FORDHARRISON

SARAH B. MORTON

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Sarah Morton is the managing partner of FordHarrison's Houston office, where she concentrates her legal practice on the representation of employers, particularly in the healthcare industry and oil & gas industries, in issues related to employment law.

Sarah Morton defends hospitals, energy companies, and other management clients in individual and multi-plaintiff actions alleging violations of federal, state, and local discrimination, harassment, and leave and accommodation laws, and in class and collective actions arising under the FLSA and related state wage and hour laws.

Sarah is an accomplished litigator who has tried employment cases to jury verdict in both federal and state court, and has represented clients in private arbitration and before administrative hearing examiners. She has appeared on behalf of her clients before administrative agencies including the Texas Workforce Commission, Equal Employment Opportunity Commission, U.S. Department of Labor, and U.S. Department of Justice.

Although representing clients in the courtroom is central to her practice, Sarah is also committed to advising clients in avoiding litigation. Sarah counsels employers through personnel-related decisions, conducts and directs internal investigations and compliance audits, and advises clients on the design and implementation of employment policies and practices.

Sarah is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization and has been recognized as a Texas “Rising Star” and “Best Lawyer” by industry insiders. Sarah joined FordHarrison from a global general practice law firm where she represented a broad range of clients in labor and employment law matters. Prior to that role, Sarah spent eight years as an associate in the Houston office of the nation's largest labor and employment defense firm, where she managed and conducted several wage and hour compliance audits under the tutelage of the former Administrator to the DOL's Wage and Hour Division and author of the 2004 FLSA white collar exemptions.

EDUCATION

- University of Houston Law Center (J.D., 2008)
- University of Texas at Austin (B.A., *High Honors,* , 2004)

BAR ADMISSIONS

- Texas

COURT ADMISSIONS

- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas

FIRM LEADERSHIP

- Houston Office Managing Partner
- Management Group

Despite her commitment to representing employers in labor and employment matters, Sarah feels that her most valuable and personally rewarding legal contributions arise from her commitment to pro bono work. For the last six years, Sarah has partnered with KIND (Kids in Need of Defense) to provide pro bono legal representation of unaccompanied migrant children in immigration proceedings.

Representative Experience

- Drafted successful summary judgment motion for Fortune 500 chemical manufacturer against claims of sex discrimination, sexual harassment, retaliation and FMLA interference/retaliation brought by former employee.
- Defended pet food manufacturer in wage and hour audit by the U.S. Department of Labor. Through negotiations with the DOL investigator, successfully reduced the scope of the audit from a multi-year, nationwide audit to a review of the pay practices at a single facility over just a few months.
- Obtained a full defense verdict following a week-long state court jury trial on behalf of a Fortune 500 gas distribution company against worker's compensation retaliation claims filed by a former employee.
- **REPRESENTATIVE HEALTHCARE EXPERIENCE**
- Sarah has defended and advised over 30 separate hospitals throughout the state of Texas (including in Houston, Austin, San Antonio, Dallas-Fort Worth, El Paso, Galveston, Corpus Christi, the Rio Grande Valley, and their surrounding markets) and one in the state of Alaska.
- Defeated conditional certification (pre-Swales) of a proposed class of nurses and hospital technicians who claimed they were denied wages due to missed and interrupted meal breaks.
- Following a two-week state court jury trial in Bexar County, secured a full defense verdict on disability discrimination claims alleged against a San Antonio hospital system.
- Prevailed in a three-day arbitration hearing conducted entirely over Zoom (during COVID-19) on claims of age and sex discrimination and retaliation brought by an imaging technician against a Dallas-area hospital.
- Secured full summary judgment of whistleblower retaliation claims asserted under the False Claims Act and National Defense Authorization Act brought by a hospital billing coordinator who alleged she was terminated after

complaining that the hospital had engaged in Medicare Fraud. Following the summary judgment ruling, the employee appealed to the Fifth Circuit Court of Appeals, where Sarah drafted the hospital's brief, resulting in a complete affirmance of the lower court's decision.

