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'Shame Is Not Strong Enough': Texas Bar Meeting Sees 61 Speakers Line Up to Address Larry McDougal's Online Comments

Sixty-one attorneys voiced their opinions about State Bar of Texas president Larry McDougal's controversial online comments at a specially called board meeting Monday.

By Angela Morris | July 27, 2020



Larry McDougal Sr. Photo: State Bar of Texas.

Sixty-one speakers, 1,100 letters, 1,200 viewers and more than 3,800 comments before lunch.

The numbers show the overwhelming response by Texas lawyers over the recent controversial online comments by president Larry McDougal. The first two and a half hours of a specially called State Bar of Texas board meeting were spent listening to the attorneys who signed up to speak about the online comments. Some of them were also among the 1,100 people who submitted written comments for the meeting. The bar board may take action later in the meeting Monday.

"Today, we listen to the members of the public and the attorneys we serve. We hear them and we begin the process of healing," said board chairman Charlie Ginn. "I don't think healing happens in a day. To heal requires understanding. I think understanding requires acknowledgement. We need to do that today."

Among the public speakers at the meeting, 29 lawyers called on McDougal to resign or the board to either remove or censure him. Another 13 speakers condemned McDougal's comments, but rather than resignation, they called on the bar to pass reforms to address systemic racism in the profession. Also, 17 lawyers expressed support for McDougal, some saying that he is not a racist, and others protecting his right to free speech even if they disagreed with his comments.

McDougal landed in hot water in the first three weeks of his term with a Facebook post about a poll worker wearing a Black Lives Matter T-shirt. He wrote that she was violating a Texas law against electioneering at the polls. After controversy erupted, lawyers on Facebook pointed out past comments spanning back to 2012 that they said were offensive to women, lawyers with drug addiction, and criminal justice.

McDougal said he knew he was about to "take a lot of heat" during the meeting. He pledged to listen.

"I accept full responsibility for my comments—all the pain and anger and everything they resulted in," McDougal said. "I admit I have a lot of blind spots, and I'm working on those."

He said he has met twice with the African American Lawyer's Section, and has been talking with lawyers around the state.

"I want to apologize to everybody who felt pain or hurt," he said. "That was never my intention to harm or hurt or insult anyone."

Apology Not Accepted

Multiple speakers who called for McDougal's resignation said that they did not accept his apology.

"The word shame is not strong enough to describe the emotion that will be felt by members of the State Bar of Texas who refuse to be lead by an attorney who expresses the views Mr. McDougal has expressed," said Rudy Gonzalez.

Rekha Roarty said that if McDougal didn't step down, his entire presidency would be clouded by his online comments.

"The state bar will look like a joke if President McDougal does not step down," Roarty said.

Randy Chapman said that although current bar rules may not allow the board to remove McDougal, he thinks the Texas Bar should create a new procedure that would allow the removal of a president who proves to be unfit to serve. He also suggested that the bar board could remove McDougal's budget for presidential initiatives.

Laura Thetford said that the Texas Bar should amend the lawyer disciplinary rules to prohibit attorneys from harassing or discriminating based on a protected characteristic. The American Bar Association has proposed model Rule 8.4(g) to prohibit discriminatory speech (https://www.americanbar.org/groups/construction_industry/publications/under_construction/2019/spring/mrule-8-4/), she said.

A number of speakers supported a proposal by the African American Lawyers Section and other minority affinity bar groups calling on a requirement of implicit bias training as part of annual continuing legal education requirements.

McDougal Defenders

But McDougal's supporters defended him.

Eve Schatelowitz said that McDougal's comment about a poll worker in a Black Lives Matter T-shirt violating the state's law against electioneering at the polls was only a legal opinion, which is what lawyers do.

"That does not make him a racist," Schatelowitz said. "I totally support Larry. He is a really good man. In no way should he resign, and he shouldn't be censured in any way."

Andrew Bayley said that McDougal's opponents sifted through his social media account for eight years to find something bad and "destroy the person."

"You have to have the ability to be wrong," he said. "If we don't have the ability to be wrong, we are going to be afraid to speak."

Alan Tysinger said the bar should not foster an environment in which lawyers are afraid to publicly share their political views.

"Do you want to live in a world where your adherence to social movements is a litmus test for participating in bar leadership," Tysinger said. "My answer is no."

Sarah Springer said she has known McDougal for a long time and thinks he will be a stellar president. She called on him to get a second chance.

"There's nothing like this type of experience for Larry McDougal to become the very best representative that he can for members of the bar," Springer said. "I want him to have the opportunity to show he is the kind of person who can bring our bar together."

But some speakers pointed out that McDougal's comments had only uncovered part of a larger problem in the Texas legal profession.

Christine Hopkins, who spoke for the Texas Employment Lawyers Association, said the group's 180 plaintiffs attorneys often represent attorneys and paralegals who have suffered discrimination based on sex, religion, race and disability. It's time for lawyers to acknowledge there is broad discrimination in the legal field, she said.

"We want the state bar to do something," Hopkins said. "It is only through bold action that the state bar can rectify the damage."

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