

Practice Areas

- Labor & Employment Litigation
- Commercial Litigation
- **Education**
 - South Texas College of Law, Juris Doctorate, magna cum laude (2009), Articles Editor, South Texas Law Review (2008–2009); Dean's Honor List; Dean's Scholar
 - University of Evansville, Bachelor of Arts in English and Political Science, magna cum laude (2006); Minor in Legal Studies; Dean's Honors List; Mortar Board Senior Honor Society; Sigma Tau Delta English Honor Society; National Society of Collegiate Scholars

Honors

- Named a "Top Lawyer," Houstonia Magazine, 2019-2022
- 2009 William McGee National Civil Rights Moot Court Competition; Finalist, Best Overall Brief Award

Kellen R. Scott

Shareholder

Houston

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Mr. Scott maintains a general civil litigation practice in state and federal courts, with particular emphasis on employment law, governmental defense, and civil rights.

His practice includes the defense of employers and businesses in state and federal courts and in matters before state and federal administrative agencies, including the Texas Workforce Commission and the Equal Employment Opportunity Commission. Mr. Scott has advised employers on classifying employees properly and also represented clients during investigations conducted by the United States Department of Labor.

Mr. Scott handles all varieties of employment disputes, including claims of discrimination, retaliation, harassment, wrongful termination, breach of contract, and other employment-related torts. His practice also includes litigation regarding general commercial law, unfair competition, fraud, covenants not to compete, and theft of trade secrets and confidential information.

In his government defense practice, Mr. Scott defends governmental entities and their employees from federal and state constitutional and common law claims. Mr. Scott has drafted and argued successfully numerous dispositive motions in this area.

Notable Achievements and Representation

- Second-chaired employment discrimination trial and obtained take nothing jury verdict in favor of employer on allegations of race discrimination, failure to promote, and constructive discharge.
- Part of arbitration team who represented naval architecture firm against subcontractor who breached contracts related to components for offshore drilling rig which caused client to incur substantial damages and also defeated all of subcontractor's counterclaims valued at nearly \$50M.
- Obtained summary judgment in employer's favor against former employee who alleged race, color, and national origin discrimination, constructive discharge, and retaliation.

- 2008 Emory Civil Rights and Liberties Moot Court Competition; Quarter-Finalist
- 2008 Rendigs National Products Liability Moot Court Competition; Semi-Finalist
- Order of the Lytae
- AmJur/CALI Award: Constitutional Law, Texas Trial & Appellate Procedure; Complex Litigation; Texas Criminal Procedure; and International Mediation

Bar Admissions

- Texas

Court Admissions

- Fifth Circuit Court of Appeals
- Southern District of Texas
- Eastern District of Texas
- Western District of Texas
- Northern District of Texas
- District of Colorado

Kellen R. Scott, *Continued*

- Obtained summary judgment for international oil and gas project management company on breach of contract claim and second-chaired three day bench trial on the issue of damages following which the federal court entered judgment in excess of \$6M; drafted appellate brief successfully affirming client's judgment.
- Favorably resolved ADA suit against retail client days after deposing the plaintiff's psychologist.
- Second-chaired temporary injunction hearing after which court denied franchisor's efforts to enforce noncompetition and nonsolicitation covenants against franchisee client.
- Represented employers during Department of Labor audits conducted under the FLSA and FMLA.
- Obtained summary judgment on competitor's claims against client for tortious interference, misappropriation of trade secrets, conspiracy, unfair competition, and business disparagement.
- Second-chaired temporary injunction hearing after which client obtained injunction against client's former employee on claims for breach of fiduciary duty and misappropriation of trade secrets in connection with former employee starting competing venture.
- Drafted appellate briefs, petitions for writs of mandamus, and interlocutory appeals.
- Conducted internal investigations to advise clients on various employment matters.
- Prepared position statements for employers in administrative proceedings conducted by the EEOC and TWC.
- Represented and advised employers, doctors, salesmen, commodity traders, franchisees, oilfield employees in disputes surrounding noncompetition, nonsolicitation, and nondisclosure covenants.
- Defended debt collector in individual and putative class action cases under the FDCPA and TCPA.
- Drafted appellate brief in appeal of commercial landlord/tenant dispute that reversed adverse trial court judgment against client and rendered judgment in client's favor.
- Drafted and successfully argued motion for summary judgment against client's former employee who asserted various claims arising out of his separation from the company.
- Obtained emergency sequestration order authorizing the sequestering of more than \$800,000 worth of industrial tower crane parts.

Kellen R. Scott, *Continued*

- After securing dismissal of state and federal claims against client-employer and state law claims against client-employee, both for failure to state a claim, obtained take nothing summary judgment on claims against client-employee for false arrest and false imprisonment under 42 U.S.C. § 1983.
- Obtained sequestration order and judgment against debtor, which included authorization to seize heavy-duty commercial truck and numerous industrial waste containers.

Internships

- Chief Justice Sherry Radack, Houston First District Court of Appeals

Professional Affiliations

- American Bar Association
- State Bar of Texas, Labor and Employment Section
- Houston Bar Association
- Federal Bar Association
- Member, Society of Human Resource Management

