

Marc D. Katz



**Partner**

1717 Main Street  
Suite 3700  
Dallas, TX 75201  
P: 214.659.4722  
F: 214.915.1416  
marckatz@andrewskurth.com

Marc is the Chair of the firm's Labor & Employment section and focuses his practice on management-side labor and employment litigation and counseling. His experience includes drafting, negotiating and litigating non-competition and confidentiality agreements, trade secret litigation, state and federal employment discrimination cases, wage and hour issues, medical leave, FMLA and ADA compliance issues, class action employment cases, wrongful discharge, and defamation litigation.

Marc develops workplace policies and advises corporate clients on mass layoffs, reductions in force, ERISA litigation, and collective bargaining. He represents clients in administrative proceedings before OSHA, EEOC and corresponding state and local agencies.

Marc is board certified in labor and employment law by the Texas Board of Legal Specialization.

**PUBLICATIONS**

- NLRB Delays Implementation of Mandatory Notice Posting Rule (October 11, 2011)
- Fifth Circuit Caps Title VII Damages "Per Party" (August 8, 2011)
- Fair Credit Reporting Act Implicates Employer Liability for All Types of Background Checks, Not Just Credit Reports (June 8, 2011)
- FLSA's Anti-Retaliation Provision Protects Oral, Not Just Written, Complaints (March 29, 2011)
- The Impact of the "Facebook Firing" Case on Social Media Policies (March 8, 2011)
- "The Fair Labor Standards Act: Changes to Your Workforce in These Difficult Economic Times," *Straightline* (October 1, 2009)
- "All Speech Isn't Free," *Dallas Business Journal* (August 3, 2007)
- "Employers Face Legal Pitfalls in a World of High-Speed Technology," *Business TechEdge* (July 3, 2007)
- "Singled Out," *Corporate Counsel*, Vol. 06 Issue 03 (June 2006)
- "Dealing with the ADA," *Credit Union Management* (June 2006)
- "No lawsuits filed in boycotts," *The Dallas Morning News* (May 3, 2006)
- "Could Health Benefit Law Come to Texas?" *Texas Lawyer* (February 6, 2006)
- "Legality of Health Benefit Law Debated," *National Law Journal* (January 23, 2006)
- "Elder Care Testing in the Age of Genetics," *Raleigh Triangle Business Journal* (December 19, 2005)
- "Megan's Law and Your Business," *Inc. Magazine* (November 2005)

**PRACTICES**

Class Action Litigation  
Labor and Employment

**EDUCATION**

JD, 1994, University of California at Berkeley School of Law, *Berkeley Technology Law Review*, Associate Editor

BA, 1991, Political Science and Economics, Emory University, Phi Beta Kappa, Pi Sigma Alpha, Omicron Delta Epsilon

**ADMISSIONS**

Texas 1994  
US Court of Appeals for the Fifth Circuit

## Marc D. Katz

- "Dangerous Downsizing Decision," *Texas Lawyer Executive Legal Adviser* (November/December 2005)
- "The Long Lonely Battle of David E. Welch," *US Banker* (August 2005)
- "Use of Personality Tests," *Wall Street Journal Career Journal* (July 27, 2005)
- "Compete with Caution Against Past Employers," *The New York Times* (March 31, 2005)
- "Salary Rules Take Overtime to Figure Out," *San Antonio Express-News* (August 21, 2004)
- "Military Leave," *National Law Journal* (October 29, 2001)
- "Employer Obligations to Workers Who Serve," *Texas Lawyer* (October 15, 2001)

### PROFESSIONAL RECOGNITION

- Recognized among the "Best Lawyers" in Dallas, *D Magazine* (2011-2012)
- Mentor of the Year, Dallas Urban Debate League (2010-2011)
- Dallas Chamber of Commerce, Leadership Dallas Program (2006)
- Texas Rising Stars, *Texas Monthly* (2004-2009)
- Named by *D Magazine* as one of the Best Lawyers Under 40 in Dallas (2004)
- Texas Association of Business & Chambers of Commerce, Associate Editor
- Guest lecturer on employment law, Dallas Baptist University (2005-2006)

