

COUNSELOR AT LAW

Buck Files Takes Office as President of the State Bar of Texas

By Lucy L. Marchman

Buck Files is giving his mother a very special birthday present this year. On June 15, the day Allene Files turns 98 years old, she will be in attendance to see her son sworn in as the 132nd president of the State Bar of Texas. For Allene Files' son, the moment will be the culmination of many years of hard work and dedication to his chosen profession — a profession he cares deeply about and has spent many years giving back to through service to his colleagues, his clients, and the Bar. When Buck was growing up, his mother often said “actions speak louder than words.” He has taken those words to heart in his approach to his life.

Buck was born and raised just east of Tyler, in Kilgore, a community that did not have a courthouse and only had about seven lawyers. His father, F.R. Files, Sr., owned a small trucking business. (The younger Files received the nickname “Buck” from a lullaby his paternal grandmother used to sing when he was a baby. He went by “Fred” for a time at law school but determined that “Buck” just fit better.)

After Buck became a lawyer, his father was elected to two terms as a non-lawyer county judge in Rusk County. He was known to have common sense and a good work ethic and was never reversed by a higher court. After his father died in 1967, Buck took his father's chair to his office where it faces a picture of his father and paintings of the Rusk County Courthouse and his childhood home. “Sometimes, I'll sit in the chair and ponder how my father would have responded to a certain problem,” Buck said.

Buck left Kilgore after high school to attend Austin College, a 163-year-old liberal arts college in Sherman, as a history major. He graduated in 1960 and has remained a staunch supporter of the school ever since. Buck is beginning his 10th year on the board of trustees and is notably proud of the school and its students. He pointed out that, from a student body of 1,300-plus, six graduates last year were named Fulbright Scholars. Buck also has taught an anti-hazing course for the last five years for the school's Greek fraternities and sororities. (He's also filming a TexasBarCLE webcast on hazing later this year with Southern Methodist University's general counsel.)

Austin College is also something of a family tradition. His wife, Robyn, also attended the school, as did their daughter, Jennifer.

Buck and Robyn met in high school at a Presbyterian church camp and married in 1962, before Buck's third year of law school at SMU. They will celebrate their 50th wedding anniversary on Sept. 8 of this year.

“Robyn has been a law student's wife, a Marine's wife, a prosecutor's wife, and a defense lawyer's wife,” said Buck. “She has shared in all of my highs and lows.”

Like many Marine Corps wives, she spent 13 months waiting for Buck to return from Okinawa and Vietnam.

In September 1963, while waiting for his orders to active duty to come through, Buck was sworn in as a member of the State Bar. (He will celebrate another milestone next June when he's honored as a 50-year lawyer.)

“That time was a defining moment in my life,” said Buck of his years in the Marine Corps. His first courtroom room experience as a young Marine lawyer came in Hawaii. “It was a marvelous introduction into the practice of law. No quarter was asked and no quarter was given, but civility was not only expected, it was demanded.”



Buck as a Marine Corps lawyer in Vietnam in 1965.

In Vietnam, Marine Corps lawyers were not JAG officers but were unrestricted line officers assigned primarily legal duties. Buck was headquartered outside DaNang but moved in and out of every Marine battalion in Vietnam, interviewing witnesses and providing legal assistance to troops in the field. He prosecuted the first general court martial in Vietnam for the Marine Corps in August 1965. During his time as a lawyer in

the Marine Corps, Buck realized that his true calling was being a trial lawyer.

"It never occurred to me that I would do anything but trial work after the Marine Corps," he said. "At one duty station, it was not uncommon to prosecute cases one day and defend the next before officers of the same court. It was a wonderful learning experience."

Buck ended his active duty in August 1967 with the rank of captain. He and Robyn returned to Tyler, where they had lived briefly in 1963, and began raising a family: daughter, Jennifer, and son, Trey. After their children entered middle school, Robyn began teaching math at Tyler Junior College, which she still does today. Jennifer followed her father into the legal profession after 18 years as a journalist. She practices law in San Francisco and lives in Oakland with her husband, Brentley Beerline, and their young daughter, Lucy Meredith. Trey pursued a career as a musician in New York City and has performed on Broadway. He received his Doctor of Musical Arts last month. Trey and his wife, Lisa, also have a daughter, Romy Eun-bi.

