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Sylvia B. Firth, Immediate Past President, Santos Vargas, Immediate Past Chair,
Co-Chairs of State Bar of Texas Nominations Committee 2022 President-Elect

July 20, 2022

Honorable Members of the Nominations Committee

Ladies and Gentlemen of the Nomination Committee:

My Reasons for Wanting to Serve as President of the State Bar

First of all, my desire to serve comes from the fact that I owe the profession and the State Bar of Texas and its members so much. My reasons for wanting to serve the State Bar are therefore both personal and communal.

I will start with the communal reasons. I believe I can help the State Bar of Texas with stability and continuity based upon the work of the Immediate Past President and current President. I, just like them, have no personal agenda other than to work for **all** the lawyers of the State of Texas to increase the value the State Bar can bring to its members. I have no points to prove and am obviously not seeking the position for notoriety or to place it on a job application. Continuity of purpose is important since that continuity has been interrupted at times in recent history, sometimes from internal factors and sometimes from external factors.

It is probably easier for me to “stay in my lane” than it might be for some candidates. As a former Board member and Board Chair, I am familiar with and wholly endorse the concept that the State Bar of Texas, both by statute and bylaw, is a “Board of Directors run” organization. This is as it should be. I would have no trouble working closely with the Board of Directors and its Chair, and abiding by whatever resolutions or actions the Bar takes or suggestions it makes to its officers.

With these understandings, I will have no difficulty using restraint in being one of the two people (along with the Executive Director) who can speak for the State Bar of Texas. When it is not appropriate for the State Bar of Texas to have a position on an issue in the current climate, I will simply say that it has no position.

A president who does not conflict with the Board and who does not create controversy with their statements conserves the energy of the Board and Staff so that energy can be channeled into our tasks set out in the Mission Statement.

The personal reasons why I would like to be President of the State Bar of Texas all revolve around the fact that the best people and the best lawyers I have ever met have been through work with the State Bar of Texas and with the Dallas Bar Association. My activities in Bar work have been the best professional experiences of my life. It is simple and a little selfish. I love being around other people who are active in the State Bar of Texas. That, of course, includes the Staff. I want to continue to be around those people for a considerable period of time, serve them and be energized by them.

The Important Issues Currently Facing the State Bar of Texas¹

1) **Stay Out of the Courthouse.** The first and most important issue facing the State Bar of Texas is to stay out of the courthouse. These are very divisive times, and there may be more challenges to mandatory bars such as the State Bar of Texas. The Officers and Directors of the State Bar of Texas can do it a great service by not providing any basis for another challenge. In the present climate, the State Bar must avoid self-inflicted wounds.

¹ The brevity of the page limit restricts the depth to which these points can be made. Please excuse the “outline-like” discussion of these important issues.

2) **Civility and Healing.** The State Bar of Texas needs to do everything it can with all its members, to encourage civility and promote healing among its members who have, and will continue to have very strong views about non-Bar issues and about the way the State Bar of Texas should be run, and what it should do. That will not be easy, but it needs to happen. I believe I could facilitate that, both internally and around the State.

3) **Member Benefits and State Bar Insurance.** The State Bar of Texas has to regain its footing as an organization trying to better the lot of its members, and provide more value and benefits to its members. Because of the distractions of the lawsuit, other related challenges, and Covid, there needs to be a refocus and attempted expansion of the value and benefits the State Bar of Texas can provide for its members:

A. With 110,000 members in a mandatory group whose members hopefully will not change substantially from year to year, there has to be a way to use that potential purchasing power for all different types of benefits, especially insurance of all types. Everything should be examined. The possibility is definitely there. The idea of a group health plan is tantalizing, but extraordinarily difficult, but should still be pursued.

B. There needs to be some mechanism to give attorneys comfort in going ahead with fee disputes with clients when that client is threatening to sue for malpractice or file a grievance if the fee is pursued. This happens to lawyers of all stripes – contingent, hourly, large matters and small matters, and litigation and non-litigation matters. The State Bar should study this problem and suggest possible solutions. I am repeatedly told this would be extraordinarily meaningful to the members.

4) **Practice Transition and “Meaningful Grievance Reform.”** The work that has been started in transitioning practices for infirm or deceased members needs to be continued, as does the explanation of the grievance process. “Meaningful grievance reform” has been started on numerous occasions, but has never been completed because of lack of continuity. A small, dedicated taskforce could be formed, which could then be afforded a 3-year window to come up with some meaningful changes and solutions. No attorneys seem to understand or like the grievance system. This comes up all the time.

5) **Membership Demographics.** A study group or small task force should be formed to try and project what the membership of the State Bar of Texas will be in 2030 and, if those numbers will be declining (there will be substantial “aging out” over the next 20 years), what to do about it. This is extraordinarily important. The State Bar of Texas depends on its members’ dues for the substantial portion of its operating funds every year.

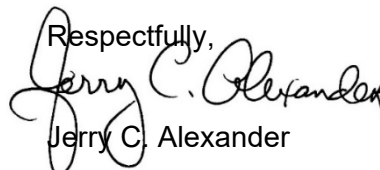
6) **The Lavaca Building and What It Needs to Move Forward.** I will be happy to continue that work with the other members of the very excellent taskforce that has already been formed for that purpose.

7) **The Committees and Sections** need to be reenergized. Covid really changed the way these very important functions of the State Bar of Texas work now, and there needs to be more face-to-face meetings, and those should be encouraged and, if possible, subsidized somewhat by the State Bar of Texas.

