

## RUSSELL D. CAWYER

Partner

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### BIOGRAPHY

Russell D. Cawyer is a partner and chairs the firm's Labor and Employment practice. He received his juris doctor, *cum laude*, from Texas Tech University School of Law, where he also served as a note editor on its law review. Mr. Cawyer received his Bachelor of Science, *cum laude*, from the University of North Texas.

Mr. Cawyer's practice focuses exclusively on labor and employment-related legal matters including litigation in federal and state courts and administrative proceedings before the Equal Employment Opportunity Commission, United States Department of Labor, the Texas Workforce Commission - Civil Rights Division, the National Labor Relations Board (including defending both charges of unfair labor practices and representation election proceedings), Occupational Safety and Health Administration, and other state fair employment practices agencies.

Additionally, Mr. Cawyer has defended employers in multiple complex wage, hour and benefit class actions having nearly 20,000 total putative class members. He also has litigated both federal and state court cases involving numerous workplace claims, including among others, alleged discrimination, harassment and retaliation, workers' compensation retaliation, breach of contract, and the enforceability of numerous covenants-not-to-compete. Mr. Cawyer's defense of employers has included both successful jury and bench trials.

Mr. Cawyer regularly advises employers on employment issues involving federal and state court cases alleging discrimination and sexual harassment. He has litigated employment cases and arbitrated matters arising under collective bargaining agreements. Mr. Cawyer is a frequent author and speaker on human resource, employee relations, and labor and employment law developments. He has been board certified in Labor and Employment Law by the Texas Board of Legal Specialization since 2000.

*U.S. News and World Reports* has included Mr. Cawyer on *The Best Lawyers in America*<sup>®</sup> ranking every year since 2015. From 2005 through 2009, he was named a Texas Super Lawyer Rising Star, and was similarly named a Texas Super Lawyer every year since 2009 - both lists are published in *Texas Monthly* magazine by Thomson Reuters. Mr. Cawyer was also voted by his peers as among the city's best attorneys in polls conducted by *Fort Worth, Texas* magazine and *360 West*. He also has been recognized as a 40 Under 40 honoree by the *Fort Worth Business Press*.

Mr. Cawyer is the publisher of the *Texas Employment Law Update*.

### EXPERIENCE AND HIGHLIGHTS

- *McIver v. American Eagle Airlines, Inc.*, 4:08-CV-740-A, In the United States District Court for the Northern District of Texas (January 19, 2010) (lead trial attorney obtaining a defense verdict in the jury trial of an age discrimination claim filed by former employee)
- *Rodriguez v. American Eagle Airlines, Inc.*, Cause No. 2008-541,950, 99th Judicial District Court, Lubbock, County, Texas (July 2, 2009) (Lead trial attorney obtaining defense verdict in jury trial of age, sex and race discrimination and retaliation claims filed by former employee)
- *Franco v. Pier 1 Imports (U.S.), Inc.*, 2008 WL 4217848 (C.D. Cal, Sept. 11, 2008) (opinion granting summary judgment in breach of contract and disability discrimination case applying California State law)
- *Pitts v. Electrical Power Systems, Inc.*, 2008 WL 2364998 (N.D. Okla., Jun. 6, 2008) (opinion granting motion to dismiss on private whistleblower cause of action under Oklahoma law)
- *Vasconcellos v. Pier 1 Imports (U.S.), Inc.*, 2008 WL 4601036 (D.R.I. Apr. 28, 2008) (opinion granting summary judgment in pregnancy discrimination case under Title VII and Rhode Island law)
- *Bingham v. Southwestern Bell Yellow Pages, Inc.*, 2008 WL 163551 (Tex. App.-Fort Worth Jan. 18, 2008) (opinion affirming summary judgment against employee in defamation case against his employer)
- *Abd-Al-Matiyn v. Thos Byrne Construction*, 2007 WL 2379590 (N.D. Tex. Aug. 20, 2007) (opinion granting summary judgment in race discrimination and failure to hire claim)
- *Yeoman v. Blackmon Mooring Steamatic of San Antonio*, 2006 WL 3514593 (W.D. Tex Dec. 5, 2006) (opinion granting summary judgment on former employees FLSA, conversion and public policy wrongful discharge claims)
- *Cox v. Nextiraone*, 169 S.W.3d 778 (Tex. Supp.-Dallas 2005, no writ) (affirming summary judgment in worker's compensation retaliation where plaintiff sought over \$2.8 million in damages)
- *Golston v. American Airlines, Inc.*, 2004 WL 1969842 (N.D. Tex., Sept. 7, 2004) (opinion granting defendant's motion for summary judgment on race discrimination and intentional infliction of emotional distress claims based on Railway Labor Act preemption)
- *Brown v. Sabre Inc., et al.*, 173 S.W.3d 581 (Tex. App.-Fort Worth, no writ) (affirming summary judgment for employer in putative class action over failure to pay accrued but unused vacation upon separation of employment)
- *Serrin-Brandel v. Pier 1 Imports (U.S.), Inc.*, 2004 WL 1212205 (E.D. Mich., May 19, 2004) (opinion granting defendant's motion for summary judgment on state whistleblower and public policy wrongful termination claims)
- *Griffin v. EFW, Inc.*, 2004 WL 906393 (N.D. Tex., Mar 4, 2004) (opinion granting employer's motion to dismiss FMLA Claims)
- *Griffin v. EFW, Inc.*, 2004 WL 1898254 (N.D. Tex., Aug 23, 2004) (NO. 4:04-CV-314-A) (opinion granting defendant's motion to dismiss Griffin II's FMLA Claims)

