

*Paul focuses his practice on helping companies manage two of their most valuable resources: their workforce and their intellectual property (IP). Managing these resources involves two key phases—planning and protecting. Paul assists companies with both.*



## Paul R. Smith

Shareholder | Salt Lake City

### Biography

Planning how to manage a company's workforce and IP can take many forms. From a workforce standpoint, Paul works with companies to ensure they have appropriate terms, conditions, and policies governing their employees. This often takes the form of reviewing, drafting, and revising employee handbooks and employment agreements, including non-solicitation and non-compete agreements. Paul also frequently provides trainings for HR managers, supervisors—and employees at every level—on various topics, including harassment, workplace civility, and conflicts of interest.

To assist companies in managing their IP—for example, proprietary concepts and ideas, confidential information, and brand recognition—Paul performs IP portfolio audits, first investigating the protective strategies the companies are currently employing and then recommending alternative or additional measures to be implemented. Paul has years of experience in obtaining federal registrations for trademarks and copyrights, and developing strategies to protect trade secrets.

While planning is a crucial step in managing workforce and IP, it's not enough by itself—companies must also protect themselves. In the employment arena, Paul regularly defends companies against discrimination, retaliation, and wrongful termination claims brought under the ADA, FMLA, ADEA, USERRA, Title VII, and state law. Sometimes this means simply responding to demand letters; other times it's participating in administrative investigations brought by the EEOC and its state counterparts; often it's defending against claims brought in state or federal court. Paul has experience at every stage of defense. But sometimes the best defense is a good offense. When former employees violate their non-

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### Capabilities

Employment & Labor  
Trade Secret Litigation  
Employment Litigation  
Appeals  
Trademark and Trade Dress Litigation  
Business & Commercial Litigation  
Copyright Litigation

### Licensed/Admitted

Utah

solicitation or non-compete obligations, Paul can assist companies in enforcing those obligations—from drafting cease and desist letters to filing and prosecuting lawsuits.

The need for protective action also arises in the IP context. Paul regularly litigates trademark, trade-dress, patent, and copyright infringement cases and trade secret misappropriation cases in state and federal court. Sometimes companies find themselves enforcing their IP rights in an offensive position—as the plaintiff in a lawsuit—other times they have to enforce their rights from a defensive posture. Paul is experienced in representing IP plaintiffs and defendants.

Paul’s experience includes representing companies in other litigation contexts, ranging from general commercial and contractual disputes, to enforcing creditors’ rights in the bankruptcy context. Paul acts as legal counsel to the Special Master of two general adjudications of water rights in the State of Utah. While Paul has years of experience litigating at the trial-court level in state and federal court, he also has considerable experience at the appellate level, briefing and arguing cases before the Tenth Circuit Court of Appeals, the Utah Court of Appeals, and the Utah Supreme Court.

## Experience

### FMLA and ADA Discrimination Defense

Represented a large Intermountain region bank in two discrimination claims in U.S. District Court concerning FMLA and ADA.

## Accomplishments

### Professional

Business Editor, Arizona State Law Journal

Utah Legal Elite, Civil Litigation, 2022

Best Lawyers in America “One to Watch”

National Business Institute 2023 Outstanding Faculty Award

### Academic

Arizona State College of Law (J.D., cum laude, 2012, Willard H. Pedrick Scholar)

University of Utah (B.S., 2009, Major in Mechanical Engineering)

## Associations

### Professional

Utah State Bar

Federal Bar Association

American Bar Association

Society for Human Resource Management (SHRM)

Board Member, Jefferson Academy

## Articles

“*Employment Law Update*,” (January 17, 2023)

“*Employment Law Update*,” (August 16, 2022)

## Presentations

“Social Media: What's Not to Like About Social Media in the Workplace?,” (October 5, 2022)  
Parsons Behle & Latimer 10th Annual Idaho Employment Law Seminar

“Key Employment Laws Every New HR Professional Must Know,” (August 30, 2022)  
WECon Utah SHRM Conference

“Social Media: What's Not to Like About Social Media in the Workplace?,” (June 16, 2022)  
34th Annual Parsons Behle & Latimer Employment Law Seminar