

#### Practice Areas

- Labor & Employment Law
- Litigation

#### Education

- Tulane University, B.A., 1984
- Tulane School of Law, J.D., with Honors 1987
- Attorney Mediators Institute, Graduate, 1995

#### Honors

- AV Rating, Martindale-Hubbell Law Directory
- The Insurance Bar
- Best's Recommended Insurance Attorneys
- Who's Who Among American Lawyers
- Texas Magazine's Texas Super Lawyer
- Harvard Mediation Project, Participant

#### Bar Admissions

- Texas
- Illinois

#### Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Fourth Federal Circuit

## William S. Helfand

Shareholder  
Houston

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One of the leading civil trial lawyers in Texas, Bill has amassed a significant record of success in the federal district and appellate courts in Texas as well as throughout the United States. He has tried well over 130 cases to juries and has also conducted many bench trials and arbitrations, many of which are of regional or national significance.

Bill leads Chamberlain Hrdlicka's labor, employment and civil rights litigation group but also handles commercial and other large-scale litigation. Prior to joining the firm, he was a name partner in a Houston, Texas law firm.

Bill's labor and employment law practice focuses on the defense of both public and private employers throughout Texas and the United States. He has achieved considerable success in the defense of labor and employment cases of all types, as well as significant success in commercial litigation matters through both trial and arbitration.

He is actively involved in labor, employment and civil rights and governmental liability training as well as training employers and managers, governmental officials and employees. He is frequently interviewed by various media and he speaks frequently on these topics to peer and professional groups such as the Texas State Bar, the Texas Municipal League and the Texas Council Risk Management Fund. In addition, he has served as an adjunct instructor for Sam Houston State University's law enforcement and corrections management professional development programs.

#### Selected Reported Cases

Mr. Helfand is credited with well over 100 reported cases; among them:

- *Wagner v. Bay City, Tex.*, 227 F.3d 316 (5th Cir. 2000) - *Victory where Fifth Circuit reversed lower court to find police officers were entitled to qualified immunity, and that they did not act with deliberate indifference to risk of harm for denial of medical care claim.*

- U.S. Court of Appeals for the Fifth Federal Circuit
- U.S. Court of Appeals for the Sixth Federal Circuit
- U.S. Court of Appeals for the Ninth Federal Circuit
- U.S. Court of Appeals for the Tenth Federal Circuit
- U.S. District Courts for all Four Federal District Courts of Texas

## William S. Helfand, *Continued*

- *Belk v. Charlotte-Mecklenburg Bd. Of Ed.*, 269 F.3d 305 (4th Cir. 2001) - The Fourth Circuit (en banc) affirmed district court finding that CMS had reached unitary status. This was the first case ever in which a school district under desegregation orders was involuntarily forced into unitary status.
- *Schaffer v. Benefit Plan of Exxon Corp.*, 151 F.Supp.2d 799 (S.D. Tex. 2001) - ERISA plan participants challenged Exxon Benefit Plan denial of benefits. District court found that participant's failure to return to work justified termination by plan administrator.
- *Southwest Key v. Gil-Perez*, 81 S.W.3d 269 (Tex. 2002) - Obtained Texas Supreme Court decision finding home for boys not negligent where evidence did not support claim that failure to provide protective gear was cause of resident's injury.
- *Porter v. Exxon Mobil Corp.*, 246 F.Supp.2d 615 (S.D. Tex.2003) - Successfully defended Exxon Mobil in age discrimination action. Court found non-age based reason for employee's termination. Employee violated business ethics policy prohibiting expense acceleration practices.
- *Giunta v. Mobil Corp. Employee Severance Plan*, 205 F.Supp.2d 715 (S.D. Tex.2002) - Obtained favorable opinion against participant in employee severance plan challenging denial of severance benefits. Participant not wanting to relocate was not a good reason for resignation, and thus no entitlement to severance warranted.
- *Howard v. East Texas Baptist University*, 122 S.W.3d 407 (Tex. App. – Texarkana 2003) - Court found in favor of private university that recreational use statute applied and university was not grossly negligent for injury to patron using diving board at swimming pool.
- *Vu v. ExxonMobil Corp.*, 98 S.W. 3d 318 (Tex. App. – Houston [1<sup>st</sup> Dist] 2003) - In Exxon Mobil wrongful discharge action, court upheld summary judgment.
- *Guadalupe-Blanco River Authority v. Pitonyak*, 84 S.W.3d 326 (Tex. App. – Corpus Christie 2002) - Successfully defended river authority in Texas Torts Claim action surrounding condition and maintenance of river saltwater barrier alleged to have caused drowning of boaters.
- *Brown v. Blum*, 9 S.W.3d 840 (Tex. App. – Houston [14<sup>th</sup> Dist] 1999) - Victorious result obtained for voter who filed election contest to end discrimination in city's public employment and contracting. Voter found to have standing after he had moved from city.

