

SAMANTHA BARLOW MARTINEZ

Samantha is Board-certified in Labor & Employment Law by the Texas Board of Legal Specialization. She represents employers in a variety of employment litigation and labor union matters in state and federal courts, before government agencies, and in arbitration. Her representative clients range from Fortune 250 to mid-sized businesses, and include a large engineering and construction/government services firm, several Houston-based energy companies, three major and regional airlines, a large facility services company, and a hotel chain. She is fluent in Spanish and conducts bilingual worksite investigations and manages litigation in Latin American countries for clients. She provides practical, business-oriented advice for her clients in a timely and cost-effective manner. She keeps her litigation skills sharp in an increasingly trial-adverse climate by litigating half a dozen labor and employment arbitrations on average per year.

[v-card](#)[bio pdf](#)

Representative Experience

Employment Litigation

- Litigated multiple employment arbitration proceedings in cases of discrimination (race, gender, disability), breach of contract, and racial and sexual harassment for large government services firm and on behalf of executives.
- Obtained summary judgment or favorable settlement for numerous employers across industries in claims alleging discrimination (disability, race, gender, religion, national origin, and age), harassment, FMLA and leave violations, retaliations, and defamation.
- Won favorable jury verdict for large insurance company defending against fraud, DTPA, and insurance code claims.
- Litigated injunctions in non-competition and trade secret matters (see also below).
- In all litigation matters, works closely with clients on both strategic and budgetary matters to obtain best result under each set of circumstances.

Representation Before Government Agencies

- Obtained countless dismissals of Equal Employment Opportunity Commission charges for numerous clients, including case with allegation of aggravated sexual assault.
- Represented several clients in audits before the Department of Labor's Wage and Hour Division claiming improper payment of employee wages.
- Represented clients faced with OSHA complaints.

Labor Union Experience

- Litigated and prevailed in multiple labor arbitrations challenging terminations for just cause for airlines.
- Prevailed in labor arbitration regarding contract interpretation for manufacturing client.
- Conducted union prevention programs for large Texas Medical Center clients and for regional hotel chain.

Noncompetition and Trade Secrets

- Litigated hard-fought non-compete and trade secrets injunction for staffing company with a favorable settlement.
- Obtained temporary restraining order for construction contractor against former employees who began competing business.
- Defended construction company and executive against allegation that executive was violating noncompetition employment and sales agreements.
- Counseled numerous clients regarding obligations under noncompetition and confidentiality agreements.

International and Bilingual Labor and Employment Experience

- Managed severance pay litigation in Venezuela for international heavy equipment manufacturer and distributor.
- Supervised severance pay litigation in Mexico for technology company.
- Conducted bilingual worksite investigations in the U.S. and internationally of allegations of harassment and employee misconduct.
- Supervised drafting of independent services contract with Mexican contractor for U.S. based manufacturer.
- Managed labor relations for client forming operations in Mexico.

Counseling, Training, and Unemployment Claims

- Counseled a variety of employers regarding employee handbooks, layoffs, overtime and pay issues, claims for unemployment benefits, I-9 compliance, and employee misconduct.
- Conducted trainings regarding harassment, documentation of employee issues, union prevention, and other topics.
- Represented staffing services company in former employee's court challenge to denial of unemployment benefits.
- Successfully defended large and small employers in unemployment and Payday Act hearings before the Texas Workforce Commission.

Results depend on facts of each case.

Professional Activities

- Board-certified in Labor & Employment Law by the Texas Board of Legal Specialization
- Chair-Elect, Labor and Employment Section of Houston Bar Association, 2009-10
- Member, Board of Trustees, Friends of HSPVA; Chair, Board of Directors of Community Doula Program, 2004-06; Chair, Board of Trustees of YES College Preparatory School, 2000-02
- Advisory Boards: YES Prep Public Schools; Friends of Girl Scouting
- Speeches: "Managing Costs in Employment Litigation," July 2009; Full-Day Quarterly Legal Update Seminars for FMLA, ADA, FLSA, and Union Issues, 2008-09; "Workplace Investigations," October 2007; "Employment Class Actions," July 2007; "Employment Law Rights and Obligations," January 2007; "Employment of Foreign Workers: Issues at the Crossroads of Immigration and Employment Law," January 2007; "Lawyers as Employers: Issues in Managing Firms of All Sizes," January 2007; "Immigration Compliance Issues for Small Business," September 2006; "Parlez-Vous HR? International Employment Law Issues and Problems," April 2006; "Employment Law Update," April 2006; "Managing Employee Leave Under the Family and Medical Leave Act," February 2005; "Arbitration and ADR: An Alternative to the Rising Costs of Litigation," September 2003; "Update on the ADA and State Disability Laws: Managing and Accommodating Employees with Disabilities," June 2003
- Co-author: Age Discrimination Section of Fourth Edition of Lindemann and Grossman's Employment Discrimination
- Author of numerous articles regarding harassment, discrimination, independent contractor liability, class actions, employment of immigrant workers, and other topics

Court Admissions

- Texas (2000), Fifth Circuit Court of Appeals, U.S. District Courts for the Southern, Northern, Eastern, and Western Districts of Texas

Educational Background

- University of Houston, J.D. *summa cum laude* (2nd in class), 2000 (Dean's Scholarship; Articles Editor, Houston Law Review)
- Brown University, B.A. *magna cum laude* in comparative literature, 1993 (President's Public Service Fellowship; President's Public Service Award)

Languages

- Spanish (written and spoken)
- French (reading proficiency)