



**Micala Bernardo**

**Senior Attorney**

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Micala's practice focuses on counseling clients on labor and employment matters and representing employers in employment litigation matters brought by individuals or on a class-wide basis. Micala advises clients on compliance with a wide range of labor and employment related statutes and regulations, including but not limited to: WARN, the FMLA, the FLSA, Title VII, the ADA, the ADEA, OSHA and the OWBPA.

- Employment

She regularly counsels employers regarding hiring and termination decisions, employment policies and employee investigations and obligations in connection with reductions-in-force. Micala also prepares and negotiates separation and release agreements, employment contracts and independent contractor and consulting agreements, and non-competition and confidentiality agreements. Micala also counsels clients regarding labor and employment obligations and representations in connection with mergers and acquisitions.

Micala additionally represents employers in a wide variety of employment litigation matters involving claims of discrimination, harassment, retaliation, breach of contract, wrongful discharge, misclassification of employees, failure to pay for time worked, misappropriation of trade secrets, defamation, tortious interference and unfair competition. Micala also represents high-level employees in connection with claims relating to breach of non-competition agreements, breach of fiduciary duty and misappropriation of trade secrets. Micala also has extensive experience representing employers in connection with collective and class action claims regarding wage and hour issues brought pursuant to the FLSA. She has represented employers in state and federal courts in multiple states and before several administrative agencies, including the Equal Employment Opportunity Commission, the Department of Labor, the Office of Federal Contract Compliance Programs and the Texas Workforce Commission. Micala has also represented employers in connection with arbitrations before the American Arbitration Association, JAMS, and the FINRA.

***Representative Experience***

- Represented Texas-based national employer with respect to numerous collective action claims, including claims alleging misclassification and off-the-clock work  
Represented high-level individual employee in defense of claims alleging breach of non-competition agreement
- Represented Texas-based specialty pharmacy in connection with claims of breach of contract and misappropriation of trade secrets against ex-employee who started a competing pharmacy, including obtaining a temporary restraining order and favorable settlement

for pharmacy it advance of temporary injunction hearing

- Represented nationwide retailer in connection with numerous individual and class wage and hour claims
- Represented cosmetics company and several individual managerial employees in connection with claims of retaliation

## CREDENTIALS

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### Admissions

- Texas

### Recognitions

- Recognized as a Texas Rising Star, Super Lawyers by Thomson Reuters (published in Texas Monthly) (2016-2017)

### Education

- J.D., Georgetown University
- B.S., Texas A&M University  
*magna cum laude*  
Phi Beta Kappa

## INSIGHTS

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### Publications

- US Department of Labor Issues New Joint Employer Guidance (January 27, 2016)
- Pay Transparency Final Rule Prohibits Covered Federal Contractors/Subcontractors From Discriminating Against Applicants and Employees Based on Compensation Discussions *OutSolve Effective Affirmative Action Blog* (January 19, 2016)
- New Texas Open Carry Law Has Significant Implications for Employers (October 15, 2015)
- DOL to Focus on Energy, Construction and Hospitality Industries in 2015 (February 17, 2015)

### Events

- Legal Considerations: Social Media in the Workplace CLE (2015)

## NEWS

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### DLA Piper advises Paradox in its acquisition of Traitify

23 August 2021

DLA Piper represented Paradox in its acquisition of Traitify.

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## MEDIA MENTIONS

- Mentioned "M&A Round Up: AKK, V&E Find Plenty of Deal Work," *The Texas Lawbook* (September 12, 2017)