



Donna Phillips Currault

Member

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Overview

Donna Phillips Currault's practice centers on complex litigation including class action defense in state and federal courts. A significant portion of her practice is devoted to handling cases and advising clients on employment matters such as employment agreements with non-competition and non-solicitation provisions, federal and state anti-discrimination statutes, employment policies and procedures and employee handbooks. She represents clients across several industries including healthcare, energy exploration and production, construction, real estate and the hospitality industry.

While in law school, Donna was a member of the Tulane Law Review and served as managing editor from 1988-89. She also served as a Senior Fellow for the Legal Research and Writing program. Upon graduating, she was inducted into the Order of the Coif. She also served as a judicial law clerk to the Honorable Morey L. Sear, United States District Judge for the Eastern District of Louisiana, from 1989-1990.

Donna is an FBA Life Fellow, Fellow of the American and Louisiana Bar Foundations, and Fellow of Litigation Counsel of America. In 2015-16, she served as Chair of the FBA's Labor & Employment Section. She has served on the Board of Directors for the New Orleans Chapter of the Federal Bar Association since 2002 and is currently the Recording Secretary. Since 2016, Ms. Currault has served as the Examiner for Code I of the Louisiana State Bar Examination.

Practices

- Appellate
- Banking
- Class Actions

Industries

- Banking
- Construction
- Real Estate

- Commercial Litigation
- Construction
- Corporate and Securities Litigation
- Employment
- Oil, Gas and Energy Litigation and Arbitration
- Oilfield Service Company Transactions and Litigation
- Products Liability
- Real Estate and Commercial Leasing

Admissions

- Louisiana
- U.S. Supreme Court
- U.S. Court of Appeals, 5th Circuit
- U.S. Court of Appeals, 8th Circuit
- U.S. Court of Appeals, D.C. Circuit
- U.S. District Court, Eastern District of LA
- U.S. District Court, Middle District of LA
- U.S. District Court, Western District of LA

Education

Tulane University, J.D. *magna cum laude* 1989

Loyola University New Orleans, B.A. *cum laude* 1985

Clerkships

- Honorable Morey L. Sear, United States District Judge for the Eastern District of Louisiana, 1989-1990

Experience

- Clay v. New Tech Global Ventures, LLC, USDC WDLA NO. 16-0296-JWD-CBW (2019) (jury verdict for Defendant on FLSA misclassification claims); 2019 WL 1028532 (3/4/2019) (Order de-certifying collective action and ruling on motions).

