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Overview

Mr. Michalski is a highly accomplished labor and employment defense attorney with over 25 years of experience representing management in California state and federal courts in complex, class action, and single-plaintiff matters. He has obtained highly favorable results for employers as first-chair in hundreds of adversarial proceedings including jury trials, bench trials, administrative trials, and arbitrations. He has handled successfully matters in all types of employment disputes including claims of discrimination, harassment, retaliation, wrongful termination in violation of public policy, defamation, breach of contract, fraud, negligent misrepresentation, interference with contract and prospective economic advantage, Unruh Act violations, and unfair competition. He also has resolved favorably dozens of wage and hour class action cases and dozens of cases involving California Private Attorneys General Act (PAGA) claims.

Mr. Michalski litigates cases effectively but also efficiently, with the goal of resolving matters favorably with the minimal expense possible. Having served in-house as a Chief Legal Officer of a multi-state employer for several years, he recognizes the serious disruption and financial drain that litigation poses to his clients' businesses. He thus partners with his clients to determine how to best protect their interests from a business owner's perspective and not simply an outside attorney's perspective. Providing exceptional value is a driving principle of Mr. Michalski's practice.

Besides handling adversarial proceedings, Mr. Michalski routinely advises clients in daily employment law matters and drafts all types of employment-related documents. He also advises clients on corporate compliance matters and risk avoidance. He currently serves as outside labor and employment counsel for several clients in the construction (including two home builders), printing, manufacturing, and healthcare industries.

Mr. Michalski has obtained decades of specialized labor and employment law experience by serving as a Chief Legal Officer of a multi-state medical device company, and as a Labor and Employment Partner at several national law firms including Holland & Knight and Epstein, Becker & Green. He has been recognized regularly as a pre-eminent attorney by numerous organizations and attorney rating guides.

In his first year after law school, Mr. Michalski served as a federal Judicial Law Clerk to The Honorable John G. Davies, U.S. District Court Judge, Central District of California. He has served in significant leadership roles in the California Lawyers Association

(formerly known as the California State Bar) including four years on the Executive Committee of the Labor and Employment Section and four years as Editor-in-Chief of the Labor and Employment Section's law review, *California Labor and Employment Law Review*, which is published six to seven times per year. He currently serves as a senior member of the Editorial Board of the *California Labor and Employment Law Review* and on the California Judicial Nominations Evaluation Commission, which assists the Governor in evaluating candidates for judicial appointment.

Recent Jury Trials and Other Successes

Mr. Michalski has obtained the following results in jury trials and other selected matters:

- Defense verdict on a \$12 million federal False Claims Act and whistleblower retaliation case for a regional healthcare system
- Defense verdict in a race and disability discrimination case for a regional healthcare system
- Defense verdict in a sexual harassment case for a regional healthcare system
- Defense verdict in a race and disability discrimination case for a large theme park
- Defense verdict in a California False Claims Act case for an IT services contractor
- Defense verdict in a California Unruh Act case for a statewide bank
- Summary judgment for a large insurance agency in a multi-state employment, restrictive covenants, and trade secrets misappropriation case (a high stakes "bet-the-company" case)
- Summary judgment on a wage and hour class action case for a medical device distributor
- Summary judgment on two consolidated disability discrimination cases for a plumbing contractor
- Summary judgment on a sexual and racial harassment case for a regional home builder
- Summary judgment on a sexual and racial harassment case for a framing contractor
- Summary judgment on a race and disability discrimination case for a framing contractor
- Summary judgment on a federal False Claims Act case for a state healthcare system
- Summary judgment on a race and sex discrimination case for the world's second largest tobacco company
- Summary judgment on a sex discrimination case for an advertising agency
- Summary judgment on a breach of contract and promissory estoppel case for a defense contractor
- Summary judgment on a California False Claims Act case for a large IT company
- Defense ruling in 38 of 41 unfair labor practice claims (terminations of strikers) for a lumber yard, with the case affirmed in a reported decision of the NLRB
- Temporary restraining order and permanent injunction in a trade secrets case for a healthcare products distributor

