



THOMAS H. SEGARS

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OVERVIEW

Tom Segars litigates complex business disputes. He represents both plaintiffs and defendants from many different industries in a wide variety of business cases.

Tom understands the importance of learning early in every engagement what his clients realistically hope to achieve. Tom recognizes that litigation is often a useful means to an end, but rarely a core business strategy for his clients. He believes that litigators must not lose sight of their clients' broader business goals, and he assists clients in developing litigation strategies that are consistent with their overall objectives. He helps his clients evaluate and pursue any opportunities to minimize legal expenses while reaching favorable business outcomes.

When resort to the litigation process is necessary, however, Tom has the experience to help clients successfully navigate all stages of litigation, including trial. Tom has had primary responsibility for conducting pleading, discovery, and pre-trial motion practice in more than 100 federal and state court matters. He has extensive arbitration, jury trial, and bench trial experience, and has also handled appeals in state and federal courts.

A significant portion of Tom's cases arise from the departure and subsequent competition of key employees, officers, business partners, and/or sellers of businesses. He has litigated many so called "departing employee" cases that involve bids for emergency injunctive relief; expedited forensic discovery; covenants not to compete or solicit; tortious interference claims; fiduciary duty claims; and unfair and deceptive trade practice claims. Through these experiences, Tom has become familiar with the law and strategic considerations that frequently come into play in this context.

Tom graduated from Wake Forest University (B.A., *magna cum laude*, 1997) and the University of North Carolina School of Law (J.D., with *High Honors*, *Order of the Coif*, 2000). During 2001 and 2002, he served as a law clerk to the Honorable Jane R. Roth of the United States Court of Appeals for the Third Circuit.

When he is not practicing law, Tom enjoys spending his time with his wife and two daughters, especially when they are travelling, camping, or hiking together. He loves to watch his daughters pursue their gifts and passions: violin, ballet, and competitive rock-climbing. Tom and his family are also active parishioners at Our Lady of Lourdes Catholic Church in Raleigh.

Tom credits his mother, an entrepreneur and business consultant, with sparking his interest in the law. After witnessing how valuable good legal counsel can be for a small-business owner like his mother, Tom knew that he wanted to serve others as a lawyer.

CREDENTIALS

EDUCATION

- ▶ J.D., University of North Carolina School of Law, 2000
 - ▶ Honors: High Honors
 - ▶ Order of the Coif
 - ▶ Chancellors Scholar
 - ▶ Judge Heriot Clarkson Professional Responsibility Award, 1998
 - ▶ Gressman-Pollitt Award for Oral Advocacy, 1998
 - ▶ Louis Jackson National Student Writing Competition award winner and scholarship recipient, 2000
 - ▶ Law Review: *North Carolina Law Review*, Staff Member, 1998-1999
- ▶ B.A., Wake Forest University, 1997
 - ▶ Honors: *magna cum laude*

COURT ADMISSIONS

- ▶ North Carolina
 - ▶ Eastern District of North Carolina
 - ▶ Middle District of North Carolina
 - ▶ Western District of North Carolina
 - ▶ Fourth Circuit Court of Appeals
 - ▶ U.S. Supreme Court
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PRESENTATIONS/PUBLICATIONS

- ▶ *What's Fair*, Firm Blog, Contributing Author
 - ▶ *Damage Control or Control Damages? How Corporate Counsel Can Take Care of the Brand and Legal Arguments in a Crisis*, Corporate Counsel Section of the North Carolina Bar Association Annual Meeting and Continuing Legal Education Program entitled Taking Care of Business: How Good Lawyers Become Great Business Partners, Cary, NC, January 25, 2019
 - ▶ *The Inside Job: Cybersecurity, Trade Secret Protection, and Departing Employee Data Theft*, Association of Corporate Counsel-Research Triangle Area Chapter, Cary, NC, May 16, 2018
 - ▶ Warn and Be Forewarned: The Importance of Clear Upjohn Warnings (and the Potentially Catastrophic Consequences of Not Providing Them), Association of Corporate Counsel-Research Triangle Area Chapter, Cary, NC, November 9, 2016
 - ▶ *Ethical Issues Arising in Antitrust and Other Corporate Criminal Investigations*, Antitrust & Trade Regulation Section of the North Carolina Bar Association Annual Meeting and Continuing Legal Education Program entitled Current Issues in Healthcare and Pharmaceutical Competition Law, Cary, NC, February 9, 2012
 - ▶ *Pitfalls of Oral Argument: Appellate Advocacy Gone Wrong*, American Bar Association Section of Litigation Continuing Legal Education Program in Appellate Practice for Young Lawyers, Durham, NC, November 18, 2011 (with Stephen Feldman and [Paul Sun](#))
 - ▶ *The State of Standing Requirements in North Carolina—an Update*, North Carolina Institute for Constitutional Law Third Annual Continuing Legal Education Course entitled *From Lobbying & Election Reforms to Corruption Scandals: Piecing Together Constitutional Restraints*, Raleigh, NC, January 18, 2007
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AWARDS/RECOGNITION

- ▶ North Carolina *Super Lawyers* Magazine, Business Litigation, General Litigation, Intellectual Property Litigation (2010-2021)
 - ▶ *The Best Lawyers in America*®, Commercial Litigation (2013-2022), Litigation-Intellectual Property (2018-2022)
 - ▶ *Business North Carolina*, Legal Elite, Litigation (2013, 2021)
 - ▶ Peer review rating of AV® in Martindale-Hubbell
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EXPERIENCE

PRIOR WORK EXPERIENCE

- ▶ Associate, Moore & Van Allen, PLLC, 2000-2001 & 2002-2003
- ▶ Clerkship, United States Court of Appeals for the Third Circuit, Hon. Jane R. Roth, 2001-2002

UPDATES

NEWS POSTS

- ▶ [Ellis & Winters Named to 2022 "Best Lawyers in America" List](#)
- ▶ [Tom Segars and Jamie Weiss Appear on Courtroom Sciences Podcast](#)
- ▶ [Ellis & Winters Attorneys Recognized as 2021 Super Lawyers®](#)
- ▶ [Preetha Suresh Rini to Speak at Annual CLE](#)
- ▶ [Business North Carolina Announces 2021 "Legal Elite"](#)

BLOG POSTS

- ▶ [A Honey Boo Boo? The Ninth Circuit Discusses Bees, the "Reasonable Consumer," and the Intersection of Federal Labeling Law and Section 75-11](#)
- ▶ [Out of this World: One Employee's Section 75-11 Claim Against His Former Employer](#)
- ▶ [Wire-Transfer Phishing in Recent Section 75-11 Case Follows a Familiar Fact Pattern](#)
- ▶ [All I Want Is a Remedy: The Black Crowes Argument Against a *HAJMM* Sandwich](#)
- ▶ [The Californians: A Federal Court in the Golden State Weighs in on the Economic-Loss Rule](#)