

HOLLY MCINTUSH

PARTNER • AUSTIN

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512-615-2351



Holly has experienced first-hand the benefits of a strong public education, and seen it break the cycle of poverty. That's why every facet of her career has been dedicated to improving public education, whether through the legislative process, counseling clients in general school law matters, or handling complex litigation for her K-12 and higher education clients.

A Partner in our Austin office, Holly McIntush advises K-12 districts and higher education institutions on a variety of matters, including civil rights laws (including Title IX, Title VII, and Title VI), personnel matters, student discipline, and investigations. Holly regularly helps clients develop legally compliant civil rights policies and procedures, advises them as they conduct investigations and hearings under those policies, and defends them in the event a complaint is filed with the Office for Civil Rights or the Equal Employment Opportunity Commission.

A talented litigator, Holly has played a pivotal role in several high-profile cases, including litigation against the governor and attorney general over school districts' rights to make local decisions regarding face masks during COVID-19, the most recent challenge to the constitutionality of the Texas school funding system, and several significant Title IX lawsuits involving allegations of sexual harassment in the university setting. At the appeals court level, Holly uses her excellent oral and written advocacy skills to fight for her clients before the Fifth Circuit, the Texas Supreme Court, and state courts of appeals. Her appellate practice includes not only traditional appeals, but also amicus briefing, mandamus petitions, and interlocutory appeals. Holly takes pride in the knowledge that handling sensitive and demanding matters for her clients allows them to focus on the important work of educating students.

Even before law school, Holly was driven by her passion for public education, serving four years focusing on public education and school finance policy as the Legislative Director for former Texas State Representative Scott Hochberg. In that role, Holly built school finance models that showed the impact of various proposed changes to the school finance system on every school district in the state.

While in law school, Holly clerked for the Legal Assistance Foundation of Metropolitan Chicago, representing foster care children in special education and school discipline proceedings. She also represented parents and children in child protective cases through the New York University School of Law's Family Defense Clinic and Children's Rights Clinic. She co-chaired the NYU Education Law and Policy Society and co-founded the Suspension Representation Project, through which law students represent New York City public school students in school disciplinary proceedings. She served as a Notes Editor for the Journal of Legislation and Public Policy.

Prior to joining Thompson & Horton, Holly litigated complex healthcare fraud cases for the Texas Attorney General's Office, where she mastered the art of conducting effective depositions and direct and cross-examinations. She also served as a clerk at the Texas Third Court of Appeals, gaining insight into what to do—and not do—if you want to craft a persuasive appellate argument.

PRACTICE AREAS

Constitutional Law
Elections & Redistricting
Employment Law
General Counsel / Board Counsel
Government Relations & Public Policy
Litigation
Higher Education
Litigation
Special Investigations
Title IX & Sexual Harassment
Training & Compliance

EDUCATION

J.D., magna cum laude, New York University School of Law, 2008
Root Tilden Kern Public Interest Law Scholar, New York University School of Law
M.A., Texas A&M University, 2000
B.A., cum laude, University Honors, Texas A&M University, 1998

LICENSING & COURT ADMISSIONS

Licensed in the state of Texas
U.S. Court of Appeals for the Fifth Circuit
U.S. District Court for the Western, Northern, Southern, and Eastern Districts of Texas

MEMBERSHIPS & RECOGNITIONS

State Bar of Texas, School Law Section
National Association of College and University Attorneys
National School Boards Association – Council of School Attorneys
Texas Association of School Boards – Council of School Attorneys
Texas Association of Community College Attorneys

**Thompson
& Horton** LLP

ATTORNEYS | COUNSELORS

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SELECTED CLIENT REPRESENTATIONS

Currently defending a large private university in multiple high-profile federal Title IX lawsuits involving 15 plaintiffs whose allegations stem from sexual assault or dating violence

Key member of firmwide trial and appellate team successfully defending school districts' right to exercise local control over face covering requirements

Obtained dismissal of Title IX sexual harassment lawsuit on behalf of central Texas area school district

