



James J. Boutrous II

**Detroit Managing Member; Board of Directors
Detroit**

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Practice Focus

- Labor and employment counseling
- Labor and employment litigation
- Disability, Family Medical Leave Act and related leave
- Management training and education programs
- Trade secret, non-compete and unfair competition
- Healthcare

Jim is managing member of the firm's Detroit office and serves on the firm's Board of Directors. He has extensive non-compete and trade secret experience, which includes counseling, auditing and drafting agreements. Jim's national practice involves both prosecuting and defending employers in non-competition and trade secret litigation, with significant injunction hearing experience. He regularly advises healthcare clients regarding restrictive covenant, trade secret and employment issues related to physicians, sales representatives, customer account representatives, key administrators, and technical and clinical personnel. He is a member of the Non-Compete/Trade Secrets Subcommittee of the American Bar Association's Labor and Employment Law Section. Jim is also a skilled employment litigator, with trial and class action experience in employment discrimination matters, defending employers in labor arbitrations, as well as labor and employment counseling.

Jim is an author of several blogs that provide executives, managers, human resources professionals, and labor relations personnel with easy-to-understand, accurate and informative articles on the latest legal developments and how to apply them in the workplace.

Jim earned a J.D. from Wayne State University in 1995. He received a B.A., with honors, from the University of Notre Dame in 1992.

Representative Cases/Matters

Labor and Employment – Employment Litigation

Representative trial and litigation matters:

- Successfully defended a wage and hour class action for a large healthcare organization in the metro-Detroit area involving home health companions. The matter was filed in the United States District Court for the Eastern District of Michigan.
- Obtained summary judgment for a large healthcare organization in the metro-Detroit area involving

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claims of national origin and age discrimination and retaliation. The case was filed in the United States District Court for the Eastern District of Michigan.

- Successfully resolved FMLA, age, race, and retaliation matter for a Fortune 500 steel and elevator manufacturer and automotive supplier. The matter was filed in the United States District Court for the Central District of Illinois.
- Successfully resolved ADEA complaint for Tier 1 automotive supplier. The matter was filed in the United States District Court for the Eastern District of Michigan.
- Successfully resolved FMLA, ERISA, and ADA complaint for Tier 1 automotive supplier. The matter was filed in the United States District Court for the Eastern District of Michigan.
- Represented national dialysis company in ERISA and wage hour complaint. Through discovery convinced plaintiff to drop entire case for \$0 and matter was then dismissed with prejudice. The case was filed in the United States District Court for the Eastern District of Michigan.
- Received summary judgment representing individual supervisor for regional emergency response company in sex harassment and retaliation lawsuit filed by three former employees. The case was filed in the Wayne County Circuit Court, State of Michigan.
- Received summary judgment for Fortune 500 energy infrastructure company in an age discrimination lawsuit. The matter was litigated in the United States District Court for the Northern District of Ohio.

Labor and Employment – Restrictive Covenant Cases

Trials and TROs:

- Represented national payroll company against former sales executive in obtaining full permanent injunction, enjoining former employee from working for competitor in multiple counties, from soliciting former customers and employees, and from otherwise using and/or disclosing confidential business information. This matter was litigated in Jefferson Circuit County Court, State of Kentucky.
- Received 18-month permanent injunction against former sales executive for national medical supplier. Relief included non-solicitation of customers and employees, as well as non-disclosure of all business information. This case was filed and litigated in the Court of Common Pleas, Cuyahoga County, Ohio.
- Obtained full TRO against former vice president for international staffing company. Injunction terms included a statewide restriction on competition and full non-solicitation and non-disclosure relief. This matter was litigated in the United States District Court for the Eastern District of Michigan.
- Received full injunctive relief against former sales executive for international staffing company. Relief included non-solicitation of customers and employees and full non-disclosure. The matter was litigated in the Oakland County Circuit Court, State of Michigan.
- Obtained full injunction against former regional vice president of large subsidiary of Fortune 500 energy infrastructure company. Relief included national restriction on working for a competitor, full non-solicit of customers and employees, and complete non-disclosure. This case was litigated in the Dickinson County Circuit Court, State of Michigan.
- Obtained full non-solicitation and non-disclosure against former sales executive for international staffing company. The matter was litigated in Harris County, State of Texas.

