



Felicity A. Fowler

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PRACTICE AREAS

*ADA Public
Accommodation
Compliance*

*Affirmative Action and
OFCCP Compliance*

Class Action Defense

*Complex Business
Litigation*

Labor & Employment

Oil & Gas / Energy Litigation

*Trade Secrets & Noncompe
tition/Nondisclosure
Agreements*

Traditional Labor Law

Wage and Hour Litigation

INDUSTRIES

Healthcare

Oil & Gas

Financial Services

Education

Technology

Felicity A. Fowler has more than 28 years of experience representing employers in all facets of employment law, including litigation, arbitrations, injunctive relief, administrative proceedings, counseling and trainings throughout the United States and in a few foreign jurisdictions.

She has been certified by the Texas Board of Legal Specialization since 1998 as a specialist in the field of Labor and Employment Law, and chaired a multitude of lawsuits on behalf of employers in state and federal courts (including class and FLSA collective actions), arbitrations, and agency proceedings at the EEOC, DOL, OFCCP and TWC, among others. Felicity also regularly works with clients on complex employment matters such as wage and hour (FLSA, EPA, and state law equivalents), discrimination and harassment (Title VII, Section 1981), retaliation, leaves of absence (ADA, FMLA), employee terminations, accommodations (ADA – both Title I & Title III), affirmative action plans (AAP), pay equity, trade secrets, non-competition and non-solicitation covenants, whistleblowers and reorganizations/reductions in force (WARN Act). Additionally, Felicity often conducts complex, sensitive and significant investigations on behalf of her clients. Felicity is also a frequent lecturer on numerous employment law topics, including FMLA, ADA, FLSA, harassment, diversity/inclusion, conducting investigations, social media, and COVID-19 rules and regulations.

After graduating from Cornell University with a degree in Industrial and Labor Relations, Felicity earned her law degree from Georgetown University Law Center where she also focused on employment/labor law. Throughout Felicity's career, she has received numerous awards including Best Employment Lawyer in Texas, Top 50 Women Lawyers in Houston (2017, 2019), Top 15 Women in Business in Houston, Super Lawyers Top Women Attorneys in Texas (2020), Benchmark Litigation Labor & Employment Star (2019, 2021), and a Most Powerful and Influential Woman of Texas. She has been selected for inclusion in Texas Super Lawyers in Employment and Labor for the years 2003-2004 and 2007-2020.

Representative Experience

- Defended a well-known U.S. corporation in a highly-publicized, class-based discrimination lawsuit brought by the Equal Employment Opportunity Commission in U.S. District Court under the Americans with Disabilities Act and secured summary judgment on the basis that the class EEOC sought to represent was not disabled within the meaning of the ADA in *EEOC v. Exxon Corp.*, 124 F.Supp. 2d 987 (N.D. Tex. 2000).
- Successfully argued before the Fifth Circuit Court of Appeals in *Hockman v. Westward Communications*, 407 F.3d 317 (5th Cir. 2004), issue of first impression, which resulted in employer friendly defense standard in co-worker harassment cases; also handled companion case, *Harvill v. Westward Communications*, 433 F.3d 428 (5th Cir. 2005) (the Westward cases are often cited in the Fifth Circuit on various aspects of sexual harassment jurisprudence).
- Helped secure a Fifth Circuit opinion that an employer can defend a safety-based policy under the ADA on business necessity grounds.
- Successfully tried numerous employment law cases in Federal and State courts, as well as several arbitration forums.
- Successfully obtained and/or defended numerous temporary and permanent injunctions in misappropriation of trade secrets, unfair competition and covenant not to compete cases.
- Representation of securities brokerage firms in employment disputes. Recent experience includes a complete defense award for a client in a dispute filed by a former broker challenging stock forfeiture provisions in national employer's employee incentive compensation plan (*Howell v. Citigroup Global Markets Inc.*, NYSE No. 2004-015794).
- Successfully handled several wage and hour litigation matters, including multiple collective actions under the FLSA.
- Obtained dismissal of sexual harassment case for employer based on jurisdictional arguments in *Lee v. Dollar Tree Stores, Inc.*, 2007 U.S. Dist. LEXIS 53693 (S.D. Tex., July 25, 2007).
- Obtained numerous summary judgments for employers in employment litigation matters, including: (1) *Hockman v. Westward Communications*, 282 F.Supp. 2d 512 (E.D. Tex. 2003) (sexual harassment); (2) *Harvill v. Westward Communications*, 311 F.Supp. 2d 573 (E.D. Tex. 2004) (sexual harassment/FLSA); (3) *Weeks v. NationsBank of Texas, N.A.*, 2000 U.S. Dist. LEXIS 4069 (N.D. Tex. 2000) (retaliation); (4) *Garrity v. NationsBank of Texas, N.A.*, 1999 U.S. Dist. LEXIS 1454 (N.D. Tex. 1999) (gender discrimination); and (5) *Kushner v. Nationsbank, N.A.*, 1998 U.S. Dist. LEXIS 12708 (N.D. Tex. 1998) (ADA discrimination).
- Frequently lectures on employment law topics for both lawyers and human resources professionals.
- Employment law training, investigations, analysis, and resolution of complex employment situations.

