



A. Martin Wickliff, Jr.

Member

Houston

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A. Martin Wickliff, Jr. is board certified in Labor and Employment law by the Texas Board of Legal Specialization, and he has substantial experience handling cases in such diverse industries as airline, banking, chemical, clothing, construction, energy, entertainment, financial services, grocery, health care, hospitality, insurance, manufacturing, pharmaceutical, railroad, restaurant, retail, sales, transportation, waste disposal, and wholesale.

Marty has received training from the American Arbitration Association as an **Arbitrator and Mediator**, focusing on labor, employment and commercial disputes. He also handles employment investigations.

Marty is a veteran litigator and trial lawyer in all phases of labor and employment law, including advice and counsel, trials, appeals, and administrative proceedings involving all types of discrimination matters (single and multiple plaintiff cases, as well as class actions), retaliation claims, layoffs and reduction-in-force, noncompete and nondisclosure/nonsolicitation disputes, trade secrets, Sarbanes-Oxley and other whistleblower actions, higher education, defamation, privacy claims, FMLA, and WARN, as well as wage and hour litigation (collective actions and multiple plaintiff lawsuits). Marty's trial and appellate experiences also include all types of traditional labor disputes, including union elections and injunction matters before the National Labor Relations Board, labor arbitrations, collective bargaining, and mediations as well as matters before the OFCCP and OSHA. He has also been involved in the implementation and monitoring of compliance and prevention programs, including HR audits, training, and internal investigations.

Marty has first-chaired many jury and nonjury trials in most of the Texas state courts and federal district courts; he has also handled cases in Arizona, Alabama, Louisiana, Colorado, New Mexico, New York, Florida, and Oklahoma; and he has argued many reported cases in the state and federal courts of appeals.

Marty has regularly spoken on a variety of labor and employment topics on behalf of continuing legal education providers, he has authored several articles, and he has authored the employment law chapter of *Texas Business Litigation* (2014-2017).

Marty has been very active in several bar and community associations. He has served on the board of directors of the State Bar of Texas (1986-1990) and on the board of trustees and chair of the State Bar of Texas Insurance Trust; he is also a former director and chair of the Board of Regents, Texas Southern University of Houston and chair of the Litigation and Human Resources Committee of the Board; and he is a former member of the board of directors, University of St. Thomas, Houston. Marty has also served as president of the Houston Lawyers Association, as well as boards of various civic and community associations in Texas.

Experience

Successfully defended an energy industry client in a workers' compensation retaliation and discharge case tried in the Harris County District Court. Plaintiff would not accept anything less than \$1 million to settle. The case was tried over a 4-day period, and the jury returned a defense verdict in 20 minutes.

Represented the plaintiff in an employee raiding lawsuit involving breach of contract and tortious

Practice Areas

- Employment Litigation
- Food & Beverage
- Health Care & Life Sciences
- Labor & Employment

Industry Sectors

- Food & Beverage
- Health Care & Life Sciences
- Media & Entertainment
- Retail

Education

- Texas Southern University—Thurgood Marshall School of Law, J.D., *magna cum laude*, 1973
- New York University School of Law, LL.M., 1974
- University of St. Thomas, B.A., 1970

Bar Admissions

- Texas

Court Admissions

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

Affiliations

- American Bar Association
- American Board of Trial Advocates
- Houston Bar Association
- International Association of Defense Counsel
- National Bar Association
- State Bar of Texas
- Texas Bar Foundation

Awards & Honors

- "The Nation's Most Powerful Employment Attorneys - Top 100," *Human Resource Executive*, 2010-2017
- *Chambers USA*, 2007-2018 (Band 1) 2019-2020 (Senior Statespeople)
- *Best Lawyers in America* 2010-2021

