

BARBARA L. QUIRK
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(210) 546-2122

Barbara L. Quirk, Partner (San Antonio Office) has over twenty-five years of experience as an attorney. Clients will benefit from her years of experience in defense litigation, labor and employment law, and local government representation. Ms. Quirk began her career as an Assistant City Attorney for the City of San Antonio. After leaving the City to enter private practice in 1997 she gained litigation experience in the field of insurance defense litigation. Ms. Quirk handles litigation matters including contract disputes, tort claims, civil rights, Whistleblower, discrimination, ADA, ADEA, land use, water law, and many other types of cases. She enthusiastically defends clients in State and Federal Courts across Texas at both the trial and appellate levels.

In the twenty years since leaving the City Ms. Quirk has continued her passion for representing municipalities, counties, water districts, housing authorities, and other local government entities in matters including: defense litigation, general counsel work; planning, zoning, and land development matters; labor and employment law; open records and open meetings issues; water and utility issues, and other matters. Ms. Quirk has previously served as City Attorney or General Counsel for entities including the City of Fort Stockton, the City of Castroville, and the Bexar Metropolitan Water District and has served as Assistant City Attorney or Litigation Counsel for many Texas cities. Ms. Quirk endeavors to utilize her wide experience of the unique issues facing municipalities, counties, and other local government entities in achieving positive results for the Firm's clients.

Areas of Practice

Defense Litigation including excessive force and other law enforcement defense, contract disputes, tort claims, civil rights, Whistleblower, discrimination, ADA, ADEA, land use, water law, Section 1983 claims, Voting Rights Act, Fair Housing, First Amendment, insurance defense, and more.

Municipal, County, and Other Local Government Representation including general counsel work; planning, zoning, and land development matters; labor and employment law; open records and open meetings issues; water and utility issues, and other matters.

Labor and Employment Law (for the Employer) including EEOC Responses, ADA, ADEA, FMLA, FLSA, discrimination claims, hiring and termination, and more.

Land Use, Planning and Zoning

Water and Utility Issues

Admitted to Practice Before:

State Bar of Texas, 1991
United States Court of Appeals for the Fifth Circuit, 2012
United States District Court for the Western District of Texas, 2000
United States District Court for the Northern District of Texas, 2003
United States District Court for the Southern District of Texas, 2003
United States District Court for the Eastern District of Texas, 2016

Education:

- Juris Doctor, St. Mary's University School of Law, 1991; Phi Delta Phi 1989 – 90;
- Law Journal Staff Candidate, 1990; Teaching Assistant, Legal Writing Class, 1990;
- Law School Intern for Hon. Edward C. Prado, U.S.D.C. W.D. Texas, 1991
- Bachelor of Business Admin., Southern Methodist University, Aug. 1983

Professional Memberships and Awards:

- Distinguished Rating by LexisNexis Martindale-Hubbell
- America's Most Honored Professionals by American Registry, Top 5%, 2016
- Phi Delta Phi International Legal Fraternity
- *S.A. Lawyers Best of 2012*, S.A. Scene Magazine (Cities/Municipalities)
- Texas City Attorney's Association, TCAA Merit Certification in Municipal Law, 2009
- International Municipal Lawyer's Association (IMLA), IMLA Local Government Fellow, 2004-2009; Vice Chair, Environmental Committee, 2008; Recorder, Health and Environment Committee, 2006-2008
- Contributing Editor Texas Municipal Zoning Law Handbook, 2005-2009
- Outstanding Service Award, City of San Antonio, 1997
- City of San Antonio Leadership Development Program Participant, 1995
- Special Recognition for Service to the San Antonio Police Department in Negotiations with Ground Transportation Services, 1995

Representative Cases:

Graham v. Bluebonnet Trails Community Services; 2014 U.S. Dist. LEXIS 45841; 2014 WL 1342859; Cause No. 1:12-CV-00977-SS in U. S. Dist. Ct. Western Dist. Texas, Austin Division. 1st Chair. Represented Defendant. Issues of State and Federal contract and employment rights. Summary judgment in favor of client defendant. Affirmed by *Contina Graham v. Bluebonnet Trails Community Services*; 587 Fed. Appx. 205; 2014 WL 6980861; 2014 U.S. App. LEXIS 23290 (5th Cir. Tex., Dec. 11, 2014); Case No. 14-50417.

Robert Leza v. City of Laredo and Carlos Villareal; 496 Fed. Appx. 375; 2012 U.S. App. LEXIS 22341; 2012 WL 5295625; Case No. 12-40273 in the United States Court of Appeals for the Fifth Circuit (October 29, 2012) (Came in to assist with appeal) - Decision for City on appeal (discovery issue).

Floyd MacKenzie and Danis MacKenzie v. City of San Marcos, Texas, et al; Civil Action No. SA 03 CA 0250 RF, U.S. Dist. Ct. W. D. Tex. San Antonio, Judge J. Furgeson, 2005 WL 492619, 35 Env'tl. L. Rep. 20,057, decided March 2, 2005 (Represented City defendant with William McKamie; Court dismissed takings claim as unripe and granted summary judgment on remaining due process and equal protection claims to City).