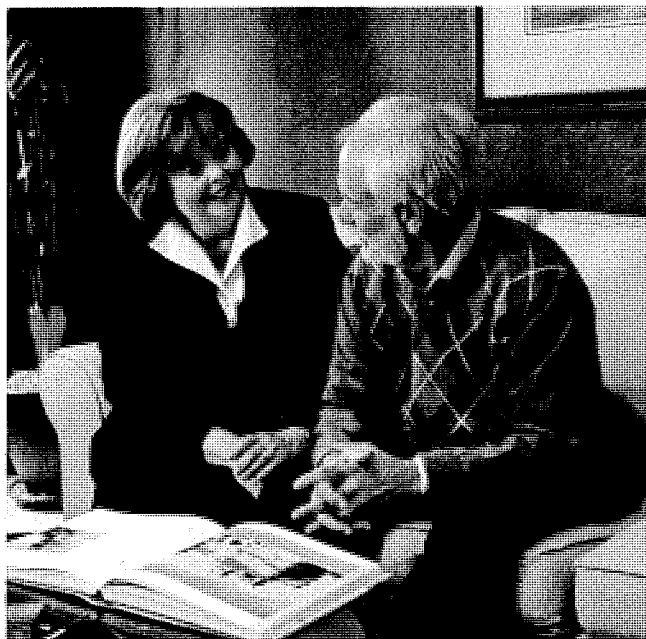
In his first non-military position as a lawyer, Buck worked for 158 weeks as a prosecutor in the Smith County Criminal District Attorney's Office in Tyler, where he served as first assistant. He entered private practice 45 years ago. "Before noon on my first day as a criminal defense lawyer, I received my first appointment to a capital murder case," he said. "The man was convicted but was not executed."

Buck describes being a criminal defense lawyer as a "wonderful challenge," which is no doubt something of an understatement but also captures Buck's approach to the law, particularly his attitude about clients. "We are not only attorneys, we are counselors at law," he states emphatically. He lives his philosophy by working with his clients to find out why they ended up in the criminal justice system and trying to help them access resources, such as drug or alcohol rehab services, to ensure they don't come back into the system.

Buck has worked in the same office on the Tyler square between the state and federal courthouses for 36 years. He is known in the Tyler legal community for his signature look: three-piece navy blue suit, polished shoes, and glasses perched on top of his head. The look conveys stability and dependability, traits that are reflected in his long and successful partnership with family lawyer Jerry Bain, with whom he has practiced law for those 36 years.

"As headstrong as both of us are," said Bain, "we have truly not had any disputes in all our years practicing together."

The firm of Bain, Files, Jarrett, Bain & Harrison, P.C. now includes Bain's son, Bruce Bain, and son-in-law, Michael Jarrett, on the family law side, as well as Brett Harrison and Jennifer Garrett Deen. Harrison, who joined the firm seven years ago, teams up with Buck in the defense of criminal cases, and Deen joins them for juvenile and school-related issues. Buck

