



Monte K. Hurst

Partner
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“The best lawyers perform the little things well, every day. They take their time in preparation and do their research. I try to be that kind of lawyer every day.”

Practice Areas

Employment & Labor • Commercial Litigation • Transportation

Monte K. Hurst, a partner at Hermes Sargent Bates, LLP, practices in the areas of employment litigation, business litigation, and counseling on behalf of management. He effectively represents employers before judges, juries, administrative agencies and arbitrators, defending claims of discrimination (age, race, gender, sex, pregnancy, disability, national origin, religion and workers' compensation), claims of sexual harassment, claims under the Family and Medical Leave Act, claims under the Employee Retirement Income Security Act, and claims alleging breach of contract, defamation, fraud, denial of overtime pay and breach of fiduciary duty.

Monte regularly advises employers how to minimize legal risks in supervising, evaluating, investigating and terminating employees, implementing reductions in force, and creating and applying personnel policies, and drafting and enforcing separation agreements and non-competition agreements. He counsels management on how to achieve business goals while complying with federal, state, and local labor laws and regulations such as the Americans with Disabilities Act, the Family and Medical Leave Act, the Worker Adjustment and Retraining Notification Act, the Employee Retirement Income Security Act, wage and hour laws, and affirmative action obligations. He also provides practical management training on issues such as sexual harassment, documenting employee performance, and accommodating disabled workers.

Monte is a frequent author and presenter of employment law topics.

Representative Experience

- Successfully represented a well-known market and bakery in defense of disability discrimination and FMLA retaliation claims asserted by a former employee; obtained a defense verdict at trial.
- Successfully represented a national consumer finance company in defense of hostile work environment and retaliation claims asserted by a former employee; obtained a defense verdict at trial.

- Successfully represented one of the largest providers of cleaning, food safety and health protection products and services in defense of claims under the Family and Medical Leave Act asserted by a former employee.
- Successfully represented a retirement and assisted living community in defense of an age discrimination claim asserted by a former employee; obtained a summary judgment in favor of the retirement and assisted living community.
- Successfully represented one of the largest trucking companies in the industry in two, separate lawsuits in defense of claims of sexual harassment, sex discrimination, and associated tort claims asserted by former employees.
- Successfully represented a national distributor of specialty medical products in breach of contract and breach of fiduciary duty claims against a former employee who set up and began operating a competing business while still employed for the distributor; obtained a verdict against the former employee.
- Successfully represented a pyrotechnics company against a former employee asserting claims of breach of contract and misappropriation of trade secrets.
- Successfully represented a franchise of one of the largest fast food restaurants in defense of a pregnancy discrimination claim asserted by a former employee; obtained a summary judgment in favor of the restaurant.
- Successfully represented an international manufacturer of kitchen cabinetry in defense of a pregnancy discrimination claim asserted by a former employee.
- Successfully represented a metroplex hospital in defense of a claim that the hospital violated the disclosure requirement of the Fair Credit Reporting Act; obtained a summary judgment in favor of the hospital and obtained an affirmation of the summary judgment at the U.S. Court of Appeals for the Fifth Circuit.
- Successfully represented an automobile dealership in defense of claims of sexual harassment and discrimination asserted by a former employee.
- Successfully represented a web-based property management software company in defense of a pregnancy discrimination claim asserted by a former employee.
- Successfully represented a physician in defense of claims of sexual harassment and discrimination asserted by a former employee.
- Successfully represented the voluntary injury benefit plan of one of the largest trucking companies in the industry in defense of a claim under the Employment Retirement Income Security Act asserted by a former employee.
- Successfully represented a former officer of an international provider of software solutions and business consultancy for financial services in defense of claims of breach of fiduciary duty, breach of contract and tortious interference with employment relations asserted by the company.
- Drafted an alcohol-free and drug-free workplace policy for one of the largest trucking companies in the industry.
- Provided sexual harassment training to the executives and managers of one of the largest refrigerated trucking companies in the industry.

Certifications

Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization

Bar Admissions

- State Bar of Texas, 1996
- United States Supreme Court
- United States Court of Appeals for the Fifth Circuit
- United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas

Education

- Bachelor of Arts Degree in political science from Tulane University, 1993
- Juris Doctor Degree from South Texas College of Law, 1996

Awards & Recognitions

- "The Best Business Lawyers in Dallas'" - *D Magazine*, 2012
- "The Best Business Lawyers in Dallas'" - *D Magazine*, 2009
- "Texas Super Lawyer"—*Texas Monthly* and *Law & Politics Magazine*, 2004–2011
- "Dallas' Best Lawyers Under 40"—*D Magazine*, 2004, 2006
- "Texas Rising Star"—*Texas Monthly* and *Law & Politics Magazine*, 2004
- Rated AV by Martindale-Hubbell

