



Teresa M. Thompson

SHAREHOLDER

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Services

Employment, Labor & Benefits

Employment & Labor Litigation

Litigation

Non-Competes

Trade Secrets

Data Privacy & Security

Internal Investigations

Clients view Teresa as a trusted business partner—advising on day-to-day employment issues, strategizing and navigating emerging issues like those created by the COVID-19 pandemic, and managing litigation or employment disputes as they arise.

As the Chair of the firm's Employment, Labor & Benefits department, Teresa partners with clients to navigate employment disputes at the advice and litigation stages. Teresa works with clients in many industries, including health care, mental health, disability and aging services, legal, staffing, retail/service, and manufacturing, with a special talent for working with private equity owned companies. Clients consult Teresa to obtain an objective yet creative view of employee performance, discipline and termination issues as well as to assist them in crafting employment, non-compete and trade secret, and separation agreements, and workplace policies. Teresa's goal is always to help clients work at every stage toward reducing the risks and costs of litigation or employee claims whenever possible.

Teresa also litigates disputes arising out of enforcement and breach of employment agreements, including executive compensation agreements, confidentiality, non-compete and anti-solicitation agreements, as well as other commercial contracts. She chairs the firm's Non-Competes and Trade Secret groups. Teresa defends businesses before state and federal courts, administrative agencies and in private arbitrations, against employment claims brought by employees under whistleblower statutes, human rights statutes, and other state and federal civil rights laws. She has defended hundreds of claims of sexual harassment, wrongful termination, discrimination (age, disability, gender and race), defamation, and FLSA and FMLA violations.

Experience

Trade Secret Advice & Litigation

- Defended recruiters and IT consulting agency against claims of trade secret misappropriation under Minnesota Uniform Trade Secrets Act.
- Represented medical device company in evaluation of criminal liability for trade secret theft by departed employee, and working with governmental agencies to pursue criminal indictments against the employee.

- Obtained temporary injunction against former employee who misappropriated trade secret and confidential information to start a competing venture.
- Successfully pursued and obtained return of trade secret information from former sales manager on behalf of large privately held Minnesota manufacturer.
- Advised medical device company on global trade secret protection program, including development of policies, procedures, best practices, education, training and enforcement.

Non-Compete Advice & Litigation

- Defended national insurance brokerage and sales representatives against claims of tortious interference, breach of contract, breach of duty of loyalty and breach of anti-solicitation clause.
- Obtained stipulated injunction against psychiatrist on behalf of large mental health clinic to compel compliance with and non-solicitation provisions in agreement and prevent improper diversion of patients.
- Defended recruiters and information technology staffing agency against claims of tortious interference, breach of contract and breach of an anti-solicitation clause in case involving employee use of LinkedIn.
- Successfully pursued former employee of an IT consulting firm to enforce non-compete and confidentiality agreement when former consultant went to work directly for client.
- Successfully obtained temporary injunction on behalf of medical practice against physician who set up a new practice in violation of a noncompete agreement.
- Commenced commercial arbitration for Minnesota insurance brokerage to enforce non-compete and anti-solicitation agreement, and for breach of fiduciary duty and duty of loyalty; arbitrator ruling in favor of client on all claims.
- Advised clients on the enforceability of non-compete agreements when hiring individuals with non-competes with former employers, and drafted non-compete, non-solicitation and confidentiality agreements for clients in all industries.

Employment & Labor Litigation & Advice

- Successfully represented large non-profit organization through jury trial against claims of defamation and Whistleblower violations in Ramsey County, MN
- Defended national retail sales business against claims by a minority shareholder involving allegations of wrongful termination
- Defended national health care organization against claims of race discrimination, retaliation, hostile work environment and constructive discharge
- Prepare responses to EEOC and state department of human rights Charges of Discrimination for clients in the health, mental health, disability and aging services, insurance, IT consulting, telecom, and manufacturing industries.

- Assisted clients with misclassification claims in state and federal agencies, including unemployment, IRS and DOL, by independent contractors who claim they should be classified as employees.
- Counseled clients on day-to-day discipline, performance and termination issues and help navigate employment laws, such as the FMLA, ADA and FSLA.

Internal Investigations

- Investigated allegations of sexual harassment by employee against senior leader of med tech company arising from a personal relationship.
- Managed internal investigation of multiple sexual harassment complaints against a senior leader of national manufacturer.
- Directed internal investigation of alleged sexual harassment against an outside vendor for national advertising agency with risk assessment and recommendations for remediation.
- Investigated complaints of hostile work place for national health care technology company of senior leader.

