



F. Colin Durham

Senior Attorney

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With more than 25 years of employment law experience in a practice that spans the country, Colin Durham handles every aspect of employment litigation and represents employers in OSHA inspections and citations.

He advises companies in cases involving non-competes and non-solicitation agreements, as well as harassment and discrimination claims. Colin regularly represents management in employment law disputes with departing CEOs, directors, and other key company employees. He has a particular depth of knowledge in the construction industry and also serves organizations in a range of other areas, including food processing, oil and gas, information technology, and recycling.

Colin has tried numerous jury and bench trials on behalf of his clients, advocating for business and corporate clients against claims of race, sex, age, religion, accommodation/discrimination, national origin, and disability discrimination, as well as those relating to retaliation, contracts, wage & hour issues, workers' compensation retaliation, harassment, and various employment related torts. He has also handled appeals before the Texas Supreme Court and several of the Texas District Courts of Appeal.

Colin often advises clients to keep the big picture in mind when deciding whether to pursue litigation, urging them to set aside strong emotion and pursue a resolution that is in the company's best interests—one that limits exposure, publicity, and cost while allowing the organization to continue to pursue and attain business objectives.

To help clients avoid the prospect of litigation, Colin regularly advises human resource professionals and in-house counsel on all issues relating to employment law. They include discipline and discharge, leave and accommodation administration, handbook and policy review, contract negotiation and drafting, and the handling of administrative matters such as Equal Employment Opportunity Commission (EEOC) and Texas Workforce Commission charges and claims before state and administrative agencies. He finds it gratifying to work in close proximity with management to enact working solutions from which the company will benefit on a day-to-day basis.

Colin diligently stays updated on trends involving OSHA, current case law, and the ever-changing regulations that govern employment and workplace policies. He determines where gray areas or unclear language may make statutes subject to interpretation and how that might affect government enforcement and his clients' businesses. Colin's experience in the industry, including relationships with OSHA compliance officers, area directors, and government attorneys, provides him a unique ability to understand how his clients can best meet OSHA's expectations and best resolve any disputes that may arise given an unforeseen onsite accident.

Away from the Office

In his free time Colin enjoys being outdoors hiking, fishing, and skiing with his family and friends.

Bar Admissions

- State Bar of Texas (1994)
- U.S. District Court Northern District of Texas

Education

The T.C. Williams School of Law, J.D., 1994
Hampden - Sydney College, B.A., 1989

Practice Focus

- Labor & Employment
- OSHA Defense
- Litigation
- Construction

Experience

Represented Interstate 35 before the Texas Supreme Court in *Moayed v. Interstate 35/Chisam Road, LP and Malachi Development Corporation*, 438 S.W.3d 1 (Tex. 2014). Listen to [audio of oral arguments](#) before the Texas Supreme Court.

Publications

- Law in the Workplace, "Expected Challenges Facing OSHA's COVID-19 Vaccine Mandate For Large Employers" November 2021
- Law in the Workplace, "President Biden Announces Mandatory Vaccination Requirement for Private Employers," September 2021
- Law in the Workplace, "Issue of Control Dictates Duty Owed to Subcontractor's Employees," June 2021
- Law in the Workplace, "Navigating Marijuana Use in the Workplace," November 2020
- Framing Issues, "OSHRC Provides Clarification For Employers In Machine Guarding Case," October 2020
- Court Upholds T-Mobile's Positive Workplace Environment Rules, September 07, 2017
- Title VII Gender Identity Claim Goes Forward, March 01, 2017
- Unions May Sue Their Directors for Breach of Fiduciary Duty, August 25, 2016
- Insurance Fraud Investigators Entitled to Overtime Pay Under FLSA, February 03, 2016
- Worker Need Not Disclose FMLA Leave Return Date, September 24, 2014

Associations

- State Bar of Texas, Construction Section
- Dallas Bar Association, Labor and Employment Section

Media

- Law360: Loan Backer Defends Fair Market Claims in Texas High Court
- Law360: Texas High Court OKs Broad Waiver for Foreclosure Offset

Insights

- Expected Challenges Facing OSHA's COVID-19 Vaccine Mandate For Large Employers
- President Biden Announces Mandatory Vaccination Requirement for Private Employers
- Issue of Control Dictates Duty Owed to Subcontractor's Employees
- Issue of Control Dictates Duty Owed to Subcontractor's Employees

- Navigating Marijuana Use In The Workplace
- OSHRC Provides Clarification For Employers In Machine Guarding Case
- Worker Need Not Disclose FMLA Leave Return Date
- Insurance Fraud Investigators Entitled to Overtime Pay Under FLSA
- Title VII Gender Identity Claim Goes Forward
- Unions May Sue Their Directors for Breach of Fiduciary Duty
- Court Upholds T-Mobile's Positive Workplace Environment Rules