Seth T. Ford

Partner

Atlanta

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Businesses choose Seth for his consistent advice and strategic thinking. His wide-ranging experience in labor negotiations, arbitrations, restrictive covenants, and crucial trade secret and employee piracy concerns makes him sought-after for employers facing challenges by competing businesses and unions.

OVERVIEW

On behalf of clients ranging from startups to *Fortune* 100 Companies, in union and nonunion settings, Seth litigates and advises on matters involving confidentiality and noncompete agreements, trade secret misappropriation, union activities and unfair labor practices, investigations of employee misconduct, whistleblowing, discrimination, and wage and hour laws. He has successfully litigated labor and employment matters as lead counsel in more than a dozen states and throughout the southeast, including a variety of class and collective action claims. Seth regularly provides counsel to clients engaged in IT and software-based business consulting, heavy equipment manufacturing, nuclear and electric utilities, construction, forest products manufacturing, and protein and dairy production. In addition to his experience before trial courts, Seth has extensive experience before appellate courts and has represented clients in more than 100 labor arbitrations.

REPRESENTATIVE MATTERS

Union Related Matters

- On behalf of large, multinational corporation, led privileged investigation into allegations by union in unfair labor practice charges filed in six different regions alleging failure to hire based on anti-union animus.
- Routinely advises, directs and conducts investigations in all manner of misconduct by covered employees to establish cause for discipline and/or discharge, including safety violations, drug testing, and use of confidential information.
- Served as national counsel and lead negotiator for a federal security contractor in bargaining multiple labor agreements.
- Successfully opposed a union petition to certify micro-units and accrete them to existing bargaining unit within electric utilities company.
- Served as lead counsel for food service provider/protein producer in a post-petition decertification campaign.
- Advised and directed whole-scale reorganization of a construction company’s corporate structure to effect double-breasted company with separate division isolated from bargaining unit.

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- Served as lead negotiator for a dairy cooperative during negotiations preceding re-designed production model, work schedule, and capital improvements.
- Successfully arbitrated the discharge of nearly 20 unionized employees at a single arbitration over weeks of hearings resulting in complete victory for the company on all discharges.
- Served as lead negotiator for a regional steel products manufacturer in bargaining substantial changes to work rules amidst tariff challenges.
- Successfully managed union avoidance campaign on behalf of a southeastern paper manufacturer under NLRB quickie election rules.
- Served as lead negotiator on behalf of a federal security contractor in bargaining labor agreement with significant changes to health and welfare contribution methods under the Affordable Care Act and Service Contract Act.
- Successfully defended and presented oral arguments on behalf of multiple energy companies before D.C. Circuit Court of Appeals in overturning various unfair labor practice findings by the NLRB regarding changes to retiree benefits.
- Arbitrated more than 100 labor disputes with 12 consecutive victories for a single client, with victories ranging from disputes involving replacement of workers with robot technology to employee discipline or discharge for substance abuse policies.
- Served as lead counsel on behalf of a forest products company in obtaining NLRB recommendation for union withdrawal of unfair labor practice charge alleging that more than 200 sub-contracts were unlawful under the National Labor Relations Act.
- Regularly advises regional nuclear power company and federal security contractor in employment law disputes and traditional labor issues, including strike preparation, collective bargaining agreement disputes and arbitrations.
- Served as lead negotiator for companies at locations throughout the U.S. across a variety of industries.

