



Mike Birrer
Partner

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“Effective legal counsel starts with understanding my clients’ businesses and priorities. I want to help my clients achieve their goals and resolve problems.”

Mr. Birrer is a partner in the firm’s employment and litigation sections. His practice focuses primarily on issues related to labor, employment, and employee benefits. In addition to litigation, Mr. Birrer provides training, counseling, and advice regarding workforce matters.

Mr. Birrer’s litigation practice involves the representation of employers in state and federal courts involving claims of ERISA fiduciary violations, discrimination, wrongful termination, and non-competition/trade secret violations.

Mr. Birrer’s nonlitigation practice involves comprehensive counseling for employer clients. He has conducted investigations for employers concerning claims of sexual harassment, age discrimination, retaliation, and other issues. He has developed human resources policies and provided guidance on workplace issues ranging from employment applications to plant closures.

Representative Matters

Retaliation Claims

Represented a local hospital in a retaliation lawsuit brought by three nurses under the Texas Nursing Practice Act and Texas Health and Safety Code. Summary Judgment was granted on the claims of one nurse, and after a bench trial, in January 2011, the district court entered judgment in favor of Mr. Birrer’s clients and dismissed all claims with prejudice.

Discrimination Claims

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 Mr. Birrer’s clients.

ERISA

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 Mr. Birrer’s clients and dismissed all claims with prejudice.

Counseling

Represented a local technology start-up company in creating employment policies, procedures, and training guidance.

Training

Provided anti-harassment training for property management company’s employees in all offices in Texas.

Education

Vanderbilt University
J.D., 1992
Order of the Coif; Associate Editor,
Vanderbilt Law Review; Board Member, Moot Court Board

Hendrix College
B.A., *magna cum laude*, 1989

Admittances

Texas 1992
Texas Supreme Court
U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of Texas
U.S. Court of Appeals for the Fifth Circuit
U.S. Supreme Court

Associations/Affiliations

Member: Dallas Bar Association; Dallas Bar Foundation; Texas Bar Association; Texas Bar Foundation; American Bar Association

Labor and Employment Sections of the Dallas, Texas, and American Bar Associations

Employee Benefits Committee of the American Bar Association.

Board Member and Past President: Creative Arts Center of Dallas

Lifetime Member: Advisory Board, Booker T. Washington High School for the Performing and Visual Arts

Board Member: East Dallas Community School (Charter School)

Speeches/Publications

Successful Partnering Between Inside and Outside Counsel, Employment Law Chapter, WestGroup & ACCA 2000, Supplements 2001-2011.

How to Hire and Fire in 96 Jurisdictions, Texas Chapter, Multilaw Group, 2011.

The ADAAA Final Regulations: What You Need to Know, Client Presentation (April 2011), and upcoming Dallas Bar Association, Labor and Employment Section, Presentation (June 2011).

Consumer Arbitration Ruling Suggests Employers Can Contract Around Class Arbitrations, Carrington Coleman Employment Law Bulletin (May 2011).

Social Networking Site Use Policy: Part II, Carrington Coleman Employment Law Bulletin (November 2010).

Monitoring Employee Emails, Carrington Coleman Employment Law Bulletin (November 2010).

Cyber Issues in Employment Law, Dallas Bar Association, Labor and Employment Section, Presentation (November 2010).

Department of Labor Clarifies Definition of In Loco Parentis for FMLA Purposes, Carrington Coleman Employment Law Bulletin (June 25, 2010).

Supreme Court Issues Opinion on Limitations Periods in Disparate Impact Cases, Carrington Coleman Employment Law Bulletin (May 26, 2010).

Employers Required to Provide Break Time and Private Place for Nursing Mothers, Carrington Coleman Employment Law Bulletin (May 18, 2010).

Social Networking Site Use Policy, Carrington Coleman Employment Law Bulletin (February 5, 2010).

College Degree Required: Look Out for Scams, Carrington Coleman Employment Law Bulletin (November 12, 2009).

More Changes to FMLA, Carrington Coleman Employment Law Bulletin (November 3, 2009).

Time to Get a New Poster, Carrington Coleman Employment Law Bulletin (October 27, 2009).

Proposed ADA Regulations Will Be Issued This Week, Carrington Coleman Employment Law Bulletin (September 22, 2009).

Change Is Here, More is Coming: Legislative and Regulatory Employment Law Update, Client Presentation (August 2009).

U.S. Supreme Court Rules for White Firefighters in Reverse Discrimination Case, Carrington Coleman Employment Law Bulletin (June 30, 2009).

Employment Eligibility Verification Form, Carrington Coleman Employment Law Bulletin (June 30, 2009).

Supreme Court Rejects Mixed Motives in ADEA Cases, Carrington Coleman Employment Law Bulletin (June 18, 2009).

The 81st Texas Legislature, Carrington Coleman Employment Law Bulletin (June 5, 2009).

EEOC Addresses Caregiver Discrimination, Carrington Coleman Employment Law Bulletin (April 24, 2009).

Supreme Court Issues Opinion on Noncompetes Under Texas Law, Carrington Coleman Employment Law Bulletin (April 17, 2009).

Get Ready to Switch Out Your I-9 Forms For Incoming Employees!, Carrington Coleman Employment Law Bulletin (March 31, 2009).

The New FMLA Regulations – Update, Client Presentation (January 2009); Dallas Bar Association, Labor and Employment Section, Presentation (March 2009).

WorkLife Balance: Addressing Current Trends in Family Responsibilities Discrimination (November 15, 2007).

Workplace Violence - Overview of Legal Issues, Institute of Real Estate Management.

How to Avoid Litigation: Defending Against EEOC Investigations, National Law Seminar Institute.