

Michael B. Cohen

Associate

Raleigh

michael.cohen@troutman.com

D 919.835.4141



Michael represents and counsels his clients in a wide range of labor and employment matters, including issues involving wage and hour compliance, leave and accommodation requests, restrictive covenants, trade secret misappropriation, and terminations.

OVERVIEW

Michael is an associate in the firm's Labor + Employment Practice Group. He focuses his practice on representing employers in wage and hour class and collective actions, FMLA claims, ADA claims, restrictive covenant and trade secret litigation, and wrongful termination actions. He has extensive experience representing his clients before federal and state courts across the U.S., as well as federal, state, and local administrative agencies.

In addition to his litigation practice, Michael routinely counsels his clients through a number of complex issues, including independent contractor misclassification, exempt employee misclassification, restrictive covenant violations, trade secret misappropriation, managing leave and accommodation requests, and terminations. Michael also helps draft and revise employee handbooks, employment agreements, independent contractor agreements, severance agreements, and restrictive covenant agreements.

Every year since 2018, Michael has been recognized as a North Carolina "Rising Star" by *Super Lawyers*, a rating service of outstanding attorneys from more than 70 practice areas who have attained a high degree of peer recognition and professional development. Michael was also recognized by *Best Lawyers in America®: Ones to Watch* in 2023, 2024, and 2025.

Michael was recently selected by the firm as a pro bono ambassador to facilitate pro bono opportunities for attorneys in the Raleigh office.

REPRESENTATIVE MATTERS

- Prevailed at the Fourth Circuit in a breach of contract action valued in excess of \$500 million.
- Prevailed at the Fourth Circuit on claims of FMLA interference and retaliation.
- Prevailed at the Fourth Circuit in an USERRA and constitutional action against a municipality.
- Obtained summary judgment in a wage and hour class and collective action involving pre-shift and post-shift work, travel time, and deductions.
- Obtained summary judgment in a wage and hour action involving unpaid commissions.

- Obtained summary judgment in an ADA and Title VII action against a *Fortune* 50 company.
- Obtained summary judgment in an ERISA action both on administrative grounds and on the merits.
- Obtained summary judgment in a Title VII and Virginia Human Rights Act action against a health care company.
- Obtained summary judgment in a Title VII, Section 1983, and ADA action against a municipality.
- Spearheaded a whistleblower investigation for an international food supplier.
- Led a wage and hour audit for a publicly traded industrial products company.
- Led defense of multiple wage and hour investigations conducted by the U.S. Department of Labor.
- Obtained dismissal of class claims brought under Title VII, Section 1981, and IRS false information return statute against manufacturing company.
- Obtained summary judgment in an ADA action against a regional contracting firm.
- Obtained dismissal of whistleblower claims against health care company.
- Obtained dismissal of an ADA, Title VII, REDA, and wrongful termination action against a publicly traded manufacturing company.
- Obtained dismissal of a Title VII and Section 1981 action against a national restaurant chain.
- Obtained dismissal of a wage and hour class action involving independent contractor misclassification allegations and deductions.
- Obtained injunctive relief for employers affected by trade secret misappropriation.
- Favorably resolved numerous class and collective wage and hour actions in jurisdictions across the country.

AWARDS

- *Best Lawyers in America®: Ones to Watch: Labor and Employment Law – Employee* (2023), *Labor and Employment Law – Management* (2023-2026), *Litigation – Labor and Employment* (2023-2026)
- *Super Lawyers* “Rising Star” – North Carolina (2018-present)
- Eugene Grassman and Daniel H. Pollitt Oral Advocacy Award
- Seymour W. Wurfel Award

TOP AREAS OF FOCUS

- Class Action
- Employment Counseling
- Independent Contractor Misclassification + Compliance
- Labor + Employment
- Labor + Employment Litigation + Dispute Resolution
- Noncompete + Trade Secrets

ALL AREAS OF FOCUS

- Class Action
- Employment Counseling
- Financial Services
- Independent Contractor Misclassification + Compliance
- Labor + Employment
- Labor + Employment Litigation + Dispute Resolution