Publications & Presentations

- Panelist, "Betrayed! Non-Compete Issues; Employee-Raiding; the Basics of Forensic Investigation; TRO's and TI's," at South Texas College of Law, Employment Law Conference, July 15, 2011.
- Panelist, "Cutting Edge Ethics: Tomorrow's Issues, Today," at South Texas College of Law, In-House Counsel Conference, July 13, 2011
- Panelist, "What C-Levels Really Want to Ask: FCPA, Sarbanes Oxley, Individual Liability," at South Texas College of Law, In-House Counsel and Employment Law Conference, July 14 – 16, 2010
- Panelist, "Betrayed!" at the South Texas College of Law, In-House Counsel and Employment Law Conference, July 14 – 16, 2010
- Panelist, "(Un)Employment Claim Train: How the Economy is Driving Ever Increasing Employment Claims," at PLUS Texas Chapter, September 23, 2009
- Author and presenter, "A Work in Progress: Recent Decisions Regarding the Whistleblower Provision of the Sarbanes-Oxley Act Further Define the Act's Coverage," at South Texas College of Law Employment Law Course, July 17, 2009
- Moderator, "Betrayed!," at South Texas College of Law Employment Law Course, July 17, 2009
- Author and panelist, "The Hard Stuff: Get the Latest on Intermittent FMLA Leave; Non-Competes; *Sarbanes-Oxley* Whistleblower Claims and Much More," at South Texas College of Law In-House Counsel Conference, July 15, 2009
- Author and speaker, "Emerging Topics in Employment Law that a Chief Executive Needs to Know," Vistage, May 14, 2009

- Author and speaker, "Top 10 in 2008: Employment Law Update," at TXANS 19th Annual Nonsubscriber Conference & Presentations Exhibition, April 2, 2009
- Author and speaker, "The Not-So-Fine Line Between Fair Competition and Betrayal: Fiduciary Obligations of an Employee Acting as the Employer's Agent in the Pursuit of Business Opportunities," at South Texas College of Law Employment Law Course, July 25, 2008
- Author and speaker, "Engineering a Sound Workplace in 2008: Employment Laws that Help You Minimize Risk and Capitalize on Talent," at McLaughlin Brunson 2008 Loss Prevention / Risk Management Seminar, April 23 and 24, 2008
- Author and speaker, "Synergy Between Treating Patients and Managing Employees," at DFW Healthcare Human Resources Association, February 27, 2008
- Author and speaker, "Achieving a Hire Standard: Update on Employment Laws that Affect Your Business," at DFW Staffing Management Association, January 16, 2008
- Author and moderator, "Out of the Closet and into the Courthouse: The Evolution of Second Generation Sex Discrimination Claims" at South Texas College of Law Employment Law Conference, July 12, 2007
- Author and speaker, "How to Equip Your Business to Avoid a Lawsuit and How to Handle a Lawsuit if One Occurs," National Mobility Equipment Dealers Association's Annual Conference, February 2007
- Author, "Shedding Light on Light: How the Texas Supreme Court Has Made it Easier for Employers to Create and Enforce Covenants Not to Compete", October 2006
- Author and speaker, "Not Knowing What You Don't Know About Workers' Compensation Discharge Claims in Texas is Dangerous Business" at Basic Workers' Compensation in Texas, Lorman Educational Services, July 26, 2006
- Author and speaker, "Employers May Have a New Ally in the FMLA: How Courts Are Holding Employees Accountable for Their Actions Both During and After Medical Leave" at South Texas College of Law Employment Law Course, July 13, 2006
- Author and speaker, "Be Careful What They Ask For: How to Avoid Miscues in Explaining Benefits to Employees in Light of Recent Case Law" at South Texas College of Law Employment Law Course, July 14, 2005
- Panelist, "Best Practices: Hiring and Firing Employees" at South Texas College of Law Employment and Labor Law Course, July 9, 2004
- Author and speaker, "New Developments in the ADA" at HIPAA, ADA and FMLA in Texas, Lorman Educational Services, January 30, 2004
- Author and speaker, "The Truth About the Fictions in Employment Law Today: Emerging Claims in Employment Law that May Be Different than What You Think" at South Texas College of Law Employment Law Course, July 10, 2003
- Author and speaker, "Miscellaneous Leave Laws" at Time Off in Texas: State and Federal Laws on Employee Leave, Vacations and Holidays, Lorman Educational Services, November 12, 2002
- Author and speaker, "Recent Developments in ADA Case Law" at State and Federal Personnel Law in Texas, Lorman Educational Services, October 3, 2002
- Author and speaker, "Employee Handbooks and Policies" at State and Federal Personnel Law in Texas, Lorman Educational Services, October 3, 2002
- Speaker, "Hostile Work Environments" at Human Resources Audits in Texas, Lorman Educational Services, August 27, 2002

- Author, "U.S. Supreme Court's Recent Modification of the A.D.A.'s Relevant Considerations," Employment Law Newsletter (Hermes Sargent Bates, LLP Dallas, Tex.), February 2002
- Author and speaker, "When to File What and Why: Responsive Pleadings in State Court," Practice Pointer Conference (Hermes Sargent Bates, Dallas, Tex.), July 2001
- Author and speaker, "One Bad Apple Can Spoil the Entire Corporate Barrel: An Introductory Overview of Sexual Harassment Claims in Texas and How They Affect the Entire Company" August 1999

Memberships

- Dallas Bar Association, Member, Labor and Employment Law Section
- State Bar of Texas. Member, Labor and Employment Law Section
- Dallas Association of Young Lawyers, Member

Personal

Monte was born in Dallas, Texas. He enjoys sports, playing guitar and spending time with his wife and two daughters.