



## Thomas E. Myers

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### Practices

School Law

Construction

Employment

Litigation

### Certification

Board Certified,  
Consumer and  
Commercial Law, Texas  
Board of Legal  
Specialization

Board Certified,  
Criminal Law, Texas  
Board of Legal  
Specialization

### Education

**J.D.** Baylor University  
School of Law, 1979

**B.S.** Baylor University,  
1976, *cum laude*

**Tom Myers** has practiced in the area of school law for over 20 years representing boards of numerous independent school districts, charter schools, and private and independent schools. He advises public and private educational entities in all aspects of school law including construction, real estate, personnel, student discipline appeals, open government, and employment and business contracts. He has successfully represented schools before the Texas Commissioner of Education as well as federal and state district and appellate courts.

Mr. Myers chairs the Construction Contracts Committee of the Texas Association of School Boards, Council of School Attorneys, and was instrumental in drafting the model construction contract amendments used by school districts throughout the United States. He is also a frequent speaker at state and national education conferences. He is a trained mediator and is proud to still hold a Texas teaching certificate.

Mr. Myers is Board Certified in both Consumer and Commercial Law and Criminal Law by the Texas Board of Legal Specialization – a mark of excellence and distinguishing accomplishment achieved by fewer than 10% of practicing attorneys in Texas. To achieve board certification, Mr. Myers was required to pass a rigorous examination and demonstrate extensive expertise and knowledge in his specialty area. He must also engage in a continuous course of study in his specialty.

**Bar Admissions**

State of Texas, 1979

U.S. Supreme Court

U.S. Court of Appeals,  
Fifth Circuit

U.S. District Court,  
Northern District of  
Texas

U.S. District Court,  
Western District of  
Texas

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**Memberships**

State Bar of Texas

Tarrant County Bar  
Association

Texas Association of  
Defense Counsel

Texas Criminal Defense  
Lawyers Association

Texas Association of  
School Boards Council  
of School Attorneys

National School Boards  
Association Council of  
School Attorneys

College of the State Bar  
of Texas

Mr. Myers represents clients in consumer law cases, primarily involving construction and insurance issues. He began his career working as an Assistant District Attorney with the Tarrant County District Attorney's office and continues to represent individuals in a wide variety of criminal trials.

Mr. Myers is rated AV Preeminent by *Martindale-Hubbell Peer Review*, signifying the highest level of professional excellence and adherence to the highest ethical standards – a distinction achieved by fewer than 5% of attorneys nationwide. He was recognized by Thomson Reuters in *Texas Monthly* from 2005-2017 as a Super Lawyer in Schools and Education Law – signifying a high degree of peer recognition and professional achievement in his practice area. He was also chosen by his peers for inclusion in the List of Top Attorneys for Consumer Law for 2013 in *Fort Worth, Texas Magazine*, and in Education Law for 2012, 2014, and 2017.

**Professional Recognition**

Rated AV Preeminent, *Martindale-Hubbell Peer Review*

Super Lawyer in Schools and Education Law by Thomson Reuters, *Texas Monthly* (2005-2017)

List of Top Attorneys for Consumer Law (2013), Education Law (2012, 2014, 2017) in *Fort Worth, Texas Magazine*

Chairman, Construction Contracts Committee, Texas Association of School Boards, Council of School Attorneys (2004-present)

Chairman, Texas Association of School Boards, Council of School Attorneys (2007-2008)

Director, State Bar of Texas School Law Section

Associate Editor, Baylor Law Review

Fellow, Texas Bar  
Foundation

Fellow, Tarrant County  
Bar Foundation

## **Experience**

*Linda Eaton-Stephens v. Grapevine- Colleyville ISD; USDC No. 4:15-CV-582-BJ*, October 2016, affd., U.S. Court of Appeals, 5<sup>th</sup> Cir. (2017 WL 5325807)

Court granted summary judgement in an employment discrimination case.

*G.M. v. Aledo Independent School District and Ron Shelton; USDC No. 4:14-CV-19*

District's Motion to Dismiss granted in bullying case.

Dismissal affirmed by the Fifth Circuit Court of Appeals and review denied by U.S. Supreme Court.

*Eagle Mountain-Saginaw Independent School District v. Texas Attorney General*, Travis County District Court (2011)

Overtured Attorney General opinion which would have required disclosure of superintendent's evaluation under The Public Information Act.

*Ogletree v. Glen Rose Independent School District*, 443 Fed. Appx. 913 (5th Cir. 2011)

Fifth Circuit affirmed summary judgment in a Title VII retaliation case and affirmed award of attorney's fees in favor of school district.

*Ogletree v. Glen Rose Independent School District* (W.D. Tex. 2010)

District court granted summary judgment in a Title VII retaliation case.

*Ogletree v. Glen Rose Independent School District*, 314 S.W.3d 450 (Tex. App.—Waco 2010, pet. denied)

Appellate court upheld summary judgment on a former teacher's breach of contract and § 1983 claim of sex discrimination.

