

## SBOT Motion

The authority for the President of the State Bar of Texas is set forth in Section 2.03 of the Policy Manual. It states that the “authority, duties, rights and responsibilities” of the President are those that are afforded him or her “by the State Bar Act, the State Bar Rules, this Policy Manual and the Board.”

Thus, this Board has the ability to grant and restrict the authority, duties, rights and responsibilities of the State Bar President.

There is nothing in the State Bar Act that addresses the responsibilities or authority of the President.

The only section of the State Bar Rules that addresses the authority of the President is Article 2 Section 12 which says that the President

“shall be the public representative of the State Bar and shall enunciate the policies of the State Bar as promulgated by the board, except that the Board or the president may delegate such authority under such conditions as the board may prescribe.”

Under the State Bar rules, this Board has the authority to delegate to others the authority to be the public representative of the State Bar.

Because of the recent conduct of President McDougal and grounded on his inability to perform his position and the serious questions about his ability to exercise appropriate judgment in his decisions and in his communications, I move that we the Board remove all authority of President McDougal to act or speak on behalf of the State Bar of Texas unless and until that authority is restored by this Board. More specifically, I move that

1. Pursuant to Article 2, Section 12 of the State Bar Rules, the Board delegate the authority to be the public representative of the State Bar and to enunciate the policies of the State Bar to ONLY THE FOLLOWING the Executive Director, Chairman of the Board, the President-Elect and the Immediate Past President and to authorize these four individuals, if necessary, to delegate to others of their choosing to be the public representative of the State Bar.
2. President McDougal is no longer authorized to speak for or on behalf of the State Bar of Texas. To be clear, this Motion in no way restricts Larry McDougal's freedom to exercise his own individual

free speech. This Motion merely restricting his ability to speak on behalf of the State Bar of Texas.

3. President McDougal is no longer authorized to send any communications on behalf of the State Bar of Texas. To be clear, this Motion does not restrict Larry McDougal's ability to communicate individually. This Motion merely restricting his ability to communicate on behalf of the State Bar of Texas.
4. At some time in the future, this Board could agree to restore President McDougal's ability to communicate on behalf of the State Bar and to be the spokesperson for the Bar if they Board determines that such action is warranted.