



David L. Barron

Member

Houston, Chicago

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Practice Areas

- Labor & Employment
- Labor Relations & Disputes
- Trade Secrets, Restrictive Covenants, and Computer Abuse
- Employment Litigation

Education

- University of Houston Law Center, J.D., 1996
- University of Houston, B.A., 1994

Bar Admissions

- Texas

Court Admissions

- U.S. Court of Appeals for the Tenth Circuit
- 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. District Court -- Eastern District of Texas
- U.S. District Court -- Eastern District of Tennessee
- U.S. District Court -- Western District of Tennessee
- U.S. District Court -- Colorado
- U.S. District Court -- Eastern District of Arkansas
- U.S. District Court -- Western District of Arkansas
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. District Court -- Western District of Michigan

Affiliations

- American Bar Association
- State Bar of Texas

Awards & Honors

- Chambers & Partners USA 2011-2012
- JD Supra's Readers' Choice Awards 2016 #3 Top Author in the Automotive Industry
- Best Lawyers in America 2019-2025
- Trailblazer in Crisis Leadership 2020 - *The*

David partners with clients to offer practical solutions to labor and employment problems of all sizes and shapes before they end up in litigation. That might mean helping a human resources professional with a complicated disciplinary action or helping a Fortune 500 CEO respond to a union campaign. David understands his clients' businesses and works tirelessly and creatively to make a client's goal his goal. With a focus on partnership in decision making and an emphasis on supervisor training, many of David's clients have seen dramatic drops in employment litigation.

Of course, not every dispute can be avoided. Employment disputes can often be high stakes, bitter, and expensive. Unlike many employment lawyers, David is no stranger to a courtroom. Whether it is a non-compete or trade secret case, FLSA collective action, or an unfair labor practice charge at the NLRB, David has experience litigating high profile matters. In fact, because of his substantial trial experience, David is often called upon by clients to assist in complicated litigation outside of the employment realm, and David has successfully won cases across the state of Texas in both state and federal courts.

Because of David's common sense approach to labor and employment issues, he is often quoted in newspapers and magazines. He has also appeared as an employment law professional on talk radio and local CBS and Fox affiliates.

David is Board Certified in Labor and Employment Law by the state of Texas and has been named a Texas Super Lawyer Rising Star in *Texas Monthly* magazine.

When not helping clients, David can be found leading his son's Boy Scout troop, running a marathon, or hiking on a mountain.

Not a member of the Illinois Bar. Handles collective bargaining and labor arbitrations in Illinois. Admitted only in Texas.

Experience

Won a motion to compel arbitration in a case filed in federal court alleging retaliation, race discrimination, sex discrimination, and age discrimination under federal and state law, with the court holding that the arbitration agreement at issue was valid and enforceable under both Georgia law and the Federal Arbitration Act even though the employer had not signed it.

Won a motion to dismiss on claims of gross negligence and breach of fiduciary duty brought by a mixed martial arts practitioner against a strength and conditioning coach whom she blamed for losing a title fight in the Ultimate Fighting Championship.

Served as head of Firm's Coronavirus Taskforce and provided advice and legal representation to employers on a wide range of pandemic-related matters including vaccine mandate litigation, formulating hybrid work policies, and responding to changes in local, state, and federal regulations.

Obtained a favorable settlement against former president of media industry client who stole trade secrets and formed a competing company.

Negotiated a first union contract for wall-to-wall staff units at a private art school and art museum over

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the course of more than 50 bargaining sessions with AFSCME. The final agreement preserved the client's flexibility and control over operations, including merit increases, the right to select the most qualified candidate regardless of seniority, and the right to establish pay scales.

Obtained dismissal of an employment discrimination suit brought against a retail client by a former employee who was terminated after she failed to return from medical leave. This result was affirmed by the U.S. Court of Appeals for the Fifth Circuit.

Won summary judgment for the employer in case involving claims under the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Tennessee Human Right Act brought by a plaintiff alleging that his employment was terminated due to his age and his association with his disabled daughter, and also in retaliation for his complaints about age and associational discrimination.