- Successfully defended Austin hospital from a Department of Labor investigation into its FMLA policies and practices. DOL closed its investigation with no violations found.
- Prevailed in a three-day arbitration hearing in defense of a hospital system and its high-ranking executive against claims of discrimination and retaliation under the ADA and FMLA.
- Conducted a large-scale wage and hour audit of a major Texas hospital system for its compliance with FLSA exemption regulations
- Has successfully defended hospitals, surgical centers, and home healthcare agencies from Department of Labor wage and hour investigations. The DOL closed each investigation with no violations assessed.
- Secured full summary judgment of race and national origin discrimination, harassment, and retaliation claims brought by a former nurses' assistant who claimed his patient assignments were changed due to his race.
- Presented oral argument to the Fifth Circuit Court of Appeals in New Orleans on behalf of a Corpus Christi hospital, in defense of the lower court's order granting full summary judgment in the hospital's favor.
- Prevailed in a three-day arbitration hearing for a North Texas surgical services organization against claims of breach of contract and retaliation brought by a former executive.
- Secured a directed verdict at trial following plaintiff's case-in-chief in a Dallas County District Court lawsuit alleging whistleblower retaliation under the Texas Health & Safety Code.
- **REPRESENTATIVE OIL AND GAS EXPERIENCE**
- After a week-long state court jury trial, secured a full defense verdict for a pipeline company on pregnancy and disability discrimination and retaliation claims.
- Secured full summary judgment of FMLA retaliation and ERISA claims brought by an executive against a Houston oil and gas services company.
- Secured full summary judgment award for a Fortune 150

electric and gas utility provider against failure-to-promote claims alleging racial discrimination and harassment by former employee.

- Defended a Fortune 500 oil and gas services company against allegations of race and national origin discrimination, retaliation, and hostile work environment asserted by twelve employees after nooses were discovered in the workplace. After first obtaining dismissal of the retaliation claims on summary judgment, Sarah defended the company as second-chair trial counsel in a five-week federal court jury trial. The jury returned defense verdicts on 17 of 18 asserted claims, but were unable to reach consensus on the remaining claim, which the parties then settled.
- Represented a Fortune 500 oil and gas services company in a multi-plaintiff federal court lawsuit filed by a group of employees alleging that their department managers harassed and discriminated against them based on their race, national origin, sex, sexual orientation, and age. Drafted the summary judgment motion which resulted in all claims being dismissed prior to trial.
- Managed team of attorneys in wage and hour audit of one of the world's largest exploration and production companies to ensure compliance with FLSA white collar exemptions.
- **REPRESENTATIVE EXPERIENCE IN OTHER INDUSTRIES**
- Took over representation from another firm of a Houston transportation company targeted by the U.S. Department of Justice and Department of Labor for alleged citizenship discrimination, H-2B visa violations, and wage and hour violations. Following nearly three years of agency investigations and litigation, the matter was successfully resolved, saving the company nearly $1 million in assessed damages and penalties.
- Drafted successful summary judgment motion for Fortune 500 chemical manufacturer against claims of sex discrimination, sexual harassment, retaliation and FMLA interference/retaliation brought by former employee.
- Defended pet food manufacturer in wage and hour audit by the U.S. Department of Labor. Through negotiations with the DOL investigator, successfully reduced the scope of the audit from a multi-year, nationwide audit to a review of the pay practices at a single facility over just a few months.
- Obtained a full defense verdict following a week-long state court jury trial on behalf of a Fortune 500 gas distribution company against worker's compensation retaliation claims

filed by a former employee.

- Obtained full summary judgment in state court, and affirmance on appeal, for Houston airport services company against claims of race discrimination, harassment, and retaliation brought by seven of its former employees.
- Represented major metropolitan school district in non-renewal and termination hearings before the Texas Education Agency's independent hearing examiners.
- Has conducted numerous internal wage and hour audits of companies in retail, food manufacturing and distribution, hospitality, sports & fitness, insurance, and financial services industries to ensure compliance with FLSA regulations on exemptions and pay practices.
- Prepared written statement and congressional testimony before US House of Representatives Committee on Education & Workforce, Subcommittee on Workforce Protections, on the effect of the 2012 American Taxpayer Recovery Act's "sequestration" provisions on employers' WARN Act obligations.

Honors & Awards

- "Premier Women in Law," Houston Association of Women Attorneys (2024)
- *Best Lawyers in America - Litigation - Labor and Employment and Employment Law - Management (2024 - 2027)*
- Rising Star, Employment and Labor Law, *Super Lawyers* (2016–2018)
- Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization

Memberships

- Member, American Bar Association
- Member, Houston Bar Association, Labor & Employment and Litigation Sections

News & Insights

- August 21, 2025 - Houston-Based FordHarrison Attorney Listed in the 2026 Best Lawyers in America
- July 14, 2025 - Changes To Texas Noncompete Rules for Physicians and Certain Other Healthcare Providers Effective September 1, 2025
- August 16, 2024 - Houston-Based FordHarrison Attorney

Listed in the 2025 Best Lawyers in America

- July 03, 2024 - New Update on Litigation Challenging the DOL's 2024 Salary Rule
- July 01, 2024 - Status of Litigation Challenging the DOL's 2024 Salary Rule

Events

- May 01, 2024 - Navigating Internal Investigations - Complimentary Webinar
- September 20, 2023 - The Changing Face (and Hair!) of Discrimination and Harassment Claims in Texas - FordHarrison Texas Webinar Series

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