

**From:** [Lona Chastain](#)  
**To:** [John Sirman](#); [Don Jones](#)  
**Cc:** [BoardofDirectors](#)  
**Subject:** FW: Request for inclusion in the record for July 27th Board Meeting re: Letter by Ouisa Davis, Comments X, pages 43 and 44  
**Date:** Sunday, July 26, 2020 10:01:14 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Andrew Tolchin just re-sent his full comment below. He wants this included with the Board materials for the record.

/lc

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**From:** Andrew Tolchin  
**Sent:** Sunday, July 26, 2020 9:56 PM  
**To:** Lona Chastain <Lona.Chastain@TEXASBAR.COM>  
**Subject:** Fwd: Request for inclusion in the record for July 27th Board Meeting re: Letter by Ouisa Davis, Comments X, pages 43 and 44

**\* State Bar of Texas External Message \* - Use Caution Before Responding or Opening Links/Attachments**

Please include this in the July 27th Board Meeting record.

Andrew M. Tolchin  
Attorney and Mediator  
Tolchin Law Firm, PLLC  
713 Mediator, LLC  
[REDACTED]  
Houston, TX 77027  
[REDACTED]

Mediation via Zoom during this time of social distancing. When safer, options will open for a return to mediations in person either at 3207 Mercer Street, Houston, TX 77027, or at your mutually agreed office. Thank you.

This email transmission is legally privileged and confidential, protected under the Electronic Communications Privacy Act. Any review, reliance or distribution by or to others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies. Thank you.

Begin forwarded message:

**From:** Andrew Tolchin

**Subject: Request for inclusion in the record for July 27th Board Meeting re: Letter by Ouisa Davis, Comments X, pages 43 and 44**

**Date:** July 25, 2020 at 8:14:04 PM CDT

**To:** Trey Apffel <[trey.apffel@texasbar.com](mailto:trey.apffel@texasbar.com)>, State Bar of Texas

Lowell Brown

Dear Trey Apffel and Board of Directors,

A "Member and Public Comment" by Ms. Ouisa Davis, submitted in advance of the meeting on July 27, 2020, includes the following two paragraphs that create an ambiguity that I am writing to clarify. The comment by Ms. Davis is listed under *Member and Public Comments, July 23, 2020 AND NEWER, Member and Public Comments X* (sic), on pages 43 and 44, respectively, and state in pertinent part:

On July 10, 2020, while scrolling through the many lawyer Facebook groups administered or moderated by newly elected board members Steve Fischer, Andrew Tolchin, and Lucy Forbes, and others, I was shocked to see a post by Mr. McDougal wherein he singled out and provided an unsolicited legal opinion decrying a photograph of Black female citizen working in a polling place while wearing a Black Lives Matters t-shirt. His post stated that the Black Lives Matter organization was a political organization identified with a particular political party. His post cited to a statute. In that post, Mr. McDougal asserted his legal opinion that this young woman had violated the electioneering statute. His action subjected this unwitting citizen to possible criminal investigation and prosecution. And his legal opinion was wrong.

These should all be appropriate conversation topics on any discussion group involving lawyers. But the posts of proponents of these three topics were deleted by the administrators of the group and many Black members were removed. Many of these discussions descended into racist commentary and misogynistic diminishment of the people supporting a view in favor of female, Black, and Hispanic lawyers calling for clarification and an apology from our duly elected State Bar president - who is supposed to lead us, who is supposed to represent all of us, And who demonstrated less than a month after his induction, that he does not care about the conflicts or discrimination that we experience.

The above second quoted paragraph by Ms. Davis mentions that these events happened in "the group", using the singular, but does not say which group. These acts took place in Texas Family Lawyers-- a group in which I hold no managerial capacity. I literally had nothing to do with the events transpiring in Texas Family Lawyers described by Ms. Davis.

Confusion could arise as I am an Administrator and Founder of a number of other groups including Texas Lawyers ("TL"). TL is where aggrieved members and former members of Texas Family Lawyers went to raise the issue of the deletions and the removals that took place in Texas Family Lawyers. Ample discussion on these topics (the deletions and removals) took place in TL.

