Michelle B. Heverly

Director, Client Data Solutions Analysis
Shareholder

Camelback Esplanade
2425 East Camelback Road, Suite 900
Phoenix, AZ 85016
main: +1 (602) 474-3600
direct: (408) 795-3406
fax: +1 (602) 957-1801
mheverly@littler.com

Practice Areas

Class Action
Wage and Hour
Litigation and Trials
Discrimination and Harassment

Overview

Michelle B. Heverly leads two teams. The first is a team of data scientists and statistical analysts who perform analyses for Littler clients on a wide variety of topics. The analysts perform damages calculations and assessment models for class, collective and representative actions, review and analyze termination data to assess liability associated with reductions in force, conduct pay equity evaluations to reduce risks of disparate treatment and handle all aspects of OFCCP compliance. Michelle is a Certified Project Manager who leads high functioning teams of all types and serves as the interface between Littler attorneys, their clients and the analysts related to data projects covering the lifecycle of litigation.

Michelle also leads a team of Senior and Special Counsel attorneys who work in a virtual office handling litigation across the country. This team is made up of practitioners who handle a variety of claims such as discrimination, harassment, retaliation, and breach of contract. This group provides resources to attorneys firmwide.

Michelle previously led the development of Littler CaseSmart® Class Action, which allows for efficient litigation of class, collective and representative matters using the highest quality standards. She worked with a team of Littler's senior class action litigators and thought leaders to create this new and innovative method for handling class and collective actions. She developed tools to oversee case workflow, monitor budget to actual metrics, and ensure that the firm’s approach to defending a class or collective action aligns with the client’s overall litigation philosophy, budget and quality standards.

Prior to joining the Littler CaseSmart team, Michelle was a litigator who focused on claims involving wage and hour matters, employment discrimination and sexual harassment. She handled nationwide class actions, with particular experience in Fair Labor Standards Act and California wage claims.

Michelle has appeared before federal and state courts in California and before the Equal Employment Opportunity Commission, the Department of Fair Employment and Housing, and the state Labor Commissioner. She has specific knowledge of the following laws:

- The California Labor Code and Wage Orders
- Federal and state wage laws
- Title VII of the Civil Rights Act
- The Americans with Disabilities Act
- The Fair Employment and Housing Act

Among her notable cases, Michelle successfully enforced a class action waiver provision in an employee arbitration agreement, and she successfully removed a three-year-old case to federal court under Class Action Fairness Act rules. She successfully defeated class certification of a proposed class of California truck drivers who claimed they had been deprived of meal and rest breaks, using client data to model driver workdays.

In addition to her litigation practice, Michelle has represented her clients in arbitration and mediation. She has counseled employers regarding a variety of human resource matters, including drafting and revising personnel policies, responding to changes in the law, and dealing with difficult employees. Although she has worked with clients in a variety of industries, she has substantial experience working with clients in the transportation, retail, and the bio/pharmaceutical industries.

Michelle has given numerous presentations on a variety of topics including:

- Data analytics
- Wage and hour issues
- Drafting and implementing commission and bonus plans
- Avoiding and defending claims of sexual harassment, discrimination, and retaliation

Michelle taught courses on immigration, discrimination, and wage and hour issues to human resources professionals in a certified program offered through the law and business management programs at the University of California, Santa Cruz. She also provides training to associates on a firmwide basis.

Michelle is a co-chair of Littler’s Associates Committee, a member of the Shareholder Candidate Committee, and a founding member of the Women’s Leadership Initiative. She was previously a member of the Board Nominating Committee and has served on the firm's Board of Directors. She is also the head of the firm’s Strategic Review Committee.

**Not licensed to practice law in Arizona.*

Professional and Community Affiliations

- Member, Santa Clara County Bar Association
- Member, The Bar Association of San Francisco

Recognition

- Finalist, *Maynard Pirsig Moot Court Competition*
- Order of the Coif
- Named, Top Attorneys in Northern California, *San Francisco Magazine*, August 2015

Education

J.D., University of Minnesota Law School, 1995, *magna cum laude*
B.S., California State University, Hayward, 1990, *With Honors*

Bar Admissions

California

Publications & Press

Littler Elects Four New Members to 2022 Board of Directors
Press Release
January 31, 2022

Littler Appoints New Chair and Elects Four New Members to 2020 Board of Directors
Press Release
January 28, 2020

"That Can't Be Right!" California Appellate Court Rules that Piece Rate Workers Are Entitled to Separate Hourly Compensation
Littler ASAP
March 22, 2013

California Appellate Court Rules that Piece Rate Workers Are Entitled to Separate Hourly Compensation
Littler ASAP
March 22, 2013

Kleiner Perkins lawsuit spotlights difficulties of proving discrimination
Palo Alto Online
May 26, 2012

California Court of Appeal Deals Another Blow to Class Action Plaintiffs
Littler ASAP
February 28, 2011

California Court of Appeal Affirms Decision Finding No Individual Liability for Supervisors or Managers Under State Wage Laws
Littler ASAP
April 25, 2008

Events & Speaking Engagements

Home Suite Home: The Remote Workforce and Business Expense Reimbursement
December 8, 2020

COVID-19's Litigation Aftermath: Preparing for the Coming Wave of Legal Claims
Littler 2020 Virtual Executive Employer Conference
May 7, 2020

Using Data Analytics in Assessing Litigation Risks
May 4, 2016

California Court Rules Piece Rate Workers Are Entitled to Separate Hourly Compensation
May 1, 2013

Class Action Summit
September 23, 2010