

DATE: 02/22/2022

TO: City Clerk

FROM: Peter Svarzbein Representative of District 1

ADDRESS: 8001 N. Mesa E-118 TELEPHONE 915-205-1469

Please place the following item on the (Check one): CONSENT XXX REGULAR _____

Agenda for the Council Meeting of March 1, 2022
Re-Appointment of David L. Kern to the Ethics Review Commission by Representative Peter

Item should read as follows: Svarzbein, District 1

BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: Ethics Review Commission

NOMINATED BY: Representative Peter Svarzbein DISTRICT: 1

NAME OF APPOINTEE David L. Kern
(Please verify correct spelling of name)

E-MAIL ADDRESS: _____

BUSINESS ADDRESS: _____

CITY: El Paso ST: TX ZIP: _____ PHONE: _____

HOME ADDRESS: _____

CITY: El Paso ST: TX ZIP: _____ PHONE: _____

DOES THE PROPOSED APPOINTEE HAVE A RELATIVE WORKING FOR THE CITY? YES: _____ NO X
IF SO, PLEASE PROVIDE HIS OR HER NAME, CITY POSITION AND RELATIONSHIP TO THE PROPOSED APPOINTEE:

HAS APPOINTEE BEEN A MEMBER OF OTHER CITY BOARDS/COMMISSIONS/COMMITTEES? IF SO, PLEASE PROVIDE NAMES AND DATES: NONE

LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS):

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: David L. Kern

EXPIRATION DATE OF INCUMBENT: February 20, 2022

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: X
RESIGNED _____
REMOVED _____

DATE OF APPOINTMENT: March 1, 2022

TERM BEGINS ON: February 21, 2022

EXPIRATION DATE OF NEW APPOINTEE: February 20, 2024

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM: _____

2nd TERM: X

UNEXPIRED TERM: _____



David L. Kern received his J.D. degree from the University of Texas School of Law in Austin, Texas in 1983 where he served as a Note Editor on the Texas Law Review. He is licensed to practice law in Texas and the District of Columbia and has been Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization since 1993. David's fellow lawyers have recognized him for more than a decade in Texas Super Lawyers (2006 – 2020) and Best Lawyer's in America (2005 – 2020). He is admitted to practice law in the U.S. Supreme Court; U.S. Courts of Appeals for the Fourth, Fifth, D.C., and Federal Circuits; U.S. Court of Federal Claims; U.S. District Courts for the Western and Northern Districts of Texas, and all State courts in Texas.

David's law practice has had a strong emphasis in wage-and-hour class action litigation. For more than 25 years he has conducted a nation-wide practice successfully representing thousands of current and former employees in wage-and-hour class actions. He also provides expert services in wage-and-hour class action litigation with a special expertise in building and supporting complex damages databases. David also advises businesses about pay practices, represents executives in severance disputes, and represents individuals, groups and businesses in claims of employment discrimination, sexual harassment, retaliation, and whistleblower violations. He also practices traditional labor law and has worked with many unions including AFSCME, numerous Police Officers' Associations, the Texas State Teacher's Assoc., the Federation of Teachers, IUOE, SMW, and IATSE.

David is a frequent author and speaker on labor and employment law topics. He has spoken at numerous local, regional, national and international seminars. Some of his representative papers and presentations include: *Litigating Wage & Hour Cases on Behalf of Federal Employees*, NELA Spring Seminar, April 2017, Silver Spring, Maryland; *FLSA Collective Actions, Perspectives from Both Sides of The Bar*, 25th Annual Advanced Employment Law Course, January 2017, Dallas, Texas; *A Fair Day's Pay for a Fair Day's Work – The Evolving Fair Labor Standards Act*, El Paso Bar Journal, September 2015 thru January 2016 (3 part series); *Strategic Developments under the FLSA*, 25th Annual Labor and Employment Law Institute, September 2014, San Antonio, Texas; *FLSA Update*, 22nd Annual Advanced Employment Law Course, January 2014, Dallas, Texas; *Strategic Thinking in Defeating FLSA Defenses*, National Employment Lawyers' Association, 2013 Spring Seminar, March 2013, Chicago, Illinois; *Representing Immigrant Workers in Sexual Harassment Cases*, Employee Rights Advocacy Institute for Law & Policy, March 2013, Chicago, Illinois; *FLSA Collective Actions*, 4th Annual Law Update & Employment Law Seminar, New Mexico Employment Lawyer's Association, March 2013, Albuquerque, New Mexico; *FLSA Update*, 20th Annual Advanced Employment Law Course, State Bar of Texas ("SBOT"), January 2013, Dallas, Texas; *Representing Government Employees in FLSA and State Law Wage Actions*, NELA – 2011 Fall Seminar, October 2011, Washington, D.C.; *FLSA Update*, 19th Annual Advanced Employment Law Course, SBOT, January 2011, Austin, Texas; *FLSA Update*, 20th Annual Labor and Employment Law Update, SBOT, October 2009, Austin, Texas; *Representing Workers in Individual & Collective FLSA Actions*, NELA – 2007 Fall Seminar, October 2007, New Orleans, Louisiana; 16th Annual Advanced Employment Law Course, SBOT, February 2008, Houston, Texas; 15th Annual Advanced Employment Law Course, SBOT, February 2007, Dallas, Texas; 17th Annual Labor and Employment Law Update, SBOT, October 2006, Santa Fe, New Mexico. David served as an Adjunct Professor of Employment Law for the Business School at the University of Texas at El Paso, (2003 - 2006), and has been recognized in Who's Who Among American Teachers. He has served as a repeat guest speaker on the local El Paso television program "Legally Speaking" to discuss labor and employment law issues. He also is the author of *La Frontera Verde: The Green Frontier of Sexual Harassment Law in REPRESENTING EMPLOYEES IN SEXUAL HARASSMENT CASES*, Aspatore Books (2012), and the co-author of *Opposing Discriminatory Discharges* in THE EMPLOYEE AND UNION MEMBER GUIDE TO LABOR LAW, West/Thomson Reuters.

Since 1992, David has been an active member of the National Employment Lawyer's Association (NELA). He served as a member and officer on NELA's National Board 2004 to 2016 and as a member and co-chair of NELA's Ethics Committee 2012 to 2018. He is also a longtime member of the Texas Employment Lawyer's Association, the American Association for Justice and the Labor and Employment Section of the National Lawyers Guild.

David's community service roles include: Board Member and Officer, Jewish Federation of El Paso (2014-2019); Chair, Jewish Community Relations Council of El Paso (2015-2019); Board Member, Officer and President, Temple Mount Sinai (2004-2010); Co-Chair, Border Interfaith (2003-2006); Board Member, Officer and President, El Paso Tennis and Swim Club (1998-2002); and Board Member, Officer and President, El Paso Rape Crisis Center (1996-2000).