Brad G. Hubbard

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Brad Hubbard is an experienced appellate advocate and trusted advisor. He represents clients in their most complex, high-stakes, time-sensitive matters before the U.S. Supreme Court, the Texas Supreme Court, and state and federal courts of appeals throughout the country. Brad has presented more than 20 oral arguments in state and federal courts nationwide, including the North Dakota Supreme Court, and state and federal appellate courts in Texas, Louisiana, Virginia, Ohio, New Jersey, and Colorado. He has also successfully briefed and argued issues throughout the lifecycle of a case, from removal and remand to supersedeas—and everything in between.

Numerous legal publications recognize Brad as one of the nation's most promising legal minds, including *Law360*, which named him a 2023 "Rising Star," an honor highlighting "attorneys under 40 whose legal accomplishments belie their age." Brad has also been named a "Future Star" by *Benchmark Litigation*; one of *Lawdragon*'s "500 X – The Next Generation"; a *D Magazine* "Best Lawyers in Dallas"; a *Super Lawyers* appellate "Rising Star"; and a *Best Lawyers* "One to Watch" in appellate practice.

Brad advises clients on—and has successfully litigated several cases involving—Texas's recent pro-growth corporate-law reforms. He represented the Texas Business Law Foundation in defending the constitutionality of the Fifteenth Court of Appeals, which has exclusive jurisdiction over appeals from Texas's Business Court. *In re Dallas County*, 697 S.W.3d 142 (Tex. 2024). He also helped secure "an early validation of one of the major changes in the Texas Business Organizations Code" (*Texas Lawbook*), on behalf of the U.S. Chamber of Commerce and the Texas Association of Business in the first case challenging Texas SB29, which permits Texas corporations to bar derivative actions by de minimis shareholders. *Gusinsky v. Reynolds*, No. 3:25-cv-1816-K (N.D. Tex. 2026).

Brad has successfully litigated cases involving partnership, limited liability company, and fiduciary-duty disputes; arbitration; deceptive trade practices; personal jurisdiction; products liability; the First Amendment; contracts; the False Claims Act; RICO; and state and federal criminal law.

Some of his most significant victories include reversing the largest judgment in the history of the False Claims Act in the Fifth Circuit; prevailing in the Texas Supreme Court in a case of first impression about the scope of Section 230 of the Communications Decency Act; slashing a record-breaking $125 million verdict to less than $2 million in the Texas Supreme Court and Corpus Christi Court of Appeals; reversing a half-billion-dollar jury verdict in the San Antonio Court of Appeals and preserving that win in the Texas Supreme Court; reversing a seven-figure verdict in the Texas Supreme Court; reversing an eight-figure verdict in the Dallas Court of Appeals; and prevailing in several eight-figure arbitration cases in the Fifth Circuit. Brad has also helped clients preserve significant wins in the U.S. Supreme Court, the Texas Supreme Court, and the Fifth, Sixth, and Seventh Circuits.

Capabilities

Appellate and Constitutional Law

Mass Torts and Product Liability

Trials

Credentials

Education

University of Chicago - 2013 Juris Doctor

University of Missouri - 2010 Master of Accounting

University of Missouri - 2010 Bachelor of Science

Admissions

Texas Bar

Clerkships

US Court of Appeals, 5th Circuit, Hon. James C. Ho, 2018

US Court of Appeals, 8th Circuit, Hon. Steven M. Colloton, 2013 - 2014

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Brad maintains an active pro bono practice, primarily focusing on religious liberty and crime victims' rights, for which he received the firm's 2021 Frank Wheat Memorial Award. His pro bono victories include persuading a unanimous U.S. Supreme Court to reinstate Mary Anne Sause's religious-liberty claims against two Kansas police officers; defeating an Establishment Clause challenge to a justice of the peace's volunteer chaplaincy program in the Fifth Circuit; protecting the First Amendment rights of the Kountze ISD cheerleaders in the Texas Supreme Court; and giving voice to crime victims and their families before the U.S. Supreme Court. He is also an Adjunct Lecturer in Southern Methodist University's Department of Political Science, where he teaches Constitutional Law.