Publications & Presentations

- Speaker, *Coronavirus Relief Legislation Update*, UT Law CLE, 29th Annual LLCs, LPs, and Partnerships Conference, Austin, TX (July 24, 2020)
- Reopening the Workplace: Navigating the Legal and Practical Challenges for Employers (April 29,

2020)

- U.S. Department of Labor Announces Temporary Rule and Issues Regulations Regarding the Families First Coronavirus Response Act (FFCRA) (April 8, 2020)
- Staying Up to Date with COVID-19 (March 23, 2020)
- COVID-19: Emergency Paid Leave Update (March 19, 2020)
- COVID-19 and the Workplace (March 18, 2020)
- Contributor, McGinnis Lochridge Oil & Gas Newsletter: Producer's Edge, Vol. 2, Issue 1 (February 10, 2020)
- McGinnis Lochridge Women Attorneys from Across Our Offices Recognized as Top Women in Texas 2019 Super Lawyers (February 7, 2020)
- Presenter, *The #MeToo Movement & the Law*, SCG Legal, 2019 Annual Meeting, Washington, DC (September 6, 2019)
- Department of Labor's Newly Proposed Overtime Rule Raises Salary Thresholds of White Collar Exemptions to FLSA (March 13, 2019)

Professional Associations & Community Involvement

- Family Services of Greater Houston (Board of Directors, 2005-2015)
- Greater Houston Women's Chamber of Commerce (Board of Directors, 2010-2012)
- Hispanic National Bar Association, Standing Commission on the Status of Latinas in the Legal Profession, (2012-2013, past Deputy Regional President, Region XII)
- Houston Diversity Council, Co-Founder
- President's Council of Cornell Women, Member (2020)
- State Bar of Texas
- American Bar Association – Labor & Employment, Litigation Sections
- Houston Bar Association – Labor & Employment, Litigation Section
- Hispanic Bar Association of Houston (Board of Directors, 2004 to 2014)

Professional Recognition

- Recognized as a Benchmark Litigation Labor & Employment Star (2019, 2021)
- Recognized in The Best Lawyers in America®, Labor Law - Management, Litigation - Labor and Employment (2021)
- Recognized among Top Women Attorneys in Texas 2020 – Super Lawyers
- Recognized by The National Diversity Council as one of Houston's Top 15 Women in Business (2016); Top 50 Women Lawyers - Houston (2017, 2019)
- Selected as a 2013 Most Powerful and Influential Woman of Texas by the National Diversity Council (2013)
- Selected for inclusion in Texas Super Lawyers, Thomson Reuters, in Employment and Labor (2003-2004, 2007-2020)
- Recognized among the Top 50 Women Super Lawyers in Texas and Top 100 Houston Super Lawyers (2010-2011)

Court Admissions

- Supreme Court of the United States of America
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Eastern District of Texas

Bar Admissions

- Texas

Education/Professional Background

- Georgetown University Law Center, J.D., 1992 (Member, Journal of Law and Technology)
- Cornell University, B.S., Industrial and Labor Relations, 1989 (Cornell National Scholar)