

MICHELLE N. MICHAEL

ASSOCIATE



AREAS OF PRACTICE

Employment Law
Public Entity & Civil Rights Litigation

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ADMISSIONS

New Jersey
2018

U.S. District Court of New Jersey
2018

EDUCATION

Rutgers School of Law (J.D.,
2017)

Rider University (B.A., summa cum
laude, 2013)

YEAR JOINED

2018

OVERVIEW

Michelle is a member of the Professional Liability Department. She focuses her practice on employment law and represents employers in the defense of matters involving allegations of discrimination based upon age, gender, race, and disability, as well as "whistle blowing" claims. Michelle also handles matters involving civil rights and discrimination claims in both federal and state courts.

In 2013, Michelle graduated summa cum laude from Rider University, earning her Bachelor of Arts Degree in Sociology, with minors in Legal Studies and Political Communications. In May 2017, she earned her juris doctor degree from Rutgers Law School.

During law school, Michelle served as the Lead Research & Writing/Communications Editor of the Rutgers Journal of Law and Religion. Michelle was also semi-finalist in the Rutgers Law School Hunter Moot Court Appellate Advocacy Competition, and served as a board member of the program during her final year of law school. Additionally, Michelle competed in the Jeffrey G. Miller National Environmental Law Moot Court Competition, serving as captain of her team. Michelle also participated in the Rutgers Law School Civil Practice Clinic.

Prior to joining Marshall Dennehey, Michelle clerked for the Honorable Richard J. Geiger of the Superior Court of New Jersey, Appellate Division. Michelle also served as an intern to the Honorable Peter G. Sheridan, United States District Court Judge for the District of New Jersey, during law school.

Michelle is a lifelong equestrian. During college, she served as the Captain of her university's Equestrian Team, where she competed in Intercollegiate Horse Show Association events in the Hunt Seat Equitation division. Today, Michelle enjoys training off-the-track thoroughbreds, and competes in the hunter and jumper disciplines. She competed in the 2021 Retired Racehorse Project Thoroughbred Makeover Competition at the Kentucky Horse Park in the show hunter and show jumper disciplines. Through her 25 years of equestrian experience, Michelle has developed a deep understanding of the industry and has formed relationships with equine industry professionals.

THOUGHT LEADERSHIP

New Jersey Appellate Division Addresses the Statute of Limitations Accrual Date in a Constructive Discharge Claim Brought Under the NJLAD and CEPA

Mount Laurel
Employment Law
April 1, 2024

This appeal involved the analysis of the accrual date in the context of a constructive discharge claim brought under the New Jersey Law Against Discrimination (LAD) and the Contentious Employee Protection Act (CEPA).

Third Circuit Finds Paid Time Is Not Part of an Employees' Salary Under the Fair Labor Standards Act

Mount Laurel
Employment Law
June 1, 2023

Key Points: Defense Digest, Vol. 29, No.

NJ Appellate Division clarifies applicability of CARES Act in context of unemployment benefits deemed erroneously awarded.

Mount Laurel
Employment Law
April 1, 2022

This matter involved the petitioner's application to receive unemployment benefits during the COVID-19 pandemic through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), 15 U.S.C. 9021 §§ 9001 to 9141. Case Law Alerts, 1st Quarter, April

Can a Documented COVID-19 Infection Lead to a Disability Claim Under the NJLAD?

Roseland
Employment Law
March 9, 2022

NJ Appellate Division remands for a "more robust application" of Ullmann test in light of discovery demands seeking the production of business entity tax returns.

Roseland
Employment Law
January 3, 2022

This matter involved a discovery dispute in a wrongful discharge employment matter. During discovery, the plaintiff sought the production of the tax returns and financial statements of his former employer, a closely-held corporation. Case Law Alerts, 1st Quarter, January

PUBLISHED WORKS

"Can a Documented COVID-19 Infection Lead to a Disability Claim Under the NJLAD?", *New Jersey Law Journal*, Co-Author, March 9, 2022

"NJ Supreme Court Confirms Scope and Application of the Pregnant Workers Fairness Act," *New Jersey Law Journal*, April 14, 2021

"Can Employers Require Employees to Get a Vaccine, Once Approved?", *The Legal Intelligencer*, Employment Law Supplement, October 27, 2020

"A Case Law Update on the Status of Obesity as a Disability Under the NJLAD -- *Dickson v. Community Bus Lines, Inc.*", *New Jersey Labor & Employment Law*, a publication of the New Jersey State Bar Association, December 2019

RESULTS

Summary Judgment Secured in a Racial and Sex-Based Discrimination Employment Case

Public Entity & Civil Rights Litigation
Appellate Advocacy & Post-Trial Practice
September 7, 2023

We obtained summary judgment in an employment litigation case involving claims of racial and sex-based discrimination. The plaintiff alleged that she experienced a hostile work environment based solely on her race. We were able to prove that there was no evidence to substantiate these claims.

Defense obtains a published New Jersey Appellate Division decision affirming that perception of having COVID-19 does not constitute perceived disability under NJLAD.

Appellate Advocacy & Post-Trial Practice
Employment Law
June 7, 2023

The New Jersey Appellate Division affirmed the dismissal our defense team obtained in a New Jersey Law Against Discrimination (NJLAD) perceived disability claim, alleging COVID-19 to be a disability under this statute. This employment discrimination claim involved a matter of first impression in New Jersey and established that COVID-19 infection, without more, does not constitute a disability under the NJLAD.

Whistleblower claim against State Police dismissed.

Public Entity & Civil Rights Litigation
November 10, 2022

Claims were brought against the state police organization and eight individual defendants (current and retired members of the state police). The plaintiff, a female State Trooper, alleged she was retaliated against for raising complaints about how male members of the State Police were treating other female employees and that her supervisors failed to take appropriate actions once her initial complaints were raised. She alleged she was denied promotion and transferred against her wishes in retaliation for making these complaints.

Dismissal of perceived disability claim alleging COVID-19 is a disability under the NJLAD statute.

Public Entity & Civil Rights Litigation
Employment Law
August 13, 2021

Our defense team successfully obtained dismissal of a New Jersey Law Against Discrimination (NJLAD) perceived disability claim, alleging COVID-19 to be a disability under this statute. This employment discrimination claim involved a matter of first impression in New Jersey. A former employee filed suit asserting perceived disability discrimination under the NJLAD. The plaintiff alleged he was wrongfully terminated based upon his employer's perception that he had COVID-19.

New Jersey Appellate Division affirms dismissal of plaintiff's gender discrimination and workers' comp retaliation claims.

Public Entity & Civil Rights Litigation
Appellate Advocacy & Post-Trial Practice
August 13, 2021

Our defense team was successful before the New Jersey Appellate Division. The plaintiff is a former employee of a non-profit agency that provides services to disabled individuals. She filed suit against her former employer and its manager, alleging gender discrimination and retaliation for filing a workers' compensation claim. As discovery progressed, thousands of pages of discovery were exchanged, which demonstrated that legitimate, long-standing performance deficiencies were the actual basis for her termination.