



JOSE DE LA FUENTE

Principal

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Joe de la Fuente has significant experience both helping clients avoid business disputes through pre-litigation counseling, and when disputes do arise, resolving those disputes through negotiation, mediation, arbitration, trial, and appeals in state and federal courts and before administrative agencies in Texas and nationwide. Joe has represented clients in a wide array of industries, including public and governmental entities, healthcare, oil and gas, construction, insurance, commercial finance, after-market warranties, computer software, private correctional facilities, medical technology, and large retail. He has represented clients nationwide and throughout the State of Texas, and is admitted to practice in Texas and every U.S. District Court in Texas. A Houston native, Joe has lived in Austin for twenty years, and serves the community as a member of the City of Austin Ethics Review Commission and as a trustee on the board of Mo-Ranch Conference Center, in Hunt, Texas.



AREAS OF PRACTICE

- Litigation
- Business Services

REPRESENTATIVE EXPERIENCE

- Represented a municipality in defense of an environmental preferential purchasing resolution in Federal Court. Representation included obtaining the dismissal of the majority of plaintiff's claims, and resolution of remaining issues by favorable settlement;
- Representing governmental entities and private enterprises in constitutional and civil rights litigation, including racial discrimination, Fair Housing Act, and freedom of speech cases. Representation of public entities included defense of federal court litigation at trial and appeal to the Fifth Circuit;
- Representing claimants in Clean Water Act cases, including obtaining the largest civil penalty ever assessed for violations of the Clean Water Act;
- Complex construction disputes, including claims relating to moisture incursion and other structural defects, and contract claims relating to performance and payment disputes;
- Trial and judgment in breach of contract case in favor of a regional hospital and defense of the judgment on appeal;
- Successful arbitration on behalf of a regional hospital in physician recruiting agreement dispute;
- Representing physician practice group in pre-dispute counseling and settlement of contract disputes;
- Obtained emergency injunctive relief to prevent potential contamination of municipal water source;
- Representation of governmental entities and private parties in disputes arising from pipeline failures and spills, including disputes relating to resulting contamination;
- Successful arbitration in defense of national technology services company in a dispute regarding stock purchase rights pursuant to merger agreement;
- Successful jury trials to defense verdict in wrongful termination cases, including cases relating to race discrimination and workers' compensation claim retaliation;

- Negotiation and drafting of complex indemnity and risk-sharing agreements;
- Representing a video game software company in a vendor contract dispute;
- Representing physicians and practice groups when subpoenaed as third-party witnesses;
- Representing private correctional facilities in wrongful death and personal injury litigation;
- Representing a college athletic organization at trial and appeal to Supreme Court;
- Successful jury trials of insurance premium fraud cases;
- Obtaining summary judgment for defense in multi-party lender liability case;
- Appeals to Courts of Appeals and the Texas Supreme Court

PROFESSIONAL LICENSES AND EDUCATION

- Admitted to State Bar of Texas (1995)
- Admitted to U.S. District Courts for Western, Eastern, Northern, and Southern Districts of Texas
- J.D., University of Texas (1995) (Associate Editor, The Review of Litigation; Teaching Quizmaster)
- B.A., Plan II Honors, University of Texas (1992)

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- State Bar of Texas
- Austin Bar Association
 - Secretary, Civil Litigation Section
- American Inns of Court

PUBLICATIONS AND PRESENTATIONS

- "Arbitration's Lucky Charms," paper and presentation to Texas Public Power Association, October, 2007
 - "Legal Issues for Directors of Non-Profit Corporations," paper and presentation, July, 2007
 - "The Federal Fair Housing Act and Municipal Zoning and Regulation: New Developments That May Affect "New Developments," paper and presentation to Texas City Attorneys Association, June, 2007
 - "Cross-Examination Dos and Don'ts," paper and panelist, Austin Bar Association Ultimate Trial Notebook Seminar, May, 2006
 - "Developments in Substantive Law: Alternative Dispute Resolution 'Arbitration Tango,'" Texas Lawyer, December 19, 2005
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