

Open Letter by James Holmes (Class of 1995) to Administrators of the University of Texas School of Law and Its Alumni

September 22, 2025

As you know, our Law School educates mostly Texans, who then work primarily in various fields in Texas or nearby states. Accordingly, we share the stewardship of the most important school for teaching and influencing law in the nation's most preeminent economic region. This stewardship comes with weighty responsibilities. As we collectively consider our responsibilities, I wish to share my own views on legal educations and law practices. In my 30 years of practicing law, I have found that the following views are commonplace and strongly-rooted in the Texas business community and are becoming more persuasive in the Texas legal community.

I have strong aspirations for a time when our State's legal profession and law practice would exclusively foster a vibrant business environment. In the same vein, I aspire that our legal profession and law practice would promote a vibrant environment for our State's healthcare system and healthcare professionals, as well as the same kind environment for its insurance, technology and energy industries.

Accordingly, I disapprove of, eschew, and actively work against any law practice (or public-policy initiative) that contravenes what I aspire towards, such as (a) those legal practices that beleaguer and beset with litigation the foregoing communities, especially via entrepreneurial or contingency fee-based litigation; or (b) legislative initiatives promoting increased lawsuits against these communities. After all, Texas's business, healthcare, technology, insurance, and energy communities employ a great number of Texans and have positioned this State as the nation's preeminent economy. Consequently, Texas's policy objectives – as seen in legislative initiatives and broad political developments – have justifiably favored these communities for the past 35 years. That trend should continue for decades to come. We call this trend “The Texas Miracle” – and our State is the envy of the nation for it.

Under my stated perspective – one consistent with the past 35 years of Texas's policy – I walk about the Law School's facilities holding strong and approving feelings about the worthiness of certain persons whose images and names appear there. More importantly for this letter, however, I hold strong and very disapproving feelings about the lack of worthiness of other persons appearing on those facilities. My perspective guides my feelings and assessments; simply put, many of the Law School's recognitions cut sharply against my aspirations for a harmony between the State's legal profession and the business, healthcare, technology, insurance, and energy communities mentioned above.

Other alumni, or other interested Texans, would apply their own perspectives to the Law School's recognitions by display. Most likely, a person with a plaintiff-lawyer's perspective would assess the Law School's recognitions in a way diametrically opposed to my own. Also, a person with a sole and exclusive social-justice perspective would have a mixture of approving, disapproving, and neutral feelings and assessments about the recognitions, which might somewhat differ from my own.

In deciding how to use school facilities for recognitions, could any administrator for the Law School – working independently or in coordination with the U.T. Law School Foundation (<https://utlsf.org>) – confidently know *which perspective* is the correct one: mine, the plaintiff-lawyer's, or another one? The difficulty in choosing and adhering to the correct perspective becomes only more complex in light of each administrator's responsibility of using state facilities in furtherance of this State's policy objectives, including its objectives for legal educations and law practices.

Consider the display just to the right of the Tarlton Law Library's entrance. When I was a student at the Law School from 1992 to 1995, there my fellow students and I would observe a painting of plaintiff's lawyer Joe Jamail and several jovial older men – all in golf attire, drinking beverages from small cups. When I inquired what the painting meant and why it was there, I was informed that this display (on a state facility) celebrated Jamail's legendary plaintiff's victory in the now-infamous *Texaco v. Pennzoil* case of the 1980s, which more than any other event in Texas's history resulted in thorough and lasting civil justice reforms – for the good of the State, and for the protections of civil-lawsuit defendants like Texaco (Jamail's opponent).

Wisely, the Law School – through a dean's efforts, or that of the Foundation, or both – replaced the Jamail golf-attire, drinking-party painting with a wonderful painting of Heman Sweatt, including a plaque explaining the importance that Sweatt and our Law School played in the American civil rights movement. Now, when a young Texan law student enters the Tarlton Law Library, he or she sees a display of lasting historical significance, which improves the student's educational environment and promotes the State's policy objectives for honoring civil rights.

