

## Alana K. Ackels

### Partner

[aackels@bellnunnally.com](mailto:aackels@bellnunnally.com)

214-740-1412



**EMPLOYMENT LAW IS RIDDLED WITH RISK. WHEN AN EMPLOYER FACES WHAT SEEMS AN INSURMOUNTABLE LEGAL CHALLENGE, THEY TAKE COMFORT IN THE POINTED AND ACTIONABLE ADVICE ALANA OFFERS. ON SPEED DIAL FOR MANY GENERAL COUNSEL, CORPORATE LEADERS AND HUMAN RESOURCES PROFESSIONALS, CLIENTS APPRECIATE ALANA'S CALM, REASONED GUIDANCE, PROVIDING IMMEDIATE STRATEGIES TO PREVENT A STICKY EMPLOYEE-RELATIONS MATTER FROM SPIRALING OUT OF CONTROL.**

Co-licensed in Texas and California, Alana advises employers on minimizing risk, protecting their businesses, and navigating the multitude of state and federal laws governing the employer-employee relationship. She works with companies across all types of industries, including retail, hospitality and technology, and organizations that often have workforces distributed across the country. In recent years, she has developed a niche helping international businesses, with headquarters in jurisdictions as diverse as Australia and India, expand into U.S. markets.

Whether managing regulatory compliance issues for a startup or growing business, helping an employer with a risky termination or navigating a whistleblower action, Alana adeptly balances legal exposure and business priorities across the employment law spectrum. She prepares employment, confidentiality and noncompetition agreements; employee handbooks; and other policies that reduce legal exposure. Alana uses her vast trial experience to help companies avoid mistakes that often lead to litigation. She also prepares injury benefit plans for employers who choose to opt out of workers compensation in Texas and manages the plan rollout for companies that go nonsubscriber.

## Employment Counseling and Training

Spending much of her time counseling clients on ways they can minimize risk in their handling of labor and employment matters, Alana assists employers in developing policies and procedures related to the workplace. She also advises on terminations of employment; conducts workplace culture and misconduct investigations; provides strategic advice for successful corporate transitions; manages reductions in force; coaches businesses on navigating leaves of absence; and conducts audits for compliance with wage

and hour and other workplace laws. Alana helps companies negotiate and document executive employment agreements, including noncompete, severance and trade secret agreements. She regularly provides training seminars for management and human resources professionals on a wide range of labor and employment topics.

## Employment Litigation

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Alana has extensive experience litigating disputes in state and federal courts, including class-action litigation, as well as trying cases in arbitration proceedings. She routinely defends employers in claims involving discrimination, harassment and retaliation; wage and hour claims; trade secret litigation; and noncompete matters. Alana represents employers before various administrative agencies and in claims brought under the Americans with Disabilities Act (ADA), Fair Housing Act (FHA), Title VII, Age Discrimination in Employment Act (ADEA), Family and Medical Leave Act (FMLA) and the Texas Labor Code. She also litigates complex business disputes, nonsubscriber negligence claims, certain employee benefit challenges under ERISA, and insurance coverage disputes.

Alana is conversational in Spanish.

## Practices

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Litigation

Labor and Employment

## Industries

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Wholesale, Retail and Services

Hospitality

Software, Technology and Telecommunications

Health Care

## Representative Experience

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### **Employment Advice and Counsel**

- Created the employment infrastructure for an Australian sustainable bitcoin mining company, including both employment and immigration matters related to its expansion and the building of a data center in Texas.



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- Prepared the employment infrastructure for one of the world's first conversational text automation platforms when it expanded into the U.S. market and provided regulatory guidance to ensure compliance with state and federal employment laws.
- Represented India's largest e-sports mobile gaming platform in establishing its employment policies and agreements upon its U.S. expansion.
- Represented a virtual marketplace company in connection with a U.S. Department of Labor investigation, advising on the ever-changing labyrinth of regulatory compliance related to worker classification as employees or independent contractors.
- Negotiated the successful exit of an executive who was threatening to assert frivolous claims from a large technology solutions provider.

## **Employment Arbitration and Litigation**

- Secured a take-nothing arbitration ruling on behalf of an oil and gas company in a matter involving a former employee who sought damages for pregnancy discrimination and pay disparity under the Equal Pay Act.
- Secured a take-nothing arbitration ruling on behalf of a Texas luxury resort in a matter involving a former employee who sought damages for wrongful termination, disability discrimination and failure to accommodate.
- Helped secure a favorable class action settlement from the U.S. Equal Employment Opportunity Commission (EEOC) for an American casual dining restaurant and sports bar franchise client.
- Won a favorable arbitration award on behalf of a national retailer in a case involving allegations of age and disability discrimination.
- Obtained favorable results on behalf of a national assisted living facility in various labor and employment matters.
- Secured a temporary restraining order and temporary injunction on behalf of software telecommunication company against a former employee in a trade secrets misappropriation matter.
- Successfully enforced employer arbitration agreements in federal and state appellate courts.

## **Other Litigation**

- Obtained a judgment of more than \$7 million against a national bank on behalf of one of its corporate trust beneficiaries.
- Secured a complete defense victory on behalf of a national retailer in a personal injury arbitration in which the claimant sought six figures in recovery.

- Obtained complete defense award on behalf of a national assisted living facility in a nonsubscriber negligence lawsuit where the plaintiff alleged she suffered injuries that caused brain damage while at work.

