

MVP: Morgan Lewis' Michael Weil

By Daniela Porat

Law360 (September 8, 2022, 2:02 PM EDT) -- Michael D. Weil of Morgan Lewis & Bockius LLP's employment law group became a go-to litigator for the novel practice of defending employers' COVID-19 vaccine mandates against employee challenges, including for pharmaceutical giant Bristol-Myers Squibb Co., earning him a spot as one of Law360's 2022 Employment MVPs.

HIS BIGGEST ACCOMPLISHMENT IN THE PAST YEAR:

Weil's success in helping businesses defeat the uncharted territory of employee challenges to private sector vaccine mandates was all the more significant because he only joined the firm in July 2021.

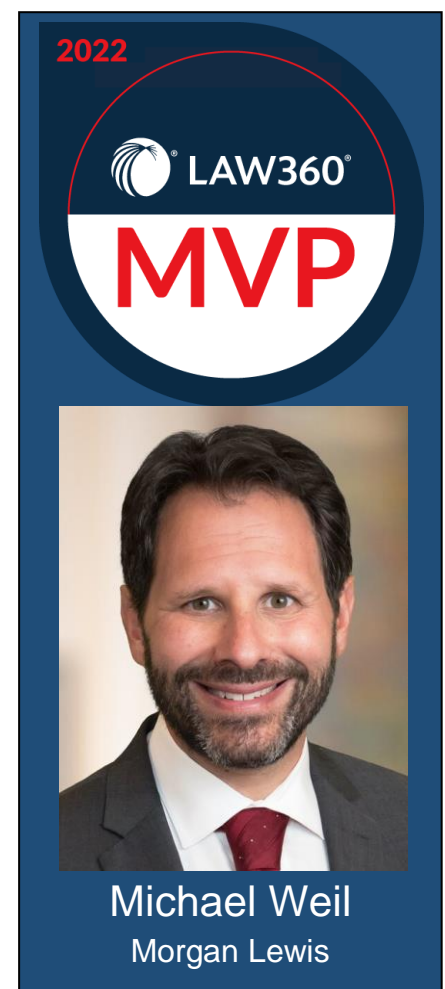
"My greatest accomplishment was the combination of being new, having folks at my firm trust in my leadership and judgment, and to tackle something where there just weren't any road maps that anyone was used to following," he said.

In October, Weil helped the Los Alamos National Laboratory, operated by Triad National Security, defeat a temporary restraining order and preliminary injunction in one of the first cases in the country confronting workers' efforts to impede COVID-19 vaccine mandates.

Bristol-Myers Squibb employees, who did not want to comply with the company's vaccine mandate and did not get approval for medical or religious exemptions from the company, similarly filed a temporary restraining order and preliminary injunction against the company in December in New York federal court.

The court denied the workers' efforts to stall the vaccine mandate, which represented a "meaningful victory" for Bristol-Myers Squibb as the company "placed a high importance on its ability to protect its workforce, customers and communities by implementing a vaccine requirement," according to Morgan Lewis.

Weil's combined experience in defeating injunctions and employment law were critical in devising successful defense strategies, he said.



But a major challenge for him was figuring out what would resonate with the courts. Weil said it was important to first talk about how the pandemic affected employers and highlight their efforts explaining to their employees the importance of getting vaccinated.

"I thought those were important issues to address before getting into the law because some employees may lose their jobs over a vaccine mandate," he said.

ON WHY HE IS AN EMPLOYMENT ATTORNEY:

Weil said he practices employment law because it is "one area of law that has a direct impact on people's lives."

The issues that arise in employment law involve quotidian workplace interactions everyone can relate to, he said. In particular, Weil added, he enjoys working in the employee mobility space on misappropriation of trade secrets cases.

"I feel like I'm a detective," he said. "I find that area to be intellectually fascinating because it often involves understanding at a deeper level the industries in which our clients work. So if it's a life sciences company, I often need to understand the details of the technologies involved."

ON WHAT MOTIVATES HIM:

Weil seeks to find practical strategies for his clients to resolve challenges, he said.

He said he is motivated by "solving complex problems and coming up with solutions for clients who don't just want to be told what the law says." To him, it's taking the practice of employment law to the next level.

"[It's] beyond determining what the law is and beyond predicting what the outcome might be," Weil said. "But it's looking at the law, looking at risk, determining how much risk a client may want to lean into ... and coming up with something that is practical and creative for the client."

ON HIS ADVICE FOR JUNIOR ATTORNEYS:

One of the first things Weil tells junior attorneys is to take vacation.

"This is a very stressful job. It also can be very fun, but if you're not able to disengage and take some time off to recharge your batteries, you will not enjoy the practice as much as you can," he said.

He encourages attorneys to make it happen by planning ahead.

"Otherwise, the weeks will keep moving on and you won't take your vacation, and the next thing you know it'll be a year and a half and you haven't taken a vacation, and you will feel burnt out," he said. "You need to take a vacation."

— *As told to Daniela Porat.*

Law360's MVPs of the Year are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals, and complex global matters. A team of Law360 editors selected the 2022 MVP winners after reviewing more than 900 submissions.