Given the difficulties and, frankly, politics of selecting the proper perspective for using the Law School's facilities for recognitions, I commend the following **parameters**, which I have often shared with the Law School and the Foundation as I make my periodic charitable donations:

Ever since I was a U.T. Law School student, I've always believed the Law School as a state institution should display names and images only of important professors and deans (Charles Alan Wright, Leon Green, John Townes, *e.g.*); legacy Texan families (Moody, Littlefield, *e.g.*); distinguished jurists and public servants (Kay Bailey Hutchinson, Thomas Clark, Wallace Jefferson, *e.g.*); and civil rights figures and social progressives (Heman Sweatt, Alice Sheffield, Carlos Cadena, *e.g.*), without regard for private donations. Of course, *only* the foregoing merit the prestige and imprimatur resulting from display in a state institution.

No one could argue convincingly that any private practitioner merits recognition by display more so than persons within these foregoing, principled parameters – especially private practitioners obtaining recognition by making large donations.

There is the problem of the Law School's encouraging – or downright getting – large or sustained donations in exchange for recognition by display on a state facility. I am well aware that many private practitioners, especially those covetous of prominent public display, benefit professionally from recognition on state facilities, and their law practices prosper accordingly – even when those law practices are actively inconsistent with this State's policy objectives and the Texas Miracle. I am also well aware that in the future our Law School's administrators will be challenged to obtain

large or sustained private donations so that they can attract superior law-school candidates with scholarships, not losing them to Baylor, SMU, or elsewhere.

I truly sympathize with the Law School's fundraising challenges, and, accordingly, I regularly make donations to the Law School for its scholarship fund. Nonetheless, the School's desire or need for fundraising does not warrant a departure from the foregoing, principled parameters for persons meriting display on state facilities. I urge you and future Law-School stewards to cultivate a donor base that gives consistently – and without expecting recognition by display on the Law School's facilities.

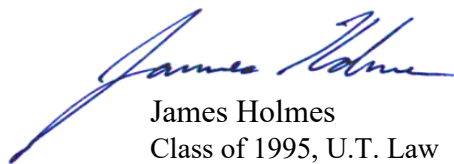
There could be a season or more of diminished donations should the Law School adhere to the principled parameters for recognition by display. So be it.

Diminished donations would be the sacrifice to bear as the current administrators chart a proper and sustainable course for using the Law School's facilities for recognitions. Diminished donations would be the sacrifice we bear as the Law School seeks to use state facilities in furtherance of this State's plain and undisputed policy objectives, especially those of fostering vibrant business, healthcare, technology, insurance, and energy communities by and through the law and legal practices. Finally, diminished donations would be the sacrifice we bear as we leave to posterity a worthy and lasting usage of the facilities. We should show our principled insight, which we should take up now, to those young Texan students in 2050 or 2075 who will think on the persons displayed and recognized on School facilities.

I am hopeful that diminished donations will not result from my proposed path forward, but just the opposite. Donations may grow, and the donor base may grow, when the Law School no longer uses its facilities to recognize large-donor private practitioners to the exclusion of other persons or in a way objectionable to many.

The Law School's alumni constitute some of the finest and most-insightful legal minds in the nation. That collective body will respect the Law School's adherence to the parameters above for recognitions by display, understanding their sustainability, avoidance of controversy, and prescience for our State's future. They certainly will understand that we must use the facilities in some better way – for the benefit of those young Texan students who experience the facilities in the years to come.

Sincerely,

A handwritten signature in blue ink that reads "James Holmes". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

James Holmes
Class of 1995, U.T. Law
Editor, *Texas Law Review*
Vols. 72 & 73³

³ My fellow Volume 73 editors and I edited all of Volume 73 and most of Volume 72 preceding it. Thus, I get to claim Volume 72 as well.