### BRIEFINGS, SEMINARS & SPEECHES

- "Employee Mobility and Theft of Trade Secrets," Andrews Kurth CLE (April 19, 2012)
- "Trade Secrets, Protecting the Crown Jewels," Andrews Kurth CLE (December 7, 2012)
- "Successfully Seeking Temporary Restraining Orders and Temporary and Permanent Injunctions in State and Federal Court," Andrews Kurth Litigation CLE (November 2, 2011)
- "Arbitration Lunch and Learn," DAYL Training Program (May 18, 2011)
- "Updating, Drafting and Negotiating Non-Compete Agreements for Labor and Employment Clients in 2010," ExecSense Webinar (November 19, 2010)
- "Labor and Employment Issues in Connection with M&A Transactions," Andrews Kurth In-House CLE program (November 15, 2010)
- "The Instant Impact of *Stagi v. National Railroad Passenger Corp.* (3rd Cir. Aug. 16, 2010) on Disparate Impact Discrimination Litigation and the Use of Statistical Evidence" ExecSense Webinar (October 8, 2010)
- "Legal Issues Surrounding the Use of Social Media," presented at the ACC Annual In-House Symposium (May 21, 2010)
- "Advancing Diversity and Inclusion Strategies in a Challenging Economic Environment," 6th Annual Texas Diversity & Leadership Conference (April 7-9, 2010)
- "How Far Do You Have to Go to Accommodate a Fragrance Sensitivity?" Dallas Bar Association - Corporate Counsel Section Meeting
- "What the Imminent Legislative Changes in Labor and Employment Laws Mean for Corporate Counsel," Dallas Bar Association - Corporate Counsel Section Meeting (January 6, 2009)
- "FMLA Makeover: How the Congress, DOL and Courts are reshaping Employer Leave Obligations," 2008 Advanced Employment Law Seminar (November 11, 2008)
- "Trade Secrets and Non-Compete Agreements, Texas Law Update," USFLG Annual Conference, Chicago, IL (October 2-3, 2008)
- "Legal Implications of Wellness Programming," Higginbotham & Associates, Fall Health Improvement & Cost Containment (September 2008)
- "Recent Developments Under the FMLA," Fort Worth Human Resource Management Association's 7th Annual Interactive Workshop (September 2008)

## Marc D. Katz

- *Texas Lawyer* Labor Law Roundtable (September 6, 2007), reprinted in *Texas Lawyer* (November 12, 2007) and *Texas Lawyer Executive Legal Adviser* (November/December 2007)
- "Know-How and Trade Secret Protection—Licensing and Non-Licensing Issues," Licensing Executives Society (August 28, 2007)

### AFFILIATIONS

- Dallas Urban Debate Alliance, Member, Board of Directors
- Red Cross Blood Services, Member, Board of Directors
- American Bar Association, Labor and Employment Section
- State Bar of Texas, Labor and Employment Section
- Dallas Bar Association, Labor and Employment Section
- Dallas City Counsel Park & Recreation Board (2008-2009)
- Dallas Association of Young Lawyers, Fellow
- Merrill Corporation Strategic Advisory Board for Electronic Data Discovery (2008-2009)

### IN THE NEWS

- "Prepare Protocol for Guestroom Theft Scenarios," *Hotel and Motel Management* (August 3, 2010)
- Commentator, Personnel Legal Alert, Alexander Hamilton Institute, Inc., Volume 21, Number 12 (November 16, 2009)

### PRESS RELEASES

- Eight Andrews Kurth Partners Named 2012 Best Lawyers in Dallas (April 27, 2012)
- D Magazine Recognizes Five Andrews Kurth Partners (May 26, 2011)
- Marc D. Katz Joins Andrews Kurth as a Partner in the Dallas Office (July 20, 2009)