



## Scott McDonald

Shareholder

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## Practice 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**

### **Kansas Law Mandates Reformation and Strengthens Non-Solicitation Covenants**

*Littler ASAP*

April 11, 2025

### **Wyoming Bans Non-Compete Covenants with Some Exceptions**

*Littler ASAP*

March 27, 2025

### **Arkansas Bans Physician Non-Compete Agreements**

*Littler ASAP*

March 11, 2025

### **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**

*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 ASAP*

August 11, 2023

**Littler Recognized in 2023 Chambers USA Guide**

*Press Release*

June 6, 2023

**SHRM Objects to Banning Noncompete Agreements**

*SHRM Online*

April 26, 2023

**Littler Ranked in Chambers USA Guide 2022**

*Press Release*

June 1, 2022

**Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers**

*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**

*Press Release*

May 27, 2021

**Littler Attorneys Recognized by BTI Consulting and Lawdragon**

*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**

*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**

*Press Release*

August 15, 2019

**Littler Ranked in 2019 Chambers USA Guide**

*Press Release*

April 25, 2019

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

*Press Release*

August 15, 2018

**Littler Ranked in 2018 Chambers USA Guide**

*Press Release*

May 15, 2018

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

*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**

*Press Release*

May 26, 2017

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

*Littler ASAP*

October 3, 2016

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

*Press Release*

August 16, 2016

**Chambers USA Recognizes Littler and Attorneys in 2016 Guide**

*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 ASAP*

May 2, 2016

**Workforce Q&A**

*Texas Business Report*

May 1, 2016

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

*Press Release*

August 18, 2015

**Littler Attorneys Secure Victory in Major Trade Secrets Case**

*Press Release*

May 21, 2015

**Chambers USA Recognizes Littler and Its Attorneys**

*Press Release*

May 20, 2015

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

*Littler ASAP*

September 8, 2014

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

*Press Release*

August 18, 2014

**Littler and Its Attorneys Ranked In 2014 Chambers USA Guide**

*Press Release*

May 23, 2014

**Littler Attorneys Named in Best Lawyers in America® 2014 Edition**

*Press Release*

August 15, 2013

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

*Press Release*

June 24, 2013

**Littler Mendelson Named in the 2013 Chambers USA Guide**

*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**

*Press Release*

September 7, 2012

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

*Press Release*

June 12, 2012

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

*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 ASAP*

June 28, 2011

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

*Press Release*

August 9, 2010

**Littler Attorneys Honored by Chambers USA**

*Press Release*

June 21, 2010

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

*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**

*Press Release*

October 31, 2008

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

*Littler ASAP*

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 ASAP*

October 24, 2006

**11 Littler Mendelson Lawyers Recognized as Legal Elite by Chambers USA**

*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**

*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 ASAP*

April 25, 2005

**Events & Speaking Engagements**

**The Antritrust Roller Coaster: No Poach and Other Restrictive Covenants**

April 8, 2025

**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