

## Attorney Bio - Jan Michelsen

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### Jan Michelsen

Shareholder

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**Location:**

[Indianapolis](#) (Office: 317-916-2157, Fax: 317-916-9076)

**Education:**

J.D., *summa cum laude*, Indiana University School of Law, 1994

MBA, *summa cum laude*, Marketing, top 5%, Indiana University Graduate School of Business, 1987

B.S., *summa cum laude*, Journalism, Bradley University, 1977

**Practice Groups:**

[Traditional Labor Relations](#), [Employment Law](#), [Higher Education](#)

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Jan Michelsen concentrates her practice in counseling and defending management in various labor and employment law matters, including employment discrimination litigation, EEOC charges and complaints, sexual harassment, the ADEA, the ADA, the FMLA, WARN, in federal and state courts and before regulatory agencies. She also counsels in the area of employment contract disputes, employee privacy issues, social media and Web 2.0, electronic communications, wage and hour issues, wrongful discharge claims, and other state tort claims, such as defamation. She has been involved in labor/management relations; union avoidance training and campaigns; arbitrations; and proceedings before the National Labor Relations Board.

She provides a wide range of employers with timely, practical advice on discipline, termination, reasonable accommodation, FMLA compliance. Jan also conducts employment audits, reviews employee handbooks, works with clients to develop effective, enforceable personnel policies, and offers training to supervisors and managers on avoiding litigation and unionization.

Prior to her legal career, Jan directed communications, strategic planning, and marketing functions as Director of Business Development at Indiana University Medical Center.



### Admitted to Practice:

Indiana

U.S. District Courts, Northern and Southern Districts of Indiana

U.S. Court of Appeals, Sixth and Seventh Circuits

### Honors and Awards:

- Editor-in-Chief, *Indiana Law Review*, Volume 27, 1993-94.
  - Recipient of the 1993-94 Faculty Award for outstanding scholarship, leadership and contributions to the development of the School of Law, selected by the Law School faculty and presented at Commencement.
  - Recipient, Indianapolis Bar Foundation Volunteer Recognition Award for significant volunteer and pro bono contributions to the community.
  - Received awards for "Top A's" in four (4) classes
  - First Place, Client Counseling Competition
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- Note published regarding first sexual harassment class action claim before SCOTUS
- Elected to National Honor Society for business leaders
- Fellow, Litigation Counsel of America, Founding Member, Employment Litigation Institute
- By 5th year in practice, had garnered sufficient visibility and support to be ranked AV in Martindale Hubbell legal directory, the highest rating possible for legal abilities and ethical standards
- Received Certificate of Eligibility and sitting for Qualified Lawyers Transfer Regulations exam to be added to the roll of Solicitors of England and Wales
- Indiana Delegate, Vision 2020 (national initiative for gender equality and shared leadership)
- Fellow, Diversity Leadership Academy of Greater Indianapolis
- Pegasus Scholar, Honourable Society of the Middle Temple (three month fellowship with English, Irish and Scottish Barristers and Judiciary)
- Recipient, Indianapolis Bar Foundation Volunteer Recognition Award for Significant Volunteer and Pro Bono Contributions to the Community

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### Experience:

Below are examples of experience and positive results:

#### Prevailed with Full Defense Verdict at Trial

- On age discrimination, ERISA, and retaliation claim against a medical manufacturer
- On retaliation claim against international oil company
- On wage and hour claim against national retailer

#### Succeeded in Obtaining Case Dismissals

- On Indiana worker's compensation retaliation claim for a large national retailer
- On a claim for wages and wrongful discharge against a publishing company
- On state law business interference tort for an environmental contractor
- On several state wage payment and wage claims lawsuits
- On race discrimination claim for an oil and lubricant distribution center for discovery abuses and litigation of meritless claims
- On reverse race discrimination case against a utility billing processing center
- On a case of worker's compensation retaliation as a result of bringing to Plaintiff's attorney attention new law that defeated his claim
- On a claim of race discrimination against a hotel chain, case dismissed for failure to prosecute and discovery abuses
- On a claim of race and religious discrimination against a national retailer, case dismissed as sanction

