

## MOTION 1

Over the last several weeks, we have learned that our State Bar President does not have the ability to consistently and effectively exercise sound judgment. In some cases, he exercised no judgment at all and in some cases, he exercised very poor judgment. I no longer have confidence that President McDougal has the ability to exercise the judgment that is needed to enunciate the policies and positions of this Board and the State Bar of Texas. President McDougal has lost the respect of and credibility with many of our members, with many of the sections of the State Bar and, importantly, with many members of the State Bar staff.

Unfortunately, I (along with many of you) have learned that we are limited in what we can do in response to the terrible conduct of President McDougal. Our governing documents do not allow us to impeach him or force him to resign. Despite these limitations, I believe that is incumbent upon us as Board members to do what we believe is in the best interests of the State Bar of Texas, the State Bar Staff, our members and the public whom we serve, but we must do so in a manner that is consistent with our governing documents and existing case law.

The State Bar of Texas can only function effectively if our members, the public and the State Bar staff all have

confidence that our decisions and policies are based on sound judgment and accurately and effectively communicated again with sound judgment. For these reasons, the Board should delegate the authority to enunciate this Board's policies and the Bar's positions to the Chairman of this Board, the Executive Director and restrict the ability of the President to be the spokesperson for the State Bar of Texas as set forth below:

With that in mind, I make the following motion:

WHEREAS, Section 2.03 of the Policy Manual sets forth the authority of the State Bar President as follows: 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";

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

WHEREAS, under the State Bar Rules, the authority of the President to be the spokesperson for the State Bar is set forth in Article 2 Section 13 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.”;

WHEREAS, 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;

NOW THEREFORE, for the reasons previously stated about President McDougal’s lack of judgment and his loss of credibility, I move that:

1. Pursuant to Article 2, Section 13 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 this Board and the State Bar to the Executive Director and the Chairman of the Board; and
2. The authority of President McDougal to enunciate orally or in writing the positions of this Board or the State Bar of Texas is restricted as follows:
  - a. President McDougal may only enunciate orally or in writing the positions of this Board or the State Bar of Texas if he has sought and obtained the written permission of the Executive

Committee of this Board before such communication takes place; and

- b. The contents of any oral or written communication by President McDougal wherein he enunciates any positions of this Board or the State Bar of Texas must be approved in writing by the Executive Committee of this Board before the communication takes place and President McDougal is not permitted to vary from the approved communication in any respect; and
- c. To the extent that President McDougal engages in any communications in his individual capacity in a public forum, he must make it clear that he is not communicating on behalf of the State Bar of Texas and is not setting forth the positions of this Board or the State Bar of Texas.

I so move.

Alistair Dawson



**DIRECTOR**

## **MOTION 2**

I move that the Policy Manual Committee present to this Board before the end of this Bar year with its recommendations for changes in the Policy Manual and/or the State Bar Rules that would enable this Board to impeach or remove from office any Officer or Director of the State Bar of Texas including the circumstances that might warrant the impeachment or removal from office of an Officer or Director of the State Bar of Texas.

I also move that the Policy Manual Committee present to this Board for its consideration before the end of this Bar year its recommendations for a Code of Conduct to be followed by the Officers and Directors of the State Bar of Texas.

Alistair Dawson



**DIRECTOR**

There is one final point I wish to bring to the Board's attention. In the event that there is any challenge to the Motions I am making today which requires legal counsel for the State Bar or any of the Directors of the State Bar, Geoff Gannaway and Parth Gejji and the law firm of Beck Redden LP have agreed to represent the State Bar and the Directors of the State Bar on a pro bono basis if that is the desire of the State Bar and/or the Directors of the State Bar of Texas.