



## Thomas E. Myers

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### Practices

School Law

Construction

Employment

Litigation

Mediation

### Education

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

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

### Bar Admissions

State of Texas, 1979

U.S. Supreme Court

U.S. Court of Appeals,  
Fifth Circuit

U.S. District Court,

**Tom Myers** has practiced for over 40 years and has primarily practiced in the area of school law for over 25 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 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 schools in a wide variety of criminal law matters.

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

Fellow, Texas Bar  
Foundation

Fellow, Tarrant County  
Bar Foundation

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 2005-2022 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 – 2021 and in Education Law of *360 West Magazine*, 2017 – 2021.

**Professional Recognition**

Kelly Frels Lifetime Achievement Award, *State Bar of Texas, School Law Section 2022*

Rated AV Preeminent, *Martindale-Hubbell Peer Review*

Super Lawyer in Schools and Education Law by Thomson Reuters, *Texas Monthly* (2005-2022)

List of Top Attorneys for Consumer Law (2013), Education Law (2012, 2014, 2017-2021) 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 (2012-2018)

Associate Editor, *Baylor Law Review*

## **Experience**

*308 Construction, LLC v. Birdville ISD*; Cause No. 236-330556-21; In The 236th District Court of Tarrant County, Texas; Breach of construction contract.

*Stacy Bailey v. Mansfield ISD*, Civil Action No. 3:18-cv-01161-L; In the U.S. District Court Northern District of Texas Dallas Division. Equal protection due to sexual orientation.

*Mansfield ISD v. Pamela Jefferson*; Docket No. 006-LH-10-2020; Before Christopher D. Freeman, Independent Hearing Examiner, Texas Education Agency. Allegations of discrimination on the basis of disability.

*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)  
Overturned 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**

Your Top Ten Eleven FERPA Questions – Asked and (Hopefully) Answered 2019 Update, *National School Board Association*

2016 FERPA UPDATE: BACK TO THE BASICS (OR BACK TO THE FUTURE?), *National School Board Association*, 2016

YOUR TOP TEN FERPA QUESTIONS – ASKED AND (HOPEFULLY) ANSWERED, *30th Annual School Law Conference*, 2015

“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**

*Religious Expression in Schools*, Aug. 10, 2022, Glen Rose ISD

*Building a Better School Construction Contract*, TASA/TASB Conference, 2021 and 2022

*Building a Better School Construction Contract*, Texas Association of Community College Attorneys, 2020

*THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT: RECOGNIZING AND PROTECTING STUDENT INFORMATION*

Ed311 Education Law for Principals, June 15, 2020

*Personnel Issues Moving Forward: Legal Issues & Practical Strategies* (Panel Webinar – TEM) Ed311 and TASSP Principals Webinar, June 9, 2020

Ed311 and TASSP Principals Webinar  
June 9, 2020

*More than FERPA: Online Learning Now and in the Future*  
COSA Webinar, April 22, 2020

*FERPA Update*  
Region 10 ESC, Dec. 11, 2019

*2019 “Legislative Update”*  
workshop for clients. Oct 18, 2019

*Legislative Update re Construction*  
TASBO/NTPSM, Oct 17, 2019

*FERPA Update*

Texas Assoc. of School Boards' Council of School Attorneys, Sept. 22, 2019

*Building a Better School Construction Contract*

TASA/TASB Convention, Sept 21, 2019

*Legislative Update - New Texas Construction Laws*

TCBA Construction Law Section, Aug 15, 2019

*"FERPA, Videos, & Law Enforcement"*, NSBA Webinar, April 17, 2019

*"Your Top Eleven FERPA Questions – Asked and (Hopefully) Answered – 2019 Update"*, NSBA SCHOOL LAW SEMINAR (2019)

*"Building a Better School Construction Contract: Recommended AIA Contract Revisions"* NSBA Webinar, January 10, 2019

*"What Do School Lawyers Do?"* Juvenile Law Seminar/TCBA (2018)

*Construction Update* TASB/CSA Construction (2018)

*"Building a Better School Construction Contract: 2018 Updates Recommended AIA Contract Revisions"* TASA/TASB Convention (2018)

*"Building a Better Construction Contract"* NSBA/COSA School Law Seminar (2018)

*"Grievances"* Birdville ISD Employee Training (2017)

*"Your Top Ten FERPA Questions Asked and (Hopefully) Answered"* ELA Annual CNF (2017)

*"Purchasing and Acquisitions"* Client Post Legislative

Update Workshop (2017)

“Construction Update” Council of School Attorneys (2017)  
*“Real Life Questions and Answers on Texas Construction Contracts”* TASA/TASB Convention (2017)

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

*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)

“Your Top Ten FERPA Questions Asked and (Hopefully) Answered” ELA Annual CNF (San Diego) (2017)

*Your Top Ten FERPA Questions Asked and (Hopefully) 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**

Trustee, San Marcos Baptist Academy (2011-2020)

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