#### Obtained Sanctions from Opposing Party/Attorney

- On intentional interference with contract case against a large environment and infrastructure company
- On a claim for wrongful discharge and various torts against an international company, dismissed when court granted motion for \$29,000 in fees and costs

#### Obtained Grants of Summary Judgment

- On claim of sex harassment and retaliation against a long term care facility
- On claim of sexual harassment, equal pay, and retaliation against a national manufacturer
- On FMLA claim against national airline
- On a claim of sex discrimination and retaliation against a national office products retailer
- On sexual harassment claim against an airline
- On age discrimination claim against a national retailer of women's apparel
- On a claim of sex discrimination against a national distributor
- On a claim of FMLA violations against a national building products wholesaler
- On a claim of sex harassment and retaliation against a national manufacturer of textile products
- On a claim of breach of contract and defamation against an international construction firm
- On a claim of race discrimination against a national telecommunications company
- On a claim of wrongful discharge and disability discrimination against a steel mill

#### Participated in successful union avoidance efforts and campaigns, including supervisor audits, employee relations training, and on-site campaign work including for:

- Kentucky book manufacturing company

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- A distributor of educational books and materials
- An electronics and computer peripheral distribution and repair center
- An electronics manufacturer
- A steel casting and foundry
- A manufacturer of medical devices
- A manufacturer of custom aeronautics
- A regional hospital's long term care centers
- A chain of long term care centers
- A coal mine

### Other Results

- Succeeded in persuading arbitrator to deny grievance in 5-day arbitration against Steelworkers at an oil distribution center
- Secured no probable cause determinations in hundreds of charges and complaints filed with federal and state civil rights and administrative agencies throughout the United States with less than 2% pursuing litigation post-dismissal
- Obtained damages for health care provider by threatening defamation claim and breach of contract against purchaser of dental practice

### Negotiated Settlements for Low Nuisance Value or Non-Monetary Settlement

- On a 3-plaintiff national origin claim against a national retailer
- On an FMLA claim against an Indiana manufacturer
- On a case of disability discrimination against a sheet metal company
- On a claim of race discrimination against a regional health care provider
- On a claim of pregnancy discrimination against a national retailer
- On a claim of age discrimination against a national retailer
- On a claim of sexual harassment against a national construction corporation

## Professional Activities:

- American Inns of Court Foundation, Washington DC (Member Board of Trustees for 8 years; Seventh Circuit Trustee, Pupil Trustee, Strategic Planning Committee, International Programs Committee)
- Participant, 2011 Amity Visit invitee, the Honourable Society of the Middle Temple, London
- Sagamore American Inns of Court (Bencher, Barrister)
- Indianapolis American Inns of Court (Pupil, Barrister)
- American Bar Association (Section of Legal and Employment Law, Section of Litigation)
- Indiana State Bar Association (Labor and Employment Law Section)
- Federal Bar Association
- Indianapolis Bar Association (Labor and Employment Law Section, Women and the Law Division)
- Madame Walker Theatre Center (Board Member, Chair, Real Estate Committee)
- Founding Member of MBA Women's Advisory Committee (Kelley School of Business at Indiana University)
- Volunteer Federal Civil Assistance Panel, United States District Court, Southern District of Indiana, Indianapolis Division (pro bono contributions)
- Member Alumni Association Kelly School of Business at Indiana University
- Diversity Roundtable of Central Indiana

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- Business Leaders in the Next Generation (BLING) (youth entrepreneur mentorship)
- Volunteer, Hamilton County Humane Society (animal welfare)
- Indiana Canine Assistance Program (ICAN) (training of assistance dogs)
- Coburn Place (transitional housing for women)
- Public Advocates in Community Reentry (PACE) (offender reentry)