Won summary judgment for a retail client in a case in which the plaintiff brought claims of retaliation and gender, age, and disability discrimination after her employment was terminated on the grounds of her insubordination.

Won summary judgment for the employer in a case, brought by a plaintiff with a history of filing complaints and grievances against the client, in a case centering on claims of discrimination, retaliation, and hostile work environment.

Won summary judgment on behalf of a Fortune 100 grocery client in case, filed in the Northern District of Georgia, involving claims of race discrimination brought under Title VII and Section 1981, as well as unpaid overtime brought under the Fair Labor Standards Act.

Represented company in multi-plaintiff reverse discrimination lawsuit which resulted in a complete defense verdict. At the conclusion of the trial, one of the plaintiffs wrote a letter of apology to the manager accused of discrimination.

Successfully advised client in union election win against the Steelworkers Union in Georgia, and fought off multiple unfair labor practices and objections to avoid a rerun election.

Obtained summary judgment in favor of a Texas subsidiary of a foreign corporation in a multi-million dollar suit brought by two local executives claiming that they were cheated out of their ownership interest and bonuses under their employment contracts.

Developed from scratch a custom interactive employment law training program for large transportation authority and presented 20 sessions to all layers of supervision and management.

Represented energy broker in an employee raiding lawsuit, involving breach of contract and tortious interference claims. Successfully obtained six figure verdict and obtained dismissal of eleven counterclaims.

Obtained summary judgment for the defendant in class action wage and hour litigation in Seattle, Washington federal court, where plaintiffs sought payment for commute time in company vehicles. David avoided a certification of a collective action by aggressively conducting discovery and filing an early summary judgment motion that disposed of the case.

Obtained full defense verdict in Title VII harassment case brought by a cashier against retail industry client, where plaintiff alleged inappropriate touching, sexual comments, and racial slurs.

Won summary judgment on claims of discrimination and retaliation brought under 42 USC § 1981, based upon race, and the Employee Retirement Income Security Act of 1974 (ERISA), based upon an employee's receipt of pension benefits, on behalf of a Fortune 100 grocery retailer.

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Won summary judgment on behalf of a fuel company and one of its executives on claims of trade secrets misappropriation, tortious interference with prospective business relationships, and violation of a non-solicitation covenant brought by the executive's former employer, which sought more than \$10 million in damages. This result was affirmed by the U.S. Court of Appeals for the Fifth Circuit.

Won a jury verdict in favor of our client, a large electric cooperative, centering on a property dispute launched by a multimillionaire landowner. The plaintiff, who is well-known for his practice of suing landowners in Texas for alleged encroachment on his ranches, claimed that our client did not have an easement for a \$3 million electric distribution line which ran across his rural ranch land. The trial centered on the validity of an unrecorded easement from the 1940s, and after only two hours of deliberation, the jury returned a verdict in our client's favor on our alternate theory of easement by estoppel.

Secured a complete defense verdict, after a three-day jury trial, on behalf of a turbine repair company and three individual owners in a lawsuit filed against them by a former salesman who claimed breach of contract and fraud, and sought more than one million dollars in damages.

Won summary judgment for a large grocery retailer in an employment discrimination case in the U.S. District Court for the Western District of Louisiana. The plaintiff was fired after several inappropriate interactions with coworkers, and was pregnant at the time of her termination. She brought claims of discrimination and retaliation under the Pregnancy Discrimination Act (PDA) and Louisiana's employment discrimination law. Our team established that the plaintiff did not meet her burden to show that the client failed to accommodate her but did accommodate other similarly situated employees, and we further established that the client had a nondiscriminatory reason for terminating the plaintiff's employment.

Won summary judgment in hotly contested employee raiding case filed in federal court in Mobile, Alabama against oil and gas industry client who opened a new office and recruited management personnel from a competitor. The matter involved extensive computer forensic evidence and resulted in a successful counterclaim being brought against the company initiating the lawsuit.

Represented financial services employer in FINRA proceeding and injunction proceeding where a former employee was held in contempt for breaching court order to return confidential information.

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