

A large portrait of Tommy Proctor, a middle-aged man with glasses, wearing a dark suit, white shirt, and a red tie with a small pattern. He is smiling and looking towards the camera.

Building a Sense of Community

*An Interview with
HBA President
Tommy Proctor*



Tommy, Beth and Emmie Proctor, a cheerleader at St. John's School.

THL: Where were you born and where did you grow up?

Proctor: I was born in Austin while my father was assistant dean of the law school at the University of Texas and my mother was on her second baby break on the path to getting her law degree from UT. I grew up in Houston after Dad joined the firm then known as Fulbright Crooker Freeman Bates & Jaworski.

THL: Tell me about your family.

Proctor: My parents, born and raised in Texas, met and married at the University of Texas as undergraduates before World War II. Dad joined the Army and was assigned to the U.S. Army Air Corp's musical production, "Winged Victory," a Broadway show and movie designed to support the war effort. Mother was under contract to 20th Century Fox during this time. After the war, Mother and Dad returned to complete their business and law degrees, while some of their friends pursued show business careers. I remember names like John Forsythe, George Reeves (Superman!), Red Buttons, Edmund O'Brien and Karl Malden. Dad's career was spent with Fulbright as their administrative partner.

My mother was in law school when there were few women in law school. I understand she graduated number three in her law class, but did not practice law, except for handling an occasional pro bono matter. She began working as a child to help her mother support five children during the Depression, and she worked her way through the University of Texas.

My sister, Linda, devoted her career to working on behalf of children and recently retired from Children's Protective Services.

Dad was the weekend cowboy for as long as I remember. We rode in the pre-rideo trail rides throughout the sixties into the seventies, and he raised horses and cattle.

THL: Where did you go to school in Houston?

Proctor: I went to Hunter's Creek Elementary, Spring Branch Junior High School and Memorial High School. I followed in Dad's footsteps to some extent. I played



The Proctor family, circa 1956: Linda, Pat, Tommy and Jack.

guitar for Young Life, and played keyboards in a "combo." Our lead singer was Steven Tyler – no, not that Steven Tyler – although he did move to California, which broke up the band.

From my parent's perspective it was important to work, so I worked every summer since junior high. My first summer job was as a janitor for the Bank of the Southwest building. I worked in the mail room at Baker Botts for four summers, installed telephones for Southwestern Bell Telephone for two summers and had part-time jobs in college at a store and a state agency. I went to Alaska and worked on the Trans Alaska Pipeline the summer of 1975 and much of 1976, before returning to college to graduate in 1977.

THL: Where did you go to college and law school?

Proctor: For my undergraduate degree, I went to the University of Texas at Austin. I completed a business degree at UT and graduated from South Texas College of Law in 1980, having clerked during law school for Wayne Fisher at what was then Fisher, Roch & Gallagher.

THL: What was your first job out of law school?

Proctor: I went to work for the Harris County District Attorney's Office as a prosecutor for four years, trying over 100 cases. I enjoyed it immensely, and I learned to be a trial lawyer there. I left to learn the civil side with Giesel Stone Barker & Lyman, where I worked until I joined the Boyar Norton & Blair firm, where, as a litigation shareholder, I had a mediation and commercial trial practice.

THL: How did you get involved in mediation?

Proctor: While at Boyar, Norton & Blair I did a moderated settlement conference through the HBA. In December of 1989, I met Gary McGowan, who had just left Susman, Godfrey & McGowan, through a moderated settlement conference. We were discussing our concerns with the state of affairs in civil litigation at the time – the growing costs of litigation, how long it took to get through the courthouse process, the frustrations of our clients. We talked about the thoughts of a "better way" as mediation had been described. Gary was talking to Steve Brutsche in Dallas, a pioneer of court-annexed mediation, about training a start-up group in Houston to help get mediation started here. Gary and Nancy Atlas invited me to join that first group.

A few judges gave our initial group of five mediators 100 cases to get started on, to see how it would work. That was the beginning of court-annexed mediation in this region, on anything other than an isolated basis.