### Speeches:

- Ogletree Deakins Managing a Workforce 2014 - "Regulating Individual Expression In and Out of the Workplace" - Indianapolis - October 10, 2013
- Indiana State Bar Association's Women's Bench and Bar Meeting - "Employment Law Risks and Reward of Social Media" - Culver - March 2012
- Widener University School of Law - "Technology and the Law" - Video Presentation - January 5, 2012
- ExecSense Webinars - "Establishing a Computer Usage Policy for Your Company Covering Social Media Sites, Personal Emails, IM/Texts & More - Tips Techniques and Examples of Policies Being Used by Top Administrative Executives" - Webinar - 2012
- Indiana Continuing Legal Education Forum - "Recent Developments in Employment Law, Social Media in the Employment Law Context" - Indianapolis - December 9, 2011
- Annual Indiana State Bar Association Meeting (Joint CLE of Hispanic/Labor & Employment Sections) - "The Social Media Revolution: The Risks and Rewards for Employees, Employers, and Their Attorneys" - French Lick - October 20, 2011
- American Society of Association Executives/The Center for Association Leadership, 2011 Annual Association Law Seminar - "Social Media & New Technology: The Rewards—and Legal Risks—for Employers" - Washington, D.C. - September 16, 2011
- Indiana Continuing Legal Education Forum/Indiana State Bar Association - "Government Practice & Procedure Seminar, What's the Buzz: Social Media Issues" - Indianapolis - August 19, 2011
- Indiana Continuing Legal Education Forum - "E-Discovery and Employment Law – The Employee and Employer Perspective" - Indianapolis - July 22, 2011
- PAMCO (Personnel Association of Multi Cultural Companies) Bi-Monthly Meeting - "Social Media" - Indianapolis - June 15, 2011
- NLRB Seminar at IU School of Law - "Social Media & New Technology: The Rewards—and Legal Risks—for Employers" - Indianapolis - June 10, 2011
- WFYI - No Limits Show - "Social Media" - Indianapolis - June 9, 2011
- Public Relations Society of America Monthly Meeting - "Diversity" - Indianapolis - June 8, 2011
- Indiana Chamber, 47th Annual HR Conference - "This is Not Your Mother's Handbook" - Indianapolis - May 4, 2011
- Ultimate Software Interactive HR Workshop: Essential Strategies from Industry Leaders in an Era of Change - "Managing the Impact of Social Media in Employment Decisions" - Indianapolis - April 7, 2011
- American Inns of Court Foundation, 2011 Symposium on the Legal Profession - "Special Challenges to 21st Century Lawyers: The Use and Misuse of Technology" - Washington, D.C. - April 2, 2011
- ExecSense Webinar - "Creating a Social Media Policy for Risk Management Executives" - January 21, 2011
- Blue River SHRM Chapter Monthly Meeting - "Social Media & New Technology: Legal Risks for Employers" - Shelbyville - January 11, 2011
- ExecSense Organizing Webinar - "What Compliance Executives Need to Know About Creating a Social Media Policy for Your Company" - December 17, 2010
- Indiana Continuing Legal Education Forum - "Recent Developments in Employment Law, Social Media in the Workplace" - Indianapolis - December 14, 2010
- Indiana State Bar Association, Labor & Employment Law Section, Distinguished Speakers Series Panel - "Ethical Issues w/Social Networks for Employment & Labor Law Attorneys"

