



Michael L. Tooley

Senior Counsel

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Mike Tooley is a Senior Counsel in Ice Miller's Workplace Solutions Group focused on assisting our clients with their various legal and other needs arising out of their workplaces. He serves as general employment counselor and advocate for employers regarding their workforces, including daily employee issues, collective bargaining, arbitration, administrative proceedings before the NLRB, EEOC and other federal and state agencies, and employment litigation in state and federal courts.

Mike represents employers of all sizes and types—both union and non-union, public and private, blue collar and white collar, and those with or without in-house legal staffs—concerning the wide range of labor and employment issues they face. He is an experienced advocate for employers in court, in arbitration and in front of various administrative agencies and has defended employers in legal proceedings in more than 16 states.

From his more than 30 years of representing employers in litigation and collective bargaining, Mike has discovered that the "secret sauce" for winning workplace disputes is to prevent them from arising in the first place, and the best way to do that is by helping organizations and their leaders create better workplaces in which their employees are developed, cultivated and engaged.

Because he believes in this formula so strongly, Mike has supplemented his legal practice by becoming a certified Leadership and Strengths Coach and co-founding Upstream Principles LLC, an Ice Miller affiliate dedicated to providing leadership coaching and employee development training. As a certified coach, Mike guides leaders and teams on how to recognize and develop their strengths, with the goal of creating better workplaces, more engaged and productive workforces and fewer employment disputes.

In addition to his role as advocate, Mike spends a considerable amount of his practice training human resource professionals and other business executives on how to comply with the various employment laws that affect them, while still getting the best from their workforce. He presents frequent training sessions to supervisors, managers and human resource professionals on such crucial employment issues as:

- Respect in the workplace

Services & Industries

- Benefit Disputes & Litigation
- Construction
- Employment & Independent Contractor Agreements
- Employment Discrimination
- Employment Litigation & Disputes
- Employment Policies & Training
- Environmental Regulation
- Internet, Technology & Social Media
- Labor & Employment
- Labor Relations & Collective Bargaining
- Life Sciences & Biotechnology
- Litigation
- Plant Closings & Reductions in Force
- Sports & Entertainment
- Technology
- Wage & Hour/Fair Labor Standards Act

- Interviewing skills
- Conducting effective workplace investigations
- Union awareness
- Effective communication skills
- The role of healthy conflict in creating stronger teams
- Leveraging team strengths
- Compliance with ADA, FMLA and other statutory obligations

In addition, he is a frequent public speaker at seminars for human resource professionals, business executives and other lawyers on a wide variety of topics, both legal and non-legal.

Mike joined Ice Miller in 1991 after graduating from law school and has practiced labor and employment law exclusively since that time. He was born in Henderson, Kentucky, and received his Bachelor of Arts from Vanderbilt University in 1988 graduating *summa cum laude*. He holds a juris doctor from Duke University School of Law, where he graduated with high honors in 1991. While in law school, he was a member of Law and Contemporary Problems and the Moot Court Board.

Education

- Duke University School of Law (J.D., 1991)

Admissions

- United States District Court - Central District of Illinois
- Indiana
- United States District Court - Northern District of Indiana
- United States District Court - Southern District of Indiana
- Indiana Civil Rights Commission
- United States Court of Appeals - Seventh Circuit
- National Labor Relations Board
- U.S. Equal Employment Opportunity Commission

Professional Affiliations

- Past Chair, Council of the Labor and Employment Section, Indianapolis Bar Association
- Member, Indiana State Bar Association
- Member, Indianapolis Bar Association
- Member, Society for Human Resource Management
- Professional Certified Coach, International Coaching Foundation
- Leadership Coaching Executive Cert., Institute for Transformational Leadership, Georgetown University
- Gallup Certified Strengths Coach
- The Leadership Circle Profile™ 360 Certification

Awards & Honors

- *Benchmark Litigation*, Labor and Employment Star, 2024

- Leading Labor & Employment Lawyer, *Chambers USA: America's Leading Lawyers for Business*, 2009-2024
- *The Best Lawyers In America*®, Labor Law Management and Employment Law Management, 2009-2026
- AV-Preeminent, Martindale-Hubbell, Peer Review Ratings, 2000-2021
- Indiana *Super Lawyers*, 2004-2006 and 2009-2024
- Indiana's Best Lawyers, Labor and Employment Law, *Indiana Business Magazine*
- *Who's Who Among Executives and Professionals*, 2008-2009 Honors Edition

Community Involvement

- Board Member, Traders Point Christian Schools
- Past Board Member, Fellowship of Associates of Medical Evangelism (FAME)
- Past Board Member, The Pursuit
- Life Group Leader and Facilitator of New Member Discovery Classes at Traders Point Christian Church
- Leader of Mission Trips to Build Homes in Mexico

