

Christopher B. Gilbert Partner

Christopher B. Gilbert is a founding partner of Thompson & Horton LLP, and a former partner of the School and Public Law Section at Bracewell & Giuliani LLP. He is an experienced practitioner in all aspects of the representation of public and private schools, colleges, universities and other public entities, with particular qualifications in the role of the First Amendment at these institutions.

Mr. Gilbert has litigated and advised clients on free speech rights of students and employees, free speech and the Internet, and free speech retaliation; school prayer, the distribution of religious literature in a school or government setting, the use of public facilities by religious groups, the celebration of religious holidays in the public schools, the rise of esoteric religions and their impact in the public sector, and the use of religious music in the public schools; dress codes; student newspapers and yearbooks; and library and curriculum issues.

Mr. Gilbert also has significant experience litigating employment discrimination and civil rights cases, including claims brought under the First and Fourteenth Amendments, Title VII, Title IX, the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA). Mr. Gilbert was the lead author of the National School Board Association's amicus brief that was filed in the United States Supreme Court in *Board of Educ. of Indep. Sch. Dist. No. 92 of Pottawatomie County v. Earls*, 536 U.S. 822, 122 S. Ct. 2559 (2002), a case involving the drug testing of students involved in extracurricular activities. Mr. Gilbert also advises private companies seeking to contract with governmental entities on the possible open records issues that such relationships may engender.

Representative Matters

Walker v. Hitchcock Indep. School Dist., No. 09-CV-1439 in the 405th District Court of Galveston County, Texas (2011). Served as first chair during a two-week jury trial and secured favorable unanimous jury verdict for public employer in wrongful termination suit based on alleged whistleblower activity.

National School Board Association amicus brief filed in the United States Supreme Court in *Board of Education of Independent School District No. 92 of Pottawatomie County vs. Earls*, Lead Author.

Madrid v. Anthony, 510 F.Supp.2d 425 (S.D. Tex. 2007)

Hitchcock v. Board of Trustees Cypress-Fairbanks Independent School District, 232 S.W.3d 208 (Tex.App.--Houston [1st Dist.] 2007, no pet.)

Pounds v. Katy Independent School Dist., 517 F.Supp.2d 901 (S.D. Tex. 2007)

Barbara Brown, Dan Fontaine, Dr. James Abbruzzese and U.T.M.D. Anderson Cancer Center v. Ke-ping Xie, 260 S.W.3d 118 (Tex.App--Houston [1st Dist.] 2008, no pet.)

Klein & Associates Political Relations v. Port Arthur Indep. Sch. Dist., 92 S.W.3d 889; Tex.App. - Beaumont 2002, pet. denied.

Doe v. Beaumont Indep. Sch. Dist., 240 F.3d 462 (5th Cir. 2001). Represented amicus curiae Texas Association of School Boards, Texas Association of School Administrators and Texas Council of School Attorneys.

Beam v. Pasadena ISD, Cause No. 98-20826, 177 F.3d 977; 5th Cir. 1998. Sexual harassment.

Becerra v. Asher, 105 F.3d 1042; 5th Cir. 1997. Drafted opposition to petition for certiorari in case involving off-campus molestation of student by teacher.

Coleman v. Houston ISD, 113 F.3d 528; 5th Cir. 1997. Race discrimination/qualified immunity appeal.

Favero v. Huntsville ISD, 939 F.Supp. 1281; S.D. Tex. 1996. Argued Title VII religious discrimination case to Fifth Circuit.

Hicks v. Lamar Consol. ISD, 943 S.W.2d 540; Tex. App. -- Eastland 1997, no writ. Exhaustion of state constitutional claims in administrative proceedings.

Jenkins v. Board of Education of the Houston ISD, 937 F. Supp. 608; S.D. Tex. 1996. Disability discrimination.

Jones v. Collins, 132 F.3d 1048; 5th Cir. 1998. Argued First Amendment "right to silence" case to Fifth Circuit.

Piwonka v. Tidehaven ISD, 961 F.Supp. 169; S.D. Tex. 1997. Title IX, constitutional tort and state tort claim involving cheerleader issues.

