



Jason LaFond

COUNSEL

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Overview

Board-certified in Civil Appellate Law, Jason's appellate work focuses on high-stakes advocacy in the Supreme Court of Texas and in intermediate state and federal appellate courts. He is a seasoned appellate advocate with a record of success in more than 50 appeals and hundreds of briefs.

But Jason is more than an appellate specialist; he is a strategist who builds winning cases from the ground up. His practice is defined by his ability to bridge the gap between trial and appeal. He serves as a trusted advisor to trial teams in high-value and "bet the company" litigation, ensuring that case strategy, complex motion practice, and error preservation are handled with an eye toward maintaining wins and reversing losses on appeal.

With extensive public sector experience, Jason is particularly sought out in cases involving government actors and public law disputes. His work in this area spans issues of statutory interpretation, constitutional law, sovereign immunity, and administrative law, and he has represented both private companies and political subdivisions litigating against—or alongside—state and federal agencies.

Before joining Scott Douglass & McConnico, Jason served as Assistant Solicitor General of Texas, where he represented the State and its officers in high-stakes appeals, including matters before the U.S. Supreme Court. He later served as a senior legal advisor at The University of Texas at Austin, counseling the University on a wide range of state and federal legal issues during a period of significant regulatory and institutional change. Earlier in his career, Jason practiced in the appellate and strategic motions group of an international law firm and clerked for federal judges in the Southern District of New York and on the Fourth Circuit.

Before law school, Jason worked for the U.S. House of Representatives Committee on Ways and Means. He earned his law degree *magna cum laude* from the University of Michigan Law School.

Experience

Representing a Fortune 500 company in litigation arising from the largest public procurement in Texas history. *Young v. Cook Children's Health Plan*, (Tex. App.—15th Dist.) (pending).

Representing parties in multiple complex, high-value contract disputes. *SCN Worldwide, LLC v. Secur-Serv, Inc.* (Del. Ch.) (pending); *MacDougall v. Privilege Underwriters Reciprocal Exchange* (Tex. App.—Austin) (pending); *Broadmoor Austin Assocs. v. State* (Tex. App.—15th Court) (pending).

Secured a reversal of judgment dismissing claims by an individual and businesses challenging the constitutionality of a municipal zoning ordinance. *Kleinman v. City of Cedar Park*, 2025 WL 3687507 (5th Cir. 2025).

Secured a reversal of judgment dismissing a breach of contract claim arising from natural gas curtailments during Winter Storm Uri. *Freeport LNG Mktg., LLC v. Kinder Morgan Tex. Pipeline LLC*, 2025 WL 1109028 (Tex. App.—Houston [14th Dist.] 2025, no pet.).

Defended a Fortune 50 company against Deceptive Trade Practices Act and similar claims brought by state attorney general, with litigation ending in an amicable settlement.

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, pet. denied).

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 official, resulting in the state agency rescinding 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).

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

In a landmark victory for conservation, successfully established that deer within Texas's borders are property of the State. On that basis, the 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).

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)

News & Insights

- SDM Welcomes Jason LaFond
- Firm Files Amicus Brief on Behalf of Bipartisan and Bicameral Texas Delegation Urging United States Supreme Court to Halt Nuclear Waste Dump atop the Permian Basin
- Jason LaFond Appointed to Governing Board of Texas Pharmaceutical Initiative

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

Activities

Texas Pharmaceutical Initiative Governing Board, 2026-2027

Secretary-Treasurer of the Austin Bar Association Civil Appellate Section, 2026