Thomas F. Allen, Jr.

Partner

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Industries

Energy

Oil, Gas & Minerals

Industrials

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Practice Areas

Business & Commercial Litigation

Antitrust & Trade Regulation

Appellate

Corporate Law

Health Care

Outside General Counsel Services

Private Equity & Venture

Bar Memberships

Texas

Thomas is an accomplished advocate, counselor, and problem-solver. With more than 20 years of experience in complex civil and appellate litigation, he has presented numerous oral arguments in federal and state appellate courts, including the U.S. Court of Appeals for the Fifth Circuit and the Texas Supreme Court. Thomas works closely with trial attorneys and formulates strategies at all stages of litigation. He also counsels clients in non-litigation contexts, such as corporate transactions and compliance, to assess legal risk and mitigate potential exposure.

Thomas brings a creative, forward-looking approach to his practice, and has achieved groundbreaking results. Before joining FBT Gibbons, he successfully argued in the Fifth Circuit on behalf of a healthcare provider challenging the federal government's recoupment of Medicare payments—resulting in the bellwether opinion of *Family Rehabilitation v. Azar*. Thomas played a principal role in achieving a unanimous Texas Supreme Court victory for a group of indigent litigants in *Campbell v. Wilder*, a high-profile access-to-justice case. And he successfully argued in the Texas Supreme Court for a commercial tenant in *Italian Cowboy Partners v. Prudential Insurance Co.*, which clarified an important area of Texas contract law.

Thomas is committed to pro bono and community service. In 2017, he was a recipient of the "Impact Award" by the Poverty Law Section of the State Bar of Texas. Thomas also serves on the Board of Directors for the Dallas Zoo.

Other Info About Thomas

Experience

As lead appellate counsel, argued on behalf of healthcare provider in *Family Rehabilitation v. Azar* (5th Cir. 2018), resulting in groundbreaking ruling for provider in its dispute with the federal government over recoupment of Medicare payments.

Represented network of air ambulance providers in coordinated litigation across multiple jurisdictions involving complex issues of federal preemption and insurance regulation.

Represented hospital and parent corporation in appeal by former employees, who had sought to overturn the summary judgment dismissing their employment-discrimination and retaliation suit. The Fifth Circuit affirmed.

In the El Paso Court of Appeals, successfully argued for affirmance of summary judgments for oil and gas operator in two related suits over sales of mineral interests.

Advised consumer goods corporation in connection with sale of over 40 brands in a transaction worth $12.5 billion.

Successfully represented software company in Fifth Circuit appeal arising from complex intellectual property dispute. The Fifth Circuit affirmed summary judgment for the company in trade secrets case based on a contractual forum selection clause.

Successfully argued in the Texas Supreme Court on behalf of a commercial tenant in its dispute with landlord over condition of leased property.

Represented indigent litigants in successful petition to the Texas Supreme Court in high-profile access-to-justice case.

Successfully argued in the Fort Worth Court of Appeals for affirmance of $1.5 million judgment in favor of client, as well as cross-appeal for additional attorneys fees of more than $200,000, in long-running dispute over the sale of an apartment complex.

Education

Harvard University, J.D. 1999
cum laude
Notes Editor, Harvard Law Review

Yale University, 1994, B.A. in English
magna cum laude

Clerkships

Law Clerk to the Honorable Will Garwood, U.S. Court of Appeals, Fifth Circuit (1999-2000)

Courts

U.S. District Courts for the Northern, Southern, and Eastern Districts of Texas

U.S. Courts of Appeals for the Second, Third, Fifth, and Ninth Circuits

Recognition

The Best Lawyers in America®, Appellate Practice, 2023-2027

Impact Award, Poverty Law Section, State Bar of Texas (2017)

D Magazine "Best Lawyers in Dallas" (2017, 2015)

Professional Affiliations

Council Member, Appellate Section of the State Bar of Texas (2014-2017)

Dallas Bar Association

Civic Activities

Dallas Zoo, Board of Directors (Executive Committee)

Yale Club of Dallas, Board of Directors

Firm Committees

Pro Bono Committee, Member

Presentations

Texas Library Association Annual Conference, "The Right to Read: 2026 Legal Update," March 2026, Presenter.

Major Publications

"U.S. Supreme Court 2023-24 Term: Key Decisions and Industry Impact," September 2024

"U.S. Supreme Court 2022-2023 Term: Key Decisions & Business Impacts," August 2023

"Moving Forward: How the Supreme Court's Fall 2021 Term Will Impact Your Business," September 2022

Featured Articles

In *Trump v. Slaughter*, Supreme Court Issues Landmark Opinion Regarding Federal Agencies and the Separation of Powers

Negative Inferences and Unusual Alliances: Supreme Court Wades Back Into the *Rooker-Feldman* Doctrine

All State Law Bark, No Federal Court Bite—Supreme Court's Royal Canin Decision Rules That a Complaint With Only "Leftover" State-Law Claims Will Not Remain in Federal Court

U.S. Supreme Court 2023-24 Term: Key Decisions and Industry Impact

Supreme Court Overrules the 'Chevron Doctrine' and Changes the Face of Federal Regulatory and Administrative Law

Fifth Circuit Eliminates the 'Ultimate-Employment-Decisions' Test for Title VII Discrimination Claims

Supreme Court Clarifies 'Transformative' Art in the Context of Copyright 'Fair Use'

Supreme Court Holds Post-Trial Motions Not Required to Preserve Appellate Rights on Purely Legal Questions

Supreme Court Pokes a Hole in the Ironclad Nature of Bankruptcy 363 Sales

Moving Forward: How the Supreme Court's Fall 2021 Term Will Impact Your Business

Texas Governor Bans State Mask and Vaccine Mandates

Texas Ends Mask Mandate and Most COVID-Related Restrictions

Texas Governor Permits Most Businesses to Operate at 75% Capacity

Texas Governor Imposes New Restrictions and Pauses State Reopening

Dallas County Requires Health and Safety Policies for All Commercial Entities

FBT COVID-19 Team: Texas Governor Orders "Phase Two" of Texas Reopening

FBT COVID-19 Team: Texas Governor Orders Phased Reopening (May 8 Update)

Texas Developments, Week of April 20, 2020

COVID-19 Team: Texas Developments (Updated April 7, 2020)

Protected: Cameron International Corporation wins complete victory before the Texas Supreme Court in multimillion-dollar employer liability case

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