My practice is primarily mediation.

I have conducted over 3,000 mediations, but I also do some arbitration and litigation consulting. I was the national president of the Association of Attorney Mediators in the early nineties. I'm also a Fellow of the International Academy of Mediators, a group of providers, academics and trainers from many states and countries where mediation is prevalent.

THL: Who were your mentors as you were growing up and in your career?

Proctor: Certainly my father. He is still the source of wonderful memories and inspiration. And law partners and close friends of his that I've known since I was a kid and always went to with questions, including Charles Saunders, Blake Tartt and Royce Till. They were all good role models for the profession and personal role models for me. But my father stands out; I never forget who he was to me and others he touched.

THL: How did you get involved in the HBA?

Proctor: I was actively involved in student association activities as an undergraduate, and continued that interest



Beth, Emmie and Tommy Proctor at their country home, along with Pudge, the family pet.

as the law school representative to the ABA/YLD and HYLA from South Texas during law school. As a young prosecutor, I worked with the Juvenile Justice program. I would go to the Harvest Party

every year and participate in some activities, but I recall very little bar participation by my employers during my years as a younger lawyer.

My introduction to bar leadership followed a "perfect storm" of several experiences while a solo practitioner. First, I had a problem with the HBA Pictorial Roster. I was complaining about it to an HBA board member, Andy Hanen, who in essence challenged me to get involved and do something about it. Then I worked on Habitat during the Jimmy Carter "blitz build" that summer. Then I participated with an HBA CLE program. I looked at the board participation as a way to stay active and involved. So I ran for and was elected to the board, and incidentally, chaired the Pictorial Roster Committee that year under President Hanen as my first board assignment.

THL: Why do you think the organized bar is still important in the profession today?

Proctor: The relevance of the bar is greater to some than to others. But, whether it's important to the individual or not, it is important to the profession. It is a mechanism by which people can participate and interact. The organized bar provides a voice on issues that are important to our profession and to our community. I think we also provide opportunities for our members to "scratch an itch" to serve our community and our profession, and through that service, show we care about our community. It provides many services to the profession and is a conduit for service to the community.

Some hold the perception that the HBA is a "big firm" bar. But, if you look at the membership percentages and participation, that is just not the case. The firms do contribute much to the bar, but there is ample participation and leadership opportunities for small firm, corporate, government and, yes, even solo practitioners like me.



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THL: How do you combat that perception of the HBA as a “big firm” bar?

Proctor: I’m not a mandate kind of guy. When you talk about issues of diversity – whether practice groups, geographical groups, ethnic groups – if people want to participate, we need to make sure they know we want them involved. But I don’t think we should mandate their participation. I want to find out if they don’t feel welcome or why they don’t choose to engage, then conceive of ways to address that.

THL: What do you see as the role of the bar president, in general?

Proctor: The HBA president oversees the management and staff of the bar and its activities. You are a shepherd and a spokesman for the local bar. The president needs to be a cheerleader to help make things continue to happen, and a lightning rod to receive and react to con-

cerns. You receive comments and ideas from the members, the judiciary and the public, process that information, and work to implement the ideas and solve the problems.

One wonderful aspect is that if you

periodically, add new things and drop off some things. It is an organization with traditions, but needs to remain fluid enough to respond to a changing community and profession.

THL: Specifically, what would you like to focus on during your administration?

Proctor: One focus will be a new component to our work with Habitat for Humanity. I have a true affinity for our work with Habitat. I enjoy the collective effort to build the houses. Look at the history of America, back to the days of barn raisings. Isn’t that what a Habitat house is? It’s a modern day version of a barn raising. It’s the community rallying together to help somebody in need and, once again, we will try to build two houses this bar year.

