



## Michael McGuinness

Partner

Los Angeles

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Mike McGuinness regularly advises employers regarding a wide variety of labor and employment issues such as discrimination and harassment, wrongful termination, reasonable accommodation under the disability laws, wage and hour violations, employee leaves, personnel policies and procedures, and other related matters. Mike frequently conducts varied workplace investigations for employers and assists employers with enforcement proceedings conducted by outside agencies including the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing, the National Labor Relations Board, and the National Mediation Board.

Mike is a recognized authority on the Railway Labor Act and Airline Deregulation Act, and has frequently litigated matters for large airline clients arising under both statutes. He also provides legal advice to airline clients on their collective bargaining agreements and arbitrates disputes arising from those agreements. Mike has handled a variety of labor and consumer class actions, and regularly litigates employment matters through lower and appellate courts.

Mike is active in the legal community, serving on the Executive Committee of the Labor and Employment Section of the Los Angeles County Bar Association. Mike has been named a top Labor and Employment lawyer by the *Daily Journal*.

In addition to his Labor and Employment practice, Mike has played a prominent role on large litigation matters involving antitrust and intellectual property issues. And he dedicates time

### Admissions

#### *Bar Admissions*

California

#### *Court Admissions*

US District Court, Central, Northern and Southern Districts of California

### Education

Loyola Law School, Los Angeles, J.D., 1987: *magna cum laude*; Editor-in-Chief, *Loyola Law Review*

University of Washington, B.A., 1984: *magna cum laude*; Phi Beta Kappa

to pro bono matters, working with a drug rehabilitation center and on asylum and other matters.

## Experience

- Represented longtime client US Airways in a successful breach of contract arbitration against Republic Airlines in New York
- Successfully argued a complex Airline Deregulation Act issue of first impression before the First Circuit Court of Appeals in an alleged class action filed by skycaps working at Boston's Logan International Airport. *Mitchell v. US Airways, Inc.*, 720 F.3d 60 (1st Cir. 2013)
- Secured summary judgment in April 2013 for US Airways in a wage and hour class action in federal court in Phoenix
- Obtained preliminary injunction for Atlas Air that prohibited the International Brotherhood of Teamsters and its pilot members from engaging in slowdown activities designed to give the union greater leverage in collective bargaining. *Atlas Air, Inc. v. Int'l Bhd. of Teamsters*, 280 F. Supp. 3d 59 (D.D.C. 2017)
- Won full dismissal for American Airlines of a case brought by four American pilots challenging an arbitration decision that the airline did not breach a seniority integration agreement
- Successfully represented American Airlines in a Third Circuit Court of Appeals decision finding that American integrated the airline seniority lists of American Airlines and U.S. Airways pilots in a fair and equitable manner under the McCaskill-Bond Amendment to the Federal Aviation Act
- Filed and won a motion to dismiss in federal district court in a case in which the US Airlines Pilots Association sued US Airways for violation of the Railway Labor Act, including bad faith bargaining. *U.S. Airlines Pilots Ass'n v. U.S. Airways*, 859 F. Supp. 2d 283 (E.D.N.Y. 2012)
- Represented CIBC World Markets Corp. in a wrongful termination lawsuit brought by a former securities broker that challenged the validity of the NASD and the NYSE arbitration system. The court ruled in favor of CIBC on appeal, upholding the arbitration system used widely by the financial services industry. *McManus v. CIBC World Markets Corp.*, 109 Cal. App. 4th 76 (2003)
- Acted as lead trial counsel for a major media company in a wrongful termination suit, prevailing in six of the eight alleged causes of action, including all of the principal causes of action
- Represented a large wholesale grocery cooperative in a variety of labor and employment matters, including defeating a motion for class certification in a significant wage and hour class action brought on behalf of the entire California outside sales force
- Represented major ground package delivery service company in consolidated nation-wide class action challenging the company's classification of its delivery drivers as independent contractors
- Represented Advanced Micro Devices, Inc. (AMD) in ground breaking antitrust litigation against Intel Corporation. The litigation resulted in a landmark settlement, with AMD recovering US\$1.25 billion dollars and achieving valuable concessions on licensing agreements and other business practices

## Professional Activities

### Clerkships

- Honorable William Matthew Byrne, Jr., US District Court, Central District of California

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### Member

- Executive Committee
- Labor and Employment section
- Los Angeles County Bar Association

### Author

- “California’s ‘Unique’ Approach to Arbitration: Why the Road Less Traveled Will Make All The Difference on the Issue of Preemption Under the Federal Arbitration Act”, *Journal of Dispute Resolution* (2005)

### Honors & Awards

- Recognized by *The Legal 500* in the “Labor-management relations” category (2017)
- Named a “Super Lawyer” in a survey conducted by *Law & Politics Media Inc.* and published in *Los Angeles magazine* (2012-2014)
- Selected by the *Daily Journal* as a Top Labor & Employment Lawyer (2014)