



Texas Criminal Defense Lawyers Association

Officers

President

Grant M. Scheiner, Houston

President-Elect

Michael Gross, San Antonio

1st Vice President

Heather Barbieri, Plano

2nd Vice President

John Hunter Smith, Sherman

Treasurer

David Guinn, Lubbock

Secretary

Nicole DeBorde Hochglaube

Editor, Voice for the Defense

Sarah Roland, Denton

Editor, Significant Decisions Report

Michael Mowla, Cedar Hill

Immediate Past President

Kerri Anderson Donica, Corsicana

Chief Executive Officer

Melissa J. Schank, Austin

Directors

Matthew Allen, San Antonio

Stephanie Alvarado, Dallas

Gene Anthes, Austin

Phil Baker, La Grange

Roberto Balli, Laredo

Clint Broden, Dallas

Kristin Brown, Dallas

Anne Burnham, San Antonio

Jessica Canter, Seguin

Elizabeth Cortright, Fort Worth

Jeep Darnell, El Paso

Clifford Duke, Dallas

Danny Easterling, Houston

Tyler Flood, Houston

Rick Flores, Austin

Robert Gill, Fort Worth

Lisa Gonzalez, Richmond

Lisa Greenberg, Corpus Christi

Mark Griffith, Waxahachie

Rusty Gunter, Lubbock

Heather Hall, El Paso

Amanda Hernandez, San Antonio

Joseph Hoelscher, San Antonio

John T. Hunter, San Antonio

Jonathan Hyatt, Longview

Allison Mathis Jackson, Houston

Thuy Le, Houston

Sean Levinson, Austin

Hiram McBeth, Dallas

Dwight McDonald, Lubbock

Nathan Miller, Denton

Dustin Nimz, Wichita Falls

Patrick O'Fiel, Kerrville

Michelle Ochoa, Beeville

Damon Parrish, Houston

Scott Pawgan, San Antonio

Shane Phelps, Bryan

Brian Raymond, San Angelo

Carmen Roe, Houston

Jeremy Rosenthal, McKinney

Frank Sellers, Fort Worth

Dwayne Simpson, Houston

Jessica Skinner, San Angelo

Monique Sparks, Houston

Suzanne Spencer, Austin

Stephanie Stevens, San Antonio

Mark Thiessen, Houston

Patty Tress, Denton

Paul Tu, Houston

Chad Van Brunt, San Antonio

Amber Vazquez, Austin

Gregory Waldron, Longview

Judson Woodley, Comanche

Thomas Wynne, Dallas

July 24, 2020

Mr. Charles Ginn
Chair of the Board
State Bar of Texas

Via email jcharlesginn@gmail.com

Dear Mr. Ginn:

The Executive Committee and the Diversity, Justice, and Inclusion Committee of the Texas Criminal Defense Lawyers Association (TCDLA) condemn and express disappointment in social media statements made by State Bar of Texas President Larry McDougal. His comments were unbecoming of someone tasked with maintaining the high ethical standards of the Texas Bar. Furthermore, by vote of the Executive Committee, TCDLA endorses the "Call to Action in Response to State Bar of Texas President Larry McDougal's Comments Concerning Black Lives Matter," authored by the State Bar African-American Lawyers Section and dated July 13, 2020. (See attached.)

Respectfully submitted,

Grant M. Scheiner
Board Certified - Criminal Law
Texas Board of Legal Specialization
President - Texas Criminal Defense Lawyers Association, 2020-21

Thuy Le
Co-Chair - Diversity, Justice, and Inclusion Committee, 2020-21

Monique Sparks
Co-Chair - Diversity, Justice, and Inclusion Committee, 2020-21

TCDLA founded in 1971



PRESS RELEASE

Call to Action in Response to State Bar of Texas President Larry McDougal's Comments Concerning Black Lives Matter

FOR IMMEDIATE RELEASE

July 13, 2020

CONTACT:

