



Melissa M. Goodman

Partner

melissa.goodman@haynesboone.com

Dallas

+1 214.651.5628

PRACTICES Labor and Employment, Employment Litigation, ERISA and Other Benefits Litigation, Investment Banking and Broker Dealer, Investment Management, Family Office, Class Action Defense, Trade Secret Litigation, Wage and Hour Litigation, Litigation, Higher Education

Melissa Goodman is known for litigating and agilely managing sophisticated employment issues during mission critical scenarios. With more than 27 years of experience, Melissa has litigated in multiple states, courts of appeal and various arbitration forums. She is a member of the firm's Board of Directors, serves as co-chair of the firm's Trade Secrets Practice Group, and is the former chair of the firm's Labor and Employment Practice Group.

Melissa focuses on litigation and advising top level corporate leadership - boards of directors, in-house counsel and chief executives - on unique, complex and often crisis-level employment affairs, including:

- Internal Investigations - Conducts high-level, sensitive and complex workplace investigations, and counsels on best practices in investigations.
- Executive Transitions and Disputes - Drafts, negotiates, advises and litigates complex executive transitions and disputes such as employment and separation agreements, compensation arrangements, trade secret disputes and restrictive covenants.
- Unfair Competition - Litigates complex unfair competition-related claims (including breach of non-competition agreements, misappropriation of trade secrets, tortious interference and breach of fiduciary duty claims) extensively throughout the United States, advises and strategizes on handling such issues, and drafts and negotiates restrictive covenants.
- Whistleblowers and Retaliation Threats - Advises on all aspects of whistleblower and retaliation situations, from responding to threats to handling litigation.
- Regulatory Missteps - Counsels leadership in response to allegations of corporate wrongdoing, including allegations related to the Fair Labor Standards Act, the Sarbanes-Oxley Act and Dodd-Frank Act, and litigates claims alleging violations or retaliation resulting from such reports.
- Major Transactions - With the goal of protecting company assets, counsels leadership during major transactions, advises on purchase agreements, drafts employment and related agreements to navigating disputes and litigation.
- ERISA Litigation - Handles all aspects of incentive compensation and retirement and benefit plan litigation.
- Indemnification Claims - Provides guidance to leadership and litigates indemnification suits brought by corporate officers.

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Melissa has received recognition from several directories and publications for her work in complex employment matters. For example, she has been recognized in *Chambers USA*, *Chambers and Partners* (2020-2021), *Benchmark Litigation*, *Euromoney Institutional Investor PLC* (2021), *The Best Lawyers in America*, *Woodward/White, Inc.* (2013-2022), *Acritas Stars* (2020), *D CEO Magazine's Dallas 500*, *D Magazine Partners* (2017-2019), *D Magazine's "Best Lawyers in Dallas," D Magazine and Partners* (2018), *Texas Super Lawyers*, *Thomson Reuters* (2009-2013, 2018-2021), among other recognitions. In addition to being named a *D CEO* influential leader in North Texas, Melissa's successful defense of Marathon Oil Company in an ERISA pension plan case helped the Haynes and Boone labor and employment team secure *Texas Lawyer's* "Litigation Section of the Year" award in 2013, the inaugural year the award was presented. Melissa represented Marathon's plan administrator against relatives of a deceased participant.

In addition to complex employment situations, Melissa is also regularly called upon by clients to provide advice on day-to-day employment law issues. Melissa is a frequent speaker for local and national audiences on a variety of labor and employment and litigation issues and is an active member of the American Bar Association and the Dallas Bar Association.

