

Michelle W. Johnson

Partner

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Michelle practices in the areas of labor and employment law, business litigation, and appellate work.

Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Has represented management in employment lawsuits and administrative proceedings including race, sex, age, disability, harassment, retaliation, and other discrimination claims; enforcement of non-compete, non-solicitation, trade secret, and confidentiality covenants; wage and hour disputes; and other matters
- Has tried cases before the National Labor Relations Board and in state and federal courts throughout Georgia, and has appeared before the Georgia Court of Appeals, the Georgia Supreme Court, and the U.S. Courts of Appeals for the Fifth, Sixth, Ninth, and Eleventh Circuits
- Has counseled employers in connection with hiring, discipline, terminations, wage payment practices, executive employment agreements, employee training, personnel policies, internal investigations, state and federal recordkeeping and reporting requirements, and strategies for the prevention of employee lawsuits
- Has assisted businesses with employment issues arising from mergers and acquisitions, stock and asset purchase agreements, and other corporate transactions

Education

Emory University School of Law, JD, with distinction (1991)

- Order of the Coif
- Notes and Comments Editor, *Emory Law Journal*

Rhodes College, BA, English, magna cum laude (1988)

- Phi Beta Kappa

Admissions

Georgia

Supreme Court of the United States

U.S. Court of Appeals for the First Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Eleventh Circuit

Recognitions

The bar rules of some states require that the standards for an attorney's inclusion in certain public accolades or recognitions be provided. When such accolades or recognitions are listed, a hyperlink is provided that leads to a description of the respective selection methodology.

- [Euromoney Media Group Women in Business Law](#), Lawyer of the Year Finalist, Employment (2021)
- [Benchmark Litigation](#)
 - Litigation Star for the South (2019)
 - Labor and Employment Star (2020–2021)
- [Georgia Trend "Legal Elite"](#) – Labor and Employment (2016)
- Attorney of the Year, Pro Bono Partnership of Atlanta (2013)
- Claude M. Scarborough Pro Bono Award, Nelson Mullins (2012)
- [AV® Preeminent™ peer review rating from the Martindale-Hubbell® Peer Review Ratings®](#) - selected as a Top Rated Lawyer in Appellate Law

Professional Activities

- Fellow, College of Labor and Employment Lawyers
- Labor and Employment and Appellate Practice Sections, State Bar of Georgia
- Labor and Employment and Litigation Sections, American Bar Association
- Labor and Employment Law Section, Atlanta Bar Association
- American Employment Law Council
- National Retail Federation, Committee on Employment Law
- Federal Bar Association

Leadership

- Board Member, Georgia Coalition Against Domestic Violence (2012 - 2018)
- Board Member, Partnership Against Domestic Violence (2004 - 2011)
- Editorial Board, Georgia Bar Journal (1995 – 2003)

U.S. District Court for the Middle District of Georgia

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

Clerkships

Law Clerk, The Honorable R. Lanier Anderson, III, U.S. Court of Appeals for the Eleventh Circuit (1991 - 1993)

Practice Areas

[Appellate Practice & Legal Strategies](#)

[Commercial Litigation & Business Torts](#)

[Arbitration & Dispute Resolution](#)

[Employment & Labor](#)

[Class Action & Multi-Claim Litigation](#)

[Trade Secrets & Employee Mobility](#)

Industries

[Banking & Financial Services](#)

[Consumer Products & Retail](#)

[Education](#)

[Healthcare](#)

[Hospitality, Leisure & Travel](#)

[Human Capital Management](#)

Manufacturing

Pharmaceuticals & Medical Devices

Real Estate

Articles & Speeches

Insights

[The Nuts and Bolts of Updating Employee Handbooks for a Hybrid Workforce](#), *HR.com* - Co-Author (March 10, 2022)

[When, Why and How to Update the Employee Handbook to Address COVID-19](#), *HR News* - Co-Author (July 2020)

[Best Practices for Employee Handbooks: A checklist for HR professionals](#), *HR Legal & Compliance* - Co-Author (April 29, 2020)

[Best Practices for Employee Handbooks: A checklist for 2020's annual updates](#), *BenefitsPro* - Author (Feb. 14, 2020)

[Raising the Topic of Paid Parental Leave](#), *Workforce Magazine* - Author (March / April 2019)

[Companies Can Help Employees in Domestic Violence](#), *Daily Report* - Author (April 2, 2018)

[Nonprofit Staffing Strategies for New Overtime Regulations](#), *Daily Report* - Author (April 11, 2016)

[Hiring the Right People While Respecting the Rights of Other Employers](#), *InsideCounsel* - Author (November 24, 2015)

[Mitigating the Risks of Using Independent Contractors](#), *Small Business Digest* (September 2013)

[Analyzing Independent Contractor Classifications Under Various State and Federal Frameworks](#) (November 2011)

[Is Your Independent Contractor Really Your Employee?](#), *Labor and Employment Law Section of Atlanta Bar Association* (Spring 2010)

[Meet GINA - New Non-Discrimination Rules for Employers](#), *July 2009 Newsletter* (July 2009)

[Lies and Damned Lies: The Use of Statistics in Employment Discrimination Cases](#), *Defense Research Institute - Employment Law Committee* (Spring 2006)

[Solving the Problem of Prenatal Substance Abuse: An Analysis of Punitive and Rehabilitative Approaches](#), *Emory Law Journal* (Fall 1990)

Events/Speaking Engagements

[Am I Following the Law with Minor Employees and Volunteers?](#), *Special Considerations for Your "Young"est Workers* - Co-Presenter (June 30, 2021)

[Next Generation Manufacturing: The Journey Back to Work: Leading with Empathy, Transparency and Accountability Webinar](#) - Speaker (May 14, 2020)

[Navigating the Legal, Economic and Business Challenges of the Coronavirus Pandemic | Webinar 5 - Speaker](#) (April 15, 2020)

Employee or Independent Contractor? Worker Misclassification Under Heightened Scrutiny, *Strafford Webinar* - Speaker (2010, 2011, and 2012)

Employee or Independent Contractor? Worker Classification Under Heightened Scrutiny, *Lorman Education Services* - Speaker (2012 and 2013)

Discipline, Discharge, and the Role of the Supervisor, *Cobb Chamber of Commerce* - Speaker (July 2011)

Independent Contractors: Is the Safe Harbor Closed?, *Annual Meeting of American Bar Association, Labor and Employment Section* - Speaker (2011)

Employee or Independent Contractor? Worker Classification Under Tighter Scrutiny, *National Retail Federation, Human Resources Executives Summit* - Speaker (2011)

Developing Domestic Violence Policies, Partnership Against Domestic Violence, *When Domestic Violence Goes to Work Conference* - Speaker (2011, 2012, and 2013)

Alerts

[DOL Proposes Changes to FLSA Overtime Rules](#), Additional Nelson Mullins Alerts (March 11, 2019)

[Seize This Opportunity to Take Advantage of Federal Trade Secret Protection!](#), Additional Nelson Mullins Alerts (May 12, 2016)

Blogs

[NLRB Changes Position on Certain Confidentiality and Nondisparagement Provisions in Employee Agreements](#), *The HR Minute* - Author (January 11, 2022)

[Georgia Court of Appeals: Hourly Backhoe Operator is Not a "Key Employee" Under Georgia's Restrictive Covenants Act](#), *The HR Minute* - Author (May 24, 2019)