

Jay M. Wallace

Partner

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REPRESENTING COMPANIES WITH SIGNIFICANT WORKFORCES, INCLUDING NATIONAL RETAILERS AND OTHER LARGE EMPLOYERS, JAY HELPS CLIENTS NAVIGATE THE COMPLEXITIES OF THE EMPLOYER-EMPLOYEE RELATIONSHIP. BUILDING ON HIS DECADES OF EXPERIENCE, HE HANDLES ISSUES RANGING FROM PROTECTING TRADE SECRETS TO DEFENDING A MULTIPARTY WAGE AND HOUR OR DISCRIMINATION LAWSUIT.

Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization, Jay focuses his practice on representing companies in all phases of employment advice and litigation, at both the state and federal levels. He handles claims involving sexual harassment; discrimination based on race, sex, disability, age and national origin; and various leaves, including the Family Medical Leave Act (FMLA); the Fair Labor Standards Act (FLSA); ERISA, the Equal Pay Act and the American with Disabilities Act. He also represents clients in litigation involving noncompete agreements and the misappropriation of trade secrets. Jay also regularly defends wage and hour collective actions filed under the FLSA.

One of the leading practitioners in the state taking companies out of the Texas workers compensation system, Jay's representations include the advice, documentation and ERISA compliance associated with this process. He also defends personal injury and benefit claims on behalf of these employers.

A prolific writer on employment law topics, Jay publishes the firm's Texas Employment Law Manual and Employment Law Newsletter, both of which keep employers current on recent developments in the law. He regularly presents before the Texas State Bar, industry groups, employers and human resource professionals on a wide variety of employment-related topics, including sexual harassment, the Family Medical Leave Act, social networking in the workplace, and discrimination under state and federal laws.

Representative Experience

- Regularly defends clients in cases involving the Employee Retirement Income Security Act (ERISA).
- Successfully defended a national healthcare company in a five-plaintiff racial discrimination federal court jury trial.

- Secured a take-nothing summary judgment in a \$10 million suit against a national property group.
- Represents employers in proceedings to protect their trade secrets and to enforce restrictive covenants relating to competition from former employees and dissemination of company information.
- Routinely represents employers on collective actions under the Fair Labor Standards Act for overtime and minimum wage compensation.
- Represents companies that have opted out of the Worker's Compensation System, providing consulting services and litigation defense.
- Routinely defends businesses in employment discrimination claims involving sexual harassment, gender, race, national origin, religion, pregnancy, disability, age and retaliation.
- Performs coverage work for several insurers on employment practices, casualty, and errors and omissions programs.
- Secured a take-nothing judgment in favor of a home furnishings and electronics retailer client in a million-dollar damages claim following a two-day final hearing.

Representative Clients

- Brinks Home Security; Affiliated Foods; Dillard's, Inc.; Ensign Services; Amazon; and Kindred/Gentiva Healthcare.

Representative Opinions

- *Fernandes v. Dillard's Inc.*, 997 F.Supp.2d 607 (S.D. Tex. 2014)
- *Garcia v. Best Buy, LP*, 2009 WL 2982788 (5th Cir. 2009)
- *In Re David's Supermarkets, Inc.*, 43 S.W.3d 94 (Tex. App. – Waco 2001, no writ).
- *Wolfe v. C.S.P.H., Inc. d/b/a Domino's Pizza*, 24 S.W.3d 641 (Tex. App. – Dallas 2000)
- *Mirakhorli vs. DFW Management Company d/b/a The DFW Lakes Hilton, et al.*, 1999 WL 354225, (N.D. Tex. 1999)

Noteworthy

- Named to Lawdragon's "500 Leading Corporate Employment Lawyers" list, 2025

- Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization
- Named one of the "Litigation Stars" in the *Benchmark Litigation Guide*, 2022–2024
- Selected by attorney peers for inclusion in The Best Lawyers in America®, 2022–2025
- Selected for inclusion in *Texas Super Lawyers*®, Thomson Reuters, 2014–2023
- Named one of the "Best Lawyers in Dallas" by *D Magazine*, 2017–2018

Activities and Memberships

- State Bar of Texas
 - Labor and Employment Law Section, Member
 - Litigation Section, Member
- Dallas Bar Association
 - Member
- American Bar Association
 - Labor and Employment Section, Member
 - Arbitration Section, Member

Publications

- "US Supreme Court Finds in Favor of Heterosexual Job Applicant in Reverse Discrimination Decision," Bell Nunnally Client Alert, co-author; June 12, 2025.
- "Dallas Federal Court Tackles ERISA's Fiduciary Standards for Financial Management and ESG Investment," Bell Nunnally Client Alert, co-author; February 13, 2025.
- "NLRB Issues Memoranda on Monetary Damages Available to Noncompete and "Stay or Pay" Agreements," Bell Nunnally Client Alert, co-author; December 2, 2024.
- "U.S. Supreme Court Lowers Burden of Proof for Plaintiffs in Title VII Discrimination Claims," Bell Nunnally Client Alert, co-author; August 13, 2024.
- "New DOL Overtime Rule Significantly Raises Salary Thresholds," Bell Nunnally Client Alert, co-author; May 7, 2024.

