlights that a lot of our colleagues have already - apparently haven't reviewed some of the latest material. On the Black Lives Matter T-shirt, the elected district attorney of Fort Bend County, who is a Democrat, a progressive and Black, has submitted a letter to you saying Larry McDougal's interpretation of the election code is correct. It is what his belief the election code calls for. Let's also look at things in historic context. The hot methhead - No. 1, that particular lawyer had been suspended for over a year and had a pending drug case and was still representing clients in criminal court. The outrage should be that that attorney was still working and S spot and the Harris County criminal justice system didn't stop her. By the way, she was disbarred for dishonesty in 2016 so we're not worried about that - were the words uncouth, even for 2014? Yeah, probably - but they were absolutely common language at that time. As to Black Lives Matter being a terrorist organization, once again, let's put that in context in 2015. We have the Michael Brown killing in Ferguson and the riots and the protests that went nationwide. Plus, you had the Willie Gray killing. Plus, you had the Eric Garner killing so we had lots of things going on. Also, a Harris County - sorry, deputy sheriff was murdered by a very mentally ill Black man. He was ambushed while in uniform. He was shot multiple times in the back of the head in August of 2015. On August 31 of 2015, CBS News aired a Black Lives Matter rally in which they were chanting at the news of this deputy's murder, pigs in a blanket, fry 'em like bacon. A week later, Larry responds. You can at least be understanding, as a first responder, that that's going to hurt, and that's going to matter. And you're going to say things that maybe you should think out. You should also look at the times. At that particular time, there were a lot of people showing up at Black Lives Matter's events and causing violence. In the interim, in the five years since then, many of us have learned more about Black Lives Matter, the organization, and that organization has done a great deal to make sure that they dissuade people who are there to commit violence, there to create that kind of trouble. Larry has told you that he has changed his opinion on that organization. I think you should take him at his word.

CHARLIE GINN: Mr. Ryan, please find a stopping point or finish your thought.

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DAVID RYAN: I do not oppose the idea that we should probably get some training going - teach us some more sensitivity. And I would hope that the state bar directors will vote to keep Larry McDougal and let him lead us on that journey. Thank you very much for your time.

CHARLIE GINN: Thanks for your comments and your time today. Christine Hopkins...

CHRISTINE HOPKINS: Yes...

CHARLIE GINN: Are you on the call?

CHRISTINE HOPKINS: ...Thank you.

CHARLIE GINN: Thank you, ma'am. You have the floor and your time starts now.

CHRISTINE HOPKINS: My name is Christine Hopkins and I have been nominated by the board of directors of the Texas Employment Lawyers Association to present a statement. Hannah Alexander, another TELA member, just presented the first half of our statement. I will explain our organizational interest in this matter and our specific recommendations. TELA is an organization of over 180 plaintiffs employment attorneys practicing in the state of Texas. Our stated mission is to promote and protect the legal rights of employees in the state of Texas. Diversity, equity and inclusion are core values of TELA and our parent organization, the National Employment Lawyers Association. Many of TELA's members are experts passionately steeped in the cause of dismantling and stamping out discrimination. We collectively possess the knowledge and experience of thousands of litigated discrimination cases. Sadly, the cases we see include many cases from the legal world right here in Texas - from paralegals to legal secretaries, from associates to partner track attorneys - claiming pregnancy discrimination, sexual harassment, pay and promotional discrimination based on everything from race to gender to religion to disability. It is well past time for Texas lawyers and the state bar to acknowledge that the problem of discrimination in our profession in both large firms and small firms is very real. While Mr. McDougal's comments are the current issue before the board, we encourage the board to take a more expansive view of this issue. To quote one of the true civil rights giants of our era who we just lost, ""if you see something that is not right, that is not fair, not just - you have to speak up - you have to say something - you have to do something."" We want the state bar to do something. First, we ask that the board require Mr. McDougal to submit a written plan within 30 days that acknowledges the damage his posts have caused, and the larger problem they have exposed, with proposed concrete steps for rectifying the problem and the damage. Second, we ask Mr. McDougal to publish a letter in the State Bar Journal acknowledging the issue, offering sincere apologies, and setting forth those concrete steps and plans of action. Third, and most importantly, we ask that the state bar require that at least one hour of every Texas attorney's ethics credits be fulfilled by an elimination of bias course. That should specifically be defined as a course covering federal, state and local laws prohibiting discrimination or harassment based on race, national origin, gender, disability, religion, sexual orientation, or immigration status and/or the impact of biases in the legal profession and in the criminal...

CHARLIE GINN: Ms. Hopkins, please finish your thought.

CHRISTINE HOPKINS: ...justice system. It is only with such bold action that the state bar can rectify the damage that has been caused to our collective reputations. Thank you.

CHARLIE GINN: Thank you for your comments and your thoughts. Artessia House, are you on the call?

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ARTESSIA HOUSE: I am, sir - can you hear me?

CHARLIE GINN: I sure can. The floor is yours and your time starts now.

ARTESSIA HOUSE: My name is attorney Artessia House. I am a duly licensed attorney in the state - for the State Bar of Texas, and this is an honor that I share with my younger sister. Signing up to be a part of this organization, I wanted to be a leader. However, the statements that have been issued and the memes that have been issued recently have been fraught with bigotry and such reckless disregard that cannot be ignored. McDougal is a lawyer. Posting memes touting that real justice happens before the trial, before due process under the law, before a defendant's right to be judged by his peers, is dereliction of duty. What do you call a lawyer that actively disparages the justice system? This isn't a political statement. The raw, naked truth behind the meme is that Larry trusts cops to render justice over the lawyers and judges put in place to assist with this process. This is a statement against the interests of the bar - do not forget this. After having two Zoom exchanges over the past few weeks with Larry McDougal, it has become evident that while Larry issued an apology on one end, he doubled down on his electioneering post on the other. To state that Black Lives Matter is tied to a political group is not only blatantly incorrect, but it's tone deaf. This post coupled with Larry's posts about Black Lives Matter is an issue as to why we're here on today. During the Zoom call I asked him what list issued by the FBI, CIA, or the like, did he see this group posted or listed as a terrorist group? He replied none. So this is - so this was a statement he held out to be a fact that he truly just made up. That's a problem - a lawyer making up facts and issuing them to be truths. So people decide to speak up and they no longer want to be oppressed, only to be called a terrorist by the oppressor? That's a problem. Proponents want to sell arguments that if you talk like a racist, make statement like a racist, post meme like a racist, invoke emotions that support the position of a racist, then you are a good person with failed intentions. This isn't a narrative that I buy into it neither should the bar. Racism isn't merely a political issue but it is a moral one. The law is not perfect but it's the best that we have. And until we stand up against abhorrent behavior like this, the bar will be complicit. What Steve and Larry have done continued to add to the resurgence of bigotry. We're in the midst of a pandemic where our industry has had to shift the way we do business. During the time where elected officials are appointed to give us their best, Larry and Steve have decided to give us our worse. They've embarrassed us on a national level. Our bar deserves better because they serve at the pleasure of the whole body, not just themselves. So your apology, Larry, should be as loud as your disrespect. You want to apologize? Put it in writing. You have a course of action - to commit to it in writing.

CHARLIE GINN: Ms. House, would you please finish your thought?

ARTESSIA HOUSE: Yes, sir. I request that absence any type of meaningful stance by change by Larry and Steve, I request the State Bar of Texas issue a vote of no confidence against Steve and Larry and that they be censured until their term is complete. Thank you.

CHARLIE GINN: Thank you, Ms. House, for your comments and your thoughts today. Our next speaker is Tamika Harris. Ms. Harris, are you on the call?

TAMIKA HARRIS: Yes, I am.

CHARLIE GINN: Ms. Harris, the floor is yours and your time starts now.

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TAMIKA HARRIS: Thank you. Larry McDougal as the president of State Bar of Texas had a responsibility - does have a responsibility - to all 105,000 attorneys who are members, he has a responsibility to the public, and he has a responsibility to the Supreme Court of Texas. He has an obligation to uphold the Constitution of both the state of Texas and of the United States of America. His post and his most recent on July 10 regarding the Black Lives Matter T-shirt was a violations of the Texas State Bar's own prohibition on state bar members or the state bar taking a stance politically. He turned a human rights movement into a political statement in an era where we have people of color in Texas having zero confidence in the judiciary - zero confidence in the attorneys. We have a situation where the president of 105,000 attorneys, backed with the weight of that, made a statement and that statement endorsed police brutality. It sent a message to me - it sent a message to all 21,697 attorneys of color. It sent a message to all 29 million residents of the state of Texas that police brutality is acceptable - police brutality is endorsed by the State Bar of Texas. He also sent a message that it is OK for women to be objectified and to be sexualized. He sent a message that the 21,697 attorneys of us who do not look like him are not part of the state bar, will not be part of the state bar, and is therefore unqualified. Everything that he endorsed is a violation of the Constitutions of the country and of this state. Because he is unqualified, the rest of you on the board have an obligation to remove him. Thank you.

CHARLIE GINN: Thank you for your comments and for being here this morning. We were scheduled to take a lunch break right now, but we don't have maybe nine to 10 more speakers and so I think let's go ahead and get through with our public comments unless there's a motion to the alternative. And that way, we can take a break after our public comments before we proceed with the rest of the agenda. So unless someone wants to make that motion, our next speaker is Gloria Leal - I'm sorry - yeah, Gloria Leal, are you on the line?

GLORIA LEAL: Yes, sir. Can you hear me?

CHARLIE GINN: Yes, ma'am. The floor is yours and your time starts now. Thank you.

GLORIA LEAL: Thank you - thank you very much. My name is Gloria Leal. I'm an attorney and government affairs consultant in Austin, Texas. I represent, primarily, business entities and licensees and licensing issues. Speaking in a personal capacity, I was one of the first four minority board members appointed by then president Jim Parsons - now a judge - to the board. And I'm also former president of the Hispanic issues section of the state bar, former president of the Mexican American Bar Association, member of the Travis County Bar Austin Bar Association. And I'm speaking here today as general counsel and executive director for the Mexican American Bar Association of Texas, which is a statewide organization composed of chapters in all the major cities. We include judges and elected officials in our membership. MABA Texas stands with the various black organizations in renouncing justice and racism and comments made by Mr. McDougal. With that said, I think it is truly sad that when COVID-19 is ravaging the state of Texas and Hurricane Hanna is devastating and flooding south Texas, we are once again discussing racism in the profession. The president is a representative of the state bar at all levels - national, international - and we are one of the largest, most prestigious state bar associations in the nation. As president, Mr. McDougal will represent the state bar during the next legislative session starting in January 2021. And you know how important it is that instead of dealing with the budget and other substantive issues, the leadership and role of the Texas State Bar, again, of Texas, will once again be subject to credibility. The state - I support speech - free speech, Mr. McDougal, and your right to say it. I'm not sure that you would have been elected had everybody known that, but I understand that. The

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state bar needs to restore confidence through meaningful action. We support the appointment of a task force. But in addition, we are going to be looking to find out if you are going to make any appointments to the substantive committees like the MCLE - the finance and legislative, OK? Those appointments are for two to four years, OK? In addition, lawyers are once again looking at the need for a mandatory bar, a reduction in membership fees, calling for MCLE registration fees. We need to develop CLE programs to meet the current challenges. COVID-19 has destroyed some of our profession's - our income source. There's going to be a tsunami of evictions come the end of the benefits. We're asking...

CHARLIE GINN: Ms. Leal, if you could...

GLORIA LEAL: ...Mr. McDougal...

CHARLIE GINN: ...Finish your thought, please.

GLORIA LEAL: ... your commitment to reform, mister - board members, I'll leave it in your conscious as well. But we need a commitment to reform and going forward and inclusion in this bar association of Texas. Thank you, Mr. McDougal. Thank you, Mr. President. Thank you, bar.

CHARLIE GINN: Thank you very much for your time and your comments today. Pedro Villalobos, are you on our call?

PEDRO VILLALOBOS: Yes, can you hear me?

CHARLIE GINN: Yes, I can. The floor is yours and your time starts now. Thank you, sir.

PEDRO VILLALOBOS: Thank you. Thank you so much for allowing me the time to speak. My name is Pedro Villalobos and I have been a licenced attorney since 2016. I'll keep my comments short - the comments made on Black Lives Matter by Larry McDougal are racist. I don't know if mister - I don't know Mr. McDougal well enough to call him a racist. However, as a person of color, I know that his comments are racist. At a minimum, they are ignorant and insensitive. These words should not be coming from the mouth of the person who represents our profession as president. I hope that Mr. McDougal knows and that the board of directors knows that he does not have the confidence of many attorneys and that his tenure will be marred by the stain of racist comments. He chose unfortunate words to describe a movement aiming to raise awareness at the systematic racism embedded in our country. His comments are an example of why we must continue to reaffirm that Black lives matter and that those types of comments are unacceptable. His apology is not acceptable to me and to the countless of other attorneys of color. I call on Mr. Larry McDougal to resign. I call on the board of directors to take action to show that these comments are unacceptable by adopting concrete plans recommended by minority bar associations, especially those of the African-American Lawyers Associations. Thank you.

CHARLIE GINN: Thank you for your time and for your comments. Cheryl Butler, are you on our call?

CHERYL BUTLER: I am.

CHARLIE GINN: Ms. Butler, the floor is yours and your time starts now. Thank you.

CHERYL BUTLER: Thank you. My name is Cheryl Butler and I've been a licensed attorney since 1998. I have been a resident of Texas for over 20 years and I'm here to speak not only on my own behalf but on behalf of the people who are served by the State Bar of Texas. I'm an African-American woman. As an

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attorney, my area of expertise is civil rights, anti-discrimination law, and best practices for diversity, equity and inclusion. In addition to having practiced civil rights law, I have served as a law professor and have taught civil rights and discrimination courses for almost 10 years. I want to use my expertise and my personal experience of engaging with the State Bar of Texas members on social media to address the issue of whether the statements made by the president and director Fischer meet the professional standards for the offices they hold - they do not. And several theories here offered this morning by colleagues to defend those statements - freedom of speech, that he's a good friend, that he's not a racist - are not legitimate defenses to excuse this behavior. The issue of standards of behavior is important because if we get it wrong, it gives others a license to continue this behavior. The time is now for the State Bar of Texas to adopt a standard of conduct and ethics that is consistent with the rest of civil society. There is a consensus throughout the United States and the world that quote, "Black lives matter." Meaning to the world and to this nation, we must end racial discrimination generally and police brutality specifically. This is not a political issue. Republicans and Democrats, corporations, sports teams such as the NFL, universities...

CHERYL BUTLER: Ms. Butler, you have about a minute left.

CHERYL BUTLER: ...law schools, and associations representing every profession have issued statements supporting the goals of the Black Lives Matter movement. A bar president must uphold the law. While there is dispute as to the legal opinions (inaudible), there can be no dispute that the statements made by Mr. Fisher, by his own admission, are made to harass African-American attorneys. If every time a leader of a government agency could use the First Amendment as a shield for racist behavior, the 14th Amendment and the Civil Rights Act would have no meaning.

CHARLIE GINN: Ms. Butler, if you could find a stopping point please.

CHERYL BUTLER: Right. This culture must change from within. If this bar association and its members are to be outliers against the rest of the world in rejecting racism and supporting police brutality, then our work as civil rights attorneys must begin here. We have to fight for change. The state bar of Texas represents the public, and the mission of the state bar of Texas is to provide equal justice for all in the practice of law and the representation. And so there is no...

CHARLIE GINN: Ms. Butler, if you could finish your thought please.

CHERYL BUTLER: Yes. There is no First Amendment right for the president of the organization or its leaders to issue racist statements that are inconsistent with that mission. And so the bar must change and we are here to hold the bar accountable.

CHARLIE GINN: Thank you, Ms. Butler, for your time and for your comments. Rudy Metayer, are you with us? Rudy, you might want to take yourself off mute. It shows that you're with us, but if you can take yourself off mute.

RUDY METAYER: Thanks, everyone. I wanted to hear the comments and what everyone had to say today, particularly (ph) what Larry had to say. And I'll start off by saying this - when I was 9 years old, I was watching the Bulls play the Knicks on the basketball game, and all of a sudden, a commercial came on. I yelled out loud, you know, in the room - I can't believe that bigot has a TV show - I can't believe they give that bigot a TV show. Parents were in the other room doing some bills and they heard me say it. They said, what are you talking about? I said, that bigot - that bigot's on TV - I can't believe that racist

has a TV show. The commercial was for the show ""In the Heat of the Night"" and it showed Carroll O'Connor on the show. My parents took the remote, turned off the TV and sat next to me on both sides and they asked me a question. They said, do you know what our favorite show was when we first came to this country? I said, no - no idea - my parents are Haitian immigrants. They said it was ""All in the Family."" I was shocked and was like, why would my parents like a racist show - you know, a show about that. And I said, why would you like that show? They said, well, that show was a caricature about racism in this country. And they knew that it was important to talk about race and its issues - its impact on people in this country - and a safe means to do that would be through comedy. So that person, Carroll O'Connor, took that role knowing the importance of that role, knowing people would think of him as being truly a bigot in real life like that. And yet, he stayed with that role. And, Rudy, that was the last time we had an honest discussion about race in this country. My parents told me that in 1989. What's happening right now is that we're having an honest discussion about race. We're having an honest discussion about things that, frankly, we've put in the closet for far too long, and we felt uncomfortable doing it. And I know hearing the comments and looking at the - and hearing what some people had to say about this - this is a seismic shift. But it should be a seismic shift. When you see the murder of a black man on TV, for many people who thought that, hey, listen, these issues are far beyond what's going on in here as well - it's shocking to them and it's a change to them trying to figure out where we are as a country. And in that shift, there's a need to have a conversation about where we are and where we need to be. If we're having a discussion and a concern about saying Black Lives Matters - just saying those words - what does that say about us as a people and where we are? What does that say about what we're going with? And keep in mind that Larry said these comments. And Larry, what I'd say to you is this - you've made a commitment to our board regarding what - regarding our policies and ideals and what we want to do to move forward. I hope that later on today you articulate that to the rest of the people that you're on board with that and you'll move those course of actions, including implicit bias anti-racist training. I will say that with that, it's not just Larry that we have to talk about - we have to talk about the legal system in general. When we look at what's happened with our board right now, we do not have one black attorney on the board of directors of the State Bar of Texas.

CHARLIE GINN: Mr. Metayer...

RUDY METAYER: We need to look at...

CHARLIE GINN: ...If you could finish your thought, please.

RUDY METAYER: ...What training, what ideas, what are we doing to actually focus and foster that to make a difference. Additionally, with that, if we're - if we made a commitment to these people many years ago when we got rid of the minority director seat that we would make sure that their voices, their concerns, would be heard, what are we doing about that? What are we making sure that actually comes up to fruition? Because right now, what they see is that their...

CHARLIE GINN: Mr. Metayer, please...

RUDY METAYER: ...They don't have...

CHARLIE GINN: Mr. Metayer, if you could finish your thought.

RUDY METAYER: ...They don't have people that look like them and represent them with that as well. We as a board and as an organization need to do better and know better in what we're doing with that. And

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I know that it's not easy for you guys - I know that you have several different legal opinions - legal viewpoints and ideas that you have to take in consideration, including people at the AG's office who are right now probably taking notes about this. But there are...

CHARLIE GINN: Mr. Metayer?

RUDY METAYER: There are...

CHARLIE GINN: I'm so sorry about you, Rudy. But if you would finish your thought, please.

RUDY METAYER: Black Lives Matter - it's an organization - it's a statement. But until we say that, truly, that black lives matter as everybody else's lives, we're not going to have All Lives Matter. And we need to go ahead and get to that point as a country where we're comfortable saying that and truly elevating the rights and ideas of all people together as opposed to just a few. Don't listen to the people that are saying otherwise with that. Don't try to go and listen to the hate and disdain that you have there. You have the power and the ability to make a change as a board. It's going to be uncomfortable, but you've got to be comfortable being uncomfortable. And implicit bias training and working toward making sure that we all have those ideals fundamentally part of us as lawyers, and it's no longer debated, that's what will make a difference, and that's what people are looking for in your leadership. God bless you all in what you do, and good luck with that.

CHARLIE GINN: Thank you for your comments, Mr. Metayer, and taking the time to come and speak to our board. Skip Davis, are you on the call?

SKIP DAVIS: Yeah, I'm on the call and I stand in direct opposition to much of what Mr. Metayer says. First off, I'd like to remind him that his friend Chari Kelly had the audacity to - one day during a district court session - had the audacity, on the record, to tell me to go off and wave my banana. Now, I'm a black man, and I don't appreciate that. Now, I'm here to talk about what's going on inside our institution, the state bar. It's a mandatory bar I have to pay my dues to where we don't sanction, and censure, people who support others like Chari Kelly who tells black men to go wave a banana in open court, where I've been called boy by Bill Bender, a district court judge, in open district court, witnessed by Polk Shelton - witnessed by Christopher Morgan in Austin, Texas, where I've been told by a jury that the jury was placing bets on when the judge was going to slip up and call me the N word, witnessed by Jim Fowler, the bailiff, in that court in Hays County. Don't tell me that there is no implicit bias in this state bar of Texas - the last state to emancipate, the last state to desegregate, the state that thought that Heman Sweatt's separate but equal was satisfactory, and we have yet to catch up to the 21st century version of what's inclusive in our mandatory bar. I move to censure Larry McDougal. I have lost confidence in him, although I once voted for him. I move that we adopt ABA 8.4(g) in its entirety because what we have is toothless when there are prosecutors that can chest bump me in open court in the newspaper and not be sanctioned by the bar sua sponte, there is something going on there that it must be OK for all you white people to do that to this black guy. Now, I happen to be resilient and strong, but that doesn't mean I have to put up with it. If you're going to keep allowing this kind of behavior to exist, hidden within the language of 5.04 of our own disciplinary code - our own disciplinary rules - then I move we disband this entire joke of an organization and disregard and stop doing all this inclusive nonsense because you're not interested in it. If you want to put some teeth into this inclusiveness and this diversity nonsense, don't give us a class - make it grievable to call somebody a nigger.

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CHARLIE GINN: Mr. Davis, you have used your time - if you could find a stopping point, please.

SKIP DAVIS: That was my stopping point. Make it a grievable offense to call me, or any of my progeny, or any of my people, any names any further under any circumstances.

CHARLIE GINN: Thank you, Mr. Davis I appreciate your time and your comments today. Our next speaker is Gary Bledsoe.

GARY BLEDSOE: Good morning, members of the board of directors, friends in the bar, and the people who might be observing I'm very alarmed and disturbed about the comments that have been made. It should be embarrassing to any member of the state bar that you have had comments to be made in the vein of what were made by our president, Mr. McDougal - our director, Mr. Fischer. I want to exalt those who have sought to oppose the comments that were made. I know that there has been some insinuation that this is engaging in intimidation or a violation of the Texas lawyer's Creed. I think nothing could be further from the truth. This is not much different from us asking those officers who were with Officer choke to try to get him to stop what he was doing to George Floyd because George Ford might be alive today if they had acted. All those members of the bar who raised issues on those Facebook pages I think you should be exalted and commended. Further, I think that what's occurred here has been revealing to the Bar. I'm hoping that the members of the board of directors have seen what I have seen today. I think just the comments alone today tell us the gravity of the problem that we have with the state bar. When we have comments that are calling individuals the name retard, I am shocked. When we have individuals talking about a lawyer who may be having issues in her life as hot and making disparaging comments about her as a lawyer It shows clear insensitivity. When we have lawyers talking about Blacks only being concerned about equal jobs and not having the character to be as capable as others, I think that raises questions. Those things are very offensive to me and there is no other way to put that. Now let's talk about Black Lives Matter, an issue that I'm glad that the board put on the agenda. When we look at Mr. McDougal's analysis, I think it's specious. It was represented by an earlier speaker that the district attorney in Fort Bend County said his reasoning was legitimate. I have read the statement that was sent in by the Fort Bend County district attorney and that is absolutely untrue. He said it exactly wrong. There is nothing wrong with having a T-shirt for BLACK LIVES MATTER that you wear as an election official. There is no rule that prohibits that and it would be a vexed issue - vexatious rule that could not be enforced.