Security/Privacy

- Assisted national client in beauty industry with data security, privacy, monitoring and trade secret policies, procedures, and agreements.
- Evaluated the impact of the Electronic Communications Privacy Act on monitoring policies and procedures, as well as defend claims for invasion of privacy under the ECPA and state laws.
- Defended claims brought by employees under the Stored Communications Act, and evaluate impact on Stored Communications Act on email policies, monitoring policies and procedures.

Pro Bono Representation

- Volunteer Lawyers Network, Consumer Protection Clinic, 2008-present

Credentials

Education

- William Mitchell College of Law, J.D., 1994, *magna cum laude*
- Marquette University, B.A., 1990

Admissions

- Minnesota

- Colorado
- Minnesota Supreme Court, 1994
- U.S. Court of Appeals for the Eighth Circuit, 1996
- U.S. District Court for the District of Minnesota, 1997
- Colorado Supreme Court, 1998

Recognition

- *Best Lawyers in America*, Litigation-Labor and Employment, 2017-2024; Employment Law-Management, 2018-2024
- *Chambers USA: America's Leading Lawyers for Business*, Minnesota – Labor & Employment, 2023
- *Minnesota Super Lawyers*, Employment & Labor, 2005, 2018-2019; Business Litigation, 2020-2022; Employment Litigation: Defense, 2023
- North Star Lawyer, Minnesota State Bar Association, 2013
- Volunteer of the Year, FamilyWise Services, 2013
- Community Partner of the Year, Genesis II for Families, Inc., 2008
- *Minnesota Super Lawyers Rising Star*, 2001, 2004
- Labor and Employment Law Specialist, Minnesota State Bar Association

Civic & Professional

Professional Activities

- ABA Employment & Labor Section, Member
- Hennepin County Bar Association, Employment & Labor Section, Member
- Minnesota Bar Association, Employment & Labor Section, Member

Community

- FamilyWise Services, Employment Advisor, 2008-present
- Ann Bancroft Foundation, Board Member, January 2015-present
- Edina Swim Club, Board Member

News

Firm News | 08.17.2023

Fredrikson Attorneys Recognized in The Best Lawyers in America© 2024

Firm News | 07.17.2023

Fredrikson Attorneys Named 2023 Minnesota Super Lawyers and Rising Stars

Firm News | 06.01.2023

Fredrikson Recognized by 2023 Chambers USA

Article | 08.18.2022

Fredrikson & Byron Attorneys Recognized in The Best Lawyers in America© 2023

Speaking Engagements

Event | October 24 & 26, 2023

Fredrikson's 39th Annual Employment & Labor Law Seminar

Event | 10.18.2022

Fredrikson & Byron's 38th Annual Employment & Labor Law Seminar

Event | 11.14.2018

Health Law Webinar—#MeToo and You: Sexual Harassment in the Workplace in 2018

Event | 09.14.2016

Health Law Webinar—Social Media and the Health Care Worker: Questions and Practical Solutions

Event | 04.08.2015

Health Law Webinar—Social Media and the Health Care Worker: Questions and Practical Solutions

Event | 01.09.2013

Health Law Webinar—How to Navigate Social Media in the Workplace

Legal Updates

Legal Update | 08.14.2020

Question of the Day: Health Care Provider Definition of the FFCRA

Legal Update | 07.16.2020

Question of the Day: Dress Code Policies

Legal Update | 07.01.2020

Question of the Day: DOL's New FFCRA Leave Tool

Legal Update | 06.29.2020

Question of the Day: Accommodation Obligations

Legal Update | 06.12.2020

Question of the Day: Onsite Visitor Health Screening

Legal Update | 06.08.2020

Question of the Day: Entering Phase III of Minnesota's Stay Safe Plan

Legal Update | 06.02.2020

Question of the Day: New OSHA Alert on Worker Safety

Legal Update | 05.15.2020

Question of the Day: Impact of Minnesota's May 13 Executive Orders

Legal Update | 05.13.2020

Question of the Day: Return to Work Best Practices

Legal Update | 05.06.2020

Question of the Day: Employee Waivers

Legal Update | 04.09.2020

Updated: Are My Employees Exempt from Travel Restrictions as Critical Sector Employees Under the Minnesota Stay-At-Home Order?