The Honorable Rudolph "Rudy" K. Metayer, Chair, African-American Lawyers Section of the State Bar of Texas

txafricanamericanlawyers@gmail.com

At a moment in the history of our country when people of all races, ethnic groups, sex, genders, and political affiliations are coming together to address the injustices that have for too long unduly burdened and affected African-Americans in our nation, State Bar of Texas President Larry McDougal recently issued comments that negatively characterized the phrase "Black Lives Matter." These comments were inaccurate and misinformed at best, were hateful and harmful at worse, but were unequivocally divisive. After making the statement, President McDougal met with the members of the State Bar's African-American Lawyers Section ("AALS") to explain and apologize for his comments. However, during the course of that conversation, with the additional discovery of President McDougal's past comments on the subject matter at hand, it became clear that the SBOT President does not understand the extreme hurt and pain that his comments inflicted upon the entire Bar. It is apparent from our conversation and President's McDougal' personal comments that he does not understand either the human rights meaning or the social justice intent of "Black Lives Matter." President McDougal's inability to sincerely understand the impact of his statements and beliefs is an apparent fact that cannot, and should not, be overlooked or tolerated in the leader of the State Bar. It must be presented to the entire membership of the State Bar and the public it serves. Therefore, in its continuing effort to promote positive change, social justice, and racial equality, AALS is issuing this Call to Action to attorneys throughout the profession to demand systemic changes in the State Bar.

As such, the AALS reaffirms the sworn commitment of its members to ensure the protections granted to all citizens pursuant to the U.S. Constitution and the lawyers who hold its values dear. Those protections include the dignity and respect that all of us deserve as human beings, something that we find lacking in President McDougal and his leadership of the over 100,000 members of the Bar.

Accordingly, the AALS calls for President McDougal to have the following actions occur:

1. A formal written apology sent, via the Texas Bar Journal, State Bar of Texas website, SBOT social media, e-blast to its members, and personally on President McDougal's Facebook page to all members of the State Bar of Texas for the repugnant comments made regarding Black Lives Matter and his marginalization of minorities (specifically African-Americans) that these statements have caused, including:
 - a. Publicly acknowledging the importance of the Black Lives Matter movement and WHY it is important;
 - b. Publicly acknowledge and explain what has caused him to change his viewpoint to understand why the Black Lives Matter is an important movement for not just African Americans, but for all Americans;
 - c. Provide "correct" interpretation on the Electioneering issue - Minnesota Voters Alliance v. Mansky (Sup. Ct. 06/14/2018) https://www.supremecourt.gov/opinions/17pdf/16-1435_2co3.pdf;
 - d. Inform the public of their rights regarding wearing BLM shirts at voting polls.

2. Attend, and most importantly, participate in an undoing racism course to understand the ramifications of his comment and the systemic racism and implicit biases that exists in his life and the lives of others;
3. Make it his Presidential Project to use the Bar's significant resources to review and change policies and procedures within the Bar that perpetuate systemic racism and lack of inclusion;
4. Champion the cause and make it a requirement that 2 hours of Implicit Bias training becomes part of the 15 hours of required CLE by Lawyers in Texas;
5. Assign two members of the AALS to your Presidential Task Force; and
6. Ask the SBOT to provide pro-bono services (such as "election protection" efforts) to people who may be illegally turned away from the polls due to President McDougal's previous miscommunication of the applicable caselaw.

As the leader of the State Bar of Texas, President McDougal has a duty to represent all Texas lawyers, as well as to represent our profession to the community, State, and Nation. His comments have diminished himself and the office of President, as well as placed in harm's way those committed to progressive change through Black Lives Matter or other causes for racial and social justice. President McDougal has stated that he will not resign and believes he can effectively lead the Bar and be a change agent on this specific issue. Yet he has demonstrated not only with his most recent comments, but in his prior ones as well, a dramatic failure to understand and empathize with people of color, and especially African-Americans. The AALS does not take comfort in stating that its confidence in President McDougal is diminished due to his comments; however, if the Call to Action items do not occur, the AALS will formally state its lack of confidence in the leadership of President McDougal and will call on his immediate resignation.

There comes a time when people of good will and good intention must rise, unite, articulate, and act. That time is now! The AALS asks that you join us in ascribing true meaning to the oath of our members and the Constitution of this nation. The AALS calls you to action.

Founded in 1992, the mission of the AALS is to promote the objectives of the State Bar of Texas as they relate to African-American lawyers. The opinions expressed herein are those of the AALS and are not the position of the State Bar of Texas.

Signed,
African-American Lawyers Section of the State Bar of Texas, 2020-2021 Council