Admissions - Court

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- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Michigan
- U.S. Court of Appeals for the 6th Circuit

Admissions - State

- Michigan

Education

- Wayne State University
- University of Notre Dame

Honors and Awards

- Selected for inclusion in *Michigan Super Lawyers* (2010-2020)
- Named one of the *Best Lawyers in America* (2012-2021)

Professional Membership

- American Bar Association
- State Bar of Michigan
- Arab American Bar Association

Public Service and Volunteerism

- DeLaSalle Collegiate High School (Board Member 2001-2008)
- Notre Dame Alumni Club of Detroit (President)

Alerts

- CARES Act: An early analysis of the historic Coronavirus Aid, Relief and Economic Security Act
- Companies with employees in Massachusetts will be affected by non-compete agreement reform

Blog Posts

- Michigan COVID-19 Update: The Latest from the Michigan Department of Health and Human Services
- Health care providers and emergency responders under the Families First Coronavirus Response Act
- Oakland County issues new health order for screening employees and maintaining social distancing at essential businesses
- Michigan stay home, stay safe order in effect - now what?
- Michigan non-essential businesses forced to close through April 13
- Equal pay back in the limelight after US Women's Soccer World Cup victory
- Restrictive covenants and legally protecting your business in a tight labor market
- What does Supreme Court ruling on public-sector unions mean for your organization?

- Employees are free to record workplace conversations
- More restrictions on job interview questions on the horizon
- Are physician non-competition agreements under attack?
- New guide helps employers navigate the Family Medical Leave Act (FMLA)
- Mandatory sick leave is about to become a reality for federal contractors
- Employer's wellness program upheld under ADA scrutiny by EEOC
- Pre-employment drug testing: Another hot spot for the EEOC
- Direct hiring in the healthcare industry is a risky trend
- Retail giant settles testing bias case for \$2.8 million
- Bucking the trend - morbid obesity held not to constitute a "disability"
- Employers Beware: Non-Competition Agreements Under Scrutiny in Michigan
- Emoji, Emoticons, and Beyond: The New Evidentiary Frontier

News

- Nine McDonald Hopkins attorneys recognized as Michigan Super Lawyers and Rising Stars
- Lawyer of the Year honorees Riley and Welin among 42 McDonald Hopkins attorneys recognized as 2021 Best Lawyers
- Detroit attorneys meet with Wayne State Law School students at networking event
- 41 attorneys from McDonald Hopkins recognized as 2020 Best Lawyers®
- "Kelly Services Wins Attorneys Fees in Noncompete Case"
- MH Business Exchange Episode 5 informs businesses how to minimize risk when terminating an employee
- Eleven attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars
- 35 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2018
- 39 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers 2017
- Twelve attorneys at McDonald Hopkins honored as Michigan Super Lawyers and Rising Stars
- 41 attorneys at McDonald Hopkins selected for inclusion in Best Lawyers® 2016

Podcasts

- Episode 05: Terminating an employee while protecting your business

External Publications

- "The National Labor Relations Board Strikes Down Overbroad Social Media Policy," RBMA Monthly Legal Update Digest October 2012
- "The New (Old) Rules: EEOC Issues Guidance on Use of Arrest and Conviction Records in Employment Decisions," RBMA Monthly Legal Update Digest July 2012
- "Time to Evaluate Your Recruiting, Hiring and Accommodating Practices," RBMA Monthly Legal Update Digest May 2012
- "Personal Emails on Work Computers: Are They Fair Game for Employers?" RBMA Monthly Legal Update Digest April 2012
- "Wage and Hour Compliance: Essential to Avoid Litigation in Healthcare Industry," RBMA Monthly Legal Update Digest April 2012

- MDTC: Non-Competition and Trade Secret Agreements and Litigation – Protect Your Clients’ Business Information and Most Valued Relationships (2005)
- “Patient v. Practice” – Non-Competition Agreements for Physicians (2006)
- Crain’s Detroit Business: Noncompete Agreements: One Size Doesn’t Fit All (2008)
- Michigan Lawyers Weekly: Controlled Delete – Safe-Harbor Provision in New E-Discovery Rules Protects Against Inadvertent Data Disappearance (2009)
- Employment Law360: Non-Compete Agreements: Choice of Law Matters (2009)

Events

- Restarting Healthcare: Readiness, Risk and Response | Thursday, May 21, 2020
- Ready to Restart: Employment Law Reopening Readiness, Risks, and Responses | Wednesday, April 29, 2020
- 2018 MISHRM Conference & Exhibition | Wednesday, October 17, 2018

Speaking Engagements

- “Avoiding Legal Pitfalls in a Social Media World,” Social Media Week, Miami, Florida, February 2013
- "Managing Employer Risk and Liability," Sterling Insurance Group, Sterling Heights, Michigan, January 2013
- Sterling Education Services, LLC: Practical Applications of Employment Law (2003)
- ICLE Intellectual Property Spring Seminar: A Multi-State Survey on Employment and Non-compete Agreements in the IP Landscape (2006)
- State Bar of Michigan: The Age of Electronic Discovery – Are You Ready? (2007)
- State Bar of Michigan Labor and Employment Section “Spring” – Board: E-Discovery – How to Ask for the Right Stuff (2008)
- InsideCounsel: Your Assets are at Risk – Three Easy Steps to Protect Them (2009)