



SpencerFane®

Merritt B. Chastain III

Partner

Contact

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Overview

Merritt Chastain provides proactive traditional labor and employment counseling and handles related administrative proceedings and litigation, helping his clients first avoid workplace disputes and potentially costly mistakes, then successfully resolve matters in and out of court when necessary to minimize liability and financial exposure.

Leaning on years of experience, Merritt regularly handles a broad range of labor and employment issues from preparation to litigation to appeals, while also representing management in union disputes. Merritt has considerable experience in providing legal counsel and representation related to union organization and decertification campaigns, collective bargaining, labor arbitrations, strikes and picketing, and unfair labor practice proceedings before the National Labor Relations Board.

His counseling work for employers of all sizes includes a thorough understanding of labor relations, federal and state labor laws, discrimination laws, OSHA guidelines and recommendations, federal and state wage and hour laws, and other laws pertaining to the employment relationship. He further works closely with clients to draft comprehensive employee handbooks and policies that guide all decisions related to the employer-employee and labor-management relationship, employment agreements ranging from simple to complex, arbitration agreements, alternative dispute resolution programs, and executive compensation packages that assist in attracting and retaining top talent.

Merritt's representations include employment discrimination, OSHA citation, Employment Retirement Income Security Act (ERISA), and related litigation. He has also successfully resolved and litigated matters involving misappropriation of trade secrets, violation of covenants not to compete, breach of employment agreements, and the pursuit and attainment of injunctive relief.

Based on a prior clerkship with the Texas Supreme Court, he also has cultivated a vibrant general appellate practice and has argued and won cases before most of the courts of appeals in Texas, including several before the Texas Supreme Court, and many courts of appeals in other states.

Education

- South Texas College of Law, 1995 (J.D.), *summa cum laude*
- Texas A&M University, 1991 (B.S.)

Bar Admissions

- Texas

Court Admissions

- Texas Supreme Court
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas

Community Involvement

- Houston Ballet Foundation, Pro Bono Services
- Houston Symphony Society, Pro Bono Services
- Houston Volunteer Lawyers Program, Pro Bono Services
- Habitat for Humanity, Volunteer

Distinctions

- *Best Lawyers in America*, 2021-2025
 - Commercial Litigation
 - Employment Law – Management
 - Labor Law – Management
 - Litigation – Labor and Employment
- *Texas Super Lawyers*, Rising Star, Employment & Labor; Employee Benefits / ERISA, 2005-2006, 2008
- *H Texas Magazine*, Top Professional on the Fast Track, 2006

Memberships

- State Bar of Texas
- American Bar Association, Labor & Employment Section
- Houston Bar Association, Spring Family Events Committee
- Houston Young Lawyers Association
- Houston Management Lawyers Forum
- Texas Association of Business, Director
- Rotary Club of Houston, Board of Director
 - Lombardi Committee, National Chairman, 2010, 2011; Committee Chair, 2006-2016, 2021
 - Fresh Start Committee, Chairman, 2006-2010
 - Camp Enterprise Committee, Chairman, 2010, 2012

Presentations and Publications

- "Will You Take OSHA Citations for \$10,000? – Top 10 OSHA Developments of 2022," Spencer Fane WorkSmarts Seminar, September 15 2022
- "The Covid-19 Pandemic, Federal and State Guidelines and Rules, and Its Effect on the Oil & Gas Industry," NAPCA Workshop, August 12, 2021
- "OSHA and Related Legal Issues Implicated by the Covid-19 Pandemic," Workplace Safety Symposium, December 21, 2020
- "Unfair Competition: Drafting and Enforcing Non-Competition Agreements," Texas Association of Business Employment Relations Symposium, 2020
- "Constructing and Deconstructing: What's New in Construction Enforcement and the Law?" Workplace Safety Symposium, New Orleans, December 4, 2019
- "Retaliation: The Forgotten Leader of EEOC Claims," Texas Association of Business Employment Relations Symposium, 2019
- "Managing Employee Leaves: The Interconnection Between Texas Workers' Compensation, the Americans with Disabilities Act, and the FMLA and Best Practices," Ultimate Software Employment Seminar, 2019
- "What to do When OSHA Comes Knocking: Tips and Traps," Thompson Publishing OSHA Conference, 2019
- "Conflicts When Representing Co-Parties to Litigation in the Unfair Competition Framework," Annual Ethics Symposium, 2019
- "How Is OSHA Under the Trump Administration Approaching Enforcement on Construction Worksites?" Workplace Safety Symposium, Nashville, December 5, 2018
- "Leave Laws: The Interconnection Between Texas Workers' Compensation, the Americans with Disabilities Act, and the FMLA," Texas Association of Business Employment Relations Symposium, 2018
- "OSHA Recordkeeping Changes; Strategies for Addressing OSHA After Citations are Issued," Thompson Publishing OSHA Conference, 2018
- "The FLSA and Developing Trends," Ultimate Software Employment Seminar, 2018
- "What Would Your Mother Say? There's More to Proper Ethics Under the Texas and Model Rules," Annual Ethics Symposium, 2018
- "The New FLSA Regulations: What to Watch Out For Under the New Regime," Texas Association of Business Employment Relations Symposium, 2017
- *The Civil Rights Acts of 1866 and 1871, Employment Discrimination Law*, Second Cumulative Supplement (Jordan, ed.), 1998
- *Applicant Screening: Prohibitions and Necessary Inquiries*, Tex. Lab. Letter, 1997
- *The Guiding Light or Simply More Disarray?: A Principled Analysis of the After-Acquired Evidence Doctrine After McKennon v. Nashville, S. Tex. L. Rev.* (Banner Pub. Co.), November 1995

Related Experience

- Successful results in union organizing and decertification campaigns, collective bargaining, unfair labor practice charges, strikes and picketing, labor arbitrations related to contract interpretation and employment decisions, including the successful defense of grieved terminations by high-ranking elected union officials.
- Regularly represents corporate clients in trials in federal and state court and has argued before the Texas Supreme Court, the Texas Courts of Appeals, and the Third and Fifth U.S. Circuit Courts of Appeals.

- Argued before the Texas Supreme Court and obtained a unanimous decision in a case involving alleged unpaid stock options and a complex jurisdictional dispute.
- Achieved favorable judgments in two multi-employee disparate impact and disparate treatment age and race discrimination lawsuits, one of which involved 35 plaintiffs.
- Received favorable judgments in several OSHA trials, including several employee death cases and cases in which the penalties exceeded \$1 million.
- Handled class action and collective action lawsuits under ERISA, the federal discrimination laws, and the Fair Labor Standards Act, including successful litigation of class certification and negotiation of settlements.
- Achieved favorable judgments in other lawsuits involving race discrimination, sexual harassment, age discrimination and other forms of discrimination prohibited under federal and state law.
- Obtained summary judgments and dismissals in numerous cases involving all aspects of employment discrimination and common law claims related to the employment relationship.

Clerk Experience

- Texas Supreme Court, Legal Clerk for Justice Craig T. Enoch, 1995–1996