

Susan L. Bickley | Partner
Labor & Employment

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CHAIR, HOUSTON OFFICE

Susan L. Bickley has over 30 years of civil trial and appellate experience in employment litigation for private and public employers, litigation involving commercial and business disputes, trade secret litigation, and the defense of claims against professionals. She represents a diverse range of clients including publicly held corporations, smaller companies, and start-ups, as well as public entities and their officials.

In addition, Susan taught “Trial Advocacy” as an adjunct professor at the University of Houston Law Center from 2006 to 2010.

While in law school, she was a research editor for the *Houston Law Review*, and selected for membership in the Order of the Coif. At the University of Texas at Austin, she was selected for membership in Phi Beta Kappa, and designated a College Scholar based on academic achievement.

In 2010 and 2011, Susan received the President’s Award from the Houston Bar Association. Active in the community, she is a member of the Board of Directors of the UH Law Foundation, the Houston Bar Foundation, and the John P. McGovern Museum of Health and Medical Science. She previously served on the State Bar Texas Disciplinary Rules of Professional Conduct Committee and the State Bar Annual Meeting Committee.

Susan holds a number of leadership positions within Blank Rome. In addition to leading the labor & employment practice in Houston, she serves on Blank Rome’s Executive Committee, Pro Bono Committee, Recruiting Committee, and Diversity &

Inclusion Committee, and is the current Office Chair for Blank Rome's Houston Office. She previously served as a member of the Firm's Strategic Plan Committee and Strategic Plan Implementation Committee, the Firm's Nominating Committee, and is a past Chair of the Blank Rome Women's Forum.

Select Engagements

Employment Litigation

- Defended numerous public and private employers in cases and charges filed under United States Constitution, Texas Constitution, Title VII, the Civil Rights Act of 1991, Americans With Disabilities Act of 1990, Pregnancy Discrimination Act, Age Discrimination in Employment Act, Texas Commission on Human Rights Act, Texas Whistleblowers Act, Workers Compensation Act, Equal Pay Act, Fair Labor Standards Act, Texas Payday Act, among other statutory and common law theories asserted against employers.
- Lead counsel in successful arbitration of race discrimination and retaliation claim against a public company. At conclusion of arbitration, obtained reasoned award in favor of client and take nothing judgment on all legal theories.
- Lead counsel for employer in arbitration contesting discipline imposed by municipality against police officer for use of excessive force. Arbitrator ruled in favor of our client on all theories, issuing a 52-page reasoned award.
- Obtained final summary judgment in federal court on behalf of private employer in a putative class action filed under the Worker Adjustment and Retraining Notification Act of 1988 ("WARN Act"), which resulted from the employer's mass layoff of 157 employees at a Bryan, Texas, facility without providing 60-day advance notice. The Court ruled that the unforeseeable-business-circumstance defense excused the employer's failure to provide timely WARN Act notice, and that it had acted in a commercially reasonable manner in connection with the terminations.
- Obtained summary judgment in complex federal race discrimination and retaliation case filed under 42 USC § 1981 and § 1983 for municipality and fire chief sued by first female captain in fire department, who alleged that she suffered more than a decade of harassment, discrimination and retaliation.
- Resolved EEOC class action against client under Americans with Disabilities Act regarding alleged discriminatory use of full-duty release requirement, obtaining dismissal of half of the claims without payment and resolution of remaining claims.
- Obtained dismissal of case against out-of-state employer sued by a former employee who sought to void noncompetition and forum selection agreements, and upheld dismissal on appeal.
- Represented an employer in a suit filed by a disabled employee claiming damages in excess of \$8 million dollars under the Texas Commission on Human Rights Act ("TCHRA"), American With Disabilities Act of 1990 ("ADA"), and Workers Compensation retaliation statute.