Legal Update | 05.05.2016

New Trade Secret Law Will Affect How Your Business Protects Sensitive Information

Publications & Presentations

Presenter, *Tackling Your Employee Handbook Update in 2023: Making Key Revisions and Avoiding Pitfalls*, 2023 Upper Midwest Employment Law Institute, May 19, 2023

Co-Presenter, *My Employee Said What? Rethinking Reactions to Employee Speech*, Fredrikson & Byron's Annual Employment & Labor Law Seminar, On-Demand Webinar, October 2021

Presenter, *Practical Tips for Successful Data Retention and Disposal Policies and Practices*, Upper Midwest Employment Law Institute, May 24, 2021

Co-Presenter, *Federal & State Updates From 2020*, Fredrikson & Byron's Annual Employment & Labor Law Seminar, October 27, 2020

Presenter, *Record Retention Best Practices to Decrease Your Company's Risks – Policies, Procedures, Technology*, Upper Midwest Employment Law Institute Webcast, October 6, 2020

Co-Presenter, *Your Return to Work Blueprint*, Fredrikson & Byron Employment & Labor Webinar, May 8, 2020

Speaker, *Returning Minnesotans to Work*, Minnesota Chamber of Commerce sponsored webinar, April 23, 2020

Quoted in "What Twin Cities Law Firms Are Advising Clients on Reopening and Covid-19 Liability," *Minneapolis St. Paul Business Journal*, April 23, 2020

Speaker addressing COVID-19 related employment questions, CEO Next Business Institute Forum: Industry Experts Answer your Questions, April 16, 2020

Speaker, *Emergency Families First Coronavirus Response Act (FFCRA) – What Aging Services Providers Need to Know*, LeadingAge Minnesota, April 1, 2020

Co-Presenter, *Federal and State Update 2019*, Fredrikson & Byron's 35th Annual Employment & Labor Law Seminar, November 7, 2019

Co-Presenter, *The 'Smoking Gun': Texts and Social Media*, Fredrikson & Byron's 35th Annual Employment & Labor Law Seminar, November 7, 2019

Co-Presenter, *#MeToo and You: Sexual Harassment in the Workplace in 2018*, Fredrikson & Byron Health Law Webinar, November 14, 2018

Co-Presenter, *2018 Employment Law Trends*, Fredrikson & Byron's 34th Annual Employment & Labor Law Seminar, November 1, 2018

Co-Presenter, *A Non-Compete Seminar for Everyone*, Fredrikson & Byron's 34th Annual Employment & Labor Law Seminar, November 1, 2018

Presenter, *Record Retention Best Practices to Decrease Your Company's Risks – Policies, Procedures, Technology*, Upper Midwest Employment Law Institute, May 22, 2018

Co-Presenter, *Strategies for Protecting Your Trade Secrets and Data from the Insider Threat—A Law Enforcement and Litigation View*, Upper Midwest Employment Law Institute, May 21-22, 2018

Co-Presenter, *Protecting Your Company's Reputation in the Digital Age*, Fredrikson & Byron's 33rd Annual Employment & Labor Law Seminar, November 3, 2017

Presenter, *Attracting and Keeping Top Talent...A Legal Perspective*, Midwest Recruiting Bootcamp, July 31, 2017

Co-Presenter, *Attracting and Keeping Top Talent*, Fredrikson & Byron's 32nd Annual Employment & Labor Law Seminar, October 26, 2016

Co-Presenter, *Social Media and the Health Care Worker: Questions and Practical Solutions*, Fredrikson & Byron Health Law Webinar Series, September 14, 2016

Co-Presenter, *Bringing and Defending Federal Trade Secret Theft Actions Under the New Law—Key Considerations*, 2016 Midwest IP Institute, September 22-23, 2016

Co-Presenter, *Insider Threats: Identifying and Deterring Company Information Theft*, Fredrikson & Byron's 31st Annual Employment & Labor Law Seminar, November 6, 2015

Co-Presenter, *Five Key Social Media Questions Employers Should Consider*, Fredrikson & Byron's 31st Annual Employment & Labor Law Seminar, November 6, 2015

Legal Update 2015, Fredrikson & Byron's 31st Annual Employment & Labor Law Seminar, November 6, 2015

Co-Author, "Ten Actions You Can Take Now to Protect Your Company's Trade Secrets," Networked Lawyers Blog, May 2015

Co-Presenter, *Protecting Trade Secrets and Confidential Information: What Businesses Can and Should Be Doing from Prevention to Enforcement*, Business Law Institute, May 4, 2015

Presenter, *Top Five Legal Questions Arising From Social Recruiting*, MNTRN & LEHRN Recruiter and HR Conference, April 9, 2015

Co-Presenter, "Social Media and the Health Care Worker: Questions and Practical Solutions," Fredrikson & Byron Health Law Webinar Series, April 8, 2015

Co-Presenter, *Creating a Culture of Confidentiality: 10 Ways to Protect Your Company's Data*, Fredrikson & Byron's 30th Annual Employment & Labor Law Seminar, October 28, 2014

Moderator, *Trade Secret Theft from Prevention to Enforcement*, Minnesota IP Institute, September 19, 2014

Co-Presented with Steven Helland, *Data Privacy & Security, Legal and Financial Implications*, at Traust Executive Round Table, June 26, 2014

Moderator, *Trade Secret Theft from Prevention to Enforcement*, Fredrikson & Byron's Practical Perspectives Series, February 27, 2014