

**Lawrence D. Smith**

Shareholder

larry.smith@ogletree.com**Location:**

San Antonio (Office: 210-277-3620, Fax: 210-277-2702)

Education:

J.D., Southern Methodist University, 1984

B.A., *cum laude*; B.B.A., *cum laude*, Southern Methodist University, 1981**Practice Areas:**Employment Law, Wage and Hour, Disability Access

Mr. Smith's practice at Ogletree Deakins primarily involves the defense of employers in labor and employment related litigation before state and federal courts and administrative agencies. Mr. Smith represents employers in claims involving equal employment opportunity law, unfair labor practices, wage and hour issues, unemployment compensation, wrongful discharge, state law tort and contract claims, occupational safety and health matters as well as class action litigation under the Fair Labor Standards Act. Mr. Smith has tried cases involving claims of sex, race, national origin, age and same-sex discrimination, retaliation, workers compensation retaliation, disability discrimination under both the Americans with Disabilities Act and the Rehabilitation Act of 1973, invasion of privacy, intentional infliction of emotional distress claims and covenants not to compete. Mr. Smith actively counsels clients on a wide range of daily employment issues including discharge, discipline, discrimination, leave and layoffs. Mr. Smith routinely handles appeals in both state and federal appellate courts.

Mr. Smith speaks frequently on a wide variety of topics at employment related seminars. Mr. Smith previously served as a member of the Texas Pattern Jury Charge Committee responsible for drafting state court jury charges for employment cases. Mr. Smith is Board Certified, Labor and Employment Law, Texas Board of Legal Specialization. Mr. Smith has been recognized in the *Best Lawyers* publication, and has been selected as a Texas *Super Lawyer*. Mr. Smith also serves as a contributing editor to the A.B.A.'s *Fair Labor Standards Act* treatise.

Admitted to Practice:

Texas
U.S. Supreme Court
U.S. Court of Appeals, Fifth Circuit
U.S. District Court, Eastern, Northern, Southern and Western Districts of Texas

Honors and Awards:

- *Best Lawyers in America* (2007-present)
- Texas *Super Lawyer* (2003-present)
- AV rated by Martindale-Hubbell
- 2020 Top Attorneys by *San Antonio Magazine*

Professional Activities:

- American Bar Association (Labor and Employment Law Section, Federal Labor Standards Legislation Committee)

- International Association of Defense Counsel (Employment Law Committee, Co-Vice Chair, Articles)
- State Bar of Texas (Labor and Employment Law Section Member)

Speeches:

- SAMA Employment Law Seminar - "2020 Focus on Employment Law, Joint Employment/Independent Contractor Issues Continue into 2020" - San Antonio - February 27, 2020
- Ogletree Deakins Briefing - "Headline News: An Employment Law Update" - San Antonio - February 25, 2020
- Ogletree Deakins Briefing - "Year in Review" and "Seasonal Traps in Employment Law" - San Antonio - December 3, 2019
- Ogletree Deakins Seminar - "Workplace Detox: 10 Strategies for Managing Malcontents and Toxic Employees" - Rio Grande Valley - September 26, 2019
- Ogletree Deakins Seminar - "Washington Watch: What's in Store for 2020 (and Beyond)" - San Marcos - September 4, 2019
- Ogletree Deakins Podcast - "FAQs on Paid Sick Leave in Dallas and San Antonio" - July 22, 2019
- Ogletree Deakins Webinar - "Update for Dallas and San Antonio Employers: Prepare Now for Paid Sick Leave" - July 16, 2019
- Texas Association of Community Action Agencies, Inc. 2019 Annual Conference - "HR Hot Topics – 2019" - Austin - May 10, 2019
- Ogletree Deakins Briefing - "Disability Accommodations and the Interactive Process" - McAllen - April 11, 2019
- Ogletree Deakins Briefing - "Disability Accommodations and the Interactive Process" - McAllen - April 11, 2019
- Ogletree Deakins Briefing - "Wage and Hour Update" - San Antonio - February 28, 2019
- San Antonio Manufacturer's Association Employment Law Briefing - "Wage and Hour Hot Topics for 2019" - San Antonio - February 22, 2019
- Ogletree Deakins Seminar - "Workplace Detox: Strategies for Managing Malcontents and Toxic Employees" - Austin - November 2, 2018
- Labor and Safety Seminar - "Top Wage and Hour Issues Affecting the Hospitality Industry" - San Antonio - August 22, 2018
- Coastal Bend Society for Human Resource Managers - "Headline News: An Employment Law Update" - San Antonio - July 19, 2018
- SAMA Employment Law Seminar - "Political Speech in the Workplace" - San Antonio - January 18, 2018

