

KANE RUSSELL COLEMAN LOGAN

One Mission. Your Mission.



Douglas C. Bracken

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Bringing more than 30 years of employment law experience, Douglas Bracken collaborates with employers to protect their businesses, from drafting tailored agreements and employment policies to litigating all types of employment and business disputes in state and federal courts.

Douglas has been Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization for nearly 20 years. He also serves as co-Chair in the Firm's Labor and Employment Practice Group.

He represents companies in a broad range of industries, including technology, hospitality, manufacturing, staffing, food retail, and retail merchandising. He advocates before governmental agencies such as the Equal Employment Opportunity Commission (EEOC), Department of Labor (DOL), the Occupational Safety and Health Administration (OSHA), the National Labor Relations Board (NLRB), and the Texas Workforce Commission (TWC). And he advises clients daily on how to comply with employment laws and regulations throughout the country.

In addition to advising employers and executives on employment agreements and other contracts, including covenants not to compete, Douglas also works closely with companies to craft sound policies and procedures that help avoid litigation or minimize its impact on their businesses. If disputes do go to trial, he emphasizes impeccable preparation and vigorous, tactical, and innovative defense strategies. Douglas also enjoys working with executives as they create or seize new opportunities, including launching or growing startups, and often reviews executive agreements for either companies or executives.

Douglas regularly defends companies and management against discrimination, harassment, and wage and hour claims, as well as employee injury and leave disputes. He also prosecutes cases involving non-competes and non-solicitation agreements. Practicing in Texas, Douglas has acquired unique experience advising and defending "nonsubscriber" employers who have opted out of the Texas Workers' Compensation Act (TWCA) on issues involving both negligence and employee injury benefit plans governed by the Employee Retirement Income Security Act (ERISA). When companies elect to manage those claims independently, Douglas provides experienced representation guiding employers in this specialized area.

Douglas' in-depth knowledge of employment regulations and his thorough understanding of how government agencies operate serve clients well to help them comply with all manner of state and federal labor and employment laws. These

include Title VII, the Americans with Disabilities Act (ADA), Age Discrimination in Employment Act (ADEA), Family and Medical Leave Act (FMLA), Fair Labor Standards Act (FLSA), and National Labor Relations Act (NLRA). He uses strong communication skills to synthesize and explain complex issues so employers can navigate the byzantine regulatory landscape and run their businesses profitably, all the while still treating their workers well.

Away from the Office

Douglas grew up playing tennis and continues to play when he can. He likes to spend as much time as possible with his family and relishes any opportunity he has to watch his son play high school baseball or visit his daughter studying biomedical engineering at the University of Texas.

Bar Admissions

- State Bar of Texas (1992)
- U.S. Supreme Court
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, District of Colorado
- U.S. District Court, Northern District of Illinois

Education

Texas Tech University School of Law, J.D., 1992
Associate Editor, Law Review

Washington and Lee University, B.A., *cum laude*, 1989, European History

Practice Focus

- Labor & Employment
- Litigation
- Nonsubscriber Defense

Experience

- Obtained summary judgment in federal court for national retail merchandising company to collect fees from a customer who refused to pay for services properly rendered.
- Obtained summary judgment for national staffing company employer on claims for negligent hiring that allegedly caused employee's personal injury. Houston court of appeals affirmed summary judgment on appeal.
- Obtained dismissal under Texas anti-SLAPP statute of defamation claims brought in federal court by City police chief against City municipal judge. Claims attacked municipal judge's press release protected as free speech regarding sex harassment claims she asserted against police chief.
- Represented regional metal building fabricator employer in arbitration hearing on sexual harassment claims asserted by employee against supervisor. After presenting significant forensic electronic evidence of employee's own wrongdoing, negotiated favorable settlement for employer.
- Defended oil and gas services company on collective action claims for overtime violations under FLSA. Obtained settlement favorable to employer.

