

## Mike Birrer

PARTNER

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**Employment law is more than regulations and statutes. It is making critical decisions that impact the morale and safety of the workforce and that can advance or hinder business objectives. That's why, in addition to staying up-to-date on regulations and statutes, I take the time to understand my clients' business needs and strategic goals.**

Mike Birrer's national practice touches on every aspect of the employer/employee relationship. This ranges from drafting hiring policies to structuring mass layoffs. Although this has given Mike broad litigation and arbitration experience, he knows most clients want to avoid the courthouse. To that end, Mike provides employment counsel on a wide variety of legal issues, including employment policies, wage/hour compliance, safety rules, termination risks, protection of trade secrets, and the list goes on.

"Employment lawyers have to be ready for anything," Mike explains. With 30 years' experience, Mike knows, when the phone rings, he may need to discuss repercussions from a boisterous holiday party or the scope of ERISA fiduciary duties or how to adjust attendance requirements in the face of a worldwide pandemic. He's ready to have those conversations.

### OUTSIDE OF WORK

Mike is a season ticket holder or supporter of TITAS, Dallas Theater Center, the DMA, Booker T. Washington High School, and other great organizations. A big reader, he is also in a book club that has been operating continuously for more than 30 years. They meet on the first Sunday of every month. There is no overarching type of book — which keeps things interesting. Recent picks have included *Animal Farm* by George Orwell and *Trust* by Hernan Diaz.

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### AREAS OF PRACTICE

- Employment
- Litigation, Disputes, Appeals
- Real Estate, Construction, Infrastructure

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## REPRESENTATIVE MATTERS

### Retaliation Claims

- Represented a global technology company in an arbitration alleging retaliation claims when the employee was terminated shortly after raising race discrimination claims.

### Discrimination Claims

- Represented a Fortune 500 company in a sexual harassment, racial harassment, sex discrimination, race discrimination lawsuit in the Eastern District of Texas. After the jury trial was underway, a mistrial was obtained based on unproduced evidence, and then the sanctions awarded against counsel were used for plaintiff to fund settlement of the case.
- Represented a local hospital in a multi-plaintiff discrimination lawsuit in which eight respiratory therapists claimed they were terminated in violation of Title VII and Section 1981. After extensive discovery, summary judgment was granted against all plaintiffs, which the Fifth Circuit affirmed.
- Represented a national mortgage brokerage firm in a series of inter-related arbitrations with claims of age discrimination, race discrimination, sex discrimination, and retaliation. After four separate arbitration hearings, all matters resulted in findings in favor of his clients.

### ERISA

- Represented the officers of a failed restaurant venture that had created an ESOP for its employees. Multiple plaintiffs sued for breach of fiduciary duties related to the substantial drop in the company's stock. After a bench trial, the court denied all monetary relief, and the case settled soon afterwards.
- Represented a national securities firm and a broker in an ERISA fiduciary violation lawsuit alleging imprudent investments and prohibited transactions. After a bench trial, the district court entered judgment in favor of his clients and dismissed all claims with prejudice.
- Represented outside directors of a Fortune 500 company in an ERISA fiduciary violation lawsuit alleging imprudent investment in company stock. After a significant Fifth Circuit procedural victory, the case settled.

### FLSA

- Represented a Fortune 500 company in class actions and PAGA suits in California alleging unpaid overtime, meal and rest period violations, and other issues. After consolidating the suits into one action, the matter was resolved.
- Represented a manufacturer in FLSA collective action filed in Ohio alleging unpaid overtime and off-the-clock work covering facilities in four states. After early mediation, the matter was resolved.
- Represented an oil-and-gas company in a Department of Labor investigation alleging unpaid overtime and off-the-clock work of employees in three states. After working cooperatively with the DOL, the client paid disputed amounts and ended the matter with minimal attorneys' fees and minimal disruption.
- Represented an education technology company in class action and PAGA suit in California. After limited discovery aimed at showing there was not a basis for a class action, the case settled with only the named plaintiff.
- Represented an automotive technology company in individual arbitrations raising wage/hour claims under federal and Florida law. After discovery was completed, the cases settled on favorable, confidential terms in a manner that avoided additional actions.

### Counseling

- Represented a Fortune 500 company nationwide, advising on employment litigation as well as employment regulatory and compliance matters. This includes assistance with training, policies, and litigation from Texas, California, Florida, and other locations throughout the country.
- Represented a local technology start-up company in creating employment policies, procedures, and training guidance.

## Training

- Provided anti-harassment training and EEO training for property management company's employees in all offices in Texas.
- Provided training to all human resources employees of a national company on how to conduct thorough investigations.
- Provided training to all U.S. human resources employees of a global company on the interrelationship between workers' compensation, FMLA leave, ADA reasonable accommodation leave, and short-term disability benefits.

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## EDUCATION & ADMISSIONS

### Education

- Vanderbilt University, J.D., 1992; Order of the Coif, *Vanderbilt Law Review*; Moot Court Board
- Hendrix College, B.A., *magna cum laude*, 1989

### Bar + Court Admissions

- Licensed in Texas
- U.S. District Court, Eastern District, Texas
- U.S. District Court, Northern District, Texas
- U.S. District Court, Southern District, Texas
- U.S. District Court, Western District, Texas
- U.S. Supreme Court

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## HONORS & AWARDS

- *The Best Lawyers in America*® (BL Rankings), Employment Law – Individuals, Employment Law – Management, and Litigation – Labor and Employment, 2019-2026
- Leading Corporate Employment Lawyers, *Lawdragon 500*, 2024-2025
- Leading Litigators in America, Labor and Employment Litigation, *Lawdragon 500*, 2024-2025
- Dallas 500 Most Powerful Business Leaders in Dallas-Fort Worth, *D CEO*, 2024
- Best Lawyers in Dallas, Labor & Employment, *D Magazine*, 2012, 2017-2018, 2020
- Texas Super Lawyers, Employment & Labor, *Super Lawyers* by Thomson Reuters, 2020-2026
- Top-Rated Lawyer, Labor & Employment Law, *Fortune*, 2013
- Texas Rising Stars, *Super Lawyers* by Thomson Reuters, 2004-2007
- AV Preeminent, Martindale-Hubbell

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## PROFESSIONAL & COMMUNITY INVOLVEMENT

- Member, Dallas Bar Association; Labor and Employment Section
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- Member, Texas Bar Foundation
- Board Member, United Way Foundation (Metropolitan Dallas)
- Board Member, Lumin Education (Charter School)
- Board Member, Arts Mission Oak Cliff
- Advisory Board Member and Past President, Creative Arts Center of Dallas
- Past Executive Board Member, Meadows School for the Arts, Southern Methodist University
- Council Member and Past President, Booker T. Washington High School for the Performing and Visual Arts
- Former Vice Chair, City of Dallas Landmark Commission
- Leadership Dallas, Dallas Regional Chamber of Commerce