Employment and Restrictive Covenant Matters

- On behalf of large regional insurer, conducted internal investigation and generated detailed written report within in-house counsel department of more than thirty attorneys involving allegations of discrimination, harassment and retaliation by multiple counsel against general counsel.
- In a variety of industries across the United States, routinely leads and directs computer forensics review and internal investigations of employee trade secrets misappropriation.
- In multiple matters involving equity holders and c-suite executives, led internal investigation into allegations of a variety of misconduct, including breach of fiduciary duty, harassment, defamation, and trade secret misappropriation.
- Served as lead counsel in first published decision in Georgia (and one of the first in the nation) under the federal Defend Trade Secrets Act, resulting in dismissal of all claims against client and sanctions against opposing counsel on behalf of national technology services company.
- On behalf of steel products distributor and sales candidate, obtained hearing and consent injunction within eight days of initiating action to invalidate noncompete on way to achieving favorable settlement.
- Following multiple hearings in pursuit of trade secrets misappropriation claim against former programmer and direct competitor of SAAS client, obtained permanent injunctive relief against both defendants prohibiting use of client trade secrets and mandatory purge of data from defendant’s systems.
- In misappropriation of trade secrets action, obtained order enjoining former sales employee from contacting more than 300 customers for one year and permitting inspection and purging of competitor’s hard drives. Obtained hearing within five business days of filing.
- On behalf of heating and cooling system manufacturer, utilized forensic data recovery to demonstrate trade secrets misappropriation by defecting product engineer; prior to suit, achieved termination of engineer from employment by competitor and purge of data from competitor’s computer systems.

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- On behalf of defendant and prior to any preliminary injunction hearing, negotiated resolution of action in financial services industry alleging trade secret misappropriation, breach of fiduciary duty of loyalty, breach of customer nonsolicit contract, and tortious interference with business relations.
- Utilized extensive forensic data recovery to successfully negotiate pre-suit resolution of trade secrets misappropriation dispute within printing industry.
- In claims asserting division-wide discriminatory business practices towards customers, obtained dismissal on the merits and without payment of any settlement money.
- Within a six month period and without payment of any settlement money, obtained dismissal of four separate harassment and discrimination lawsuits on behalf of a regional life insurance provider.
- Successfully defended and presented oral arguments before Eighth Circuit Court of Appeals on behalf of a retail chain accused of sexual harassment and tort of outrage.
- Obtained summary judgment and an award of attorney fees in defending a forest products company against former manager's claims of discriminatory discharge.
- Obtained summary judgment on behalf of employer in suit alleging wrongful discharge and harassment based on race and age in violation of Title VII and the Age Discrimination in Employment Act.
- Obtained summary judgment as lead counsel in defending multiple claims of discriminatory discharge and violations of Family Medical Leave Act.
- Obtained summary judgment and successfully defended Canada-based wood products company before Eighth Circuit Court of Appeals against claims of disability discrimination based on HIV status and alcoholism.
- Trial counsel for one of North America's largest insurance adjusting companies while defending class action involving multimillion-dollar claims for fraud and violation of the Fair Labor Standards Act.
- Lead counsel in successfully defending largest privately held forest products company in the U.S. against dozens of employment claims of all types throughout the southeast.

AWARDS

- *Best Lawyers in America®:* Employment Law – Management (2022-2027)
- *Benchmark Litigation:* Labor and Employment Star (2021, 2023)
- Selected as a Rising Star in Labor & Employment by *Law & Politics* and *Atlanta Magazine* (2009-2012)

TOP AREAS OF FOCUS

- Corporate Espionage Response Team
- Employment Counseling
- Labor + Employment
- Labor + Employment Litigation + Dispute Resolution
- Noncompete + Trade Secrets
- Traditional Labor

ALL AREAS OF FOCUS

- Business Litigation
- Corporate Espionage Response Team
- Employment Counseling
- Immigration
- Labor + Employment

- Labor + Employment Litigation + Dispute Resolution
- Litigation + Trial
- Noncompete + Trade Secrets
- Privacy + Cyber
- Traditional Labor

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Past member, Board of Directors, Senior Connections. Inc.
- Federal Bar Association
- Arkansas Bar Association
- Texas Bar Association
- State Bar of Georgia (Trial Practice and Employment Law Sections)
- Atlanta Bar Association
- Atlanta Lawyer's Club

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Arkansas School of Law, J.D., 1997, member, Board of Advocates; Co-champion, William H. Sutton Trial Advocacy Competition; member, National Trial Advocacy Team
- University of Arkansas, B.A., 1994

BAR ADMISSIONS

- Arkansas
- Georgia
- Texas

COURT ADMISSIONS

- Supreme Court of the United States
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Southern District of Georgia
- U.S. District Court, Northern District of Georgia
- U.S. District Court, Middle District of Georgia
- U.S. District Court, Eastern District of Arkansas
- U.S. District Court, Western District of Arkansas
- Arkansas Court of Appeals
- Arkansas Supreme Court
- Court of Appeals of Georgia
- Supreme Court of Georgia