Regarding additional misconceptions about TL that may be found in one or more submissions to the board, the following speaks to the breadth of discussion that took place in TL about Mr. Fischer and about Mr. McDougal at or about the time of the events described in the letter by Ms. Davis. The following is written response seeking correction of an article by Joe Patrice-- that was corrected-- by the Above The Law legal periodical:

Joe,

I am the founder of "Texas Lawyers" Facebook (FB) group found here: [www.facebook.com/groups/texaslawyers](http://www.facebook.com/groups/texaslawyers).

We are not the official FB group of the State Bar of Texas. The State Bar has no FB group of which I am aware. We have no affiliation with the State Bar. Anyone who told you this has misled you.

Our group has no less than a dozen posts about Larry McDougal over the last 4 days with no less than 3,000 comments. The concerning remarks by Larry McDougal are found countless times within these threads.

Like many FB groups, we have rules expressed in writing. One of these concerns duplicative posts. If many post the same or similar topic, it floods the group. This is the equivalent of asking those seeking free speech to assemble on one side of the street.

Please correct these misstatements about our group.

Thank you,

Andrew

Thank you for including this very email in the record.

Regards,

Andrew

Andrew M. Tolchin  
Attorney and Mediator  
Tolchin Law Firm, PLLC  
713 Mediator, LLC

[REDACTED]  
Houston, TX 77027  
[REDACTED]

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**From:** [Amy Starnes](#)  
**To:** [BoardofDirectors](#)  
**Subject:** FW: I Support Steve Fischer and Larry McDougal, (2nd attempt to reach Ms. Starnes by email)  
**Date:** Sunday, July 26, 2020 9:51:16 PM  
**Attachments:** [I Support Steve Fischer and Larry McDougal.pdf](#)

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**From:** Ryan Wolf [REDACTED]  
**Sent:** Sunday, July 26, 2020 9:22 PM  
**To:** Amy Starnes <Amy.Starnes@TEXASBAR.COM>  
**Cc:** [REDACTED]; Advertising@rushlimbaugh.com; [REDACTED];  
[REDACTED]; contactthelarryeldershow@gmail.com; [REDACTED];  
[REDACTED] Scott Wolf [REDACTED]; Bob [REDACTED]  
**Subject:** I Support Steve Fischer and Larry McDougal, (2nd attempt to reach Ms. Starnes by email)

**\* State Bar of Texas External Message \* - Use Caution Before Responding or Opening Links/Attachments**

Good evening to Amy Starnes, the Communications and Public Information Director at the Texas Bar Association:  
Please see the attachment to this email. I am also sending it to people who work in Talk Radio because this topic is an important one that they need to share with the American people.

The comments and arguments made in the attached letter and within this email are only my personal comments and arguments. They are not the opinions or thoughts of any current or past employer.

Sincerely,  
Ryan Wolf

Ryan Wolf

Kilgore, Texas 75662

July 25, 2020

Amy Starnes  
Communications &  
Public Information Director  
Texas Bar Association  
Texas Law Center  
1414 Colorado Street  
Austin, Texas 78701

Re: I Support Steve Fischer and Larry McDougal

Dear Amy Starnes:

My name is Ryan Wolf. I am a veteran of the United States Navy and I graduated from Mississippi College (MC) School of Law in Jackson, Mississippi.

**I fully support Steve Fischer and Larry McDougal, Sr.** None of their public actions or statements justify calls for their resignations.

If the critics of Fischer and McDougal have a problem with any of their current or past statements, they should respond with more speech. They should also try to defeat McDougal, the President of the State Bar Association, at the ballot box in future elections. **Attempting to silence McDougal through cancel culture is fascistic; it is also mentally lazy and intellectually dishonest.**

McDougal called Black Lives Matter (BLM) a terrorist organization in 2015. Similar to other reasonable people, McDougal made this statement after he reviewed the actions and tactics of BLM. He did not express internal thoughts because of an internal sense of racism or for any other reason.

