

Fisher Broyles

Name: Scott A. Agthe

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Direct: (512) 905-2593

Office: Austin

Practice Areas: Employment; Insurance; Litigation – Civil Pretrial and Trial Services; Litigation & Risk Management; Regulatory Law & Government Contracts

Bar Admissions: Texas; Oklahoma; U.S. Supreme Court; U.S. Court of Appeals, 5th Circuit; U.S. District Court, W.D. Texas; U.S. District Court, S.D. Texas

Education: University of Houston Law Center, J.D., 1987; New Mexico State University; B.A., Communications, with High Honors, 1984

Experience: Constangy, Brooks, Smith & Prophete, LLP; Brown McCarroll, LLP (now Husch Blackwell, LLP)

Counselor and Litigator

Scott Agthe is a trusted advisor and relentless defender of his clients. For over 30 years, Scott has successfully handled hundreds of cases and claims, litigating and advising on nearly every facet of labor and employment law. Further, through preventive advice and proactive plans and policies, he works closely with clients to solve dangerous problems in a cost-effective manner. Here are some examples of Scott's services:

- Agency investigation defense for overtime and other payroll violations
- Defense of charges of discrimination and harassment
- OSHA safety standard citations and investigations
- Whistleblower and retaliation claims and lawsuits
- Employee theft of trade secrets, or violation of non-compete terms
- Layoff planning, WARN Act compliance, severance agreements
- Guidance during harassment investigations
- Guidance for disciplinary and termination decisions
- Responses to wage claims and unemployment benefit disputes and hearings
- Executive and retention agreements
- Union prevention, collective bargaining, grievance defense
- Government contracting, Service Contract Act & Executive Order compliance
- EEO, AAP and HR policy development, regulatory compliance
- Guidance on FMLA leaves, ADA accommodations

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- ERISA benefit plans for workers' comp opt out arrangements
- Due diligence consultation for mergers and acquisitions
- Liability and risk assessment and insurance analysis

Problem solving is just a phone call away...

Scott is known for his insightful and practical advice. He helps clients understand the legal issues and the viable options for dealing with them. Scott does more than analyze the problem: he helps clients make the best decision possible by offering specific recommendations for action. Often Scott will creatively identify an option not immediately apparent to those who have been wrestling with the problem. Scott understands the urgency and importance that employment related issues present to clients.

“Pre-Eminent” professionalism and commitment to excellence

In addition to being Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization, Scott has also earned the highest respect of his peers in the legal profession. For years Scott has been rated as a “Super Lawyer” and as “Top Lawyer” who is “Pre-Eminent” in legal abilities and professional standards of conduct and ethics, based on the confidential opinions of other lawyers and the judiciary. The Texas Bar bestowed its highest honor on Scott, making him a Fellow of the Texas Bar Foundation (an honor reserved to fewer than 1% of the Bar).

Honors & Certifications

- Board Certified, Labor & Employment Law, by the Texas Board of Legal Specialization
- “AV Preeminent” Peer Rated by Martindale-Hubble (2008 – 2018)
- “Top Rated” Lawyer in Labor & Employment Law (2009 – 2018)
- “Super Lawyer” Employment & Labor Law (2013 – 2018)
- Fellow, Texas Bar Foundation (Texas Bar’s highest honor to less than 1% of the Bar)

Memberships

- Past Chair and Board Member, Austin Bar Association Labor & Employment Section (2011-14)
- Member, Employers Counsel Network (2014-2015)
- Member, Labor & Employment Law Section, State Bar of Texas
- Board of Directors, Texas Association of Business (2006 – 2008)
- Board of Directors, Austin Bar Association (2013-14)

Arbitration & Neutral Credentials

- Independent Hearing Examiner, certified by Texas Education Agency (2011-2012)
- Cornell University Industrial & Labor Relations School Employment Law Arbitrator Program
- National Association of Arbitrators (NAA) Arbitrator Program
- ABA Employment Law Arbitrator List

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- National Arbitration and Mediation (NAM) Arbitrator Roster

Selected Presentations & Teaching Experience

- “Ensuring a Smooth & Legal Hiring Process,” Business & Legal Resources, Austin, 2013
- “Liability from Poor Employment Practices,” The Texas Business Update, Austin, 2010.
- “Sex Harassment: Ten Things Management Needs to Know,” MOWAT, Austin, 2007
- “Cost Containment Options,” American Society of Safety Engineers, El Paso, 2007
- “Pros & Cons In and Out of the Workers’ Comp System,” Open 4 Business Austin, 2007
- “Workers’ Comp Reform” Risk & Insurance Management Society, Fort Worth, 2005
- “Taking Control & Opting Out,” Risk & Insurance Management Society, Dallas, 2005
- “Reforming Comp: the Legislature & Courts, American Society of Safety Engineers, El Paso, 2005

Selected Published Appeals

- *Garza v. Phelps Dodge Refining Corp.*, 262 S.W.3d 514 (Tex. App. – El Paso, 2008)
- *Vega v. Gasper*, 36 F.3d 417 (5th Cir. 1994)
- *Stout v. Borg-Warner Corp.*, 933 F.2d 331 (5th Cir.), cert. denied, 502 U.S. 981 (1991)
- *Southland v. Burnett*, 790 S.W.2d 828 (Tex. App. – El Paso, 1990)
- *Siebert v. Enriquez*, 774 S.W.2d 812 (Tex. App. – El Paso, 1989)

Publications

- Co-Editor, *Texas Employment Law Newsletter*, Business & Legal Resources (2014 – 2015)
- *Labor Relations, Doing Business in Texas*, 2d Ed., Chapter 22, Published by the International Section of the State Bar of Texas, 2003.
- *More Than Just a Rulebook: How to Write an Employee Handbook*, *TexasOnTheGo.com Executive Ezine* (2010).
- *Reforming Workers’ Compensation*, *Texas Orthopedics*, Vol. 2 Issue 5 (2005)
- *Avoid Costly Workers’ Comp Insurance by Opting Out*, *Executive Legal Advisor*, 2004
- *Just Say No [to Costly Comp]*, *Texas Lawyer*, 2002