

J. Marshall Horton



Associate

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BIOGRAPHY

Marshall is a Board Certified Labor and Employment attorney that focuses his practice on representing employers in litigation involving Title VII, Age Discrimination in Employment Act ("ADEA"), Americans with Disabilities Act ("ADA"), Family & Medical Leave Act ("FMLA"), Fair Labor Standards Act ("FLSA") (single plaintiff and collective action), National Labor Relations Act ("NLRA"), Worker Adjustment Retraining and Notification Act ("WARN"), Operational Safety and Health Administration ("OSHA"), Sarbanes Oxley and related retaliation issues. Marshall's practice includes involvement in federal and state administrative actions and investigations with agencies such as the Equal Employment Opportunity Commission ("EEOC"), the Department of Homeland Security ("DHS"), the Texas Workforce Commission ("TWC"), the Texas Workers' Compensation Commission ("TWCC"), the US Department of Labor and various state's Departments of Labor, in addition to both federal and state court actions. His involvement includes taking and defending depositions, drafting dispositive motions, pleadings, discovery and resolving cases through negotiation, mediation, arbitration, and trial. He also counsels employers on hiring and firing decisions, wage and hour issues, family and medical leave issues, collective bargaining issues, employment authorization issues (e.g., I-9 audits and compliance), employment policies and handbooks, fair credit reporting, restrictive covenants and acquisitional aspects of labor and employment law, in addition to providing employers with management and employee-level training regarding unfair employment practices.

REPRESENTATIVE EXPERIENCE

- Represented and defended various employers in the gas industry in multiple FLSA collective action lawsuits
- Represented and defended manufacturer of drilling equipment against claims related to the overtime requirements of the FLSA
- Represented and obtained precedent-setting summary judgment on behalf of oil rig operators with respect to allegations of WARN Act violations
- Represented refinery in prosecuting theft of trade secret and breach of restrictive covenant claims
- Represented and defended a nationwide hotel chain against varied, and multiple, employment discrimination claims brought by employees
- Represented and defended the manufacturer of radiation detection devices regarding theft of trade secret and breach of restrictive covenant claims
- Coordinated and handled interactions with the Department of Homeland Security regarding the I-9 audit of a manufacturer of well supplies

INDUSTRIES

Construction
Energy
Health Care
Hospitality and Hotels
Liquefied Natural Gas (LNG)
Manufacturing and Sales
Maritime and Offshore Drilling
Restaurant
Technology
Technology and Emerging Companies

PRACTICES

Arbitration/Mediation
Commercial Litigation
Labor and Employment
Litigation and Dispute Resolution
Trade Secrets/Trade Dress

EDUCATION

JD, 2003, University of Houston Law Center
BBA, 2000, Management, Baylor University

ADMISSIONS

Texas 2005
US District Court for the Southern District of Texas 2007
US District Court for the Eastern District of Texas 2013
US District Court for the Western District of Texas 2016

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- Represented and defended a privately held marine shipping company against claims related to the minimum wage and overtime requirements of the FLSA
- Represented and defended a leading provider of remote heart monitoring services against claims related to discrimination and retaliation under the FMLA
- Coordinated and handled interactions with OSHA, and provided legal guidance with respect to investigating the cause of a catastrophe, and managing the administrative and judicial proceedings that followed

US District Court for the
Eastern District of
Michigan 2017

INSIGHTS

- The Workforce & Employment in a Connected World: 5 Policies Employers Should Consider *Straightline* (Summer 2015)

BRIEFINGS, SEMINARS & SPEECHES

- Rules of Employment Webinar Series:
Protecting Your Company's Secret Sauce: The Texas Trade Secrets Act, the Federal Defend Trade Secrets Act, and Other Trade Secret Protections (April 18, 2017)
- "Houston Matters" Public Radio Show – Guest Speaker: New Overtime Rules (December 14, 2016)
- CLE: When It's Time to Go: Reductions-in-Force, Employee Separations, and the WARN Act (April 28, 2016)
- "Hiring & Firing – Best Practices for Early Stage Companies," SURGE Accelerator, Houston, Texas (March 15, 2013)

AFFILIATIONS

- **Certified** – Texas Board of Legal Specialization, Board Certified, Labor and Employment Law
- Houston Young Lawyers' Association
- Houston Bar Association, Labor and Employment Section