



## Justin Carl Pfeiffer

### Partner

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Justin Pfeiffer is a partner in the Houston office of Lewis Brisbois and a member of the Labor & Employment and Appellate Practices.

Mr. Pfeiffer offer clients extensive experience in litigating complex constitutional, civil rights, commercial, administrative, criminal matters in federal and state courts throughout the country. He has successfully argued at two different courts of appeal and at state courts of last resort. Mr. Pfeiffer have appeared in the Supreme Court of the United States as counsel of record on three separate occasions, the United States Court of Appeals for the Fifth Circuit as counsel of record seven times, including on behalf of seven million people, the Supreme Court of Texas twice, and once in the Texas Court of Criminal Appeals where he represented 42% of the population of Texas.

In the Texas Court of Criminal Appeals, Mr. Pfeiffer argued on behalf of Texas's urban county prosecutors addressing the important issue of first impression of whether the Constitution of Texas allows the Legislature to provide the Attorney General with independent authority to initiate criminal prosecutions. He asserted that the framers of the Texas Constitution provided the Attorney General with broad civil grants of authority, but intentionally fragmented and decentralized prosecutorial authority in line with prevailing Jacksonian ethos of that time. This matter is particularly important because the new Texas voting statutes largely rely on criminal enforcement provisions. There, Mr. Pfeiffer represented Brian M. Middleton, District Attorney of Fort Bend County (268th Judicial District of Texas), Joe D. Gonzales, Criminal District Attorney of Bexar County; Kimbra Kathryn "Kim" Ogg, District Attorney of Harris County; John Coleman Creuzot, Criminal District Attorney of Dallas County; Mark A. González, District Attorney of Nueces County (105th Judicial District); José Pompa Garza, District Attorney of Travis County (53rd Judicial District); and Delia Aileen Garza, County Attorney of Travis County).

### Houston, TX

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After graduating Order of the Coif from Michigan Law School, Mr. Pfeiffer began his legal career as a law clerk to Judge William B. Shubb of the Eastern District of California in Sacramento, California. Immediately thereafter, he served as a law clerk to Judge Priscilla R. Owen of the Fifth Circuit in Austin, Texas. He received by B.A. from the University of Virginia where he was elected to Phi Beta Kappa and finished in the top 1% of his class.

Mr. Pfeiffer's substantive federal experience includes the following areas of law: securities, constitutional, civil rights, environmental and land use, administrative, patent, copyright, federal criminal, federal death penalty, habeas and death penalty, employment, immigration, bankruptcy, and civil and criminal procedure. As evidenced by his published opinions, he am a leading expert on the Constitution of Texas.

In private practice, Mr. Pfeiffer served as lead counsel for Bela and Marta Karloyi in the California Nassar Cases, securing a dismissal of the causes of actions against them and their entities. Mr. Pfeiffer has represented a major mutual fund provider against class actions alleging claims under federal securities law and state law. He helped achieve dismissal of the state-law claims and substantially limited the federal claims. He helped achieve an interlocutory reversal, pursuant to 28 U.S.C. § 1292(b), of the district court's conclusion that a federal securities statute provided a private right of action thereby saving the client from discovery.

Mr. Pfeiffer am bilingual in Castilian Spanish. He attended the University of Salamanca between undergraduate and law school where he completed coursework with native Spaniards and other students Latin America.

Mr. Pfeiffer have extensive connections throughout Spanish-speaking world and have been decorated by foreign governments for merit.

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## Primary Area(s) of Practice

- Labor & Employment
- Appellate

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## Associations

- Law Clerk, Judge Priscilla R. Owen, U.S.C.A. 5
- Law Clerk, Judge William B. Shubb, U.S.D.C. E.D. Cal.

- William Howard Taft National Historic Site; Former Member, Board of Trustees
  - University of Michigan Law School; Class of 2016 Reunion Committee Member
  - Fundación Amigo Museo del Prado; Madrid, España
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## Education

### The University Of Michigan Law School, Ann Arbor, MI

*Juris Doctor*, Order of the Coif, May 2006

- Michigan Journal of International Law: Associate Editor, Contributing Editor
- Michigan International Trade Law Moot Court Team, Runner-up: Best Written Submission
- Michigan Student Assembly, Representative for the Law School, Fall 2005-Winter 2006