- Wrote multiple successful summary judgment motions for international airline on employment claims including discrimination and retaliation claims asserted under Title VII, ADA, ADEA, TCHRA, and workers' compensation retaliation under Chapter 451.
- Wrote successful brief to Fifth Circuit court of appeals resulting in affirmation of summary judgment for international airline on employee ADA claims. *Sherrod v. American Airlines, Inc.*, 132 F.3d 1112 (5th Cir. 1998).
- Regularly advise employers on employer claims, often including leave issues involving employee injuries, ADA and FMLA. Advise employers regarding proper classification of employees and independent contractors, and regarding compliance with FLSA.
- Defended multiple EEOC and TWC investigations. Filed many effective position statements and EEOC has never found "cause" in response.
- Represented employer in OSHA investigation of employee fatality on the job. Negotiated favorable settlement with Agency including significantly reduced fines despite "serious" violations.
- Represented regional retailer in DOL audit of alleged overtime violations. Negotiated favorable settlement representing only 10% of DOL's original demand.
- Represented "mom and pop" shop in audit by TWC and DOL. Proved no overtime owed and resolved franchise tax issues favorably.
- Represented large regional franchisee of international quick service restaurant company in DOL audit of employee clock management practices resulting in payment of minimal nuisance settlement.
- Represented U.S. subsidiary of international electronics reseller sued in U.S. by international competitor. Resolved multiple cases in favorable global settlement with no payment of money by client.
- Represented national strike prevention company employer on claims brought by competitor for allegedly hiring competitor's employee in violation of noncompete agreement. Client employer paid no money to competitor in favorable settlement.
- Defended trucking company against competitor's claims violated former employee's noncompete agreement. Bench trial resulted in finding of no actual damages. Case settled favorably on appeal.
- Represented national entertainment presentation company when competitor sued employee salesman on noncompete agreement. Successfully protected employer's extensive confidential information from competitor until employee settled favorably with former employer.
- Regularly advise employers regarding employee injury benefit plans under ERISA including drafting, reviewing and revising ERISA plans.
- Represented national insurer and regional third party claims administrator on claims asserted by insured's employee for wrongful denial of benefits under ERISA. Favorably settled claims after filing motion for summary judgment in federal court.
- Represented international quick service restaurant nonsubscriber employer and independent third party administrator on claims asserted by employee for wrongful denial of benefits under ERISA. Favorably settled claims after filing motion to dismiss in federal court.
- Successfully compelled in trial courts multiple claims to arbitration on behalf of employers based on arbitration agreements with employees claiming injuries on the job, including discrimination and retaliation claims arising under Title VII, ADA, ADEA and FMLA.
- Successfully obtained denial of petitions for writ of mandamus filed by employees contesting in the Texarkana Court of Appeals. *In re Michael Copeland*, 45 S.W.3d 348 (Tex. App.—Texarkana 2001, orig. proceeding).
- Advised national packaging company on negotiations with United Food and Commercial Workers International Union for renewal of collective bargaining agreement.
- Represented national packaging company in arbitrations on multiple grievances filed by United Food and Commercial Workers International Union. Arbitrator in each case interpreted collective bargaining agreement consistently with company's position.
- Advised financially distressed regional food packaging company to avoid WARN issues during layoffs and to avoid union successorship when new company acquired client.

- Represented local taxi cab company and independent contractor taxi driver sued by passengers in federal jury trial for personal injuries after vehicle accident. Jury found no negligence by taxi cab company and upheld independent contractor status of individual cab driver.

