

A seasoned attorney with nearly four decades of experience, Michael partners with employers in many industries to prevent and solve employment problems. He represents news media organizations in all aspects of the law related to newsgathering and distribution. He also serves as a mediator to help resolve employment and media law disputes.



Michael Patrick O'Brien

Shareholder | Salt Lake City

Biography

Employment Law:

Michael partners with employers in many industries to prevent and solve employment problems.

He works with the local and national Society for Human Resource Management (SHRM) and has served as the legal and legislative director for Utah SHRM and Salt Lake SHRM. For such services, National SHRM honored him with its prestigious Capital Award, which was given annually to one of SHRM's 300,000 members worldwide. Utah SHRM has given him its Award for Professional Excellence.

Michael counsels employers on how to minimize and manage risks, including those involving: civil rights, discrimination, the Americans With Disabilities Act (ADA), sexual harassment, other harassment, retaliation, the Fair Labor Standards Act (FLSA), payment of wages, overtime pay and exemptions, employee benefits, drug and alcohol testing, workplace violence, the Family and Medical Leave Act (FMLA), the Equal Employment Opportunity Commission (EEOC), affirmative action, unemployment compensation, employee misconduct, investigations, unions, unfair labor practices, the National Labor Relations Board (NLRB), employment contracts, non competes, defamation, torts, wrongful discharge, mediation and arbitration.

He represents employers when disputes become lawsuits.

He has successfully handled hundreds of cases before administrative agencies, trial courts, juries, arbitrators, mediators and appeals courts.

Contact information

801.536.6715

mobrien@parsonsbehle.com

Capabilities

Employment & Labor
Employment Litigation

Licensed/Admitted

Utah

Michael works with clients regarding preventative employment law activities, such as investigations, supervisor and employee training, policy and handbook reviews, job descriptions, human resource audits and counseling on day-to-day employee problems.

He has published numerous articles on employment law topics.

He is a popular public speaker, often addressing the news media and local and national employer groups on various employment law trends and issues.

Michael serves as a mediator in employment law disputes.

Media and First Amendment Law:

Michael assists news and publishing organizations in obtaining access to places and records (FOIA and Utah GRAMA), and in minimizing risks (and responding to claims) of defamation, invasion of privacy, tort and other matters related to publishing. He also represents the news media at the Utah Legislature and elsewhere as needed, working to preserve and strengthen Utah's open government laws.

He has represented many media clients including The Salt Lake Tribune, CNN, the Deseret News, the Associated Press, the Newspaper Agency Corporation, Newsweek, the Society of Professional Journalists, KUTV News, the Utah Media Coalition and KSL-TV and radio.

He is a member of, and has received "sunshine" and freedom of information awards from, the Society of Professional Journalists and the National Association of Broadcasters.

Michael is co-editor of the *Utah Media Law Handbook* published by the Utah Headliners Chapter of the Society of Professional Journalists.

Experience

Dismissal of Defamation Charges by GOP Leader Against the Salt Lake Tribune

Based on Michael Judd's argument of neutral reporting privilege, The Salt Lake Tribune's Motion to Dismiss was granted in a lawsuit brought by former Utah GOP director of communications for defamation. The judge's decision rested on a previous Salt Lake Tribune case outcome (Schwarz), which, in 2005, was argued by Parsons attorney Michael O'Brien.

FMLA and ADA Discrimination Defense

Represented a large Intermountain region bank in two discrimination claims in U.S. District Court concerning FMLA and ADA.

Public Records Access Motion for Summary Judgment

Parsons' client The Salt Lake Tribune asked for copies of officer interviews from the City of West Jordan, as part of a project assembling a database of Utah police involved shootings. The city refused to release the records, and The Tribune challenged that access denial in an appeal to the district court. The court issued a ruling granting the Tribune's Motion for Summary Judgment and ordered West Jordan to turn over those records, with minimal redactions.

Accomplishments

Professional

AV Rating Martindale-Hubbell

Highest ratings, Chambers USA, Labor & Employment, 2003-present

Employment Lawyer of the Year, Utah State Bar, 2001

Human Resources Executive, Nation's Most Powerful Employment Lawyers In America, 2010 to present

Mountain States Super Lawyers, 2007-present

Utah Business Magazine, Legal Elite, 2006-present

Best Lawyers in America, "Salt Lake City Best Lawyers Employment Law Lawyer of the Year," 2011-2012, 2014, 2024

Best Lawyers in America, First Amendment Law, Labor and Employment Law, 2005-present

Best Lawyer's 2019 Lawyer of the Year for Employment Law

Academic

University of Utah, J.D., 1986

- Harry S. Truman Scholar
- Utah Law Review, Member, 1984-1985 and Executive Editor, 1985-1986

University of Notre Dame, B.A., Government/Theology, 1983

Associations

Professional

Utah State Bar Association and American Bar Association, Employment Sections

Society for Human Resources Management, national and local

University of Utah S.J. Quinney College of Law Board of Trustees, 2019-present

Community

Judge Memorial High School Board President, 2016-present

Media

Utah Media Coalition

Articles

Employment Law Update, December 16, 2024

Employment Law Update, July 8, 2024

Employment Law Update, December 19, 2023

Employment Law Update, August 24, 2023

Employment Law Update, March 30, 2023

Employment Law Update, June 29, 2022

Employment Law Update, May 31, 2022

Ep 98. Michael O'Brien, Monastery Mornings, February 6, 2022
BYU Radio

Remembering the Christmas Eve We Were Helped by a Savior in Cowboy Boots, December 12, 2021
Salt Lake Tribune

'Mormon Land': Utahn Reflects on His Visits to an Unlikely Monastery in LDS Zion and His Life among Saints and Monks, July 28, 2021
Salt Lake Tribune

A Utah father's tribute to his 'velveteen daughter,' June 19, 2022
Salt Lake Tribune

Presentations

DEI: The Great American Discussion, Parsons Behle & Latimer/SHRM 2024 Salt Lake City Employment Law Seminar, May 14, 2024

Employee Life Cycle II: HR Law Issues During Employment, Parsons Behle & Latimer 35th Annual Employment Law Seminar with SL SHRM, May 9, 2023

Hot Employment Law Topics for 2023, January 13, 2023
University of Utah S.J. Quinney College of Law

Every Case Really is a Story: Four State and Federal Caselaw Stories and Lessons, October 5, 2022
Parsons Behle & Latimer 10th Annual Idaho Employment Law Seminar

Breaking HR Law News: Legislative and Regulatory Update, October 5, 2022
Parsons Behle & Latimer 10th Annual Idaho Employment Law Seminar

Employment Law Challenges of a Remote Workplace, June 16, 2022
34th Annual Parsons Behle & Latimer Employment Law Seminar

2022 Legislative and Regulatory Update, June 16, 2022
34th Annual Parsons Behle & Latimer Employment Law Seminar

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