



M. Blake Downey
Associate Attorney

Areas of Concentration

- Commercial Litigation
- Employment Practices Liability
- Construction Law
- Creditors' Rights, Bankruptcy and Restructuring

Education

J.D., Texas Tech University
Articles editor, Texas Tech Law Review
M.B.A., Texas Tech University
B.A., *cum laude*, New Mexico State University

Admission & Qualifications

State Bar of Texas
State Bar of Kentucky
United States District Court Western District of Kentucky

Languages

- English
- Conversational Spanish

Contact Information

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Blake Downey practices in the ScottHulse litigation section focusing largely on labor and employment, complex commercial litigation, shareholder rights, and business disputes. He is also part of the Litigation, Labor & Employment, and Education Law groups.

Mr. Downey represents businesses, large and small, in employment related matters as well as business disputes, including shareholder freeze out, derivative lawsuits, and business divorce actions.

Additionally, Mr. Downey routinely advises commercial, nonprofit, and educational employers regarding day to day employment matters. Mr. Downey has assisted several companies develop comprehensive employment policies and training programs to ensure employers engage in proactive management to help reduce exposure to litigation. He has worked with numerous employers, both union and non-union, to successfully resolve a variety of claims including discrimination, workers' compensation, and unemployment claims. Mr. Downey also works with union employers regarding issues related to labor laws and developing collective bargaining agreements.

Prior to joining ScottHulse, Mr. Downey served as the Director of Human Resources and in house counsel for a large automotive group with dealerships located nationwide handling employment, business, and regulatory disputes.

Mr. Downey earned his Doctor of Jurisprudence and Master of Business Administration from Texas Tech University. While at Texas Tech School of Law, he served as an articles editor for the Texas Tech Law Review and was elected to the Board of Barristers.

Mr. Downey attended New Mexico State University, where he graduated cum laude with a Bachelor of Arts degree in Communication Studies and Law & Society.

Regarding community engagement, Mr. Downey is a member of several professional organizations including the El Paso Bar Association, El Paso Young Lawyers Association, Downtown Management District of El Paso Grant Programs Review Committee At-Large, and currently serves on the Young Lawyers Committee of the Texas Association of Defense Counsel.

Mr. Downey also serves as General Counsel for and is on the Board of Directors of the Rudi Foundation, a nonprofit organization dedicated to sarcoma cancer research. He is on the Board of Directors of The El Paso Club and is the Immediate Past President of the El Paso Chapter of the Texas Tech Alumni Association. He is also a member of the Lambda Chi Alpha Alumni Association.

Representative Matters

- Advise minority and majority business owners on rights and relationships with other owners or partners.
- Advise employers regarding the revision of their employee handbook and implement proactive management techniques to reduce litigation risk.
- Advise employers regarding day-to-day employment matters including leave requests, disciplinary measures, and employee conflicts.
- Successfully defended numerous employers against discrimination and workers' compensation claims before the EEOC and TWC.
- Advise union employers on matters related to union workplace regulations and defend employers against unfair labor charges brought by the National Labor Relations Board.

Reported Cases

- ***Silva v. YISD (State Court)***. Plea to the Jurisdiction (Motion to Dismiss) granted, successfully dismissing age and retaliation claim.
- ***KClean/SweepRite Inc. v. IUOE Local 351 (NLRB Action)***. Assisted in successfully negotiating Collective Bargaining Agreement with Union and the National Labor Relations Board along with obtaining dismissal of unfair labor practice charges.
- ***High Desert Capital v. Soto, et. al. (State Court)***. Motion for Summary Judgment granted, successfully obtaining a six-figure judgment for client.

Presentations & Publications

- 2017, September. *Case Law Update*. Lecture presented at the EPSHRM Employment Law Update in El Paso, Texas.

- *Department of Labor 2016 Overtime Rule Changes*. Lecture presented at ScottHulse 2016 Department of Labor Rules Update in El Paso, Texas. (2016)
- *Well, it's Groundhog Day... Again: Steps to Avoid Multiple I-9 Revisions*. Presented at the ScottHulse Eighth Annual Labor & Employment Seminar. (2016)
- *Catch Me If You Can: How to Keep Up in the Changing Landscape of the NLRA*. Presented at the ScottHulse Eighth Annual Labor & Employment Seminar. (2016)
- *Labor Relations and What's New with the National Labor Relations Act?*. Lecture presented to the El Paso Society of Human Resource Management. (2015)
- *Post-Game Highlights: State and Federal Employment Case Law Updates*. Lecture presented at the ScottHulse Labor & Employment Law Seminar in El Paso, Texas. (2015)
- *Same-Sex Marriage and Emerging LGBT Issues in the Workplace*. Lecture presented at the El Paso Bar Association Labor & Employment Seminar in El Paso, Texas. (2015)
- Lewis, C.L., Strange, D., & Downey, M.B. (2012) "Why Arizona Senate Bill 1070 is Constitutional and not preempted by Federal Law." *U. Det. Mercy L. Rev.*, 89, 283.

Organizations

- City of El Paso Zoning Board of Adjustment
- El Paso Bar Association
- Downtown Management District of El Paso, Grant Program Review Committee At-Large (Board Member)
- El Paso Club (Board of Directors)
- El Paso Young Lawyers Association
- Lambda Chi Alpha Alumni Association
- Rudi Foundation (General Counsel and Board of Directors)
- State Bar of Texas
- Texas Association of Defense Counsel (Young Lawyer's Committee)
- Texas Tech Alumni Association – El Paso Chapter (Immediate Past President)