

David B. Kesler

Of Counsel
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PRACTICE AREAS

Financial Services | Class & Collective Action | Labor & Employment | Employment Law Compliance Advice & Training | Employment Litigation | Litigation | Alternative Dispute Resolution (ADR)

David Kesler defends employers in employment litigation and arbitrations. He has represented a number of national and international corporate clients in employment litigation in state and federal courts throughout the country. David has been lead counsel at all stages of the litigation, including discovery, summary judgment, bench and jury trials, and appellate argument. He regularly represents employers in the investigation and defense of charges of discrimination filed with the Equal Employment Opportunity Commission ("EEOC") and comparable state agencies, including preparation of position statements in response to charges, participation in on-site interviews and negotiation of conciliation agreements. Mr. Kesler frequently counsels employers in employment decisions, including hiring, promotions and terminations, and drafts employment contracts and separation agreements. He also assists clients in drafting employment policies and generally in complying with the various federal, state and local statutes and regulations affecting the employment relationship.

David also has been representing credit unions in a wide variety of engagements for more than 40 years. He is presently Counsel for the Tennessee Credit Union League, the trade association for state and federal credit unions in the State of Tennessee.

David has tried more than 20 jury trials to verdict and has argued cases before two Federal Courts of Appeal, two state Courts of Appeal, and the Tennessee Supreme Court. He was a Tennessee Supreme Court Rule 31 mediator, a court-appointed neutral in federal court, and panel arbitrator for the National Arbitration Forum.

David enjoys participating in the American Bar Association Military Pro Bono project and assisting our active duty military personnel with their legal issues. He also assists prospective adoptive parents and grandparents in the adoption of their children and grandchildren.

EDUCATION

- J.D., *with honors*, Tulane University School of Law, 1972
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- B.A., *cum laude*, University of Memphis, 1968

BAR ADMISSIONS

- Tennessee

COURT ADMISSIONS

- U.S. District Court, Eastern and Western Districts of Tennessee
- U.S. Court of Appeals, Second, Fifth and Sixth Circuits
- Court of Appeals, Federal Circuit
- Tennessee Supreme Court
- U.S. Supreme Court

ACCOLADES

- American Bar Association – 2021 ABA Military Pro Bono Project Outstanding Services Award Recipient
- Chattanooga Bar Association – Awarded the Albert L. Hodge Volunteer Award, 2015
- *Mid-South Super Lawyers*® 2010-2011, 2014-2016
- Tennessee Bar Foundation – Fellow
- Chattanooga Bar Foundation – Fellow

MEMBERSHIPS

- American Bar Association, Section of Labor and Employment – Member
- Tennessee Bar Association, Section of Labor and Employment – Member
- Chattanooga Bar Association – President, 1982-1983
- Christian Legal Society – Member
- U. S. District Court for the Eastern District of TN Historical Society – Member

COMMUNITY

- Mountain Fellowship Church – Ruling Elder
- Northside Neighborhood House – Board of Directors & Executive Committee; Chair of Governance Committee

EXPERIENCE

- Part of trial team that represented defendant corporation and won summary judgment in all 12 rulings in multi-plaintiff employment litigation in New York from 2012-2015, with the U.S. Court of Appeals for the Second Circuit affirming summary judgment against all 9 plaintiffs who appealed.
- Led representation of large corporate client in ten plaintiff case in state and federal courts in North Texas.
- Lead lawyer for defendant corporation in five plaintiff case in Atlanta, Georgia.
- Lead lawyer for national client in five plaintiff case in Little Rock, Arkansas.
- Part of trial team that defended large corporate client in class action in state and federal courts in Ohio alleging harassment and hostile work environment.
- Part of team that represented national client in nationwide putative class action in New Jersey alleging discrimination.
- Part of team that defended national client in potential class action discrimination case in New York. Claims of 70+ claimants were settled through specifically negotiated voluntary dispute resolution agreement.
- Represented client with catastrophic injuries in state court litigation and obtained significant settlement.