Shawhan v. McAllen ISD, Cause No. 94-60115, 35 F.3d 562; 5th Cir. 1994. Prayer at graduation case.

Publications

"Legal Challenges to Your Curriculum", in *American School Board Journal* (Nov. 2011)

Deliver Us From Evil: Employee Immunity in First Amendment Cases, Texas School Administrators' Legal Digest (Sept. 2007)

"On The Road to Starship Troopers: Employment Requirements Under the Uniformed Services Employment and Reemployment Rights Act," *Texas School Administrators' Legal Digest*, September 2006.

"Harry Potter and the Curse of the First Amendment: Esoteric Religion, the Public Schools and the Christian Backlash," *198 Ed.Law Rep.* [399], July 28, 2005.

"The Coming of the Witches: Schools, Esoteric Religions and the Christian Backlash," *Texas School Administrators' Legal Digest*, March 2002.

"Religious Challenges to School Curriculum," Religion and Public Schools: Striking a Constitutional Balance, NSBA 2001.

Co-author, *School Prayer: What the Santa Fe Independent School District v. Doe Ruling Means*, LRP Publications, 2000.

"We Are What We Wear: Revisiting Student Dress Codes," *BYU Education and Law Journal* 3, Summer 1999.

"Personnel Issues Confronting School Athletic Departments: Equal Pay, Overtime Pay, Reassignments and Supplemental Duties," *Texas School Administrators' Legal Digest*, February 1999.

"Employment Discrimination Update: Significant 1997 and 1998 Decisions Affecting Texas Concerning Age, Disability, Sex, Race and Religious Discrimination," *Texas School Administrators' Legal Digest*, May 1998.

Co-author, "Understanding the Constitutional Rights of School Children," *The Houston Lawyer*, March/April 1997.

Co-author, "Legal Aspects of Site-Based Management," *School Reform: The Legal Challenges of Change*, NSBA 1996.

Co-author, "Accessibility of a Public Entity's Facilities Under the Americans With Disabilities Act," *Planning and Financing School Improvement and Construction Projects*, Edgar H Bittle, ed. 1996).

Contributing author, *What Do I Do When... The Answer Book on Special Education Law*, LRP 1996, Susan Gorn, ed., 1996.

Contributing author, *Texas School Law: A Practical Guide*, NOLPE 1996, Frels, Horner, Camp & Robinson, eds., 1996.

"Removing the Rose-Colored Glasses: The Potential Legal Risks of Site-Based Management," *State Bar Section Report*, School Law Section, State Bar of Texas, April 1996.

"How to Keep Your Schools Safe and Secure," *School Business Affairs*, November 1996.

speeches

"Open Records and Open Meetings", presented at the July 2012 State Bar of Texas Government Law Boot Camp in Austin, Texas

"Teachers Say the Darndest Things: A school district's attorney's perspective on the First Amendment line between school employees' speech as public employees and private citizens", presented at the 2011 University of Texas School Law Conference in Austin, Texas

"Transgender Issues -- the School Lawyer's Perspective," presented at the 2010 University of Texas School Law Conference in Austin, Texas

"Opening a Can of Worms: Forum Analysis on a College Campus," presented at the 2010 annual conference of the Texas Association of Community College Attorneys in Austin, Texas

"Recent Developments and Changes under the Americans with Disabilities Act -- The ADA Amendments Act of 2008," presented at the 2009 annual conference of the Texas Association of Community College Attorneys in Austin, Texas

"And I Shall Go to Texas! Religious Issues of Interest to Texas School Districts," presented at the 2008 National Conference of the Education Law Association in San Antonio, Texas

"And I Shall Go to Texas! Religious Issues of Interest to Texas School Districts", presented at the 2008 National Conference of the Education Law Association in San Antonio, Texas

"Virtuous Education in a Virtual World: Applying Copyright and Trademark Law to Electronic Education," presented at the 2008 University of Texas School Law Conference in Austin, Texas

"Thou Shall Not Teach: Religious Challenges to Curriculum and Instruction," presented at the 2007 National Conference of the Education Law Association in San Diego, California

"Your Employees and the Internet: It's Not Just for Pornography Anymore (*Not That You'd Know it From These Cases*)," a presentation to the 2007 annual conference of the School Law Section of the State Bar of Texas (Galveston, Texas)

"Ethical Limitation on Zealous Advocacy," Annual Conference of the School Law Section of the State Bar of Texas, The Woodlands, Texas, 2006.

