



Monica A. Fitzgerald

PARTNER

Houston

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Practice Areas

Ally Law

Employer Internal Investigations

Labor and Employment

Litigation and Appeals

Education

University of Houston Law Center,
J.D., 1987

University of Houston, B.A., *cum laude*, 1984

Bar & Court Admissions

Texas

U.S. Supreme Court

U.S. Court of Appeals Fifth Circuit

U.S. District Court Southern
District of Texas

U.S. District Court Eastern District
of Texas

U.S. District Court Northern
District of Texas

With over 40 years of litigation experience, Monica is a partner in the Vorys Houston office, a complex commercial trial lawyer and member of the labor and employment group. Monica has extensive experience serving as trial counsel for energy and energy-related companies in a wide range of commercial litigation and employment disputes, including those involving breach of contract, construction disputes, consumer protection, data privacy, and JOA operating rights, among others.

Monica also provides guidance and serves as trial counsel to employers in labor and employment matters including ERISA, termination, discrimination, discipline, retaliation, medical leave, disability, harassment, wrongful discharge, unsafe workplace, restrictive covenants, reductions in force, and wage and hour issues and class actions. She also has significant experience in internal corporate investigations.

Consistently recognized by her peers as a leading management-side lawyer in employment law, Monica has more than 40 years of experience as a litigator and has had lead responsibility for many cases that were defeated by summary judgment, trial and appeal. As most recent examples, Monica served as trial counsel representing:

- a significant manufacturer of custom industrial and commercial HVAC systems in a Chapter 11 bankruptcy case, including the post-petition perfection of mechanics liens and negotiations of payment on account of such secured claims,
- a corporate entity and a retirement accumulation plan in an ERISA class action lawsuit in federal court,
- defending 15 individuals and their new employer in a non-compete case in state court,
- representing a foreign company and their employees against claims of breach of non-compete and misappropriation of trade secrets in state court,
- defending an energy company against claims of religious discrimination relating to their COVID-19 vaccination efforts,

U.S. District Court Western
District of Texas

U.S. District Court for the Western
District of Louisiana

*Admitted to practice law only in
the states listed above.*

Industries

Energy, Utilities, Oil and Gas

- an engineering company in a collective action FLSA wage and hour case in federal court.

Monica has also authored articles and lectured on numerous topics including managing AI in the workplace, minimizing sexual harassment liability and employment torts which include defamation, intentional infliction of emotional distress, invasion of privacy, fraud, negligent supervision, negligent referral and negligent hiring.