- Successful enforcement of dozens of arbitration agreements and class action waivers for numerous clients preventing potentially large cases from being litigated as a class action
- Settlement for \$5,000 of a disability discrimination case for a national home builder
- Class decertification of a class of several thousand members on a wage and hour matter, with settlement of the matter for \$7,500, for a statewide bank

Honors and Awards

In recent years, Mr. Michalski has received the following awards:

- American Legal Institute, Attorney of the Year, Labor and Employment, just awarded for 2021
- American Institute of Legal Advocates, Elite Advocate in Civil Litigation, 2019 and 2020 (top 1% of applicant pool)
- Lawyers of Distinction, Civil Litigation and Healthcare Law (two categories), 2017, 2018, 2019, and 2020
- American Legal Institute, Top 10 Best Attorney Overall Ratings in Client Satisfaction Labor and Employment and Healthcare (two categories), 2016, 2017, 2018, 2019, and 2020
- Corporate Livewire Global Awards, Healthcare, 2015
- American Academy of Attorneys, Top 100 Attorney Civil Litigation, 2019 and 2020
- Corporate Counsel and Super Lawyers magazine, named "Super Lawyer," 2009, 2012, 2013, 2014, 2015, 2016, 2018, and 2019
- ABA Veterans Project Outstanding Service Award, 2014
- Commendation from the California Superior Court of Los Angeles County for volunteer service, 2016, 2017, and 2018

Recent Publications and Speaking Engagements

For three years (2014-2016), Mr. Michalski co-authored two chapters of the *Holland and Knight, Corporate Compliance Answer Book*, i.e., the Labor and Employment and Affordable Care Act Compliance chapters. For four years (2014-2018), Mr. Michalski served as the Editor-in-Chief of the California Lawyers Association (formerly known as the California State Bar) Labor and Employment Section's *California Labor and Employment Law Review*, which is a statewide law review published six to seven times per year to roughly 7,200 Labor and Employment Section members. Since 2018, he has continued to serve as a senior member of the Editorial Board of the *California Labor and Employment Law Review*.

Besides his work on the *California Labor and Employment Law Review*, over the past 15 years Mr. Michalski has written approximately 50 client briefings on labor and employment law matters, general compliance issues, and healthcare corporate compliance. Also, within this same time period, he has delivered approximately 25 legal conference presentations on current employment law topics, wage and hour class action cases and developments, the employee versus independent contractor

distinction and developments in California law, state and federal exemptions, the California Private Attorneys General Act, and corporate compliance issues.

Legal Community Involvement

Mr. Michalski currently serves as one of 35 members of the California Judicial Nominations Evaluation (JNE) Commission, a State of California Commission responsible for assisting the Governor in evaluating candidates for judicial appointment. He also is a member of the City of Huntington Beach Public Works Commission, a citizen commission that reviews infrastructure improvements to the City and votes on recommendations to the City Council. For four years he served on the California State Bar Labor and Employment Section Executive Committee, which is responsible for conducting MCLE educational conferences and seminars for the state's roughly 7,200 labor and employment specialists. He also has served as President and Treasurer of the Italian-American Lawyers Association, as a national Board of Directors member of National Italian-American Bar Association, and a State Board of Directors member of the California State Bar Volunteers in Parole Mentors Program. He has also volunteered as a Mentor on the Leadership Council on Legal Diversity (mentoring two African-American law students) and the Holland & Knight Holocaust Remembrance Project Executive Committee.

Education

Loyola University Chicago, LL.M. (Healthcare and Corporate Compliance / Risk Management), first in class with highest grade in seven courses, expected September of 2021

Harvard Law School, J.D., *cum laude*, 1994

University of California Los Angeles, B.A., *cum laude*, 1990

Court Admissions

U.S. Supreme Court

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California

Licensure

State of California