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- Indianapolis - December 9, 2010
- Ogletree Deakins Seminar - "Web 2.0 & the Workplace: The Legal Risks & Rewards" - Merrillville - November 10, 2010
- Ogletree Deakins Seminar - "Retaliation Litigation – The Risk Escalates" - Indianapolis - October 5, 2010
- Indiana Manufacturers Association Social Media Webinar - "Web 2.0 And The Workplace" - September 29, 2010
- Delaware State Bar Association - "Ethics of Social Networking and Email Seminar, Ethics of Social Networking and Email Seminar" - Wilmington - May 7, 2010
- Ogletree Deakins Breakfast Briefing - "New Technology in the Workplace – Increasing Efficiency or Liability?" - Indianapolis - April 13, 2010
- Wabash Valley Human Resources Association Monthly Meeting - "Web 2.0 and the Workplace: The Employment Law Challenges of Blogs, Social Media and Virtual Worlds" - Terre Haute - January 13, 2010
- Indiana Chamber of Commerce Employment Law Compliance Seminar - "Employment Audits" - Indianapolis - April 2006
- Tippecanoe Area Personnel Association (TAPA) - "Federal Legislation on Comp Time and Flex Time" - Lafayette - June 2004
- Lorman Education Services - "Individual Liability for Employment Claims" - Indianapolis - March 6, 2002 - March 7, 2002
- Indiana Health Care Association, 56th Annual Convention and Trade Show - "Violence in the Workplace" - Indianapolis - November 15, 2000
- Indiana Broadcasters Association, 52nd Annual Conference - "Some Things Indiana Broadcasters Should Know About Workplace Violence" - Indianapolis - October 10, 2000
- ADP "Blueprints" Series - "Recordkeeping" - Indianapolis - October 2000
- Association of Indiana Counties - "Legal and Ethical Issues DIPLOMA Class" - Indianapolis - June 1, 2000
- Eli Lilly Second Annual Legal Seminar for HR Professionals - "Employee Privacy" - Indianapolis - May 2, 2000
- Indiana Continuing Legal Education Forum - "Employee Handbooks for the Law Office, Help or Hindrance?" - Indianapolis - April 13, 2000
- National Pool and Spa Institute, Mid-America Pool and Spa Show - "Avoiding Employment Litigation" - Chicago - February 16, 2000
- Indiana Chapter, National Spa & Pool Institute - "Avoiding Employment Litigation" - Indianapolis - February 7, 2000
- Indianapolis Chamber of Commerce Radio Program - "Inside the Chamber" - Indianapolis - February 2000
- Personnel Law Update 1999, Council on Education in Management - "What You Can Do Tomorrow to Ensure Your Managers' Discipline and Termination Practices Aren't Laying the Groundwork for Liability" - Indianapolis - June 14, 1999 - June 15, 1999
- Private Client Seminar - "What You DO Know (about unions) Can Help You " - Indianapolis - May 1999
- Health Facility Administrator Course, Indiana Health Care Association - "Current Issues in Labor Law: ADA and Employee Access" - Indianapolis - May 1999
- Indiana Wesleyan University - "Employment Aspects of Hiring and Firing for Supervisors and Administrators" - Indianapolis - October 1998
- Employment Relations Team Associate Training - "Counseling a Client About Employee Termination" - Indianapolis - October 1998
- Long Term Care Nurse Management Seminar, Indiana Health Care Association - "Managing Healthcare Personnel in Accordance with Federal and State Law" - Indianapolis - June 8, 1998
- Indianapolis Inn of Court - "Legal London" - Indianapolis - May 1998
- American Inns of Court Foundation - "Reclaiming a Noble Profession" - Washington, D.C. - 1998/1999
- Indianapolis Chamber of Commerce - "Sexual Harassment" - Indianapolis - 1998/2000
- Indiana Nursery and Landscaping Association Seminar - "Avoiding Employment Litigation" - Indianapolis - 1998

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- Clarks Solicitors - "An Introduction to U.S. Employment Law" - London - March 1997
- Blade Communications meeting of broadcast station managers from across the U.S. - "Employment Practices Liability" - Lowville - 1997/1998
- Channel 16 - "Scales of Justice" - Indianapolis - October 18, 1996
- Personnel Law Update 1996, Council on Education in Management - "An Employer's Right to Access Employees' Private Information" - Indianapolis - October 1996
- Indiana Chamber of Commerce 5th Annual Employment Law Seminar, Pre-Conference Workshop - "The ADA Maze: Recent Twists, Turns, Trends & Dead-Ends" - Indianapolis - May 1996
- Midwest Head Start Association - "ADA and FMLA: What You Need to Know" - Indianapolis - May 1995