What’s Most Important

The most important thing we all can do with our members, and *for* our members, is to listen to them, especially those who are not Board members and who have never been involved with the State Bar of Texas. They should be encouraged to change that, and to join a Section or volunteer for some work, but all should be asked, “What would you like to see the State Bar of Texas do for you as a practicing attorney?” We can think about their answers and go from there.

Thank you very much for this opportunity. I hope this correspondence has answered your inquiries, and I look forward to the next steps in the process if I am permitted to continue, but first we have to listen.

Respectfully,

Jerry C. Alexander

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Resumé

A graduate of Southern Methodist University for his bachelors and law degrees, Jerry C. Alexander was licensed to practice law in 1972. He went to work at Passman & Jones as a courtrunner and Law Clerk in 1971 and has spent his entire career with Passman & Jones, a 70-year-old Dallas firm. He has served as the firm's President since 1998. Jerry's practice focuses on commercial litigation, bankruptcy, antitrust, trade secrets, and aviation law. He is a member of the State Bar of Texas, the American Bar Association, and is admitted to practice before numerous federal courts, including the U.S. Court of Appeals for the Fifth Circuit and the U.S. Supreme Court. Over the course of his career, he has earned the highest peer accolades, including an AV Preeminent 5.0 rating from Martindale Hubbell, and being named to *Texas Monthly* "Super Lawyers" and *D Magazine* "Best Lawyers in Dallas" lists and was notified July 14, 2022 that he is the SMU Dedman School of Law Distinguished Alumni Award recipient for 2022-2023. Jerry has consistently given back to the community and to the profession throughout his career, beginning with his service on the Dallas Community Relations Committee in the 1970s, and continuing with his work in the local and state bar associations.

Jerry was a former aide to Congressman Earl Cabell, United States Congressman from Texas' Fifth District. He has handled complex business litigation for over 45 years in the areas of antitrust, business torts, patents, trade secrets, unfair competition and labor-related business issues. He has also been involved in major litigation pertaining to officer, director and professional liability. He also practices before federal agencies, including the FTC and FAA.

Jerry's Dallas Bar Association work started early in his career when he was an active member of several committees, including the Judiciary Committee. This work culminated in work as Chair of the Local Rules Subcommittee from 1993 to 1996, and again in 1998-1999, when he led the project to revise the Local Rules of Practice for the Civil Courts for Dallas County. Jerry, along with Judges O'Neal, Godbey and Evans,¹ were instrumental in getting those Rules approved by the Supreme Court of Texas in 1999. The Rules framework and much of its text are still in use today. Mr. Alexander is also one of only three attorneys who have ever been either Chair or Co-Chair of the Judiciary Committee on two separate occasions. (The other 2 were Sam Passman and Shannon Jones, Jr.) Jerry subsequently chaired the Judicial Poll Study Group, the Vision 2020 Project, and the Dallas Volunteer Attorney Program/Equal Access to Justice Campaign in 2010, which raised \$748,000 for legal services for the poor, at the time a new record. He became Secretary/Treasurer of the Dallas Bar Association in 2008, was elected Director in 2009 and 2011, Vice-Chair, 2011, Chair of the Board in 2012 during Paul Stafford's term as President, Second Vice President, 2013, First Vice President, 2014, and President-Elect, 2015.

Jerry became the 107th President of the Dallas Bar Association in 2016. He has also served as Trustee of Northridge Presbyterian Church in 2015 and then a Session (Board of Directors) member for a three-year term, 2017-2020.

¹ All three were District Court Judges at the time. Judges O'Neal and Evans later became Justices of the Dallas Court of Appeals and Judge Godbey became a Federal District Judge in the Northern District of Texas.

Jerry has been very active in the Dallas Volunteer Attorney Program, working numerous pro bono cases and making monetary contributions annually for over 15 years. Jerry and his wife, Sherri Alexander, stepped forward to support last year's Equal Access to Justice Campaign, with a contribution of \$25,500. The Alexanders have a long and distinguished history of contributing to the Campaign. Including this gift, they have donated more than \$189,000 to legal aid for low-income people in Dallas since 2006. Jerry has also made a \$50,000 posthumous pledge to the Equal Access to Justice Campaign.

Jerry was elected as Director of District 6, Place 3 of the State Bar of Texas for the term 2017 – 2020. He served as Board Chair for the State Bar of Texas in 2019-2020. During his term as Board Chair he assisted the State Bar in learning to function in the Covid shutdown year, working with the State Bar staff (the most able staff of any organization ever!) to produce the first remote meetings of the State Bar of Texas in its history. He worked with in-house and outside counsel in defending the trial level of “the Litigation,” which ended successfully in the trial court. He was instrumental in the acquisition of 1415 Lavaca property and continues the work on making the building and grounds integrated into the State Bar of Texas Headquarters campus and making the building itself functional and useful.

Quite recently (December 22, 2021) Jerry won the leading Business Bankruptcy case of James Cunningham, Trustee of the Bailey Tool, et al. vs. Republic Business Credit, being awarded a \$16 million Judgment, and reestablishing the business tort of lender liability in the Northern District of Texas.

Jerry is also a great believer in the State Bar of Texas Mission Statement:

The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law, and promote diversity in the administration of justice and the practice of law.

When he was Board Chair in 2019-2020, he instituted its recitation by all members of the Board at the close of every meeting, which is still in practice today.