



## Michael C. Lord

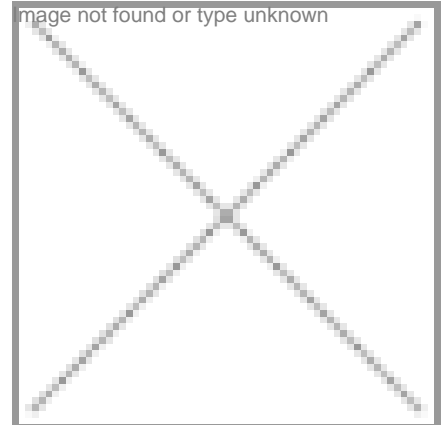
### Partner

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For more than 30 years, Mike Lord has provided solutions to workforce problems for employers of all sizes. Business owners, managers, human resources, and safety professionals appreciate Mike's practical guidance, which is grounded in his experience, legal acumen, and controversy skills.

Mike serves as a trusted resource for his clients as they confront the daily variety of labor challenges, spanning the entire life cycle of the employment relationship from recruitment to separation. Examples of questions Mike routinely fields include:

- May I remove marijuana from the panel of our drug screen for applicants?
- May I drug test an employee involved in a near-miss accident on the manufacturing floor?
- May I fire a probationary employee for excessive absenteeism when he belatedly claims to have hurt his back while on the job?
- I just received notice from the EEOC about a Charge of sexual harassment from a current employee who never raised her concerns with me ? how do I respond?
- How do we manage the pregnancy-related absences of an employee when we don't have short-term disability and we aren't covered by the FMLA?
- How may I best manage a reduction in force with a largely age-protected workforce?
- Must we accommodate a warehouse worker who refuses mandatory overtime on the weekends due to his religious beliefs?
- Our key sales representative resigned without notice on Friday and has been calling on customers

throughout the weekend on behalf of our competitor ? what may I do to protect the business?

- How do I pay hourly workers a performance bonus and still correctly pay any overtime premium earned?
- A DOL representative just arrived at our offices and wants to begin an investigation into complaints that we misclassified some employees as exempt and some long-term contingent workers as independent contractors ? help!

Mike proactively suggests best practices to help minimize being pulled into the quagmire of litigation. Nonetheless, lawsuits and administrative complaints are facts of corporate life. He has represented management in employment law and related litigation before state and federal courts, arbitrators, and administrative agencies.

Clients will receive a vigorous defense, but, more importantly, they will receive the benefit of his accumulated wisdom. Not all actions threaten the existence of a company, and there is great value in resolving disputes in a manner that serves business needs. Mike?s approach is to leverage client communication into informed collaboration, efficiency and achieving ?success? as mutually defined.

Mike has represented general industry, construction, and agricultural employers regarding OSHA matters. By handling hundreds of these matters, he has practical experience with the General Duty Clause and virtually every OSHA standard. However, Mike?s representation in OSHA matters is not limited to citation defense. To avoid proposed penalties and unnecessary abatement costs, he advises clients on how to prepare for the inevitable OSHA inspection. Mike works closely with management and, in some cases, private consultants to devise and implement a workable safety and health program. Mike also counsels clients on creative abatement methods to suit their particular needs and circumstances. Finally, he provides guidance to employers as they defend against personal injury and wrongful death actions arising out of workplace accidents/catastrophes.

Similarly, Mike has carved a niche practice involving employee mobility and restrictive covenants. He advises businesses on how best to protect their trade secrets, goodwill, and other assets. Mike frequently litigates non-compete, non-solicitation, non-poaching, and non-disclosure promises when pre-suit negotiations fail.

Mike has served several stints as in-house employment counsel with GlaxoSmithKline and serves as *de facto* general counsel for smaller businesses. He understands the need to actively listen to business partners and then to deliver legal services at the business?s pace that meet commercial objectives in a lawful manner.

His philosophy is not to dismissively announce, ?No, you can?t,? without offering any constructive strategy. Instead, Mike identifies a range of options and helps the client select the most appropriate one to implement. Clients appreciate both Mike?s calming

demeanor as he talks to them as partners and Mike's keen sense of humor.

Directly upon graduating from the Wake Forest University School of Law, Mike clerked for The Honorable Eugene A. Gordon, Senior U.S. District Court Judge for the Middle District of North Carolina. Mike experienced first-hand how the law is applied at the trial-court level in civil actions. He also assisted Judge Gordon when he sat by designation with the United States Court of Appeals for the Fourth Circuit to decide challenges to district court rulings.

Mike was AV-Rated by Martindale-Hubbell, listed in *The Best Lawyers in America*® for Labor & Employment Law (1999-present) and recognized by *Chambers USA* for Labor & Employment Litigation and Employment ? Management (2006-present). He was also listed in *North Carolina Super Lawyers* for Labor & Employment Law (2008-present), named among North Carolina's "Legal Elite" by *Business North Carolina* (2013-present) and named a "Labor & Employment Star" by *Benchmark Litigation* (2018-present).

In sum, Mike actively works with clients with the goal of achieving the best possible result quickly and efficiently. His business model isn't based on repeat representations arising from a failed (and unabated) policy or practice. Rather, his client-centric practice generates long-term relationships built on trust and referrals.

## Practice Areas

- Construction
- Labor, Employment & Immigration
- Whistleblower Defense
- Manufacturing
- Trade Secrets, Employee Mobility and Restrictive Covenants
- White Collar and Investigations

## Experience

- Defended a general contractor against OSHA citation issued under the agency's multi-employer worksite policy. The inspection was prompted by a serious accident which left a subcontractor's employee paralyzed. Mike ultimately negotiated a settlement under which the entire citation against the client was dismissed.
- Defended a contractor against OSHA recordkeeping citation. Following an adverse decision by the state OSH Review Commission, Mike appealed to the state Superior Court for judicial review of the administrative decision. Despite the high standard of review, Mike was able to convince the

Superior Court Judge that the Review Commission had acted contrary to law.

- Defended a roofing contractor against OSHA citation issued when a supervisor and his helper repaired a roof leak without fall protection and used a ladder that was not placed correctly. Ordinarily, companies are responsible for their supervisor's actions ? especially when the supervisor engages in hazardous conduct him/herself. In this matter, the client prevailed on a defense of isolated supervisory misconduct.
- Defended a management consulting firm that had received cease-and-desist letters after hiring three targeted candidates. The client was able to retain its candidates of choice without having to defend its hiring decisions in court.
- Defended a manufacturer against a former employee's complaints alleging that his discharge resulted from a pattern and practice of racial discrimination at the facility, and not because of his on-the-job misconduct. The dispute was settled in mediation.

## Education

- Wake Forest University School of Law (J.D.)  
*cum laude*
- Washington and Lee University (B.A.)  
*magna cum laude*

## Professional Affiliations

- American Bar Association ? Labor Section; Litigation Section
- North Carolina Bar Association ? Labor Section; Litigation Section
- Federal Bar Association

## Awards

- AV-Rated by Martindale-Hubbell
- Listed in *The Best Lawyers in America*© ? Labor & Employment Law (1999-present)
- *Chambers USA* ? Labor & Employment Litigation and Employment ? Management (2006-present)
- *North Carolina Super Lawyers* - Labor & Employment Law (2008-present)
- *Business North Carolina* - "Legal Elite," (2013-present)
- *Benchmark Litigation* - "Labor & Employment Star" (2018-present)
- *American Lawyer* "2022 Top Rated Litigator"
- N.C. Pro Bono Resource Center ? 2021 North Carolina Pro Bono Honor Society