- Ogletree Deakins 13th Annual Labor and Employment Law Update - "Knowing What to Say When Under the ADA" - Austin - October 23, 2015
- 2013 Risk Management Seminar - "Employment Law Update 2013 - What Employers Need to Know Now " - Austin - September 2013
- Texas Bankers Association 82nd Annual Human Resources & Training Conference - "Employment Law Update 2013 - Identifying New Challenges for Employer" - Marble Falls - August 2013
- 2013 San Antonio Manufacturers Association Employment Law Seminar - "A New Era, Accommodation Obligations for Employees Returning from or Exhausting Leave" - San Antonio - February 2013
- 8th Annual South Texas Human Resources Association Symposium - "Perfecting the Reasonable Accommodation Process Under the Amended ADA" - San Antonio - March 2012
- Ogletree Deakins Texas Seminar - "When Harry Sued Sally - Non-Traditional Workplace Harassment Suits" - Austin - October 18, 2011
- Texas Bankers Association, 80th Annual Human Resources & Training Conference - "Employment Law Update: What You Need to Know" - San Antonio - August 2011
- Texas Bankers Association, 79th Annual Human Resources and Training Conference - "Employment Law Update" - San Antonio - August 2011
- Ogletree Deakins Labor & Employment Briefing - "Disloyalty, Departures and Misappropriations - Protecting Your Business Assets" - San Antonio - November 3, 2010
- Ogletree Deakins Workplace Strategies Seminar 2010 - "Tackling Tough Wage & Hour Issues" - Las Vegas - May 2010
- Corpus Christi Human Resources Management Association Labor Law Seminar - "The Employee Free Choice Act and Beyond: Management Relations During the Obama Administration" - Corpus Christi - September 10, 2009 - September 4, 2013
- Association of Corporate Counsel, South Central Texas Chapter - "Caregiver Discrimination: Current View from the EEOC and the Courts" - San Antonio - August 5, 2009
- 2009 San Antonio Manufacturers Association Labor Law Update - "Americans with Disabilities Amendment Act of 2008 - ADAAA: Are Employers Ready?" - San Antonio - January 21, 2009
- Ogletree Deakins Texas Seminar, Lost in My Space - "How Technology Poses New Risks for Employers" - Austin - September 2008
- Ogletree Deakins Employment Law Briefing - "Disability Discrimination and Accommodation Issues" - San Antonio - August 2008
- Ogletree Deakins Workplace Strategies Seminar 2008 - "Google Me! (Unless I Don't Like What U Find)" - New Orleans - May 2008
- Corpus Christi Human Resources Management Association - "Workplace Bullying - Act Now or Pay Later" - Corpus Christi - March 24, 2008

- 2008 San Antonio Manufacturers Association Employment Law Update - "Employee Leave Issues in 2008" - San Antonio - February 14, 2008
- Ogletree Deakins Employment Law Briefing - "Managing Electronic Information Under the New E-Discovery Rule Changes" - San Antonio - April 2007
- 2007 San Antonio Manufacturing Association's Employment Law Update - "Cruising the FMLA Highway: Tips for Avoiding Leave Related Hazards" - San Antonio - February 22, 2007 - edit
- San Antonio Human Resources Management Association - "The New E-Discovery Rules" - San Antonio - February 9, 2007
- 2002 San Antonio Manufacturers Association Employment Law Update - "Wage and Hour - Current Issues Under the Fair Labor Standards Act" - San Antonio - March 28, 2002
- 2001 San Antonio Manufacturers Association Employment Law Update - "Retaliation: Employee's Newest Favorite Weapon" - San Antonio - March 28, 2001

Media Quotes

- March 25, 2021 - [HR Dive](#) - "Employer's memory isn't a substitute for recordkeeping, 5th Cir. ruling shows"
- March 22, 2017 - [San Antonio Business Journal](#) - "Harassment claims inside Geekdom highlight grey area for co-working spaces"
- November 24, 2016 - [San Antonio Business Journal](#) - "How the overtime rule change may change more than just pay"
- March 2013 - [International Association of Defense Counsel, Employment Committee Newsletter](#) - "Preferences in Reassignments to Vacant Positions as a Reasonable Accommodation under the ADA: Overview of EEOC v. United Airlines and Beyond"
- January 2012 - [79 Defense Counsel Journal](#) 32 - "ADA Amendments Act of 2008: Practical Implications for Employers in 2012 and Beyond"

Published Works:

- September 2, 2021 – Ogletree Deakins Blog Post – [“Texas Appellate Court Clarifies Proof Required for Establishing Misconduct in Receipt of Unemployment Benefits Cases”](#)
- July 21, 2021 – Ogletree Deakins Blog Post – [“Texas Supreme Court Rules Request for Disability Accommodation Does Not Support Retaliation Claim Under State Law”](#)
- March 25, 2021 – Ogletree Deakins Blog Post – [“Texas Court Upholds San Antonio’s Sick and Safe Leave Ordinance Injunction”](#)
- March 12, 2021 – Ogletree Deakins Blog Post – [“Texas Discrimination Laws Protect Intention to Become Pregnant, State Court Rules”](#)
- March 12, 2021 – Ogletree Deakins Blog Post – [“Incomplete Payroll Records Lead to Employer FLSA Liability, Fifth Circuit Rules”](#)
- November 12, 2020 – Ogletree Deakins Blog Post – [“Recent Texas Court Decision Highlights the Risks of Defamation in Internal Misconduct Investigations”](#)

