

## John D. Smart

### Partner

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**OFTEN WORKING CLOSELY WITH COMPANIES' LEADERSHIP, GENERAL COUNSEL AND LEGAL TEAMS, JOHN BRINGS DEEP EXPERIENCE IN ALL ASPECTS OF EMPLOYEE-EMPLOYER RELATIONS. WHETHER ADDRESSING EMPLOYEE MOBILITY ISSUES, HELPING AN ORGANIZATION MAP SOUND WORKPLACE POLICY, OR DEVELOPING A STRATEGY TO ADDRESS AN EMPLOYMENT-RELATED CLAIM, CLIENTS TRUST JOHN FOR HIS INCISIVE ADVICE AND COUNSEL.**

For more than three decades, John has devoted his practice to the representation of employers, senior executives and key employees in labor, employment and immigration matters. Following a four-year stint with the U.S. Army Judge Advocate General's Corps, including two years as a Special Assistant U.S. Attorney for the Western District of Texas, John moved to Dallas in 1992 and quickly developed expertise in traditional labor and employment matters. Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization, John handles employment-based immigration matters, including both nonimmigrant visa and permanent residency applications, as well as a wide range of employment law advice and claims resolution.

## Immigration

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Currently, John leads the firm's Immigration practice group, which regularly represents employer clients seeking to secure both immigrant and nonimmigrant visas for key foreign employees. John assists clients in obtaining visas for specialty occupation workers, intracompany transferees, multinational executives and managers, treaty and trade investors, professional athletes and coaches, physicians, surgeons, nursing personnel, medical technologists, all varieties of engineers, aviation and aerospace specialists, computer and IT professionals, and outstanding researchers. He also handles family-based immigration matters for select individuals and executives. Bringing his deep experience in these areas, John actively looks for ways to improve the efficiency and affordability of his client's immigration programs.

## Employment

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On the employment side, John has extensive first-chair experience in both state and federal courts in the defense of claims under the Texas Commission on Human Rights Act, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Fair Labor Standards Act (FLSA), the Occupational Safety and Health Act (OSHA), and the National Labor Relations Act (NLRA).

John is among the few attorneys in Texas who have successfully sued labor unions in state court for tort claims not preempted by the NLRA. He also handles all forms of common law employment claims, including actions for unfair competition, violations of noncompetition and employment agreements, and claims for defamation, tortious interference with contract, intentional infliction of emotional distress and other tort actions.

In addition, John devotes a significant amount of time to human resources counseling, negotiation and drafting of employment and severance agreements, and the preparation and review of employee handbooks and personnel policies.

## Representative Experience

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- Preparation of nonimmigrant visa petitions in numerous classifications (e.g., H-1B, L-1A, L-1B, E-2, E-3, O-1A, P, TN)
- Preparation of PERM applications for labor certification in EB-2 and EB-3 classifications
- Preparation of permanent residency applications in the EB-1 extraordinary ability classification
- Permanent residency applications with National Interest Waivers
- Family-based permanent residency applications
- Motions for reconsideration and appeals of adverse U.S. Citizenship and Immigration Services (USCIS) and Department of Labor (DOL) determinations
- I-9 audits and immigration law compliance matters
- Defense of single, multi-plaintiff and class-action discrimination claims
- Prosecution and defense of unfair labor practices under the NLRA
- Client counseling in human resources and personnel matters
- Preparation and review of employment policies and handbooks

## Noteworthy

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- Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization since 1998
- Leads Bell Nunnally's Immigration practice
- Selected by attorney peers for inclusion in *The Best Lawyers in America*®, 2018–2025
- Selected for inclusion in *Texas Super Lawyers*®, Thomson Reuters, 2009–2013, 2018–2021, 2023–2024
- Featured in *Best Lawyers*® *Texas' Best Lawyers*, 2020
- Named one of the "Best Lawyers in Dallas" by *D Magazine*, 2018

## Activities and Memberships

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- State Bar of Texas
  - Member
- Dallas Bar Association
  - Member
- American Immigration Lawyers Association
  - Member
- First United Methodist Church
  - Member
- Munger Place Historic District Association
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## Publications

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- "U.S. Citizenship and Immigration Services Issues H-1B Final Rule," Bell Nunnally Client Alert, author; January 9, 2025.
- "'Amnesty' Program for Noncitizen Spouses of U.S. Citizens," Bell Nunnally Client Alert, author; August 1, 2024.

- "Immigration Concerns Relating to the COVID-19 Pandemic," Bell Nunnally Client Alert, author; March 18, 2020.
- "Let's Get Past the Rhetoric Around Immigration Reform," Law 360, author; April 28, 2015.

## Presentations

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- "Will Trump Greatly Impact Employment-based Immigration? What Your Foreign Workers Can Expect in the New Administration," Association of Corporate Counsel Annual In-House Symposium, presenter; February 27, 2025.
- "[Sexual Harassment and Misconduct in the Sports and Entertainment Industries: Redrawing the Lines](#)," DBA Entertainment, Art & Sports Law Section; January 24, 2018.
- "The Top 10 Employment Law Developments of 2016," Texas Aggregates and Concrete Association Short Course, College Station, Texas; March 3, 2017.
- "Myths versus Facts: 12 Common Employment Law Misconceptions," DallasHR (affiliate of SHRM), September 13, 2016.
- "Hiring Foreign Workers in the Hospitality Industry," CHHRMA, Austin, Texas, September 17, 2014.
- "Recent Developments in Labor and Employment Law," Texas Association of Business, Dallas Chapter; May 24, 2012.
- "Labor and Employment Law Issues - Legal Implications of Employing Undocumented Workers," Tarrant County Bar Association; October 21, 2011.
- "Immigration Issues for Contractors and Subcontractors," University of Texas Construction Law Seminar; September 22, 2011.
- "Legal Implications of Drug Testing: Avoiding Litigation," CONEXPO-CONN/AGG National Convention; March 14, 2008.
- "Keeping Retaliation Claims at Bay," Lorman Education Seminar, Ft. Worth, Texas, February 5, 2008.

## Credentials

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### Education

- JD, University of Arkansas School of Law, with highest honors, 1987
- BA, Vanderbilt University, *magna cum laude*, 1984

**Admissions**

- Texas
- Supreme Court of the United States
- United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Eleventh Circuit