



Ben Stephens

PARTNER

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OVERVIEW

Ben represents governments, and those dealing with the government, in disputes.

Ben is an experienced public law attorney based in Houston, representing a diverse array of government entities, public officials, and private sector clients in both state and federal courts. With a keen understanding of the unique challenges faced by public sector clients, Ben approaches each matter with a strategic focus on long-term objectives, policy priorities, and public relations considerations.

Ben's practice is centered on public law and real estate litigation. He frequently serves as outside litigation and trial counsel for cities, counties, and special districts. Representative cases include Section 1983 and equal protection litigation, civil rights, public contracting and procurement, eminent domain, and intra-governmental litigation. His work also encompasses broader issues of public policy, ensuring that clients' legal strategies align with their institutional missions and community responsibilities.

Beyond his extensive work with governmental clients, Ben has significant experience handling commercial litigation and arbitration across various industries, including real estate, oil and gas, automotive, construction, and specialty manufacturing. His broad litigation background enables him to deliver effective solutions in high-stakes disputes while safeguarding clients' interests and reputations.

Industry

Real Estate, Development, & Construction

Services

Campaign Finance, Political Ethics, & Election Law

Commercial Litigation

Construction Litigation

Data Centers

Land Use

Levee & Flood Protection

Litigation & Alternative Dispute Resolution

Public Law

Public Policy, Regulatory, & Government Affairs

Experience

- Represented county, sheriff, and criminal judges in class action litigation alleging unconstitutional bail-setting practices, and after trial, obtained reversal and rendering of judgment from en banc federal court of appeals.
- Represented local government corporation in multi-district litigation arising out of multiple fatality incident at music festival, obtaining dismissal on immunity grounds in hundreds of cases.
- Represent regional transportation district in complex breach of contract matters.
- Represented and counseled public entities with the power of eminent domain in acquiring thousands of miles of right-of-way and fee simple interests to support infrastructure and public projects.
- Represent special utility district in litigation challenging constitutionality of tax assessments.
- Represent flood control district in litigation against city, involving separation of powers and constitutional issues.
- Represent Texas cities in breach-of-contract litigation arising out of large public works projects.
- Obtained dismissal with prejudice of federal section 1983 claims against county, district attorney, and sheriff relating to alleged misconduct in underlying state criminal prosecution.

Experience

- Co-authored an amicus brief on behalf of 11 of the country's leading state and local government organizations, supporting the petition for certiorari filed before the U.S. Supreme Court in *Indiana Municipal Power Association v. United States*, No. 23-48 (2023). The petition aimed to revive a lawsuit challenging the federal government's decision to reduce the direct pay subsidies that were promised to state and local government issuers of Build America Bonds, which were authorized by the American Recovery and Reinvestment Act of 2009 and helped to pay for over \$181 billion in critical infrastructure projects. Although the Supreme Court declined review, the Husch Blackwell team received the International Municipal Lawyers Association's Amicus Service Award for this brief.
- Advised Texas cities, counties, and special purpose districts on land use matters, including platting, zoning, and eminent domain, and has helped private developers and renewable energy companies with projects in Texas navigate local government platting and zoning requirements.
- Successfully obtained injunctive relief in dozens of cases involving challenges to public entities' eminent domain rights.
- Served as lead trial counsel for large Texas municipality in suit challenging constitutionality of minority and women-owned business enterprise program.
- Advised clients and testified at state legislative hearings relating to eminent domain reform legislative efforts.
- In suit alleging Section 1983 claims for wrongful death, obtained 12(b)(6) dismissal of deliberate indifference and excessive force claims against four individual Montgomery County Sheriff deputies.
- In what a Texas federal judge called "a first of its kind" four-day virtual evidentiary hearing, obtained denial of temporary restraining order and preliminary injunction, alleging Section 1983 and writ of habeas corpus claims against Dallas County Sheriff by class of jail inmates seeking release due to alleged susceptibility to COVID-19.

Recognition

- *Benchmark Litigation*, 40 & Under List, 2025
- *Best Lawyers: Ones to Watch® in America*
 - Land Use and Zoning Law, 2023-2025
 - Real Estate Law, 2021-2025
- International Municipal Lawyers Association, IMLA Amicus Service Award, 2024 and 2025
- Thomson Reuters' *Texas Super Lawyers*
 - Rising Stars, 2021-2025

Education

- J.D., Southern Methodist University Dedman School of Law
 - *cum laude*
 - Jessup International Moot Court and Vis International Commercial Arbitration Moot Court
 - *International Lawyer*, Managing Editor
- B.A., Wheaton College

Admissions

- Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas
- U.S. Court of Appeals, Fifth Circuit

Community Leadership

- Kids in Need of Defense, Volunteer Attorney
- The Beacon, Volunteer Attorney
- Greater Houston Partnership, Real Estate Committee



2025 Benchmark Litigation - 40
& Under List