Public information, news stories in particular, reveal that some of the actions and tactics of BLM have been counterproductive, destructive, and poorly planned at times. Any reasonable person can review public information on BLM and reach this conclusion.

No person or organization is above reproach. World religions, the teachings of Christ in particular, confirm this principle. Human reason reaffirms it. BLM and its allies should take a step back and engage in some introspection instead of calling for anyone to resign at this time.

Ms. Starnes, I fully support Fischer and McDougal and I stand by my words after having served with many minorities in the U.S. Navy. I also stand by my words after having taught minority students at Tyler Junior College. Moreover, I stand by words after having helped Harold, a Black Man, find his way to the hospital (with the help of the Tyler Police Department) when he suffered from a heart condition during the spring. I am not a narrowminded bigot trying to provide cover for Fischer and McDougal. I speak with life experience and a large amount of education.

Very Sincerely yours,

/s/ Ryan C. Wolf /s/

Ryan Wolf

Deputy Clerk II

Former Staff Technician &

Adjunct Professor of History

October 2020 Bar Exam Applicant

**From:** [Amy Starnes](#)  
**To:** [BoardofDirectors](#)  
**Subject:** FW: Board Meeting Inquiry  
**Date:** Sunday, July 26, 2020 9:50:26 PM

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-----Original Message-----

From: John Williams [REDACTED]  
Sent: Sunday, July 26, 2020 4:56 PM  
To: Amy Starnes [REDACTED]  
Subject: Board Meeting Inquiry

\* State Bar of Texas External Message \* - Use Caution Before Responding or Opening Links/Attachments

To the State Bar of Texas Board of Directors:

In order for lawyers to carry out their duty to fight for equal justice in this state, they must be free from ignorance, fear and prejudice. Sadly, the recent comments of our State Bar President, as well as his earlier mischaracterization of the BLM movement, reflect all these flaws. Indeed, his very assumptions leading him to label a t-shirt bearing the BLM slogan as “electioneering” appear to be borne of prejudice. In a very fundamental manner, these remarks call into question Mr. McDougal’s capability to represent and lead the Texas Bar.

The Board of Directors should make clear in no uncertain terms that Mr. McDougal’s views are inconsistent with the values of the State Bar and his leadership position, and if not genuinely and fully rejected by him, will deprive him of any and all ability to credibly act as President of the State Bar.

John Williams  
SBN 21554100  
Austin, Texas

**From:** [Lori Elaine Laird](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Steve Fischer  
**Date:** Sunday, July 26, 2020 8:42:58 PM  
**Attachments:** [IMG\\_0014.PNG](#)  
[IMG\\_0015.PNG](#)  
[IMG\\_0016.PNG](#)

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\* State Bar of Texas External Message \* - Use Caution Before Responding or Opening Links/Attachments

Dear board members,

I am writing this email in support of Steve Fischer. It is my understanding that key phrases were removed from the context of a conversation in which Steve was being cyber bullied on Facebook by another member of the group. As I understand what occurred, Steve deleted a post that another member named Ginger posted. She became angry that he moderated this comment and demanded that he repost it. When he refused she used profanity, made inappropriate comments about his “ball sack” and claimed her contributions to diversity was to “marry a black man...”. In response to these angry attacks, Steve responded with “you married a black , I married a Hispanic”. While a poor choice of words on his part, you can clearly see how this happened in the raps back and forth comments where Ginger was clearly the aggressor. I have attached screen shots for your review.

Best regards

Lori Elaine Laird  
Attorney

8:32



Done

Edit

ginger&pa=FILTERS&filters=y/y/f/a/d/m/9k/29ydC6&ntcm=ShbWwCjpcimNoom9

Workspace Webmail Bank of America - B Sports SisuXM - Login

Ginger Shockley Weatherspoon Steve Fischer you are catering to the majority that are racist and don't want to face it. Tell me where do you really stand? Stop the bull shit and take a stand. It's time for us all to stand up. If you don't repost I know where your position is. End of discussion!

