

JEAN FLEMING POWERS
PROFESSOR OF LAW
SOUTH TEXAS COLLEGE OF LAW HOUSTON

Educational Background

Doctor of Jurisprudence, with high honors, The University of Houston Law Center, May 1978.
Member of Houston Law Review, Phi Delta Phi, American Jurisprudence Award for
Constitutional Law I.

B.A. with honors, The University of Texas at Austin, August 1970.
English major; secondary teaching certificate; second teaching field in mathematics.
Alpha Lambda Delta, participated in English Honors Program, National Merit
Scholarship.

Academic Employment

Professor of Law, South Texas College of Law Houston, 1992 to present, teaching Contracts,
Remedies, Professional Responsibility, Wills, Trusts & Estates, and Consumer
Transactions.

Taught Global Issues in Contract Law in London in the summer of 2013.
Taught Global Issues in Contract Law in Malta in the summer of 2012
Taught Global Issues in Contract Law in Prague in the summer of 2011.
Taught Commercial Law Course in London in the summers of 2002 and 2004.

Director of Continuing Legal Education, South Texas College of Law Houston, 2001 to 2003.

Associate Professor of Law, South Texas College of Law Houston, 1990 to 1992.

Assistant Professor of Law, South Texas College of Law Houston, 1988 to 1990,
Academic Advisor, May 1988 - August 1989.

Visiting Assistant Professor of Law, South Texas College of Law Houston 1985 - 1988.

Adjunct Professor of Law, The University of Houston Law Center, July 1981 - May 1984

Publications:

Breach of Warranty: Bright Lines and Borderlands, 71 DRAKE L. REV. 745 (2025).

Paying for What You Get – Restitution Recovery for Breach of Contract, 38 PACE L. REV. 501
(2018).

Farash v. Sykes Datatronics, Inc. in *The Best and Worst of Contracts Decisions: An Anthology*,
45 FLA. ST. U. L. REV. 887, 1008 (2018).

Advantages of the One-Client Model in Insurance Defense, 45 N.M. L. REV. 79 (2014).

Comparing Exceptions to Privilege and Confidentiality Related to Crime, Fraud, and Harm – Can Hard Cases Make Good Law, 79 UMKC L. REV. 61 (2010).

Promissory Estoppel and Wagging the Dog, 59 ARK. L. REV. 841 (2007).

Rethinking Moral Obligation as a Basis for Contract Recovery, 54 ME. L. REV. 1 (2002).

Going Too Far to Achieve Harmony, 41 S. TEX. L. REV. 203 (1999).

What the Market Will Bear—Questions About Limits on Attorneys' Fees, 36 HOUS. LAW., Nov.-Dec. 1998, at 23.

Ethical Implications of Attorneys Requiring Clients to Submit Malpractice Claims to ADR, 38 S. TEX. L. REV. 625 (1997).

Recent Developments in Direct Mail Solicitation, 18 Dallas B. Ass'n Headnotes, Feb. 15, 1994, at 4.

A Matter of Trust: Lawyer Trust Accounts in Texas, 56 TEX. B.J. 466 (1993).

Expanded Liability and the Intent Requirement in Third Party Beneficiary Contracts, 1993 UTAH L. REV. 67.

Lawyer Advertising in Texas and the Supreme Court Cases, 17 Dallas B. Ass'n Headnotes, Feb. 15, 1993, at 1.

Hate Crimes on the Rise, *News*. (Law Focused Education, A Publication of the State Bar of Texas, Austin, Tex.), Apr. 1992, at 1.

Testamentary Designations of Attorneys and Other Employees, 20 GOLDEN GATE U. L. REV. 261 (1990).

Lawyer Advertising--Past, Present, and Future, 53 TEX. B.J. 1005 (1990).

Presentations and Panels:

Member of AALS panel to comment on and critique works in progress of junior faculty members, January, 2023.

Presentation of current work-in-progress on a Federalist Society Works in Progress Panel (virtual mini-conference held on Zoom on January 7, 2022).

Presentation of Work-in-Progress to KCON XII, a national conference for Contracts professors, held at Southwestern Law School in Los Angeles (February 24, 2017).

Ethics Presentation and Panelist (Houston: South Texas College of Law All Class Alumni Reunion, April 16, 2011).

Ethics Jeopardy (Houston: South Texas College of Law All Class Alumni Reunion, April 10, 2010).

Top Ten Ethics Lessons Learned by Trial Lawyers in the Past Year (Captive Island, Florida: Presentation at the 19th Annual Convention of the Academy of Rail Labor Attorneys, May 6, 2009).

