



## Kristina C. Frankel

Ms. Frankel's primary practice focuses on a variety of labor and employment and litigation matters. She represents employers in federal and state court, arbitrations, and before administrative agencies such as the Texas Workforce Commission, the Equal Employment Opportunity Commission, and the United States Department of Labor. Ms. Frankel handles litigation matters at the pre-trial, trial, and appellate levels.

Ms. Frankel has represented management in civil rights actions (including race, gender, national origin, disability, religion, equal pay, harassment, and retaliation), wrongful discharge, wage and hour (FLSA), employment tort, Family and Medical Leave Act, worker's compensation, ERISA, and other employment-related charges and litigation. Her litigation practice also includes unfair competition, covenants not to compete, and breach of contract litigation. Ms. Frankel has successfully defended judgments for her clients on appeal.



Ms. Frankel advises clients in Worker Adjustment and Retraining Notification Act (WARN), wage and hour law (FLSA), and a variety of other labor matters. She provides counsel and document preparation to clients regarding executive compensation, employment and severance agreements, and other labor and employment issues involved in business transactions, including layoffs and executive hiring. Ms. Frankel counsels clients on all workplace issues, including employment policies, hiring and termination decisions, supervisor and executive training, FLSA compliance, drug testing and privacy in the employment context. She performs training seminars, prepares and reviews personnel handbooks and policies, conducts workplace investigations, and advises clients regarding employee retention and termination.

Prior to joining Muskat, Martinez, & Mahony, L.L.P., Ms. Frankel was an associate with the Houston office of Fulbright & Jaworski L.L.P.

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### Representative Experience

- Obtained summary judgment on behalf of healthcare client defending against claims of race, gender, and religious discrimination
- Obtained summary judgment on behalf of international chemical company defending against claims of race, religious, and disability discrimination
- Obtained summary judgment on behalf of transportation industry client defending against claims of race discrimination, defamation, and breach of collective bargaining agreement

- Assisted in representation of health client regarding defamation and tortious interference with contract claims
- Assisted in representation of transportation industry client regarding multi-plaintiff claims of race and national origin discrimination, hostile work environment and retaliation
- Assisted in representation of large food service chain regarding a *Sabine-Pilot* claim
- Assisted in appeal successfully defending summary judgment award in Americans with Disabilities Act case
- Assisted in representation of multi-state restaurant chain regarding claims of FLSA violations
- In addition to her federal and state trial experience, has first-chaired numerous Class C misdemeanor jury trials for the Houston City Attorney's Office as part of Fulbright & Jaworski's Attorney Loan Program with the City of Houston

### **Professional Activities**

- "Employer Monitoring of Employee Electronic Activity," article, 2009
- "Fifth Circuit Employment Discrimination Update," article, 2006 & 2007
- "The Court Limits Employer Liability for Past Pay Discrimination," article, 2007
- "Supreme Court Rules that Employees' Walking and Waiting Time is Compensable under the FLSA," article, 2006
- "Privacy in Cyberspace? What are your employees saying about your company in blogs? Are your employees embarrassing themselves or the company on Facebook? Do you really want to know and, if so, can you legally find out," speech, 2008
- "Ridding Your Workplace of Sexually Charged Comments and Other Inappropriate Behavior," speech, 2007
- "Recent Developments in the Family Medical Leave Act," speech, 2006
- "Managing Leave and the Law," speech, 2006

### **Educational Background**

2005 - J.D., University of Houston

2001 - B.A., *with honors*, History, Washington University in St. Louis

- While in law school, Ms. Frankel was a member of the Houston Law Review and served as an Associate Editor. She is a member of the Order of the Coif and Order of the Barons. As a member of University of Houston's Moot Court team Ms. Frankel won many awards, including the American Bar Association's National Best Advocate in 2005.

Kristina was admitted to practice law in Texas in 2005.