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## Jason LaFond

COUNSEL

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### Overview

Jason is a skilled appellate advocate with a long record of success across more than 50 appeals and hundreds of briefs. Board-certified in Civil Appellate Law by the Texas Board of Legal Specialization, he has successfully represented clients in the Supreme Court of Texas, Texas intermediate appellate courts, and federal appellate courts nationwide.

Jason's practice extends beyond appellate courts—he is a trusted advisor on case strategy, motion practice, and error preservation for trial teams in complex litigation. And his career history in public service, including roles as Assistant Solicitor General of Texas and senior legal advisor at the University of Texas, allows valuable insight for clients navigating government-related litigation. Leveraging a comprehensive understanding of public law issues—including sovereign immunity, administrative law, and statutory interpretation—Jason has represented Fortune 500 companies and political subdivisions litigating against or alongside state and federal government agencies.

Jason joined Scott Douglass & McConnico from another premier Texas law firm. Before that, he served in the Texas Solicitor General's office where he represented Texas and its agencies and officers in complex appeals all the way up to the U.S. Supreme Court. Jason then went in-house with the University of Texas at Austin, helping to guide the institution through a rapidly changing legal landscape, before returning to private practice. Jason began his legal career as a law clerk, first at the U.S. District Court for the Southern District of New York and then the U.S. Court of Appeals for the Fourth Circuit. Following his clerkships, Jason joined the appellate practice of a large, international law firm. Before attending the University of Michigan Law School, Jason was on the staff of the U.S. House of Representatives Committee on Ways and Means.

## Experience

Representing a Fortune 500 company in an appeal arising from a dispute over a state contract award. *Young v. Cook Children's Health Plan*, No. 15-24-00114-CV (Tex. App.—Austin [15<sup>th</sup> Dist.]) (pending).

Successfully represented a Fortune 50 company in an appeal arising from a third-party discovery dispute with a state agency. *In re S.C. Dep't of Parks, Recreation & Tourism*, 103 F.4th 287 (4th Cir. 2024).

Successfully represented a political subdivision in an appeal turning on statutory and contract interpretation. *Quadvest, LP v. San Jacinto River Auth.*, 2024 WL 2064487 (Tex. App.—Beaumont 2024).

Helped a political subdivision defendant secure a complete victory in a federal antitrust trial challenging a water conservation program. *Quadvest, LP v. San Jacinto River Authority* (S.D. Tex. 2024).

Obtained a temporary restraining order against an agency head and then rescission by the state agency of its determination that a political subdivision had violated state law. *Harris County v. Hegar*, No. D-I-GN-23-001044 (Travis County Dist. Ct. 2023).

Defeated a state agency's appeal of the district court's denial of sovereign immunity from third-party discovery. *Doctors Hospital of Laredo v. Cigarroa*, No. 23-50398 (5th Cir. 2023).

Persuaded the en banc Fifth Circuit to overturn a decades-old precedent interpreting a federal statute concerning water and wastewater utility service territory. *Green Valley Special Util. Dist. v. City of Schertz*, 969 F.3d 460 (5th Cir. 2020) (en banc).

Successfully defended the Texas Railroad Commission's rejection of a competitor's challenge to an application for a commercial saltwater disposal injection well permit. *NGL Water Sols. Eagle Ford, LLC v. R.R. Comm'n of Tex.*, WL 6336178 (Tex. App.—Austin 2019).

Secured a complete victory in a challenge to federal agency rule. *Texas v. EEOC*, 933 F.3d 433 (5th Cir. 2019).

In a landmark victory for conservation, successfully established that deer within the borders of Texas, whether free or in captivity, are property of the State. On that basis, the Third Court turned away a challenge to the Texas Parks and Wildlife Commission's rules on surveillance testing of breeder deer for Chronic Wasting Disease. *Bailey v. Smith*, 581 S.W.3d 374 (Tex. App.—Austin 2019, pet. denied).

In a complex rate case, successfully overturned an adverse district court judgment holding that a FERC order preempted the state agency's rate determination. *Entergy Tex., Inc. v. Nelson*, 889 F.3d 205 (5th Cir. 2018).

Successfully defended dismissal of product liability claims on federal preemption grounds on behalf of the world's largest medical device manufacturer. *Angeles v. Medtronic, Inc.*, 863 N.W.2d 404 (Minn. Ct. App. 2015).

## Articles & Presentations

- "Federal Civil Update," Monthly column in Austin Lawyer magazine discussing recent Fifth Circuit decisions
- "Texas Supreme Court Update," Houston Bar Association, August 2024 (panelist).
- "Not-so-hidden Research Treasures and Recommended Essential Reads," Austin Bar Association, May 2024 (moderator).
- "Rehearing and En Banc Practice in the Fifth Circuit," UT Law CLE's 33rd Annual Conference on State and Federal Appeals – June 2023 (presenter)
- "Supreme Court Update," Texas Attorney General Constitution Law Conference, August 2021 (panelist)
- "A View from the States," Restaurant Legal Summit, October 2019 (panelist)
- "Tips on Brief Writing," The National Attorneys General Training & Research Institute workshop at the Nevada Attorney General's Office, October 2019 (presenter)
- "Fifth Circuit Update," U.S. Chamber of Commerce event at the Houston Club (January 2019)
- "Personal Jurisdiction and Joinder in Mass Copyright Troll Litigation," 71 Md. L. Rev. Endnotes 51 (2012)
- "What Do I Do About This Word, 'Unavoidable'?": Resolving Textual Ambiguity in the National Childhood Vaccine Injury Act," 109 Mich. L. Rev. First Impressions 48 (2010)
- "Injury-in-Fact, Justice-in-Fiction: Toward A More Realistic Definition of 'Injury' in the Context of Unenforced Criminal Laws," 13 Rich. J.L. & Pub. Int. 1 (2009)

## Practice Areas

- Appellate
- Business Litigation & Torts

# Education

## **University of Michigan Law School, J.D., magna cum laude**

- Order of the Coif
- Contributing Editor, Michigan Law Review

## **University of Maryland, B.A., Economics, cum laude**

# Admissions

- Texas
- U.S. Court of Appeals for the Third, Fourth, Fifth, Sixth, Seventh, Ninth, and Eleventh Federal Circuits
- U.S. Court of Appeals for the Federal Circuit
- U.S. Supreme Court