Ethics Fast Track: Texas Rules and Case Law for the Transactional Attorney (Houston: South Texas College of Law CLE, June 5, 2008 (Written materials included).

Litigation Ethics Jeopardy (Washington, D.C.: Presentation at the Annual Convention of the Academy of Rail Labor Attorneys, April 25, 2008) (Paper included).

Ethics and Multi-Jurisdictional Representation (Houston: South Texas College of Law CLE, June 8, 2007) (Outline included).

Ethics Survivor (Houston: South Texas College of Law CLE, June 9, 2006) (Included outline entitled *Ethics Survivor: Ethics Questions Based on Recent Texas Cases and Recent Developments in Texas Law*).

Presentation and Panel Member at Joint Faculty Meeting of the faculties of South Texas College of Law, the University of Houston Law Center, and Thurgood Marshall School of Law dealing with Judicial Selection, September 2002.

Ethics for Employment Lawyers From Outside Counsel's Perspective, Employment Law: Walking the Walk and Talking the Talk (Houston: South Texas College of Law CLE, July 9, 1998) (with Richard R. Carlson).

Presentation to the Dallas Chapter of The Federal Bar Association on Lawyer Advertising in Texas, May 1993.

Presentation to the Houston Legal Assistants Association on The Unauthorized Practice of Law, January 1990.

Other Professional Employment:

Staff Attorney, the Legal Foundation of America, July 1984 - May 1987.

Associate Attorney (part-time), Walker & Drexler, P.C., October 1978 - May 1982. Emphasis on bankruptcy, corporate and business, wills and estates, general civil practice.

Junior High English and Math Teacher, Del Valle Independent School District, Del Valle, Texas, August 1970 - June 1971.

Professional Memberships and Activities:

Member of State Bar of Texas, United States District Court for the Southern District of Texas, Fifth Circuit Court of Appeals, and the Supreme Court of the United States.

Member of the Federalist Society.

Participant in *The Federalists, the Anti-Federalists, and the Constitution They Created*, a colloquium in Dallas, Texas on April 10-11, 2015, sponsored by the Federalist Society's Faculty Division and the Liberty Fund.

Moderator of a New Scholars Workshop at the SEALS (Southeast Association of Law Schools) Annual meeting, August 2022, August 2010, and as a mentor at the 2008 and 2007 meetings.

Member of Board of Directors of Houston Lawyer Referral Service 1999 to 2003; at various times served as Vice President, Secretary, member, and chair of various subcommittees.

Past member of Houston Bar Association Professionalism Committee; Professionalism Day Subcommittee.

Member of Texas Center for Legal Ethics and Professionalism Guide to The Basics of Law Practice Planning Committee 1996-2001.

Editorial Board of "Quarterly", the magazine of South Texas College of Law, 1995-96.

Member of State Bar of Texas Law Focused Education Committee, 1987-95.

Chair of Newsletter Sub-committee 1991, Street Law Sub-committee 1994-95, prepared section for street law text.

Member of the State Bar of Texas Lawyer Advertising Committee, 1987 to 1992; Vice-Chair 1987-88, 1989-90, Chair 1988-89, Opinions Sub-committee 1989-90, Public Opinion Sub-committee 1990-91.

Law School Committees:

Curriculum Committee (current chair, former chair and member), Admissions Committee (current member, former chair and member), Self-Study Committee (member), Faculty Appointments Committee (former member), Enrollment Management Committee (former member), Grades and Calendar Committee (former vice-chair and member), Emergency Operations Management Committee (former member), Judicial Clerkships Committee (former member), Financial Aid Committee (former chair and member), Dean Search Committee (former member), Program Effectiveness Committee (former member), Student Appeals Committee (former chair and member), Promotion, Tenure, and Reappointment Committee (former chair and member), and numerous committees and ad hoc committees over the last forty years.

Volunteer activities in school and community:

Former member and Vice President of the Executive Board of the Frostwood Community Improvement Association. Prior to that, served on the Board of Directors and as a block captain. In the past have served in several volunteer capacities including president and other officer and volunteer positions at Bunker Hill Elementary School; Cub Scout leader; volunteer at Frostwood Elementary School, Memorial Middle School, and Memorial High School, including volunteer work for Memorial High School Orchestra; parent coordinator for Symphony orchestra, Houston Youth Symphony; Chapelwood United Methodist Church; fund-raising for various organizations, and other volunteer work.