CHARLIE GINN: Mr. Bledsoe, if you'd find a place to stop please.

GARY BLEDSOE: OK. Let me say that I hope the directors have seen what I've seen today. I hope the directors decide to take some strong affirmative action. I know that with the NAACP that I head today, I'll be putting together a task force to come up with recommendations to bring to the bar hoping that you will work with us constructively. And if you do decide to engage individuals to provide some kind of training, I would ask that you consult with the members of the AELS or the African-Americans in the bar because not every training is equal and appropriate training. There is a real problem in the bar. It's illustrated by all the things that are before us and I ask the members of the board of directors to say Black Lives Matter, Brown Lives Matter, Disabled Lives Matter....

CHARLIE GINN: Mr. Bledsoe, please finish your thought please.

GARY BLEDSOE: Thank you very much.

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CHARLIE GINN: Thank you, sir. I appreciate the time and the comments. Cynthia Owens. Are you on our call? Cynthia Owens, if you're on our call if you would unmute.

CYNTHIA OWENS: OK.

CHARLIE GINN: Yes ma'am. We've got Mrs. Owens. The floor is yours and your time starts now.

CYNTHIA OWENS: Thank you, Mr. Ginn and all of the directors and I'm here representing Mr. McDougal to show my support. Also, I looked at the San Antonio Bar Association. I thought that was the most closely aligned to the position I hold towards trying to take new action. And I'm a director on - CLE director for Harris County Municipal Justice Bar Association and a director on the Traffic Lawyers of Texas. I've also a published author with the defender on marching for equal rights. So the first thing I did was look through the history of 2015, and I found that at that time Black Lives Matter was very nebulous. You had Ted Cruz and Ron Hickman with the sheriff's department in Harris County saying their statements were going to incite violence towards officers. In 2015, there was a rash of assassinations, ambushes of officers being killed. And I spoke with Mr. McDougal and he said that was a consideration of back then in 2015 and he's changed his position. I reached out to him, was able to talk to him a few days ago. I do believe that he's changed his position. I'm 100% certain that he wants to work with the task force and bring about more diversity, which we need. And in the many years and that's - I hope you take that into consideration in how you proceed further. Thank you very much.

CHARLIE GINN: Thank you ma'am for your comments and for your time today. Chevazz Brown.

CHEVAZZ BROWN: Good afternoon.

CHARLIE GINN: Good afternoon, sir. The floor is yours and your time starts now.

CHEVAZZ BROWN: Thank you. Good afternoon and thank you for allowing this opportunity for everyone to be heard. My name is Chevazz Brown. I'm a 12-year member of the State Bar of Texas. I also helped coordinate the coalition of Houston Diverse Bar Associations made up of seven Houston area minority groups. Those groups are the Asian-American Bar Association of Houston. The Hispanic Bar Association of Houston. The Houston Lawyers Association. The Korean American Bar Association of Texas. The Mexican American Bar Association of Houston. The Middle Eastern Bar Association of Texas and the South Asian Bar Association of Houston. We submitted a statement to the board denouncing the comments calling for resignation or removal on fitness grounds and calling for the State Bar of Texas to examine its vetting process of candidates and its policies and procedures to address the conduct of its leaders. That's our collective voice. These next views are my own. When I saw the comments and when I hear and see like comments, I see surface manifestations of deeper beliefs about people. And the comments that I heard this morning remind us all that a lot of people share those beliefs and like beliefs. And those beliefs, like all beliefs, affect our judgment and decisions and they present themselves in ways such as explicit bias and in other ways such as implicit bias and those biases make their way into our organizations and affect our organizations. So what can we do? As I've advocated in this context and in other contexts we need to combat at the institutional level through policies, procedures and practices that neutralize the presence of those beliefs and help bring and sustain equality and inclusivity. I support the idea of the task force to help further institute our values and you have my full support. Finally, it's a privilege to serve as the president of the State Bar of Texas. It's a privilege to serve as a director on the State Bar of Texas. And leadership is hard, it's very hard. And sometimes it requires selfless acts. I

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believe in this instance it requires one to step down and then to step up. To work with your board - your bar colleagues in helping bring the call of action outlined by the African-American law section to fruition and to be an ambassador of that effort to your community. In my book that would demonstrate true leadership and would earn my trust and respect. Thank you.

CHARLIE GINN: Thank you for your comments. We have two speakers that we have reached out to that signed up to speak that we have not heard from, Sara Springer and Dean Seatos. Dean Seatos and Sarah Springer, we are about to take a 30-minute lunch break. But if you wish to be heard after that break and we'll contact the bar. We've been reaching out to you. We will make sure you're heard. If not, we will have to move on to the next portion of our agenda. With that we are going to take a 30-minute recess for lunch. Bar directors please do not exit your zoom screen. Keep your zoom screen on. You can mute. You can hide your camera. But for the next 30 minutes we're going to be taking a lunch break. It is 12. Let's call it 12:47. So in 30 minutes that would be, gosh, I had to pick six. 1:17? We'll say 1:15. We'll be back at 1:15 for our lunch break. So thank you all. Thank you to the members of the public that spoke. Thank you for being understanding of the time restraints that we asked you to speak on. And thank you for your passion and your honesty. We will convene back at 1:15 after a lunch break. Thank you very much. And we're going to be getting started here in just a minute with one more public comment and then we will move on to agenda item number seven. With that, let's go ahead and call the meeting to order. It is 1:17. We took a 30-minute lunch break from 2:47 to 1:17 in the afternoon. With that we have one more public member to hear from. We did not hear anything back from Dean Seatos, but Sarah Springer is on the line. Miss Springer you will have three minutes to give your remarks. When you have one minute remaining, I'll stand up and then I'll, at your conclusion, I'll ask you to please finish your thoughts. The floor is yours and your time starts now. Miss Springer, are you with us? Time doesn't start, but are you - Ms. Springer would you mind taking - you there?

SARAH SPRINGER: Yes.

CHARLIE GINN: OK, great. You have the floor and your time starts now. Thank you.

SARAH SPRINGER: Thank you very much. My name is Sarah Springer and I was licensed to practice in Texas in 1980. I went to Mississippi for 26 years in exile where I've spent 12 years on the bench and came back to Texas. And I can tell you that the Texas Bar is a absolutely wonderful organization. I think the lawyers in Texas are wonderful. I have had the most changed experience coming to Texas from Mississippi, so I've got the experience in another state versus the way that things are here. And one thing that is so great about Texas is how inclusive it is for women, for minorities, for everybody else. And I think that's a goal that we can have going forward. And we have an unfortunate incident that has caused this big firestone - firestorm and I'm very regretful about what happened. I mean, certainly this is something that has brought to focus so much on the racism problem, the inclusion problems, things of that nature that have gone on. When I came to Texas, I became president of the Katy Bar Association and the fort - County Bar Association and I worked with various people including Larry McDougal. That's how I met him. And I met him through his volunteering, his time and his effort and his passion for lawyers and the law. And I always thought of him very highly and I think that he's going to be an absolutely stellar president of our bar association. I've heard a lot of passion today. A lot of anger. I've been most - watching most of the hearings. I saw Larry's comments when he started that he was going to listen and take note and open his eyes and ears to shortfalls in himself. And I think that's a very admirable quality for all of us. I know that my eyes are opened a lot by talking to my children. My son is

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a lawyer in Houston and, I mean, he opens my eyes to an amazing number of things and gives me different perspective. And there's nothing like this type of experience for Larry McDougal to become the very best representative that he can for our bar. And I just - I applaud him for coming forward and making the statements that he has. I think he's sincere and I want him to have the opportunity to show that he is the kind of person that can bring our board together. I was looking at the plans for the new bar association in our journal and it's not anything in here about changing our minority status or focus or anything like that, but this is what's going to change our bar. It's this kind of experience from this man, what he's gone through today, what he's heard, all of the anger, all of the misery that people have described. He has it front faced forward and I think that this is the man that's going to be making the greatest changes for our Bar Association for the good. So let's support him and get behind him and we're going to have changes all for the positive because of this experience. Thank you.

CHARLIE GINN: Thank you, Miss Springer for your (inaudible). I believe we've now heard from every member of the public who signed up to speak. The public comment period is now closed. During the remainder of the meeting, if there are board members or staff who wish to speak at any time, please unmute yourself and raise your hand via Zoom and state your name. I will call on you when it's your turn to speak. We appreciate your patience. Normally, if we were in a meeting together in a conference room, we would have a microphone setup and the order would be established by the person that walks to the microphone and gets there first. We don't have that today. We have Zoom. And one of the features of Zoom is if you look on your Zoom tablet there is a way to raise your hand. I will be able to see who raises your hand. I don't get to see an order and so I will do my best to get it in the order in which it comes up. If you can't find yourself to raise your hand and you need to get my attention please do so. If you need to unmute please do so civilly. Say, Charlie, I'd like to be heard. Raise your hand and we'll do our best to work with you. Work with me and I'll do my best to work with you. As far as establishing an order for who goes first, I think the easiest way to do that is by raising of the hand and I'll - like I said, we will do our best here to call on you in the order that you're - that you've asked. Some guidelines and some expectations that I have for our director as we discuss this both in open and closed meetings today and sessions. I've got five things I'm going to ask of you. I want our comments to be civil. All right? I can't - we can be direct. We can discuss this issue as we should. But our comments need to be civil and the comments need to come to me or directed at the chair. No comments across the table. No direct debate, certainly no cross-examination. I am not requiring - I'm not putting a time limit on director speaking so long as the director does not abuse his or her time whilst - while directing comments to the board. If it becomes a filibuster type situation or becomes abusive and either civil or in time, I will ask you to finish your thought. I do think it's important, though, that all board members that want to speak on any issue have the opportunity to speak on the issue before a director who has already spoken comes back to the microphone and speaks again. And so not picking on anybody at all, but if Victor Flores says something that makes a comment on the agenda and then James Wester comes up and gives a comment, Victor needs to wait until all of the directors have spoken that want to speak before he goes and speaks again. And then finally, any motions that come out of this today will not be made until we get to those specific action items on the agenda. So with that we're going to go into close - we're going to take an item out of order. We're going to start on agenda item number seven. We're going to move B, the closed session up until Item A. So we're going to go into closed session first. The - one second. All right, we're going to start in 7A. We've got some hands raised. So the immediate past president Mr. Randy Sorrels you have the floor.

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RANDY SORRELS: Thanks Charlie. Can you hear me OK Charlie?

CHARLIE GINN: Yes I can.

RANDY SORRELS: I do want to address my comments to you because I see you and so many other people in this group that may be future presidents of the State Bar of Texas. As you know, as immediate past president I'm just coming off one month of doing the job. And the role of president really does include representing all of Texas lawyers. Many people - I'm reading the comments - feel being elected as president you're held to a higher standard. And I think I agree with that. I held myself to a higher standard. I recognized there were people who had different views than my own. And I also understood, as many do, that you really can't separate your personal expressions from your state bar professional - state bar president professional expressions. You become a public figure and there is a spotlight that's focused on you and on the words that you say and that you write. I agree with those people who say there's First Amendment issues. You don't give up your First Amendment rights, but I think people have to understand, as a president, if you express divisive opinions you can expect lawyers, of all people, those trained to argue on a professional basis to be - to disagree with you and be vocal about it. So as we go through the day today, addressing both people - but addressing both sides or all sides, there's been more than two sides proposed, I think that we should know for you who want to be president - and I think President McDougal knows this as well. You have to know who your clients are and who your constituents are and first and foremost, they're the lawyers of Texas in the legal profession. So just as we would as president try to seek to unite our members, I hope our board will do that and try to unite our members today. I think that we should, as presidents, try to advance the profession as a whole. We have to exercise good judgment. We have to educate ourselves before we speak out on issues and you have to be able to identify issues that may be controversial or divisive. And when you do, you have to be thoughtful and considerate to all of our colleagues. As president you should not alienate or offend anybody unnecessarily, but you should not necessarily shy away from controversial issues. So today, I hope we can build some bridges. I hope we have some constructive dialogue. I read the comments on Facebook, Facebook Live that we be empathetic to the plight of others, that we all try to work together. If we're going to stay in this profession, that we try to protect and improve the lives of ourselves and our brothers and sisters in the profession. And then lastly, let me say that I know not everyone loves our bar. I know that people have attitudes that wish the unified bar would not be unified and the arguments set forth have been - for both sides of that have been set out in briefs now up to the 5th Circuit. I also recognize to those who have been adversely affected in the past, that our bar has not always been the most inclusive. We know that our country has not been and the bar has done the same. This year we celebrate the relatively recent 100 years that women receive the right to vote. They couldn't even vote in our country until just last century so we have a long way to go as a bar. As president, when I went around I understood people had different views. I listened and I learned from those. When I came out with statements I tried to be considerate of all views and more importantly I agreed to listen. So I'm hoping that some action items will come up. Hearing what I've heard today I'm hoping our bar can become anti-racist, anti-sexist and an anti-discrimination bar. So as we - as a State Bar of Texas continue to work today, I hope we can work towards a day when discrimination is a part of our past. We have a long way to go, but that day can be - come sooner than later. And so whatever the outcome is of today, let us all try to make our profession better. If those of you who disagree with me and I understand and appreciate that, want a profession that's worst - that's worse, I hope that you reconsider and try to make our profession better. A better profession isn't going to have all of us agreeing on all items and all

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issues and all arguments, but it's one that we work to collaborate together to build bridges and to move forward as a single, more powerful unit. And thank you for just a couple of minutes to talk to you and to those future presidents who would be president of the State Bar of Texas.

CHARLIE GINN: Thank you, Mr. President. The immediate past president Sorrels. Directors Bihm and St Yves, let me just ask this. I know both your hands were raised. My suggestion is that we move into closed session to hear from our legal counsel and then we postpone the discussion until afterwards. However, I'm not going to keep any director from wanting to speak that wants to speak. So let me just ask, Director Bihm, are you willing to hold off on your comments until we get out of closed session back into open session?

KATE BIHM: Yes.

CHARLIE GINN: OK. Director St Yves, are you willing to hold off on your comments until we get out of closed session back into open session?

DIANE ST YVES: Absolutely.

CHARLIE GINN: Thank you very much. With that let's go into 7B to keep all this on the same foot. It is now 1:29 PM and the State Bar board of directors will now recess the open meeting and reconvene in closed session pursuant to Texas government code Section 551.071 to seek advice and board counsel regarding rights and remedies and board governance issues, including conduct of board officers and directors, filling of vacancies and to seek the advice of legal counsel regarding all pending or contemplated litigation including regarding MacDonald et al v Sorrels et al number 20-50448 in the 5th Circuit Court of Appeals. And Sections 551.074 to deliberate regarding personnel matters. At this time, we're going to have a five-minute recess just for Chelsea and Jennifer to put our members, the 2021 board, including section representatives and board liaisons into a breakout room for the closed session. All other individuals, including non-essential staff and other guests will remain watching the broadcast. Any director who is attending by Zoom please turn on your video so we can visually confirm your identity. If you're attending by telephone only please note that we have verified your identity previously. And this is important, please do not use the chat feature while we're in closed session for record purposes. So with that, Jennifer went out in the - I'm sorry. With that we're going to move into closed session so it'll take about five minutes. Be aware of remote - we'll go from there. Thank you very much. I'm going to call the meeting back to order. Let's see, and Chelsea and Jennifer have brought back the board of directors to the live broadcast of the meeting. The call is now being recorded. It is 3:50 PM and the open session of the board of directors meeting will now reconvene. During the closed session only matters relating to seeking advice of the board counsel regarding rights and remedies on the board governance issues including conduct of board officers and directors, filling a vacancy, the advice of legal counsel regarding pending or contemplated litigation and no doubt - and deliberation regarding personnel matters were discussed. No action, no action was taken during the closed session. So we're going to move to 7A of our agenda. 7A is a report from the chair of the board to include discussion, to include executive director officer and director comments regarding state bar president July's 2010 - 2020 online commentary and other commentary including online commentary by officers and directors. A few things that I want to let everyone know regarding the bar's ability to take action. The bar - the board of directors is limited by a few things. We are limited by case law precedent from the 5th Circuit. We are limited in our actions by the Texas Bar Act and we are limited by our policy manual. And those

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limitations include we are not allowed to remove President Larry McDougal from his position. We are not allowed to do that. We are going to have a discussion with the board of directors with the potential of motions coming forth that will be subject to those discussions. I understand our closed session was long. I appreciate your patience with that. There was a lot of questions about what legal remedies we had and so we need to go forward and have the open discussion with the directors. For our directors, a reminder. Just a couple of things that I'm - for our conversation and discussion today. Civil only. Those remarks are addressed to me or to the chair. There's no time limits as long as you do not become abusive with your time. All directors that want to speak on a topic that have spoken on that topic need to wait until all directors that want to speak on that topic have been heard before they address it. And then finally, no motions to be made until we reach that action item in the agenda. So with that we had a few directors that want to speak. Remember to raise your hand on the Zoom function. I know that Kate, Diane and - I'm sorry, Director St Yves and Director Bihm we're wanting to do that. Let me just pull this up really quickly. Hold on one second. Yes, ma'am. So Director Bihm you have the floor, it's yours. Thank you. Director Bihm, I don't know that I can hear you.

KATE BIHM: Thank you, Chairman.

CHARLIE GINN: OK.

KATE BIHM: Can you hear now?

CHARLIE GINN: Yes, ma'am I can. Thank you.

KATE BIHM: Thank you. Chairman and members of the board. The words and image that Larry McDougal posted on Facebook regarding a poll worker in a Black Lives Matter t-shirt were inappropriate and hurtful to many of our members, but particularly many of our Black members. It was wrong for Larry to presume that the poll worker was supporting a political organization by wearing a t-shirt that stated a fact. Black Lives Matter. Whether there is also an organization that uses that name to advance specific political ideals is irrelevant in this context. It is as wrong to presume that she supported a particular party or organization as it is to presume that Larry is a racist because he does not support Black Lives Matter the organization. We as lawyers should be the first people to resist the urge to rush to judgment. It was also inappropriate for Mr. McDougal to post an image of a private citizen accusing her of what is not in fact a crime. That showed poor judgment, particularly in light of Mr. McDougal's official position as president of the State Bar of Texas. I want to state that I believe that those actions are not beyond redemption and that I do not believe that those actions, if viewed in a vacuum, would warrant Larry's resignation from his presidency. However, Mr. McDougal is attempt to apologize was not well received by the members to whom it mattered most, our Black friends and colleagues. That a member of this board has also stated unwisely and hopefully incorrectly that the apology was written for President McDougal rather than Mr. McDougal writing it on its own has also undermined President McDougal's attempts to apologize to our membership and to extinguish this controversy. We are in a time of reckoning in race relations in our lives and in our country. I have recognized that, for me, being a good citizen means that I need to be better and do better. I want to give President McDougal that same opportunity. I believe that we are all capable of it if we do the work, and make no mistake it is our work to do. Further inquiry by our members has revealed that prior to his election Mr. McDougal had taken public positions on social media that diminished women attorneys and attorneys who suffer from addiction and substance abuse. These posts amplified the impact of the post made in July 2020. At this

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moment in time, the State Bar of Texas is in peril. For those of you who do not know, a lawsuit is currently winding its way through our courts, the plaintiffs in which seek to dismantle the State Bar of Texas so that we are not able to self-regulate. The right to independently govern ourselves and to independently direct the future of our profession is under legal attack. We, the bar, are fighting for our profession as we know it. If President McDougal is unable to see how his actions have negatively affected our common purpose in this regard, then I question whether he has the wisdom and discernment to lead us during this time of uncertainty and legal challenge. If President McDougal is unable to see how his actions reflect negatively on the State Bar of Texas among our colleagues in other states and with the general public whom we serve, then I question whether he has the wisdom and discernment to effectively represent our collective membership in that regard as well. In order for us to maintain a unified independent bar, we must make room in our membership. Not just for diversity of race and gender, but also diversity of thought and ideals. If we are going to be the warriors for our clients to be able to freely speak, believe and associate as they wish, then we must be warriors for those principles within our own organization as well. We cannot forget that we are a public agency and that we cannot discriminate based upon someone's political ideology, however reprehensible that ideology may seem to us as individuals. Lawyers, above all people, should demonstrate the disciplined rational thinking that our nation needs now more than ever. Shouting each other down on social media and taking complaints about individuals to the media is not going to change those individuals' minds and it will not change the minds of those who are like minded. We should be the standard bearers for civil discourse and disagreement in society. We must recognize that our membership is diverse in thoughts and ideals and that taking some actions will also offend or alienate our membership who did not feel the same amount of hurt or offence felt by some of our minority members and others. We must recognize that for some of our membership, this conversation is unexpected and its mere existence as a controversy in the bar that requires the board of directors to assemble is contrary to their beliefs regarding the bar's purpose and utility to our profession. We, as an organization, should not take on the mantle of assigning a political vision or opinion with racial animus or ignorance. Our members are free to believe what they wish, which is different. We want to ensure that the bar serves our members who want the bar to remain strictly apolitical and that we do not alienate those members from the bar during this perilous time for the bar. We cannot create an environment in which any portion of our membership believes that their participation in the bar is either unwanted or unwelcome because they have a different viewpoint. We are the warriors for the First Amendment. We should stand resolute in the face of any movement that would tend to diminish our memberships belief that we will stand as anything other than watch guards for the Constitution. We are also a government agency. We cannot infringe upon any person's right to express the views that they wish in their personal capacity, period. To quote the Fifth Circuit, ""the role that elected officials play in our society makes it all the more imperative that they be allowed to freely express themselves on matters of current public importance,"" end quote. We must also recognize that in situations such as this when tempers are high and the flames of discontent have been fanned and seeds of division have been sown and fertilized, still more of our members may fear their ability to participate in this discussion out of a fear that anything they say or do will result in causing offence or in their public shaming. Let me be blunt, I fear that our members who have labeled Larry McDougal as an irredeemable and unrepentant racist may be doing more harm than good. We must remember that President McDougal's statements were made one, from his personal social media account and not in his official capacity. And two, that most of those that are objected to were made before he was elected president or sworn in. For a member - many of our members that is

an important distinction. As is the discourse surrounding whether the phrase Black Lives Matter should be strongly associated with a particular organization with specified ideals and political positions or as a simple statement in support of fundamental human rights. I personally believe that it is a simple statement in support of fundamental and human rights. I worry that many of our colleagues may fear attempting to engage and thereby learn on issues of race and social justice because they fear that one step out of line will result in their excoriation in the media, on social media, calls to employers, bad reviews online or other public shaming. We should all be wary assigning the label of racists to any person - not action, but person - until we have had thoughtful discussions with that person about their heart and mind. For many, racism is a legacy rather than a conscious choice and we do the lofty goal of inclusion a disservice when we fail to recognize it - to recognize that legacy and to address it effectively with education rather than labeling those who experience the burden of that legacy as irredeemable or not worthy of attempts at rehabilitation. My own journey of allyship has been a bumpy road and I am grateful to those who have given me grace. Without their kindness and generosity, I could not be the person that I am today. I want to do what is right for the bar. The bar has existed before November 2003 when I became licensed and I hope that it will continue to exist long after I'm gone. As lawyers, we take on the mantle of our client's lives, their businesses, their rights, their families and their freedom. No one understands better than we how weighty that mantle is and what it means to ensuring that we continued to govern ourselves should be our paramount concern above every other goal that we strive to achieve. Diversity and inclusivity are a necessary part of pursuing that goal, and that means including people who don't always believe the same way that you do, no matter how repugnant their view may seem to you. And by you, I mean every single person who is listening to this statement. We cannot take any action that would harm our ability to self-regulate. If you were hurt, angered or disgusted by President McDougal's words or actions or by Director Fischer's words or actions, as I was (inaudible) ability to govern ourselves. If you believe that the bar needs improvement in how it disciplines, nurtures or engages minorities, then we must protect our ability to self-regulate. Our state government is not likely to be more hospitable than the bar. Imagine if all of those functions were (inaudible) imagine (inaudible).