QUALIFICATIONS

EDUCATION

- J.D., Creighton University, 1994, *cum laude*; Assistant Editor, *Creighton Law Review*
- B.A., University of Iowa, 1991

ADMISSIONS

- Texas

COURT ADMISSIONS

- Texas Supreme Court
 - United States Supreme Court
 - U.S. Court of Appeals for the Fifth Circuit
 - U.S. District Court for the Eastern District of Texas
 - U.S. District Court for the Northern District of Texas
 - U.S. District Court for the Southern District of Texas
 - U.S. District Court for the Western District of Texas
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PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "#MeToo – What's a Board to Do?," presenter, Haynes and Boone, LLP webinar, April 17, 2019.
 - "Protecting your Company Against Sexual Harassment Claims," presenter, Human Resources Committee Luncheon Series, Richardson, Texas, February 22, 2018.
 - "Examining the Duty of Loyalty and the Corporate Opportunity Doctrine," co-author, *Business Torts & Unfair Competition*, Summer 2014, Vol. 21, No. 4
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PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Girls Inc. of Metropolitan Dallas, former Member of the Board of Directors
- Federal Bar Association, Dallas Chapter, Past President

- American Bar Association: Labor and Employment Law Section, Litigation Section, Covenants Not to Compete Subcommittee, Trade Secrets Subcommittee, Duty of Loyalty Subcommittee, ERISA Litigation Subcommittee
 - Dallas Bar Association, Labor and Employment Law Section
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SELECTED CLIENT REPRESENTATIONS

- Represented a television broadcasting company in an age discrimination case filed by the Equal Employment Opportunity Commission regarding a former reporter.
 - Representing health care company in a high-profile whistleblower lawsuit by its former Chief Financial Officer and General Counsel, who claims the company terminated his employment in violation of the Sarbanes-Oxley Act days after he complained about the valuation of a management equity plan in filings with the Securities and Exchange Commission. He seeks \$50 million in claimed damages primarily from the management equity plan.
 - Successfully obtained and/or defended injunctions and litigated cases involving misappropriation of trade secrets, covenants not to compete, unfair competition, and other related torts in several states, arbitrations and in various courts of appeal. Draft covenants not to compete for employers and in business transactions. Argued a state supreme court case that created new non-compete law.
 - Successfully tried several employment law cases in federal and state courts. Extensive experience in federal and state appellate courts in employment-related cases.
 - Extensive experience in ERISA-related cases representing plans, employers and administrators in several states, including successfully tried a multi-plaintiff lawsuit and obtaining summary judgments where plaintiffs sought several million in damages.
 - Advise and defend employers on whistleblower/retaliation claims, such as claims under the Sarbanes-Oxley Act and Dodd-Frank.
 - Obtain summary judgment for employers in lawsuits involving discrimination, harassment, retaliation, wrongful discharge, breach of contract, and employment-related torts.
 - Wage and hour litigation, including class actions under state law and collective actions under the FLSA.
 - Obtained a jury verdict for the employer in a class action case in which the class plaintiffs sought \$10 million in actual damages and \$20 million in punitive damages, which was affirmed on appeal.
 - Counsel employers on various issues concerning hiring, disciplining and terminating employees, investigating sexual harassment and employee misconduct, and covenants not to compete.
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AWARDS AND RECOGNITION

- Recognized as a Labor and Employment Star by *Benchmark Litigation*, Euromoney Institutional Investor PLC, 2021
- Recognized in *Chambers USA*, Chambers and Partners, for Labor and Employment in Texas, 2020-2021
- Named in *The Best Lawyers in America*, Woodward/White, Inc., for Litigation - Intellectual Property, 2013; Litigation - Labor and Employment, 2013-2022
- Recognized as a Stand-out Lawyer, Acritas Stars, Acritas, 2020-2021
- Featured in *D CEO Magazine's* Dallas 500, D Magazine Partners, as "one of the most influential leaders in North Texas," 2017-2019
- Recognized in *D Magazine's* "Best Lawyers in Dallas", D Magazine and Partners, 2018
- Named in *Texas Super Lawyers*, Thomson Reuters, in Employment & Labor, 2009, 2011-2013; Employment Litigation, 2010-2013, 2018-2021

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- Named in *Texas Super Lawyers Rising Star*, Thomson Reuters, in Employment Litigation and Labor and Employment Law, 2004-2005