BRAZOSPORT INDEPENDENT SCHOOL DISTRICT
Regular Meeting of the Board of Trustees
November 16, 2026

BOARD:	Action
SUBJECT:	Consideration and Adoption of Contingent Fee Legal Services Agreement with Thompson & Horton, LLP, Eiland & Bonnin, PC, and O'Hanlon, Demerath & Castillo, PC
BOARD POLICY:	BAA (Legal)
DISTRICT GOAL:	BISD will provide a rigorous and relevant learning experience to ensure that every student will B*Future-Ready
FISCAL NOTE:	None

Background Information:

- BISD is considering approval of an agreement with the law firms of Thompson & Horton, LLP, Eiland & Bonnin, PC, and O'Hanlon, Demerath & Castillo, PC as special counsel to perform all legal services necessary to recover damages sustained by the District related to youth social media usage and any other action that may be necessary to pursue the best interests of the District in related litigation on a contingent fee basis. The purpose of the agreement is to pursue any and all available causes of action in Multi District Litigation 3047 or JCCP 5255 seeking to recover damages due to youth social media usage and addiction sustained by Brazosport Independent School District. By way of this agreement,
- Brazosport Independent School District seeks to recover damages, court costs, penalties, and other relief under applicable law. Thompson & Horton, LLP is a full-service school law firm whose mission is to provide the highest quality personalized legal service to public and private schools, institutions of higher education, local governments, and private individuals and companies. Thompson & Horton attorneys have unique and specialized qualifications based on several hundred years of combined experience. Leaders in the field, their attorneys have been directly involved in many of the most significant court cases, administrative decisions, and public policy developments affecting their clients over the past 40 years. Thompson & Horton has represented the District for over 10 years.
- Thompson & Horton discussed the social media litigation with the District in October 2026. Thompson & Horton introduced Eiland & Bonnin to the District to consider the social media litigation in October 2026. Thompson & Horton included O'Hanlon, Demerath & Castillo in a conversation with the District to consider the social media litigation in October 2026. Eiland & Bonnin, PC engages in complex contingent fee litigation, which has required the investment of

hundreds of thousands to millions of dollars in litigation expenses. Lawyers in the firm have served in past MDL leadership committees. The firm has worked in many high-profile litigations like the MGM Grand Las Vegas Mass Shooting, Syngenta GMO Corn, and BP Texas City Refinery Explosion. After 20 years of service as a member of the Texas House of Representatives for Districts 23 & 24, Craig Eiland has a unique understanding of what elected officials and public entities are confronted with when navigating complex litigation. Mr. Eiland regularly advises multiple Texas school districts in litigation. Thompson & Horton has represented the District for over 10 years. The inception of the relationship between Eiland & Bonnin and the District began when Thompson & Horton introduced Eiland & Bonnin to the District in October 2026 to consider the social media litigation. O'Hanlon, Demerath & Castillo, PC regularly serves school districts across the state of Texas in a general counsel capacity and maintains a principal office in Austin, Texas, and also offices in Pharr, San Antonio, and Fort Worth. The firm has litigated statewide high-profile public education-related cases such as the No Pass No Play, the A-F litigation, and multiple Edgewood decisions related to the school finance system. After serving as General Counsel for the Texas Education Agency and litigating various high-profile issues for the public education system for the Attorney General of Texas, Kevin O'Hanlon founded the firm in 1992 to serve the needs of Public Entity clients. Justin Demerath operates a contingent fee litigation practice within the firm that regularly represents public entities on a contingent fee basis, often in the scope of property insurance disputes. Additionally, his practice has recovered millions of dollars in recovery in high- profile multi-district litigations, including Syngenta GMO Corn, General Motors ignition switch recall, Trans-vaginal mesh, and NFL concussion litigation, as well as serving in leadership of cases that garnered national attention like the Sutherland Springs Mass Shooting. Thompson & Horton has represented the District for over 10 years. Since 2002, O'Hanlon, Demerath & Castillo has provided legal representation to the District for economic development matters. Thompson & Horton included O'Hanlon, Demerath & Castillo in a conversation with the District in October 2026 to consider the social media litigation.