CHARLIE GINN: Ms. Bihm, I think we've lost you we will work to get you back. Director Mount...

KATE BIHM: Charlie, I'm back. I'm back, Charlie.

CHARLIE GINN: All right, go ahead Director Bihm...

KATE BIHM: Can you hear me?

CHARLIE GINN: Do you want to conclude - yes, ma'am - if you want to conclude your comments - yes, ma'am.

KATE BIHM: Thank you. We must maintain our ability to self-regulate. If, in President McDougal's heart, he feels that this conversation and controversy is unwarranted or unnecessary, I call upon him to resign because I feel that he cannot lead our diverse membership with the wisdom and discernment that is required of his role. I also call upon him to reflect deeply on whether continuing as president of the State Bar of Texas is the right thing to do for the bar. If Mr. McDougal realizes that continuing as president will be divisive or alienating to our membership, which I believe that it will be, and that it will affect our ability as a board to achieve the goals of self-determination, grievance reform, courthouse badges, growing TELA, and other issues that comprise Larry's platform, then he must also resign so that

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his platform can continue without hindrance. If President McDougal understands what he has done and wants to take personal responsibility and make amends, then he must make a better apology that recognizes that and take concrete steps to prove to our minority members that he has heard their concerns and is going to do the work that he needs to do to be better and do better. Mr. McDougal must open himself up to accountability during this process and be transparent. I believe in redemption and I believe that people have the capacity to grow and to learn. However, if Mr. McDougal insists on remaining in his role as president, I would caution him to consider whether he insists upon doing so out of hubris or selfishness rather than a deeply held belief that he, Larry McDougal, is the right person to continue in this role when his own actions have caused this division. I'm grateful for Steve Fischer's service to the bar and for encouraging me to run for director and for his passion for our membership. If Director Fisher cannot see that his comments to black attorneys and women attorneys - particularly black women attorneys - are problematic, unacceptable and racist, then he needs to resign. I do not believe that he is a conscious malignant racist. However, over time he has demonstrated such intemperate behavior and outrageously offensive speech online that I question his ability to continue as a leader in this organization. I certainly cannot trust Mr. Fischer to be discreet or to do anything other than shout from the rooftops other people's business that is not his to share and admittedly - and he has admitted to stirring the pot of conflict upon our membership - amongst our membership. He has fanned the flames of this conflagration with his lack of discretion and inflammatory language, and as such, I believe that we, the board of directors, our chairman, our president, and other bar leadership deserve an apology from Director Fischer. He has embarrassed our profession and created a hostile work environment for many female attorneys in many instances. His hiding his racist and sexist tendencies behind a claim of liberalism is very disturbing to me. To our black members and colleagues, I say this directly to you - I want to use the analogy spoken to be by my colleague Lisa Stewart - you have been running this marathon your entire lives. Many of us have only started to run. If we are going to cross the finish line, please understand that we are not able to run at your same pace, and please encourage us and help us to pick up when we stumble. We are going to make mistakes, and we may not get it 100% right 100% of the time, but I will promise you that I personally am in this race and I am running. And we need your experience, skill and perspective in order to finish this marathon, but I believe that we can do it together. Thank you.

CHARLIE GINN: Thank you, Director Bihm, for your comments as part of our discussion. Our next director is Director Lydia Mount. Director Mount, you have the floor.

LYDIA MOUNT: Thank you, Chairman Ginn. For the benefit of those who don't know me, I'm going to introduce myself. Hello, my name is Lydia Elizondo Mount and I am the State Bar of Texas director for district twelve, which includes 17 counties in the southernmost part of the state. What we are discussing here today is critically important, and so many of us have much to contribute, therefore, I will not take much time, but I do wish to state the following - the words and actions of both Larry McDougal and Steve Fischer were offensive both for being racist and for being misogynistic, and they are unbecoming of people in their respective offices even if those words and actions were not said or done by them in their official capacities as representatives of the state bar. More than a few of the current directors on this board were elected in this year's election as was Steve Fischer. Make no mistake - just because we ran for office at the same time and have some similar goals like grievance reform and advertising role reform does not mean that we share similar ideals in all things. Each director is responsible for herself or himself, and Mr. McDougal's and Mr. Fischer's conduct are theirs and theirs alone. People of color and

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black and indigenous people of color deserve to be treated with respect and deserve to be heard, and we demand that and we will accept nothing less. Women deserve to be treated with respect and to be heard, and we will demand that and we will accept nothing less. There is no mechanism for removal of the State Bar of Texas president, as you've already been informed. Mr. McDougal has chosen not to resign - he will continue in his office. Mr. Fischer has chosen not to resign and he will remain in his office too. Therefore, the members of this board will work with them to effect much needed changes to the state bar. Among those changes is adding a provision to our governing documents that allows for the removal of the president of the state bar, and that task needs to be completed posthaste. We need to require implicit bias training for all members of the bar and make that training part of the annual CLE requirements. We need to implement president-elect Sylvia Borunda Firth's presidential task force on diversity, equity and inclusion, and insure that the members of that task force reflect all of the members of the State Bar of Texas. We need to work with and support our colleagues in the African-American lawyers section, the Hispanic issues section, and in all of the affinity sections in their efforts to improve the experience of all of the members of the State Bar of Texas, which includes providing an opportunity to all Texas lawyers to be members of this profession and in an environment that is free of racism and misogyny. The Texas Lawyer's Creed calls for attorneys to be civil to each other in the practice of law. I submit that we should be courteous and respectful to each other at all times - in person, in writing, and on social media platforms, especially those in which Texas attorneys participate, even though none of those groups is an arm of the State Bar of Texas. We need to do whatever it takes to make the State Bar of Texas more inclusive and more welcoming to all members of our profession. We, the members of the State Bar of Texas, need to do this. Let us work together to bring forth the changes we need to make and the changes that so many of us deserve. Thank you.

CHARLIE GINN: Thank you, Director Mount. Director Steve Fischer, you have the floor.

STEVE FISCHER: Yeah. You know, you had a procedural objection point of order - I gave it to you a week ago, you know, and it was supposed to go first and you tell me you're even-handed, but I'm not seeing it right now, OK? That's supposed to go before all this and you knew it. OK, I will talk about my statements and my position on BLM, how it was misrepresented in the media and all the Facebook stuff. I have three procedural objections and/or warnings that I want to go through. No. 1 - and I've talked to Frank Stevenson and he likes no. 2 but not no. 1, but whatever. No. 1 - if Larry McDougal was censured by - was grieved by the bar for taking a bunch of clients' money and not doing anything besides an appearance, if he told his minority clients - and he has plenty of them - that you look guilty and I'm not trying your case, if he took the Mexican American Bar Association's money and had a private party, he would still get due process and he would still have - get a complaint and have 30 days to answer it. This rush to judgment, in history, is never a good thing. And I also apologize for my background - I'm in a farm - I'm trying to get reception.

CHARLIE GINN: Mr. Fischer - Director Fischer, if you have a point of order, please articulate the point of order. Otherwise, if you wish to engage in discussion, that's your right as director too. But if you have a point of order, please articulate the point of order and the basis for it.

STEVE FISCHER: OK. The point of order on that - on these is that there can be no discussion of him resigning - no motions to resign - no motions to censure. So part two of that...

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CHARLIE GINN: I find your point of order out of order based on timing - none of that has been moved upon. What's your next point of order, Director Fischer?

STEVE FISCHER: Next point goes to the - oh, we're trying to prevent it. You know, here, I'm not speaking for me or for Larry or for BLM - it's about the state bar. And no. 2 concerns the McDonald litigation, and in there, they have tried to show that the bar is...

CHARLIE GINN: Again, Mr. Fischer...

STEVE FISCHER: ...And I don't think they need...

CHARLIE GINN: ...You will not discuss - Director Fischer, you will not discuss any content that we discussed about litigation in an executive session - that is not to be discussed in open session. I'm sorry to say that, but you are out of order and the chair finds you out of order on that basis.

STEVE FISCHER: All right. You know, I'll just wait till later. Thanks.

CHARLIE GINN: OK. Is there any other point of order you'd like to make, Steve? - or Director Fischer? - pardon me - or any other discussion you'd like to make?

STEVE FISCHER: (Inaudible) What I said at a later point - let everybody...

CHARLIE GINN: OK.

STEVE FISCHER: ...Else speak.

CHARLIE GINN: I understand. Thank you, Director Fischer, for your comments, and I hope you understand the rulings on the point of order. Our next director is Director Jason Smith. Director Smith, you have the floor.

JASON SMITH: Thank you, Mr. Chair. I'm Jason Smith, I'm a civil rights lawyer from Fort Worth, Texas. Black lives matter, but somehow, that statement is a very controversial one even though it seems very straightforward. The problem is our society hasn't treated black lives as mattering for over 200 years. And so we've had a civil war and we've had the civil rights movement and now we're having another civil rights movement because we can't get it right. And, understandably, many people took offense and their eyebrows raised when President McDougal made his statement about Black Lives Matter and previous statements were found related to Black Lives Matter that shed light with regard to what he might have meant at the time. I felt that those comments were racist - the comments. I don't know Larry McDougal that well, and I can't say that he's a racist but it was - when I heard those comments and I heard the other comments in the context that an African-American poll worker wearing a Black Lives Matter T-shirt, which is akin to wearing a T-shirt that says liberty and freedom with an eagle on it was somehow electioneering that would face criminal charges. I think that's First Amendment speech that many claim that mister - that President McDougal's comments are protected by. We've heard from a large number of both members of the public as well as fellow attorneys. We received over 1,300 - or 1,100 pages of comments that I appreciate everyone submitting. I also received phone calls from lawyers in the Fort Worth area and Hale County and Tarrant County and Johnson County and Hood County who shared their feelings about President McDougal's comments. Some agreed with me - some didn't. But I was grateful that they took the time to talk to me and they made me think. In addition, I think that there are - there are also - we heard from over 58 lawyers and members of the public that I

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counted today, and the comments that I heard were about a little more than two to one were upset with - well, more than two to one were upset - but about two to one seemed to call for President McDougal to resign much for very similar reasons that I have previously called for him to resign. And it's because his comments caused pain to, especially, African-Americans, and made them suspicious of the leader of their state bar. In addition, these comments - hopefully, President McDougal will, rather than have an immediate reaction, he'll sleep on and he'll really take them to heart and ask himself is he - now that this controversy has visited us - is he really the best suited person to lead the bar? I understand he was elected and, certainly, election results shouldn't be lightly disregarded. There is, to my reading, no apparent way to remove the state bar leader, especially for a comment that doesn't appear to have been made while he was acting in the capacity as the state bar president. But that doesn't make the comments offensive. And then, President McDougal apologized - I count three different apologies. The first apology kind of remind a kind of reminded me of the line from the James McMurtry song that says, well, I didn't mean to say it, but I meant what I said. The second apology seemed more contrite and more willing to recognize the wrongheadedness of his statements and a commitment to move forward. And I hope that's the President McDougal that we get if he continues as our president. And then, we get an apology today that a few commenters commented that it seemed more like the first apology of, well, I'm sorry if I caused you harm. And he does have a role as a - as the spokesperson for the State Bar of Texas. And it's important that - and he made those comments, at least some of them, in conjunction with his role with state bar. And it's important in that role as state bar spokesperson that you be consistent and clear in your communication and credible. And I don't know that he is the best person to serve as our spokesperson, and I hope he considers, if he doesn't resign, of passing those duties along to the executive director in order to let the executive director of the State Bar of Texas serve as the spokesperson. A few more things that I heard today and that I think are very important for the board of directors to pursue - the African-American law section and the affinity sections have made recommendations that came out of this controversy. And I would say that the African-American law sections proposal - especially with regard to requiring bias training - is very important and consistent with Texas Rule of Professional Conduct 5.08 that states that attorneys shall not engage in discriminatory comments or conduct in an adjudicatory proceeding. And I think that that type of training can be valuable. And so I endeavor, as a member of the state bar board of directors, to implement that proposal. And I hope that every member of the bar and the officers join in that endeavor. In addition, the president - our new president elect has a - has proposed a task force on diversity and inclusion, and I look forward to that outfit's work, and I hope that they begin the work yesterday, and I hope that President McDougal works with the president elect to implement that now rather than in the president elect's term. And then, I heard a proposal regarding that Texas should adopt ABA rule 8.4 which prohibits attorneys from engaging in discriminatory comments based on race, age, national origin, sex, disability, and other protected classes. Because while we are warriors for the First Amendment as attorneys, and as an attorney who has represented individuals who have claimed their First Amendment rights have been violated in federal court, that's an important endeavor. But we're also warriors for the 14th Amendment that came out of the civil war that promised that we would have equal protection of the laws and equal treatment of people that we haven't always lived up to. And so I hope that we push for the adoption of ABA rule 8.4. And then, I hope we amend the standards of conduct to hold our self to higher standards while we serve the state bar regarding not engaging in discriminatory comments or conduct, even if we're not acting as a state bar official. I - to the minority members of our bar - I hear you, and I hear the pain, and I hear you've had to live with this. And now is the time for action, and in

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order to have credibility, not only with our colleagues who are minorities, but with the public for whom we are working to improve on a justice system so that it can provide justice for all. We have our work to do and, unfortunately, President McDougal's comments have made that work much harder. It's my hope that my call for a resignation will - that President McDougal could show that my call for resignation was ill-advised by pushing for these proposals that I've pushed for, by listening to the NAACP as Gary Bledsoe said - the NAACP would have some proposals that are coming. And - as well as also appointing a task force to study the placement of Confederate markers at courthouses throughout Texas and justice facilities throughout Texas and proposing the removal so that everyone will feel welcome at courthouses that are supposed to provide justice for all, and in front of which markers honoring Confederates who fought this country and fought to protect slavery are purportedly honored. So I hope he calls for that as well. It's hard - I realize that - and I realize he's had some personal challenges that have made this even more challenging, and I wish him well in those. But it's my hope that he'll listen to these comments and sleep on them and make a decision that's best for the bar. And then I hope all my colleagues will join me in implementing these proposals regarding any bias training, regarding enacting ABA Model Rule 8.4. The - having that diversity and inclusion task force start it's work yesterday and amend our code of conduct so that we have a more equal organization. And finally, we need to elect more diverse leaders. We have one African-American member of the state bar currently. We have no elected African-American serving as directors and that needs to change. So if you were here today or you're listening to this, I encourage you to run for State Bar director to improve diversity, to improve inclusion and to bring the State Bar of Texas to a better day where people are treated with respect and equality is the rule of the day. Thank you, Mr. Chair.

CHARLIE GINN: Thank you Director Smith. One thing I'll add Jason, we do have one elected African-American director, that is Brittany Harris in your Texas Young Lawyers Association President.

JASON SMITH: I stand corrected. She is our president of the TYLA, but not - I meant from a district director position.

CHARLIE GINN: I understand. I just - I wanted that to be out there. Carmen Roe, Director Roe from Houston has asked to speak. Director Roe, you have the floor.

CARMEN ROE: Thank you Chairman Ginn. Good afternoon. So I'll be brief. First of all, I am a board of director from Houston and I'm a third-year director so I've been serving on this board and proud to be for three years. In that time, I can tell you that the State Bar of Texas has always epitomized the highest level of professionalism. I'll also tell you that I'm one of the very few criminal defense attorneys on this board, which I'm proud to be. That said, I'm not going to repeat a lot of what was already said today by directors as well as our constituents. But, obviously, I'm disappointed by the statements made by Larry McDougal. That said, what I'm going to call blind spots, I think, exist in our leadership in the bar and I think it exists in our membership. And I think a lot of what we heard today exemplifies that, both in experience and then in the words that we heard. I think this is an opportunity. If we see it as that, to one, unify our bar and two, acknowledge these blind spots exist within our bar so that we can effectuate real change. One, by listening to and implementing a lot of the fantastic ideas and suggestions that were brought forward by our constituents today. Specifically, exemplifying leadership in areas of sex, race, hate and, of course, tolerance. I hope that we keep these remarks today in mind and sincerely review them for action items as we go forward as a board of directors and that we use them to truly exemplify better leadership in our bar and to elevate the bar as we go forward together. As chairman Ginn

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suggested, we're very limited as directors of the State Bar of Texas in what we can do. Because this meeting may never end for those who've been on since about 8:30 this morning I'd like to make a motion at this time to make sure that we give effect to the 66 people who had the courage, who took the time out of their schedule to stay on this meeting to share their thoughts, their passions and the impact that some of these statements have made on them and their lives and their professions. For that reason, I'd like to make a motion to create a working group of...

CHARLIE GINN: Director Roe, I'm so sorry interrupt you. I - the only thing - and we will entertain your motion. We were going to - we're going to. There's a point in the agenda where we have to make all those at once, under 8 - pardon me, under - I'm sorry - 7D. So this is just the discussion then after that we will move to the motions and I promise I will give you first crack at the motions. Is that fair?

CARMEN ROE: Absolutely. So let me just close by saying, just to give the meaning of the motion I really think that giving effect to and accountability to the actions that we take as the State Bar board of directors separate and apart from our president and making recommendations to him and making sure that we consider each and every statement that was made both in writing and orally today is important. Thank you so much, Chairman Ginn.

CHARLIE GINN: Thank you, Director Roe and I appreciate your comments. Director Cook, the floor is yours sir.

DEREK COOK: Thank you, Charlie and thank you to everyone else who's spoken here today. My name is Derek Cook and I am a third-year director from District 16 in West Texas, which includes my home of Midland and Lubbock. I appreciate President McDougal's willingness to listen to the public and the board's concerns here today. I am not - I admit to not being the most vocal member of this board since being elected. I hope to explain my reservation in that regard while also elaborating on my position regarding President McDougal's social media posts. I agree with many of the sentiments expressed here today regarding these posts. Please note that although my remarks are primarily focused on one post and one issue, that I wholly agree that this board needs to engage in conversation with the public and Texas attorneys to address the implicit bias, race, gender, and similar issues raised here today. In one of President McDougal's posts, he said a Texas attorney struggling with addiction quote ""has meth head written all over her today"" end quote. In April 2017, I spent 30 days in inpatient rehabilitation due to substance abuse. For approximately 10 years prior to that I relied on my drugs of choice, namely alcohol, to cope with life, law school, the frustration of finding a job and the practice of law. Happenstance and perhaps privilege is all that separates me from the attorney about which president McDougal commented. While living in addiction I harmed myself and those I loved. While some may say I had a choice, when I first ingested alcohol, I gained everything I thought I lacked. Competence, attractiveness to others and a temporary reprieve from everything I hated about myself. I had no control over those feelings or my continued desire to keep abusing substances to change my perception of reality. In law school specifically, my reliance on substance abuse increased as I felt more pressure to fit in socially, find a job and later effectively practiced law. Although I was lucky enough to find a job at a great firm that supported me, during my first year of practice I substituted overworking myself for substance abuse to make myself more acceptable to others. I thought working better and harder than everyone else would put me on a fast track to being partner at my firm so I would finally be quote unquote ""accepted."" I was wrong. I wasn't wrong because my work was of poor quality or that I didn't do what others before me had done to become a partner. I was wrong because being made partner wasn't going

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to cure my addiction or cause me to be accepted by others. Acceptance, which I believe helps manage one's addiction, comes from within. Eventually, after making partner at my firm I was too tired and ashamed to keep living how I was living. I called 911 after a three or four day bender. While living in misery for years prior to that, I felt hope in the moment the paramedics wheeling me out of my house asked me what I had done and I honestly told them how much I drank in the prior days. That was the first time I'd been honest with anyone, except maybe my wife, about how much I used. In that moment of vulnerability and honesty I somehow knew everything would be OK. The next day I went to my mentor and former State Bar of Texas President Harper Estes. I told him I was an alcoholic and that I needed help. I was met with empathy and encouragement that I seek professional help and I did. I wish the State Bar of Texas had Harper's empathy and leadership today. Life today isn't always what I expected to be, but it is manageable with the tools I've been afforded by seeking treatment and actively participating in Lawyers Concerned for Lawyers meetings, making myself available as a TLAP speaker and volunteer and being this board's liaison to take TLAP. Had I read President McDougal's comments prior to seeking treatment, perhaps I would have been more reluctant to do so. Every day I live with the stigma of addiction. I believe the most effective way to break that stigma is an open and honest discussion about addiction and the experiences of those suffering from it. While I appreciate President McDougal's willingness to focus on lawyer wellness by adding resources to TLAP, in my opinion his past comments render him unable to lead the State Bar of Texas on this and other issues addressed here today. President McDougal has made clear he does not appreciate the stigma attached to addiction by denigrating a struggling member of the bar. His comments only reinforce that stigma. By reinforcing this stigma, President McDougal has provided attorneys actively struggling with addiction another reason to avoid seeking help. Speaking from experience, an addict will latch on to any and every reason to avoid seeking assistance. I wish that President McDougal's comments were the only reason I'm speaking here today. They are not. At one of my first luncheons as a board member, I heard another board member ask another board member who was then the TLAP liaison, why would you want to be in recovery for something so simple? While I understand this was intended to be a humorous comment, I, as a person in recovery, felt compelled to ask, would you rather that I not be in recovery? I didn't say that. I remained silent and I've since recognized that remaining silent is wrong. It's just easier than confronting reality. As Thomas Jefferson and James Madison rap in ""Hamilton,"" if I don't stop it, then I aid and abet it and somebody has to resign. In my opinion, the bar and this board must reconsider their relationship with alcohol or other substances and comments related to the stigma of addiction. This relates to cocktail hours before meetings, dinners where board meetings socialize and the like. I admit my avoidance of some of these situations is my own decision and it's not something that any - a member of this board caused me to do. Much like I remained silent previously, I just felt it easier to stay in my hotel room rather than confront questions as to why I wasn't drinking in the hospitality suite. We need to have this discussion for the sake of our constituents and active addiction. Today, if I have accurately characterized President McDougal's comments and feelings on these issues, then I call for his resignation. I do so for every Texas - every attorney in Texas impacted by the stigma of addiction. I do so for every attorney in Texas afraid to answer why they aren't drinking with everyone else for fear of suffering stigma. I do so because remaining silent harms attorneys I represent. I'm hopeful we can continue an open dialogue on this and the other issues addressed - discussed here today so appropriate action can be taken to better this organization for Texas attorneys and the public in accordance with our mission statement. Thank you Mr. Chair and I yield back.

