



SpencerFane®

Kunal Shah

Partner

Contact

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Overview

Kunal Shah provides clients collaborative and proactive counsel, helping identify and avoid legal exposure while simultaneously best positioning them to successfully resolve litigious matters in an efficient and cost-effective manner.

With clients ranging from corporations to businesses of all sizes to C-suite individuals, Kunal brings specific industry experience in construction, health care, IT, food service, and retail with a curated track record in successfully resolving disputes involving trade secret misappropriation, breach of restrictive covenants, hacking, fraud, breach of contract, discrimination, and retaliation. He brings an aggressive, thorough, and practical approach to client service, first trying to minimize or avoid legal and financial exposure while remaining prepared to handle litigation from the beginning and through to resolution when needed.

In addition to litigation, Kunal brings significant experience in labor and employment. He speaks regularly on emerging employment issues and provides critical guidance to management on claims identification, mitigation, and prevention. Kunal also focuses on the creation and implementation of effective best practices and policies geared toward claims avoidance related to Title VII, FMLA, ADA, and FLSA, including misclassification and reclassification audits and other wage and hour issues. He counsels and trains management-level employees to make them aware of employee rights regarding employment, discrimination, harassment, and accommodation and related reporting procedures for potential infractions or requests.

Education

- Rutgers Law School, 2011 (J.D.)
- Rutgers University, 2007 (B.A.), *cum laude*

Bar Admissions

- New Jersey, 2011
- New York, 2012
- Texas, 2017

Court Admissions

- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York

Distinctions

- *Texas Super Lawyers*, Employment Litigation 2017–2019, 2021–2023

Memberships

- Dallas Bar Association
- South Asian Bar Association of Dallas
- Frisco Chamber of Commerce
- Plano Chamber of Commerce
- CRC Group Wholesale & Specialty Insurance, Content Contributor

Presentations and Publications

- “Ask a Lawyer: Noncompete Agreements,” Texoma HR Legal Symposium, August 2024
- “Legal Landmines,” 1st Tuesday Connections, August 2024
- “Best Practices for Handling Texas Discrimination Charges,” May 17, 2023
- “Merging Developments in Employment and 401k Laws,” September 22, 2022
- “Hot Topics in Immigration and Employment Law,” April 29, 2022
- “Returning to Work in 2021—COVID-19 and Vaccinations Best Practices,” April 29, 2021
- [“Returning to Work in 2021: COVID & Vaccinations Raise EPL Liability Questions,”](#) January 21, 2021
- [“After the Riots: Mitigating Liability Risks,”](#) July 9, 2020
- [“Animals in the Workplace: How to Tame the EPL Risks,”](#) March 13, 2020

Related Experience

- Obtained a \$2.9M pre-litigation settlement in favor of client in a dispute involving an industry competitor poaching a specialized team of employees and soliciting away a customer.
- Obtained seven-figure settlement for land surveyor in lawsuit involving trade secret misappropriation and business interference claims.
- Obtained summary judgment of age discrimination and national origin claims on behalf of a multinational technology and consumer electronic company in the Eastern District of Texas.

- Successfully halted majority shareholders' attempt to issue new class shares which created a preference over minority shareholders without their consent. Negotiated an amended operating agreement preventing further malfeasance and secured minority shareholders' attorneys' fees.
- Secured six-figure severance payment on behalf of former bank director by demonstrating in arbitration that cause for termination did not exist.
- Negotiated over \$2 million in change-in-control severance benefits from a producer of aggregates-based construction materials to an ousted C-suite.
- Successfully defended virtual healthcare company in various claims brought by former C-suite level employees including discrimination, Massachusetts wage violations, and breach of contract.
- Routinely negotiate vendor contracts on behalf of clients, including identifying breaches to terminate the contract or renegotiate more favorable terms.
- Obtained order compelling sexual harassment claims to arbitration from NJ state court.
- Obtained summary judgment on behalf of large school district on a Texas Whistleblower Act claim in Dallas County.
- Defeated class certification of an anticipated class of 1,600 home health attendants on behalf of a large health care corporation in New York County.
- Granted summary judgment of DTPA and breach of contract claims on behalf of a Texas land surveyor.