

## Michael P. Royal

Shareholder

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## Focus Areas

Litigation and Trials  
Unfair Competition and Trade Secrets  
Wage and Hour  
Class Action  
International Employment Law

## Overview

Over the last 30 years, Michael P. Royal has developed a reputation as being among a select group of the world's leading labor and employment lawyers. As a core member of Littler's Unfair Competition and Trade Secrets Practice Group, Michael has been recognized nationally for zealously prosecuting (and defending against) complex, multiparty litigation matters involving alleged breaches of post-employment covenants, as well as claims related to the misappropriation of trade secrets and tortious interference with contracts. Michael's practice likewise entails representing regional, national, and international clients in multiparty complex and class action litigation matters in state and federal courts, specifically addressing wage and hour, benefits and discrimination issues, as well as significant single party litigation matters involving claims related to wrongful discharge, whistleblowing and retaliation, harassment, discrimination and employment-related torts. In addition to his considerable litigation experience, Michael also routinely counsels employers on compliance with various state and federal employment laws.

Michael is also a core member of the Littler International Employment Law Practice Group and regularly represents multinational companies in cross-border and international employment law matters and disputes.

Michael serves as the Texas coordinator and liaison for the Workplace Policy Institute (WPI). In such capacity, Michael focuses on Texas state legislative and regulatory developments in employment and labor law, as well as

municipal ordinances and regulation of the workplace. Michael's ultimate role is to assist the employer community in understanding and influencing Texas legislation before it becomes law.

## Selected Matters

Michael's creativity and dedication have achieved outstanding results for his clients in numerous settings, such as:

### Unfair Competition and Trade Secrets

- *Non-compete, Tortious Interference.* Obtained a dismissal with prejudice of all claims (and an award of attorney's fees) on behalf of the defendants (an international marketing firm and its senior executive) in a lawsuit alleging the senior executive breached her non-compete and non-solicit agreements, and that the international marketing firm had tortiously interfered with the executives' post-employment restrictive covenants.
- *Trade Secrets, Non-compete.* Obtained a Final Judgment and Permanent Injunction on behalf of an international manufacturing client against multiple former senior executives (and their new employer), which included expansive relief (e.g., an additional multi-year term of post-injunction non-compete/non-solicitation obligations; a bar on hiring additional employees by the competitor; a return of proprietary information; extensive electronic data source remediation process; etc.).
- *Non-solicit, Tortious Interference.* Obtained a Final Judgment and Permanent Injunction on behalf of a national insurance company against a former sales employee who breached his non-solicit agreement, and his new employer, who had tortiously interfered with employee's post-employment restrict covenants.
- *Non-compete, Trade Secrets.* Obtained a Final Judgment and Permanent Injunction on behalf of a national home health company against multiple former senior executives who had breached their non-compete, non-solicit and non-disclosure agreements, and their new employer, who had misappropriated the company's trade secrets.

### Wage and Hour

- *Fair Labor Standards Act/Class Action.* Successful representation of national home health care provider in defense of an alleged failure to pay wages claim in accordance with the Fair Labor Standards Act, asserted on behalf of a former employee and all other similarly situated.
- *Breach of Contract.* Obtained summary judgment on behalf of an international therapeutic medical technology company in a federal court case involving an employee stock option forfeiture agreement.

- *Gender, Equal Pay.* Tried to a defense verdict in the United States District Court for the Northern District of Texas a suit filed against a subsidiary of a Fortune 100 company involving claims of gender discrimination, sexual harassment and violation of the Equal Pay Act.