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CHARLIE GINN: Derek, as a point of personal privilege. Thank you for your comments. Thank you for your ability to share your story and your experience. Thank you for your friendship. Thank you for your leadership. Director Schramek, you have the floor, sir.

ADAM SCHRAMEK: Great. Thank you, Mr. Chair. I know it's getting very late and I do want to keep it quick, but I did feel that I needed to speak. One reason is because I'm the policy committee chair this year and what we're really talking about are a lot of policy issues. The first thing I did when I heard about the Larry McDougal situation is, I went and read the State Bar Act, I read the State Bar Rules promulgated by the Supreme Court and I read the State Bar Policy Manual that we're in control of. And I looked at all of our options and I looked at our issues I said, what can we do as the State Bar board? Earlier this week I was a member of the Austin Bar Association and they had the same analysis. And I know the African-American lawyers' section has set out some things that they think need to happen. We agree with it. We voted unanimously to support it, but it can't all be done by the bar or the board. Some of it's going to require potential legislative action. Others are going to require involvement of the Supreme Court. What we can do is identify the problem. How did we get here, and then work together this year to fix it. And that is what I'm committed to do as one of the representatives from Austin. I have several things that we won't even get to. The section of making motions. I have several items that I'm going to want to propose if someone else doesn't propose them first. But I think a lot of folks feel tricked. The State Bar puts forward two people every year. They're supposed to vet them. They're supposed to look into our - into the attorneys, you know, in the entire state, depending on whether, you know, what year it is, county, small, etc. but they have the ability to put forth two people who then run on the ballot. And for those two people, they should be vetted. They should not be online screaming at people making inappropriate, racist and sexist comments. They should be up to the standard of Jimi Sales and Terry Tottenham and the many other presidents that came before us. That's what we deserve and that's what we expect so I think a lot of people feel tricked. They saw that post and said, what's going on? And then they found out in '15 there were other posts like it. And then there is the post of the police officer with an - on - with the, you know, the standing over someone going oh, you know, justice happens before the court system. How did we get here? Who is this person? How did this not come out during the election cycle? Why is it that I, you know, I had Mr. McDougal walk in my office, shake my hand and hand me a list of resume and things that he's done? You know what he didn't say? I think Black Lives Matter is a terrorist group, by the way, have you seen this meth head lately? By the way - I didn't hear any of that. If I had, he'd have been shown the door immediately and there would have not been a campaign for - in my view. It would've been an easy decision. Let's move on. But we didn't get the truth during the campaign process because the state bar board wants it to stay positive. Oh, we don't, you know, we don't want a negative campaigning. Oh, we - we have got to make sure that if we're going to put forward two people, that we tell our lawyers exactly who they are. What's their background? We do vetting so that they can make an informed decision. If there had been an informed decision of this vote, then there would be no - there would be no meeting today because no one could complain about a post that would basically - not as bad maybe as some of the earlier ones. There wasn't that vetting, our policies need fixed and I'm committed to doing it. Thank you.

CHARLIE GINN: Thank you, Director Schramek. Director Vargas, Santos Vargas you have the floor, sir.

SANTOS VARGAS: Thank you Mr. Chair. I'd like to say that I echo Mr. Schramek's comments and I agree and I'm also committed to the changes to the vetting process for the State Bar nominees. You know,

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when I started thinking about my remarks today it really took me back to why it is that I decided to become a lawyer. You see, I come from a family where my parents never received any formal education. I wanted them to be proud of me. And for me, that meant joining the respected and noble profession of becoming a lawyer. My parents grew up in poverty in rural Mexico and they didn't have access to schools, any schools. They certainly didn't have a chance to go to institutions of higher learning like we all did. In fact, my dad came to this country as a farm worker at 17. My mom came to this country as a domestic servant at 15. But what my parents lacked in formal education they more than made up for in decency, humility and respect for others. You see it doesn't take a law degree, it doesn't take a fancy education to be decent, humble or respectful to your fellow person. Despite the extensive education we've all received I urge all of us to focus on the basics of being decent kind and respectful people. But it goes beyond that. For those of us who have been chosen to lead we're held to a higher standard as we should be. When our leaders exercise poor judgment, it affects all of us. The online comments that I've seen, that I've reviewed, unquestionably demonstrate poor judgment. They certainly do not demonstrate justice. And guess what? The people that we lead have a right to hold us accountable for poor judgment. Based on what we've all heard today, a large number of the lawyers we're supposed to be leading now feel alienated. That's not something, as state bar members, we should simply accept. Mr. McDougal and Mr. Fisher, I'd ask you to listen to what you've heard today and I'd ask you to dig deep. And beyond that I'd ask you to do what's best not for you, but for the State Bar of Texas. And I'd ask all of us, not just as members of the state bar, but as members of the human race to exercise decency, humility and respect for each other. Thank you.

CHARLIE GINN: Thank you Director Vargas for your words. Director Calvillo, do you wish to discuss or is it merely to present a motion? The only reason I ask is I will swing back around to you on the motion, but if you do wish to discuss the floor is yours.

DAVID CALVILLO: Yes, I will discuss. I believe Mr. Dawson is back.

CHARLIE GINN: OK. So you do not wish to enter into discussion at this point?

DAVID CALVILLO: Yes, I will have my own comments to share.

CHARLIE GINN: OK. The floor is yours, sir.

DAVID CALVILLO: OK, thank you. In my 30th year of law practice I remain proud to be a lawyer. My name is David Calvillo, I'm originally from South Texas and I am an at-large director. And so as I enter this 30th year of law practice, I begin my first year serving this noble profession that we all love as a first-year director on this board of directors. I'd like to start off by thanking all of our colleagues and members of the public that shared the over 1100 pages of their thoughts and their expressions on the reasons that bring us here today. I'd like to thank the State Bar Texas sections and councils and the bar associations from throughout the state. And those friends and colleagues from throughout the great state that took the time to visit with me and share their thoughts, sometimes strong opinions about the circumstances that caused this meeting to be called today. Of those who spoke I'd like to especially thank David T. Lopez from Houston for sharing his historical perspective and also for Chevazz Brown for his calm aspiration and plan of action. Among the oldest and the youngest members who spoke there was a certain wisdom, I think, that ties them all together. I'd also like to thank our colleagues Reggie Richardson and Director Louis Cardenas who weathered Hurricane Hanna and despite a lack of electricity found a way to be a part of this very important proceeding. To those who have been hurt or

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outraged by the statements that bring us here today, today your friends will not be silent. On a personal level, when I found out of the social media post that brought us here today, I was struck by the same type of outrage that most of you were - were outraged. But I was also struck by how quickly Mr. McDougal apologized and how quickly the officers of the state bar responded and issued a statement. I think that quick acknowledgement is something that means something and it should mean something. I think our national leaders could learn a lesson about that sort of humility that creates a pathway towards statesmen. So I acknowledge that there was a very quick apology. On a personal level, again, I am not qualified to look into Larry or Steve's heart for that matter. So it is not for me to judge on a personal level the allegations that have been made against him about their character. What they may not know is that - or may not feel or may not understand is that our nation is really at a crossroads. There is much pain and anguish from people who feel disenfranchised and don't feel welcome into the great promise of this great American dream despite 200 plus years of this nation growing into that shining city on a hill. That promise remains largely unrealized to a number of us. And that is something that I think can be learned by the two individuals that bring us here today. On a professional level, again, I started out by saying that this profession is noble and it means so much to us. Like many of those that have spoken so far, I was the first person to graduate from law school in my family. In fact, at my law school graduation in Austin at UT Law I had 60 people. Sixty family members that drove from Dallas, from the, Rio Grande Valley, from Corpus Christi to join me to celebrate in me wearing a doctoral hood to recognize that law degree. And so I feel a special connection and a special point of responsibility to them to do what I can for this profession and to act as a steward now in this role as a director. And so I would invite Mr. Fisher and Mr. McDougal to understand that we are stewards of this noble profession, in this role on the board of directors and Mr. McDougal as the president. We are only stewards of this noble profession. And given that, I would invite Mr. McDougal to speak to the public today in this forum and tell us affirmatively what you'd like to do. Explain why you will not resign despite the call of many, many people that submitted documents and submitted statements. Explain why you will not resign. I understood - I appreciate the brevity of your apology to start off this meeting earlier today. But what was lacking was your explanation why you will not resign. I think you owe it to the public. I think you owe it to this noble profession as a steward in your public role to explain that. I invite you also Mr. McDougal to consider for - whether for at least a time being - at least the time being permit the Executive Director to be the official spokesperson for the bar while you maybe step back a little bit and undertake a listening session and to listen to those people who have been hurt by your comments and the firestorm that has arisen afterwards. I invite you to consider whether maybe this is a time for a judo move and turn this negative into a great big positive. On my desk here as we've been here at this meeting I've had the prayer of Saint Francis, which is to make me an instrument of your peace. Above all I wanted to be guided by that prayer as I sat here and I considered everything. And I would invite you, Mr. McDougal, to be an instrument of peace. Chavazz Brown had a very eloquent way of stating this. He said maybe it's time for you to step aside and step up. Step aside perhaps from your role as president and roll up your sleeves to serve on the committees or the task force and help the African-American lawyer section achieve the points that are outlined in this July 2020 statement a few days ago. I invite you to consider whether you, Mr. McDougal, can be that instrument of peace. Thank you very much.

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CHARLIE GINN: Thank you, Director Calvillo. Director Dawson I understand you have a motion that you want to discuss in addition to the motion. If so, I will hold you until we have the motion portion of the meeting.

ALISTAIR DAWSON: Mr. Chair, I do have some comments to make before I make the motion. I can do that now or I can make it in conjunction with the motion. However you deem appropriate.

CHARLIE GINN: If it's in conjunction with the motion just for time, why don't we take it with the motion if you're okay with that?

ALISTAIR DAWSON: I'm happy with that.

CHARLIE GINN: Thank you, Alistair, I appreciate it. Director Miller. Carra Miller, pardon me, not Emily. Director Carra Miller.

CARRA MILLER: Thank you, Mr. Chair. I agree with much of what has been said today by my fellow directors. In the interest of time, instead of reiterating I will keep my comment brief. I respect the fundamental right of freedom of speech. Because of President McDougal's right of freedom of speech, the board cannot vote and I will not vote to remove him and cannot vote and I will not vote to censure him. However, I can express my own First Amendment right by asking President McDougal to resign his position with the State Bar of Texas. President MacDougal's to online commentary and the reaction there too has demonstrated that he does not have the ability to lead the State Bar of Texas. In an unprecedented time where the people of Texas are looking to leadership, President McDougal has destroyed the faith that many Texas lawyers had in his leadership. Therefore, I request that President McDougal resign from the position of president of the State Bar of Texas. However, I ask that he resign when there are less than six months remaining on his term so that he does not further damage the bar by limiting President-elect Sylvia Borunda Firth's term. I do not believe that President McDougal is beyond redemption. I know he can redeem himself. It will take longer than six months or longer than a year, but he can do it if he is willing to make the effort. A start, as he stated this morning would be to listen and to learn from those whom he has hurt with his online statements. If President McDougal does not intend to resign, he will have my full support in his initiatives to make the bar more supportive of lawyers, including and importantly initiatives promoting the diversity in the bar and I call on him to institute such initiatives as soon as practically possible. Lastly, to all of my fellow board members, it is our duty to fulfill the state bar's mission statement which is in part to promote diversity in the administration of justice and the practice of law. That concludes my comment. Thank you, Mr. Chair.

CHARLIE GINN: Director Miller, thank you for your comments and for your leadership. Director Hoggard you have the floor. Denise, you there? You might go unmute it if you can.

DENISE HOGGARD: There we go. Thank you. I'm going to preference my - preface my comments by telling you that my perspective is informed by having first been raised in a military family, having served as a state bar association president and having practiced primarily as a plaintiff's employment lawyer for more than three decades advocating for equal opportunity for women and minorities. While I've poured my sweat and tears on the courthouse steps working against racial oppression, others have spilt their blood in this fight. I don't compare my work to their sacrifice. What strikes me here, is that President McDougal has said he no longer holds the same opinions he held before. That means attitudes can change when we all listen to each other and have honest conversation. Now I take him at his word when

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he says that his views have changed. I trust that we will now see his leadership in advancing our mission. My good friend Dana Cutler is a former president of the Missouri Bar Association. During her term as president, she launched a platform called Courageous Collaboration and Courageous Conversation. I shared with her about where we are today and what we are facing here. She enthusiastically wants to lead us through this program and facilitate us having courageous collaboration and conversations. She and I agree - agree that we are at a teachable moment that we should use to move beyond identifying racism and move towards addressing it. We all have biases, whether explicit or implicit. President McDougal's former bias was brought into this public arena. We would not have had this conversation if he had not made those comments. I don't welcome or agree with them, but I welcome the opportunity that this brings us as a teachable moment where we can lead our state and our attorneys in making real progress towards equality. My prayer is that we will hear everyone's opinions as we have listened today, that we will keep listening respectfully to each other and we will learn how to value our differences and commonalities. Let's get to the work before us and be grateful to be a part of this moment to be difference makers. That's all.

CHARLIE GINN: Thank you, Director Hoggard. Director Crain, the floor is yours, sir.

ROBERT CRAIN: Mr. Chair, in the interest of time and with all the comments before me that I agree with wholeheartedly, I will repeal my time back until we get to the motion space.

CHARLIE GINN: So noted, thank you Director Crain. Director St Yves.

DIANE ST YVES: Thank you, Mr. Chair. Today I received an email from the Reverend Dr. Susan McVey of St. Martin's Episcopal Church and her words were very effective for today. Wisdom is not a tool to be used, but the discernment that knows which of the many tools at our disposal are right to use in any given circumstance. Wisdom listens not just to words, but also to behavior. Not just to rhetoric, but also to character. Wisdom seeks to gain a full picture even when it's not the picture we want. And wisdom does what is the next right thing, even if that is the harder thing to do for wisdom comes with listening closely to God. On December 1st of 1955, Rosa Parks refused to give up her seat on the bus so that a white person could sit. On February 1st of 1960, eight months before I was born four African-American college students sat down to the lunch counter at Woolworth's in Greensboro, North Carolina and politely asked for service. Their request was refused. When asked to leave they remained in their seats. On October 28, 1963, Martin Luther King gave his I Have A Dream speech to our country. In the late 60s, my mother ushered myself and my two sisters from the front bedroom of our home in Toledo, Ohio to the back of the house because of her fear that the civil rights protesters who were reportedly down the street would throw Molotov cocktails through our front bedroom window. All of them, whether silent protesters, those who made a lot of noise and those who exercised civil disobedience risked their lives and the lives of their families to engage in the fight for equal rights and civil rights. In 1970, my father would not allow me to read Muhammad Ali's biography at the breakfast table because Muhammad Ali was Black. I left home to enlist in the Army interacting with maybe 10 African-American individuals over my 18 years of life. In a few months I will turn 60 years old and we are still having this conversation about civil rights and equality. One of the purposes of my statement today is to apologize to the members of the State Bar of Texas. Last year I ran side by side with Larry McDougal to secure this place on the board of directors to represent Houston lawyers. Larry and I became friends. I failed to do my own vetting, instead depending on others I failed to discover these past posts and to ask the tough questions. Had I spent a little bit of time and had discovered the questionable, inappropriate and racist

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posts we could have had this discussion long before now. Larry could have explained and we could have worked through these issues and avoided having the operations of the State Bar come to a screeching halt. To each of you I am sorry for my inner - my inaction, for my failure to do my homework. I further support improving the vetting process used by the nominations committee as I believe additional responsibility falls to that committee as well. Over the past two weeks I have posted my position. I have spoken with Larry and I have listened to my constituency. I have heard from those who want to make this a referendum on Black Lives Matter whether the organization or the movement, and whether it is good or bad. There are those that believe that Larry exercised his constitutional right of free speech under the First Amendment. There are those that unconditionally believe he should resign. There are those who are indifferent and there are those who do not understand the big deal. When speaking with Larry, he asked me what bothered me most. I was not expecting the question, but after a few moments I said the apology. I am a believer in redemption. I have been given more grace and mercy in my lifetime than I deserve for my numerous failings and shortcomings...

CHARLIE GINN: Diane, hold up real quick. Hey, we may have lost our feed. Just one second. I hate to throw you off, just one second.

DIANE ST YVES: No, no worries.

DAVID SERGI: Yeah. For the few who weren't following the Facebook Live feed, it ended right at 5:00., right when you were speaking, Diane.

DIANE ST YVES: OK.

DAVID SERGI: So...

CHARLES GINN: That was two minutes ago, so...

DIANE ST YVES: I'll start at the beginning of the paragraph.

DAVID SERGI: We need to re-establish a feed.

DIANE ST YVES: OK.

CHARLES GINN: Randy, that's what we're doing right now. We're working it.

DAVID SERGI: Did your computer go down? Andrea, are you still receiving the feed?

DIANE ST YVES: State Bar of Texas (inaudible) side-by-side with the Larry (inaudible).

CHARLES GINN: Somebody just has an echo there on a feed.

DIANE ST YVES: I do.

DAVID SERGI: Was yours on Live?

DIANE ST YVES: Mine was just the recording with somebody that had posted on it.

UNIDENTIFIED PERSON #1: You can't do this on a YouTube channel?

UNIDENTIFIED PERSON #2: Charlie, it shows that it's live on Facebook.

CHARLES GINN: All right. Are we back on?

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UNIDENTIFIED PERSON #3: We should be live.

CHARLES GINN: We should be alive.

DIANE ST YVES: OK.

CHARLES GINN: All right. So board of directors, I think we're back live. We were out for about four minutes. I think it went off at five o'clock. So my understanding is that we're back on. So we will continue. Diane St. Yves, Director St. Yves, the floor is yours.

DAVID SERGI: I'm looking at this (inaudible) and it says that the video has been enabled, it will soon be available. So if you want to see what I'm (inaudible). Hang on.

CHARLES GINN: Are we up?

DAVID SERGI: Right now (inaudible).

CHARLES GINN: Our communications director says he can see it so we are going to continue. Director St. Yves, you have the floor. Apologies, members of the public, for going down. We're back up. Director St. Yves, floor is yours.

DIANE ST YVES: Thank you, Mr. Chair. When speaking with Larry, he asked me what bothered me most. I was not expecting the question, but after a few moments I said, the apology. I'm a believer in redemption. I have been given more grace and mercy in my lifetime than I deserve for my numerous failings and shortcomings. Larry's apology lacked the remorse and empathy that someone who leads 105,000 attorneys in a state as great as Texas could have shown. It lacked sincerity. Instead of listening to the members, Larry logged out of Facebook and blocked his phone. The purpose of an apology, in my opinion, is to express regret, to own the behavior, to make amends and to ask how I can do better and be better. It is to take someone's response to my apology on the chin, to expect them to say heck no, Diane, no way. It is not something that should be done without sincerity or remorse. After an apology is offered, I must listen to those I have hurt or offended. It is my responsibility to change my behavior. It is my responsibility to own my mistake, my poor judgment and inappropriate behavior. I do this time and again. I am as imperfect as Larry and everyone sitting here. I sincerely wish Larry had stood up, taken it on the chin and spoke to each person, sharing his words and how he has, would and could change. He chose not to do so. I publicly ask for Larry's resignation, a decision that was made after careful thought and consideration. I spoke with others who oppose my decisions - my decision. I received support, heckling and others' animosity. Let me explain what spurred my decision. We are an organization that supports 105,000 attorneys, attorneys who are in the fray every day, who are hated by opposing counsel, the opposing party, our own client, our families who to not get 100% of their parents, spouse or child because of the demands of their work, sometimes even hated by our dog, attorneys who are marginalized by the general public, other professions and the judiciary. When the actions of the leader of the state bar show such poor judgment that they cause the institution itself to shut down, for the organization to be brought under the microscope because of racist and misogynistic comments 60 years after I was born is unacceptable. Members have asked me about my sentiments towards comments that bar director Steve Fischer has made publicly that are racist, inappropriate, combative and offensive. I have known Steve for many years. He will use excuses for his lashing out. However, those excuses do not work to heal the wounds that are inflicted. They do not unspeak the words which should have remained unspoken. Words can hurt and hurt deeply. They cannot be taken back, and they can cut

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worse than a knife. I support none of that. The attorneys in El Paso voted for Steve Fischer to serve as their director. If the people of El Paso choose to take up Steve Fischer's position for the El Paso area, they are free to do so. I do not believe that we, as a board, have that choice. I know that Larry has a strong agenda for his tenure as bar president. I know that Larry regrets what he has said and done. I understand that his resignation is not going to happen. But I assure each of you on the board and each member of the State Bar of Texas that I will support the board's initiatives and will work with each member of the board and the bar. I will do everything I can to support my constituents and to do that which is right for every single member of the bar. We all swore an oath to the Constitution of the United States. In 1978, I swore the same oath when I enlisted in the United States Army. We have an obligation to create and support equal rights for each and every member of our state bar and every citizen of the United States of America. We marginalize no one because of their race, ethnicity, religion, gender. We treat everyone as equal, and more importantly, we call out each and every one of our colleagues when they engage in behavior that does not in fact support and protect our Constitution and the fact that we are all created equal. We must be the leaders. We must set the example. We must go further, be smarter and stay stronger. We must support each other, no matter the case we are involved in, no matter the outcome of that case. We must watch and care for each other without condition. I stand with our colleagues of color. I stand here trying my hardest to learn how to be anti-racist, to look inside myself and see what I, as an American citizen and a member of this bar, can do to be better and to be the best human being that I can. We can all do this swiftly, without pause or hesitation, with strength. To this I am committed. I encourage each of you to stand together, to disagree without being disagreeable, to show respect and be respectable, to trust and be trustworthy. Together, we can all make a difference, one person, one heart and one mind at a time. Thank you. I yield the floor.

CHARLES GINN: Thank you, Director St. Yves. Director Sergi, you have the floor.

DAVID SERGI: I have longer comments that I was going to make, but in the interest of time, I'm going to limit them. To begin with, I hear all the pain from all of the people that have spoken because what was said was inexcusable, and I cannot countenance that. But I have to accept the reality. I join in what Director Carra Miller said, that because we cannot do anything to remove Larry or Steve, that we have to work with them. Gary Bledsoe said we have a problem with the state bar. Actually, we have a problem in America and a problem in the world with racism. We are at a crucial time in this country. This conversation is broader than just the state bar. We are at a national moment of change - in Arthur Miller's words, a crucible. I had to go look into myself and my experiences to be able to articulate part of a solution. And I served as defense counsel at the International Criminal Tribunal for the former Yugoslavia and consulted on cases in Rwanda. I have seen the evils of racism and genocide firsthand. I have looked in the eyes of people that have committed atrocities, and it was because of racism, intolerance. And so we have to address that now so the situation does not get any worse. Then I thought to myself - when I was consulting on a case in Rwanda, I had the opportunity to go to South Africa. One of the few places that has really been able to, as best possible, to address these issues through truth and reconciliation. Then I remembered a quote from Nelson Mandela - ""You will achieve more in this world through the acts of mercy than you will through the acts of retribution."" I'm not going to continue much longer, but what I will say is this; President McDougal has offered to work with us. I call on him to tell us what he intends to do. And I call for this bar to adopt what Nelson Mandela said because you do achieve more in this world through acts of mercy than you will through acts of retribution. Thank you, and I yield the floor.

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CHARLES GINN: Director Sergi, thank you for your comments and your time and your leadership. Director Tolchin, you have the floor.

