

# Jason R. LaFond

SENIOR COUNSEL

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## Credentials

- University of Michigan Law School  
J.D., *magna cum laude*  
Order of the Coif  
Contributing Editor, *Michigan Law Review*
- American University  
M.A., Political Science
- University of Maryland  
B.A., Economics, *cum laude*
- Board Certified in Civil Appellate Law,  
Texas Board of Legal Specialization
- Law Clerk to the  
Hon. Allyson K. Duncan,  
U.S. Court of Appeals for the Fourth Circuit
- Law Clerk to the  
Hon. Thomas P. Griesa,  
U.S. District Court for the Southern District of  
New York
- Admitted to Practice:  
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

Jason is a board-certified appellate lawyer with significant government experience whose practice focuses on complex commercial and public sector litigation.

Jason is a skilled appellate advocate across subject areas, having so far led more than 40 appeals in courts all over Texas and federal courts all over the country. He has been lead counsel in 20 appeals in the Fifth Circuit - including before the en banc court - and more than a dozen in Texas appellate courts, including arguing before the Supreme Court of Texas four times.

Jason also counsels on and litigates critical public law issues, from administrative law and antitrust litigation to preemption and sovereign immunity. As a former Texas assistant solicitor general, senior agency lawyer, and congressional staffer, Jason brings his deep public law experience to bear on behalf of government entity clients and those litigating beside and against the state and federal government agencies.

Prior to law school, Jason served on the staff of the U.S. House of Representatives' Committee on Ways and Means. Following graduation from the University of Michigan Law School, he clerked for the Judge Thomas P. Griesa of the U.S. District Court for the Southern District of New York and Judge Allyson K. Duncan of the U.S. Court of Appeals for the Fourth Circuit. Jason began his practice as an appellate associate at Mayer Brown LLP in Washington, DC.

From 2016–2020, Jason was an Assistant Solicitor General in the Texas Attorney General's office where he represented Texas and its agencies and officers in complex appeals. Most recently, he was a senior legal officer with the University of Texas at Austin, helping to guide the institution through newly emerging legal areas.

## Experience

- **Sovereign Immunity** Lead counsel for Google in an appeal turning on complex sovereign immunity issues. *South Carolina Dept of Parks, Recreation, and Tourism v. Google LLC* (4th Cir.) (pending)
- **Antitrust** Appellate counsel for public institution defendant in federal antitrust trial challenging groundwater conservation program. *Quadvest LP v. San Jacinto River Authority* (S.D. Tex. 2024) (pending)

- **Intergovernmental Litigation** Obtained temporary restraining order against the Texas Comptroller and recession of determination that Harris County had “defunded” law enforcement. *Harris County v. Hegar*, No. D-I-GN-23-001044 (Travis County Dist. Ct. 2023).
- **Sovereign Immunity** Successfully dismissed Texas agency’s appeal of district court’s denial of sovereign immunity from third-party discovery. *Doctors Hospital of Laredo v. Cigarroa*, No. 23-50398 (5th Cir. Aug. 29, 2023).
- **Preemption** 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, 466 (5th Cir. 2020) (en banc).
- **Texas Administrative Law** 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.*, No. 03-17-00808-CV, 2019 WL 6336178 (Tex. App.—Austin 2019).
- **Federal Administrative Law** Secured a complete victory in a challenge to EEOC rule. *Texas v. EEOC*, 933 F.3d 433 (5th Cir. 2019).
- **Constitutional Law** 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).
- **Utility Regulation** In a complex rate case, successfully overturned an adverse district court judgment holding that a FERC order preempted the Public Utility Commission’s rate determination. *Entergy Tex., Inc. v. Nelson*, 889 F.3d 205 (5th Cir. 2018).
- **Products Liability** As part of a nationwide defense against products-liability claims concerning a spinal implant, represented Medtronic, Inc., the world’s largest medical device manufacturer, in the Minnesota Court Appeals, successfully defending the district court’s dismissal on federal preemption grounds of most of plaintiffs’ claims. *Angeles v. Medtronic, Inc.*, 863 N.W.2d 404 (Minn. Ct. App. 2015).
- **Civil RICO / Business Torts** After briefing and oral argument in the U.S. Court of Appeals for the Fourth Circuit, secured a multi-million-dollar settlement for CSX, Inc., one of the country’s largest railroads, on claims that a law firm had targeted CSX with scores of fraudulent asbestosis lawsuits.

### Professional Honors & Affiliations

- National Association of Attorneys General, Best Brief Award, 2017.

### Presentations & Publications

- “Federal Civil Update,” Monthly column in Austin Lawyer magazine discussing recent Fifth Circuit decisions

- “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)