



Laura W. Duncan

Partner

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About

Laura Duncan advises clients on complex litigation and other disputes. A seasoned first chair trial lawyer, she is recognized for delivering focused, strategic advocacy in matters involving significant legal, technical and commercial complexity.

Laura handles a wide range of litigation matters in Texas, and brings deep nationwide subject matter knowledge in environmental, natural resources and property related disputes.

Laura regularly serves as litigation counsel in Texas, including recently pursuing an employment dispute involving a non-compete agreement, defense of an international TV manufacturer in a consumer protection matter, and currently defending a social media company in a consumer protection matter brought by the State.

Nationally, she represents clients in high stakes disputes under federal and state law, including matters involving CERCLA, Fifth Amendment takings claims and state common law. Her experience spans resource and property contamination disputes, flooding and stormwater management litigation, dam, reservoir and levee safety matters, natural disaster and emergency response litigation, and condemnation and eminent domain related disputes. Laura also regularly advises on challenges to, and the defense of, governmental actions and regulation.

Having litigated across the United States, Laura is experienced in navigating diverse legal regimes and forums. She regularly works with multidisciplinary expert teams, including but not limited to, economists, engineers, and appraisers.

Before joining Kelley Drye, Laura spent ten years at the US Department of Justice's Environment and Natural Resources Division, where she led high-value, complex litigation nationwide. Laura joined the department through the highly competitive Attorney General's Honors Program after completing a federal district court clerkship for the Honorable Gray Miller in the Southern District of Texas, graduating third in her law school class, and after a successful career in public relations focused on environmental and resource issues across Texas and the Gulf and Southeast regions.

While at the DOJ, she primarily represented the US Army Corps of Engineers and played a central role in some of the United States' highest-exposure cases, including serving as lead counsel in the Hurricane Harvey Takings Litigation. Additionally, she has also acted for a range of federal agencies including the Bureau of Land Management, the Surface Transportation Board, the Federal Highways

Administration, the National Highway Traffic Safety Administration, the Department of Transportation, and the Bureau of Indian Affairs.

Experience

Laura specializes in litigating large, complex litigations in Texas and nationally. She has particular experience in matters concerning natural resources, land and environmental issues, but loves tackling challenges across the matter spectrum.

Texas Litigation Counsel

Laura has served as Texas counsel in State and Federal courts in matters beyond her environmental experience. Whether the disputes involve consumer complaints, employment issues, or commercial business matters, she enjoys helping clients and attorney teams succeed.

- Represent a large social media company in a deceptive trade-focused consumer protection enforcement matter brought by the Texas Attorney General's Office. Appear in both state and federal courts proceedings.
- Represent a home battery power company in a pre-suit consumer privacy matter.
- Represented a tax credits consulting company in California involving trade secrets and a non-solicitation dispute with a former Texas-based employee. Client sought emergency injunctive relief in federal court, including discovery, before adjudicating the merits through arbitration. Aided lead counsel with all aspects of procedure and strategy.
- Represented a large international TV manufacturer in a privacy-focused consumer protection enforcement lawsuit brought by the Texas Attorney General's Office. Defended client in emergency injunctive relief proceedings in state court, succeeded in defeating request for Temporary Restraining Order, and team ultimately achieved no-penalty settlement of matter.

Environmental, Natural Resource, and Property-Focused Disputes

Resource and Property Contamination and Related Damage Disputes and Litigation

Laura has handled a wide variety of resource and real property contamination matters involving governments (federal, states and tribes) and private entities, and based on numerous contaminants including PFAs and uranium. She understands valuation methods and damage models, and works closely with the right experts to deliver analyses that help clients succeed. Laura litigates under CERCLA and other federal laws, as well as state laws.

Flooding and Stormwater Management Disputes and Litigation

Laura has handled flooding lawsuits across the country, involving the countries' largest rivers and basins, including the Missouri River, the Mississippi River, and the Ohio River. She has litigated flooding and water-management cases involving natural disasters, dam-induced flooding, river system management, levees, erosion, and more. From single property to mass-plaintiff matters, she understands how to approach disputes in a way that will resolve problems now and or the future.

Dam, Reservoir, and Levee Safety-Related Management, Disputes, and Litigation

Laura has litigated cases involving some of the country's largest and unique dams and river management systems, including the Missouri River Dams, Olmsted Dam, Addicks and Barker Dams and Reservoir (dry dam), and Lewisville Dam. Through her extensive experience in these areas, she understands how various types of dams, reservoirs, and levee systems are planned, maintained, and operated over time, and works seamlessly with technical experts to learn the history and details of each new system she encounters. Laura has advocated about a swath of issues involving these kinds of water infrastructure, involving issues such as operations changes, flood and emergency response, dam safety, issues relating to ESA compliance, infrastructure maintenance and historical changes to these aging systems over time.

Natural Disaster and Emergency Response and Planning Disputes and Litigation

Natural disasters including floods, hurricanes, related emergencies, and the related planning for each, can result in any number of disputes. Laura has litigated cases involving record-setting natural disasters, emergency responses, emergency aid, interpretation of emergency action plans, and whether the circumstances in a matter equated to an emergency or were reasonably necessary during the disaster. She has navigated disputes requiring mastery of the multitude of governments, government agency, and response requirements for various emergencies.