ANDREW TOLCHIN: Steve and Larry, while you have the First Amendment right to say what you've each said, collectively, your words have diminished each of your capacities to lead all members of your various jurisdictions effectively and have diminished the work of the bar. So speaking for myself, since the bar can't make you do it, I call on each of you of your own volition to resign. Thank you.

CHARLES GINN: Thank you, Director Tolchin, for your comments. Director Fischer, you have the floor. Is this a point of order or discussion? Steve, you with us?

STEVE FISCHER: Discussion.

CHARLES GINN: Discussion. The floor is yours, sir. Steve, we can't hear you. Or Director Fischer, we can't hear you. So I just want you to know that you do have the floor. Can you hear us? Steve, you might need to unmute.

STEVE FISCHER: OK. I thought I did that. OK.

CHARLES GINN: Got you.

STEVE FISCHER: Good?

CHARLES GINN: Yes, sir. You have the floor.

STEVE FISCHER: OK. So I find myself in an odd position because I've never really been accused of racist, but it's very common nowadays for people to make those accusations when they don't know somebody and they don't like a statement. And it's difficult because some of my friends and not friends and people that I never agreed with before are now saying (inaudible) that you're the only honest liberal or whatever. At any rate, someone said, well, I don't think Larry or maybe Steve ever explained their comments and I would have liked - you know, there's two sides to every story. You might not like my side. And Angela Morris, you know, talked to me after the article about fixing some of it. So let's - let me talk about some of these things. First, you ought to know that a state bar director, and it's in the rules, is not a spokesman for the state bar. They are not paid (inaudible). You guys know that. OK, so let's look at some of my comments that I made. And I know - I apologize, Larry, for what I'm going to say, but when Larry - they were saying Larry is not making - he's not answering questions and stuff. And so I went to him, I said, hey, what's up? He goes, I'm on my way to emergency surgery, I'm on my way to the hospital now. And overshadowing all this to me - not to you guys - is if somebody has cancer and it's their sixth operation or fifth operation, then...

CHARLES GINN: Director Fischer, I would just direct you on this, just to make sure that your comments are civil and that there's no crosstalk to another director or officer. Just admonishment. Not calling you out of order, just please be aware of it.

STEVE FISCHER: Well, I do have some comments to other directors, and just like they do to me. But any rate, and so I told - and when they said I was intemperate, that was probably an understatement. But I told Larry on the way to the hospital, I said, Larry, I am going to deflect. I'll get you (inaudible) some of these comments and you just get better. You know what? I don't care. Everybody that's ever told me they have had cancer, most of them die. And they told me about my mom too. Yes, she's going to get

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better. So I saw red. It's not an excuse. It's what happened. You don't like it, you don't like it. And so I went on there and I was pretty vicious. And that's where it came up, that comment that I was talking some of those people. I wanted to focus on me. When Larry gets better, he can take care of it. And I've written him that too. Larry knows that. So let's look at some of the comments specifically. There was that Ginger person, and that was in Facebook. And in my groups, we don't discuss politics. Texas family lawyers, 4,500 people, just about family law, except if it's a politics of family law or some racist thing that was done maybe by a family law judge or whatever. So this person - they put in a thing of the two - of the men and women that were waving those guns. And so people complained. I looked at the complaint and I said, yeah, that goes in Politics For Lawyers group, not here. And then all hell broke loose. Well, you're a racist. Well, you're, you know, trying to censor racism stuff. It was just a group rule, you know? And then we had a vote. It was like 126 the 13. You know, that, no, we don't want this, and we're just not going to have it. So I removed that, you know, comment finally. And then, you know, I would get messages - asshole. That's not, you know - that doesn't come from Ginger. You know, and then if you respond, it's going to be harassment. So it was voted, she was moved. As racist as she thinks this group is, she still sent messages to Lucy and some other that she wants back. And she made some texts that no one messes with this bitch. Well, that's fine, and I'm sorry...

CHARLES GINN: Mr. Fischer, I'm going to ask you not to - to refrain from using any vulgarity, please. It's a live broadcast and I'd like to keep it civil. So, again, I'd like to give you your discussion if you'd like it, but I'm going ask you to refrain from vulgarity. Thank you.

STEVE FISCHER: Well, I'm making a direct quote, OK?

CHARLES GINN: I understand and I appreciate that. But if you would refrain I would consider it a personal favor.

STEVE FISCHER: All right, thank you. Put it that way, yeah. So yes, you know, we removed her. There's other rules she broke. We talk about family law, Texas family lawyers, seeing the Texas estate and probate lawyers. You know, we have 14, 15,000 people in these groups. And yeah, I take some responsibility because I started these things 10 years back. And, let's see, there was another comment. And I apologize for the intensity and for the anger that I had. But, you know, it's only fair play - just like they said in the McCarthy hearings. Have you any sense of decency? Larry's sick. Larry has cancer. Leave him alone, you know? I'll take the heat for it. So I apologize for the tenor of my nature. You know, that I stopped commenting after I felt like Larry was pretty good. I still comment now and then, but not that bad. You know, that's something that affects me. The other thing - immigrants. Somebody picks on immigrants and I give them hell. My parents, my mom, my real mom, was an immigrant. OK. Then there was a comment I made that Jews in the last hundred years have suffered worse than Blacks. I believe that comment, but I apologize that it came up. I'm not sure how Jews, you know - when it's convenient, we're white people that, you know, that have all the privilege, and when it's not, you know, we're discriminated against. So I feel pretty strongly about that. I mean, that's (inaudible). So I do apologize for that statement. I always believed that Jews, Blacks and Hispanics work together. They're all on the same side. Sorry. And so, you know, when I did that - you know, that was wrong. I apologize for that. No one's telling me to apologize. That's how I feel. I went overboard. OK. Then someone made - Adam, I think, made the statement that the board needs to vet people more. That's exactly what I do not want because we don't need a nominations committee. Because what they're going to vet them for is their attitudes towards the bar, and that's what they've always done. You know, the people are responsible

for who they vote for. And we are (unintelligible) also wrong that we pick two, says we can pick two or more but we never do. So I disagree with that. I understand that there should be some vetting, but I'm tired of the bar telling people, here's your candidate, and then 82% throw their ballots in the garbage. So, you know, that doesn't work. OK. Someone else said, well, how can Steve and Larry, you know, have any inclusion for diversity after what they said? OK, well another Black woman attorney named Tameka called me and said, you know, I don't like your statements, but in my family, we go by actions, not words. And so (inaudible) inclusion, 2015 or 2016 I asked a Black woman attorney in Houston to run and campaign for. She had a death in the family and couldn't campaign (inaudible). And now, weeks before this ever started, I convinced - I talked (inaudible) for years. Steve Bolden would be a great board president, and yeah, OK, he's Black too. But so when they say that we can't do inclusion, you know, that's ridiculous. And of course, as you can see by the current directors, probably a third of them, most of the women on there that are (inaudible) that I went for that inclusion and Hispanics such as Yolanda Mares. So, you know, it's one thing what you say, and I need to be careful about what I say. You know, I really do. I need to just look and say, hey, calm down. Write it out before you post. So as far as Larry, you know, I can disagree with his statements, but I don't want to get into censoring him, you know? Especially for something in 2015. I believe every person on this board, at one time or other, has written that so-and-so was hot. You know, I know not to do it. It's somewhat sexist, but it happens. And I don't want to be the first hypocrite. So how can we approve (inaudible) from now on? Well, I think it was Denise Peterson who said, well, why don't we include that ABA thing? And so I said, yeah, but let's work it out. I want to change the wording. I don't think we need anything that refers to 1.15 because we don't have that. I'm a little suspicious. I'm not a big supporter of the ABA. But yeah, we can write our own rules and make sure that nobody is denigrated because of their, you know, their race or ethnicity or their sexuality. You know, I have a long history in civil rights. I'm not here to brag about it, but some real accomplishments. But, yeah, I have a temper and I overreact sometimes. And I work on it, and I will work on it. But, you know, Larry and I, more than any other director, have - you know, are really working to make some real changes in the board. It's why we run. Not going to help my resume. I've already been a director. As far as the Facebook groups in general, there is real censorship. Not from us. You know, in Andrew's group they started out by accusing him of being a racist. He was first in this (inaudible). And he's not, but, you know, but because of pressure, if I want to post something for Larry, it's deleted. And there's some (inaudible) resistance group that won't - that threw everybody out might be for Larry, which was me, before I ever made a comment. So there are problems with that. It's not under the bar auspices. So where I felt I did wrong, I do apologize. (Inaudible). I do. I need to work on it, and I have worked on it. But yeah, I'm going to go forward with (inaudible) lawyers and El Paso lawyers (inaudible), and that's about it. I don't mind answering question if I didn't (inaudible). That's what I've got to say. Thank you.

CHARLIE GINN: Thank you. Director Fischer for your comments. Director Almanzan, Andy Almanzan, you have the floor.

ANDRES ALMANZAN: Thank you, Mr. Chair. This is Andy Almanzan from El Paso, Texas. I'm a third-generation Mexican American, also the first attorney in my family. And first and foremost I also want to thank each and every one of the individual members who sent their written comments for our consideration - very thoughtful. We've listened. We'll continue to listen. Again, we'd like to thank everyone who spoke today, all that signed up and spoke in favor and against the issues that we are here for today. We are listening to all of it. Whether it's something that we've already heard, whether it's

something that is new, whether it's something that still needs to sink in, we are committed to listening. I'm also very grateful to our other directors who have already spoken today. I'm not going to repeat their statements and comments, but I wholeheartedly agree with many of them, including setting up implicit bias training, including looking into the legality and the efficacy of following the APA rule, also looking into more improved, granted reasonable, vetting once you have two candidates. I think it is possible. Obviously it may be limited, but at least there are things that we can look at in terms of a candidate's background before they are officially on the slate within reason and, of course, with due process. Additionally, it's just like Santos Vargas finished his comments with. We need to be committed to practicing decency, humility and compassion. And in that respect, I do believe that we should be committed to asking our president Larry McDougal, whether it's answered today or answered in the future, I do want to hear and I think the community wants to hear his specific responses to the specific requests made by the African American lawyer section, which has also been adopted by the Asian Pacific Interest Section, Diversity in the Profession Committee, Hispanic Issues Section, LGBT Law Section, the Native American Law Section, the Texas Minority Counsel Program, Women in the Law Section, Women in the Profession Committee, and others. And of course there are other recommendations and suggestions, but I think at a minimum, let's try to commit to seeing how committed we are to listening to Mr. McDougal's - president McDougal's commitment, whether it is an unequivocal agreement, whether it is something in process, whether it is something that the legal counsel of the board needs to take a close look at. We don't want to expose the State Bar of Texas to any legal action that's not necessary and it is not prudent. But it should be looked at. It should definitely be looked at. And I will finish with my commitment to continue to listen to all of our community members. I'm an at-large director, not an elected director, but I am here to listen to everyone. And on a personal level, I do believe that Black lives matter. And we need to raise the bar. Thank you.

CHARLIE GINN: Thank you Director Almanzan for your comments. Director Benny Agosto, the floor is yours, sir.

BENNY AGOSTO: Thank you very much. Can you hear me?

CHARLIE GINN: Yes, sir, we sure can.

BENNY AGOSTO: Thank you, Chair Ginn. I wanted to first thank everyone that has participated today. We've seen a lot of comments in writing, a lot of comments here today, and that's important that we do communicate as a bar and as leaders. So I really appreciate everyone's effort and the bar leadership in getting this meeting together and running this meeting today. I want to say that, as a lawyer and the first lawyer in my family, the first college graduate and professional in my family, I am very proud to be a lawyer. I'm very proud to be a Texas lawyer. And I am proud to be on this board and on this leadership group. However, I must say without any equivocation that I am disappointed - disappointed in the members that we are here discussing today and their words showing lack of respect to others and their words that show some kind of bias, words that we should not have as leaders. So I'm going to make my comments short. I just asked for a couple of minutes because we've heard a lot of wisdom and a lot of good comments here today. I also want to join and did join in the leadership in stating that the words that were used by Larry McDougal were unacceptable. I stand by that. But what I want to see and I have not seen yet is an action plan. There's been a lot of apologies. There's been a lot of words of understanding. But I want to see an action plan. And as I started my leadership here on this board, I'm ready for action. I have brought ideas from my previous leadership positions that I want to help work

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through for action that will make our bar better. Diversity and inclusion is something that we must put into effect, and Larry McDougal and his leadership as president must put it to work now. When we look at what justice is, it's hard sometimes to describe. We struggle sometimes explaining to our children or to others, what is justice? But when we see injustice, if we're going to be real and human and understanding lawyers in Texas, we're going to say that injustice - we see it a mile away. We see it coming. And injustice makes our blood boil. It makes my blood boil. So today I'm telling you, let's be part of the solution. Let's have action. And I stand up for the lawyers that I represent in the greater Houston area and in the state of Texas to say to Larry McDougal and the leadership that he wants to lead, that we must have action to make positive changes to make our bar better. And I stand for that. And anything short of that, again, is unacceptable given the times we live and the words and the harmful actions that have come out at this time. Thank you, Chair. And thank you for your time. I appreciate it.

CHARLIE GINN: Thank you, Director Benny Agosto. Thank you for your leadership, Benny. Our next and final speaker before Trey is our immediate past president of the Texas Young Lawyers Association, president Victor Flores. You have the floor.

VICTOR FLORES: Thank you, Chair. I just wanted to say just a few words. I am disappointed and saddened that we're here today spending a whole day talking about this because it distracts from the fact that this bar does believe in diversity and inclusion. It can't be pointed more clearly than the fact that we have now a president elect who's the first Latina elected President in the State Bar of Texas. And right now we have the first president - first African American female president of the Texas Lawyers Association. We have gone to great lengths together to make this a priority. And now it's been stained by the actions and words of certain people on this board. What I would like to challenge this board to do is to reflect on the legacy that it wants to leave going forward through all board members clearly on the actions that will be taken later on today but also to those individuals who have enabled the loss of trust in our membership and this board and the actions in past advances to diversity inclusion that we have committed ourselves to. How will they respond? And so my parting words will be, what will be our legacy? And to the members, President McDougal and Mr. Fischer, Director Fischer, what will be your legacy going forward? Because you will be held accountable. You will all be held accountable. And we hope that that legacy is one of - that it's positive and encouraging and uplifting. I believe you've heard that quote said. We're all walking on floors we did not scrub. We are walking through doors without an open. So wherever you go, scrub floors and open doors. And I just encourage this board together to continue to scrub floors and open doors for the future generation of lawyers that will lead this organization, providing legal services to the public, and ensuring justice for all. Thank you.

CHARLIE GINN: Thank you, President Flores for your words, for your leadership last year, and for your comments. At this time, I'm going invite Executive Director Trey Apffel to give his remarks. And then we will move to the motion portion of the meeting. Executive Director Apffel, the floor is yours.

TREY APFFEL: Got it. Great.

CHARLIE GINN: There he is.

TREY APFFEL: Thank you Mr. Chair.

UNIDENTIFIED PERSON: (Inaudible) yourself here on the computer. There you go.

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TREY APFFEL: Sorry about that. Thank you, Mr. Chair. My name is Trey Apffel. For those who are watching, I'm the executive director of the State Bar of Texas. And I can tell you that the State Bar of Texas stands for diversity and inclusion, but we must do more. I want to commend the directors of the board of directors of the State Bar today for their courage and for speaking out. I personally want to express also my appreciation for all the comments we have received from fellow lawyers, members of the public, as well as state bar volunteers and state bar staff. We appreciate all viewpoints on both sides of the issues being discussed today. You have been heard. And I'm heartened that so many people care enough about their state bar that they took time to write letters and comments and even attend this meeting today to provide input. And I share Judge Sandill's comment. And I urge your engagement to continue past today. And be a part of what we do and what we stand for at the State Bar of Texas. So I want to convey to you my thoughts as executive director of the state bar. I have a unique perspective because I have served as a board member. I've had the privilege of serving as president of the state bar of Texas. And now I am the current executive director leading our professional staff. As you know, my primary job is running the day-to-day operations of the state bar. And when this day is over, we will carry on with a new sense of urgency and focus. I want to tell you how difficult this past two weeks has been for me both personally and professionally. But even more telling than my personal experience is how this has affected our state bar staff both personally and professionally. But this isn't about me and it isn't about them. But I also want to tell you and tell everyone listening how proud I am of remaining steadfast in the face of this adversity in our profession and our staff remaining steadfast in the face of this adversity. In case you don't know, most of our staff are not lawyers, yet they stand guard over our profession each and every day for you, for our leadership, for our lawyer membership, for our courts, for the Supreme Court of Texas, and for the people of Texas. And this moment in our bar has cut deep with our staff, for they share the same priorities that I share and that you share. And that is to uphold and maintain the high ideals and integrity of the state bar and the legal profession. They take it personally. And that focus shows every day in their work ethic, their beliefs, their respect for others, and their own quest for equality and inclusion. And by doing so, they stand up for their own high ideals and integrity. And I respect their viewpoints, and I stand with each and every one of them. And I'm proud of them. Because of the events of the last couple of weeks, the state bar has some bridges to build and rebuild and repair. I have been reminded by my own peers here that I lead and by the people that come to work here every day that trust, once lost, is difficult to regain. It will require a process of recognizing and developing ongoing amends for harm caused in our state and our system of justice, our institution, and our bar. It will take growth. It will take change. But change is hard-won. It requires incredible personal honesty and a willingness to grow in uncomfortable ways. It's not easy. It's not fast. It's not simple. It's not one seminar. It's not one meeting. It's not one conversation. It's not one book. It requires day in and day out self-reflection and self-examination. As leaders of our profession, both as lawyers and as public members of this board, and for all of those listening to this meeting, I believe you stand for justice. That's why you're in this meeting. And if you stand for justice, then you stand for equality. I know the stories of each of our board members. That's my job to know you, know your backgrounds. And I know you're here because you have a heart of service and want to not only give back to your profession, but you also want to preserve and protect your profession and those that are a part of our profession. You, like me, want the best for our members and the people of Texas whom we serve. We as lawyers take an oath to defend the Constitution and laws of the United States and of this state. That is what makes our profession different from any other. We must always work to do better in all we do, not only as lawyers, but, more importantly, as people. We must always listen. We must always see. We must always learn.

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We must always grow. And we must always acknowledge. Our voices and, indeed, our courage will be needed in the days and weeks ahead. We must look upon today as a moment that transcends discord or controversy. And we should not look upon this day as a bad day. We don't have bad days here at the State Bar of Texas. We only have opportunities for growth. And this is one of those opportunities that must not be wasted. You've heard a couple of different people today talk about John Lewis, the great civil rights leader. And as you know, he made his final trip across the Edmund Pettus Bridge just yesterday before being escorted to the state capital in Alabama. And he said, and we must use this moment to recommit ourselves, to do all we can to finish the work. There is still work left to be done. Get out there and push and pull until we redeem the soul of America. That's what these board members are looking for in terms of rectifying the situation. They want to see action. We need to show you action. And I pledge the resources of the State Bar of Texas to our leadership of the State Bar of Texas that we will put words into action. So let's use this as a learning moment, a time for growth, a time of inclusion, and get back to doing a better job of leading the best state bar organization in the country. I look forward to hearing from you and working with each and every one of you in making this quest a reality. Godspeed. Thank you, Mr. Chair.

CHARLES GINN: Thank you, Executive Director Apffel. Thank you for your leadership. Thank you for the work that you and your staff have done. I can't emphasize that enough. If you're watching this, if you're on the Zoom call, if you're on the Facebook livestream, it's because the staff has made that possible over the last two weeks. So thank you to them for their hard work of compiling all that material. I understand that immediate past president Randy Sorrels would like to make one more comment on the discussion before we move to the motion agenda, and at that time we will cease the discussion and move to the motion. President Sorrels, the floor is yours.

RANDY SORRELS: Thank you. I started a little bit earlier today and explained what the presidents going forward - those who seek to want to be president - should try to think about. Being thoughtful, being educated, planning to unite. Of course, my message there was also meant for President McDougal. We're at the end of the day right now, and I'm extremely disappointed that he has not come forth with a plan of action as so many have called for. I'm disappointed he hasn't told us why he wants this job with so much divisiveness. We can all have differences of opinions, but one thing we can all agree upon is there is a huge issue of division within our bar right now. It is time to repair it, and if you're going to be our leader, if you're going to be the president of the state bar, you've had 17 days now since those statements to come up with an action plan. I'm going to make a motion in a few minutes to give you a deadline to do so. You have to listen, certainly, but listening has gone on for 17 days, for 17 weeks, for 17 months, for 17 years. Enough of listening. We need to make a different approach in what we're doing here with our State Bar of Texas. So let's move forward with a plan of action to unite our bar, to improve our bar, to build bridges, to quit alienating and offending people and to make sure that we improve our bar now. I'm ready to make a motion any time the Chair is ready to recognize me. You're on mute, Charlie.

CHARLES GINN: Pardon me. I'm on mute. President Sorrels, I appreciate that. We have some that are in front of you as far as motions. I promised Director Roe that she could go first. I understand that she has had to leave for some unavoidable circumstances. But I understand that Director Schramek is going to make the motion in her stead. Oh, pardon me. I just got a note. Apparently President McDougal wants to speak. President McDougal, the floor is yours.

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LARRY MCDUGAL: All right. I've been sitting here listening, again, to what everybody has to say and decided to wait until everybody was finished before I would speak. So let me kind of start off with this; I have been working, regardless of what Randy says. I have been working trying to put a plan together. You know, sometime God works in funny ways because this diversity and inclusion issue wasn't even anything that was really on our radar. It wasn't. I don't care what anybody says. It wasn't. But now it is. And because of this, we're talking about it. And I've been meeting with groups in the African American Lawyers Section. And let me tell you this; when I asked the African American Lawyers Section, Sunday before last when I met with them - I think it was Sunday or Saturday - I said, tell me what has worked, what the bar has done in the past. What has worked? They like the Office of Minority Affairs and they like leadership SBOT. And that was it. That's all they would tell me or could tell me that had worked. So my goal, and where I'm going with this, is to do better, to move our bar in a different direction. And this is now the front and foremost topic that we have. And that is my goal to move us forward. Yes, I've been talking to Trey already, and I don't think he'll deny it, about trying to get the implicit bias course up and running and how we're going to do it. But there were hurdles that we've got to jump to get there, and those things, I cannot do on my own. I've been meeting with Rob Crane, Alan Simms and many others, talking about different programs and what can we do that's different, things that will work, things that would be inclusive, things that will bring people together. But these things don't happen overnight, and people are still talking. And I'm figuring, a lot of people are going to talk and come forward after what happened today. I am looking for ideas because when I present something, I want it to be the best that we can do. I want our bar to be out front. I want us to lead. I want to be the example for the rest of the nation. I don't have a problem with Randy's motion - I already knew he was going to make it - about putting a deadline, but not a deadline for action. But I want to be able to give the September board meeting a update, a progress report, of where we are and what we're trying to implement. That's what I'm going to try to do. I want to lead this bar. I stuck my foot in my mouth and I know it. I don't deny it. But I'm going to try to take this bar and lead this bar to a place it's never gone. I'm going to address these issues. I'm not going to run from them. That's why I've been doing what I've been doing. Why else would I sit there and start calling all these different bar leaders? Why would I have two meetings with the African American Lawyers Section if that's not where I was going? We've got to take advantage of this because right now this is the forefront. We are actually talking about this. We've uncovered this wound. And now, I admit, I have my blindness. That's probably why I did that. Because I didn't see. But I've learned a lot. And that's where we're going with this. So I'm going to join in Randy with his motion. The only thing is, I want it to be a progress report, not a action going forward, and tell you where we are and what's going on and what progresses we have made in implementing this. And that's my pledge to each and every one of you. Mr. Chair, I'll give you the floor back.