- Texas Court of Appeals
- Texas Supreme Court
- District of Columbia Court of Appeals

CLERKSHIPS

- U.S. District Court, Western District of Arkansas, 1997-2001

SPEAKING ENGAGEMENTS

- Presenter, “Corporate Investigations in the Unionized Environment,” Client Invitation, August 2022.
- Co-presenter, “The Biden Administration: Changes in Labor and Employment Policies and Laws,” Troutman Pepper, May 6, 2021.
- Co-presenter, “NLRB Investigations and Developments,” Nuclear Human Resources Group, May 2016.
- Panel presenter, “What Do Arbitrators Like?,” 2015 Louisiana-Mississippi Labor Management Conference, July 2015.
- Co-presenter, Employee Discipline, “HR Steps for Success” Seminar Series, July 2015.
- Co-presenter, “Restrictive Covenants to for Corporate Lawyers,” June 2015.
- Panel presenter, “The Long Arm of Labor,” Quickie Elections and the Expansion of Section 7 Rights, Rule of Law Defense Fund Senior Staff Policy Retreat, May 2015.
- Guest speaker, “Oral Arguments and Advocacy,” Georgia State University School of Law, Lawyering Foundations Program, April 2015.
- Attorney instructor, Emory University School of Law Trial Techniques Program, 2010–2015.
- Panelist, “The Current State of Employment Discrimination,” Emory University School of Law, February 2014.
- Presenter, “Hiring Competitors’ Employees,” Employment Law Seminar, October 2012.

PUBLICATIONS

- Co-author, “Return-to-Office Mandates: What ADA-Covered Employers Need to Know,” *Troutman Pepper Locke*, August 26, 2026.
- Co-author, “The False Claims Act Confronts DEI and DBE Programs,” *Troutman Pepper Locke*, January 26, 2026, and the *Temple 10-Q*, May 6, 2026.
- Co-author, “Supreme Court Strikes Down Sixth Circuit Rule Heightening Discrimination Standard for Members of Majority Groups,” *Troutman Pepper Locke*, June 12, 2025.
- Co-author, “Texas Court Temporarily Enjoins FTC Noncompete Ban Rule,” *Troutman Pepper*, July 5, 2024.
- Co-author, “DOL Publishes Final Independent Contractor Rule,” *Troutman Pepper*, January 16, 2024.
- Co-author, “Department of Labor Introduces New Proposal to Revise Salary Threshold,” *Troutman Pepper*, September 1, 2023.
- “DOJ Evolves Its Strategy of Increased Criminalization of Employment Restrictions Under Antitrust Laws,” *Troutman Pepper*, December 13, 2022.
- “Much Ado About Nothing: Closing the Door on Higher Salary Requirements for Overtime Exemptions,” *HR Law Matters Blog*, September 5, 2017.
- “The Defend Trade Secrets Act, What Does it Really Mean for Employers? The Good, the Bad and the Ambiguous, Parts 1-4,” *HR Law Matters Blog*, 2017.
- Chief editor, *Georgia Human Resources Manual, A Guide to Georgia and Federal Employment Laws and Regulations, American Chamber of Commerce Resources*, 2006–2017 editions.

- “Persuader Rule Update: Agreements Before July 1 Not Subject to Disclosure; Ruling on Lawfulness of Persuader Rule Issued,” *HR Law Matters Blog*, June 28, 2016.
- Co-author, “Cyber threats and Online Defamation: Options When Former Employees Won’t Let Go,” *HR Law Matters Blog*, February 13, 2015.

MEDIA COMMENTARY

- Quoted, “State of the Union,” *Middle Market Growth*, Summer 2022.
- Quoted, “Resignations Shake up Cybersecurity, Labor Relations, and the C-Suite,” *Middle Market Executive*, Winter 2022.
- Quoted, “Abusive Language Ruling Clarifies Workplace Rules: Experts,” *Business Insurance*, August 4, 2020.
- Quoted, “Stop Trouble Before It Starts With a Refusal of Service Policy,” *Westlaw*, August 2018.
- Quoted, “Attorneys React to High Court’s Tyson Class Action,” *Law360*, March 2016.