W. Scott Hastings

Partner

Dallas

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Scott has more than 25 years of trial and appellate advocacy, highlighted by vast experience in the U.S. and Texas Supreme Courts and recent trial victories resulting in judgments of more than $94 million and more than $42 million for his clients.

OVERVIEW

Scott has tried a dozen cases, argued more than 50 appeals, and served as counsel in more than 200 appeals nationwide. Scott's practice spans constitutional law, oil and gas, False Claims Act, property rights, class actions, and commercial disputes. Notably, he secured a more than $94 million judgment for a client in a dispute over an oil and gas lease in 2025, and also secured a more than $40 million judgment for a client in a patent and antitrust case related to oil and gas completion equipment in recent years.

Scott represents a diverse range of clients, including oil and gas companies, closely held corporations, mortgage servicing companies, tollway authorities, trade associations, and mineral interest owners. He is adept at handling complex constitutional issues, such as those involving the Takings Clause, Commerce Clause, First Amendment, Due Process, and Equal Protection. His energy practice involves significant trial and appellate work, including title disputes, contract enforcement, accounting issues, and defending False Claims Act litigation.

Scott is well known for his comprehensive legal strategies and ability to navigate intricate legal landscapes.

REPRESENTATIVE MATTERS

Constitutional Law

- Represented a closely held corporation on appeal challenging the taking of a private port, as well as the amount of compensation that was paid, ultimately obtaining an award of more than $20 million in additional compensation. *St. Bernard Port, Harbor, & Terminal District v. Violet Dock Port, LLC*, 239 So. 3d 243 (La. 2018), and on remand, 255 So. 3d 57 (La. 4 Cir. 2018).
- Represented mortgage servicing companies in the Texas Supreme Court in cases involving the interpretation of the Texas Constitution's homestead protections. *See, e.g., Freddie Mac v. Zapeda*, 601 S.W.3d 763 (Tex. 2020); *Garofolo v. Ocwen Loan Servicing, LLC*, 497 S.W. 3d 474 (Tex. 2016); *Wells Fargo Bank, N.A. v. Murphy*, 458 S.W.3d 912 (Tex. 2015); *Sims v. Carrington Mortgage Services, LLC*, 440 S.W. 3d 10 (Tex. 2014).
- Defended a class action alleging due process violations relating to toll violation fees. *Reyes v. North Texas*

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Tollway Authority, 861 F. 3d 558 (5thCir. 2017).

- Defended the tollway authority in a case exploring the limits of downstream liability for inverse condemnations under Tex. Const. art. I, §17. *Sloan Creek II, LLC v. State of Texas*, 472 S.W. 3d 906 (Tex. App.—Dallas 2015, pet. denied).
- Defended the appeals of multimillion-dollar state court condemnation verdicts, addressing valuation methodologies, the types of damages that are recoverable, and the admissibility of expert testimony. *See, e.g., Texas v. State Street Bank*, 359 S.W. 3d 375 (Tex. App.—Dallas 2012, no pet.).
- Represented trade associations at trial and on appeal in a Commerce Clause and First Amendment case in which the firm defended a Texas statute prohibiting the vertical integration of insurance companies into the autobody collision repair industry. *Allstate Insurance Company v. Abbott*, 495 F. 3d 151 (5th Cir. 2007).
- Represented automobile dealers as intervenors at trial to assist the state in defending the Texas Blue Law against a Commerce Clause, Equal Protection, and Due Process challenge.
- Represented the State Bar of Texas Commission for Lawyer Discipline in a First Amendment challenge to the application of the state's lawyer advertising rules in the context of a putative class action. *Neely v. Commission for Lawyer Discipline*, 196 S.W. 3d 174 (Tex. App.—Houston [1 Dist.], 2006, pet. denied).
- Represented the plaintiff in a case regarding the advertising and promotion of the movie "Behind Enemy Lines," in a case raising significant First Amendment issues.
- Assisted with the representation of then Governor George W. Bush in expedited proceedings before the Fifth Circuit in a lawsuit challenging the Bush-Cheney Presidential ticket under the Twelfth Amendment to the U.S. Constitution.
- Represented clients on many First Amendment issues, including the right to petition the government, public access to court records, media rights of access, rights of publicity, misappropriation of names or images, speech-related retaliation claims, defamation, and business disparagement.