## Published Opinions

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- *Fernandes v. Dillard's Inc.*, 997 F.Supp.2d 607 (S.D. Tex 2014)

## Noteworthy

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- Named to Lawdragon's "500 Leading Corporate Employment Lawyers" guide, with special recognition for litigation, 2023-2024
- Ranked in *Chambers USA* legal directory for Texas in the "Labor and Employment" category, 2022-2023
- Named one of the "Best Lawyers in Dallas" by *D Magazine*, 2021–2024
- Named to *D Magazine*'s "Best Lawyers Under 40 in Dallas" List, 2018, 2020–2022
- Selected by attorney peers as a Texas Super Lawyer®, Thomson Reuters, 2023
- Selected by attorney peers as a Texas Rising Star®, Thomson Reuters, 2015–2019, 2022-2023
- Selected by attorney peers for inclusion in *The Best Lawyers in America*®, 2019–2024
- Featured in Best Lawyers®' *Texas' Best Lawyers*, 2020
- Named to *Super Lawyers* "Up-and-Coming 50 Women: Texas Rising Stars" List, 2019, 2023
- Named to *Super Lawyers* "Up-and-Coming 100: Texas Rising Stars" List, 2023
- Named to *Dallas Business Journal*'s "40 Under 40" List, 2019

## Activities and Memberships

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- Leadership Council on Legal Diversity
  - Fellow, 2019
- Bell Nunnally Women's Initiative
  - Steering Committee Chair

- Dallas Young Lawyers Association
  - Women's Mentoring Circles, Mentor
- Dallas Women Lawyers Foundation
  - Ally
- Dallas Bar Association
  - Member
- Women With Promise
  - Board Member
- Holy Trinity Greek Orthodox Church
  - Member

## Publications

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- Alana is a frequent author of Bell Nunnally Labor and Employment Client Alerts.
- "Chambers US Regional Employment 2023 Global Practice Guide," *Chambers and Partners*, co-author; 2023.
- "Chambers US Regional Employment 2022 Global Practice Guide," *Chambers and Partners*, co-author; 2022.
- "Expert: Employers Can Mandate COVID Vaccination in Texas, with Narrow Exceptions," *D CEO Magazine*, author; August 11, 2021.
- "Employers Contend with Conflicts over Masks, Vaccinations," *Society for Human Resources Management*, quoted; June 4, 2021.
- "American Rescue Plan Act of 2021 – Employers Must Pay COBRA Premiums from April through September and Send Notice by May 31, 2021," *Bell Nunnally Client Update*, author; April 27, 2021.
- "Diversity and Inclusion Matters: Now What?" *The Texas Lawbook*, author; December 21, 2020.
- "Layoffs and Unemployment Basics During the Coronavirus Pandemic," *Texas Lawyer*, commentary; April 13, 2020.
- "Enhanced Unemployment Benefits Available Under CARES Act," *Bell Nunnally Client Update*, co-author; April 13, 2020.

- "COVID-19 Update for Employers," *The Texas Lawbook*, co-author; March 27, 2020.
- "Unemployment and Layoffs During the COVID-19 Pandemic," Bell Nunnally Client Update, author; March 23, 2020.
- "Trick Question: How Do You Classify a Gig Worker?" *Texas Lawyer*; November 2, 2017.
- "6 Factors for Determining Whether a Worker Is an Independent Contractor," *Texas Lawyer*; April 6, 2015.
- "Employer Takeaways from High Court's Hobby Lobby Ruling," *Law 360*; July 10, 2014.

## Presentations

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- "Employment Law Update - Are All Those Gig Workers Employees or Not?" TXCPA Dallas; May 16, 2021.
- "Modes of Argument, Arguing Before the Judge," Dallas Association of Young Lawyers Trial Skills Boot Camp; April 28, 2021.
- "Employer COVID-19 Facts & Questions for 2021," Texas Security Bank Speaker Series; April 27, 2021.
- "Labor & Employment Conversations," The Independent Insurance Agents of Dallas; January 28, 2021.
- "Combatting Sexual Harassment on Film Sets," Women Texas Film Festival; August 14, 2020.
- "Employment Law Webinar - Pandemic Style," Texas Security Bank Speaker Series; April 14, 2020.

## Speaking and Training

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Please contact Alana if you are interested in a presentation for your company or organization on these or other labor and employment topics:

- [Employment Law Webinar – Pandemic Style](#)
- Corporate Culture in The Age of #METOO
- Store Manager Training for Retailers
- Management Training – Sexual Harassment in the Workplace
- Mitigating Risk for Employers
- Navigating Leaves of Absence Under the Family Medical Leave Act (FMLA) & Americans with Disabilities Act (ADA)

- Employment Law 101 – Avoiding Common Pitfalls
- Managing Employee Performance and Expectations of Fairness
- Social Media in the Workplace
- The Fair Labor Standards Act (FLSA) – Guidance on Overtime Exemptions, Salary Deductions, Work Hours, and Independent Contractors

## Credentials

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### **Education**

- JD, Southern Methodist University Dedman School of Law, *cum laude*, 2009
- BA, English and Spanish, Southern Methodist University, *cum laude*, 2006

### **Admissions**

- Texas
- California
- United States District Court for the Northern, Southern, Eastern and Western Districts of Texas
- United States District Court for the Northern and Central Districts of California
- United States District Court for the Western District of Oklahoma

## Languages

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- Spanish