- Craig Johnson v. Target Logistics Management, LLC, USDC SDTX NO. 4:15-cv-1490 (2017) (jury verdict for Defendant on FMLA, ADA, retaliation and tort claims)
- Gremillion v. Cox Communications LLC, USDC EDLA No. 16-9849 (4/3/2017) (2017 WL 1321318) (summary judgment finding no joint employer status on FLSA collective actions)
- Crosby v. Cox Communications LLC, USDC EDLA No. 16-6700 (5/1/2017) (2017 WL 1549552) (summary judgment finding no joint employer status on FLSA collective actions)
- Richardson v. Axion Logistics, L.L.C., 780 F.3d 304 (5th Cir. 2015) (whistleblower claim)
- Hiers v. DuFreche, No. 2012-1132 (La. Ct. App. 1 Cir. 10/24/13) (2013 WL 8445626) (appellate counsel for title insurer in obtaining reversal of trial court judgment)
- MGD Partners, LLC and Covos of the Highland Community Development District v. First American Title Insurance Company, 440 F. App'x 368 (5th Cir. 9/8/2011) (summary dismissal of claims under title insurance policy)
- KeyBank National Association v. Perkins Rowe Associates, LLC, 502 F. App'x 407 (5th Cir. 2012) (affirming summary judgment dismissal of construction lien claims in favor of mortgagee)
- Martin v. Sterling Associates, Inc., 72 So. 3d 411 (La. Ct. App. 2d Cir. 8/10/2011), 2011 WL 3477055 (timely wage payment)
- Wayne Day v. Lockheed Martin Corporation, 2010 WL 2545345 (E.D. La. 6/17/2010), aff'd, 428 F. App'x 275 (5th Cir. 6/17/2011); 2008 WL 718142 (E.D. La. 3/14/2008), aff'd, 304 F. App'x 296 (5th Cir. 12/23/2008) (Uniformed Services Employment and Reemployment Rights Act and Louisiana Military Service Relief Act)
- Cindy Bouvier v. Northrop Grumman Ship Systems, Inc., 350 F. App'x 917, 2009 WL 3444765 (5th Cir. 10/26/2009) (gender discrimination)
- One River Place v. Axis Surplus Insurance, 629 F. Supp. 613 (E.D. La. 2009) (Hurricane Katrina claim)
- Trazila Paul v. Northrop Grumman Ship Systems, Inc., 309 F. App'x 825 (E.D. La. 3/31/2008) 2008 WL 915298 (sexual harassment), aff'd, 2009 WL 270178 (5th Cir. 2/5/2009)
- Barbara Ginn v. The Folger Coffee Company, 2007 WL 4114343 (E.D. La. 11/15/2007); 2008 WL 4909319 (purported class action for violation of employee privacy rights)
- Roy Michael Brauning v. Motes and Default Management Solutions, Inc., 2006 WL 3406738 (E.D. La. 11/22/06) and 2007 WL 128809 (E.D. La. 1/16/2007) (summary judgment on gender, race and age discrimination claims), aff'd, 260 F. App'x 634, 2007 WL 4467583 (12/20/07), cert. denied, 553 U.S. 1065 (2008)
- Riddle v. Simmons, 965 So. 2d 998 (2d Cir. 9/19/2007) (sheriff's costs); 922 So. 2d 1267 (2d Cir. 2/16/2006) (dispute over ownership of business)
- Dumont v. Charles Schwab & Co., 2000 WL 1023231 (E.D. La. 7/21/2000) (class action fairness hearing on settlement); 717 So. 2d 1182 (La. Ct. App. 4th Cir. 1998) (writ application)

- from denial of Exception of No Cause of Action based on federal preemption); 670 So. 2d 548 (La. Ct. App. 4th Cir. 1996) (appeal of class certification)
- Cecil H. Walker, et al v. NERCO, Inc., 134 F.3d 368 (5th Cir. 1997) (affirmed summary judgment dismissing de-certified class claims alleging age discrimination because they were too young to qualify for severance)
 - Murphy v. Community Health Network of Louisiana, Inc., 712 So. 2d 296 (La. Ct. App. 5th Cir. 1997) (appeal from trial court's dismissal via exception of no cause of action based on ERISA preemption)
 - Walk Haydel & Associates v. Coastal Power Corporation, 934 F. Supp. 209 (E. D. La. 1996) (remand to state court)
 - Guastella v. Pan American Life Insurance Company, 668 So. 2d 1174 (La. Ct. App. 5th Cir. 1996) (affirming summary judgment ruling)

Affiliations

- Louisiana State Bar Examiner – Code I – Louisiana Supreme Court Committee on Bar Admissions; Examiner Code I (2016 – present); Asst. Examiner Code I (2009 – 2015)
- Louisiana State Bar Employment Law Advisory Committee – Louisiana State Bar Committee on Legal Specialization (2015-present)
- Federal Bar Association – Immediate Past Chair of the Labor and Employment Section (2016-2017) Chair (2015-2016); Vice-Chair (2014-2015); Secretary (2013-14); Treasurer (2012-13); Editor, The Labouring Oar (2013-14); Chapter Representative of New Orleans Chapter (2011-12)
- Federal Bar Association New Orleans Chapter – Recording Secretary (2019-20); Membership Chair (2018-19); Director, NO Chapter Board of Directors (2002-present); Editor of NOFBA's Publication "The Advocate" (2008-09); NOFBA's Annual Rubin Symposium Chair/Committee Member (2005-2012); NOFBA's CLE Committee Chair (2013-present)
- Foundation of the Federal Bar Association (Fellow) – Director (2019-present)
- Louisiana State Bar Association (Member and Fellow)
- American Bar Association (Member and Fellow)
- New Orleans Bar Association (Member)
- Litigation Counsel of America (Fellow)