Publications

- Law in the Workplace, “*New Federal Law Limits Arbitration in Sexual Harassment and Sexual Assault Cases*,” March 2022
- Law in the Workplace, “*President Biden Announces Mandatory Vaccination Requirement for Private Employers*,” September 2021
- “*OSHA’S New Construction Webpage Provides Specific Guidance for Employers in the Construction Industry*”, Kane Russell Coleman Logan PC, June 2020
- KRCL CARES Act Task Force: “*Returning to Work in the Shadow of COVID-19: Resources and Suggested Approaches for Employers*”, Kane Russell Coleman Logan PC, May 2020
- KRCL CARES Act Task Force: “*Dallas County Paid Sick Leave Blocked by Federal Court*”, Kane Russell Coleman Logan PC, April 2020
- KRCL CARES Act Task Force: “*Families First Coronavirus Response Act*”, Kane Russell Coleman Logan PC, March 2020
- “*DOL Clarifies Standard to Determine ‘Joint Employer’ Status*”, Kane Russell Coleman Logan PC, January 2020
- “Proselytizing, Non-Solicitation Trends and Other Contracting Issues,” Direct Sellers Association (DSA), Independent Contractor Practicum, Washington, D.C., July 2018.
- “Employment Law Update,” Sekisui America Corporation National Human Resources Conference, Houston, Texas, May 2013.
- “Fair Labor Standards Act of 1938: Overview and Exemptions,” Lorman Education Services, Fair Labor Standards Act seminar, March 2011 (moderator and presenter).
- “ERISA Reporting & Disclosure Requirements for Texas Nonsubscriber Plans. An Update,” TXANS 2010 Annual Nonsubscriber Conference & Exhibition.
- “Injured or Disabled: The ADA and Recent EEOC Regulations,” Blue Goose Liability Protection Workshop, February 2010.
- “Prevailing Wage National Trends,” Lorman Education Services, Prevailing Wage Law seminar, February 2010.
- “Recent Changes to the ADA and FMLA,” TXANS 2009 Annual Nonsubscriber Conference & Exhibition.
- “Finding Your Way Through the Confusing Leave and Disability Law Labyrinth,” Council on Education in Management, 2009 Texas Employment Law & HR Forum.
- “Nonsubscriber Update: Emerging Trends in the Texas Nonsubscription System,” Council on Education in Management, Texas Workers’ Comp Forum, October 2008.
- “The Latest in Wage & Hour Law,” TXANS 2008 Annual Nonsubscriber Conference & Exhibition.
- “Protecting Against Harassment Claims,” Parker County Bar Association, February 2008 CLE Meeting.
- “Non-Competition Agreements For At-Will Employees After *Sheshunoff*,” Collin County Bench Bar Conference, April 2007.
- “Top 10 in 2006: Employment Law Update,” TXANS 2007 Annual Nonsubscriber Conference & Exhibition.
- “Averting the Legal Challenges that Arise from Constructive Discharge and Wrongful Terminations,” Council on Education in Management, Employment Law Update, 2006.

Presentations

- KRCL Labor & Employment Seminar - Employment Law Legal Developments, Trends and Challenges. “Regulating Employee Speech: Significant Recent Developments Affecting Agreements with Your Employees,” June 13, 2023.

Honors

- Board Certified, Texas Board of Legal Specialization, Labor and Employment Law, 2004
- *Super Lawyers*® (2021-2025)
- Best Lawyers in Dallas, D Magazine, Labor & Employment (2018, 2020-2025)
- Fellow, College of the State Bar of Texas

Associations

- College of the State Bar of Texas
- State Bar of Texas, Labor and Employment Section
- State Bar of Texas, Litigation Section
- Dallas Bar Association, Labor and Employment Law Section
- Society for Human Resource Management (SHRM)

Community

- Board of Directors, Goodwill Industries of Dallas, Inc.
- Washington & Lee Alumni Admissions Program
- Jesuit College Preparatory School of Dallas Challenge Drive

Insights

- KRCL Webinar - The Texas Construction Industry and Top-of-Mind Critical Employment Issues
- Twenty-three Kane Russell Coleman Logan Attorneys Recognized in 2025 Texas Super Lawyers and Rising Stars Lists
- Seventeen Kane Russell Coleman Logan Attorneys Recognized as 2023 Texas Super Lawyers
- Labor & Employment Triple Play: Exploring Employment Law Legal Developments, Trends and Challenges - Dallas
- "PIPs: Write, Implement and Time Them Precisely," Shrm.org
- Seventeen Kane Russell Coleman Logan Attorneys Recognized as 2022 Texas Super Lawyers
- New Federal Law Limits Arbitration in Sexual Harassment and Sexual Assault Cases
- President Biden Announces Mandatory Vaccination Requirement for Private Employers
- OSHA's New Construction Webpage Provides Specific Guidance for Employers in the Construction Industry
- Returning to Work in the Shadow of COVID-19: Resources and Suggested Approaches for Employers