



TODD P. PHOTOPULOS

Memphis Office

(901) 680-7344

Todd.Photopoulos@butlersnow.com

Todd is a labor and employment attorney with significant trial, arbitration, and consulting experience. He regularly represents U.S. and international employers in business immigration matters, including Specialty Occupations (H-1B), Intra-Company Transfers (L-1), NAFTA Occupations (TN), Extraordinary Ability (O), Investor Visas (E-2), and physician J-1 Waiver and National Interest Waiver visa cases, as well as permanent residency, compliance training and audits.

PRACTICE AREAS AND INDUSTRY TEAMS

- Immigration
- Employment Counseling
- Employment Litigation
- Union Avoidance and Contract Negotiation
- Labor and Employment

EXPERIENCE

- Over 100 federal and state court cases, contested agency hearings, and arbitrations.
- Appellate experience in four United States Courts of Appeals, as well as several state courts of appeals.
- Representation of employers across the United States in union organizing campaigns, including multi-facility organizing and corporate campaigns.
- Representation of employers across the country in business immigration matters, including H1b, L-1, TN, O, E-2, J-1, and J-1 waiver temporary visa cases, as well as permanent residency, compliance training and audits.
- *Campanini v. Studsvik, Inc.*, U.S. Dist. Court, E.D. TN (2012) (Successfully defended client in trial over \$1M breach of employment contract claim).
- *Weyerhaeuser Company*, NLRB Case No. 06-RC-079980 (2012) (successfully defended employer in union organizing (RC) matter; petitioned-for unit found not appropriate; union election petition dismissed).
- *Vraney v. Medical Specialty Clinic*, Chancery Court of TN, No. 65204 (2012) (Successful representation of employer at trial in breach of duty of loyalty case)

- *Kyle v. Circus Circus Mississippi, Inc. d/b/a Gold Strike Casino*, 5th Cir. No. 10-60571 (2011) (successful representation of employer casino in whistleblower lawsuit).
- *MMC Materials, Inc.*, 2006 WL 2706008 (N.L.R.B. Div. of Judges 2005).
- *Bayou Concrete Co., Inc.*, 2006 WL 467978 (N.L.R.B. Div. of Judges 2006).
- *In re Magid Glove and Safety Mfg. Co., L.L.C.*, 2003 WL 859259 (Tex. Ct. App. March 6, 2003).
- *Glasgow v. Methodist Healthcare-Memphis Hosp. Plan 503*, 2006 WL 1174459 (W.D. Tenn. 2006).
- *Thomas v. Bayou Concrete Company*, 2006 WL 2456138 (S.D. Ala. 2006).
- *Sadler v. Labor Ready, Inc.*, 2006 WL 3147417 (M.D. Tenn. 2006).
- *Cheryl Funk v. Labor Ready, Inc.*, 2008 WL 4368946 (E.D. Ark. Sept. 24, 2008).
- *Hibbler v. Regional Medical Center at Memphis*, 12 Fed. Appx. 336 (6th Cir. 2001).
- *Leaks v. Cintas Corporation*, 60 Fed. Appx. 645 (8th Cir. 2003).
- *Maxfield v. Cintas Corporation*, No. 2, 427 F.3d 544 (8th Cir. 2005).
- *Saint Vincent Hospital, LLC*, 2004 WL 1629745 (N.L.R.B. July 20, 2004).

BAR ADMISSIONS

- Tennessee, 1997
- U.S. District Courts
 - Tennessee: Eastern, Middle, Western
 - Arkansas: Eastern, Western
 - Michigan: Western
- U.S. Courts of Appeals
 - 5th Circuit
 - 6th Circuit
 - 8th Circuit
 - 11th Circuit
- U.S. Supreme Court

DISTINCTIONS

- *Martindale-Hubbell*®
 - AV®-Preeminent™ Peer Review Rated, 2010-2018
 - 2013 Top Rated Lawyer in Immigration Law

- *Best Lawyers in America*®
 - Employment Law–Management, 2013-2021
 - Labor Law–Management, 2014-2021
 - Litigation–Labor and Employment, 2014-2021
- *Super Lawyers*®
 - Top Rated Immigration Attorney
 - Mid-South Super Lawyers, Immigration, Employment & Labor, 2013-2020
- *Benchmark Litigation*
 - Labor & Employment Star, 2021
- Top 40 Under 40, *Memphis Business Journal*, 2006

ASSOCIATIONS

- American Bar Association
 - Labor and Employment Section
- American Immigration Lawyers Association
- Tennessee Bar Association
- Memphis Bar Association

EDUCATION & HONORS

- University of Tennessee, J.D., *with honors*, 1997
 - Editor, *Tennessee Law Review*
 - Moot Court Board
- University of Iowa, B.S., 1994
- Clerkship, Judge Houston Goddard, Senior Judge, Tennessee Court of Appeals, Eastern Section