CHARLES GINN: Thank you, Mr. President. I appreciate it. With that, I am ceasing the discussion unless there's somebody else that I didn't hear from. So at that point, I promised the first motion to Carmen Roe, Director Roe. I understand she had an unavoidable conflict, I also am aware that she has asked Director Schramek to present her motion. Director Schramek, am I correct in that?

ADAM SCHRAMEK: Yes, that is correct.

CHARLES GINN: All right. The floor is yours, Director Schramek. Thank you. And I understand this is also your motion. I know she helped articulate it, but you understand by presenting it this is your motion now, correct?

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ADAM SCHRAMEK: Yes, absolutely.

CHARLES GINN: Thank you, Director.

ADAM SCHRAMEK: So the motion is to create a working group that includes all of the interested directors who want to participate on it to consider all of the items that were suggested in both the written and oral materials today, The written materials that came with our books and also the oral statements that we heard. There were a lot of discussion about things that the state bar could do, action items, and some of them, of course, have some potential, you know, legal issues that also have to be analyzed in connection with them. So the proposal is to have a working group of the interested directors to go through all of those proposals to make sure that those voices are heard. And then we will then report back with our proposals as which of them we believe should be adopted and/or for further discussion.

CHARLES GINN: Thank you, Director Schramek. Coming from Director Schramek, it does require a second. Do I hear a second?

YOLANDA CORTES MARES: I second the motion.

CHARLES GINN: I think that was Director Cortes Mares. Am I correct, Yolanda?

YOLANDA CORTES MARES: Yes, yes you are.

CHARLES GINN: All right. That's our second. Is there any discussion? And hearing none, I...

ROB CRANE: Mr. Chair, Rob Crane. The only discussion I would add is that the motion give leeway to the working group to include other interested parties from within the bar.

CHARLES GINN: Director Schramek, is that a part of your motion?

ADAM SCHRAMEK: Yes. That's a friendly amendment. We accept it.

CHARLES GINN: All right. And Director Cortes Mares, do you second that on that basis?

YOLANDA CORTES MARES: I do. I second the friendly amendment.

CHARLES GINN: Is there any other discussion? And directors, get my attention if there is, otherwise I'm going to call for a vote on that. All right. Hearing none, we'll start this way. All in favor, say aye.

: (RESPONSE)

CHARLES GINN: Any nays? Hearing none, the motion so passes. Director Dawson, I understand that you have a motion for us as well.

ALLISTAIR DAWSON: I do, Mr. Chairman, and if you will remember you gave me a little leeway to have a little...

CHARLES GINN: Absolutely. Take whatever time you need.

ALLISTAIR DAWSON: OK, thank you. The State Bar of Texas represents all lawyers in the state bar, and we serve all people who live in Texas, regardless of their practice area, ethnicity, gender or socioeconomic background. These fundamental principles apply to the president, and they apply to all

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of us as directors. Our mission statement says we must assure all citizens equal access to justice. We must promote diversity in the administration of justice and the practice of law. Persons serving as officers and directors of the State Bar of Texas must have three fundamental tenets. 1, they must not have any prejudices or biases against any of the people whom we serve. 2, they must demonstrate respect for all the groups within the State Bar of Texas and all people in Texas. And 3, they must communicate and act with purpose, credibility, kindness, deference and appropriate judgment on behalf of the state bar. The bar can only function if our members and the public have confidence that the state bar directors and officers can fulfill these three bedrock principles. The recent actions of President McDougal have demonstrated his inability to adhere to these principles, as well as his inability to exercise the judgment and due care we expect of the leader of our profession. These actions have caused many, including me, to lose confidence in his ability to continue to act as president of the state bar and to exercise appropriate judgment when communicating on behalf of the state bar. I've heard his apology and his vow to do better and I appreciate that, but the consequences of his actions have already occurred and have already affected a large portion of the members we serve, and he's already lost credibility with a significant portion of the bar and the people that we serve. I join my other directors in calling for his resignation. I believe he should resign. I further add that if he truly had the best interest of the state bar at heart, he would listen to today and he would resolve it - determine for himself that resigning is in the best interest of the state bar. I think it is incumbent upon us as the board to do what we think is right for our organization and for the people whom we serve. And with that in mind, I make the following motion. The authority for the president of the State Bar of Texas is set forth in section 2.03 of the policy manual. It states that the, quote, ""authority, duties, rights and responsibilities,"" unquote, of the president are those that are afforded him or her, quote, ""by the state bar act, the state bar rules, this policy manual and the board,"" end quote. Thus, this board has the ability to grant and restrict the authority, duties, rights and responsibilities of the state bar president. There is nothing in the State Bar Act that addresses the responsibilities or authorities of the president. The only section of the state bar rules that addresses the authority of the president is Article 2, Section 12, which states that the president, and I quote, ""shall be the public representative of the state bar and shall enunciate the policies of the state bar as promulgated by the board, except that the board or the president may delegate such authority under such conditions as the board may prescribe,"" end quote. Under the state bar rules, this board has the authority to delegate to others the authority to be the public representative of the State Bar of Texas. Because of the recent conduct of President McDougal and grounded on his inability to perform his position and serious questions about his ability to exercise appropriate judgment in his decisions and in his communications, I move that we, the board, remove all authority of President McDougal to act or speak on behalf of the State Bar of Texas unless and until that authority is restored by this board at a future meeting. More specifically, I move that 1, pursuant to Article 2, Section 12, of the state bar rules or delegate the authority to be the public representative of the state bar and to enunciate the policies of the state bar to only the following; the executive director, the chairman of the board, the president elect and the immediate past president and to authorize those four individuals as delegates others of their choosing to be the public representative of the state bar. 2, I move that President McDougal is no longer authorized to speak for or on behalf of the State Bar of Texas. To be clear, this motion in no way restricts Larry McDougal's freedom to exercise his own individual free speech. This motion merely restricts his ability to speak on behalf of the State Bar of Texas. 3, I move President McDougal is no longer authorized to send communications on behalf of the State Bar of Texas. To be clear, this motion does not restrict Larry McDougal's ability to communicate individually. This

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motion merely restricts his ability to communicate on behalf of the State Bar of Texas. 4, at some point in the future this board could agree to restore President McDougal's ability to communicate on behalf of the state bar and to be the spokesperson for the bar if the board so determines. That is my motion. I have three additional comments. First, I...

CHARLES GINN: Allistair, I lost you. I think you muted yourself. We heard first, but nothing thereafter.

ALLISTAIR DAWSON: First, I have read with great interest the recommendations that came from the African American Lawyers Section and the affinity bars. They have made many great suggestions, and I recommend that the diversity and inclusion task force in this working group that we've established review those and other recommendations and report to this board in two reports - one by the end of the calendar year and one by the end of the bar year - with those changes that we should implement. In many ways, today has been a sad day for our bar. It's sad because the State Bar of Texas does an immense amount of great things. But the great things that we've done have been overshadowed by what has happened in the last two weeks. But I believe in every challenge comes opportunities, and I loved what I heard from our executive director, Trey Apffel. We have supported diversity and inclusion for a long time. We have not done enough. We need to do more. And through this difficult situation, I hope we seize this opportunity and we address the deficiencies in our diversity and inclusion programs, and we right that wrong going forward. And may future bars look back and applaud this day in our tenure and applaud the work that we we put in place and the work that we seek to achieve and get implemented. And may this be a positive day for the State Bar of Texas. Second, I know that President McDougal ran on a number of initiatives. He wanted to look at the criminal justice system and grievance reform and advertising rules and wanted to continue past president Sorrel's statewide courthouse bench. I do not intend for my motion to affect those initiatives. They should be presented, in my opinion, to the executive committee, and if approved, they should proceed. I do not mean for this motion to impede in any way or respect for his presidential initiatives. I'm aware that some people think that this could be challenged on First Amendment rights. I've read the HCC decision. I think it's very different. I believe that we as the bar have the authority to decide who gets to speak on our behalf and who does not. That is set forth in the state bar rules. The state bar rules authorize the president to speak - to be our spokesperson, but it authorizes us to delegate that to others if we so choose. I do not believe that restricting President McDougal's authority to be the representative of the bar in any way impedes his First Amendment right. I recognize there is a risk of doing that, but I think we need to take strong action. And thus, I make my motion, Mr. Chairman.

CHARLIE GINN: Mr. Dawson, I'm sorry you broke up online. Does that - are you yielding the floor, sir?

ALISTAIR DAWSON: I'm making my motion that I have enunciated and I am yielding the floor, Mr. Chairman.

CHARLIE GINN: Got it. Thank you very much. Hearing the motion it does require a second.

ANDRES ALMANZAN: I second, Andy Almanzan.

UNIDENTIFIED SPEAKER: I'm trying to make a point of order.

CHARLIE GINN: You can.

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UNIDENTIFIED SPEAKER: Point of order is there's no authority for this under the State Bar Act or the Supreme Court rules.

CHARLIE GINN: OK. Thank you for your point of order. This is open for discussion. I believe that Mr. Fischer's hand was the first hand I saw. Mr. Fischer, the floor is yours.

STEVE FISCHER: Me? OK. I make an amendment, I don't know how friendly it is, that Mr. Dawson indemnify the law because this - indemnify the lawyers of Texas because what he suggested is a clear violation of the Wilson case. And anyone who votes for that is in the same boat. So put your money where your mouth is. If you think that's legal under that take responsibility, because I'm against it and I'm not going to vote for it. Thank you, Mr. Chairman.

CHARLIE GINN: Sorry, y'all I'm having some technical difficulties. Go ahead, Mr. Dawson.

ALISTAIR DAWSON: I do not accept the friendly amendment.

CHARLIE GINN: I understand. Mr. Crain, I believe your second hand was the one that I saw. The floor is yours.

ROBERT CRAIN: Yeah, I have - I oppose the motion. I agree with the sentiment behind it completely. Mr. Dawson and I have been on the side of stepping up in the past together when we were the only two who stood up to wrongs that were being put forward, in my opinion, for the bar. But this motion has not been presented in writing to our lawyers. And I am the chair of the litigation subcommittee, which puts myself as well as those subcommittee members as well as James Wester, the chair of the administration committee and following the legal cases that we are working with today it is ill-advised to not seek the counsel of our attorney for the state bar or the attorney for the award of the state bar before presenting a motion that may have First Amendment implications and potential litigation for the state bar. There's been a - there's been way too much ready, shoot, aim happening in the past 14 days and this does not need to carry forward in that vein. We need to be responsible to 105,000 members that we represent. And we represent them, number one, to make sure that their self-governance is maintained as well as a litany of other priorities and we do that in part by making sure that any motion that has these kinds of implications are first submitted in writing to our counsel to get their advice. Any board of any kind needs to hear from their attorneys before acting on a motion such as this and I oppose this motion now and I oppose any subsequent motion to table this. I oppose it completely today until such motion is submitted and we are presented the opportunity to visit the counsel. I want my comments to be made clear I do not support anything that has come from the disparaging remarks by the president and the director at issue, but our job to our members is to protect our members and to do so we need to act with patience, we need to do it methodically and smartly. And I oppose this motion going forward in any way until it's submitted in writing and we have advice from counsel on that. Yielded.

CHARLIE GINN: Thank you, Director Crain. Director Forbes, you have the floor.

LUCY FORBES: Thank you, Mr. Chair. I agree with Director Crain. Based on the 5th Circuit authority, it would not be advised until our lawyer - until the bar's lawyers have looked on it.

CHARLIE GINN: Do you yield the floor, Director Forbes?

LUCY FORBES: Yes.

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CHARLIE GINN: Thank you Director Forbes. Director Tolchin, you have the floor.

ANDREW TOLCHIN: I have a question for the individual who's presenting this. Were you present for the closed session where you were advised by our attorney?

ALISTAIR DAWSON: I was present for most of it. I had to leave at some point to go to a summary judgment hearing. I have been told the essence of it. And I will say, to be clear, too, if I may Mr. Chairman, I have spoken to our legal counsel. I don't want to get into details of that, I don't intend to. But before I presented this motion, I have spoken to both of our legal counsels. And I don't want to get into what was said, I will give you - this is me speaking, not our legal counsel. You know, it's unsettled. It's clearly not the HCC case. It's clearly not. It's questionable whether the comments would be protected speech. And I believe earnestly - I believe we must have the authority to determine who gets to speak on our behalf and who doesn't. And that cannot be a First Amendment infringement, otherwise the state bar rules provide for that authority. However, in the interests of accommodating Mr. Crain, whom I respect, and others, Mrs. Forbes who I respect, if you all want to table this discussion for the time being and allow it to have further analysis from legal counsel, I have it in written form. I'm happy to present it and have the lawyers have an opportunity to look at it. I'm OK with that. I mean, we've had these conversations leading up to this meeting and, again, I don't intend to get into those. But if that will appease my fellow directors out of respect for them then I will - I don't know what procedurally is the right rule to do that, but I can accept that.

CHARLIE GINN: Procedurally it would be a motion to table. The next discussion from the directors is Jason Smith. Director Smith, you have the floor.

JASON SMITH: Thank you. I guess my concern about him serving as spokesperson, one, in my comments I asked him to - if he wasn't going to resign, I asked President McDougal to consider relinquishing these duties. It sounds like he's got a full plate coming up anyway. And if - it may help his situation. But what's more, I also mentioned in my comments - certainly his comments that he made on his Facebook page while not acting as a state bar director I don't think it would be appropriate to take any action like a censure or vacating him from office. But since he's made those comments, he's made apologies with the assistance of State Bar resources. He's made three apologies. One was, like I said, an apology that reminded me of a line from the James McMurtry song, I didn't mean to say it, but I meant what I said. The second apology did seem very contrite and then the apology today seemed more like the first one. So I fear that he's not communicating in a clear and consistent way when speaking in his capacity as president of the bar. And so that's something that makes me want to consider this motion. I also would be open to a motion to table to allow us to do what Mr. Crain said which is - and I would assume Mr. Crain would be open to a motion to table as well because it would allow us to obtain further legal counsel and discuss with the author of the motion. And then we can take a - with more educated as Mr. Crain has asked us to be, then we could take up the motion. But I don't understand the position, if you want more legal advice not even taking up a motion to table. Those are my comments.

CHARLIE GINN: Director Smith, just make sure that you're directing comments to me and not to Director Crain, although I appreciate the sentiment and know the question.

JASON SMITH: Oh, I was addressing my comments to the chair. I was referencing comments made in the debate.

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CHARLIE GINN: Got it. Thank you. Director Bihm, the floor is yours.

KATE BIHM: Thank you. My concern at this time is twofold. First, it doesn't seem from the comments that President McDougal has made very recently in this meeting that he has a clear understanding of the crisis that he has caused in the confidence that our membership has in this leadership. And this is about more than him putting his foot in his mouth, this is about our membership not believing, understanding and knowing that we are here for them and here to stand up for them and hear their plight. And the First Amendment concerns that I have are clear and deeply held that I do not want to take any action that would harm this organization's ability to continue as advocates for our profession and to continue self-regulating. However, if there must be some way for us to divorce the concept of what President McDougal said on the internet either prior to his - either prior to his investiture as president and during his presidency from the manner and method in which he has responded to our membership's valid concerns. So I would also support a motion to table so that we could seek further legal counsel on that basis. This is not just about what was said. It's about, as director Smith said, what the response is and how that may affect our messaging going forward, even on issues that are less controversial. So I would also agree with the motion to table so that we could take a more patient approach. But that patience is not based upon a lack of desire to act. It is based upon wanting to protect our membership's position financially so that we do not open ourselves up to litigation needlessly, and also to ensure that the action that we take is considered in light of current precedent. And I'll yield the floor.

CHARLES GINN: Director Calvillo, the floor is yours. Thank you, Director Bihm.

DAVID CALVILLO: I move to table the consideration of motion until the next called meeting, but before I yield the floor, I'd like to say that I disagree with Director Fischer's legal analysis. I've read the case. I've read the dissenting opinion. I've studied the issue, and I believe that the situation here is very distinguishable. And frankly, I'd be more than happy to take that case. Nevertheless, out of an abundance of caution and to allow the movement to submit it to legal counsel and have them advise us in executive session at the next meeting, I move to table. But I would invite, once again, I would invite Mr. Chairman, I'd invite President McDougal to use this time to, you know, own up. And at the next meeting, come back and affirmatively state what his plan is. Granted, all the details may not be fully worked out, but this is not the time for a timid response. This is the time for bold action because our our profession has been damaged, and the cause is very identifiable. So I think the invitation is there for him to take bold steps to correct it if he's not going to resign. I yield the floor.

BENNY AGOSTO: This is Benny Agosto. I'll second the motion.

CHARLES GINN: OK, well, thank you, Director Agosto. We may not be quite there yet. The reason for that is, Director Dawson, there's been a motion and now a subsequent second. It is your motion. Are you are you willing to table the motion? Did I understand that from you?

ALLISTAIR DAWSON: I am.

CHARLES GINN: So at that point, we could do one of two things. You can - it's your motion, so you can either choose to table it and bring it up at the next meeting. Or if you're not willing to do that, we can take a vote, is my understanding on how we proceed procedurally from here. Director Dawson, what's your position?

ALLISTAIR DAWSON: I will agree to table it.

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CHARLES GINN: OK. So this particular motion will be tabled until the next board meeting. The next scheduled board meeting is in September. I don't anticipate another specially called meeting at this point, but we'll be in touch about that. So we'll set that motion aside. My understanding is that Director Forbes has a motion. Directly Forbes?

ADAM SCHRAMEK: Before we leave that motion, since we're still on the topic, I want to make sure that we actually get it reviewed and a legal opinion on it. Do we need to have a motion for the motion to be reviewed by legal counsel and reported to the board at the next meeting?

CHARLES GINN: I don't think you have to have a motion on that. Let me defer to Director Sermon for a moment and he might procedurally. Does that...

UNIDENTIFIED PERSON #1: If the board would like to do that I think (inaudible).

CHARLES GINN: Yeah, Director Schramek, I'm fine with that if you want to do that. I don't have a problem with that if that's cleaner. So are you so moving?

ADAM SCHRAMEK: Yes. I would move to have Mr. Dawson's written resolution submitted to legal counsel for the board to advised on the legality of adopting it in our September meeting.

: (PEOPLE SAYING 'SECOND')

CHARLES GINN: All right. I saw Direct Welborn make a second. All in favor, say aye.

: (PEOPLE SAYING 'AYE')

CHARLES GINN: Any opposed? It's unanimous, the ayes carry it. So with that, we'll move on to Director Forbes' motion. Director Forbes, you have the floor.

LUCY FORBES: Thank you, Mr. Chair. I would like to make a motion based on the African American Lawyers Section's suggestion for us all at the board to take implicit bias training.

CHARLES GINN: The motion coming from a director on the floor does require a second. Is there a second?

ANDREW TOLCHIN: Andrew Tolchin, I second.

CHARLES GINN: All right, Director Tolchin seconds. Is there any discussion?

DAVID CALVILLO: Yes.

CHARLES GINN: Director Calvillo, please.

DAVID CALVILLO: I would like to at this point wish happy birthday to Lucy Forbes and support her motion.

CHARLES GINN: Is there any other discussion?

DAVID SERGI: Yes.

CHARLES GINN: Director Sergi, did I hear you say yes?

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DAVID SERGI: Yes. I'd like to have a defined time period. So I'd offer a friendly motion that the training be held before the end of the year.

CHARLES GINN: For my clarification, when you say end of the year, do you mean the bar year or to the end of the calendar year?

ANDREW TOLCHIN: Calendar.

CHARLIE GINN: So by December 31 of 2020?

ANDREW TOLCHIN: Yes.

CHARLIE GINN: Do you accept the friendly motion, Lucy?

LUCY FORBES: I do. As long as whoever's putting it on can do it by then, yes, I do.

CHARLIE GINN: Director Tolchin, do you agree with (inaudible) All right. Any other discussion?

AUGUST W. HARRIS: I've got one question. I don't have the hand raising fan. Can we make this an annual requirement for the board?

CHARLIE GINN: That might require more discussion. I don't know the answer to that, Director Harris, I don't. I know at some point you start talking about the MCLE committee and their supervision. Director - Mr. Sirman?

AUGUST W. HARRIS: My question is more - or my point is more for the board itself, not the continuing legal education so.

JOHN SIRMAN: As the board itself?

AUGUST W. HARRIS: Whether it was held at the annual meeting every year or something like that, but my department...

CHARLIE GINN: Director Harris, I understand and I'm told that yes, we can make that. If that's - if Director Forbes and Director Tolchin want to accept that friendly they can and should the board want to vote on that they can. So is that your friendly amendment to the motion?

AUGUST W. HARRIS: Very friendly amendment.

ROBERT CRAIN: Could I make a suggestion to that?

CHARLIE GINN: Please Director Crain.

ROBERT CRAIN: We don't - don't we have our long range planning coming up shortly?

CHARLIE GINN: We do, in August.

ROBERT CRAIN: I think maybe we could make that part of the discussion for the long range planning with maybe a more comprehensive package so we can have further discussion on it, but I'm fully in agreement to getting it done with the current board as is.

CHARLIE GINN: August, are you willing to accept that?

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AUGUST W. HARRIS: I'm fine with that.

CHARLIE GINN: All right. So no friendly amendment to the motion. Any other discussion?

MICHAEL DOKUPIL: This is Michael Dokupil. Any sort of implicit bias training? I mean, there's a lot of different implicit bias trainings out there, just trying to understand what this is for.

CHARLIE GINN: I think that'll probably have to be determined. You know, I think that'll have to be looked into. I don't know that we can define that today, but I do think that will be looked into and again, we have that long range planning in August and I know this board has received implicit bias training in the past so I feel confident we can make arrangements to make - get the appropriate training.

MICHAEL DOKUPIL: It just feels kind of vague to me.

CHARLIE GINN: Any other discussion?

AMY WELBORN: Yes, can we ask that it - make it a friendly amendment that it be in-person training as opposed to some sort of - or, like I don't know if we could do that at this point, but as opposed to just a read and click thing something interactive as opposed to just a read and click.

CHARLIE GINN: I'd say in person Director Welborn because we're in COVID-19, right now.

AMY WELBORN: That's why I'm like maybe interactive as opposed to - something where we don't just sit there and read a screen, where we actually have to participate in it and maybe learn more because I feel like that's a better way to learn.

CHARLIE GINN: Without becoming an advocate, because I'm supposed to stay neutral, I might suggest that we talk about it at the August planning retreat. Are you amenable to that?

AMY WELBORN: Yes, I am.

CHARLIE GINN: OK. Thank you. Any other discussion? All right. All in favor of Director Forbes' motion that the board receive required implicit bias training by December 31, 202 please say aye.

UNIDENTIFIED DIRECTORS: Aye.

CHARLIE GINN: Any nay's?

UNIDENTIFIED SPEAKER: Nay.

CHARLIE GINN: One nay. The motion still carries.

JASON SMITH: I have a motion, Mr. Chair.

CHARLIE GINN: Well I've got a point of order first by immediate past president Victor Flores. The floor is yours, Mr. President Flores.

VICTOR FLORES: I withdraw that. Sorry about that.

CHARLIE GINN: OK. All right. OK. If it's...