### Media Quotes:

- January 21, 2011 - [The Shelbyville News](#) - "Human Resource Group Learns Impact of Social Networking"
- August 20, 2008 - [The Indiana Lawyer](#) - "Inns Push Professionalism"
- January 27, 2006 - [The Indianapolis Star](#) - "Ruling is Sour Note for BlackBerry Users"
- February 13, 2003 - [Indianapolis Star](#) - "Employers Pushing Limit of Drug Tests"
- August 14, 2002 - [Indianapolis Star](#) - "Firm Checks for Bad References from Employers"
- May 29, 2002 - [Indianapolis Star](#) - "Family Leave Act Bolsters Alternative Based Bonuses"
- November/December 2001 - [The Bench](#) - "Inn Member Recognized for Poetic Work"
- June 22, 2001 - [Indianapolis Star](#) - "Bankruptcy Can't Be Basis for Denying Job"
- February 2, 2001 - [Indianapolis Star](#) - "Job-Mandated Medical Exam Has Its Limits"
- January 14, 2001 - [Indianapolis Star](#) - "Racism Remains Part of Workplace"
- October 3, 2000 - [Indianapolis Star](#) - "U.S. Firms Embrace the Employment of Spouses Within the Same Office"
- June 5, 2000 - [Indianapolis Star](#) - "Fired Worker May Have Claim for Disability"
- May 29, 2000 - [Indianapolis Star](#) - "An Agency's Recovery Act: With More Money and Manpower, EEOC Now Handles Discrimination Claims More Quickly"
- February 28, 2000 - [Indianapolis Star](#) - "A Piercing Issue: Employers Vary in Policies Toward Such Employee Adornments as Lip Rings and Tongue Spikes"
- January 24, 2000 - [Indianapolis Business Journal](#) - "EEOC Gets Tough With Employers"
- January 10, 2000 - [Indianapolis Star](#) - "Most Firms Have Policies That Restrict Staff E-mail"
- January 2000 - [Indiana Alumni Magazine](#) - "Quick! What Rhymes with Lawyers"
- October 18, 1999 - [Indianapolis Star](#) - "Fired Worker, Employer Battle Over Vacation Pay"
- September 5, 1999 - [South Bend Tribune](#) - "Sites Pertaining to Workplace are Plentiful on the Web"
- December 12, 1998 - [Indianapolis Star](#) - "Poetic Counsel: Local Lawyer Writes Uplifting Verse for Greeting Cards"
- December 12, 1998 - [Indianapolis News](#) - "Poetic Counsel: Local Lawyer Writes Uplifting Verse for Greeting Cards"
- August 31, 1997 - [Salt Lake Tribune](#) - "Poor Job Reviews are Sending Employees to Court for Relief (Reprint)"
- August 28, 1997 - [The Wilmington News Journal](#) - "Poor Job Reviews are Sending Employees to Court for Relief"
- June 1997 - [Indianapolis Woman](#) - "Poetic Justice"
- May 4, 1997 - [South Bend Tribune](#) - "Cyber Big Brother"

### Published works:

- July 28, 2014 - SHRM.org - "One Use of Racial Epithet Not Enough for Title VII Harassment"