PAPERS, PRESENTATIONS AND PUBLICATIONS

- Author, "LAW ELEVATED — Trump administration announces significant changes to H-1B Visa program," *Mississippi Business Journal*, October 8, 2020.
- Speaker, "The Inclusive Global Workplace: Bridging the Gaps and Developing a Strategic Talent Management Plan," Employment Law Alliance Annual Conference, Lisbon, Portugal, October 14, 2019.
- Panelist, "What Every Labor and Employment Advocate Needs to Know about the Current State of Immigration Law," American Bar Association Section of Labor and Employment Law's 12th Annual Conference, San Francisco, Calif., November 9, 2018.
- Co-Author, "Considering Workers' Comp For Unauthorized Immigrants," *Law360*, September 14, 2018.
- Co-Author, "Tennessee court gives no quarter to fired undocumented immigrant," *Tennessee Employment Law Letter*, August 29, 2018.

- Speaker, “What We Know about President Trump and Immigration: The Impact on Labor and Employment Lawyers,” ABA Employment Rights & Responsibilities Committee and Ethics & Professional Responsibility Committee Midwinter Meetings, Wyndham Grand Clearwater Beach Resort, Clearwater Beach, Florida, March 21, 2018.
- Co-Author, “Increased Enforcement Highlights The Need For Employers To Have Immigration Compliance Programs”, Attorney Publications, Butler Snow, February 13, 2017.
- Author, “Court Deals Setback to Trump’s Executive Immigration Policy, Attorney Publications, Butler Snow, February 10, 2017.
- Author, “Analyzing President Trump’s Executive Order on Immigration – What it means for you, your business and your employees”, Attorney Publications, Butler Snow, February 3, 2017.
- Presenter, “The Pitfalls of Immigration Compliance”, American Bar Association Section of Labor and Employment Law Annual Conference, Los Angeles, CA, November 8, 2014.
- Presenter, “Demystifying Business Immigration Law and Compliance for U.S. Employers,” Employment Law Alliance Webinar, May 19, 2014.
- Presenter, "Immigrant Workers and National Origin Discrimination," National Conference on Equal Employment Opportunity Law, American Bar Association, Palm Springs, CA, March 27, 2014.
- Author, “Sixth Circuit Stands By School System’s Promotion Decisions,” *Workplace*, Vol. 2013 No. 3, April 2013.
- Presenter, “Ten Things Every Employment Attorney Should Know About Immigration,” ABA Section of Labor and Employment Law Employment Rights and Responsibilities Committee Midwinter Meeting, Miami Beach, FL, March 21, 2013.
- Presenter, “Alternative Fee Arrangements,” Employment Law Alliance, Vancouver, Canada, September 29, 2012.
- Presenter, “Business Writing to the Jury,” 2012 Tennessee SHRM Conference, Memphis, Tennessee, September 13, 2012.
- Presenter, “Beyond I-9: What You Need to Know about Immigration Law and Why,” ABA Section of Labor and Employment Law, 5th Annual Labor and Employment Law Conference, Seattle, Washington, November 5, 2011.
- Presenter, “No Big Ticket, But.... A Labor Law Update and Preview of Coming Attractions,” Association of Financial Professionals, Memphis, 2011.

- Presenter, “Equal Employment Opportunity Law,” American Bar Association, New Orleans, 2011.
- Presenter, “Mitigating Risk and Corporate Public Relations Due to Public Non-Merit Claims,” American Conference Institute’s Advanced Forum on Whistleblower Enforcement and Compliance, New York, 2011.
- Presenter, “Labor & Employment Law Developments Affecting the Healthcare Industry,” Tennessee Bar Association 2010 Health Law Seminar, Nashville, 2010.
- Author, “ICE Audits on the Rise,” *Employment and Labor Relations Law*, American Bar Association, Section of Litigation.
- Author, “Having Your Cake and Eating It, Too The (Un)Enforceability of Releases on Pre-Filing Qui Tam Claims,” *Labor and Employment*, American Health Lawyers Association.
- Author, “EFCA: Bracing Yourself for the Rising Tide of Union Organizing,” “A Sneak Peek at Possible New Employment Legislation and Bailout Package Includes Several Employment Provisions,” *Workplace*, October 2008.
- Co-Author, “Having Your Cake and Eating It Too -- The (Un)Enforceability of Releases on Future Qui Tam Claims,” *Journal of Health and Life Sciences Law*, July 2008.
- Author, “ICE: There is a new sheriff in town” *Employment and Labor Relations Law*, American Bar Association, Section of Litigation.
- Author, “Kentucky River Trilogy,” *Employment and Labor Relations Law*, American Bar Association, Section of Litigation.
- Author, “Department of Labor Issues Final Military Leave Rules,” *Business Insider*, Tennessee Chamber of Commerce and Industry.
- Author, “Whistleblower,” *Pro Te: Solutio*, Vol. 1 No. 2, 2-5, April 2008.

CIVIC INVOLVEMENT

- Boys and Girls Clubs of Greater Memphis
 - Board Chairman, 2014