### International Employment Law

- *Global Point of Contact.* Michael has many years' experience serving as a global point of contact for corporations with employment needs in the Americas and Europe. In this capacity, Michael provides strategic employment advice on a regional and global scale, manages multinational human resource initiatives, and connects clients with local counsel to facilitate their needs.
- *Global Transfers and Mobility.* Michael supports employers with their mobile workforces. He assesses his clients' international transfer guidelines and practices; advises on the best approach to an employee traveling across borders; and drafts and/or updates the documentation necessary for secondments (long term and/or short term), transfers, localizations, and other mobility matters.
- *Global Expansion and Workforce Restructuring.* Michael assists companies with the employment aspects of their expansion internationally and/or their restructuring efforts that cross national boundaries.

### Appellate Matters

- *Fair Credit Reporting Act.* The Fifth Circuit affirmed the dismissal with prejudice of an applicant's claim against an international banking organization on the basis she had failed to state a claim against the defendant, and alternatively, that all of the plaintiff's causes of action against the defendant were subject to dismissal with prejudice pursuant to 28 U.S.C. § 1915 because of their frivolous nature.
- *Disability.* The Fifth Circuit affirmed the summary judgment entered on behalf of an international retailer against multiple plaintiffs, who alleged they had been discriminated and/or retaliated against in connection with their purported disabilities resulting from the employer's alleged "sick building."
- *Sex Discrimination, Retaliation.* The Fifth Circuit affirmed a summary judgment in favor of a defendant college against a former professor, on the basis she had failed to prove either a prima facie case or pretext.
- *Age.* The Fifth Circuit affirmed the granting of a summary judgment against a former employee of an international retail organization on the basis that the plaintiff had not presented any competent summary judgment evidence to suggest that the employer's proffered reason was pretext.

- *ERISA, 42 U.S.C. § 1981.* The Fifth Circuit affirmed a summary judgment entered against an individual on behalf of an international charitable organization on the basis that plaintiff did not assert any evidence the organization had discharged, fined, suspended, or expelled her within the meaning of Section 510. Likewise, the Fifth Circuit found insufficient facts to indicate the organization had acted with racial animus and/or that the plaintiff had failed to allege facts supporting a causal connection between her protected activity and the adverse action that followed.
- *Pre-Arbitration Discovery.* In a seminal case, the Supreme Court of Texas held an El Paso trial court abused its discretion by determining pre-arbitration discovery was warranted in a discrimination lawsuit.

#### Other Matters

- *Fair Credit Reporting Act/Class Action.* The court granted a judgment on the pleadings and dismissed the plaintiff's claim, filed on behalf of himself and a putative class of thousands, asserting that the defendants had violated the FCRA's stand-alone disclosure requirement (citing 15 U.S.C. § 1681b(b)(2)).
- *Fair Labor Standards Act/Class Action.* Successful representation of national home health care provider in defense of an alleged failure to pay wages claim in accordance with the Fair Labor Standards Act, asserted on behalf of a former employee and all other similarly situated.
- *ERISA retaliation.* Obtained a summary judgment against an individual on behalf of an international charitable organization on a plaintiff's ERISA retaliation claim (Section 510).
- *Sexual Harassment, Assault, IIED.* Tried to a defense verdict in Texas State Court a suit filed against a leading regional retail grocery company involving claims of sexual harassment, assault and intentional infliction of emotional distress.
- *Disability, Retaliation, IIED.* Tried to a defense verdict in Texas State Court a suit filed against a Fortune 100 company in the fashion industry involving claims of disability discrimination, workers' compensation retaliation and intentional infliction of emotional distress.
- *Race, IIED.* Tried to a defense verdict in Texas State Court a suit filed against a national retail company involving claims of racial discrimination and intentional infliction of emotional distress.

- Obtained numerous "no cause" findings for employers in connection with discrimination charges investigated by the Equal Employment Opportunity Commission, as well as state workforce agencies.
- Defended multiple employers in wage and hour audits by the U.S. Department of Labor and similar state agencies involving overtime pay and exemption classification issues.
- Conducted multiple internal investigations of sexual harassment, discrimination, retaliation, bullying and other misconduct involving C-Suite executives, senior management and human resources officials.
- Represented employers in the labor and employment aspects of business transactions involving equity or asset sales, mergers and reorganizations.
- Represented numerous employers and C-Suite executives in the negotiation and preparation of employment, retention, severance and related agreements.

