



PRESS RELEASE

Statement by the Poverty Law Section of the State Bar of Texas in Response to Comments by SBOT President Larry McDougal and in Support of the African-American Lawyers Section's Call to Action

FOR IMMEDIATE RELEASE

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Since officially taking office only weeks ago, State Bar of Texas President Larry McDougal has already had to issue an apology for statements and social media posts he made concerning race, women, and police brutality. The statements Mr. McDougal made most recently, and over the past few years, show a dangerous pattern in his thinking, one informed by explicit racial bias. It is unacceptable. His apology failed to address the magnitude of his statements and showed a lack of awareness that, unfortunately, is present throughout the legal profession. And that is an awareness of the explicit systemic racial biases that plague our legal system, statutes, courtrooms, and jails, and that leave thousands of Texans living in poverty.

Silence in the face of Mr. McDougal's statements is complicity in maintaining a system that ignores the undeniable injustices in our profession and society. Accordingly, the Poverty Law Section rejects and condemns Mr. McDougal's statements. We stand in solidarity with and endorse the "Call to Action in Response to the State Bar of Texas President Larry McDougal's Comments Concerning Black Lives Matter," issued by the African-American Lawyers Section (AALS), and dated July 12, 2020. The SBOT Board of Directors must have the courage to act now and reject any signs of racism in its leadership. Too many lawyers have perpetuated this system of injustice for too long, through silence, apathy, or inertia.

Our section is composed of lawyers and others in the profession who are committed to advocating for those often cast aside; for those who are denied full access to the courts because of their status. Many of our members are legal aid, nonprofit, and government attorneys, but solo practitioners and corporate "big law" attorneys also join our section because they understand the need to use the power of our bar card to serve. Daily, our section members see firsthand the impacts of this nation's history and legacy of racism. Their clients often walk into a courtroom or administrative

hearing with everything against them, not because of the facts or law, but because of their race, ethnicity, gender, sexual orientation, gender identity, disability, age, or economic status. If any positive can come out of Mr. McDougal's comments, it must be that we lawyers, and you SBOT leaders, are now forced to acknowledge that our system is broken, and it's broken because lawyers have allowed statements and actions like Mr. McDougal's to go ignored for too long.

We recognize the SBOT's efforts to address some of the inequities in our system, and we applaud its initiatives, education, and resources that help our section members, pro bono attorneys, and the Texas public. Without a doubt, these efforts have improved advocates' ability to represent the underserved and meet clients' needs. These efforts should not be overshadowed at this important time, which is why we implore the SBOT Board of Directors to implement those recommendations propounded by AALS and the joint statement of sections issued on July 17, 2020.

Our section further states unequivocally that Black Lives Matter. We believe BLM is a social movement dedicated to addressing the issues our members address in their work. It is a movement to draw attention to and bring an end to police brutality and to hold those in power accountable for their actions; it is a movement to address the inhumanity of our justice system; it is a movement to build thriving communities that are not divided by race, where all Texans can work and prosper and find justice.

Our section is also promising to take our own actions and commit to the following:

- (1) Formation of a Racial Equity Committee that our section members can join to develop solutions. This will be a working committee, and we will commit to setting goals, holding ourselves accountable, and taking action.
- (2) Racial Justice programming in our First Friday CLE series. Each month we offer one hour of CLE to our members. Moving forward we will look at all programming through a racial justice lens and work to educate our members and others on systemic racism in the civil and criminal justice systems. To that end, we also commit to reach out to our sister sections to generate discussion and partnerships and to help educate other lawyers and the general public.
- (3) Building an inclusive Council and member base. PLS strives to elect a Council that is representative of all Texans and regions of Texas. But we can always do better. We will work to achieve this through consistent communication with membership and inviting all members to become more involved in decision-making. We recognize that what happens in the legal system depends a lot on who was at the table making the laws and implementing that system. Our Council should be representative of our profession and the public, and we commit to continuing to build a Council in which everyone feels they are heard, seen, and valued.

We end with these words from the awesome American hero and civil justice crusader, John Lewis: "Sometimes you have to get in the way. You have to make some noise by speaking up and speaking out against injustice and inaction."

PLS not only stands in solidarity with our colleagues, we promise to get in the way, to speak up and out against injustice, and to take action and demand action from SBOT leaders and our profession.

Signed,

Poverty Law Section of the State Bar of Texas, 2020-2021 Council