

CHRIS GILBERT

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His very first year practicing law, Chris was assigned a free speech research project and immediately knew it would be his professional calling. Thirty years later, his national reputation as a First Amendment expert is surpassed only by his love of the subject matter. Over the years, Chris has helped countless clients navigate through complex and unique issues involving free speech rights, religion and prayer issues, as well as employment matters involving constitutional questions.

Chris is a partner in the Houston office of Thompson & Horton. For over 30 years, Chris has represented school districts and institutions of higher education in all aspects of school law. Much of Chris' practice is dedicated to the role of the First Amendment and he has litigated and advised clients on all aspects pertaining to this topic. Chris also has significant experience litigating employment discrimination and civil rights cases, including constitutional claims. Additionally, he advises private companies seeking to contract with governmental entities on the possible open records issues that such relationships may engender.

Chris is the author of *The Oldest Rule: A Primer on Student First Amendment Issues for Attorneys and School Officials*, a comprehensive examination of the different First Amendment issues involving students that public school administrators and attorneys are facing on a daily basis, and "The Oldest Blog" (www.theoldestrule.com), a First Amendment blog for school administrators and attorneys. He was the lead author of three amicus briefs filed in the United States Supreme Court in *Mahanoy Area School District v. B.L.*, the infamous cheerleader Snapchat case; *Perez v. Sturgis Public Schools*, a case involving the exhaustion of administrative remedies doctrine under special education law; and *Board of Education of Pottawatomie County v. Earls*, a case involving the drug testing of students involved in extracurricular activities. Chris regularly presents on these topics at conferences across the country and frequently contributes to legal publications..

SELECTED CLIENT REPRESENTATIONS

Drafted amicus brief for Texas Association of School Boards Legal Assistance Fund on behalf of school district in prayer at school board meeting case

Obtained dismissal for school district in employment case involving claims of race, national origin, and age discrimination

Obtained summary judgment for school district on claims for excessive force, ADA discrimination, and a violation of Section 504, in case arising out of alleged assault of special education student by teacher

Obtained summary judgment for school district on claims of violations of the Fourth Amendment (unreasonable search), Fifth Amendment (due process), and Fourteenth Amendment (due process/equal protection), as well as malicious prosecution, arising out of discipline of student for bringing brass knuckles to school

Obtained dismissal for school district in employment case involving claims of sex (or gender) discrimination under Title VII, and workers compensation retaliation

Obtained dismissal for school district in employment case involving claims of First Amendment retaliation and deprivation of protected Fourteenth Amendment rights without procedural and substantive due process, as well as denial of equal protection. Successfully defended dismissal of case on appeal to the Fifth Circuit

PRACTICE AREAS

Constitutional Law
Employment Law
Litigation
Special Investigations
Student Athletics
Training & Compliance
Title IX & Sexual Harassment

EDUCATION

J.D., University of Michigan Law School, J.D.,
1993, magna cum laude

B.A., Cornell University, 1990, with distinction

LICENSING & COURT ADMISSIONS

Licensed in the state of Texas

U.S. Supreme Court

U.S. Court of Appeals for the Fifth Circuit

U.S. District Courts for the Northern, Eastern,
and Southern Districts of Texas

MEMBERSHIPS & RECOGNITIONS

Texas Rising Star, Schools and Education Law,
2004-2006

Texas Super Lawyer, Schools and Education
Law, 2008-2019

Education Law Association, Board of Directors,
2003-2006

State Bar of Texas, School Law Section,
Treasurer (2019); Board of Directors, 2004-
2006 and 2016-18; Newsletter Editorial Board,
2002-2004

West's Education Law Reporter, National
Editorial Advisory Committee, January 2003-
2009

Texas School Administrators' Legal Digest,
Editorial Advisory Board, 2006-2010

**Thompson
& Horton** LLP

ATTORNEYS | COUNSELORS

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REPRESENTATIVE PRESENTATIONS, TRAININGS, & SPEECHES

- "Tinkering Around in a Post-Mahanoy World: An Update on Student Free Speech Cases," as COSA School Law Seminar (April 1, 2023)
- "Teaching on the Titanic: the (mostly First Amendment, but some other) Speech Rights of Public School Employees in a Post-Pandemic World," at COSA 2022 Fall School Law Seminar (October 6, 2022)
- "Caught in the Culture Wars Crossfire: Post-Modern School Issues," at Region 4 Critical Legal Issues Seminar (October 28, 2022)
- "The First Amendment: An Update on Freedom of Speech and Religion in Public Schools," at Teachers' Law School, Texas A&M – Texarkana (July 26, 2022)
- "A Tale of Two Football Fields: Why Kennedy v. Bremerton School District was Not the Case that Some Judges Thought It Was," at School Law Section Retreat, State Bar of Texas (July 23, 2022)
- "Save the Cheerleader, Save the World: Mahanoy and its Application to Community Colleges," at Texas Association of Community College Attorneys (January 27, 2022)
- "Religion and Public Schools 101: Misadventures in First Amendment Land," NSBA Webinar
- "Managing Student Protests: What to do when your students move beyond the schoolhouse gates," at 2019 University of Texas School Law Conference (March 1, 2019)
- "The School Building as Public Forum: A Caselaw and Practice Update with Questions from COSA" (February 2019)
- "Managing Student Protests: What to do when your students move beyond the schoolhouse gates," presented at the 2019 University of Texas School Law Conference in Austin, Texas
- "The School Building as Public Forum: A Caselaw and Practice Update with Questions from COSA," a webinar presented for the National School Boards Association
- "Title IX - Educational Issues and the LGBTQ Community," presented at the 2018 seminar of the LGBTQ Section of the State Bar of Texas in Austin, Texas
- "Youth Voices in Mighty Times," a panel discussion on Free Speech in Education with Mary Beth Tinker, presented at the 2018 annual conference of the Education Law Association in Cleveland, Ohio
- "Free Speech: When Does Free Speech Become Hate Speech?", presented at the 2018 annual conference of the Texas Association of Community College Attorneys in Austin, Texas
- "NIMBY (or NTMKYD): School Law Update (2017)", presented at the 2017 Advanced Government Law seminar of the State Bar of Texas in Austin, Texas
- "Teachers Say the Darndest Things -- Again: A school district attorney's and school employee attorney's perspectives on the First Amendment line between school employees' speech as public employees and private citizens", presented at the 2017 University of Texas School Law Conference in Austin, Texas
- "Critical Legal Issues for School Athletic Administrators," presented at the 2017 Texas High School Athletic Director's Association State Conference in Waco, Texas
- "The Other Tinker Test: Analyzing the Conflict Between Student Free Speech Rights and a School's Obligation to Maintain a Safe and Secure Environment", presented at the 2016 University of Texas School Law Conference in Austin, Texas