- "Two Recent ERISA Lawsuits Illustrate the Importance of Vigilant Benefit Plan Management," Bell Nunnally Client Alert, co-author; April 10, 2024.
- "Department of Labor Announces Proposed Retirement Security Rule," Bell Nunnally Client Alert, co-author; February 16, 2024.
- "How the DOL's Rule Changes the Standard for Classifying Independent Contractors," Bell Nunnally Client Alert, co-author; January 12, 2024.
- "California Enacts Far Reaching and Costly New Employment Laws ," Bell Nunnally Client Alert, co-author; December 7, 2023.
- "National Labor Relations Board Update: Three Recent Decisions Focus on Protecting Worker Rights," Bell Nunnally Client Alert, author; October 31, 2023.
- "National Labor Relations Board Targets Workplace Policies in Recent Decision," Bell Nunnally Client Alert, co-author; August 14, 2023.
- "Texas Expands Racial Discrimination Protections with the Crown Act," Bell Nunnally Client Alert, co-author; August 4, 2023.
- "Political Tug of War: Texas Legislature Attempts to Limit the Legislative Rights of Municipalities," Texas Lawyer, co-author; June 28, 2023.
- "Two Federal Laws Provide Additional Rights for Pregnant Workers," Bell Nunnally Client Alert, co-author; June 2, 2023.
- "U.S. Supreme Court Decides Highly Compensated Employees Can Receive Overtime," Bell Nunnally Client Alert, co-author; March 9, 2023.
- "NLRB Reverses Course on Non-Disparagement and Confidentiality Provisions," Bell Nunnally Client Alert, co-author; March 2, 2023.
- Editor, *Texas Employment Law Manual*
- *Employment Law Newsletter*, published quarterly; 1995–present.
- "As Texas Opens for Businesses, Are Businesses Free To Operate As They Wish?" Bell Nunnally Client Alert, co-author; March 30, 2021.
- "The Fifth Circuit Upends the Wage and Hour Class Certification Process," Bell Nunnally Client Alert, co-author; March 18, 2021.
- "COVID-19 FAQ: Can Employers Require a Vaccine?" Bell Nunnally Client Alert, co-author; February 10, 2021.

- "Technology, the Workplace and Covid-19: Tracking Employees to Safeguard Against Spread of Virus," Bell Nunnally Client Alert, co-author; August 4, 2020.
- "Has the U.S. Supreme Court Turned the Proof Standard in Title VII and Other Federal Employment on its Head?" Bell Nunnally Client Alert, co-author; August 4, 2020.
- "Navigating Employment Laws as America Returns to Work," Bell Nunnally Client Alert, co-author; May 8, 2020.
- "Mitigating the Risks from COVID-19 as America Returns to Work," Bell Nunnally Client Alert, co-author; April 29, 2020.
- "COVID-19 Update for Employers," Bell Nunnally Client Alert, co-author; March 23, 2020.
- "Concerns Regarding Layoffs Due to COVID-19," Bell Nunnally Client Alert, co-author; March 18, 2020.
- "The Fuzzy Future of the NLRB," *Corporate Counsel*, February 2017.
- "Emerging Issues in Workplace Accommodations," *Today's General Counsel*, October 2016
- "[2015 Labor and Employment Law Client Alert](#)," Bell Nunnally Client Alert, co-author; 2015.
- "6 Factors for Determining Whether a Worker is an Independent Contractor," *Texas Lawyer*, April 6, 2015.
- "[Can Workers Use Their Employer's Email Address for Collective Action?](#)" *Texas Lawbook*, author; February 10, 2015.
- "[How To Deal With NLRB Social Media Enforcement](#)," *Law360.com*, author; July 8, 2013.
- "[Social Media Savvy for General Counsel](#)," *Texas Lawyer*, author; December 3, 2012.

Presentations

- "Recent Developments in the World of Non-Competes and Restrictive Covenants," Dallas Bar Association Labor & Employment Law Section, co-presenter; August 21, 2023.
- "Texas Nonsubscription Boot Camp: Why it Works for Healthcare Clients," Combined Group Insurance Services, panelist; July 20, 2023.
- "What You Need To Know: Employment Law Trends in 2023," Cross Timbers SHRM, co-presenter; April 27, 2023.
- "What You Need To Know: Employment Law Trends in 2023," Mid-Tex Human Resource Management Association, co-presenter; February 16, 2023.

- "The Dallas Sick Leave Ordinance – Where On Earth Are We?" American Staffing Association Texas Network Seminar, speaker; August 22, 2019.

Credentials

Education

- JD, The University of Texas School of Law, 1988
- BA, Washington and Lee University, *magna cum laude*, 1985

Admissions

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