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- 2020 Employment Law - Management Lawyer of the Year in Houston by The Best Lawyers in America
- Texas "Super Lawyer" (Employment & Labor category), *Texas Super Lawyers*, 2003-2019
- Top 100 in Texas and Top 100 in Houston, *Texas Super Lawyers*
- "AV Preeminent," *Martindale-Hubbell*
- International Bar Association's list of *Who's Who of Management Labour & Employment Lawyers*, 2012-2017
- "Trailblazer Outside Counsel of the Year," Texas Minority Counsel Program, State Bar of Texas, 2011
- "The 25 Greatest Texas Lawyers of the Past Quarter-Century," *Texas Lawyer* 2010
- Top Rated Lawyer in Labor & Employment, *American Lawyer Media* and *Martindale-Hubbell*™
- Most Powerful Corporate Employment Attorneys Hall of Fame 2019 by *Lawdragon*
- *Texas Lawyer* Lifetime Achievement, 2020

interference claims in the energy trading business. After we filed suit, the defendants asserted and litigated eleven counterclaims against the client. All of the counterclaims were either dismissed on summary judgment, or at the close of the evidence at trial.

Successfully defended an employer facing claims of breach of contract, promissory estoppel, tortious interference, and a variety of business torts in Texas state court. After several hearings on two motions for summary judgment, the multi-million dollar claims were all dismissed, except for a promissory estoppel claim which the plaintiff abandoned after additional and extensive briefing by the parties. A related employment whistleblower lawsuit in New Jersey state court was also dismissed, and the dismissal was affirmed on appeal by the state appellate court.

Represented Shell Oil Company in collective bargaining agreement negotiations with the United Steelworkers Association in which Shell acted as the lead negotiator for the U.S. energy sector. A collective bargaining agreement was reached that was used as the pattern contract for the energy industry and the oil companies.

Represented Kroger and a subsidiary in Arizona in a lawsuit in which a key issue was the type of notice an employee needs to give the employer about the need for FMLA leave before alleging the termination was because of the request for FMLA leave.

Represented a school in a sensitive EEOC Charge termination case about a school teacher (African American) who was not able to perform in the classroom. The case went to an all-day mediation and did not settle. The Charging Party chose not to sue.

Obtained summary judgment on behalf of an energy industry client in a sexual harassment and termination lawsuit filed by two plaintiffs who sought millions of dollars in damages. This result was affirmed by the U.S. Court of Appeals for the Fifth Circuit.

Defended a television station in an age discrimination lawsuit filed in the Houston federal court regarding a station photographer who was terminated for poor job performance over a period of time. The case was confidentially settled in mediation.

Won summary judgment on behalf a client alleged to have violated the Family and Medical Leave Act. The plaintiff claimed he was terminated for requesting an FMLA leave of absence to address acute severe anxiety caused by his mother's deteriorating health condition; he received a doctor's permission to be off work because he was unfit for duty for 30 days. Without having permission from the employer, the plaintiff unilaterally began his FMLA leave on the day he was to meet with his supervisors about his termination arising from performance-related issues.

Secured dismissal of a racial discrimination lawsuit in which the plaintiff claimed that Conoco Phillips, Group 1 Automotive Inc., Targa Resources, and 20 other major corporations discriminated against him because the companies did not recruit on the campus of Texas Southern University, which is a historically minority university. As a result, the plaintiff was not interviewed, recruited, or hired by any of these companies.

Successfully removed a sexual harassment and race discrimination discharge lawsuit, which also involved some same-sex discrimination issues, to federal court. The case was confidentially settled in mediation.

Defended a university in a sex discrimination promotion and harassment lawsuit filed by a former Assistant Dean of the Law School. Due to the nature of the claims and publicity, the University asked us to take over the case from the Texas Attorney General's Office. After 15 depositions and written discovery, including hotly contested discovery disputes, the case was confidentially settled shortly

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before trial.

Won summary judgment on behalf of a client in the financial services industry in a case in which the plaintiff alleged discrimination based on race, national origin, and retaliation as well as other state law causes of action. This result was affirmed by the U.S. Court of Appeals for the Fifth Circuit.

Won summary judgment in a lawsuit filed against our client in federal court in Houston bringing discrimination, retaliation, and whistleblower claims. The plaintiff abandoned his appeal before the U.S. Court of Appeals for the Fifth Circuit.

Secured voluntary dismissal of a federal court discrimination lawsuit, involving the termination of the plaintiff, for a nuisance amount without engaging in any depositions. Companion EEOC charges were then voluntarily dismissed.