



Debra and Leon Carter

## The Carters are Champions of Justice

BY MICHELLE ALDEN

Longtime supporters of the Equal Access to Justice Campaign Debra and E. Leon Carter generously supported the Dallas Volunteer Attorney Program (DVAP) with a gift of \$45,000 this year. E. Leon Carter is a Principal at **Carter Arnett Bennett & Perez**. The firm serves clients worldwide in a full range of litigation matters, including commercial disputes, antitrust, employment, and more.

The Carters' commitment to the EAJ Campaign is truly impressive—they have contributed a total of more than \$250,000 to legal aid since 2010. Last month, the Carters were honored with the Champion of Justice Award by Legal Aid of NorthWest Texas for their philanthropy.

As Leon explained, "I think it was Winston Churchill who stated, 'We make a living by what we get, but we make a life by what we give.' Debra and I have indeed been very blessed to have made a great living. But what we both realized a long time ago is that we can only say we have had a great life by giving back to others. And there is absolutely no better way to give back than by assisting someone whose daily life has been adversely affected by being denied access to our legal system. While our giving over the years has hopefully provided a lifeline to many, it is the work of the volunteers and staff of DVAP that has rescued so many from hopelessness and despair. Giving the money is truly the easy part. What the staff and volunteers do day in and day out for the underserved is demanding work."

The EAJ Campaign is the annual fundraising campaign that supports the activities of DVAP. The Carters' gift makes it possible for DVAP to continue to provide legal aid to low-income people in Dallas, keeping the doors to the courthouse

and our overall justice system open to many more people in our community. DVAP's volunteer attorneys can make a profound difference in the lives of low-income people in the community, often by donating only a few hours of their time.

In one recent case, "Sonia" and her ex-boyfriend purchased a home together and both names were listed on the deed. Due to incidents of domestic violence, Sonia broke up with him. He remained in the home and refused to sell it. She began receiving letters from the mortgage company threatening foreclosure. Sonia sought assistance from DVAP in order to sell the home. Attorney **Cristina Salazar** accepted the case pro bono and filed suit. She was able to facilitate a settlement. The parties agreed to sell the home, and each received 50 percent of the sale proceeds. Sonia was thrilled with this result and very grateful to Cristina for helping her get a fresh start.

Debra and Leon Carter are happy to play a part in providing assistance to our low-income neighbors, and the commitment of Dallas attorneys and the DBA to the Equal Access to Justice Campaign is commendable as well. Since 1997, the DBA and Legal Aid have joined forces to raise money for the program, with Dallas lawyers donating over \$20 million.

DVAP is a joint pro bono program of the DBA and Legal Aid of NorthWest Texas. The program is the only one of its kind in Texas and brings together the volunteer resources of a major metropolitan bar association with the legal aid expertise of the largest and oldest civil legal aid program in North Texas. For more information, or to donate, visit [www.dallasvolunteerattorneyprogram.org](http://www.dallasvolunteerattorneyprogram.org). **HN**

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## Focus | Labor & Employment Law

# Balancing Employee Surveillance and Privacy

BY STEPHEN FOX AND JONATHAN CLARK

Over the past five years, employee mobility and flexibility have become the norm. While the pandemic is largely behind us, its effects on the workplace are not. Nor are the seemingly ever-present geopolitical and economic uncertainties that impact employers and employees alike. A recent study commissioned by Lever found that as many as two in five employees planned to stay at their current job for less than a year. And according to a 2024 Pew Research study, over 20 million U.S. adults work remotely. Against that backdrop, employers face many challenges—like "How do we ensure our secret sauce remains 'secret' when employees are more apt than ever to work remotely and change jobs quickly?," and relatedly, "How do we ensure our mobile workforce is engaged and productive?"

For numerous businesses, the answer to both questions is to employ electronic surveillance. While such programs have benefits, employers should be mindful of the risks. Too much monitoring can result in everything from a distrustful work environment to legal challenges. Too little can lead to trade secrets flying out the door when a key employee leaves. Finding the "Goldilocks" zone is equal parts challenging and crucial.

## Surveillance in the Workplace—Past and Present

Methods for surveilling the workplace are constantly evolving. Access keycards, cameras, or sign-in/sign-out sheets seem like relics of a bygone era. Consider, for example, the time card. Formerly, this represented a company's primary tool for measuring employee attendance and productivity. However, it did not address what happens between the time an employee clocks in and out, and it is useless for an at-home employee.

As technology has advanced, so have methods for monitoring the workplace, wherever it may be. One example is employee tracking software. Numerous companies offer programs with robust functionality that cap-

ture virtually any employee activity—including screen recordings, idle time, live views of employee computers, email observation, or keystroke monitoring. Along with capturing substantial data related to productivity, these programs also offer security features to ensure the business's confidential information is not being passed to third parties. Certain software programs, for example, monitor employee upload/download activity and send "alerts" to IT staff when unusual activity is detected. These tools have practical benefits to employers seeking to ensure their employees are working productively and that their information is guarded.

## Laws Addressing Employee Surveillance and Privacy

Texas does not have a statute specifically governing employer surveillance. And as a general matter, employees have no expectation of privacy in the workplace. The Lone Star State does, however, have a privacy statute that serves to protect individuals from certain forms of surveillance (e.g., an individual in a location that conveys a reasonable privacy expectation—such as a bathroom/changing room—is protected). However, employer property is different. Indeed, employers can use cameras to record activity in general or common areas without consent or notice. Conversely, employers generally must obtain consent from an employee when using audio surveillance in the workplace. And employers who engage in clandestine recordings of common areas (such as breakrooms or cafeterias) may run afoul of state and federal law.

In this regard, the Electronic Communications Privacy Act of 1986 is noteworthy. The ECPA prohibits intentionally intercepting oral, wire, or electronic communications of employees without their consent. The ECPA has two key exceptions relevant to employers. First, the business purpose exception permits monitoring oral and electronic communications if done for a legitimate business purpose. Second, is the consent exception. As its name suggests, this allows surveillance if a party consents. Violations of the ECPA can result in civil and criminal penalties.

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Narcotics Anonymous.....	(888) 629-8757
AI Anon.....	(214) 363-0461
Mental Health Association.....	(214) 828-4192
Crisis Hotline.....	1-800-SUICIDE
Suicide Crisis Center SMU.....	(214) 828-1000
Metrocare Services.....	(214) 743-1200

Dallas Bar Association Peer Assistance Committee