Susan P. Burton, J.D.

1607 West Avenue

Austin, Texas 78701

(512) 328-1540

(512) 328-1541 Fax

[sburton@cornellsmith.com](mailto:sburton@cornellsmith.com)

**Biography**

Susan Burton is a native Austinite who has practiced law in Austin for over 30 years.  She joined the firm as a named partner in 2018.  She is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization and serves as an Arbitrator in employment law cases for The American Arbitration Association.

Ms. Burton advises employers on day-to-day personnel issues such as discipline, discharge, employee lay-offs, disability and reasonable accommodation, family and medical leave, on-the-job injury, hiring, employment contracts and policies, employee handbooks, wages and overtime, and non-competition and confidential information issues.  She works with employers on risk prevention strategies such as review and revisions of employee handbooks, employment agreements, confidentiality, non-compete, and non-disclosure agreements, supervisor and employee training (including sexual harassment and discrimination training).

Ms. Burton has extensive experience representing employers in administrative proceedings. She advises employers in responding to discrimination, harassment, and retaliation charges filed with the EEOC, the Texas Workforce Commission, and the Austin Human Rights Commission.  She advises and counsels employers on wage and hour and overtime issues and how to respond to and manage audits by the U.S. Department of Labor and the Texas Workforce Commission.  She also represents employers in OSHA enforcement actions.

She also has a depth of state and federal trial experience representing the interests of employers in wrongful termination, discrimination, harassment, retaliation, ADA, and claims for unpaid wages and overtime under the Fair Labor Standards Act.   In addition, she has successfully obtained temporary restraining orders and temporary injunctions in disputes over non-competition agreements and misappropriation of confidential information.

**Education & Certificates**

J.D., Baylor Law School, 1987  
BS, University of Texas at Austin 1983

Board Certified in Labor and Employment law by the Texas Board of Legal Specialization

**Honors & Awards**

Since 2004, Susan Burton has been named in the “Texas Super Lawyers” list under the category of Labor and Employment Law, as published in Super Lawyers Magazine and Texas Monthly, and in 2006, she was especially recognized in the publications’ “Top 50 Women Super Lawyers.”

Ms. Burton has received Martindale-Hubbell’s AV® Preeminent® rating, the highest rating possible rating in both legal ability and ethical standards, based on a peer review process reflecting the confidential opinions of members of the bar and the judiciary.

She received the 2014 Professionalism Award from the Austin Bar Association and the Texas Center for Legal Ethics and Professionalism.   In 2001, she received the Pathfinder Award from the Travis County Women Lawyers Association.   She was named the J. Chrys Dougherty Award Winner by Volunteer Legal Services of Central Texas for Outstanding Pro Bono Services in 2000, and in 1996, she was named in Outstanding Young Lawyer by the Austin Young Lawyer’s Association.

**Lectures & Presentations**

“Breaking Up is Hard to Do: Dos and Don’ts in Handling Employee Discipline and Terminations,” Central Texas Chapter of Associated Builders & Contractors, Inc. – Austin – October 2017.

“How to Hire: Employees v. Independent Contractors,” American Enterprise Institute Small Business Forum – Austin – 2016.

“Employment Law for Non-Employment Lawyers,” Hays County Bar Association – December – 2016.

“LGBT Employment Issues,” Austin Bar Association Labor & Employment Section – Austin – 2016.

“Non-Competes to TRO’s – Protecting Confidential Information and Trade Secrets,” Austin Bar Association Labor & Employment Section – Austin – 2015.

“LGBT Issues in the Workplace,” State Bar of Texas Minority Attorney Program Conference – Austin – 2015.

“The Impact of Marriage Equality on Texas Law,” the State Bar of Texas – November – Austin – 2015.

“Small Biz U: Employment Law 101,” Greater Austin Hispanic Chamber of Commerce – Austin -2015.

“LGBT Employment Law and Employee Benefits Post – Windsor: What Your Clients Need to Know,” Texas Bar CLE Webcast – 2014.

Panel Speaker on Women in the Workplace, TEDx Austin Women Conference – Austin – 2013.

“Arbitration of Employment Law Disputes: Dos and Don’ts from An Advocate and from an Arbitrator,” Austin Bar Association ADR and Labor & Employment Law Sections – Austin – 2012 and 2013.

Panel Speaker on the State of Non-Competition Agreements in Texas, Austin Bar Association, Labor & Employment Law Section – Austin – 2011.

Speaker at the Diversity Day program presented by [Austin Human Resource Management Association](http://www.austinhumanresource.org/) (AHRMA) – Austin – 2011.

**Publications**

Behrens & Burton, Inside the Minds: Negotiating and Drafting Employment Agreements, chap. 1 (Thomson Reuters/Aspatore, 2011 ed.)

**Activities:**

* [Texas State Bar](http://www.texasbar.com/)
* [Labor and Employment and Litigation Sections of the Texas State Bar](http://www.laborlaw.org/)
* [Austin Bar Association](http://www.austinbar.org/)(Past Board Member)
* [Labor and Employment Section of the Austin Bar Association](http://www.austinbar.org/for-attorneys/sections/labor-employment/)(Past Chair)
* Litigation Section of the Austin Bar Association (Past Member of Executive Council)
* Texas Bar Foundation, Fellow
* Volunteer Legal Services of Central Texas (Past President and 10 Year Member of the Board)
* Travis County Women Lawyers Foundation
* Chair, 2010-2011
* TCWLA Foundation, Board Member, 2006-2013
* Travis County Women Lawyers Association Mentor Program, 2014-2015
* Texas Board of Legal Specialization
* Chairperson, Labor and Employment Law Advisory Commission, 2005-2006
* Robert W. Calvert American Inn of Court, Master, 2004-2016
* YMCA Metro Board of Directors, January 2019-present
* Big Brothers Big Sisters of Austin, 2013-2016, Executive Board Member
* Austin Public Library Friends Foundation, Board Member, 2008-2013; Secretary, 2010-2013
* Extend-a-Care for Kids, Board President, 2004-2005
* Leadership Austin Graduate, 2003

**Courts:**

* Texas
* U.S. District Courts, for the Western, Eastern, and Southern Districts of Texas
* U.S. Court of Appeals, Fifth Circuit