Our new project will have volunteer attorneys draft wills for all new Habitat



Tommy joins other HBA volunteers in providing legal advice for victims of Hurricane Katrina.

have a new idea for a project, you can implement it. We have many community service projects and professional activities that have been going on successfully for years. We tweak them pe-

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homeowners. We will also provide education on wills and estate planning. This class will be included in the educational component that Habitat requires in preparation for home ownership. This new component allows people who don't want to hammer the nails to still be involved in the barn raising.

During Hurricane Katrina, we rallied our members to help our legal services efforts and our work with the efforts at the Toyota Center and our hugely successful clothing drive. That kind of work demonstrates we care. Those things tell the community something about who we are, which is usually not what they hear. I received a note from a member of the Rockets' staff who said, "I didn't know lawyers could be such good guys. You've changed my whole impression about lawyers."

We're a multi-faceted, diverse group of people, both in makeup and interests. If you don't want to hammer nails, and you're more comfortable writing and producing a legal document, hey, we've got a place for you. Or, you can contribute and help fulfill the mission of the bar by hammering some nails or collecting clothing or handing out toys to kids. I want to continue and build on those traditions of service to our community.

THL: Any other bar program that you want to initiate or make changes in this year?

Proctor: I think the issue of mental health is important. The State Bar has produced a new DVD on depression, "Practicing from the Shadows," which we will incorporate into our programming. We want to bring this serious problem, disproportionately affecting the legal profession, to the forefront. I think it's still a very closeted subject. I think it's important to help educate our profession about how to recognize it and how to help.

And, we will continue to do good things in the community, to support the profession, and to let the community see what we do. But, not just as self-promotion. Not through lawyers saying they are

great, but through lawyers doing great things.

THL: Tell me about your immediate family and what you like to do outside of the practice of law.



Tommy says he enjoys working on Habitat homes because they are "a modern day version of a barn raising" that promotes a sense of community.

Proctor: My wife, Beth, went to the University of Texas ahead of me and we did not know each other there, although we had mutual friends. We met through the Junior League when I performed in their Charity Ball at the Shamrock and she was one of their great looking "walking ads"! Beth is very talented, artistic and creative.

We have a 16-year-old daughter, Mary Elizabeth, known as Emmie. She's going into the 11th grade at St. John's. Emmie was very active in HITS Theatre until she got interested in sports in middle school. She's been in six major productions at Miller Theater, doing things like *Sound of Music*, *the Wizard of Oz*, *Fiddler*. At St. John's, she is involved in theater, runs track, plays volleyball, is a cheerleader, and, to top it off, she is a great student. We have supported her and participated in all of her activities from the beginning, sometimes to her chagrin, I suspect.

We have had a place in the country since our daughter was about two years old. We used to go there fairly regularly. I loved to ride the tractors, dig in the dirt, and undertake various farm projects. As of late, however, I've capitulated to the reality of having a teenage daughter with her own activities that supplant my desires to go to the farm every weekend. So, I've dusted off my golf game. I've tried to get Beth interested, but she is waiting until Emmie goes off to college.

THL: What do you think has changed most about the practice of law since you started practicing?

Proctor: I was exposed to law firms, lawyers, the profession, from an early age. I believe there was a decline in the civility, the friendliness, the cordiality, through the years. There was always a camaraderie of sorts, but the bar got so big, so diverse, that you could actually handle a case with a lawyer that you would never see again in your professional career. I do think the profession has been helped somewhat by the negative reaction several years ago to so-called 'Rambo' tactics, so I do think there's been a little cultural shift back, at least in my own world.

Also, there have been changes in our judicial system, our courts, in the ability to seek justice. I've seen a number of what we've always referred to as "pendulum shifts." This time, though, the pendulum has never reached an apex. It seems like there are forces at work that keep pushing it further and further out. We've seen the demonization of lawyers and lawsuits by our country's leaders and selected business interests, and through a feeding frenzy of the media seizing upon the negative. I think that has unfairly contributed to an overall poor image of lawyers. Certain business and political agendas have been well served by the assault. I think this has done our legal system an injustice, weakening the third branch of government and the rule of law. Hopefully we will see a move back towards some equilibrium during my career. 🛠️