HUSCH BLACKWELL



Thomas P. Godar

OF COUNSEL

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OVERVIEW

When employers call Tom about business problems that keep them up at night, he listens closely and then guides them to their goals—and a better night's sleep.

Practicing healthcare employment law can mean sorting out complicated facts and strong emotions. As he develops solutions, Tom is guided by his close working relationships with clients and his understanding of their business. Tom also represents construction, nonprofit and small-business clients.

Tom advises employers on issues such as wage and hour claims, discrimination claims, confidentiality and noncompete agreements, independent contractor relationships, recruiting and retention, policy development, training and discipline. He represents clients before the National Labor Relations Board, the Wisconsin

> *"We are extremely pleased with all of Husch Blackwell's work on this deal. Tom [Godar] and Paul [Karch] provided incredible expertise throughout the long negotiations. They had an amazing ability to understand all the moving parts and quickly resolve issues. And their genuine interest and friendship gave us the confidence we needed to keep moving forward."*
>
> — Peter Pakalski, President, Granite Resources Corp.

Industry

Healthcare

Services

Construction & Design

Construction Litigation

Employment Class & Collective Actions

Healthcare Labor & Employment and Immigration

Healthcare Litigation

Healthcare Providers

HR Consultation & Training

Labor & Employment

Medical Staff & Governance

Non-Competes & Restrictive Covenants

Pay Equity

Traditional Labor Relations

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Employment Relations Commission, and other state and federal administrative agencies. Tom is a thought leader in his area, hosting the HB Labor Law Blog, and writing and speaking frequently on emerging issues such COVID impact on employers, pay equity considerations and how politics impacts labor policy.

Whether clients need guidance on high-stakes business sales or expansions, day-to-day operations or litigation, Tom is there for them.

Featured Experience

Healthcare Client Successfully Navigates Critical Transitions

The board chair and board of a healthcare institution sought to terminate their chief executive officer, an action the CEO challenged. Tom advised the board on interim leadership and proper steps under the bylaws to accomplish the termination. Tom successfully negotiated a severance agreement, achieved without disruption in services, fractious litigation or negative press.

Tom then helped the board with issues of conflicts of interest when it identified the chairman as a CEO candidate. He negotiated a mutually agreeable employment contract. The new CEO then sold portions of the business and reorganized the internal organizational chart with assistance from Husch Blackwell. Finally, Tom guided this organization through the successful change from a for-profit organization to a not-for-profit.

Experience

LABOR & EMPLOYMENT

- Represented CEO recruited into large hospital system by negotiating executive agreement, mindful of "fairness" test applied to compensation and benefits for not-for-profit executives.
- Provided training and new models for developing corporate culture consistent with goals of #MeToo movement.

LITIGATION

- Successfully defended employer accused of violating state and federal wage and hour laws in class and collective action by reducing scope of claimed class, undermining key element of proof of work performed off the clock and negotiating resolution that was a fraction of damages plaintiffs anticipated.

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Experience

- Defended gender-based discrimination claims at administrative level based on aggressive initial investigation, thorough Statement of Position on employer's behalf and careful review of applicable state and federal laws at issue.
- Obtained summary judgment and subsequently defended Fair Labor Standards Act (FLSA) summary judgment at Seventh Circuit Court of Appeals.
- Secured reversal of million-dollar verdict for employee in successful appeal to California Court of Appeals.

ANCILLARY SERVICE PROVIDERS

- Advised growing transport service for individuals with disabilities on wage and hour compliance, adoption of new policies and job descriptions, and new hiring process and handbook.
- Developed and led plan that combined into one organization two healthcare trade associations committed to providing opportunities for the disabled. As member of new association's board of directors, continues to offer direction and counsel to providers of residential and day programs for the disabled.
- Represented clinic in successful effort to provide magnetic resonance imaging services at area hospitals, avoiding Stark and anti-kickback traps.
- Untangled billing issues related to private insurers for company providing in-home dialysis.

HOSPITALS AND HEALTH SYSTEMS

- After hospital system underwent significant restructuring, defended against departing executive's claim for extensive severance benefits based on previously negotiated agreement. Successfully resolved claim with mutually agreed-upon agreement and release representing less than 50 percent of contract claim.
- Restructured relationship between orthopedic clinic and local hospital.

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Experience

PHYSICIANS AND OTHER PROFESSIONALS

- Advised multispecialty clinic in assessing risks and responding to long-term partner's injury and subsequent leave of absence and impact upon other physicians and patients. Identified steps to structured and respectful response while protecting medical and financial interests of other clinic shareholders.
- Reviewed and reorganized all ownership, employment and compensation-related documents for multispecialty clinic.

LABOR AND MANAGEMENT RELATIONS

- Negotiated employment agreements against challenges of Wisconsin's right-to-work law and labor unions' demand for regular dues deductions by employer.
- Acted as chief spokesman at bargaining table for employer who had purchased several unionized plants and had not previously engaged in collective bargaining activities. Engineered withdrawal from union pension and healthcare plans.

OTHER

- As key member of the firm's CARES Act resource team, advised clients on accessing COVID-19-driven financial assistance, including Paycheck Protection Program (PPP), Economic Injury Disaster Loans (EIDL) and Main Street Lending Program.
- Represented owners in $12 million sale of 16 Wisconsin cemeteries and a granite monuments business to NYSE-traded company.

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Recognition

- *Benchmark Litigation*
  - Labor & Employment Star - Midwest, 2018-2021
- *The Best Lawyers in America®*
  - Employment Law - Management, 2011-2027
  - Labor Law - Management, 2011-2027
  - Litigation - Labor & Employment, 2011-2027
  - Labor & Employment Law, 2009-2012
  - Best Lawyers® Litigation - Labor & Employment "Lawyer of the Year," 2017
- *Wisconsin Super Lawyers*, 2008-2020
- Martindale-Hubbell AV Preeminent
- 2018 Top Rated Lawyer in Construction Law - ALM

Education

- J.D., University of Wisconsin Law School
  - *cum laude*
- B.A., University of Wisconsin-Madison
  - *cum laude*
- Telugu Diploma, Andhra University

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Admissions

- U.S. District Court, Eastern District of Wisconsin
- Wisconsin
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Supreme Court

Community Leadership

One of Tom's greatest satisfactions is mentoring and counseling young adults. He and his wife have provided premarital counseling and accepted invitations to perform marriages in the United States and Mexico for several couples.

- Wisconsin Chamber Orchestra, Board of Directors
- Okauchee Lake Management District Board, Secretary
- Kettle Moraine Curling Club, Wisconsin State Curling Association, Board of Directors
- U.S. Curling Association, Volunteer Ethics Committee



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