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- December 2010 / January 2011 - Practical Law, The Journal, Volume 2, Issue 10, Labor and Employment: Use of Social Media Sites in Company Hiring Processes - "GC Agenda, A Round Up Of Major Horizon Issues For General Counsel"
- 2006 - Indiana Chamber of Commerce - "Military Leave Issues: A Reference Guide for Indiana Employees"
- 2005 - Indiana Chamber of Commerce - "ADA Guide, Everything Indiana Employers Need To Know About The ADA"
- Winter 2002 - Seventh Circuit Summaries, Year-In-Review - "Employment And Labor Relations Law, ABA Section Of Litigation Committee On Employment And Labor Relations Law (contributor)"
- November/December 2001 - BizVoice/Indiana Chamber of Commerce - "Plan Now, Avoid Potential Problems Later"
- September/October 2001 - BizVoice/Indiana Chamber of Commerce - "Severance Agreements: Smart Strategies For Indiana Employers "
- Fall 2001 - Seventh Circuit Summaries, Reasonable Accommodation of Disability and Religion - "Employment And Labor Relations Law, ABA Section Of Litigation Committee On Employment And Labor Relations Law (contributor)"
- Spring 2001 - Seventh Circuit Summaries Employee Privacy Issues - "Employment And Labor Relations Law, ABA Section Of Litigation Committee On Employment And Labor Relations Law (contributor)"
- 2001 - Bureau of National Affairs - "The Developing Labor Law, Fourth Edition (contributing editor)"
- January 2001 - Personnel Update Newsletter, Indiana University-Purdue University at Indianapolis - "FLSA Status Of Trainees And Interns"
- May 2000 - Business and Health Magazine - "There's No Place Like Home ...For Today's Teleworkers"
- March 2000 - Labor and Employment Newsletter, ABA Young Lawyers Division - "The Taxman Cometh (For Settlement Damages)"
- 2000 - Bureau of National Affairs - "Fair Labor Standards Act, First Edition (contributing editor)"
- January 2000 - IMANET, Indiana Manufacturers Association - "The Power And Peril Of E-Mail And Other Electronic Communications"
- 2000 - www.smalloffice.com - "Offer Letters And Employment Contracts"
- March/April 1999 - BizVoice/Indiana Chamber of Commerce - "Business Alert: Hiring Practices, What You Should And Shouldn't Do"
- 1999 - Bureau of National Affairs - "The Developing Labor Law, 2000 Supplement (assistant editor)"
- 1999 - Grocer's Register, Indiana Grocery and Convenience Store Association - "Tales From The Front (Register): IGCSA Members' Legal Hotline Calls"
- January 1999 - Indiana Healthcare Association Newsletter - "The FCRA And Criminal Background Checks"
- 1997 - Fueling Indiana, Indiana Oil Marketers Association, Volume 2 - "Employee Privacy: Exploring The Boundaries And Obeying The Law"
- 1997 - Journal of Commerce and Industry - "New Law Requires Hiring Reports"
- 1997 - Fishers Chamber of Commerce Newsletter - "New Hire Reporting"
- November 1996 - ISHHRA Info, The Indiana Society for Healthcare Human Resources Administration - "How Much Do You Know About Wage And Hour Law?"
- 1996/1998 - Indiana Chamber of Commerce - "Indiana Employment Law Handbook - Second and Third Editions (contributor/coordinator)"
- 1996 - Fueling Indiana, Indiana Oil Marketers Association, Volume 1 - "Avoiding (And Defending) Unwanted Sexual Harassment Lawsuits"
- January 1996 - The Fine Print, Sunbeam Corporation - "Whose Mail Is It Anyway?"
- 1996 - Hoosier Independent, Indiana Oil Marketers Association - "Discharge Decisions: Use Care, Common Sense, Counsel To Prevent (Or Defend) Lawsuits"
- January 1996 - Executive File: Hot Employment Issues, M. Lee Smith Publishers - "Defensive Driving On The Information Superhighway"



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- July 1995 - Hoosier Independent, Indiana Oil Marketing Association - "Legislative Update"
- 1995/1998 - Bureau of National Affairs - "The Developing Labor Law, Third Edition - Cumulative Supplements (contributing editor)"
- Fall 1994 - COLAP Comment - "Receivership Strategies For Responding To Problem Properties"
- March 23, 1994 - The Indiana Lawyer - "COLAP Pro Bono Attorneys Empower Public Housing Residents"
- 1994/2001 - M. Lee Smith Publishers - "The Indiana Employment Law Letter"
- 1994 - Indiana Law Review - "A Class Act: Forces Of Increased Awareness, Expanded Remedies, And Procedural Strategy Converge To Combat Hostile Workplace Environments"
- 1994 - COLAP Comment, Community Organizations Legal Assistance Project - "Resident Management: A Strategy For Resident Empowerment"
- November 28, 1984 - The Indianapolis Business Journal - "Making The Most Of Human Resources Consultants"