## Professional and Community Affiliations

- Member, Labor & Employment Section, International Bar Association, 2010-present
- Member, Labor & Employment Law Section, American Bar Association, 2005-present
- Member, Labor & Employment Law Section, Litigation Section, State Bar of Texas, 1992-present
- Member, Oklahoma Bar Association, 1997-present
- Member, Dallas Bar Association, 1995-present
- Member, American Employment Law Council, 2011-present
- Member, International Labor and Employment Law Committee, American Bar Association, Labor & Employment Law Section, 2008-present
- Member, Employment Rights and Responsibilities Committee, Management Co-Chair, Alternatives to Litigation Subcommittee (2019-2023), American Bar Association, Labor & Employment Law Section, 2005-present
- Member, Sponsorships, Donors & Grants Committee, American Bar Association, Labor & Employment Law Section, 2014-2015

## Recognition

- Awarded, AV Preeminent® Peer Review Rating, *Martindale-Hubbell*
- Named, The Best Lawyers in America®, 2011-2025
- Fellow, *The College of Labor & Employment Lawyers*, Class of 2023

- Named, Thought Leaders USA, *Who's Who Legal*, 2024
- Named, International Who's Who of Management Labour and Employment Lawyers, *Who's Who Legal*, 2011-2023
- Named, Thought Leaders - Global Elite - Labour & Employment (Top 2% of experts in field), *Who's Who Legal*, 2019 (First Edition), 2020-2022
- Recommended, Labour & Employment, *Who's Who Legal*, 2024
- Named, Who's Who, Labour, Employment & Benefits, *Who's Who Legal*, 2022
- Named, Client Service All-Star, *BTI Consulting Group*, 2013

## Education

J.D., University of Oklahoma College of Law, 1992

B.A., University of Oklahoma, 1989

## Bar Admissions

Texas

Oklahoma

## Courts

U.S. Court of Appeals, 5th Circuit

U.S. District Court, Western District of Texas

U.S. District Court, Northern District of Texas

U.S. District Court, Southern District of Texas

U.S. District Court, Eastern District of Texas

U.S. District Court, Eastern District of Oklahoma

U.S. District Court, Northern District of Oklahoma

U.S. District Court, Western District of Oklahoma

## Publications & Press

**Texas District Court Declares State Preemption Law Unconstitutional. What Now?**

*Littler ASAP*

September 1, 2023

**Texas Governor Signs Preemption Bill, CROWN Act and Other Bills**

*SHRM Online*

August 23, 2023

**Texas Governor Signs Preemption Bill, CROWN Act, and Other Legislation into Law**

*Littler Insight*

August 11, 2023

**Three Littler Attorneys Elected as College of Labor and Employment Lawyers Fellows**

*Littler Press Release*

July 26, 2023

**Treasury Department's Greenbook Discusses Tax Treatment of On-Demand Pay**

*Littler ASAP*

March 22, 2023

**Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers**

*Littler Press Release*

August 19, 2021

**Texas Expands Protections for Employees Asserting Sexual-Harassment Claims**

*SHRM Online*

August 6, 2021

**Texas Adopts Expanded Protections for Employees Asserting Sexual Harassment Claims**

*Littler ASAP*

July 28, 2021

**Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers**

*Littler Press Release*

August 20, 2020

**Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year**

*Littler Press Release*

August 15, 2019

**Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 15, 2018

**Littler Attorneys Named in 2018 Who's Who Legal Labour, Employment & Benefits Guide**

*Littler Press Release*

June 5, 2018

**Littler Attorneys Named in 2017 Who's Who Legal Guide**

*Littler Press Release*

September 28, 2017

**Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 17, 2017

**The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition**

*Littler Press Release*

August 16, 2016

**Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition**

*Littler Press Release*

August 18, 2015

**Littler Attracts International Employment Law Attorney Michael P. Royal to Dallas Office**

*Littler Press Release*

October 1, 2014

**Oil and Gas Law: Hull v. Sun Refining and Marketing Company: Are Division Orders a Condition Precedent to Payment or Merely an Oppressive Condition?**