Like 2w Edited

Hide 13 Replies

Ginger Shockley Weatherspoon Steve Fischer drop your ball sac and let the racist deal with their actions. Don't cater to their fears of dealing with their feelings of facing their insecurities of their actions... See More

Like 2w

Steve Fischer Deal I say I have done more actions to combat racism in the past week than you may have done in your entire life. See the prior post and tell me what you have done this past week.

Like 2w

Steve Fischer The majority are not racist but you if it makes you feel better to condemn everyone else to make yourself feel better - do it.

Like 2w

Ginger Shockley Weatherspoon Steve Fischer you wanna bet. I am married to a black man, I have given birth to three black men. I know racism. Put your money where your mouth is. Put the post back up! Now!!!!

Like 2w Edited



More

8:32



Done

Edit

nger&pa=FILTERS&filters=ylyrF9jHvbm9fz23ydC6intcm5hbWwJpplmNoem9u

Workspace Webma... Bank of America Sports SiriusXM Login

**Steve Fischer** @ Ginger Shockley Weatherspoon You married a Black and I married an Hispanic. The Last week yes I want to bet in the last week I appointed a Civil Rights leader -National VP of Lutac to a Grievance Panel and convinced a Black Dallas Lawyer to run for Bar President. I also spoke to Bar CLE about why I dropped out from a panel (because a qualified Black was excluded) and urged them to adopt policies so this wouldnt happen in the future - and got appointed to that

Like 2w

**Steve Fischer** @ So you married a Black - now wheres that money?

Like 2w

**Ginger Shockley Weatherspoon** How many people of color oppose the post Steve Fischer?

Like 2w

**Steve Fischer** @ Ginger Shockley Weatherspoon You made a challenge about what was accomplished in the last week "Wanna BET" Dont change the subject

Like 2w

**Steve Fischer** @ Ginger Shockley Weatherspoon FOCUS on your challenge only - read it again

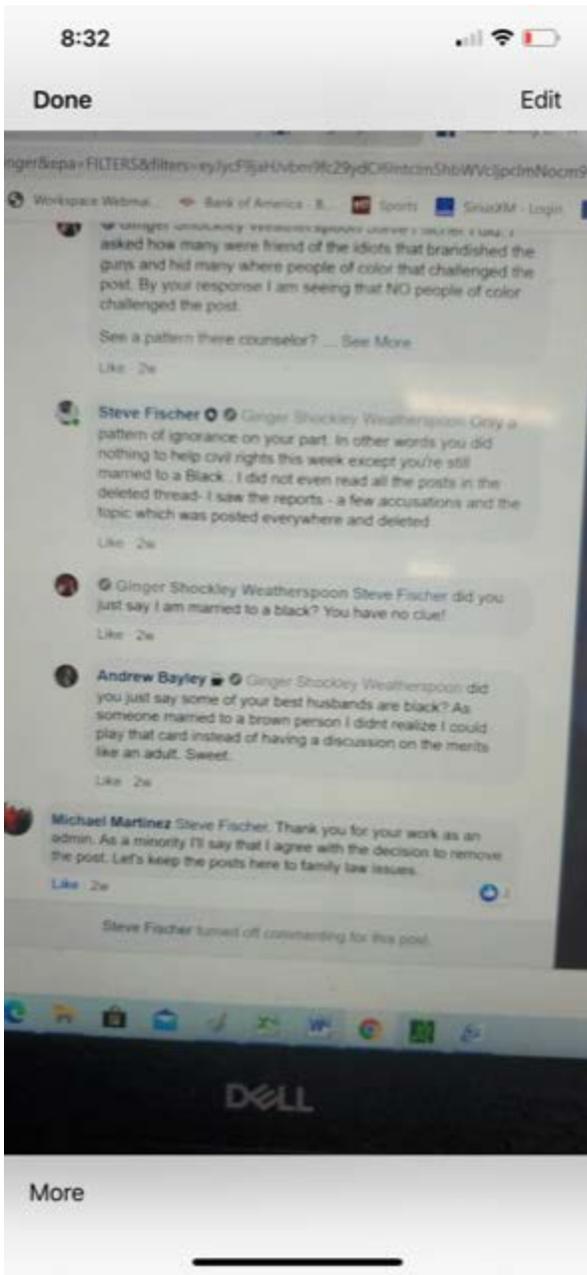
Like 2w

**Ginger Shockley Weatherspoon** Steve Fischer I did. I asked how many were friend of the idiots that brandished the guns and hid many where people of color that challenged the post. By your response I am seeing that NO people of color challenged the post.



