

Thomas L. Case

Of Counsel

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WITH A LONG TRACK RECORD REPRESENTING FORTUNE 500 CORPORATIONS AND OTHER EMPLOYERS IN MULTIFACETED EMPLOYMENT LITIGATION, FROM HIGH-PROFILE CASES INVOLVING PUBLIC ENTITIES TO A LANDMARK DECISION IN THE TEXAS SUPREME COURT, TOM'S STORIED HISTORY AND DEEP UNDERSTANDING OF THE TECHNICAL NUANCES OF LABOR AND EMPLOYMENT LAW BENEFIT CLIENTS STRUGGLING WITH THE COMPLEXITIES OF TODAY'S WORKFORCE LANDSCAPE.

Tom has represented midsize businesses, Fortune 500 corporations and public entities in labor and employment disputes across a wide range of issues. Currently, he spends much of his time advising employers on labor and employment issues, educating management on the prevention of potential disputes, developing noncompete agreements and counseling on other thorny employment issues.

Primarily representing employers, Tom has extensive jury trial experience, having represented clients in state and federal courts at all levels in litigation regarding claims involving covenants not to compete; misappropriation of trade secrets; and discrimination based on race, national origin, gender, age, sexual harassment, disability, religion, pregnancy and retaliation. He has represented public employers, including the City of Dallas and Parkland Hospital, in statutory employment law claims, as well as in claims for deprivation of civil rights, procedural and substantive due process, and First Amendment violations.

In a decision that set aside 18 years of case law, in 2011, Tom was lead counsel for the trial and appellate team that obtained a landmark decision in the Texas Supreme Court holding that a business' goodwill is an interest that can be protected by a covenant not to compete in an employment setting.

Representative Experience

Tom's representations have included:

- Various employers in proceedings to protect trade secrets and enforce restrictive covenants.
- Numerous public entities and businesses defending against employment discrimination claims involving sexual harassment, gender, race, national origin, religion, pregnancy, disability, age and retaliation.

- A public entity in a high-profile sexual harassment suit.
- Various public entities in defense of claims involving allegations of deprivation of civil rights and First Amendment issues, procedural and substantive due process, sovereign immunity and immunity of public officials sued in their official and individual capacities.
- Numerous employers in agency proceedings, EEOC investigations and injunctive proceedings.
- A variety of employers in labor disputes with unionized employees, under the Railway Labor Act (RLA) and the National Labor Relations Act (NLRA).
- A broad range of businesses in commercial disputes related to areas including real estate, contracts, interference with contracts and business relationships, antitrust, fraud, Deceptive Trade Practices, professional liability and products liability.

For more information on Tom's experience, see his [list of opinions](#).

Noteworthy

- Selected for inclusion in *Texas Super Lawyers*®, Thomson Reuters, for 15 consecutive years.
- AV® Peer Review Rated in Martindale-Hubbell. AV®, AV Preeminent®, Martindale-Hubbell DistinguishedSM and Martindale-Hubbell NotableSM are Certification Marks used under license in accordance with the Martindale-Hubbell® certification procedures, standards and policies.

Activities and Memberships

- State Bar of Texas
 - Member
- Dallas Bar Association
 - Member
- Dallas Historical Society
 - Member
- American Bar Association
 - Litigation Section, Member
 - Labor and Employment Section, Member

- Colophon Friends of SMU Libraries
 - Member
- Friends of the Dallas Public Library
 - Member
- Friends of the Highland Park Library
 - Member
- Woodvale Fishing Club
 - Member

Publications

- "U.S. Supreme Court Lowers Burden of Proof for Plaintiffs in Title VII Discrimination Claims," Bell Nunnally Client Alert, co-author; August 13, 2024.
- "New DOL Overtime Rule Significantly Raises Salary Thresholds," Bell Nunnally Client Alert, co-author; May 7, 2024.
- "California Enacts Far Reaching and Costly New Employment Laws ," Bell Nunnally Client Alert, co-author; December 7, 2023.
- "National Labor Relations Board Targets Workplace Policies in Recent Decision," Bell Nunnally Client Alert, co-author; August 14, 2023.
- "Texas Expands Racial Discrimination Protections with the Crown Act," Bell Nunnally Client Alert, co-author; August 4, 2023.
- "Franchise 'No Poach Agreements' Come Under Fire," *QSR Magazine*, author; December 1, 2021.
- "U.S. House Passes Bill to Require Workplace Accommodations for Pregnant Workers," Bell Nunnally Client Alert, co-author; October 14, 2020.
- "Has the U.S. Supreme Court Turned the Proof Standard in Title VII and Other Federal Employment on its Head?" Bell Nunnally Client Alert, co-author; August 24, 2020.
- "Technology, the Workplace and Covid-19: Tracking Employees to Safeguard Against Spread of Virus," Bell Nunnally Client Alert, co-author; August 4, 2020.

Credentials

Education

- JD, Vanderbilt Law School, 1972
- BA, Vanderbilt University, 1969

Admissions

- Texas
- Supreme Court of the United States
- United States Court of Appeals for the Fifth and Eighth Judicial Circuits
- United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas
- United States District Courts for the Eastern District Arkansas