

From: [Kenneth Brazle](#)
To: [BoardofDirectors](#); [StateBar President](#); [Trey Apffel](#) [REDACTED]
Subject: Comments on Masks at Seminars
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Attachments: [image001.png](#)

Dear President McDougal, Executive Director Apffel, Family Law Section Chair Thomson and Ladies and Gentlemen of the Board of Directors:

I am not sure who the proper person(s) or committee(s) is to address my concerns to, so I am starting here. If there is different place this inquiry needs to be directed to, I would appreciate being advised of the same.

I just received notice yesterday that finally, a seminar will be conducted live – the Advanced Law in August in San Antonio. However, my joy at seeing this taking place was soon displaced with disgust after reading that masks have to be worn unless eating or drinking. We are the state bar of Texas, we are lawyers who fight for guaranteed freedoms under the US Constitution and the Texas Constitution. While I am not positive that the governor (or any other governmental body or figure) every truly had the authority to make us wear masks, the mask requirement has been rescinded and laws have been put in place so that governmental bodies and schools (as of June 4, 2021) can no longer require masks to be worn. (See Executive Orders GA-34 and GA-36)

Here is what the Texas Judicial System Websites says about the Texas Judicial System:

THE JUDICIAL BRANCH The judicial branch of Texas government includes the court system of the state and the judicial agencies, such as the Office of Court Administration. Its role is to interpret the law and to resolve legal disputes. It is the smallest branch of state government. The meaning of a constitutional provision is not always obvious; the intent of a statute is not always clear; the actions of an executive agency are not always correct. The function of the courts is to resolve these issues, as well as to resolve disputes arising between citizens of the State.

Here is what the State Bar Website says about the Texas State Bar:

The State Bar of Texas is an administrative agency of the state's judicial branch that provides educational programs for the legal profession and the public, administers the Minimum Continuing Legal Education program for attorneys, and manages the grievance process.

A reasonable conclusion is that the State Bar is part of the governmental system and that executive orders GA-34 and GA-36 apply.

Why are we continuing to impose a mask requirement on our membership?

Each of us who are members of the state bar (as well as any individual in and out of Texas) have free will to make our own choices in life. If an individual thinks that being around a lot of other people, protected by a mask or

unprotected by a mask is too dangerous to their health, they do not have to attend any live sessions. Likewise, if an individual believes that wearing a mask will protect them, then by all means let them wear a mask. If an individual believes getting vaccinated protects them, let them get vaccinated. The foregoing are our right to exercise free will and discretion as to how we want to live our lives.

Does the state bar truly believe that when you are eating or drinking without a mask in a room full of people that whatever danger might be present from being unmasked goes away? I mean if a virus is truly going to be spread the minute someone is unmasked, isn't it unrealistic to believe that the virus will agree not to be spread while one is eating or drinking?

Now, if the reason masks are being required is because a private venue is requiring the masks, then that issue needs to be explored with the venue. Neither the city of San Antonio nor the county of Bexar under executive orders GA-34 and GA-36 can mandate a business to require the wearing of masks. The Marriott website explanation for masking implies that they are complying with local ordinances in place. If the Marriott is choosing to do this on their own and we cannot talk them out of the requirement, then we need to find another location such as a convention center or something that will not require masks. I realize that may not be possible for an already scheduled event, but it should be a consideration moving forward in scheduling.

So my first request, is let's rid of any requirements to wears masks ANYWHERE that our legal system has authority over – whether it be courtrooms or seminars or standing in line at the clerk's office, etc. If private venues are the problem, lets to go work on convincing them to drop the requirements or move to a venue that won't require masks.

Secondarily, until the powers that be for each seminar get rid of the mask requirement once and for all, please allow the seminars to be broadcast over the web in real time so those of us who do not want to have to attend a seminar in a mask can still watch the seminar live as it progresses. Many lawyers plan their annual compliance with CLE around specific seminars and when the ability to watch a seminar gets delayed by several month, it could cause a hardship in an attorney meeting their annual hours, especially those who are members of the College of the State Bar who are Board Certified who have higher requirements for CLE.

Let's continue to let Texas be a leading state in getting back to pre-covid normal and let the citizens of Texas decide what is best for them on an individual basis.

Thank you for your time.

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