- Thompson & Horton has served as legal counsel to Brazosport ISD for over 10 years. Thompson & Horton has not previously represented Brazosport Independent School District on a contingency fee arrangement. Eiland & Bonnin has not previously represented Brazosport Independent School District on a contingency fee arrangement. Eiland & Bonnin has not previously represented Brazosport ISD in any capacity. Since 2002, O'Hanlon, Demerath & Castillo has provided legal representation to the District for economic development matters. O'Hanlon, Demerath and Castillo has not previously represented Brazosport Independent School District on a contingency fee arrangement. Thompson & Horton, LLP, Eiland & Bonnin, PC, and O'Hanlon, Demerath & Castillo, PC have, and continue to represent, claimants with competence and professionalism. The specialized legal services, advancement of significant expenses, and compensation on a contingent fee basis required by this agreement cannot be performed by the attorneys and supporting personnel of Brazosport Independent School District because the District does not currently employ attorneys who have specialized knowledge and experience regarding Multi- District Litigation and analysis and legal remedies under both Texas and federal law on a contingent fee basis. In addition, the District has not budgeted the financial resources necessary to advance the significant litigation expenses

required by this type of litigation, nor to compensate competent and experienced attorneys and staff regarding Multi-District Litigation as District employees or to reasonably compensate a firm in private practice with the necessary experience under a contract providing for payment on an hourly basis without contingency. Due to the complexity of the matter and expected difficulties in performing the legal work for this matter, the risk of no recovery, and the expected expenses, including expert witness fees and other litigation costs, a reasonable hourly fee for a firm in private practice to prosecute this matter would exceed the amount for which the District would be able to adequately budget and expend financial resources. The District also does not have the financial resources required to pay the additional, significant costs of implementing appropriate infrastructure and technology necessary to fully and properly perform the needed legal services. The District also does not have the financial resources required to properly pursue its claims and causes of action, including to retain independent experts as testifying witnesses and to finance all costs of litigation through final resolution of the matter. Additionally, many law firms that handle large, complex matters strictly on an hourly basis have institutional clients, including social media corporations, insurance companies, and social media corporations; and it would be difficult to find a firm with experience in this area that does not have a conflict of interest that would hinder the firm's ability to effectively represent the District. The proposed law firms have certified that they have no such conflict of interest in representing Brazosport ISD. The legal services cannot be reasonably obtained from attorneys in private practice
charging hourly fees without contingency because a contract to pay attorneys on an hourly basis without contingency would represent an additional and significant cost to Brazosport Independent School District. Furthermore, the District would be responsible for payment of all costs and expenses of the litigation through appeals, including to retain independent experts as testifying witnesses and to finance all discovery expenses and other costs of litigation through final resolution of the matter. The District does not have the financial resources necessary to pay for these additional and significant expenses necessitated by this social media multi-district litigation.

- Thompson & Horton, LLP, Eiland & Bonnin, PC, and O'Hanlon, Demerath & Castillo, PC will be compensated on a contingent fee basis. Entering into the proposed agreement is in the best interests of the residents of Brazoria County, Texas. The District has sustained significant damages due to youth social media usage and addiction, and for which there exists a potential recovery from the perpetrating social media corporations. Thompson & Horton, LLP, Eiland & Bonnin, and O'Hanlon, Demerath & Castillo, PC possess the specialized skills, knowledge, experience, financial, and technological resources needed to competently and fully pursue maximum potential recovery of the District's damages. Furthermore, the proposed agreement enables the District to pursue its legal remedies without diverting essential monies and resources from the ongoing needs and operations of its students, staff, and community at large. In addition, the proposed agreement shifts the financial risk and burden of litigation costs and expenses to Thompson & Horton, LLP, Eiland & Bonnin, PC, and O'Hanlon, Demerath & Castillo, PC, with the District owing no such monies to the law firms unless and until it recovers monies. Moreover, Texas statutory and common law provide for penalty damages and for recovery of court costs, and for recovery of attorneys' fees for certain of the District's

claims, including for breaches of contract. Additionally, time is of the essence in the provision of these legal services. Potentially impending legal deadlines require urgent action by counsel.

- The School District Master Complaint alleges just two causes of action:

    1. Public Nuisance: unreasonable interference with a right common to the general public and behavior that unreasonably interferes with the health, safety, peace, comfort, or convenience of the general community; and
    2. Negligence: Defendants knew or should have known that by operating their social media platforms in ways that caused compulsive use and addiction, thereby knowingly inflicting severe mental health harms on minors - including students in Plaintiffs' schools - there was an unreasonable risk of invading Plaintiffs' interest in providing an adequate education, public facilities, mental health, counseling, and other social and disciplinary services.

Administrative Considerations:

- It is the recommendation of the administration that the Board approve the Contingent Fee Legal Services Agreement with Thompson & Horton, LLP, Eiland & Bonnin, PC, and O'Hanlon, Demerath & Castillo, PC

Communication Deployment:

- Board Meeting Minutes

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Respectfully submitted,

Danny Massey
Superintendent