ADAM SCHRAMEK: Mr. Chairman, do you have a list? How do we tell you that we have motions we want to consider?

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CHARLIE GINN: Well, I'm trying to do it by the hands and I'm getting emails and everything else. So if..

ADAM SCHRAMEK: Add me to the list, whenever.

CHARLIE GINN: Sure. All right. Director - normally, Director Schramek, we would have a microphone and you'd walk up to the microphone and so we're working through Zoom as best we can. Director Smith, what's your motion?

JASON SMITH: All right. This is - I have two, but I'll present this one first. I move that the State Bar of Texas vote to refer to the MCLE committee favorable consideration of having implicit bias training as a MCLE requirement or continuing legal education requirement for Texas attorneys. And ask that that committee return a recommendation by our January 2021 meeting.

CHARLIE GINN: I want to make sure I understand your motion. Your motion is that you would ask our MCLE committee to investigate, discuss and develop a plan of potentially having required implicit bias training and a report to the board by January of '21, is that correct?

JASON SMITH: Correct. And this is consistent with the recommendation of the African-American lawyers' section.

CHARLIE GINN: Coming from a director on the floor it does require a second. Is there a second?

KATE BIHM: Second.

CHARLIE GINN: Director Bihm, did I hear you second?

KATE BIHM: You did.

CHARLIE GINN: All right. Is there any discussion?

: (CROSSTALK)

CHARLIE GINN: Director Wester, did I understand you have something to discuss?

JAMES WESTER: Yes, I do.

CHARLIE GINN: Your floor, sir.

JAMES WESTER: Well, based upon that motion in our prior discussion it seems to me like this issue would be better handled at the August strategic planning meeting. And so, I don't know if that's acceptable, but I would at least raise it as a possibility that that be part of that discussion.

CHARLIE GINN: OK. Is that a motion to table until the August retreat, Director Wester?

JAMES WESTER: Well, it wouldn't be to table until the August retreat because we won't have another meeting until then.

CHARLIE GINN: That's true. That's right. So you want to defer a conversation about this until the August retreat?

JAMES WESTER: I would - I ask that that be considered as a possibility?

CHARLIE GINN: Director Smith, is that something you would consider?

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JASON SMITH: Well, I appreciate that but I - we have an MCLE committee and I want the public to hear, especially the African American lawyers in the African American lawyer section to hear that we're taking their concerns to heart and their recommendations to heart. And I think it's important to take action that shows that we're going to do something.

CHARLIE GINN: So you want to go forward with the motion today, correct?

JASON SMITH: I do.

CHARLIE GINN: All right. Any other discussion on this topic?

JASON SMITH: We - and we certainly can discuss it at the August leadership meeting, but because I've asked that they report it by January 2021 so we should have plenty of time to do all of that.

CHARLIE GINN: Any other discussion on this?

ADAM SCHRAMEK: Yes, this is...

CHARLIE GINN: Any discussion on the topic?

ADAM SCHRAMEK: This is Adam Schramek and this was actually one of my motions as well. I think that we don't want to delay delaying, could kick the can down the road. I think we need to take some action today and this is sending it to the committee for them to start investigating and analyzing the issues surrounding this, including, you know, potential legal issues to get the ball rolling and then to have a proposal for us by January. And that - I don't see any reason to delay further.

CHARLIE GINN: All right. Any other discussion on this motion? Director Forbes, I'm sorry, do you have your hand up?

LUCY FORBES: I was going to agree with Director Schramek's friendly amendment that...

CHARLIE GINN: OK.

LUCY FORBES: ...the MCLE consider more carefully the logistics problem.

CHARLIE GINN: Fair enough, Director Tolchin do you accept the - I'm sorry, Director Smith, do you accept the friendly amendment?

JASON SMITH: Yeah. Certainly, I think that would be part of the - I think the MCLE committee can consider a range of things that we may not have at our fingertips, but I certainly don't have any opposition to a friendly amendment of that sort.

CHARLIE GINN: Director Bihm, do you still maintain your second? All right, I'm seeing you nod. Yes, ma'am. Got you. Thank you. Any other - oh, Director Fischer, do you want to be heard on this?

STEVE FISCHER: Yeah, just for - (Inaudible) I just don't know the logistics, but yeah I'm in favor of that motion.

CHARLIE GINN: Thank you, Director Fisher. Director Cortes Mares, do you have a discussion point on this?

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YOLANDA CORTES MARES: Yes, I do. Thank you, Mr. Chairman. As far as adding the implicit bias training to these daily requirements and having the MCLE committee (inaudible) to add. And perhaps as a friendly amendment, that this not be in addition to the 15 hours that we are already required, but rather that it be inclusive of the 15 hours that we are already required to undertake as attorneys.

CHARLIE GINN: That's up to them. Yeah, I think that's up to the MCLE committee to discuss, Director Cortes Mares. I think that's part of their analyzation, investigation and their report back to us. Do you accept that?

YOLANDA CORTES MARES: Yes, I do, Mr. Chairman. That would be a comment then on my part.

CHARLIE GINN: Thank you, Director Cortes Mares, I appreciate it. Director Brooker, do you have a comment? Rebekah, I think you might be muted if you do.

REBEKAH BROOKER: Are you there?

CHARLIE GINN: Got you. Yes, ma'am.

REBEKAH BROOKER: Sorry. I just wanted to see if you could reiterate what the entire motion was. I had to step away for a minute and when I came back I could hear comments, but I wanted to make sure I understood what was being said as I'm on the MCLE...

CHARLIE GINN: I understand and this board has been going solid now for over three hours and so I appreciate that. Director Smith's motion along with the friendly amendment by Director Schramek I believe is this, to have the MCLE - and Director Schramek please correct me if I'm wrong - but to have the MCLE committee, analyze, investigate and propose a report on including implicit bias training as part of a required CLE package for Texas lawyers. Is that correct, Director Schramek? Director Smith, is that correct?

REBEKAH BROOKER: Was there a time limit put on that?

CHARLIE GINN: Yes, I'm sorry. By December - no, I don't think there was a time limit.

UNIDENTIFIED SPEAKER: Report back January '21.

CHARLIE GINN: OK. Yes, January '21. I apologize. To report back by January 2021. And I don't see Director Schramek right now, we may have lost him, but Director Smith is that a correct recitation of the motion?

JASON SMITH: It is.

CHARLIE GINN: Thank you very much. Any other discussion? All right. Hearing none, all in favor please say aye.

UNIDENTIFIED DIRECTORS: Aye.

CHARLIE GINN: Any opposed? Hearing none it still passes. Director Schramek, do I understand you have another motion?

ANDRES ALMANZAN: I have one, Charlie.

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CHARLIE GINN: Director Almanzan, I'll come right back to you. Director Sorrels - excuse me - past president Sorrels I believe has a motion. President Sorrels, the floor is yours.

RANDALL SORRELS: Thank you so much, Charlie. I think we can all acknowledge that President McDougal has apologized. We can all acknowledge that President McDougal has agreed to listen and I appreciate him now speaking last. I think that now is the time for action and I believe that we should give him a deadline, for a number of reasons, until September and he can get into those if he cares to give us an update, a preliminary plan of action by the September board meeting on how he intends to address the division that has occurred over these last 17 days. So I would make a motion that President McDougal prepare and present a preliminary plan of action by the September board of directors meeting and then have a deadline of January 2021 meeting to have a plan in place, if not sooner.

CHARLIE GINN: Coming from the immediate past president Sorrels from the floor, it does require a second. Is there a second?

LARRY MCDUGAL: Probably I'll second it.

CHARLIE GINN: President Larry McDougal seconds the motion. Is there any discussion? I got you. Any discussion? Director Smith, do you want to discuss or do you withdraw? You're on mute, Jason.

JASON SMITH: Yeah. I just wanted to say it - this motion is certainly in the spirit of what the African American lawyers section requested in their statement that they issued after they met with Mr. McDougal. I think they asked for a written apology, but with regard to having a report. In addition, the Texas Employment Lawyers Association in their presentation asked for the president to issue a report within 30 days about what he was going to do. And so I certainly think that Mr. Sorrels motion is consistent with those groups who have asked for certain action.

CHARLIE GINN: Thank you, Director Smith. Director Fischer, do you have any discussion that you want - I see you got your hand up. Do you want to discuss this or no? Hearing none we will put this to a vote. Any other discussion? Pardon me.

STEVE FISCHER: (Inaudible) You don't hear me?

CHARLIE GINN: Director Fischer, are you there?

STEVE FISCHER: Yeah, I have an amendment.

CHARLIE GINN: OK. Go ahead, Director Fischer.

STEVE FISCHER: OK. It's a friendly amendment, if Randy will accept it, that these deadlines are great (inaudible) extended the case of health issues by the board or...

CHARLIE GINN: Director Fischer, I'm having a very difficult time hearing you either because you're walking or because of the wind. But I understand that you're friendly as to extend the deadlines for what reason?

STEVE FISCHER: Only extend for (inaudible).

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CHARLIE GINN: Is there a deadline? Is there a date that you're proposing or just until the health of Mr. McDougal improves? I'm having a very different difficult time understanding what you're trying to articulate.

STEVE FISCHER: I'm good with a deadline. However, I want the board to have the discretion to extend the deadline in case of serious health issues...

CHARLIE GINN: Steve, I'm sorry, man, I don't know if it's because you're outside, I'm not hear...

ADAM SCHRAMEK: I heard what he said. What he said is he wants to include that the board has the discretion to extend the deadlines in the event of serious medical conditions or medical issues.

CHARLIE GINN: Got it. I understand. Thank you, Director Schramek. Mr. President Sorrels, do you accept the friendly?

RANDALL SORRELS: Yes, and let me make one comment. I really appreciate President McDougal seconding my motion because I know he takes it serious. I also accept the friendly because I know he's got his own - President McDougal has his own health issues that need to be taken care of. If he's to give 100% of his effort to bridge this divide then we need him a 100% healthy to bridge this divide. And I'm hoping he can get it done by September, but he knows that we all give him grace for health issues and I accept the amendment recognizing that when he is completely healthy then his whole effort in this first part of his presidency will be to fix these issues.

CHARLIE GINN: Thank you, sir. And President McDougal, do you still maintain your second?

LARRY MCDUGAL: I maintain my second with the amendment.

CHARLIE GINN: Thank you, sir. Any other discussion?

BENNY AGOSTO: This is Benny Agosto.

CHARLIE GINN: Yes, sir.

BENNY AGOSTO: I also want to echo the thank you to President McDougal for accepting and seconding the motion. And I also believe that members of this board, including myself, I will speak for myself, if health issues would become a matter that will slow down these efforts that I will be ready and able to assist Larry in getting his action plan moving forward. That's what we are all here for. And I think if we're going to support the president, then we have to do it together. So I think it's him and his plan, but all of us working together. Thank you.

CHARLIE GINN: Thank you Director Agosto. And I'm sure those sentiments are shared by many of our directors. And obviously, I think this goes without saying that our thoughts and prayers are with President MacDougal as he goes forward and deals with these. Any other discussion on this item or motion rather? Hearing none. All in favor please say aye.

UNIDENTIFIED DIRECTORS: Aye.

CHARLIE GINN: Any opposed? Hearing no opposed the motion passes unanimously. Director Schramek, do I understand you have another motion?

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ADAM SCHRAMEK: I do. I'd like to move to direct the policy manual committee and the nominations and elections committee to coordinate efforts and propose revisions to the State Bar policy manual to strengthen the vetting process for State Bar presidential candidates and to implement procedures aimed at assuring that Texas lawyers are better informed of candidates backgrounds before casting their votes.

CHARLIE GINN: All right. Coming from Director Schramek on the floor a second is required.

YOLANDA CORTES MARES: Second.

CHARLIE GINN: I'm so sorry, I missed it. I've been (inaudible).

YOLANDA CORTES MARES: I second it.

CHARLIE GINN: Thank you, Yolanda. Director Cortes Mares is our second. Is there any discussion?

RANDALL SORRELS: Yes. Yes, I have a discussion.

CHARLIE GINN: Please, Mr. President Sorrels.

RANDALL SORRELS: Gives people background. I think a lot of folks would have preferred to know some of the past online comments made by President McDougal and all of us have made. This year I'm co-chairing, along with former chair Jerry Alexander, the nominations and elections subcommittee. There's been an unusual number - unusually high number of people who are interested in running for president-elect of the State Bar of Texas. That's a positive thing when so many people are calling upon the State Bar to be taken down. And I do watch the online comments. I think a record number of lawyers who are interested in taking time out of their professional lives and their personal lives to try to run to be president-elect of the State Bar of Texas and president of the State Bar of Texas. There are prolific posters among those many people who have shown interest. Mr. McDougal was a prolific poster. If someone were to charge the committee to go through all of their postings, we do not know if we would have found his comments on another lawyer's post, Mr. Fickman's post. We don't know if we would have found the Harris County - pardon me - the Fort Bend County post. My point is, if we're going to ask the committee to do a better vetting process there should be some limitation or some extremely huge budget to hire private investigators to go out and look into the candidate's backgrounds. There are going to be candidates in the future that get through that you wish you would have known more about as you were in the voting process. It's happened before, it will happen again. So I - while I support a better voting process, the nominations, election subcommittee should be given specific parameters on how to do that without breaking the bank. And when something does occur there may be ways - better ways that we can hold the president or president-elect accountable for past conduct. So I think there should be some specifics rather than just a general motion. We've got to do a better job.

ADAM SCHRAMEK: So I'd like to respond to that, if I may. This motion gives you the flexibility to weigh all of those factors in coming up with a proposal. Certainly, we're not going to say hire a private eye on everyone, but what if there were a standard checklist of questions you ask them during the process. Have you made any racial or discriminatory posts in the last five years? Have you made any sexist - what groups are you involved in? And if they say no, and lie to us we can then go back and show we asked that question. We can tell our members we did an investigation. We got the information, and it was a lie to us. Which right now, you know, where's the paper trail for Mr. McDougal's vetting process? It's - it

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allows maximum flexibility, maximum creative thought and all its saying is take a hard look and come back and talk to us with a proposal if you can, if you have one. And if you come back and go, it's the best process we've got, we can't make - we don't need to make any changes, so be it. But we've actually gone through the process of considering it and allowing both committees to think of these questions and to provide their thoughtful input and to come back to this board and explain what could be improved.

CHARLIE GINN: Thank you, Director Schramek. Is there any other discussion on this motion?

KIMBERLY WILSON: I would offer a friendly amendment to the motion with regard to the nominations and election committee and also ask that they think about and look at the elections process, specifically the way that we as board members get information from the nominees. And I don't want to be specific here because like Director Schramek I think that the committee can discuss the various ways to help prevent these types of situations potentially from happening in the future. So I would propose a friendly motion, though, to allow that committee to not just discuss the nominations portion, but also the elections process.

CHARLIE GINN: All right. Director Wilson, thank you for your comments. Director Schramek, do you accept the friendly amendment?

ADAM SCHRAMEK: I do.

CHARLIE GINN: And Director Cortes Mares, do you maintain your second?

YOLANDA CORTES MARES: I do.

CHARLIE GINN: Hearing the friendly amendment that's been added. Is there any other discussion on this motion? Director Fischer, pardon me please. Director Fischer you are on mute. If you could remove mute. I do appreciate you getting out of the wind, I think that'll be very helpful for me. Thank you.

STEVE FISCHER: Sorry. I'd like Adam to discuss why - I mean, (inaudible) give me the parameters. OK. Somebody makes a racist statement, fine. But how come - how would this not be used to purify, you know, make sure that the candidates are pro Bar, that they're against reform. Because that's what the bar has done in the past, Larry is an exception. So how do we know that this is - this is too much big brother for me. I don't care if I'm the one voting against that, but how are we going to - you know, who's going to stop saying well we want people, we're going to vet people who say that the bar is great and that there is nothing that they do wrong. I mean, I don't think the solution is this kind of censorship. Yeah, racist comments, sure. But we're giving you way too much leeway and I'm against it. I don't think - I don't know about the law. OK, thank you.

CHARLIE GINN: Thank you, Director Fischer. Is there any other discussion on this issue before we move it to a vote? Hearing none, seeing none. All in favor please respond by saying aye.

UNIDENTIFIED DIRECTORS: Aye.

CHARLIE GINN: Any opposed?

STEVE FISCHER: No.

CHARLIE GINN: Motion carries. All right, now director - President-Elect Sylvia Firth. I know, Director Almanzan, I apologize. President-Elect Sylvia Firth asked me four or five terms ago and I just goofed and I

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dropped her off my chart by accident. President-Elect - thank you Andy understanding. President-Elect Sylvia Firth, the floor is yours and I apologize publicly. Thank you.

SYLVIA FIRTH: Can y'all hear me? I have a motion to refer all of the action items contained in the letters from the African American law section and the National Bar Association to legal counsel to determine which of those might be implemented by the State Bar without running afoul of the limitations in terms of Keller versus State Bar of California. And that they provide that guidance to the board at the September board meeting.

CHARLIE GINN: Thank you, President-Elect Sylvia Firth. Coming from our Madam President-Elect it does require a second from the floor. Is there a second?

UNIDENTIFIED SPEAKER: I'll second it.

CHARLIE GINN: All right, I think I got director Amy Welborn seconding it. Is there any discussion? I see Director Fischer's hand is raised and Director Tolchin's hand is raised. Director Fischer, the floor is yours.

STEVE FISCHER: I'm sorry my hand is from before. I have no comments.

CHARLIE GINN: OK, I understand. Director Tolchin, the floor is yours.

ANDREW TOLCHIN: Just being slightly picky. Sylvia mentioned Keller. Would you accept as a friendly amendment and any other legal precedent that would be looked into as well?

SYLVIA FIRTH: Absolutely, yes.

ANDREW TOLCHIN: Thank you.

CHARLIE GINN: Understanding the second, Director Welborn, do you maintain your second?

AMY WELBORN: Yes, I do.

CHARLIE GINN: All right. Understanding the friendly amendment, is there any other discussion from the board? Seeing none, hearing none. All in favor, say aye.

UNIDENTIFIED DIRECTORS: Aye.

CHARLIE GINN: Any opposed? Hearing none, the motion passes unanimously. Director Almanzan, I understand you have a motion for the floor.

ANDRES ALMANZAN: Yes, sir. Thank you, Mr. Chair. First and foremost, I attended the webinar last Friday and Vicki Clarke (ph) reminded everyone that change is a process. It's not an event. So first and foremost, we understand that. By the same token, I don't think we should be tabling very important items too long either. And in that respect, I am moving or asserting this motion that Director Dawson's specific written request that is going to be provided to the legal department, that we have a special meeting on that issue. And I do see that the board of directors have a strategic planning retreat on August 18 and August 19 and so I'm asking could we have a special meeting to answer Director Dawson's motion and request on Monday August 24th. That's my motion.

DAVID CALVILLO: I'll second it.

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CHARLIE GINN: Hearing a second from Director Calvillo that we have a special meeting during the strategic planning meeting of either August the 18 or 19, is that my understanding of your motion? Am I correct, Director Almanza?

ANDRES ALMANZAN: No, I'm sorry. I'm sorry. I was referencing the 18 and the 19 as days that we're going to meet. So I'm recommending that following Monday, August 24 instead of waiting. Because if we don't do that, we're going to wait until September 24th, basically two more months. And if we could...

CHARLIE GINN: You would rather wait until the following Monday instead of doing it on the days we're already going to be together?

ANDRES ALMANZAN: Actually, we could. I'm sorry. I didn't mean to complicate it. If it's effective and efficient to do it on the 18 or 19 I'm in favor of it.

CHARLIE GINN: I hate to do that when - and Andy, let me just tell you. My understanding is that President McDougal may not be available for the reasons that we've already talked about and I would hate to have that meeting. I'm not an advocate, I'm not voting on it. But just so you know for your information for your vote he may not be there for it. And I would hate to have that type of vote if he were not at least there to speak because that's a - that's an action that directly relates to him. Are you - does that make sense, what I'm saying Director Almanzan?

ANDRES ALMANZAN: Yes, it does. And to the extent - and forgive me for not dating the times that the president may be out during the month of August. And obviously, if he's going to be out, then I'll withdraw my motion. But I was assuming he would be available.

CHARLIE GINN: I think it's safe to say he'll be out on those days. Are you - do I understand that you're withdrawing your motion?

ANDRES ALMANZAN: I withdraw the motion based on that information.

CHARLIE GINN: Thank you, Director Almanzan. I appreciate it. Are there any other motions from any directors or officers that I have not been diligent enough to follow up on? Hearing none we will move on from the motion portion of our agenda into item number eight, which is a report from the president-elect. Madam President-Elect Sylvia Borunda Firth. Madam President-Elect, you have the floor.

SYLVIA BORUNDA FIRTH: Thank you very much, Ned. I mean, Charlie. I'm going to start with a little (speaking Spanish). So I'm going to help you out with that, those of you didn't have Mexican grandmothers who taught you valuable life lessons with vichos. And loosely translated that means something good always comes from something bad. Or an English saying that you might more readily recognize is every cloud has a silver lining. So the events that brought us here today are bad. But the one good thing is all of our attention has been very acutely focused on the need to recommit ourselves to continue the work the Bar has already done in the area of diversity and equitable inclusion. Our leadership has spoken very strongly about our values and the mission of the Bar, which includes anti-racism, equal justice for all and the need to promote diversity in the administration of justice and the practice of law to support our core purpose of improving the quality of legal services in our state. Now it's time for follow up those words with action. And the reason I ran for president-elect was to be an agent for change in the area for diversity, equity and inclusion. And I have committed to dedicate my

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presidential year initiative to advancing those very important (inaudible). It has always been my intention to request the creation of a task force to advise me and help me select those initiatives and to advise the board about training opportunities and positive steps we can take to live up to our mission statement, and to help us to create diversity goals, policy and practice. So today, I'm asking you to approve the task force so that the work can begin. But I also need to tell you that I've been working with staff about conducting a listening session to be moderated by former State Bar president Lisa Tatum, so that we can hear firsthand from our colleagues about the importance of taking positive actions now. So stand by for details and those will be coming soon. But I also want to challenge each of the sections of the State Bar to undertake to include a section on unconscious bias, implicit bias, microaggressions, diversity inclusion in their seminars and their conferences next year. Any new MCLE requirements research training will take some time to consider and implement and we don't want to wait for this to happen. So let's begin right now to give lawyers the tools and the training they need to be able to incorporate diversity, equity and inclusion into our bar and into their daily lives. I participated in dozens of conversations with lawyers across the state over the last couple weeks and I know there is a will to make positive steps in the right direction. We just need to find a way. So let's get started. And included in your materials are the descriptions of the fiscal note for the task force. And I want you to know that the roster will be presented for approval at the September meeting. Chairman Ginn, I respectfully request the motion to create the President-Elect Task Force on diversity, equity and inclusion in accordance with Chapter - with Section 1.14.06 with the State Bar Policy. Thank you. And I stand ready to answer any questions if any of the board members have questions.

CHARLIE GINN: Coming from our Madam President-Elect from the floor it does need a second. Is there a second?

: (CROSSTALK)

CHARLIE GINN: President-Elect of the Texas Young Lawyers Association, Jeanine Rispoli seconds. Is there any discussion? Hearing none and seeing none we will put this to a vote. All in favor please respond by saying aye.

UNIDENTIFIED DIRECTORS: Aye.