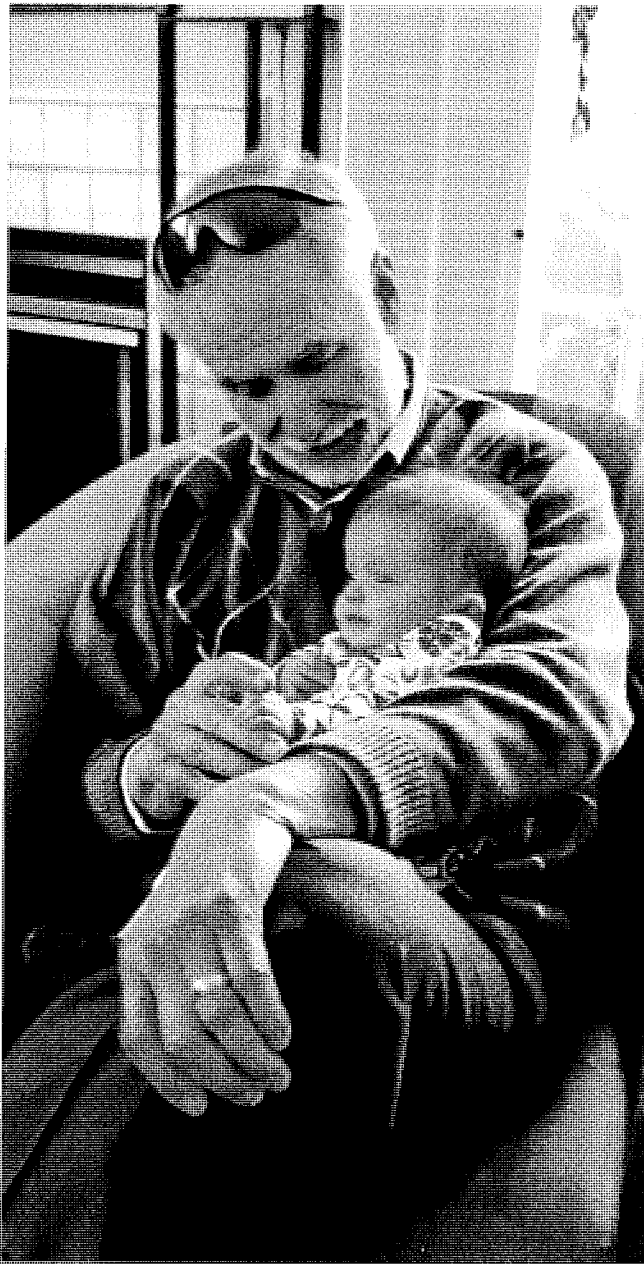


Top: Buck and his wife, Robyn, will celebrate their 50th wedding anniversary in September. Bottom: Four-year-old Romy Eun-bi sits with her grandfather in the chair that belonged to her great-grandfather, E.R. Files, Sr.

proudly notes that all of the firm's attorneys are certified by the Texas Board of Legal Specialization in their respective areas of law. Buck was a member of the first class to be certified in criminal law and was recognized this year by TBLS as an outstanding volunteer.

"The State Bar is so blessed to have Buck serve as president," Bain said. "He's a super communicator. He'll listen to your position and if he feels like there is something he can do, he'll do it."

Communication goes to the heart of Buck's presidential



Buck talks with his newest granddaughter, Lucy Meredith.

initiative this year: "Working together to strengthen our legal profession."

Buck is concerned that members of the Bar are unaware of the benefits of membership in the Bar and what the Bar is doing for them.

"The State Bar has so much to offer to all of its members. My goal is to pass the word and ask others to pass the word about the benefits and the opportunities for service with the Bar," said Buck, who has served the Bar in a number of capacities,

including as a member of the State Bar Board of Directors from 2004 to 2007 and as a Grievance Committee volunteer from 1992 to 1996.

He points out that while the State Bar website, texasbar.com, and the *Texas Bar Journal* are important means of passing the word, he is using another line of communication, as well — talking directly to specialty bar groups to make sure they are part of the discussion. He has already contacted the metropolitan bar associations and the Texas District and County Attorneys Association (TDCAA), and, for the first time, the State Bar is working with the TDCAA on a continuing legal education project. The Bar is also continuing to work with the Texas Criminal Defense Lawyers Association on CLE programs, and Buck plans to meet with the Texas Trial Lawyers Association and Texas Association of Defense Counsel.

"I'm trying to reach out to these organizations and their members to say we're all in this together," Buck said. "I hope we can learn from them and they can learn from us."

Buck is not surprisingly a strong supporter of *Texas Lawyers for Texas Veterans*, an initiative begun by 2010–11 State Bar President Terry Tottenham to provide pro bono assistance to Texas veterans and their families. "We owe so much to our veterans. Terry Tottenham is to be commended for starting such an outstanding program," he said.

As the husband of an educator and a longtime supporter of educational efforts, he is also not surprisingly a fan of 2011–12 State Bar President Bob Black's student civics program, *Oyez, Oyez, Oh Yay! Civics Resources for Texas Students and Teachers*. "I intend to commit time and resources to these programs," Buck said, adding that he wanted to ensure that the Texas Lawyers' Assistance Program (TLAP) continued to have a presence at TexasBarCLE courses. "I'm so impressed with all the good work TLAP has done."

Continuing legal education for lawyers is also high on his list of priorities as president, but that's just an extension of his own philosophy and actions. "There are two reasons for CLE — 1) to make the lawyer a better lawyer and 2) to help the lawyer be able to serve the public more capably," said Buck, who chaired the State Bar's CLE Committee for three years and was an author/speaker for the Advanced Criminal Law Course for 23 years.

"I believe the State Bar can continue to deliver the best CLE to the lawyers of Texas," said Buck. "In my budget, I have allocated funds for research and development to help achieve that goal. Under TexasBarCLE Director Pat Nester's leadership, I have no doubt we'll be successful."

With such a busy year on the imminent horizon, Buck is eager to get started and share his passion for the law. "The life of a lawyer is stressful and demanding," he said, "but really, all you need to know is that it can be more fun than anything else you could do. It is dramatically rewarding to go home at night knowing that you've helped someone who really needed you." ☼