



Theresa M. Sprain

Shareholder

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Theresa Sprain represents businesses of all sizes in labor and employment litigation and provides advice and counsel to clients across various industries, including manufacturing, technology, health care, and retail.

With more than 25 years of experience, Ms. Sprain is adept at defending employers of all sizes in labor and employment disputes in state and federal courts. She routinely represents employers in matters such as discrimination or retaliation claims, drafting and litigating employment agreements and restrictive covenants, and reductions in force and separation agreements. Ms. Sprain also has extensive experience in conducting high-level, complex, and often urgent internal investigations on behalf of employers related to harassment, misconduct, and/or discrimination claims. She is also well-versed in guiding and counseling clients through employment-related agency investigations, such as those led by the Equal Employment Opportunity Commission (EEOC) and Department of Labor (DOL).

Ms. Sprain regularly advises on general employer and HR-related needs in addition to specific needs resulting from corporate transactions, including ensuring compliance with relevant state and federal labor laws and the preparation of policies and handbooks. She understands the importance that a solid employment agreement holds in the context of corporate transaction deals and is highly knowledgeable about the intricacies that result from the combining of, or separation of, two or more organizations. She advises on strategies for minimizing risks related to the organization's employees and workforce through due diligence on matters, such as employee classifications, litigation risks, and restrictive covenant issues. Ms. Sprain also advises employers routinely and in post-closing environments on compliance issues, policies, and other integration matters.

Prior to joining Baker Donelson, Ms. Sprain practiced labor and employment law at an international law firm.



Representative Matters

- Trial counsel defending an international manufacturing company against claims of gender discrimination.
- Defended an international technology company in claims of gender harassment and discrimination.
- Represented a national retailer in claims of age, sex, and disability discrimination.
- Represented an international technology client in the successful resolution of non-competition and trade secret claims.
- Provides employment counsel and preparation of executive agreements in transactions related to software, health care, manufacturing, and other industries.



Professional Honors & Activities

- Recognized in *The Best Lawyers in America*® in the fields of Employment Law - Management, 2016 – 2026; Litigation - Labor and Employment (2018 – 2026)
- Selected to *North Carolina Lawyers Weekly's* 2024 August POWER List for Employment Attorneys in North Carolina (2024)



Publications

- "Protect Trade Secrets Now While FTC's Noncompete Ban Is Paused," *Bloomberg Law* (August 2024)

- "Non-Competes Still Play but Employers Need to Keep Their Eye on the Ball" (August 2024)
- "Guardians of the Goldmine: Building an Effective Confidentiality Program" (August 2024)
- "Employers Should Consider Alternative Protections to Address Lack of Clarity Around Non-Compete Rule" (July 2024)
- "All Eyes on Pennsylvania Federal Court After Texas Court Issues Limited Injunction Against FTC Non-Compete Ban," republished in *Texas Lawyer* (July 2024)



Speaking Engagements

- Co-presenter – "The Evolving World of Non-competes," 27th Annual Urgent Legal Issues for the Modern Business (April 2025)
- Presenter – "Rules Update," The Association for Home and Hospice Care of North Carolina webinar (March 2024)
- Panelist – "Agile Work Programs – The Good, The Bad, and the Uncertain," Association of Corporate Counsel's Triangle Area Chapter (November 2022)
- Panelist – "Employer Vaccine Mandates – The Good, The Bad and The Ugly," PrivacyConnect Raleigh-Durham (November 2021)
- Co-presenter – "Strategies for Uncertain Times: Management and Legal Perspectives for the Specialty Chemical Industry," Society of Chemical Manufacturers and Affiliates (SOCMA) Webinar (December 2020)
- Co-presenter – "Safe and Sound: Protecting Employee Privacy and Company Data in the Era of Coronavirus," Association of Corporate Counsel's National Capital Region Chapter (May 2020)
- Panelist – "COVID-19 Risk Management: Data Privacy Challenges for Employers," Association of Corporate Counsel's Houston Chapter (April 2020)
- Co-presenter – "Getting it Right When it All Goes Wrong: Successful Compliance Programs and Crisis Management," Association of Corporate Counsel's Triangle Area (January 2020)



Webinars

- Neurodiversity in the Workplace: Legal Considerations and Business Strategies (May 2025)
- Protecting Your Competitive Edge and Avoiding Agency Enforcement (April 2025)



Education

- Wake Forest University School of Law, J.D., 1997
- Willamette University, B.A., 1994



Admissions

- North Carolina, 1997
- All North Carolina State and Federal District Courts
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Supreme Court