Energy Law

- Secured a more than $94 million judgment following a jury trial over the rights of respective assignees under an oil and gas lease in West Texas. *See Finley Resources, Inc. v. Headington Royalty, Inc.*, 662 S.W.3d 332 (Tex. 2023).
- Secured a more than $40 million trial verdict in a patent, antitrust, and tortious interference case relating to oilfield completion technologies.
- Represented lessees in a title dispute over producing mineral interests. *See, e.g., Orca Assets GP, LLC v. Burlington Resources Oil & Gas Co., LP*, 464 S.W. 3d 403 (Tex. App.—Corpus Christi 2015, pet. denied).
- Represented mineral interest owners seeking to enforce a $27 million sales contract in the Haynesville Shale. *Coe v. Chesapeake*, 695 F. 3d 311 (5th Cir. 2012).
- Defended False Claims Act litigation in which qui tam relators accused the defendants of engaging in schemes to underpay royalties owed to the federal government and to Indian tribes. *See, e.g., U.S. Ex. rel. Wright v. Comstock Resources, Inc*., 456 Fed. Appx. 347 (5th Cir. Dec. 15, 2011); *In re Natural Gas Royalties Qui Tam Litigation*, 562 F. 3d 1032 (10th Cir. 2009).
- Obtained the reversal of a judgment canceling a Louisiana oil and gas lease. *Dore Energy Corporation v. Prospective Investment & Trading Co. Ltd*., 570 F. 3d 219 (5th Cir. 2009).
- Defended validity of leases on a federally recognized Indian reservation. *Comstock Oil & Gas, Inc. v. Alabama and Coushatta Indian Tribes of Texas*, 261 F. 3d 567 (5th Cir. 2001).
- Defended operators in many cases, including class actions involving oil and gas accounting, environmental, indemnity, and lease interpretation issues.

Commercial and Business Litigation

- Represented the petitioner in the U.S. Supreme Court in a case setting the standards for enforcement of

contractual forum selection clauses. *Atlantic Marine Constr. Co. v. U.S. Dist. Ct. for the W. Dist. of Texas*, 134 S. Ct. 568 (2013).

- Represented the amicus curiae in the Texas Supreme Court in a leading case defining the scope of the Texas Uniform Fraudulent Transfers Act. *Janvey v. Golf Channel, Inc*., 487 S.W. 3d 560 (Tex. 2016).
- Defended the former CEO and majority shareholder in a contract dispute arising from his agreement to retire and relinquish control over the company. *McCoy v. Alden Industries, Inc*., 469 S.W. 3d 716 (Tex. App.—Fort Worth 2015, no pet.).
- Defended clients in False Claims Act cases involving oil and gas production, the mortgage services industry, pharmaceuticals, defense contractors, and accounting firms.
- Represented clients in cases involving patents, trademarks, and copyrights.

AWARDS

- *The Best Lawyers in America*®: Appellate Practice, Litigation – Intellectual Property and Oil and Gas Law (2019-2027)
- *Thomson Reuters* Stand-out Lawyer (2023-2026) – independently rated lawyers
- *D Magazine*, Best Lawyers in Dallas, Appellate (2015, 2020-2026)
- *Chambers USA*: Litigation: Appellate, Texas (2018-2026)
- *Texas Super Lawyers*®, Appellate (2013-2025)
- State Bar of Texas, Presidential Commendation (2013)
- *Super Lawyers*® Texas Rising Star, Appellate (2006-2012)

TOP AREAS OF FOCUS

- Appellate + Supreme Court
- False Claims Act + Other Whistleblower Actions

ALL AREAS OF FOCUS

- Appellate + Supreme Court
- Business Litigation
- Class Action
- Energy
- False Claims Act + Other Whistleblower Actions
- Litigation + Trial

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Vanderbilt Law School Board of Advisors (2018-2024)
- Member, American Law Institute
- Fellow, American Bar Foundation
- Fellow, Texas Bar Foundation
- Fellow, Dallas Bar Foundation

EDUCATION AND CERTIFICATIONS

EDUCATION

- Vanderbilt University Law School, J.D., 1997
- Louisiana State University, B.S., *cum laude*, 1994

BAR ADMISSIONS

- Louisiana
- Texas

COURT ADMISSIONS

- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, Eastern District of Louisiana
- U.S. District Court, Middle District of Louisiana
- U.S. District Court, Western District of Louisiana
- U.S. Court of Federal Claims
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Federal Circuit
- Supreme Court of the United States

CLERKSHIPS

- Hon. John Minor Wisdom, U.S. Court of Appeals, Fifth Circuit, 1997-1998

SPEAKING ENGAGEMENTS

- Speaker, “Procedural Pitfalls: Navigating the Nuances of Removal,” 2024 North District of Texas Bench-Bar Conference, April 19, 2024.

PUBLICATIONS

- Author, “Texas Supreme Court Authorizes Attorney Fees’ Awards in Home Equity Cases,” Locke Lord QuickStudy, February 12, 2015.