

# M. Cheryl Kirby

## Of Counsel

**Cheryl Kirby** focuses her practice on labor and employment law matters. She represents business clients in matters involving discrimination claims, harassment and retaliation claims, wage and hour issues, violation of non-competes, breach of contract issues, and employment torts.

Cheryl also prepares and reviews separation agreements and employment agreements. She regularly counsels employers regarding union avoidance, employment policies, and compliance with governmental regulations.

### EXPERIENCE

- Represented private sector employers in state and federal court in actions arising from Title VII, TCHRA, ADA, ADEA, FMLA, ERISA, FLSA, Davis-Bacon Act, False Claims Act and Section 301 LMRA.
- Litigated public sector employment law issues in state and federal courts.
- Represented employers through various phases of the administrative process in state and federal agencies, including Texas Workforce Commission, EEOC, Texas Commission on Human Rights, Merit Systems Protection Board, National Labor Relations Board and Department of Labor, including Wage & Hour and OSHA.
- Represented employers in labor arbitrations and other methods of alternative dispute resolution, including mediations.
- Consulted regarding union avoidance, non-compete and non-solicitation agreements, employment policies, compliance with regulations governing wage and hour and prevailing wage issues and OSHA.
- Represented employers in state and federal appellate courts regarding sexual harassment, FMLA and unfair labor practices.
- Obtained summary judgment in malicious prosecution and defamation case brought by former employee.
- Obtained summary judgment in pregnancy discrimination case brought by former employee.
- Obtained summary judgment in age discrimination and retaliation case brought by former employee.
- Obtained summary judgment in sex discrimination case brought by former employee.
- Obtained summary judgment in race and age discrimination case brought by former employee.
- Successfully defended class action under the Fair Labor Standards Act ("FLSA").
- Counseled employer throughout union campaign which resulted in decisive win for employer.
- Successfully represented employers in audits and/or investigations by governmental agencies.

### PRESENTATIONS

- *Employee Privacy: Important Information about Monitoring Employee Communications and Computer Usage*, Strasburger's Employment Law Breakfast Series (May 2012)

## Practices, Industries & Services

Labor & Employment  
Litigation

## Memberships

- San Antonio Bar Association
- Bexar County Women's Bar Association



### Office

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### Education

J.D., University of Texas School of Law, Austin, Texas, 1995

B.A., The University of Texas at Dallas, Richardson, Texas, 1991

### State Bar Licenses

Texas

### Court Admissions

U.S. District Ct., S.D. of Texas

U.S. District Ct., W.D. of Texas

U.S. District Ct., N.D. of Texas