- Noncompete + Trade Secrets

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Professionalism Committee, North Carolina Bar Association (2020-present)
- Co-chair, Communications Committee, Young Lawyers Division, North Carolina Bar Association (2021-2022)
- Member, Communications Committee, Young Lawyers Division, North Carolina Bar Association (2017-2018, 2020-2021)
- Member, Disaster Legal Services, Young Lawyers Division, North Carolina Bar Association (2018-2019)

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of North Carolina School of Law, J.D., 2016, Holderness Moot Court National Appellate Advocacy Team; *North Carolina Journal of International Law*
- The George Washington University, B.A., *cum laude*, 2013

BAR ADMISSIONS

- North Carolina
- Virginia

COURT ADMISSIONS

- U.S. District Court, Eastern District of North Carolina
- U.S. District Court, Middle District of North Carolina
- U.S. District Court, Western District of North Carolina
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Western District of Virginia
- U.S. Court of Appeals, Fourth Circuit

SPEAKING ENGAGEMENTS

- Speaker, “North Carolina Human Resource Law 2025,” National Business Institute, February 27, 2025.
- Speaker, “The Duty to Mitigate in Employment Termination Cases: Strategies for Addressing Challenges in Litigation,” myLawCLE and the Federal Bar Association, January 31, 2025.
- Speaker, “Why Professionalism Is Important to You,” North Carolina Bar Association, December 3, 2024.
- Speaker, “Introduction to North Carolina Employment Law,” North Carolina Bar Association’s 2024 Fundamentals of Employment Law Webinar, February 28, 2024.
- Speaker, “State Law and Tax Implications Regarding Remote Workers,” Council of Independent Colleges in Virginia, 2023.
- Speaker, “The Future is Here: Managing the Modern In-house Practice – Supreme Court Update,” North Carolina Bar Association, 2023.
- Speaker, “Key Considerations in Employment Claims and Social Inflation,” Troutman Pepper, 2022.
- Speaker, “Wage and Hour Compliance for North Carolina Businesses,” North Carolina Lawyers for Entrepreneurs Assistance Program, 2022.

- Speaker, “North Carolina Case Law Update,” North Carolina Coastal Society for Human Resource Management (NCCSHRM), 2021.
- Speaker, “Employment Law and Best Practices for Human Resources Professionals – The Intersection Between the FMLA, ADA, and GINA,” North Carolina League of Municipalities, 2019.

PUBLICATIONS

- Co-author, “Changes to Virginia’s Noncompete Statute,” *Troutman Pepper Locke*, May 13, 2025.
- Co-author, “Department of Labor Introduces New Proposal to Revise Salary Threshold,” *Troutman Pepper*, September 1, 2023.
- Author, “Third Circuit Limits Nonresident Opt-In Plaintiffs’ Ability to Join FLSA Collective Actions, Deepening Circuit Split,” *Hiring to Firing Law Blog*, August 25, 2022.
- Co-author, “Notice Requirements Under the FMLA: Federal Court Reinforces Employees’ Obligations to Follow Established Notification Procedures,” *JD Supra*, 2021.
- Author, “Department of Labor Seeks to Clarify Compatibility of Bonuses with Fluctuating Workweek Method,” *North Carolina Bar Association*, 2019.
- Co-author, “Department of Labor Proposes New Overtime Salary Threshold,” *North Carolina Association of Defense Attorneys*, 2019.
- Author, “Law 101: Overview of the Rule 30(b)(6) Deposition,” *North Carolina Bar Association*, 2018.
- Author, “North Carolina Wage and Hour Act Amended to Exempt Seasonal Amusement or Recreational Establishment Employees from Overtime Provision,” *North Carolina Bar Association*, 2017.
- Author, “Fifth Circuit: Employers Liable for Emotional Distress Damages in FLSA Retaliation Claims,” *North Carolina Bar Association*, 2017.
- Author, “Avoiding Double Taxation and Expatriation: A Comprehensive Solution to FATCA and Corporate Inversion,” *North Carolina Journal of International Law*, 2016.

MEDIA COMMENTARY

- Quoted, “Is Your Employer Stealing From You? How to Spot Wage Theft, and What to Do About It,” *CNBC/Acorns*, 2021.