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New HBA Prez Bill Kroger Talks Billy Gibbons, Lightnin' Hopkins, Yellow Fever and 'Monumental Challenges'



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The Houston Bar Association is experiencing some déjà vu.

Exactly 150 years ago, the HBA elected a trial lawyer, Peter Gray, who was a Baker Botts partner, as its first president. The biggest issue facing Houston lawyers in 1870 was a healthcare crisis known as the Yellow Fever, which swept through the community – killing thousands of people, closing businesses and leading to an armed quarantine.

Last week, Baker Botts litigation partner Bill Kroger became the 115th HBA president, following in the steps of Leon Jaworski and former CenterPoint Energy General Counsel Scott Rozell.

“You see in the Harris County court records [in the late 1860s and early 1870s that] they shut down the courts during the summer so that people could leave the city and get away from the Yellow Fever,” Kroger said. “We call that self-isolating now.”

Just as Peter Gray faced unprecedented legal and societal issues in 1870, Kroger admits that he and the 11,000 member HBA have some monumental challenges to tackle in the

months ahead.

Thousands of small businesses in the Houston area need legal assistance on some basic issues, including when and how they should open even as the coronavirus continues to spread, he told The Texas Lawbook in an interview.

Another problem, he said, is “helping lawyers and law students find meaningful work and gain experience that could help them find jobs when this downturn is over.”

But the biggest and most important problem right now, Kroger said, is “expanding legal services to the poor and the newly unemployed through programs like Houston Volunteer Lawyers and raising awareness of the services provided through the Houston Lawyer Referral Service for those who can afford to hire an attorney.”

“There is a growing gap between the legal needs of the poor and the number of lawyers in Houston willing and able to provide them pro bono legal services,” he said. “We are likely to see a massive number of people who need legal help for all kinds of claims – landlord/tenant, employment, family law, probate, tax,

The Texas Lawbook



Bill Kroger and his family

personal injury and bankruptcy.

“And yet, at the same time, law firms and individual lawyers are obviously distracted by their own responses to the crisis,” he said. “That will be the biggest challenge of this bar year – encouraging Houston lawyers to step up in this time of need.”

Kroger’s father, Rudy, was born in Chicago to German immigrants. His mother, Linda, who was born in rural Indiana, traces her roots to the Mayflower. Rudy Kroger was a lawyer, but he never practiced law “because the law didn’t pay that well when he got out of law school during the 1950s,” said Bill Kroger.

In 1973, the Krogers moved the family to Houston.

“My dad always wanted to own his own business, and he looked at different companies for sale,” Kroger said.

Kroger’s father purchased Parker Music, a music company started in 1910, which had stores downtown, Memorial City Mall, Northline Mall, Gulf Freeway, Pasadena and Texas City.

Starting at age nine, Kroger worked in his parent’s store sorting Top 40 records, setting up drum sets, dusting guitars and riding shotgun on piano delivery trucks.

“My parents didn’t know anything about music stores when they bought the company, but they were probably the most successful in that line of business in Texas,” he said. “They ran the stores with no debt and paid everything in cash. That way, they could withstand all of the

downturns in the 1980s, when all of the other music stores went broke.”

“I learned a lot about musicians, from the exposure to music and from hanging out with them in the store,” Kroger said. “Everybody who played music in Texas bought something in our stores at one time or another: Albert Collins, Lightnin’ Hopkins, Billy Gibbons, the Vaughn brothers, Mickey Gilley, Selena, George Foreman, Asleep at the Wheel, among many others,” he said. “Illinois Jacquet, the great jazz musician of the 1940s, bought his first saxophone from the store when he was a kid.”

He was 12 when he met Gibbons of ZZ Top.

“He was the nicest person,” Kroger said. “I saw him a few times in the store. At one point, I traded him an old football jersey I had for a pee wee team I played on called the Saints and he gave me a Top jersey. I saw two of those early Top shows, which were all about Texas mythology. Billy sent me some of those albums when they came out – the old ones, before the MTV/spaceship era. I just took it all in.”

“I was exposed to all of that rich Texas music history and culture as a boy,” he said. “It is an important part of my life today, too.”

Kroger said he learned “how to sell” working at his parents’ store.

“My parents would say, ‘we are all in the marketing business, even if you are a doctor or lawyer.’ That stuck with me,” he said.

At age 18, his parents told Kroger to get a job away from the music store. He worked in a

The Texas Lawbook

donut shop, in a hardware store, as a gardener for a wealthy family, a janitor at a dormitory and selling beer at the Frank Erwin Center in Austin.

“I had all of the crummy jobs, but I learned so much from them,” Kroger said. “And then, right before college, I managed to talk myself into getting a job at Vinson Elkins in its accounting department for a summer. It was such a wonderful job. I remember being amazed that they gave you free soft drinks. I learned a lot from that summer too about working at a law firm.”

Kroger said his experience working with customers, solving problems and running a business led him to go to law school.

In 1985, he graduated from the University of Texas with a degree in business administration and accounting. Four years later, he received his law degree from UT and a master’s degree in business administration, also from UT.

Now a partner and co-chair of the energy litigation practice at Baker Botts, Kroger has been involved in several high-profile cases, including:

- He successfully represented the Texas Oil & Gas Association in a 2014 case against the City of Denton, which banned fracking.
- He and fellow partner Travis Sales represented Shell Oil on a \$300 million case that Pemex brought against Shell and other oil and gas producers for allegedly selling stolen Mexican hydrocarbons. The judge dismissed the suit against Shell in 2012.
- He was lead counsel for Marathon Oil Corporation v. Cerny, which was the case that set the standard for bringing a nuisance case against an oil and gas producer. Kroger convinced the judge to reject the lawsuit on summary judgment. The case established the standard for a person injury claim for nuisance against a driller.

Kroger’s love for history led him to become the official historian for Baker Botts, a law firm whose roots date back to 1840. His research led him to Peter Gray, one of the firm’s founders.

“What Gray taught me was the wonders you could do with a law degree,” he said. “He was involved in every kind of activity – church leader, advocate for public schools and libraries, trial and business lawyer, judge, legislator, bar leader. He was a co-author of the first rules of civil procedure for the State of Texas.”

In 1847, Gray represented an African-American woman named Emeline, who was wrongfully enslaved by a white man. Gray, who also served as Harris County district attorney, convinced a Houston jury of 12 white men to free his client.

Twenty-three years later – 1870 – Gray co-founded the Houston Bar Association and was its first president. One of his first critical issues was the problems created by the Yellow Fever pandemic, including providing legal services to those who could not afford an attorney and helping lawyers find work.

Now celebrating its 150th anniversary, the HBA is facing many of those same problems.

“Most lawyers today – those who have practiced during the past 30 years – have experienced mostly a bull market in legal services, especially in the big cities and big firms,” Kroger said. “Those days may be over temporarily.”

“Knowing the history of the profession makes me better appreciate how unusual the past 20 years have been,” he said. “I think there will be a period of adjustment.”