*44 OKLA. L. REV. 571*

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## **Speaking Engagements**

**2023 Dallas Regional Employer Conference**

Dallas, TX

August 3, 2023

**Stop! Thief! Protecting Confidential Information and Trade Secrets in the New World of Work**

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

**Stop! Thief! Protecting Confidential Information and Trade Secrets in the new World of Work**

Littler Executive Employer® Conference, Phoenix, AZ

May 11, 2023

**The Evolution of Employment Arbitration: Best Practices for Drafting, Enforcing and Challenging Arbitration Agreements**

2023 Midwinter Meeting, Employment Rights and Responsibilities Committee - American Bar Association, Rancho

Mirage, CA

March 15, 2023



**Protection of Trade Secrets by Multinational Corporations in a Cross-border and Remote Working Setting**

IBA Annual Conference Miami 2022 Panel Session  
November 2, 2022

**Responding to Workplace Violence: What Would You Do If...**

2019 Dallas Regional Employer Conference, Dallas, TX  
July 18, 2019

**Litigation Issues Involving Staffing Agencies and PEOs: We're in This Together . . . Or Are We?**

2018 Midwinter Meeting, Employment Rights and Responsibilities Committee - American Bar Association, Clearwater Beach, FL  
March 23, 2018

**Class and Collective Actions: 2017 Updates and Best in "Class" Strategies on Prosecuting and Defending Class and Collective Claims**

National CLE Conference, Vail, CO  
January 2018

**Labor Law Developments that Impact Employment Lawyers**

National CLE Conference, Aspen, CO  
January 2017

**Labor and Employment Law - Recent Developments from the NLRB That Impact Non-Union Employees and Employers**

National CLE Conference®, Vail, CO  
January 2016

**Cross Border Restrictive Covenants**

Taylor Vinters' International Employment Law Conference, London, England  
December 2015

**Setting Up Stateside: A Roadmap for Success**

CMS Employment and Pensions Practice Group Annual Meeting, Amsterdam, Netherlands  
September 2015

**Wage and Hour Issues: Class Actions for Retailers**

State Bar of Texas Annual Meeting  
June 2015

**Noncompetes and Trade Secrets: Legal Update and Practical Impact**

Littler Mendelson, Phoenix, AZ  
May 7, 2015

**Health & Safety Risks for your Traveling Employees: What Steps Can Employers Take to Protect Employees Working Overseas and Mitigate Risks?**

Littler Mendelson, Miami, FL

March 5, 2015

**E-Discovery: What Do You Really Want and What Are You Doing With It?**

National CLE Conference®, Vail, CO

January 10, 2015

**Expatriate Agreements: Best Practices**

2014 Annual Meeting - American Bar Association, Boston, MA

August 2014

**Employee Misclassification Enforcement: Navigating the Shifting Current**

2014 Midwinter Meeting, Employment Rights and Responsibilities Committee - American Bar Association, Los Cabos, Mexico

March 2014

**Predictive Coding – Best Practices**

National CLE Conference®, Aspen, CO

January 2014

**International Laws Governing Cross Border Discovery, Privilege, Confidentiality and Data Privacy**

International Labor & Employment Law Committee - American Bar Association

October 2013

**Structuring Enforceable Non-Compete Agreements for Multinational Employers with Employees in Europe and Asia**

Annual Meeting - Association of Corporate Counsel

October 2013

**Bullying: From the Playground to the Workplace**

Alliance Texas Human Resources Group, Fort Worth, TX

May 2013

**Romance in the Workplace: Advising Around the Risks**

2013 National CLE Conference - Colorado Bar Association, Snowmass, CO

January 2013

**Business Opportunities and Synergies Between Immigration and Labour Lawyers in Today's Market**

Annual Conference - International Bar Association, Dublin, Ireland

September 2012

**Diversity in the Profession: An Open Forum**

2012 Midyear Meeting - International Labor and Employment Law Committee - American Bar Association, Paris, France  
May 2012