"Students (and Teachers) Say the Darndest Things: An Update on Schools and Free Speech Rights Under the First Amendment," National Conference of the Education Law Association, Memphis, Tennessee, 2005.

"All the World's a Stage and We are Merely Lawyers: Drama and the Law," National Conference of the Education Law Association, Memphis, Tennessee, 2005.

"Attorneys as Board Members," Annual Conference of the School Law Section of the State Bar of Texas, The

Woodlands, Texas, 2005.

"Harry Potter and the Curse of the First Amendment: An Update on Recent Developments in Student First Amendment Rights," National Conference of the Education Law Association, Tucson, Arizona, 2004.

"The Distribution of Student or Community Literature on School Campuses," University of Texas School Law Conference, Austin, Texas, 2004.

"Privacy, Security, and Copyright Law," North Texas Higher Education Law Conference, Denton, Texas, March 4, 2003.

"Untangling The Web Of Employee Leave Of Absence Laws," Texas Legal Digest Winter Conference, Austin, Texas, December 4, 2002.

"The Coming of the Witches: Schools, Esoteric Religions and the Christian Backlash," North Texas Public School Law Conference, Denton, Texas, March 5, 2002.

"Things that Make You Go Hmmm: Unique Litigation and Discovery Issues in School Law Litigation," University of Texas School Law Conference, Austin, Texas, February 28, 2002.

"Drug Testing of Students and Employees," TASB Mid-Winter Legal Conference, Austin, Texas, January 28, 2002.

"The Coming of the Witches: Schools, Esoteric Religions and the Christian Backlash," National Conference of the Education Law Association, Albuquerque, New Mexico, November 16, 2001.

"Navigating the Pitfalls in Pre-Employment Interviews and Hiring Practices," National Conference of the American Association of School Personnel Administrators, Dallas, Texas, October 6, 2001.

"Tripping the Web Fantastic: The Internet and the First Amendment," National Conference of the Education Law Association, Atlanta, Georgia, November 11, 2000.

"The First Amendment and Student Expression," Texas Council of School Attorneys, September 24, 2000.

"The Coming of the Witches: Schools, Esoteric Religions and the Christian Backlash," Education Law Institute Conference, Concord, New Hampshire, July 27, 2000.

"Immunity: You Can't Touch That...," State Bar of Texas Annual Conference, School Law Section, San Antonio, Texas, July 15, 2000.

"Freedom to Speak at the Speed of Light: The Internet and the First Amendment," Annual Conference of the Texas Library Association, April 12, 2000.

"Supreme Court Update: 1998-1999," Education Law Association National Conference, General Assembly, Chicago, Illinois, November 5, 1999.

"We are What We Wear: Revisiting Student Dress Codes," National Conference of the Education Law Association, Charleston, South Carolina, November 6, 1998.

"They Want to do What?!? Preparing for Next Year's Student Crises," Region IV School Law Seminar, April 21, 1998.

"School Law in Texas," National Business Institute, March 24, 1998.

"Employment Discrimination Update: Recent Significant Court Cases Addressing Impermissible Discrimination on the Basis of Disability, Sex, Race, Religion and Age," Texas Legal Digest Winter Conference, Austin, Texas, December 3, 1997.

"Religion in the Schools," South Texas College of Law School Law Conference, October 23, 1997.

"Now I Lay Me Down to Sleep: Student Prayer and Other First Amendment Issues," Region IV School Law Seminar, April 1, 1997.

Co-presenter, "Curriculum Challenges, Library Censorship and Related Issues: A Legal Overview," TASA/TASB Joint Annual Convention, September 27, 1996.

Co-presenter, "Communications in Cyberspace: Avoiding Legal Potholes in the Electronic Superhighway," TASA/TASB Joint Annual Convention, September 27, 1996.

"Challenges Under the Texas Constitution: A Growing Trend," Texas Council of School Attorneys, September 28, 1997.