- May 21, 2020 – Ogletree Deakins Blog Post – [“Federal Court Decision Highlights Challenges of Dealing With Employee Performance Issues While an Employee Is on FMLA Leave”](#)
- August 9, 2019 – Ogletree Deakins Blog Post – [“Fifth Circuit Finds EEOC Did Not Have Authority to Issue 2012 Criminal History Guidance”](#)
- August 1, 2019 - Ogletree Deakins Blog Post – [“Lawsuit Challenges Dallas Paid Sick Leave Ordinance”](#)
- August 2019 - International Association of Defense Counsel, Employment Committee Newsletter - "Do Applicants Have a Disparate Impact Claim Under the ADEA?"
- July 26, 2019 – Ogletree Deakins Blog Post – [“San Antonio Paid Sick Leave Ordinance Delayed”](#)
- July 15, 2019 – Ogletree Deakins Blog Post – [“Texas Legislative Roundup: New Laws Impacting Employers”](#)
- June 7, 2019 – Ogletree Deakins Blog Post – [“Paid Sick Leave in San Antonio and Dallas: Answers to Your Frequently Asked Questions”](#)
- March 7, 2019 – Ogletree Deakins Blog Post – [“Texas Committee Advances Bill to Prevent Municipalities From Enacting Employment Leave Ordinances”](#)
- February 11, 2019 – Ogletree Deakins Blog Post – [“Texas Workforce Commission Issues Proposed Rules Excluding Certain Gig Workers From the Definition of “Employment” Under Texas Unemployment Laws”](#)
- February 5, 2019 – Ogletree Deakins Blog Post – [“Overbroad Geographic Restriction Dooms Covenant Not to Compete”](#)
- November 30, 2018 – Ogletree Deakins Blog Post – [“Texas Court of Appeals Rules Austin’s Paid Sick Leave Ordinance Unconstitutional”](#)
- August 17, 2018 – Ogletree Deakins Blog Post – [“San Antonio Mandates Paid Leave for Private Sector Employees: 14 Key Facts About the New Law”](#)
- June 13, 2018 – Ogletree Deakins Blog Post – [“Texas Court Bars Employment Claims Due to Ecclesiastical Abstention Doctrine”](#)
- May 2018 - International Association of Defense Counsel, Employment Law Committee - "Responding to 30(b)(6) Deposition Notices in Employment Cases"
- May 16, 2017 – Ogletree Deakins Blog Post – [“Chapter 21 of the Texas Labor Code Does Not Incorporate ADA’s Prohibition on Release of Confidential Health Information”](#)
- January 31, 2017 – SHRM Online – “Texas Court Highlights Importance of Language in Noncompetes”
- January 26, 2017 – Ogletree Deakins Blog Post – [“Watch Your Language: Texas Court Highlights the Importance of Language in Noncompetes”](#)
- February 12, 2016 – Ogletree Deakins Blog Post – [“Fifth Circuit Refuses to Apply Texas Choice of Law to Noncompete Agreement”](#)

- June 2015 - International Association of Defense Counsel, Employment Law Committee - "Spotting the Ambush: NLRB's Quickie Election Rates"
- April 17, 2015 – Ogletree Deakins Blog Post – "[Decisions Raise Bar on Waiver of Arbitration Agreements Under Texas Law](#)"
- January 6, 2015 – Ogletree Deakins Blog Post – "[Fifth Circuit Adopts Standard in Disability Cases That Will Make it Harder for Employers to Obtain Summary Judgment](#)"
- November 26, 2014 - Ogletree Deakins Blog Post - "[Court Enforces Five-Year Noncompete Agreement in Connection With Sale of Business](#)"
- July 8, 2014 - Ogletree Deakins Blog Post - "[Proper Processes Can Insulate Employer From Tortious Act of Employees](#)"
- January 17, 2014 - Ogletree Deakins Blog Post - "[Which Arbitration Agreement Clauses Will Texas Courts Find Unconscionable?](#)"
- March 2013 - International Association of Defense Counsel, Employment Committee Newsletter - "Preferences in Reassignments to Vacant Positions as a Reasonable Accommodation under the ADA: Overview of EEOC v. United Airlines and Beyond"
- January 2012 - 79 Defense Counsel Journal 32 - "ADA Amendments Act of 2008: Practical Implications for Employers in 2012 and Beyond"
- September 2006 - International Association of Defense Counsel, Employment Committee Newsletter - "Key Provisions for Employers' FMLA Policies"
- September 6, 2004 - Labor Relations Report - "Special Report of Employees Increasingly Bringing Religion to the Workplace Raising Issues of Discrimination Diversity"
- October 1998 - Texas Labor Letter - "Reasonable Accommodation - Interactive Process"
- April 24, 1996 - BNA's Employment Discrimination Report - "Analysis in Perspective, Religion in Workplaces Increasingly a Pandora's Box for Firms Experts Say"
- October 18, 1995 - BNA's Employment Discrimination Report - "Employer is Advised to Review Policies Offer Accommodations to Avoid Bias Claims"