



Justin Waggoner, *Partner*

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Justin M. Waggoner's primary practice areas include civil appellate law, commercial litigation, securities, and legal malpractice defense. He regularly handles litigation matters at both the trial and appellate level. Mr. Waggoner has had extensive involvement in class actions, representing both plaintiff classes that were certified by Texas and federal courts and defendants opposing class certification.

Mr. Waggoner is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization. He has tried cases in both U.S. District Court and Texas

District Court and arbitrated matters under the auspices of the American Arbitration Association. Mr. Waggoner has briefed and argued appeals before the United States Court of Appeals for the Fifth Circuit, as well as the First, Fifth, Eleventh and Fourteenth Judicial Districts of Texas. He has responded to petitions for review and mandamus petitions in the Texas Supreme Court and has filed petitions for writs of certiorari in the United States Supreme Court. Mr. Waggoner has been involved extensively in pro bono activities and has tried a pro bono civil rights case in federal district court. He has also served as lead counsel in a capital habeas case.

He graduated from the University of Houston with a Bachelor of Arts in Economics, *Summa Cum Laude*, first in his class. He also graduated *Summa Cum Laude*, first in his class, from the University of Houston Law Center, where he served on the *Houston Law Review*. Upon graduation, Mr. Waggoner was selected for a prestigious federal clerkship for the United States Court of Appeals for the Fifth Circuit.

EDUCATION AND EXPERIENCE

University of Houston

B.A., Economics, 1994

University of Houston Law Center

J.D., *Summa Cum Laude*, 1997

Houston Law Review

Law Clerk

to the Hon. Carolyn Dineen King, United States Court of Appeals for the Fifth Circuit, 1997-1998

Partner

Smyser Kaplan & Veselka, L.L.P., 2003-Present

Associate

Smyser Kaplan & Veselka, L.L.P., 1998-2002

PROFESSIONAL RECOGNITION

Selected as a Benchmark Litigation Texas Future Star 2013-2016.

Selected as a Recognized Practitioner, Chambers USA, 2016.

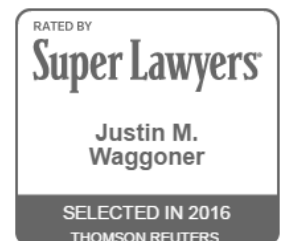
Selected as a Texas *Rising Star*, 2004 - 2012.

Selected as a *Super Lawyer*, 2013 - 2014.

Named as a Top Lawyer by H Magazine.

Selected as a Texas Bar Foundation Fellow.

Selected as a Houston Bar Foundation Fellow.



ADMISSIONS

State Courts of Texas
United States Supreme Court
United States Court of Appeals for the Fifth Circuit
United States Court of Appeals for the Ninth Circuit
United States District Court for the Southern, Northern, Eastern, and Western Districts of Texas
United States Court of Appeals for the Western District of Arkansas
United States Court of Appeals for the Southern District of New York
Iowa state courts

ORGANIZATIONS

- Fifth Circuit Bar Association
- Houston Bar Association
- State Bar of Texas

REPRESENTATIVE MATTERS

- **RTM Media, L.L.C. v. City of Houston**
Along with partner, Craig Smyser, Mr. Waggoner obtained a summary judgment for City of Houston in a constitutional challenge to the Sign Code. The court decided the Sign Code did not violate the First Amendment. The victory involved a reversal of a temporary injunction preventing enforcement of the Sign Code.
- **Bravos Emergency Physicians Association**
SKV partners Justin Waggoner and Craig Smyser obtained a long-fought victory for Dr. Fite and the shareholders of Brazos Emergency Physicians Association when the jury awarded a verdict of nearly \$4,000,000 after the case pending for nearly a decade reached trial. The verdict also denied all counterclaims, totaling nearly \$12 million.
- **Liquefied Natural Gas**
Mr. Waggoner along with SKV partner, Craig Smyser, represented an energy company primarily engaged in the Liquefied Natural Gas business in a dispute with one of the world's largest integrated energy companies. In an International Centre for Dispute Resolution arbitration, SKV's client won a complete victory involving a \$2 billion contract. The three-member arbitration panel unanimously agreed with SKV's client's positions, rejected all contrary claims, and awarded SKV's client all costs, including SKV's attorney's fees.
- Mr. Waggoner obtained a favorable settlement for the 50% owner of an electrode manufacturing company in asserting shareholder derivative claims against the other owner.
- Defeated request for preliminary injunction Harris County state court in trade secret misappropriation.