

Scott McDonald

Shareholder

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Focus Areas

Unfair Competition and Trade Secrets
Contractors, Staffing and Contingent Workers
Class Action
Transportation
Whistleblowing, Compliance and Investigations

Overview

M. Scott McDonald has represented clients in all areas of employment and labor law for more than 20 years. He focuses specifically on:

- Employment contracts
- Wrongful termination litigation
- Unfair competition disputes and trade secret protection

Among his notable successes, Scott secured injunctions enforcing non-compete agreements in three consecutive cases involving quantitative analysts in the high frequency trading industry. He led teams in complex multi-jurisdictional disputes that resulted in the protection of millions of dollars of intellectual property. He has served as counsel for amicus curiae that successfully pursued arguments for the use of a new non-compete test and partial reversal of the Texas Supreme Court's interpretation of Texas law on non-compete agreements. In another precedent setting matter, he helped design a creative trade secret protection argument that established a new test for pre-lawsuit deposition actions in Texas.

Scott's practice involves, among others, a concentration of clients in the following industries:

- Transportation
- Finance

- Technology
- Manufacturing

Scott has written and contributed to numerous books and articles on employment law. He has been relied upon as a commentator on employment law subjects by both local and national media. He is a frequent speaker at employment law seminars, and has served as a guest lecturer at local universities and colleges.

In law school, Scott was chief note editor for *The Review of Litigation*.

Professional and Community Affiliations

- Member, Dallas Bar Foundation
- Former Chair, Labor and Employment Law Section, Dallas Bar Association, 2000
- Member, Texas State Employee Relations Committee, Texas Association of Business
- Member, Advisory Committee, Metro Dallas YMCA Human Resources
- Member, American Law Institute

Recognition

- Named, The Best Lawyers in America®, 2006-2025
- Named, Lawyer of the Year, Employment Law - Management, Dallas/Fort Worth, *The Best Lawyers in America*®, 2013, 2021
- Named, Lawyer of the Year, Labor Law - Management, Dallas/Fort Worth, *The Best Lawyers in America*®, 2015, 2017
- Named, International Who's Who of Management Labour and Employment Lawyers, *Who's Who Legal*, 2012 and 2013, 2024
- Ranked, Labor & Employment, *Chambers USA*, 2005-2010, 2012-2024
- Named, BTI's Client Service All-Star Team
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*
- Named, 500 Leading Corporate Employment Lawyers, *Lawdragon*, 2020-2025
- Selected, *American Law Institute*, 2010

Education

J.D., University of Texas School of Law, 1987

B.A., University of Texas, El Paso, 1984

Bar Admissions

Texas

Courts

U.S. Court of Appeals, 5th Circuit
U.S. Court of Appeals, 10th Circuit
Texas Supreme Court
U.S. District Court, Northern District of Texas
U.S. District Court, Southern District of Texas
U.S. District Court, Eastern District of Texas
U.S. District Court, Western District of Texas
U.S. District Court, Northern District of Oklahoma

Publications & Press

With FTC noncompete ban overturned, what does HR need to do?

Human Resource Executive

September 3, 2024

Texas Court Sets Aside the FTC's Non-Compete Rule with Nationwide Effect

Littler ASAP

August 21, 2024

Texas District Court Narrowly Stays and Enjoins FTC's Non-Compete Rule

Littler ASAP

July 4, 2024

Littler Ranked in 2024 Chambers USA Guide

Littler Press Release

June 6, 2024

Texas District Court Declares State Preemption Law Unconstitutional. What Now?

Littler ASAP

September 1, 2023

Texas Governor Signs Preemption Bill, CROWN Act and Other Bills

SHRM Online

August 23, 2023

Texas Governor Signs Preemption Bill, CROWN Act, and Other Legislation into Law

Littler Insight

August 11, 2023

Littler Recognized in 2023 Chambers USA Guide

Littler Press Release

June 6, 2023

SHRM Objects to Banning Noncompete Agreements

SHRM Online

April 26, 2023

Littler Ranked in Chambers USA Guide 2022

Littler Press Release

June 1, 2022

Best Lawyers in America® 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

President Biden Seeks to Regulate (and Potentially Ban) Non-Competes

Littler ASAP

July 9, 2021

Noncompete EO Will Have Little Immediate Impact on Workers

Law360 Employment Authority

July 9, 2021

President's Expected Order Discouraging Non-Compete Clauses Could Buoy Brokers on the Move

AdvisorHub

July 8, 2021

Littler Ranked in Chambers USA Guide 2021

Littler Press Release

May 27, 2021

Littler Attorneys Recognized by BTI Consulting and Lawdragon

Littler Press Release

December 15, 2020

Defense of Trade Secrets Act: Part of a TTO's international IP protection toolbox

Tech Transfer Central

September 2, 2020

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers

Littler Press Release

August 20, 2020

The Defense of Trade Secrets Act: Part of a TTO's international IP protection toolbox

Technology Transfer Tactics

August 19, 2020

Joint DOJ & FTC Antitrust Guidance Warns Employers About Colluding and Sharing Competitive Data During the COVID-19 Crisis

Littler ASAP

April 14, 2020

Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year

Littler Press Release

August 15, 2019

Littler Ranked in 2019 Chambers USA Guide

Littler Press Release

April 25, 2019

Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 15, 2018

Littler Ranked in 2018 Chambers USA Guide

Littler Press Release

May 15, 2018

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 17, 2017

Texas Amends its Uniform Trade Secrets Act

Littler ASAP

June 12, 2017

Littler and Its Attorneys Receive Top Rankings in 2017 Chambers USA Guide

Littler Press Release

May 26, 2017

New California Law Prohibits Choice of Law and Venue in Employment Contracts

Littler Insight

October 3, 2016

The Best Lawyers in America® Honors More Than 180 Littler Lawyers in Its 2017 Edition