Successfully defended appeal to federal Fifth Circuit Court of Appeals in lawsuit by parents of a special education student

Successfully defended appeal of trial court's dismissal of lawsuit by former school district employees alleging civil rights and constitutional violations before the federal Fifth Circuit Court of Appeals

Obtained summary judgment on behalf of large urban school district in lawsuit alleging free speech retaliation, free association retaliation, and due process violations

Obtained dismissal on governmental immunity grounds in lawsuit by former school district employees alleging free speech retaliation and due process violations, and successfully defended dismissal on appeal

Obtained dismissal of lawsuit by parents alleging fraud in district's School Health and Related Services (SHARS) program

Drafted appellate brief in successful defense of Commissioner's decision upholding termination as part of a reduction in force due to financial exigency before the Texas Third Court of Appeals

Member of trial team and primary drafter of Texas Supreme Court brief on behalf of 88 public school districts challenging the constitutionality of Texas's school finance system

REPRESENTATIVE SPEECHES & PRESENTATIONS

"Top 10 Ways to Ensure Your School District Gets Sued for Violating Student Civil Rights", COSA School Law Seminar, March 2023

"The Essential Title IX Action Plan for 2023", Thompson & Horton Webinar, February 2023

"Title IX Double Take: A Side-by-Side Comparison of the Current and Proposed Title IX Rules," Thompson & Horton Webinar, June 2022

"Tackling the Teacher Shortage: A Legal Perspective," Thompson & Horton Webinar, April 2022

"Title IX Update for Community Colleges," Texas Association of Community College Attorneys Annual Conference, January 2022

"New Year, New Title IX Sexual Harassment Procedure? How to know if Its Needed and What to Change," Thompson & Horton Webinar, January 2022

"Top 10 Client Questions During the Title IX Grievance Process," Thompson & Horton Webinar, November 2021

"Stop, Drop, & Title IX: Responding to Reports of Title IX Harassment the Right Way," Thompson & Horton Webinar, October 2021

"Student Discipline, Bullying, and Harassment," TASB School Law Boot Camp, January 2021

"The Life Cycle of a Title IX Complaint in Practice," NSBA COSA School Law Practice Virtual Seminar, October 2020

"Title IX Investigations: Council of School Attorneys Spotlight Panel," Texas Association of School Administrators and Texas Association of School Boards Annual Conference, September 2020

"From Arne Duncan to Betsy DeVos: Litigating Title IX as the Rules are Rewritten" National School Board Association Council of School Attorneys School Law Practice Seminar, October 2019

"The Curious Case of Claire: Navigating Investigations of Sexual Harassment and Misconduct in the #MeToo Era," National School Board Association Council of School Attorneys Webinar, Spring 2019

"#metoo: Best Practices in Gender Equity," Education Law Association National Conference, 2018

"Money Makes the World Go Round: Recent Developments in State Constitutional Challenges to School Finance Systems," panelist at Education Law Association 60th Annual Conference, 2014

"Litigating to Fix Our Broken Public School Finance System" in Texas Politics Today, 17th Edition (Mark P. Jones, 2018)

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REPRESENTATIVE PUBLICATIONS

“Public Education: The Path Forward” in Putting Texas First: A Policy Primer for Elected Officials and Every Day Texans (Texas First Foundation, March, 2012)

“Political Truancy: George Bush’s Claim to the Mantle of ‘The Education President’” in The Rhetorical Presidency of George H. W. Bush (Martin J. Medhurst, ed. 2006)

“Communication, Structure and Health Care Policymaking”, with Charles R. Conrad, in Handbook of Health Communication (Teresa L. Thompson, et al, eds 2002)

“Defining Education: The Rhetorical Enactment of Ideology in ‘A Nation at Risk’”, in Rhetoric & Public Affairs 3:419 (Fall 2000)

“Robin Hood v. Horatio Alger: How We Talk about School Finance” (M.A. Thesis, Texas A&M University, 2000) (winner of the Association of Former Students’ award for Distinguished Research at the Master’s Level)