DELL

More



Lori Elaine Laird  
Attorney

**From:** [Dennis Spurling](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Board Meeting Inquiry  
**Date:** Sunday, July 26, 2020 8:03:27 PM

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**\* *State Bar of Texas* External Message \* - Use Caution Before Responding or Opening Links/Attachments**

McDougal has no one to blame but himself.

His failure to realize that a “fire, ready, aim” approach to “hoof and mouth disease’ may pass muster in small town sandboxes but is not acceptable when you represent an entire state of professionals who take pride in being ‘independent thinkers.’

At the level of State Bar President, likely everything he says is going to offend someone, so his follow up trope about “sorry if I offended anyone” smacks of his diarrhea continued.

He got elected, but we can fix that now and pull the plug to avoid a continuing ‘reign of terror of mindless off the cuff quips’ or we can give him one more chance to ‘put on his big boy pants’ and fill his cowboy hat with thoughtfully weighed comments that represent the panoply of independent thinkers the State Bar of Texas is.

I’ll pray for him on the thought that ‘everyone deserves another chance’ but he is in over his head if he can’t think, really think, before he shoots off at the mouth. ‘Good ole boy’ answers to real problems belongs where it came from; the cow pasture.

**From:** [Kathryn Beighley](#)  
**To:** [BoardofDirectors](#); [Kathryn Beer](#)  
**Subject:** Board Meeting Inquiry - NO action should be taken on McDougal  
**Date:** Sunday, July 26, 2020 6:52:18 PM

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**\* State Bar of Texas External Message \* - Use Caution Before Responding or Opening Links/Attachments**

Dear Bar Leadership,

Thank you for this opportunity to comment on pending action against our Bar President because of certain comments he made and the State Bar's involvement with the organization Black Lives Matter.

### **President McDougal's comments**

*Summary:*

*No action should be taken against President McDougal because of his comments, most of which occurred before he became State Bar President, and because they are within his First Amendment rights. The State Bar should proceed with caution before becoming officially involved with the organization of Black Lives Matter.*

“Black lives matter” is a sentence, with meaning that all should embrace. Also “Black Lives Matter” is considered a movement, whose tactics have been questioned by other civil rights leaders, including President Obama, (*Obama Says Movements Like Black Lives Matter 'Can't Just Keep on Yelling'* New York Times, April 23, 2016.), and its protests have been surrounded by violence. Additionally, “Black Lives Matter” is also the name of an organization with stated beliefs appearing on its website. The slogan “Black Lives Matter,” the movement, the organization, and the protests are matters, which many are discussing and seeking to understand. No action should be taken against President McDougal because his comments about “Black Lives Matter” are within his First Amendment rights.

### **Black Lives Matter Organization and the State Bar of Texas**

In its “Joint statement,” the leadership of the State Bar seems to be suggesting that the organization, Black Lives Matters, is one that should be applauded. However, before officially embracing the Black Lives Matter organization, the State Bar leadership should review the beliefs of the organization as stated on its “What We Believe-Black Lives Matter” website.

Here is one belief to consider:

“We disrupt the Western-prescribed nuclear family structure requirement by supporting each other as extended families and 'villages' that collectively care for one another, especially our children, to the degree that mothers, parents, and children are comfortable.”BLM website

In his Father's Day Sermon, 2008, presented at the Apostolic Church of God in Chicago, President Obama lamented the absence of fathers in the African-American community. He stated, “ But if we are honest with ourselves, we'll admit that what too many fathers also are is missing-missing from too many lives and to many homes.” According to President Obama, a functioning nuclear family is a desirable thing, something that will make black lives better, and all lives better. However, the Black Lives Matter organization is calling to “disrupt” the nuclear family. The State Bar should proceed with caution before it applauds the Black Lives Matter organization, and NOT be swept into uncritical popular support for this movement and its recognized organization.