### The University Of Virginia, Charlottesville, VA

Bachelor of Arts, Phi Beta Kappa & with Distinction in History, May 2001

- Echols Scholar, Intermediate Honors, Golden Key National Honor Society
  - Student Counsel, various, including twice-elected College Representative, Fall 1997-Spring 2001
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## Foreign Language Capabilities

Spanish

## Published Opinions

1. Represented the district attorneys of Fort Bend, Bexar, Dallas, Harris, Nueces, and Travis Counties (41.5% of the State) challenging the Legislature's provision of independent prosecutorial authority to the Attorney General under the Texas Constitution of 1876. *Stephens v. State*, 608 S.W.3d 245 (Tex. App.--Houston (1st Dist.[ 2020, pet. granted), Nos. PD-1032 & 1033-20 (Tex. Crim. App.); Presented oral argument, Jun. 16, 2021.

2. Overall lead for Fort Bend, Harris, and Travis Counties advocating that Texas Secretary of State is the proper defendant for constitutional challenges to election laws of statewide applicability. Brief of Amici

Curiae, *Lewis v. Hughs*, No. 20–50654, 2021 WL 856610 (5th Cir. Feb. 24, 2021).

3. In *Voss v. Goode*, 954 F.3d 234 (5th Cir. 2020) (Higginson, J.), cert. denied, 141 S. Ct. 662 (2020), judgment against plaintiff alleging arrest violated First Amendment affirmed. Presented oral argument, Feb. 4, 2020 (No. 19–20167). Authored successful petition-stage brief. Brief in Opp’n, 141 S. Ct. 662 (2020) (No. 20-50) 2020 WL 5745529 (U.S. Sept. 21, 2020).

4. In *Jones v. Eder*, 778 F. App’x 327 (5th Cir. 2019) (per curiam), cert. denied, 140 S. Ct. 2764 (2020), judgment in favor of Fort Bend County and the narcotics task force leadership affirmed. Authored successful petition-stage brief. Brief in Opp’n, 140 S. Ct. 2764 (2020) (No. 19-1112) 2020 WL 1875768 (U.S. Apr. 9, 2020).

5. In *Tex. League of United Latin Am. Citizens v. Abbott*, 493 F. Supp. 3d 548 (W.D. Tex. 2020), lead county counsel in nationally significant matter challenging Texas Governor’s last-minute proclamation limiting counties to a single ballot return center. Overall lead for Amici counties at Fifth Circuit. Brief of Amici Curiae, *Tex. League of United Latin Am. Citizens v. Hughs*, 978 F.3d 136 (5th Cir. 2020) (No. 20–50867) (Oct. 12, 2020).

6. In *Texas Democratic Party v. Abbott*, 978 F.3d 168 (5th Cir. 2020), cert. denied, No. 19-1389 (Jan. 11, 2021)—a nationally significant vote-by-mail matter based on the Twenty-Sixth Amendment to the U.S. Constitution—lead counsel for Fort Bend County in the Fifth Circuit, 2020 WL 4228511, and in the Supreme Court, 2020 WL 4227868.

7. Lead Counsel for Amici Fort Bend County and City of Houston in nationally significant voting rights matter advocating for county clerk’s authority to mail applications to vote by mail. Brief of Amici Curiae, *State v. Hollins*, 600 S.W.3d 400 (Tex. 2020) (No. 20-0729) 2020 WL 6037684 (Tex. Sept. 28, 2020).

8. In a challenge to the Governor of Texas’s March 2020 emergency order restricting abortion in Austin federal district court. Planned Parenthood Ctr. for *Choice v. Abbott*, 450 F. Supp. 3d 753 (W.D. Tex. 2020), vacated, *In re Abbott*, 954 F.3d 772 (5th Cir. 2020), cert. granted & procedurally vacated, *Planned Parenthood Ctr. for Choice v. Abbott*, 141 S Ct. 1261 (2021).

9. In *Target Training Int’l v. Extended DISC Int’l*, 645 F. App’x 1018 (Fed. Cir. 2016) (O’Malley, J.), successfully defended district court’s judgment on

alternate grounds. [Mar. 11, 2016, oral argument before Prost, C.J., Dyk & O'Malley, JJ. (No. 15–1856) is available on court website.]

10. In *Northstar Fin. Advisors v. Schwab Invs.*, 615 F.3d 1106 (9th Cir. 2010), reversing 609 F. Supp. 2d 938 (N.D. Cal. 2009), on a 28 U.S.C. § 1292(b) interlocutory appeal, led strategy and briefing to achieve dismissal in first-impression case that statute had no private right of action.