Condemnation-Related Disputes and Litigation

Laura has extensive experience litigating federal inverse condemnation matters, including complex and often novel questions, including application of the Fifth Amendment of the Constitution, whether a government act amounted to a taking, whether an interest is protected by a takings clause, and how any taking of a property interest—permanent or temporary—should be valued. She has first chaired takings trials on liability and valuation issues. She has handled matters involving takings of many types of interests including land in fee simple or various easements like flowage easements, as well as eroded land, railroad corridors, mining claims and access rights. Laura is admitted to the Court of Federal Claims, a specialized court hearing certain federal takings claims, and has extensively litigated valuation issues using the Uniform Appraisal Standards for Federal Land Acquisitions ("Yellow Book"). Laura's extensive knowledge of takings matters allows her to counsel clients in federal and state courts on eminent domain issues and related valuation issues.

Challenges to and Defense of Governmental Actions and Regulation

Laura has handled matters involving challenges to government actions and inaction, including challenges to rulemakings. She understands how to litigate these cases, including those brought under the Administrative Procedure Act and involving administrative records, and how they are distinct from traditional litigation.

Case highlights

- Served as trial counsel for the State of New Jersey in prosecuting New Jersey's case against DuPont for knowingly discharging PFAS and other contamination from DuPont's Chambers Works site into the waters and environment of New Jersey for decades. Following a month of trial in federal court in Camden, DuPont and related companies agreed to a record setting settlement with New Jersey valued at \$2 billion in remediation, restoration, costs, and damages. On the eve of this trial, 3M settled-out for up to \$450 million more in PFAS damages to New Jersey. At \$2 billion, DuPont's settlement with New Jersey is the largest environmental recovery for a single plaintiff – and is one of the largest legal recoveries of any kind – in the history of the country. Helped manage portion of case and handle witnesses in historic multi-part liability trial in U.S. District Court during June 2025.
- Serve on a team representing the State of North Carolina in bringing claims against DuPont and Chemours for GenX contamination from their Fayetteville, North Carolina plant across a broad swath of the Cape Fear River and Coastal North Carolina.
- Represent a state trustee for natural resources to evaluate and recover Natural Resource Damages under CERCLA at mining sites and federal facilities. The work involves a multidisciplinary team of experts and evaluation of complex legal and technical issues regarding historic contamination and numerous potentially responsible parties.
- Defended national home developer in property damage claims by nearby property owners relating to drainage, sediment discharge and erosion and purported impacts on Lake levels and property values. The matter involves a multidisciplinary team of experts on both sides addressing complex and highly technical issues related to hydrology, engineering design, and the valuation of impacted properties.
- Represent several states in PFAs contamination matters.

Previous Experience

- Defended United States and Army Corps of Engineers in multi-part, multi-phase case against claims by several thousand plaintiffs stemming from flooding during Hurricane Harvey in Houston and the Corps' operation of its flood control project Addicks and Barker Dams and Reservoirs. Served as lead trial counsel in 2024 trial on liability matters, co-lead counsel in 2022 trial on damages, and co-counsel in 2019 trial on liability matters. Handled all aspects of pre-trial, trial, and post-trial matters across multiple phases of the case, including complex briefing and argument to the court, and deposition and trial examination of numerous fact and expert witness.
- Defended United States and Surface Transportation Board in case alleging taking of property in Atlanta under National Trails Act. Served as lead counsel during expert discovery, pre-trial matters and 2024 damages trial. Handled all aspects of trial strategy; pre- and post-trial motions practice and filings; deposition and trial examination of fact and expert witnesses; and presentation of argument to court.
- Defended United States and Army Corps of Engineers in two cases involving more than 170 plaintiffs and 600 properties at the confluence of the Ohio and Mississippi Rivers with allegations that government actions changed flood patterns and took property without compensation. Served as lead counsel, advancing jurisdictional defenses requiring significant fact and expert discovery, multiple rounds of motion practice and related arguments. Both

courts found in favor of defendants on jurisdictional grounds.

- Defended United States and Army Corps of Engineers in multi-phase case against claims by several hundred plaintiffs regarding flooding on Missouri River after management changes. Participated in a 55-day bellwether trial on Phase I of liability issues, handling more than a dozen witnesses, several arguments, and portions of closing argument.
- Defended United States Army Corps of Engineers in erosion and flooding-related takings claims by lake-side landowner alleging client's management of lake levels caused significant loss of lands.
- Defended United States Corps of Engineers in challenges to agency action under the Administrative Procedure Act.
- Defended the Bureau of Land Management against alleged takings of mining claims in Arizona.

Honors

ENRD Assistant Attorney General's award for top trial team exhibiting excellence in pre-trial litigation, 2017, 2019, 2022.

ENRD Assistant Attorney General's award for a distinguished new employee, 2016.

Affiliations

Houston Bar Association, Environmental Law Section Board Member

Related Services

Environmental
Environmental Litigation
Litigation
Commercial Litigation
Natural Resource Damages
PFAS and Emerging Contaminants
Public Sector and Government Entities
Land Use
Environmentally Impaired Properties
Rail
Condemnation and Eminent Domain
State Attorneys General

Education

University of Houston Law Center, J.D.

- summa cum laude
- Houston Law Review, Board 51 Articles Editor

The University of Texas at Austin, M.A.
The University of Texas at Austin, B.S.

Admissions

Texas
New Mexico

Courts

U.S. Court of Appeals-Federal Circuit

U.S. Court of Appeals–Fifth Circuit

U.S. Court of Federal Claims

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