## AFFILIATIONS AND HONORS

### AFFILIATIONS

- American Bar Association
- State Bar of Texas, Labor and Employment Law Section
- Tarrant County Bar Association, Labor & Employment Law Section, Secretary, 2010-Present
- Women's Center Tarrant County, Inc., Board
- Board Certified, Labor and Employment Law, Texas Board of Legal Specialization, since 2000

### HONORS

- Listed in *The Best Lawyers in America*®, 2015-2019
- Top Attorney in Labor & Employment Law and Worker's Compensation, *360 West* magazine, 2017-2018
- Texas Super Lawyer, Thomson Reuters, 2009-2018
- Top Attorney, *Fort Worth, Texas* magazine, 2004-2018
- Texas Super Lawyers Rising Star in Texas Labor and Employment Law, Thomson Reuters, 2005-2009
- 40 Under 40 honoree, *Fort Worth Business Press*
- Rated AV® by Martindale-Hubbell "Peer Review Rated"

## EDUCATION

- Texas Tech University School of Law, J.D., *cum laude*, 1995  
*Texas Tech Law Review*, Note Editor
- University of North Texas, B.S., *cum laude*, 1992

## ADMISSIONS

- State Bar of Texas, 1995
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, Western District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Michigan

## SPEECHES & PUBLICATIONS

- ["San Antonio Passes Ordinance Requiring Private Employers to Provide Paid Sick Leave,"](#) Blog, Texas Employment Law Update, 2018
- ["Austin Court of Appeals Temporarily Enjoins Austin Sick Leave Ordinance,"](#) Blog, Texas Employment Law Update, 2018
- ["U.S. Department of Labor Revises and Clarifies Unpaid Intern Test,"](#) Blog, Texas Employment Law Update, 2018
- "New Tax Law Limits Deductibility of Sexual Harrassment and Abuse Settlements Containing Nondisclosure Provisions," Blog, Texas Employment Law Update, 2017
- "New Lawsuit Claims Companies Discriminate Against Older Workers in Facebook Job Placement Advertising," Blog, Texas Employment Law Update, 2017
- ["Employers Using Biometric Systems to Track Hours Must Dot Their I's and Cross Their T's,"](#) Co-Author, Blog, Texas Employment Law Update, 2017
- "Fifth Circuit Holds That Telecommuting Not a Reasonable Accommodation Because Regular In-Office Work Was Essential Job Function of Litigation Attorney," Blog, Texas Employment Law Update, 2017
- Featured Speaker, Mid-Cities Human Resources Association Roundtable Employment Seminar on the Fair Labor Standards Act, "Current Developments and What You Need to Know for 2017-2018," 2017
- "Texas Supreme Court Holds Defendant Attorney Fee Data Not Normally Discoverable," Blog, Texas Employment Law Update, 2017
- "Two Day Unpaid Suspension Not a Materially Adverse Action in Title VII Retaliation Case," Blog, Texas Employment Law Update, 2017
- ["Everyday is Take Your Dog to Work Day: EEOC Sues Employer Alleging Ban on Service Dog at Workplace,"](#) Blog, Texas Employment Law Update, 2017
- "New Developments in Employee Hiring and Noncompetition," Blog, Texas Employment Law Update, 2016
- "Texas Employers May Be Required to Provide Employees Time Off to Vote," Blog, Texas Employment Law Update, 2016
- Cawyer R. and Kuenzi E. Exxon Mobil Corp. v. Drennen. *SBOT Corporate Counsel Section Newsletter*, Fall 2014.
- Cawyer R. and Kuenzi E. ["Jury Waivers Are Alternatives to Arbitration Agreements."](#) *Texas Lawyer*. December 3, 2012.
- Berkshire Hathaway's Annual Human Resources Seminar on recent developments to the Family and Medical Leave Act and Americans with Disabilities Act, May 2011
- Tarrant County Bar Association's Labor and Employment Section on the recent Texas Supreme Court's Pro-Enforcement Trend in the area of noncompetition law, August 2011
- Publisher of the Texas Employment Law Update ([www.texasemploymentlawupdate.com](http://www.texasemploymentlawupdate.com))
- "Protecting Confidential and Trade Secret Information," Advanced Oil, Gas and Energy Resources Law Course, Texas Bar Association, September 30 -October 1, 2004, San Antonio Texas
- "Workplace Technology: Achieving a Symbiotic Relationship Between Business Interests and Employee Privacy," Kelly, Hart & Hallman, P.C. 2001 Labor & Employment Law Conference, 2001

- “The Americans with Disabilities Act,” Kelly, Hart & Hallman, P.C. 2001 Labor & Employment Law Conference, 2001
- [“Batson and its Progeny Prohibit the Use of Peremptory Challenges Based Upon Disability and Religion: A Practitioner’s Guide for Requesting a Civil-Batson Hearing,”](#) 26 Tex. Tech. L. Rev. 109, 1995
- “Using Alternative Dispute Resolution (ADR) Procedures to Resolve Employment Disputes,” Strasburger & Price, L.L.P.’s 1999 Corpus Christi Client Seminar on Developments in Labor and Employment Law, 1999
- “Defending Employment Discrimination, Retaliation and Harassment Claims,” Southwestern Legal Foundation’s 45th Annual Institute on Labor and Employment Law, 1998