

# Kyle A. Ferachi

Baton Rouge, LA

Houston, TX

He/Him

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## About Kyle

Kyle represents and advises employers nationwide on labor and employment matters, including against allegations of discrimination, harassment, whistleblowers, ERISA, non-compete agreements, and Fair Labor Standards Act (FLSA) investigations and litigation. He also counsels clients responding to OSHA complaints and post-accident investigations, and further helps employers navigate social media in the workplace through policy development and implementation.

He represents employers before the US Health and Occupational Review Commission, the Equal Employment Opportunity Commission (EEOC), and state human rights commissions. Kyle also works proactively with clients to prevent employment claims by drafting policy manuals, conducting training for managers and employees, and advising on hiring and termination decisions.

A portion of Kyle's practice is dedicated to managed care disputes and employee benefits litigation, ERISA and non-ERISA, representing plans, fiduciaries, as well as defending health, life, and disability claims.

In addition, Kyle handles commercial litigation, focusing on energy matters involving the Outer Continental Shelf Lands Act, Jones Act, and land-based oil and gas disputes.

## Kyle's Affiliations

- American Bar Association
- Baton Rouge Bar Association, Board of Directors, 2009 – 2012; Young Lawyers Council, Chair, 2009; Secretary/Treasurer, 2007
- The Federal Bar Association

- Houston Bar Association
- Leadership Council on Legal Diversity (LCLD), Fellow, 2013; Executive Committee, All In Campaign, Chair, 2023 – 2024; Advocacy Group Committee, Co-Chair, 2016 – 2017
- Louisiana State Bar Association, Young Lawyers Division, Chair, 2013 – 2014; House of Delegates, 2010 – 2012; Young Lawyers Section, Council
- Louisiana State Bar Foundation, Board of Directors
- Louisiana State Law Institute, Council Member
- Texas Bar Association

## Areas of Focus

**Industries:** Energy & Environment; Life, Health, Disability & ERISA

**Services:** Appellate; Complex Commercial Litigation ; Employment Advice & Counseling; Employment Litigation; Labor & Employment

## Recognition

- *The Best Lawyers in America*®, Employment Law – Management, 2026; Litigation – Labor and Employment, 2024 – 2026

## Credentials

### Education

Louisiana State University Paul M. Hebert Law Center, JD, 2001

Louisiana Tech University, BA, *cum laude*, 1998

### Bar Admissions

Louisiana

Texas

### Court Admissions

US Court of Appeals for the Fifth Circuit

US District Court for the Eastern District of Louisiana

US District Court for the Middle District of Louisiana

US District Court for the Western District of Louisiana

US District Court for the Eastern District of Texas

US District Court for the Northern District of Texas

US District Court for the Southern District of Texas

## Interests

### Did you know...

In his free time, Kyle is an avid runner and golfer, and also coaches youth baseball and soccer.

### Community/Civic Activities

- Greater Baton Rouge Tennis Association, Board of Directors, President

## Thought Leadership

### Presentations

- Co-Presenter, “Marathon Mentality: Building Stamina in Your Legal Career,” 13th Annual Leadership Council on Legal Diversity, Boston, Massachusetts, June 21, 2024
- Co-Presenter, “Alumni Awards,” 13th Annual Leadership Council on Legal Diversity, Boston, Massachusetts, June 20, 2024
- Co-Presenter, “East Coast/South Labor & Employment Regional Law Update,” Hinshaw & Culbertson LLP, Virtual Event, July 26, 2022
- Moderator, “Coronavirus: Bring Your Employment Questions, Part 2,” Labor & Employment webinar, March 27, 2020
- Moderator, “Coronavirus: Bring Your Employment Questions,” Labor & Employment webinar, March 20, 2020
- Co-Presenter, “The Biggest Misunderstandings about Arbitration Clauses Post-Epic Systems: How Practitioners are Now Approaching Class Action Waivers and Enforceability,” ACI’s 32nd National Forum on Wage & Hour Claims and Class Actions, New York, New York, June 24, 2019
- Co-Presenter, “Employment Policies – Bring Your Own Policy,” German American Chamber of Commerce of the Southern U.S., Inc., Houston, Texas, October 30, 2018
- “Recharging Your Practice,” Louisiana State Bar Association’s *Dazzling Disney!* Seminar, Lake Buena Vista, Florida, February 27, 2017