Littler Press Release

August 16, 2016

Chambers USA Recognizes Littler and Attorneys in 2016 Guide

Littler Press Release

May 27, 2016

New Law Places Focus on International Trade Secret Theft

Global Trade Magazine

May 11, 2016

Trade Secrets Finally Get Federal Law Protection

Littler Insight

May 2, 2016

Workforce Q&A

Texas Business Report

May 1, 2016

Littler Attorneys Recognized in the Best Lawyers in America® 2016 Edition

Littler Press Release

August 18, 2015

Littler Attorneys Secure Victory in Major Trade Secrets Case

Littler Press Release

May 21, 2015

Chambers USA Recognizes Littler and Its Attorneys

Littler Press Release

May 20, 2015

Texas Supreme Court Rules for Exxon: A New Day for Noncompete-Triggered Forfeitures in Texas?

Littler Insight

September 8, 2014

Littler Attorneys Included in the Best Lawyers in America© 2015 Edition

Littler Press Release

August 18, 2014

Littler and Its Attorneys Ranked In 2014 Chambers USA Guide

Littler Press Release

May 23, 2014

Littler Attorneys Named in Best Lawyers in America® 2014 Edition

Littler Press Release

August 15, 2013

Littler Named Management, Labour and Employment Firm of the Year by Who's Who Legal

Littler Press Release

June 24, 2013

Littler Mendelson Named in the 2013 Chambers USA Guide

Littler Press Release

May 24, 2013

Texas May Become 48th State to Adopt the Uniform Trade Secrets Act

Littler ASAP

March 13, 2013

Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition

Littler Press Release

September 7, 2012

Littler Named World's Leading Law Firm for Management Labor and Employment Work

Littler Press Release

June 12, 2012

Best Lawyers in America® Names 108 Littler Lawyers to 2012 Edition

Littler Press Release

September 12, 2011

Texas Supreme Court Rules Stock Options Sufficient Consideration to Support Post-Employment Restrictive Covenant

Littler ASAP

June 29, 2011

The Door Continues to Close on Light: Texas Supreme Court Holds Stock Options Award to Valuable Employee Provides Necessary "Nexus" to Protection of Company's Goodwill

Littler Insight

June 28, 2011

Seventy-Two Littler Attorneys Named to The Best Lawyers in America® 2011

Littler Press Release

August 9, 2010

Littler Attorneys Honored by Chambers USA

Littler Press Release

June 21, 2010

Littler Attorneys Honored by Chambers USA

Littler Press Release

June 21, 2010

61 Littler Attorneys Named to The Best Lawyers in America® 2010

Littler Press Release

August 14, 2009

The Emerging New Workforce: Employment and Labor Law Solutions for Contract Workers, Temporaries, and Flex-Workers

Littler Report

May 11, 2009

51 Littler Attorneys Named to The Best Lawyers in America

Littler Press Release

October 31, 2008

Across the Board: Changes Are In the Works for Noncompete Agreements

Littler Insight

August 2, 2007

Did They Turn Out the Light? The Supreme Court Rules on Covenants Not to Compete, Texas Bar Journal, May 2007

Texas Bar Journal

May 1, 2007

Scott McDonald Discusses Recent Noncompete Agreement Ruling

Dallas Morning News

November 19, 2006

Texas Supreme Court Provides New Focus for Noncompete Contract Enforcement

Littler Insight

October 24, 2006

11 Littler Mendelson Lawyers Recognized as Legal Elite by Chambers USA

Littler Press Release

June 19, 2006

Scott McDonald Chimes in on Texas' Proposition 2 Debate

Dallas Business Journal

October 21, 2005

Nine Littler Attorneys Named to 2006 Best Lawyers in America Publication

Littler Press Release

October 11, 2005

Scott McDonald cautions employers on not being able to fully control employee blogging

Dallas Business Journal

June 27, 2005

New Eleventh Circuit Ruling in Palmer & Cay Promotes Racing to the Courthouse in Noncompete Disputes

Littler Insight

April 25, 2005

Speaking Engagements

Considerations for Compliance with FTC Noncompete Rule

August 8, 2024

2023 Dallas Regional Employer Conference

Dallas, TX

August 3, 2023

Seven Key Developments and Recommendations Affecting Your Restrictive Covenant Agreements and Unfair Competition Strategy

May 11, 2017

The New Federal Trade Secret Legislation: Learn What You Need To Do Under The Act

May 19, 2016

Noncompetes & Trade Secret Protection: An In-House Counsel's Guide to a Big Year of Change

Houston, TX

April 8, 2015

Noncompetes & Trade Secret Protection: An In-House Counsel's Guide to A Big Year of Change

Dallas, TX

February 11, 2015

Books & Book Chapters

- Texas Employment Law Handbook, *Texas Association of Business*, Chapter Editor and Contributing Author, 2004-2013
- Drafting and Enforcing Covenants Not to Compete, *Bloomberg BNA*, McDonald & Lichty, 2009
- Employment Arbitration Agreements: A Practical Guide, *Aspen Publishers*, 2009
- Tortious Interference, *Bloomberg BNA*, 2003-present
- Covenants Not to Compete: State-by-State Survey, *Bloomberg BNA*, 1996-present
- Employee Duty of Loyalty, *Bloomberg BNA*, 1996-present
- Trade Secrets: A State-by-State Survey, *Bloomberg BNA*, 1996-present