- Obtained summary judgments on behalf of employers in ADA cases filed by employees, who suffered from various disabling conditions, including bipolar disorder, cancer, severe insulin dependent diabetes, peripheral neuropathy, loss of use of legs, high blood pressure, problems following back, knee and brain surgeries, loss of sight, dizziness and other disabling conditions.
- Obtained summary judgment and recovery of litigation costs for employer in sexual harassment and discrimination case filed by the first female motorcycle officer in the Gulf Coast region.
- Obtained summary judgment for employer in sex discrimination/Equal Pay Act case filed by management employee.
- Obtained summary judgment for employer in Fair Labor Standards Act (“FLSA”) case based on defense under 29 USC § 785.23.
- Obtained summary judgment for employer in sexual harassment and retaliation case in which claimant alleged that she had received crude faxes, and was subjected to offensive and suggestive behavior by her supervisor and ultimately was constructively discharged in retaliation for reporting harassment.
- Represented public official and public entity in trial of whistleblower case, resulting in settlement after trial.
- Defended employer in same-sex sexual harassment case involving encounter between male employee and supervisor.
- Obtained agreed non-suit of slander, wrongful termination, and sex discrimination case against law firm employer by terminated attorney.
- Obtained summary judgment and costs for employer sued in race discrimination and harassment case filed by employee, who claimed male employees were promoted over her and that she was harassed by her supervisor based on her race.
- Representation of numerous Texas governmental entities and public officials at trial and on appeal in a variety of civil rights, employment, contract, tort and other disputes.
- Investigation of numerous allegations of employee complaints, including complaints of harassment, discrimination, retaliation, whistleblower liability, workplace violence, and other forms of civil rights violations.

Trade Secrets Misappropriation and Non-Compete Litigation

- Representation of employers and businesses in cases involving misappropriation of trade secrets, violations of covenants not to compete, and breaches of duty of loyalty.
- On behalf of publicly traded company, filed suit against four individuals who violated non-competition agreements by covertly worked with competitor after selling their company to client. Within three-month period, obtained emergency TRO, accelerated depositions, three-year permanent injunction against all defendants, dismantling of competing company, and recovery of all attorney’s fees.
- In trade secret misappropriation case filed against corporate client in the horizontal drilling industry, obtained emergency relief from opposing party’s computer turn-over order and e-discovery order, ultimately resulting in

successful resolution of case.

- Obtained dismissal of employee's Declaratory Judgment Act suit to declare unenforceable a covenant not-to-compete contained in a contract with a forum selection clause requiring litigation in another state.
- Defended financial services company from allegations that it misappropriated customers, trade secrets, software and confidential documents, and filed motion for summary resulting in agreed settlement.
- Obtained temporary restraining order against client's former employee who solicited client's customers to obtain business for his newly-formed competing company.

Defamation and First Amendment Litigation

- Representation of professional athlete to prevent publication of defamatory content in planned book publication, requiring substantial changes prior to publication.
- Obtained summary judgment and dismissal of free-speech retaliation claims filed under federal civil rights statutes.
- Defended law firm from claims of defamation, mail fraud, and conspiracy made by former client.
- Defended municipality in case filed by union under First Amendment relating to a work rule prohibiting certain union activities at work.
- Defense of municipality in case alleging that the ordinance regulating signage was unconstitutional and violated the First Amendment.

Commercial Litigation

- Obtained temporary restraining order and temporary injunction on behalf of several partners to prevent sale of partnership assets, including historic real property, ultimately resolving the sensitive family and business issues during an accelerated mediation.
- Defended law firm defendant accused of Texas Securities Act violations, breach of fiduciary duty and fraud by 43 investors in interrelated companies claiming \$54.91 million dollars in damages—resolved through settlement after motions for summary judgment were filed.
- Obtained \$1.69 million award and recovery for estate trustee after insurer paid policy proceeds to wrong party, the insured whom had been fraudulently substituted as policy beneficiary.
- Successfully represented minority shareholder in a software company against controlling shareholders, which resulted in \$2.1 million dollar pre-trial settlement and recovery for client.
- Defended major Am Law 100 law firm in suit by 35 plaintiffs alleging legal malpractice, breach of fiduciary duty, and positional conflicts of interest based on the firm's alleged appellate malpractice.
- Representation of president of a software company who was terminated without payment under Deferred Compensation Agreement and Executive Compensation Contract, and as co-lead counsel obtained jury verdict in client's favor, which was increased on appeal resulting in payment to client

of \$989,271.