### Publications

- “IRS Guidance on Recapturing Excess Employment Tax Credits,” *Client Alert*, July 28, 2020
- “Considerations for Workplace Safety in Light of Updated EEOC Guidance,” *Client Alert*, June 18, 2020
- “Three Things Employers Can Do Today in Light of Landmark SCOTUS LGBTQ+ Decision,” *Client Alert*, June 15, 2020
- “FAQs from Coronavirus Employment Webinar (Part 2),” *Client Alert*, April 2, 2020
- “Take-Out and Drive-Thru Only: Have Your Tipped Employees Just Become Hourly?” *Client Alert*, March 26, 2020

- “FAQs from Coronavirus Employment Webinar (Part 1),” *Client Alert*, March 26, 2020
- “Amended House Bill Passes Senate,” *Client Alert*, March 18, 2020
- “Clarifying Wage Payments during COVID-19 Pandemic,” *Client Alert*, March 17, 2020
- “House Bill may present major changes for employers,” *Client Alert*, March 16, 2020
- “Coronavirus (COVID-19): Employers need to take swift action,” *Client Alert*, March 6, 2020
- “Employers Beware: The U.S. Supreme Court Allows a Plaintiff to Bypass the EEOC,” *Client Alert*, June 5, 2019
- “Deadline Extension for EEOC Survey Announced Due to Shutdown,” *Client Alert*, February 4, 2019
- “Supreme Court rules interstate transportation workers exempt from FAA arbitration requirements,” *Client Alert*, January 18, 2019
- “Is the New FMLA Tax Credit Worth It?” *Client Alert*, January 19, 2018
- “Employer Update: Controversial DOL Regulation Regarding Tip-Pooling Headed to Repeal,” *Client Alert*, December 6, 2017
- “Employer Update: Title VII Protection for Transgender Status Up in the Air,” *Client Alert*, October 31, 2017
- “Evaluate Your Sexual Harassment Policies and Procedures Now—Don’t Wait for the Consequences,” *Client Alert*, October 24, 2017
- “Breaking News for Employers: DOL’s Changes to Overtime Pay Possibly Postponed,” *Client Alert*, September 29, 2016
- Co-Author, “Understanding the new overtime pay regulations,” *10/12 Industry Report*, Third Quarter, 2016
- “Next Steps for Employers Following DOL’s Overtime Final Rule,” *Client Alert*, May 19, 2016

## **Blog Posts**

- Texas Governor Greg Abbott Issues Executive Order Prohibiting Mandatory Vaccination Policies, Oct 13, 2021
- Texas Two-Step: State Passes Employee-Friendly Legislation, Aug 2, 2021

## **Event**

- Kyle Ferachi to Present at the 13th Annual Leadership Council on Legal Diversity, June 20-21, 2024

## **Hinshaw Alert**

- A Primer on Changes Made to the Texas Mechanic’s and Materialman’s Liens Act, Effective January 1, 2022, Dec 28, 2021

## **Press Releases**

- 102 Hinshaw Lawyers Recognized in 2026 Editions of *The Best Lawyers in America*® and *Ones to Watch*™, Aug 21, 2025
- 105 Hinshaw Lawyers Recognized in 2025 Editions of Best Lawyers in America and Ones to Watch, Aug 15, 2024

- 101 Hinshaw Lawyers Recognized in 2024 Editions of Best Lawyers in America and Ones to Watch, Aug 17, 2023
- Kyle Ferachi Appointed to the LCLD Alumni Executive Council, Jul 5, 2023
- Hinshaw Bolsters Gulf Coast Presence with Two Houston Partners, Dec 17, 2020

## **Webinar**

- Labor & Employment Regional Law Update, Tuesday, July 26, 2022