Thank you,

Kathryn Beer Beighley  
Bar # 02040900

**From:** [Joe Riddell](#)  
**To:** [BoardofDirectors](#)  
**Subject:** Please Ask Mr. McDougal to Resign  
**Date:** Sunday, July 26, 2020 4:41:47 PM

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**\* *State Bar of Texas* External Message \* - Use Caution Before Responding or Opening Links/Attachments**

Dear State Bar Board Members,

As a lawyer for almost 50 years, I was shocked by the online posts made by President Larry McDougal, both recently and in the past. I find his "apologies" (written and video) evasive.

I am particularly disturbed that they have come from someone who has been teaching legal ethics.

His actions as a lawyer are in stark contrast to the Texas Bar's Mission Statement. If the election were held today, I do not believe that the lawyers of Texas would choose him for his office.

Please ask him to resign.

Joe Riddell  
Texas Bar No. 16886500



# Anthony T. Sortino

Attorney at Law

Tomball, Texas 77375

Phone: [REDACTED]

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July 26, 2020

*Via email: boardofdirectors@texasbar.com*

To: State Bar of Texas Board of Directors

Re: Special Called Meeting for Monday, July 27, 2020

Dear State Bar Directors:

First, I want to thank you all for the many hours that you devote to our State Bar on behalf of the members. It is very much appreciated.

After reading the posts from State Bar President Larry McDougal and the Agenda for your special called meeting, I felt compelled to contact you regarding what is about to transpire. The posting for which you apparently want to remove our duly elected President cannot reasonably be construed as anything more than his *opinion* concerning a statute cited in the post. There are no comments besmirching the character of the young lady wearing the shirt. There are no comments, good or bad, about the organization promoted on the shirt, only a statement that it is commonly known to be associated with one political party. Is that disparaging? Mr. McDougal did not state that he was president of the State Bar of Texas, nor did he even state that he is a licensed attorney. What violation of State Bar ethics rules or rules of conduct for attorneys were violated by Mr. McDougal in expressing his opinion on the statute quoted?

I implore you to think carefully about what you are apparently intent on doing in the name of the State Bar of Texas. If Mr. McDougal represented a client and made the same arguments in a Texas court of law, would you be taking this action? If Mr. McDougal posted the same picture and quoted the same statute but opined that there was no violation of the statute, would you be taking this action? If Mr. McDougal made the same posts but had more melanin in his skin, would you be taking this action? I doubt it. But whether you answer the questions in the affirmative or in the negative, there is no escaping what you doing. You are seeking to remove Mr. McDougal from his elected position SOLELY BECAUSE HE PUBLICLY STATED HIS OPINION regarding a statute!

Upon being sworn in as member of the State Bar, did we not all take an oath to support the Constitutions of the United States, and of this State? The last time I read the Constitution of the United States, it still had the First Amendment stating that "Congress shall make no law...abridging the freedom of speech, or of the press..." As accomplished attorneys, you know that a number of cases have held that the freedoms granted to U.S. citizens by the Bill of Rights were made applicable to the States by the due process clause of the Fourteenth Amendment to the U.S. Constitution (e.g. Near v. Minnesota 283 US 697). Yet the Directors of the State Bar of Texas, an agency of the State of Texas, is planning to publicly sanction or remove from office a fellow attorney for nothing more than stating a legal opinion with which they disagree and

obviously take offense. If these actions under these facts are not an attempt to diminish the free speech of Mr. McDougal, then I don't know what more it would take to do so.

There are more and more reports of persons who post something on social media that is deemed offensive, whether intended as such or not, having their employment summarily terminated. This should be disturbing to any freedom loving American. Is free speech now being suppressed by the State Bar? PLEASE, consider carefully what you are doing and the message that you are sending.

Respectfully,

*Anthony T. Sortino*

Anthony T. Sortino

SBOT #18855500