CHARLIE GINN: Any opposed please respond by saying nay. Hearing none the motion carries unanimously. We are excited Madam President for your leadership. We're excited about the task force. We're excited and we're appreciative of your leadership. I can't wait to see what the next three years looks like. Thank you very much. Does that conclude your report Madam President on item number eight?

SYLVIA BORUNDA FIRTH: Yes, it does. Thank you, Chairman Ginn.

CHARLIE GINN: Thank you, ma'am. I don't believe we have a report from Ross Fischer, but I'll check. Ross, are you still with us? Do you have anything to report?

ROSS FISCHER: No, nothing further.

CHARLIE GINN: All right. And Mr. Sirman, do you have anything to report?

JOHN SIRMAN: Nothing further.

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CHARLIE GINN: Nothing further. All right. Director Smith, I see you've got your hand up. Would you like to bring something to the floor? Jason, you're on mute man.

SANTOS VARGAS: I think he may have gotten...

JASON SMITH: Hello, you there?

CHARLIE GINN: Yes, Director Smith. Do you have something to bring to the floor?

JASON SMITH: Yeah, I'm sorry, I got kicked off. And I did have one more motion that I had referenced, but I didn't make because I was going to let you go to someone else. So I apologize. If I could make that final motion.

CHARLIE GINN: Please.

JASON SMITH: My motion is that we refer to a committee of the chair of the State Bar board of directors choosing, consideration of whether or not we should adopt ABA Model Rule 8.04G as a part of the Texas Rules of Professional Conduct. We already have Rule 5.03 that prohibits certain discriminatory activities in connection with a official proceeding or adjudicatory proceeding. But 8.04G of the ABA model, Rule 8.04 G actually is more expansive to cover interactions that a lawyer has outside of the courtroom, which I think are most interactions of lawyers. And I'd ask that be considered. It was mentioned in the comments and recommended in the comments and I'm not putting a deadline like I did the other one because I understand there may be an attorney general opinion that raises some questions about it. But I think that we should at least refer it to committee for serious (inaudible).

CHARLIE GINN: Director Smith, typically the board can refer that issue to the CDRR review and analysis and then for them to give us a report, but there's a process in place for that already. So I think your motion would probably need to be amended to send that to CDRR as opposed to the chair developing a committee or anything like that.

JASON SMITH: And I so amend, I appreciate - that's exactly what I was looking for, what the appropriate body would be.

CHARLIE GINN: All right. Understanding the motion, is there a second?

ANDRES ALMANZAN: I second, Andy Almanzan.

CHARLIE GINN: Director Almanzan seconds. Is there any discussion? Hearing none, seeing none. All in favor please say aye.

UNIDENTIFIED DIRECTORS: Aye.

CHARLIE GINN: Any opposed?

JASON SMITH: Thank you, I apologize.

CHARLIE GINN: Hearing none, the motion carries. With that we are just about done. Before I ask Director Almanzan to lead us in our State Bar Mission Statement I want to thank you, each and every one of our directors...

UNIDENTIFIED SPEAKER: Crain has a comment.

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CHARLIE GINN: I'm sorry? Dr. Crain, I apologize. Go ahead.

ROBERT CRAIN: I think we would all be remiss today if we didn't acknowledge the passing of Justice David Bridges from the 5th Court of Appeals here in Dallas who passed away Saturday night, tragically hit by a wrong way driver. He was senior disciplinary counsel and first assistant in charge of litigation for the State Bar of Texas. He has strong roots to service in our organization as well as military service to our country and was serving publicly on the Court of Appeals and certainly one of our members. I just wanted to make sure we recognized that sad passing and paid just a bit of tribute to him. Thank you. Charlie, you're muted.

CHARLIE GINN: Thank you, Director Crain. For those who didn't see that, those are some terrible, awful circumstances and our thoughts and prayers are with his family and his friends and certainly his community. Director Santos, I understand that you - Director Santos - Director Vargas, I understand that you have a motion for the floor or something for the floor?

SANTOS VARGAS: I do. Thank you, Chair. Mr. Chair, my motion is that along the lines of what Director Almanzan proposed earlier I move that we call a special meeting to consider Director Dawson's motion that was tabled earlier prior to the September board meeting on a date when President MacDougal is available.

CHARLIE GINN: So as I understand your motion, you would like a special meeting to discuss Director Dawson's motion on a day that is to be determined based upon President McDougal's availability?

SANTOS VARGAS: That's correct.

CHARLIE GINN: All right. With a floor - with a motion coming from the floor, Director Vargas, it does require a second. Is there a second?

ANDRES ALMANZAN: I second.

CHARLIE GINN: Director Almanzan seconds. Is there any discussion? The only question I have for you Santos is are you, you know, depending on availability are you open that if we cannot fit that in, to doing it then on the September board meeting?

SANTOS VARGAS: My proposal would be that the state Bar do everything it can to hold that special meeting prior to the September board meeting working with Mr. McDougal and his schedule.

CHARLIE GINN: I understand. I just wanted to clarify. Any discussion?

ROBERT CRAIN: Yes. I think, number one, people are not appreciating the taxing time that we have put on the State Bar staff and I don't want that to go unnoticed. Number two, we have laid out incentive for President McDougal to put action items in place. Number three, we have all been in closed session and been advised accordingly. Without going through that and considering the counsel we've had, I think we should let the process play out patiently. There is nothing to be gained, in my opinion, from putting the staff through something which we've already had closed session counsel about. And I would oppose doing this any sooner than the next board meeting to number one, alleviate our staff and to do so based on what we already know about legal circumstances.

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CHARLIE GINN: I will add that it is July the 27, I think, - July the 25. So August - whatever today, July is still a long day. Whatever day in July it's the end of July. If we were to try to do this in August, you're looking at potentially a two to three-week turnaround on this and so I would just make the suggestion that September is perhaps not as far away as it might feel. That said, I'm not arguing for or against it, but just to provide some context on the calendar. Any other discussion?

LUCY FORBES: I agree with Director Crain. September is right around the corner, based on especially the counsel we received during closed session.

CHARLIE GINN: Any other discussion?

DAVID CALVILLO: Yes, I have some discussion. I strongly support the motion. I think we need to not be timid. We need to move deliberately and with all haste to making sure we make progress. I think we owe that to all the people that appeared today and I think there's enough flexibility in Director Vargas's motion to accommodate the humanity that is implicit in the medical conditions that are implicated. And we'll leave it up to the staff. If it can't happen, then it can't happen. But I think the default should be to act.

CHARLIE GINN: All right. Thank you, Director Calvillo. Director Sergi.

DAVID SERGI: With all due respect, I think we're in a rush to judgment. I think we've given him the opportunity to come up with a plan, especially when he's going to be out for 30 days or so. He has to have time to come up with his plan. While I would also like to see this matter resolved, I don't see what the difference of another - deferring this to the next board meeting, especially in light of the cost that it would also be on us. Not only on our staff, but the time of all the attorneys in Texas that are looking at this, that are taking their time out of their busy day to watch this. The amount of revenue that the attorneys in Texas have lost - I was looking at this. We had up to a thousand people watching this on Facebook. I think it makes sense to defer this to our meeting in September. While I hope it's in person, even if it's on Zoom, I think we can do the right thing.

CHARLIE GINN: Thank you, David. Thank you, Director Sergi. Director Smith, I understand you have a comment for the floor.

JASON SMITH: Yes. I support the motion. I think there's flexibility in the motion, but I think we owe it to our constituents to demonstrate that we - while we're compassionate towards Mr. - to President McDougal's circumstances, we also understand the urgency of their requests and concerns. So I support the motion.

CHARLIE GINN: Director St Yves, I understand you have a comment for the floor.

DIANE ST YVES: I do and I think I agree with Mr. Smith, the Director Smith that we need to act with the utmost urgency. Our members deserve that. They have taken an entire day to listen to us today and they probably feel like nothing was accomplished. We have to push this towards a finish line, towards the goal post. The sooner we do it, the better. And I understand that a lot of us are losing revenue, a lot of us are losing time with their families, but we owe it to the members as part of our duty and I support the motion 100%.

CHARLIE GINN: All right. I'm not seeing any other comments, any other discussion.

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ANDRES ALMANZAN: Very briefly.

CHARLIE GINN: Director Almanzan?

ANDRES ALMANZAN: Yeah, just very briefly. Again, if you look at Director Dawson's motion it is urgent because if it were to pass, and that's a hypothetical at this point, a, if it's legal, b, if it were to pass we are essentially passing the baton to speak on behalf of the Texas Bar sooner rather than later. And how many opportunities is the president going to be given to speak on behalf of the Texas bar between now and September 24? And so I do believe and I respect the cost issues and the expediency issues and the taxing issues on the council and staff involved, but again, if we were to vote in favor of the relief sought in Director Dawson's motion then we would - we will have already been passing the baton to other speakers such as the executive director and immediate past president or upcoming president well before September 24th. Just wanted to add.

CHARLIE GINN: Thank you, Director Almanzan. Director Bihm, do you have a comment? Please unmute yourself, Kate. There you go. Thank you.

KATE BIHM: I think it's incumbent upon us as well, during this short period of time between now and that proposed meeting, to consider whether in light of President McDougal's health challenges and also the enormous amount of work that he personally has to do, whether it would be wise to extend the ability to speak on behalf of the bar to President-Elect Sylvia Borunda Firth so that we might have more than one voice speaking on our behalf during this time period. And that should be something that we should all consider, in the interim, as we do our own research related to this motion because we are lawyers too, and we are certainly capable of forming our own opinions about the informations that get - the information that is given to us by our counsel.

CHARLIE GINN: Thank you, Director Bihm. I'm not seeing any other comments, but to confirm...

ALAN SIMS: Chairman?

CHARLIE GINN: Yes sir, Mr. Sims, Director Sims. Please.

ALAN SIMS: Just to clarify. Just - I mean, there's been a lot of discussion and there's been several hours since that, please clarify what the motion is please.

CHARLIE GINN: It's a longer motion. The basis of it is - there's four points, Director Sims that ultimately seeks to suspend the ability to speak on behalf of the State Bar by President McDougal until such a time that the directors see fit and then will alternatively grant the spokespersons of the bar to be the president-elect, immediate past president and the current chair of the board. This would also prevent Mr. McDougal from - President McDougal from speaking on behalf of the board to the Bar and in any comments, although he would maintain the ability to speak on his own behalf and as an individual. I'm sure, Director Sims I've butchered that, but I think that's the general consensus of the motion. Director Dawson, without rereading it, is that generally what the motion consists of? Director Dawson, are you on mute? I think he's dropped off. But that's - Director Sims, that's my recollection of the motion that we would be addressing in the special meeting. Director Fischer, do you have a comment for the floor? Director Fischer, please remove yourself from mute.

STEVE FISCHER: All right.

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CHARLIE GINN: Steve, I can't hear you man.

STEVE FISCHER: I'm not in the wind anymore. I'm not on mute. You sure you can't hear me? Anybody hear...

CHARLIE GINN: Yes sir, I can hear you.

UNIDENTIFIED SPEAKER: Got his hand over his (inaudible).

CHARLIE GINN: Steve, I think you've got your hand on the microphone, man.

STEVE FISCHER: OK, how's this?

CHARLIE GINN: Better.

STEVE FISCHER: OK. Whenever you try to punish somebody or suspend their right to speech and it's an elected official, I'm sure that Wilson applies. There's a whole bunch of other cases, too. Anywhere from Pickering vs. Board of Education, but you cannot do that. You can't phrase it as, you know, well suspend instead of censure. Anytime you do that, you know, you're getting us into liability. And that's why I made that other amendment. You know, if you want to do that, why can't you say I'm going to indemnify the bar from any lawsuit? I mean, you know, it's more than just talk. This is a lawsuit. We all have the best interests of the bar. We may disagree on different things. So I am totally, unequivocally opposed. Thank you.

CHARLIE GINN: Thank you, Director Fischer. Are there any other comments from the floor on this motion before we take it to a vote?

LUCY FORBES: What is the motion? Was it that we're going to have a special session to talk about it?

CHARLIE GINN: The motion, as I understand it, and Director Santos Vargas please correct me if I'm wrong, but the motion as I understand it is that we have a special meeting, before the September board meeting, on such a date that Larry McDougal can be available for that. Am I correct on that, Santos?

SANTOS VARGAS: That is correct.

CHARLIE GINN: That is the motion. It does have a second. We have discussed it. Is there any other discussion before we take it to a vote?

LUCY FORBES: I thought we already knew that there was no availability in August, maybe I missed something.

CHARLIE GINN: Yeah, I think, again, the hope is that there will be availability. And so if there is that we have a special setting and that's what I think Mr. Vargas is after. Is that right, Santos?

SANTOS VARGAS: That's correct. And we don't know that there is no availability. I think there were two dates that were discussed in August. Those were crossed out as not being available. But I haven't heard that there's no availability between now and the next board meeting. And so that's what I would hope, is that we are able to call a special meeting. I think it's a very important issue. Our constituents want to hear from us and so that's why I would hope that we can get something scheduled prior to the next board meeting.

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LUCY FORBES: Well, based on counsel's advice during the closed session I cannot - I mean, I won't, I can't join it. I mean, it was very clear that - it was very clear what the counsel's advice was.

JASON SMITH: I would counsel any member of this board even making...

CHARLIE GINN: Director Smith, please no crosstalk. I mean, go - you may state, but please don't address them. Address Me.

JASON SMITH: Chair, I'm concerned about members of the board making reference to what the advice of counsel was.

CHARLIE GINN: I don't disagree with you at all. And so please remember that what we discussed in closed session is to be kept in closed session. Mr. Tolchin, I think you have a motion, but it's separate from this. You do not want to be heard on this issue, am I correct in that? You're on mute, Andrew. I'm sorry.

ANDREW TOLCHIN: I do want to be heard on this. I recommend that we wait until September and just leave it at that.

CHARLIE GINN: OK. Thank you very much. Any other discussion on this motion? All right. Based on the amount of people I think that have spoken against this, I do think we probably need to have a roll call vote and so that's what we're going to do now. I'm going to ask Chelsea and Jennifer to facilitate that roll call vote. If you voted I for the special motion for the special setting that Larry - if and when Larry McDougal is available for it. No, that we should wait until September. With that we will can - we will begin the roll call vote.

: (CROSSTALK)

CHARLIE GINN: Mr. Agosto? Yes. Mr. Agosto, I'm so sorry. When you're - if everyone would unmute so you can vote. Again, the I vote is to pass the motion. The nay is to disagree with it. Mr. Agosto, I think we're beginning with you. How do you vote?

BENNY AGOSTO: I vote aye. I agree.

CHARLIE GINN: Thank you, sir.

UNIDENTIFIED SPEAKER #1: Mr. Allison?

JEFFREY ALLISON: No.

UNIDENTIFIED SPEAKER #1: Mr. Almanzan?

ANDRES ALMANZAN: Yes, in favor.

UNIDENTIFIED SPEAKER #1: Mr. Baruch?

CHAD BARUCH: No.

UNIDENTIFIED SPEAKER #1: Ms. Bihm?

KATE BIHM: Aye.

UNIDENTIFIED SPEAKER #1: Ms. Brooker?

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REBEKAH STEELY BROOKER: No.

UNIDENTIFIED SPEAKER #1: Mr. Calvillo?

DAVID N. CALVILLO: Yes.

UNIDENTIFIED SPEAKER #1: Mr. Luis Cardenas?

LUIS M. CARDENAS: Aye.

UNIDENTIFIED SPEAKER #1: Mr. Cook?

DEREK COOK: Aye.

UNIDENTIFIED SPEAKER #1: Mr. Crain?

ROBERT CRAIN: No.

UNIDENTIFIED SPEAKER #1: Ms. Davis.

CHRISTINA DAVIS: Aye.

UNIDENTIFIED SPEAKER #1: Mr. Dawson? Mr. Dokupil?

MICHAEL DOKUPIL: No.

UNIDENTIFIED SPEAKER #1: Ms. Hernandez Ferrier?

MARIA HERNANDEZ FERRIER: No.

UNIDENTIFIED SPEAKER #1: Ms. Borunda Firth?

SYLVIA BORUNDA FIRTH: No.

UNIDENTIFIED SPEAKER #1: Mr. Fischer?

STEVE FISCHER: No.

UNIDENTIFIED SPEAKER #1: Mr. Flores? Ms. Forbes?

LUCY FORBES: No.

UNIDENTIFIED SPEAKER #1: Mr. Ginn?

CHARLIE GINN: I think I'm a chair on this vote.

UNIDENTIFIED SPEAKER #1: Abstain.

CHARLIE GINN: Abstain.

UNIDENTIFIED SPEAKER #1: Ms. Goldsberry?

SHARI GOLDSBERRY: Yes.

UNIDENTIFIED SPEAKER #1: Mr. Gravely?

MARC E. GRAVELY: Gravely votes aye.

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UNIDENTIFIED SPEAKER #1: Mr. Harris?

AUGUST W. HARRIS: Nay.

UNIDENTIFIED SPEAKER #1: Ms. Harrison?

BRITNEY E. HARRISON: Aye.

UNIDENTIFIED SPEAKER #1: Ms. Humphrey?

WENDY-ADELE HUMPHREY: No.

UNIDENTIFIED SPEAKER #1: Mr. Hurst?

MICHAEL K. HURST: No.

UNIDENTIFIED SPEAKER #1: Ms. Cortes Mares?

YOLANDA CORTÉS MARES: No.

UNIDENTIFIED SPEAKER #1: Mr. McDougal?

LARRY MCDUGAL: No.

UNIDENTIFIED SPEAKER #1: Ms. Carra Miller?

CARRA MILLER: Aye.

UNIDENTIFIED SPEAKER #1: Ms. Mount?

LYDIA ELIZONDO MOUNT: Aye.

UNIDENTIFIED SPEAKER #1: Mr. Naylor? Ms. Rispoli?

STEPHEN NAYLOR: No.

JEANINE NOVOSAD RISPOLI: Aye.

UNIDENTIFIED SPEAKER #1: Naylor's a no. Miss Roe?

CHARLIE GINN: She's off.

UNIDENTIFIED SPEAKER #1: Mr. Schramek?

ADAM SCHRAMEK: Aye.

UNIDENTIFIED SPEAKER #1: Ms. Scott?

MARY L. SCOTT: No.

UNIDENTIFIED SPEAKER #1: Mr. Sergi?

DAVID SERGI: No.

UNIDENTIFIED SPEAKER #1: Mr. Sims?

ALAN SIMS: No.

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UNIDENTIFIED SPEAKER #1: Mr. Jason Smith?

JASON SMITH: Aye.

UNIDENTIFIED SPEAKER #1: Mr. Todd Smith?

TODD SMITH: Aye.

UNIDENTIFIED SPEAKER #1: Mr. Sorrels?

RANDALL SORRELS: Aye.

UNIDENTIFIED SPEAKER #1: Ms. St Yves?

DIANE ST YVES: Aye.

UNIDENTIFIED SPEAKER #1: Mr. Tolchin?

ANDREW TOLCHIN: Nay.

UNIDENTIFIED SPEAKER #1: Mr. Vargas?

SANTOS VARGAS: Aye.

UNIDENTIFIED SPEAKER #1: Mr. Vasquez? Ms. Welborn?

CHARLIE GINN: Amy, you're on mute.

UNIDENTIFIED SPEAKER #1: Amy, you're on mute. Ms. Welborn? Mr. Wester?

JAMES WESTER: No.

UNIDENTIFIED SPEAKER #1: Ms. Pack Wilson?

KIMBERLY PACK WILSON: Aye.

CHARLIE GINN: Did we get anything on Amy?

UNIDENTIFIED SPEAKER #1: Amy? Ms. Welborn? Director Welborn, are you with us?

: (CROSSTALK)

RANDALL SORRELS: I think for the record...

CHARLIE GINN: While we're verifying the vote on that, are there any other motions for the floor or any other business we need to take out before we get the results of the vote? Or after we get the results of the vote?

RANDALL SORRELS: On that vote, Mr. Chair, I don't know that you abstain. I think you may vote in the event of a tie.

CHARLIE GINN: I think that's right. I think you're correct thinking about it. I think that's correct. Not unless there's a tie.

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UNIDENTIFIED SPEAKER #2: Charlie, Victor's been trying to get back in and he's having some issues getting back in to vote.

CHARLIE GINN: Thank you for letting me know. Let me work on that. Victor's trying to get in.

JENNIFER: Amy Welborn, this is Jennifer. Can you hear me?

CHARLIE GINN: We are waiting on one of our directors to come back online, just bear with us one moment please. We are getting Director Flores back on right now and Director Welborn has sent her vote in. It's a roll call vote so under the rules that's a vocal vote so her vote is nay. We are waiting to hear about Director Flores. Director Flores, are you online? Can you unmute please? Victor?

VICTOR FLORES: Sorry about that. Aye. I'm sorry, aye.

CHARLIE GINN: It's all right, Victor. We get it. We understand. Victor, there's a motion on the floor. Are you aware of the motion? Victor?

VICTOR FLORES: Yes, I am. Yes.

CHARLIE GINN: Are you - you are aware of the motion?

VICTOR FLORES: Yes. Yes.

CHARLIE GINN: Is your vote in support of the motion or nay?

VICTOR FLORES: It's in support.

CHARLIE GINN: One second. Of course, we have a tie. Why wouldn't we have a tie?

ADAM SCHRAMEK: I'm glad to see my math was right.

CHARLIE GINN: Yeah. Why wouldn't we have a tie? We haven't had a tie on a vote in three years. And so we have a tie.

DAVID CALVILLO: It's a new day.

CHARLIE GINN: My vote is aye on the basis that the motion as presented is to work with Mr. McDougal to find a date and I've been assured that the bar staff is willing and able to do this meeting. So we will - the motion does approve. Are there any other motions from the floor? Hearing none, is there any other business that we need to consider? Mr. Tolchin, I understand you have a question.

ANDREW TOLCHIN: Charlie, I just want to salute you. This meeting was run with phenomenal statesmanship. Absolutely outstanding. I applaud you.

SANTOS VARGAS: I second that.

UNIDENTIFIED SPEAKER: I agree. I very much agree.

SANTOS VARGAS: Great job, Charlie.

CHARLIE GINN: Well, I want to thank our directors. Y'all have been going at this for almost 12 hours. I know there's a large portion of the public that has been on here watching for 12 hours, including a large portion where that screen was blank while we were in closed session. Our leadership in the State Bar is

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made up of people that want to serve. They're made up of people that care about our bar and they care about the public and that, I hope, was demonstrated today. We have work to do. It's going to be a good year. Great moments are born from great opportunity and I wouldn't want to serve with any other directors except for the ones we have here right now and I thank you for your service. With that, if there's no other motion, if Director Almanzan would lead us in the recitation of the State Bar pledge - not pledge, the State Bar Mission Statement. Thank you.

ANDRES ALMANZAN: Yes, very briefly, Charlie. Excuse me, Mr. Chair. Thank you very much again. You probably set the record for the longest meeting presided. And secondly, I do want to state on behalf of myself and several of the members of this Bar that diversity and inclusion have been on our radar for a long time, well before George Floyd's tragic death. I'd like to recite the State Bar Mission Statement.

UNIDENTIFIED DIRECTORS: (Reading) 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 the rule of law, and promote diversity in the administration of justice and the practice of law.

CHARLIE GINN: With that, I'll entertain a motion to adjourn.

ANDRES ALMANZAN: Thank you.

DIANE ST YVES: So moved.

CHARLIE GINN: All right, well we're adjourned. We are adjourning at 7:27 in the evening. Thanks for your time, for your service. Good night, God bless you. "