Recognition

- FBA Labor & Employment Section, Chair's Award (2018); Section Certificate of Appreciation (2017); Chair's Award (2015)

- Young Lawyers Section of the Louisiana State Bar Association's Michelle Pitard Wynne Professionalism Award (1996)
- Listed in Top 250 Women in Litigation by Benchmark Litigation – Labor and Employment – (Since 2012)
- New Orleans Magazine “Top Lawyers” – Labor and Employment Law (2013, 2014, 2015, 2018, and 2019)
- Best Lawyers in America – Commercial Litigation; Employment Law (Since 2013)
- Best Lawyers in America – Lawyer of the Year for Employment Law-Individuals in New Orleans (2015)
- Louisiana Super Lawyers – Employment & Labor (2007-2011, 2015-2018); Rated as one of the Top 25 Women Lawyers (2016)
- Chambers USA – Labor & Employment (2016)

Publications

- *Sidebar: Properly Formed Unincorporated Associations Should Have Their Own Citizenship*, The Federal Lawyer, August 2018

PRESENTATIONS

- *Noteworthy SCOTUS Decisions for General Counsel, Business Litigators, and Jurists*, Moderator, FBA Annual Meeting and Convention in Tampa, FL, August 5, 2019
- *#MeToo Issues*, Panelist, Litigation Counsel of America, October 26, 2018
- *#MeToo: What Does It Mean for You?*, Presenter, Gordon Arata Montgomery Barnett Annual Duck Lunch and Seminar, October 2018
- *Things I Wish I Had Known: Tips for First Generation Lawyers*, Panelist, New Orleans FBA (9/25/18)
- *#MeToo: Implementation and Administration of an Effective Anti-Harassment Policy*, Moderator, Annual Meeting and Convention in New York City, NY, September 14, 2018
- *Drafting and Enforcing Confidentiality and Non-Solicitation Agreements*, Presenter, Gordon Arata Montgomery Barnett Annual Duck Lunch and Seminar, October 2017
- *Frequently Arising Procedural Issues*, Presenter, United States District Court for the Eastern District of Louisiana: Bench-Bar Conference, September 28, 2017
- *Removal and Remand*, Presenter, New Orleans Federal Bar Association: Federal Practice Series (March 16, 2016)
- *USERRA, FMLA and ADA Issues for Returning Service Members*, Presenter, Federal Bar Association: MyLawCLE video webinar, November 6, 2015

- *Returning Our Wounded Warriors to Work: USERRA, FMLA and ADA Issues*, Presenter, Federal Bar Association: Annual Meeting and Convention in Salt Lake City, Utah, September 10, 2015
- *Fundamentals of Rule 12*, Presenter, New Orleans Federal Bar Association: Federal Practice Series, March 26, 2015
- *Professionalism: Perspectives from the Bench; Ethics in Settlement Negotiations*, Moderator, New Orleans Federal Bar Association: 20th Annual Alvin B. Rubin Symposium, May 24, 2012
- *Enforcement of Non-Compete Agreements in Louisiana* Gordon Arata Annual Duck Lunch and Seminar, October 2011
- *Ethics and Professionalism Issues in Criminal Inquiries to a Corporation and Officers* New Orleans FBA: 166th Annual Alvin B. Rubin Symposium, March 15, 2008
- *State Law Wage and Hour Issues Lorman Business Center: Employee Discharge and Documentation in Louisiana*, February 12, 2008
- *The Attorney-Client Privilege: A Pandora's Box* New Orleans FBA: 14th Annual Alvin B. Rubin Symposium, May 18, 2006
- *Recording Keeping and Notice under the FMLA; Special FMLA Issues* Lorman Business Center: Advanced Topics in the Family and Medical Leave Act, February 24, 2006
- *Wages Upon Termination; Non-Competition Agreements and Trade Secrets* Lorman Business Center: Louisiana State Law Employment Issues, 2005