Recent Representative Matters:

- Secured complete appellate victory in $1.2 billion Virginia Fraud Against Taxpayers Act suit against leading Texas manufacturer of highway safety products. *Commonwealth ex rel. Harman v. Trinity Industries, Inc.*, No. 1264-24-2 (Va. Ct. App. 2026) [argued].
- Achieved across-the-board win for leading Texas manufacturer in nine-figure New Jersey False Claims Act suit. *State ex rel. Harman v. Trinity Industries, Inc.*, No. A-3788-21 (N.J. Super. Ct. App. Div. 2024) [argued].
- Secured emergency stay pending appeal, reversal of preliminary injunction, and ultimate victory on the merits rejecting a city's attempt to shutter church's 24/7 Rest and Refresh in the Lord ministry. *Pool v. Dad's Place*, No. MW-24-020, 2025-Ohio-5262 (6th Dist.) [argued].
- Reversed MDL court's refusal to compel 22 independent pharmacies to arbitrate their claims against leading provider, ensuring they comply with their contractual commitment to arbitrate. *OptumRx, Inc. v. Advant-Edge Pharmacy*, No. 14-23-00236-cv, 713 S.W.3d 460, 465 (Tex. App.—Houston [14th Dist.] 2025, no pet.).
- Prevailed in a "landmark decision" (*Texas Lawbook*) reversing $663 million judgment, "the largest in the history of the False Claims Act," on behalf of a leading Texas manufacturer in a "legal war for its financial life and its reputation" (*Dallas Morning News*). *U.S. ex rel. Harman v. Trinity Industries, Inc.*, No. 15-41172, 872 F.3d 645 (5th Cir. 2017), cert. denied No. 17-1149, 139 S. Ct. 784 (2019). Successfully obtained dismissal of over a dozen related state-law suits filed by same relator.
- Secured emergency stay pending appeal and, in one of the "biggest Texas rulings of 2021" (*Law360*), ultimately persuaded the Texas Supreme Court to dismiss plaintiffs' common-law claims in a ground-breaking case of first impression about the scope of Section 230 of the Communications Decency Act of 1996; defeated plaintiffs' attempt to secure U.S. Supreme Court review, despite support from 25-state coalition. *In re Facebook*, No. 20-0434, 625 S.W.3d 80 (Tex. 2021), cert. denied 21-549, 142 S. Ct. 1087 (U.S. 2022).
- Slashed a $125 million verdict by 99 percent (to under $2 million) and eliminated the largest emotional-distress award in Texas history ($63 million). *Signature Industrial Services, LLC v. International Paper Co.*, No. 20-0396, 638 S.W.3d 179 (Tex. 2022), aff'g in part and rev'g in part, No. 13-18-00186-cv, 628 S.W.3d 541 (Tex. App.—Corpus Christi 2021).
- Secured emergency order blocking court-appointed receiver from unilaterally executing multi-year lease, selling assets, or winding up the partnership pending appeal in eight-figure dispute arising out of the privatization of the National Helium Reserve. *Air Products Helium, Inc. v. Cliffside Refiners L.P.*, No. 07-24-00358-cv (Tex. App.—Amarillo 2024).
- Defeated multiple attempts to displace a court-appointed receiver who was put in place to protect nearly $50 million in partnership assets, including by obtaining an emergency order staying the Court of Appeals' own order—entered one business day earlier—temporarily removing the receiver. *Wiley Bros. Management Corp. v.*

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Tatton, No. 05-23-00678-cv (Tex. App.—Dallas 2023).