**The Stakes Have Been Raised: Increased Government Scrutiny of Contingent Workers**

2012 Midwinter Meeting, Employment Rights and Responsibilities Committee - American Bar Association, Las Vegas, NV  
March 2012

**Effective Advising of Employers in Litigation**

2012 National CLE Conference, Vail, CO  
January 2012

**Legal Pitfalls Arising from Requests for Accommodation and Options Resolution**

5th Annual Conference, Labor & Employment Law Conference - American Bar Association, Seattle, WA  
November 2011

**Recent Amendments to the Texas Concealed Handgun Law**

Alliance Human Resources Group Meeting, Ft. Worth, FL  
September 2011

**Tips & Traps for the Unwary: Key Issues in Non-Compete/Unfair Competition Matters**

2011 Annual Meeting - American Bar Association, Toronto, Canada  
August 2011

**Wanna Keep A Secret, Eh?: Enforcing Restrictive Covenants in Canada and the United States**

2011 Annual Meeting - American Bar Association, Toronto, Canada  
August 2011

**Legal Ethics and Attorney-Client Privilege in Cross-Border and Labor/Employment Law Work**

2011 Mid-Year Meeting, International Labor & Employment Committee, Section of Labor and Employment Law -  
American Bar Association, Berlin, Germany  
May 2011

**Trade Winds of Change: The Perils and Profits Associated with Contingent Workers**

2011 Midwinter Meeting, Employment Rights and Responsibilities Committee, Section of Labor and Employment Law -  
American Bar Association, San Juan, Puerto Rico  
March 2011

**Fair Labor Standards Act - Basics**

2010 Annual Committee - American Bar Association  
August 2010

**Less than a Significant Restriction and More than a Temporary Nonchronic Condition?**

Corporate Counsel Symposium - SMU Dedman School of Law, Dallas, TX  
November 2009

**I Don't Know Where I'm Gonna Go When the Whistleblower Blows: A How-to Guide to Whistleblower Claims**

Midwinter Meeting, Employment Rights and Responsibilities Committee, Section of Labor and Employment Law -  
American Bar Association, Key West, FL  
March 2009

**U.S. Employment Law - Practical Guidance From Leading U.S. Employment Lawyers**

LexisNexis, London, England  
November 2008

**Employment Law and Practices for Texas Independent Schools**

Legal Seminar - School Office Services Inc., Dallas, TX  
June 2008

**General Counsel Panel: Best Leadership Practices**

30th Annual Corporate Counsel Institute - University of Texas at Austin, Houston, TX  
February 2008

**You're Going To Miss Me When I'm Gone; ADA, FMLA, Workers' Compensation and USERRA**

Dallas Human Resource Management Association, Inc., Dallas, TX  
January 2008

**Who's the Boss - the Doctor or the Attorney? A Difficult Diagnosis in ADA/FMLA Cases**

Midwinter Meeting, Employment Rights and Responsibilities Committee, Section of Labor and Employment Law -  
American Bar Association, Louisiana  
March 2007

**Use of Expert Witnesses in ADA and FMLA Cases: A General Overview**

Midwinter Meeting, Employment Rights and Responsibilities Committee, Section of Labor and Employment Law -  
American Bar Association  
March 2007

**Health, Disability & Leaves of Absence Subcommittee Annual Report**

Midwinter Meeting, Employment Rights and Responsibilities Committee, Section of Labor and Employment Law -  
American Bar Association, New Orleans, LA  
March 2007