God's Chariot, L. P. v. City of Euless, Texas; Civil Action No. 4-03CV-624-Y (U.S. Dist. Ct. N. D. Tex. Fort Worth) (Represented City with William McKamie, City; Fair Housing Act and other issues; obtained summary judgment on Section 1983 claims, favorable decision for City with attorney's fees award to City of \$55,089 (See 2006 WL 3705510, N.D. Tex., December 14, 2006).

Fernando Fernandez, et al v. City of San Antonio, et al, Cause No. 04-03-00512-CV; Texas Court of Appeals, San Antonio (decided December 29, 2004) Reported in 158 S.W.3d 532 (Came in to assist with appeal; land use issues; decision in favor of City affirmed).

Smith and the City of Schertz, Texas v. Delbert Janda, et al, No. 4-03-00131-CV; Fourth Court of Appeals, San Antonio, Texas, Chief Justice Sarah B. Duncan; Reported in 126 S.W.3d 543 (came in to assist with appeal; decided Nov. 5, 2003, immunity issues Court of Appeals ruled in favor of City).

City of Castroville v. Edward D. Balderrama and Alamo City Sky Dive, Inc., County Court, Medina County, Texas, Trial Court No. 1456, (Represented City Plaintiff as City Attorney in appeal of judgment for forcible entry and detainer and past due rents against airport tenant; City's judgment affirmed in County Ct. on Sept. 25th, 2002 with award of \$10,000 in attorney's fees. (Later confirmed on appeal by separate appellate attorney at Texas Court of Appeals, San Antonio, See 2003 WL 22047627).

Rosales and Fuentes v. City of San Antonio, U.S. Dist. Ct. W. D. Tex. San Antonio, See 2001 U.S. Dist. LEXIS 10282; 2001 WL 1168797143 Lab. Cas. (CCH) P34, 310, July 13, 2001, (partial summary judgment for City); see *Rosales v. City of San Antonio*, 2001 WL 1168797, 2002 U.S. Dist. LEXIS 25896 (W.D. Tex., Mar. 31, 2002); and 2002 U.S. Dist. LEXIS 25896; 2002 WL 1491649 (costs awarded in part after City won at jury trial) (Represented City with Ray Ortiz; Federal jury trial on same-sex harassment; Verdict for City 7-20-01, no liability); See Texas Reporter.

Representative Papers and Presentations:

Independent Contractor vs Employee, IRS, DOL, and Worker's Comp Issues, Nov. 7, 2014, Texas Municipal League Human Resources for Public Officials Workshop, Austin, Texas.

Employee vs Contractor, Sept., 2013, TCRMF and TWCARMF Property/Casualty Claims Workshop, Austin, Texas.

ADA and ADEA Retaliation Provisions, November 15, 2012, Texas Municipal League Annual

Conference 2012, Retaliation in the Workplace Panel, Grapevine, Texas.

Public Access, A Municipal Guide to Open Meetings and Open Records, February, 2009, Presenter at Law Firm Training Seminar for City Officials, Austin, Texas.

Sustainability Codes & Green Bldg. Standards II, Dec. 12, 2008, Center for American and International Law Program on Planning, Zoning and Eminent Domain, Plano.

It's Not Easy Being Green: Promoting Sustainability, Sept. 14, 2008, Int'l Muni. Lawyer's Assoc. Ann. Conf., Environmental and Land Use Sections, Las Vegas.

Chapter 176: Conflict of Interest Disclosures (H.B. 1491), June 28-29, 2007, 8th Annual Changing Face of Water Rights in Texas, San Antonio, Texas.

Ethics: H.B. 914 Conflicts Disclosure, January 19, 2007, Austin Bar Association, Environmental, Natural Resources and Water Law Section Meeting, Austin, Texas.

H.B. 914: Conflicts Disclosure, August 21, 2006, TML Workshop Series 2006, Austin.

Ethics: Conflicts Disclosure Statements and More, June 16, 2006, Texas City Attorney's Association's 2006 Summer Conference, South Padre Island, Texas.

Land Use Basics, February 24, 2006, Texas City Attorney's Association's Seventh Annual Riley Fletcher Basic Municipal Law Seminar, Lubbock, Texas.

Land Use, Oct. 20, 2005, Half-Moon Seminars, Legal Issues for Engineers, San Antonio.

When Land Use Decisions Result in §1983 Claims, April 10, 2005, International Municipal Lawyer's Association Mid-Year Seminar, Washington, D.C.

Const. Issues in Zoning and Land Use, Oct. 22, 2004, Trident Ins. Serv., San Antonio.

Same-Sex Sexual Harassment, Oct. 4, 2004, Int'l Muni. Lawyers Assoc., San Antonio.

Personal:

Born in San Antonio, Texas

Elf Louise Project, President 2005-2008; Board Member 1993 to present.

Former Board Member Junior League of San Antonio, Public Policy Director.