- Secured emergency stay pending appeal, avoiding preliminary hearing and ending a deposition mid-stream, in arbitration case. *Juniper Capital II, LP v. MLB Oil & Gas Management LLC*, No. 01-23-00126-cv (Tex. App.—Houston [1st] 2023).
- Eliminated "record-setting $740 million trade secrets theft and fraud judgment" (*Law360*), for leading title insurance provider, and successfully preserved that victory in the Texas Supreme Court. *Title Source, Inc. v. HouseCanary, Inc.*, No. 04-19-00044-cv, 612 S.W.3d 517 (Tex. App.—San Antonio 2020), denied No. 20-0683 (Tex. 2022).
- Obtained complete victory for leading provider of credit-monitoring services by securing reversal of decision refusing to send claims under federal Credit Repair Organizations Act—brought as a putative, eight-figure class action—to arbitration. *Forby v. One Technologies, L.P.*, No. 20-10088, 13 F.4th 460 (5th Cir. 2021) [argued].
- Won preliminary injunctive relief from emergency arbitrator and secured judicial confirmation of that injunction; then prevailed on the merits of every issue in a nine-figure, eight-day arbitration about an exclusive distribution agreement between energy-drink supplier and leading beverage distributor; and finally prevailed on every issue before AAA appellate panel. *Vital Pharmaceuticals, Inc. v. PepsiCo, Inc.*, No. 0:20-cv-62415 (S.D. Fla.); *PepsiCo, Inc. v. Vital Pharmaceuticals, Inc.*, No. 0:22-cv-60805 (S.D. Fla.); *Quash Seltzer, LLC v. PepsiCo, Inc.*, No. 0:21-cv-60191 (S.D. Fla.).
- Secured emergency stay pending appeal in high-profile First Amendment case against Texas Justice of the Peace Wayne Mack, permitting him to continue allowing volunteer chaplains to perform brief, optional, and interfaith opening ceremonies before court sessions while the Fifth Circuit adjudicated the merits of his appeal. Vindicated that stay by persuading the Fifth Circuit to render judgment in favor of Judge Mack, which ensured that he can continue to honor the volunteer chaplains. *Freedom from Religion Foundation, Inc. v. Mack*, No. 21-20279, 4 F.4th 306 (5th Cir. 2021) (stay pending appeal), 49 F.4th 941 (5th Cir. 2022) (merits), 54 F.4th 320 (5th Cir. 2022) (denying rehearing en banc) [argued].
- Overturned a $7.25 million verdict on statute-of-frauds grounds in one of the "biggest Texas Supreme Court rulings of 2018" (*Law360*). *Hill v. Shamoun & Norman, LLP*, No. 16-0107, 544 S.W.3d 724 (Tex. 2018). After the district court compelled plainly overbroad and improper discovery on remand, persuaded the Fifth Court to stay the discovery order pending resolution of our mandamus petition—also persuaded the State to file an amicus brief in support of our mandamus petition. *In re Albert G. Hill*, No. 05-19-00394-cv (Tex. App.—Dallas 2019).
- Persuaded a unanimous Supreme Court to reinstate pro se plaintiff's religious-liberty claims against police officers who forced her to stop praying in her own home; garnered amicus support from the State of Texas and numerous former federal prosecutors. *Sause v. Bauer*, No. 17-742 (U.S.). Argued Ms. Sause's case in the Tenth Circuit and drew a strong concurrence from Chief Judge Tymkovich, which set the stage for the Supreme Court victory. *Sause v. Bauer*, No. 16-3231 (10th Cir.) [argued].
- Represented the Texas Public Policy Foundation before the en banc Fifth Circuit, which cited our brief by name and dedicated a paragraph to our arguments in favor of permitting separation-of-powers challenges to the SEC's ALJ to be brought in district courts in the first instance. *Cochran v. SEC*, No. 19-10396 20 F.4th 194, 212 (5th Cir. 2021) (en banc), aff'd 598 U.S. 175 (2023). Received New Civil Liberties Alliance's 2022 George Washington Award for Best Amicus Brief.
- Represented the U.S. Chamber of Commerce, the Texas Association of Business, and the Washington Legal Foundation in three path-breaking class-certification and personal-jurisdiction cases before the Texas Supreme Court. *Frisco Medical Center, LLP v. Chestnut*, No. 23-0039, 694 S.W.3d 226 (Tex. 2024); *American Campus Communities, Inc. v. Berry*, No. 21-0874, 667 S.W.3d 227 (Tex. 2023);

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Luciano v. SprayFoamPolymers.com, LLC, No. 18-350, 625 S.W.3d 1 (Tex. 2021)

- Prevailed on high school cheerleaders' First Amendment free-speech claim against their school district, which included persuading the Texas Supreme Court to revive their claims after the Court of Appeals had ruled them moot. *Matthews v. Kountze Independent School District*, No. 14-0453, 484 S.W.3d 416 (Tex. 2016), No. 09-13-00251-cv (Tex. App.—Beaumont).