*Eagle Mountain-Saginaw Independent School District vs. Rogers*, No. 184-LH-0609 (TEA Independent Hearing

Examiner 2009)

Hearing examiner recommended termination of teacher by school district.

*Roberts v. Marlin Independent School District*, Travis County District Court (2005)

Former teacher's claims dismissed for lack of jurisdiction.

### **Publications**

"Building a Better Contract," *American School Board Journal* (October 2011)

"I'm Aggravated, You're Aggravated - But Is It a Felony?: Aggravated Assaults and Chapter 37 Disciplinary Actions," *School Law Section Newsletter*, State Bar of Texas (1996)

"Contemporary Community Standards in Obscenity Prosecutions *Smith v. United States*," *Baylor Law Review* (Spring 1978)

### **Presentations**

*Construction Contract Committee "Real Life Questions and Answers On Texas Construction Contracts"* TASA/TASB Convention (2017)

"*Construction Update*" CSA Education Law Conference (2017)

*Post Legislative Update Workshop (Purchasing and Acquisition)* Region 11 ESC (2017)

*FERPA "Your Top 10 Questions Asked and Answered"* ELA Annual CNF (San Diego) (2017)

*Your Top Ten FERPA Questions Asked and Answered* ELA/DFW Conference (2017)

*“Grievances” (Employee Training) Birdville ISD – Employee Training (2017)*

*“We’re running a little late” – Managing school construction delays and defects. TASB Convention, Houston, TX (2016)*

*“Real Life Questions and Answers On Texas School Construction Contracts” TASB Convention, Houston, TX (2016)*

*“The Americans With Disabilities Act,” Eagle Mountain-Saginaw ISD (2016)*

*“2016 Ferpa Update: Back To The Basics (Or Back To The Future?)” NSBA Council of School Attorneys Legal Services, Boston, MA*

*Education Law Association/Private School Seminar “Before You Build: What Schools Must Know before Signing Construction Contracts” ELA/DFW Private School Seminar*

*Before You Build, National School Board Association Annual Conference*

*Your Top Ten FERPA Questions Asked And (Hopefully) Answered, National School Board Association, Council of School Attorneys School Law Seminar (2014)*

*School Safety: Have Gun Will -?, Education Law Association Spring 2014 Regional Meeting*

*Critical Steps to a Successful School Construction Project, Texas Association of School Business Officials Annual Conference*

*Building A Better School Construction Contract, Texas Association of School Administrators Mid-Winter Conference*

*School Law Construction Update, Texas Council of School*

Attorneys Education Law Conference

*Building a Better School Construction Contract*, Texas Association of School Boards Annual Convention

*School to Prison Pipeline*, Texas Association of School Boards Annual Convention

*2013 Legislative Update*, Brackett & Ellis Workshop for School Administrators

*Construction Procurement: A "How To" Guide*, Texas Association of School Administrators Mid-Winter Conference

*Critical Steps for a School Construction Project*, Texas Association of School Boards Annual Convention

*Construction Contracts*, 2011 Lone Star Regional Purchasing Conference and Exposition

*Lessons Learned in Termination Cases*, Region XI Principal Preparation Program

*What, When, How, Who? A Conversation on the Ethical Issues Related to Selected Attorney Reporting Requirements*, 2010 School Law Section Retreat

*Building a Better Construction Contract - School Specific Amendments to 2007 AIA Contracts*, National School Board Association

*Safe Schools: Perceptions, Reality, and Practical Suggestions*, UT School Law Seminar (2009)

*Before You Build: What School Districts Must Know Before Signing Construction Contracts*, Tennessee School Board Association

*If You Build It, Before They Come, Make Sure Your*

*Construction Contracts Properly Protect Your District Clients*, National School Board Association, Council of School Attorneys School Law Seminar

*The Tie That Binds: Drafting the Construction Documents*, Texas Council of School Attorneys Construction Law Conference

*"Blinded by the Light" or "Slippin' into Darkness"?: Electric Deregulation and Section 44.031*, Texas Association of School Boards, Council of School Attorneys

*When Bad Things Happen at Good Schools*, Texas Association of School Boards Annual Convention

*Late Breaking Issues and Title IX Update*, University of Texas School of Law, 13th Annual School Law Conference

*How to Document Employee Misconduct and How Much Documentation Is Necessary to Support Termination or Nonrenewal*, Ninth Annual Texas Association Secondary School Principals - Legal Digest Conference on Education Law for Principals

*Criminal Laws Applicable to Public Education*, 10th Annual Summer Retreat, School Law Section of the State Bar of Texas

### **Community**

Director, San Marcos Baptist Academy

Director, Ministers Mentoring and Consulting Services

Director, Dispute Resolution Services (2008-2013) – Volunteer Mediator

Deacon, First Baptist Church, Arlington, Texas

Deacon Chairman, First Baptist Church, Arlington, Texas  
(1990-1991)

President, Kiwanis Club of Arlington – Six Flags Sunrise  
(1989-1990)

Kiwanian of the Year, Kiwanis Club of Arlington (1987)

Layman of the Year, Kiwanis Club of Arlington (1983,  
2001)

Leadership Arlington