- Obtained summary judgment on behalf of law firm sued for \$3.6 million by a bank based on an opinion letter that a guaranty of a non-conforming real estate loan was “duly authorized and binding,” when the signature had been forged.
- Obtained dismissal of all legal malpractice claims against law firm based on successful challenge to the legal authority of plaintiffs’ attorney to file suit on behalf of plaintiffs who had suffered an adverse judgment in excess of policy limits and assigned their claims to the attorney.
- Successfully negotiated release without payment to resolve case filed by individual investors against attorneys who had provided legal services in connection with a master-limited partnership in which the attorneys were accused of improper receipt of equity position in the partnership.
- Negotiated a non-suit with prejudice of case against an attorney sued for failing to perfect a plaintiff’s interest in stock that had been pledged as collateral to secure a promissory note after the stock had been canceled on the books and records of the corporation.
- Obtained summary judgment on behalf of attorneys whom the plaintiffs claimed had improperly documented a real estate transaction.
- After the IRS decided that language in a will required the inclusion of trust assets in the gross estate for federal estate tax purposes, the estate beneficiaries sued the law firm and the attorneys who had drafted the will. Despite an IRS-assessed deficiency of over \$1.5 million and a deficiency assessed by the State of Texas of \$350,000 in inheritance taxes, a voluntary dismissal of the action was negotiated without payment.
- Obtained summary judgment on behalf of lawyer and firm in cases involving alleged violations of the Texas Securities Act.
- Obtained dismissal of all claims without payment in settlement where attorney had been sued by former clients for conspiracy to violate civil rights, creation of illegal credit files, conducting illegal searches of private property, invasion of privacy, RICO violations, participating in alleged mail fraud, libel and slander, extortion and blackmail, and intentional infliction of emotional distress.
- Represented a major health insurance carrier concerning Insurance Code provisions relating to the validity of exclusions from policy coverage of certain congenital defects. The opinion rendered resulted in the implementation of a consistent policy on behalf of the carrier for all Texas policyholders.

Admissions

- U.S. District Court - Northern District of Texas
- Texas
- U.S. District Court - Eastern District of Texas
- U.S. District Court - Southern District of Texas
- United States Court of Appeals for the Fifth Circuit

Memberships

- American Bar Association
- American Inns of Court
- Defense Research Institute
- Houston Bar Association
- Houston Bar Foundation
- International Municipal Lawyers Association
- State Bar of Texas
- Texas Bar Foundation
- University of Houston Law Center's Blakely Advocacy Institute

Education

- University of Texas, BA, magna cum laude
- University of Houston Law Center, JD, cum laude

Recognitions

- 2019, "Outstanding Leader in Law," *Houston Business Journal's* Women Who Mean Business Awards
- 2016 and 2018, "Lawyer of the Year" in Litigation – Municipal, Houston, listed in Best Lawyers in America© (Woodward/White, Inc.)
- 2012–2016 and 2018–2020, Litigation – Municipal, listed in Best Lawyers in America© (Woodward/White, Inc.)
- 2015–2019, Labor & Employment Law, listed in *Chambers USA*
- 2016, "Top Rated Lawyer" in Texas, listed in *Texas Lawyer Magazine*
- 2014, "Lawyer of the Year," listed in *Best Lawyers in America*© (Woodward/White, Inc.)

Professional Activities

Susan serves on the Board of Directors of the University of Houston Law Foundation and on the Board of Directors of the Houston Bar Foundation. She is a past member of the Board of Directors, and Vice President of the University of Houston Law Alumni Association. As an involved member of the United Way of Greater Houston's Alexis de Tocqueville Society, she served on the Steering Committee of the United Way's Women's Initiative and serves on the Steering Committee of the United Way Law Initiative. She also volunteers her time in connection with the Houston Bar Association/Communities in Schools Summer Legal Internship Program.