Brad's extensive pro bono work on behalf of crime victims—ensuring the voiceless are given a voice in the U.S. Supreme Court—includes representing Debra Ricketts-Holder in a case about whether the men who murdered her 17-year-old son for his car stereo were properly ordered to pay her $14,895.78 in restitution, the amount she paid to bury her son, *Ellingburg v. United States*, No. 24-482 (U.S.); *Neilly v. Michigan*, No. 24-395 (U.S.); Coles Whalen, an independent singer-songwriter, in a case about whether her stalker's life-altering, years' long campaign of threats, stalking, and harassment was protected by the First Amendment, *Counterman v. Colorado*, No. 22-138, 600 U.S. 66 (U.S.), which was covered by the *Washington Post*; Lisa Hart, in a case about whether Philadelphia District Attorney Larry Krasner was properly ordered to apologize after he lied to the court about whether he told Lisa and her family that his office wouldn't be seeking the death penalty when retrying the man who murdered her parents in cold blood, turned off the heat in the house, and left seven-month-old Lisa to die—even though two separate juries had previously imposed a death sentence, *Wharton v. Superintendent Graterford SCI*, No. 22-2839, 95 F.4th 140 (3d Cir. 2024), which was covered by the *Philadelphia Inquirer*; and Pablo Castro's children in his murderer's challenge to Texas's enforcement of his capital sentence—Justice Kavanaugh quoted our brief from the bench during oral argument, and Justice Thomas relied extensively on our brief in his dissenting opinion. *Ramirez v. Collier*, No. 21-5592, 142 S. Ct. 1264 (U.S. 2022). Brad also represented victims' families in *Bucklew v. Precythe*, No. 17-8151, 139 S. Ct. 1222 (U.S. 2019) (method of execution), and *Kahler v. Kansas*, No. 18-6135, 140 S. Ct. 1021 (U.S. 2020) (Kansas's insanity test), a bipartisan coalition of members of Congress in *United States v. Briggs*, No. 19-108, 141 S. Ct. 467 (U.S. 2020) (statute of limitations for rape under Uniform Code of Military Justice), and prominent victims' rights organizations in Kansas v. Boettger, No. 19-1051 (U.S.) (state statute proscribing violent threats), and *Arizona v. Goodman*, No. 18-391 (U.S.) and *Arizona v. Martinez*, No. 16-1489 (U.S.) (denial of bail to sex offenders).

Finally, Brad represented Senators Dianne Feinstein, Jon Kyl, and Orrin Hatch—the drafters and co-sponsors of the Crime Victims' Rights Act—before the U.S. Supreme Court and the full Eleventh Circuit in a case brought by Courtney Wild, who was victimized by Jeffrey Epstein. Ms. Wild, represented by prominent victims' rights advocate Judge Paul Cassell, alleged that federal prosecutors violated her right to confer with and be treated fairly by prosecutors by secretly negotiating Epstein's 2007 non-prosecution agreement. Eleventh Circuit Judge Hull dedicated two pages of her dissenting opinion to the arguments presented in our brief. *Wild v. U.S. District Court for the Southern District of Florida*, No. 21-351 (U.S.); *In re Courtney Wild*, No. 19-13843, 994 F.3d 1244 (11th Cir. 2021) (en banc).

Brad served as one of the inaugural law clerks to the Honorable James C. Ho of the U.S. Court of Appeals for the Fifth Circuit. And, before joining the firm, Brad served as a law clerk to the Honorable Steven M. Colloton of the U.S. Court of Appeals for the Eighth Circuit.

Brad graduated with Honors from the University of Chicago Law School in 2013, where he served as Managing Editor of *The University of Chicago Law Review*. He was a Kirkland & Ellis Scholar and a member of the Order of the Coif. While at the Law School, he was a John M. Olin Fellow in Law and Economics and received the Chicago Bar Association Federal Tax Section's Award for Academic Achievement in Taxation. Brad received his Bachelor's and Master's in Accountancy, *summa cum laude*, from the University of Missouri, where he was a four-year letter winner and captain of the nationally ranked men's swim team.

He is a member of the Texas bar and is admitted to practice before the U.S. Supreme Court, the U.S. Courts of Appeals for the Third, Fifth, Sixth, Seventh, Ninth, Tenth, and

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Eleventh Circuits, and the U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of Texas.

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