## William S. Helfand, *Continued*

### Seminars & Presentations

- “Defending Public Officials in a Civil Setting with Criminal Issues” State Bar of Texas Suing and Defending Governmental Entities Conference, San Antonio, Texas, July 15-16, 2010.
- “Legislative Privilege for Policy Makers” Texas Municipal League Annual Attorneys’ Conference, Austin, Texas, August, 2007.
- “Governmental Liability Under § 1983” Houston Bar Association, Houston, Texas, October 13, 2006.
- “Governmental Entity Liability Under § 1983 (Maybe You Really Can’t Fight City Hall)” Texas Municipal League Annual Attorneys’ Conference, Austin, Texas, August 11, 2006.
- “School District Peace Officers - Legal Issues and Risk Management Considerations,” Texas Association of School Boards Annual Conference, Austin, Texas April, 2006.
- “School District Peace Officers - Legal Issues in Design and Implementation,” Texas Association of School Boards Annual Conference, Austin, Texas April, 2006.
- “Update on Governmental Immunity,” Harris County Judicial Conference, Austin, Texas, August 1, 2005.
- “Individual Immunity In Federal And State Court,” Texas Municipal League Annual Attorneys’ Conference, Austin, Texas, August, 2005.
- “Individual Immunity Claims in Federal and State Courts” Suing & Defending Governmental Entities, State Bar of Texas Professional Development Program, San Antonio, Texas, July 28-29, 2005.
- “Individual Immunity of Governmental Employees in State and Federal Lawsuits,” Suing & Defending Governmental Entities, State Bar of Texas Professional Development Program, Galveston, Texas, July 25-26, 2002.
- “Employment Law and the Hiring Process.” Texas Water Conservation Association Annual Meeting, Galveston, Texas, June, 2002
- “Avoiding and Defending Workers’ Compensation Retaliation Claims” and “An Overview of Status Discrimination in the Workplace,” Texas Council Risk Management Fund Program on Managing Risks Related to Employment, Dallas, Texas, March 27, 2001 and San Antonio, Texas, March, 2002.
- “Interlocutory Appeals and Stays of Discovery,” Texas Municipal League Intergovernmental Risk Pool, 2001 Attorney Workshop, Austin, Texas, September 7, 2001.
- “Texas Tort Claims Act Update” Texas Council Risk Management Fund and Texas Water Authorities Risk Fund Annual Risk Management Meeting, Austin, Texas, March, 2000.
- “Status Discrimination” and “Worker’s Compensation Retaliation Claims” Texas Council Risk Management Fund Liability Workshop, Dallas, Texas, March, 1999 and Houston, Texas, March, 2000.
- “Relationship Between an Inter-Governmental Risk Pool and Retained Counsel,” Texas Municipal League Annual Attorneys’ Conference, Austin, Texas, August, 1999.
- “Defending Law Enforcement Civil Rights Lawsuits,” Suing & Defending Governmental Entities, State Bar of Texas Professional Development Program, Houston, Texas, May 14-15, 1998.
- “Legal Issues for Small Jails” Sam Houston State University Law Enforcement Management Institute, Huntsville, Texas, August, 1995 and October, 1997.

## William S. Helfand, *Continued*

- "Legal Issues for Jail Personnel" Sam Houston State University, South Padre Island, Texas, August, 1994, May, 1995, May, 1996 and May, 1998.
- "Minimizing Risk: Law Enforcement Lawsuits and Claims" Texas Municipal League Annual Conference and Exhibition, San Antonio, November, 1993.
- "Reducing Risk and Handling Litigation in Law Enforcement" F.B.I. National Academy Associates State Training Program, Galveston, Texas, August, 1993.
- "Legal Issues for Jail Personnel" Sam Houston State University, Bandera, Texas, November, 1992.
- "Qualified Immunity" Texas Municipal League Risk Management in Law Enforcement Seminar, San Antonio, Texas, June, 1990.
- "Qualified Immunity in State and Federal Litigation" Texas Municipal League Risk Management in Law Enforcement Seminar, Dallas, Texas, May, 1989.

## News

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- "Passage of Free Choice Act Would Mean Changes in Labor Law Field"
- Bill Helfand and Kathryn Kahle Talk Termination

## Articles and Publications

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- "Responding to Changes in the FLSA and Other Employment Legislation," *The Impact of Recent Regulatory Developments in Employment Law* (Aspatore Books 2009).
- "Passage of Free Choice Act would mean changes in labor law field," *Houston Business Journal*, August 7, 2009
- Contributing Chapter Author, "The Impact of Recent Regulatory Developments in Employment Law," Thomson Reuters Publishing, 2009.
- "When Free Speech Isn't," *The Corporate Counsel*, July 2005.
- "Free Speech is Not Always Free: Employee Speech Has Its Limits," *Houston Business Journal*, April 2005.
- "Absence of Malice: The New 'Objective Reasonableness' Standard in Excessive Force Cases," *Legal Insight*, September 1989.
- "Identification of the Municipal Policymaker and Defenses to Municipal Liability in Civil Rights Cases," *Legal Insight*, April 1989.
- "Texas Legislature Expands Recovery for Victims of Theft," *Legal Insight*, May 1988.

## Professional Affiliations

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- Houston Bar Association
  - Bar Association of the Fifth Federal Circuit
  - American Inns of Court
  - The Federalist Society
  - Airlifeline, Angel Flight Member
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