



## Sebastian Waisman

### SENIOR COUNSEL

HOUSTON, TX

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### OVERVIEW

With a focus on public law, Sebastian advises local governments and other public entities, as well as clients who do business with the government.

Sebastian has experience counseling both public and private clients regarding a wide range of matters, including land use and development regulation, municipal finance, redistricting and elections, and Freedom of Information Act and Texas Public Information Act disclosure. He has also assisted in the handling of complex litigation involving challenging questions of constitutional law and governmental structure, statutory interpretation, administrative law, and federal jurisdiction and procedure.

Sebastian previously served as an Assistant City Attorney with the City of Charlottesville, Virginia. He was part of the City's team that handled litigation in state and federal courts arising out of the August 2017 protest events in Charlottesville. He also advised City officials on issues involving procurement, tax, real estate, utilities, and land use and zoning. Sebastian's experience in Charlottesville taught him how outside counsel can play a critical role in supporting public client needs.

He has served as a law clerk to Judge Diarmuid F. O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit and Judge Janis L. Sammartino of the U.S. District Court for the Southern District of California.

### Industry

Real Estate, Development, & Construction

### Services

Appellate

Commercial Litigation

Land Use

Litigation & Alternative Dispute Resolution

Public Law

Public-Private Partnerships (P3)

## Experience

- Served on team representing Dallas County, Texas in *Daves v. Dallas Cnty., Tex.*, 64 F.4th 616, 623 (5th Cir. 2023), a landmark suit filed by indigent arrestees challenging the bail setting process in Dallas County courts as unconstitutional under the Equal Protection and Due Process Clauses of the Fourteenth Amendment. Plaintiffs sought a sweeping injunction that would have required federal court supervision of bail procedures affecting thousands of felony and misdemeanor arrestees in Texas state courts. The County prevailed before an en banc panel of the U.S. Court of Appeals for the Fifth Circuit, and the Husch Blackwell team successfully opposed plaintiffs' petition for certiorari to the U.S. Supreme Court, which denied review, cementing the Fifth Circuit's opinion as binding precedent.
- 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, Sebastian and the Husch Blackwell team received the International Municipal Lawyers Association's Amicus Service Award for this brief.

## Experience

- Represents group of local businesses partnering with global hospitality company Areas in *4 Families of Hobby, LLC v. City of Houston*, No. 2023-22872, 189th Dist. Ct., Harris County, Tex. April 11, 2023, a complex municipal procurement lawsuit. The former operator of food and beverage concessions at William P. Hobby Airport in Houston sued both the Areas-led joint venture and the City of Houston over the City's decision to award a new 10-year, \$470 million contract to the Areas group to operate airport concessions. The Husch Blackwell team played a key role in successfully opposing the former concession operator's request for emergency injunctive relief that would have compelled the City to rescind the new contract and restart the entire procurement process. Case is currently pending before the Supreme Court of Texas.
- Represents City of Houston in *Landscape Consultants of Texas, Inc. v. City of Houston*, No. 23-CV-3516, S.D. Tex. Sept. 19, 2023, a federal constitutional challenge to the City's Minority, Women, and Small Business Enterprise Program. The case is currently pending in the U.S. District Court for the Southern District of Texas.
- 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.
- Advised multiple clients in California on land use and zoning matters, including helping a Bay Area electrical equipment manufacturer to respond to a draft land use and zoning framework proposed by the City of San Carlos, which included significant changes to permitted uses, building heights, and infrastructure planning in the area surrounding the client's facility.

## Recognition

- International Municipal Lawyers Association, IMLA Amicus Service Award, 2024 and 2025
- Capital Pro Bono Honor Roll, Honors, 2023

## Education

- J.D., Boston College Law School
  - *summa cum laude*
  - Order of the Coif
  - *Boston College Law Review*, Articles Editor
- A.B., University of Chicago
  - General Honors

## Admissions

- Texas
- California
- Virginia
- District of Columbia

## Clerkships

- Hon. Diarmuid F. O'Scannlain, U.S. Court of Appeals for the Ninth Circuit
- Hon. Janis L. Sammartino, U.S. District Court for the Southern District of California



2024 Pro Bono Champion