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COMMENTS: “THE STATE BAR PRESIDENT MUST RESIGN,” SEPTEMBER 2020, P. 527

I have never met President McDougal but I did vote for him. Your letter to Mr. Apffel published in the *Journal* is troubling to me. Referring to President McDougal you say, “Posting a wildly off-base, hate-fueled social media post grounded in conspiracy theories ...” followed by “is not a proper response to a problematic legal opinion.” Unfortunately, your letter was not factually specific but it concerned me to the point that I contacted the SBOT and was sent four items that had been submitted to the bar and made subject of a special board meeting.

Your letter references one-fifth of our membership being minority attorneys in Texas and your respectful demand that President McDougal resign and the SBOT establish a chief diversity, equity, and inclusion officer.

From the documents sent to me, I see a reference to President McDougal taking exception to a poll worker wearing a Black Lives Matter shirt while on duty. I would agree on political grounds. What does concern me, especially as an emeritus member of SBOT, is a thing called cancel culture. In the illustrious days of yesteryear, folks debated issues. So if President McDougal’s opinion about letters on a shirt were objectionable, a debate could occur. As in this case, a hearing and a resolution could be had. I like to think of the group of the one-fifth as blended so that we are a group of 100% lawyers, and as lawyers, we should not cancel a person for their opinion.

GEORGE SCHILTER
Webster

STATE BAR BOARD UPDATE: “STATE BAR BOARD TAKES ACTION ON DIVERSITY AND INCLUSION ISSUES AT SPECIAL MEETING,” SEPTEMBER 2020, P. 534

In response to the controversy regarding State Bar of Texas President McDougal’s recent remarks, the bar board proposed various diversity and inclusion initiatives. The worst proposal directs the MCLE Committee to consider making implicit bias training mandatory MCLE for all Texas lawyers. Until now, the bar has mercifully been generally unwilling to insert itself into political issues unrelated to the practice of law. That forbearance should continue.

We all have biases. As free people, we are entitled to them without being subject to being force-fed ideological indoctrination to correct them. Whether a member has “unacceptable” biases, implicit or otherwise, is simply none of the bar’s business.

Further, the bar rules require MCLE to relate to legal subjects and the legal profession. The proposed bias training seems well beyond any reasonable application of that requirement. Bias training has nothing to do with how we do our jobs as lawyers.

By seeking the bar presidency, McDougal signed up for the public scrutiny and criticism that comes with the job. The rest of us did not and should not be punished for his perceived sins.

RON COOK
Member of the MCLE Committee from 1995 to 1999
Houston

I was disappointed in the September TBJ’s description of matters concerning the SBOT president and disgusted that the cancel culture has reached the State Bar of Texas. I still do not know what the president said. It does not matter to me what it was. For 400 years my family has always believed that Americans are free to express their beliefs. When I see a self-appointed elite persecute someone for expressing his opinion, I always think of my aunt, whose father was executed by Mussolini for expressing an opinion the dictator did not like. I may not care for what someone says, but I always will fight to the death for their right to say it. SBOT should believe in the Constitution, freedom of speech, and the rule of law. It should never embrace cancel culture because some vocal self-appointed elite found some free speech offensive. Cancel culture is un-Texan and an affront to anyone who believes in the free expression of ideas. I am disappointed in SBOT entertaining the suppression of free speech.

HOWARD A. HICKMAN
Austin

Under the guise of diversity and inclusion, a majority of the SBOT Board of Directors, by voting to approve further consideration of ABA Model Rule 8.4(g), continue their efforts to suppress Texas lawyers’ legitimate expression of constitutionally protected rights in areas unrelated to adjudicatory proceedings.

Existing Disciplinary Rule 5.08 already covers discrimination. But a number of directors, as they manifested at the special meeting on September 10, support the adoption of new or amended rules that extend far beyond Rule 5.08 and would suppress and have a chilling effect on Texas lawyers’ speech in their daily lives outside of and unrelated to adjudicatory proceedings. These directors voiced their support of facially unconstitutional ABA Model Rule 8.4(g), or modifying existing Disciplinary Rule 5.08 to conform to ABA Model Rule 8.4(g).

Every attorney should read ABA Model Rule 8.4(g) and the ABA comments; for that rule subjects attorneys to discipline for a single action or comment which, intentionally or not, is invasive or insulting “on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law.”

PAT E. CLARK
Austin

PRESIDENT'S PAGE: "CONTINUING THE CONVERSATION," SEPTEMBER 2020, P. 532

Mr. McDougal's statement in the *Bar Journal*, regarding his public statements and posts, falls far short.

He says he listened. He says racial injustice is an important issue.

What he doesn't say is that he will work to change his attitudes.

What he doesn't say is that he is sorry for what he said.

What he doesn't say is that he is sorry for the dishonor of the profession, by a person of his position.

FRED MCCUTCHON
Corpus Christi

Mr. McDougal should tell us what he has learned from this experience. Has it opened his eyes, even a little? Does he have any sense of how insensitive and hurtful he has been? *That* is the essay I look forward to reading.

PETER WILLIAMSON
Houston

1. The phrase "Black Lives Matter" by itself is important!
2. No State Bar president should be using Facebook, Twitter, or any other source to give an opinion on any public, political, or other matters.

Let's get opinions and politics out of the State Bar! No officer of the State Bar—in any area—should be giving personal opinions on politics and/or religion. So everyone who has any office or connection with the State Bar should only speak on ethics and legal questions.

I was naive when I was licensed in 1973. I thought that I had a choice to join or not join the State Bar. I would have chosen to join at that time, but I was upset that I was "forced to join." Since then, I have seen the State Bar wage a war against most attorneys always telling us what we can't do and using our State Bar fees to prosecute attorneys. So why can't the State Bar be nice to us now and then?

I don't know if State Bar President Larry McDougal should resign or not. To me, his remarks and all his Facebook posts were hurtful. I am a white attorney, but I can certainly understand why Black lives, Asian lives, Hispanic lives, Muslim lives, and all lives matter!

So all State Bar officers, all State Bar employees, and all others with the State Bar, unless you are speaking on ethics or other legal matters—Shut UP!

RALPH BEHRENS
Ingram

We've always
been a little
obsessive
about
back office
organization.

It pays
off.

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