Key Matters

Reported and Representative Cases

- *Day v. Allison Transmission, Inc.*, 2010 U.S. Dist. LEXIS 118913 (S.D. Ind. 2010)
- *Thomas v. Fairfield Mfg. Co., Inc.*, 2009 WL 1043959 (N.D.Ind., April 17, 2009)
- *Fairfield Manufacturing Co., Inc. and UAW, Local 2317*, 125 LA (BNA) 1034 (Arb. Paolucci, 2008)
- *Huston Patterson Corp. and GCIU, Local 219m*, 124 LA (BNA) 880 (Arb. O'Grady, 2007)
- *Lester v. M&M Knopf Auto Parts*, 2006 WL 2806465 (W.D.N.Y., 2006)
- *Sills v. Bendix Commercial Vehicle Systems LLC*, 2005 WL 2674926 (N.D. Ind. 2005)
- *Fairfield Mfg. Co. and UAW Local 2317*, 2005 AAA Lexis 1047 (Arb. Goldstein, 2005)
- *MicroMetl Corp.* 333 NLRB 1133 (2001)
- *Sharon Vinson v. Cummins Engine Co., Inc.*, 36 F. Supp. 2d 1085 (S.D. Ind. 1999)
- *Indianapolis Newspapers and Teamsters Local 135*, 1999 WL 1331145 (Arb. Suntrup, 1999)
- *Paul Vogel, et. al, v. Cummins Engine Co., Inc., et al*, 971 F. Supp. 74 (S.D. Ind. 1997)
- *Fairfield Mfg. Co. and UAW Local 2317*, 109 LA 033 (Arb. Feldman, 1997)
- *Chrysler Motors Corp. v. Graham*, 631 N.E.2d 7, 9 (Ind.Ct.App.1994)
- *Cummins Engine Co. and Office Committee Union*, 104 LA 522 (Arb. Goldman, 1995)
- *Service Supply Co., and UAW Local 1992*, 1992 WL 732704 (Arb. Goldstein, 1992)
- *Huston Patterson Corp. and GCIU, Local 219m*, 1992 WL 71728 (Arb. Nathan, 1992)

Success Stories

Arjo

Arjo is a global, market-leading supplier of medical devices, services and solutions that help to improve quality of life for people with reduced mobility and age-related health challenges. Arjo creates value by improving clinical outcomes for patients and enabling a better work environment for health care professionals.

While Arjo focuses on improving the health and well-being of others, Ice Miller serves as Arjo's outside counsel in the U.S. and Canada to make sure the company is legally healthy as well.

Arjo's main customers are private and public acute and long-term health care institutions. Arjo endeavors to deliver solutions to improve clinical results and higher financial value by developing programs with considerations toward future demographic trends and stricter regulatory requirements. Its offering includes preventative solutions for caregiver injuries, patient injuries, falls, venous thromboembolism, pressure ulcers and infections. With these solutions in mind, Arjo provides medical equipment including medical beds, patient transfer solutions, hygiene systems, vascular therapy products, disinfection products, diagnostics products and therapeutic support systems.

With U.S. headquarters in Addison, Illinois and primary headquarters in Malmö, Sweden, Arjo serves customers in more than 100 countries and has more than 6,200 employees worldwide.

Ice Miller currently serves as Arjo, Inc.'s primary U.S. outside legal counsel. When Ice Miller began the client relationship with Arjo, one of our corporate attorneys assisted Arjo on-site, learning the business and being available to support the in-house attorneys. Since that time, several Ice Miller attorneys have provided Arjo with legal counsel in a multitude of areas including labor and employment, data privacy and security, commercial transactions and corporate and regulatory issues.

Through our relationship, Ice Miller has learned Arjo's industry and assists the company with legal matters across the U.S. and Canada. We have maintained a diverse legal team to assist Arjo, which reflects on the diversity of Arjo's own personnel. Arjo has various point people at Ice Miller in different practice areas who route work to other attorneys and practice areas as necessary. We also work cooperatively and effectively with Arjo's other outside counsel and advisors.

Published In

- "Returning to Work: Can Employers Still Require Doctors' Notes from Employees Who Test Positive for COVID-19?" *Inside Indiana Business*, April 20, 2020
- "Workplace Courage in the #MeToo Age," *Inside Indiana Business*, December 17, 2018 and *Indiana SHRM*, January 16, 2019
- "After the Exodus," *Inside Indiana Business*, December 15, 2014
- "The Things They Carried," *Res Gestae*, The Journal of the Indiana State Bar Association, September 2014
- "Leading 'Like a Boss,'" *Inside Indiana Business*, September 10, 2014
- "Absence Makes the Workplace . . . Stronger?," *Employee Benefit Plan Review*, August, 2014
- "Back to the Future: Team-Building Lessons from 1984," *Inside Indiana Business*, July 9, 2014
- "Inheriting the Tornado: Bullies and Bystanders," *Inside Indiana Business*, February 19, 2014
- "What To Expect When You're Expecting," *Informed Employer Briefing E-Newsletter*, November 20, 2012
- "Twelve Timely Topics For '12," *Informed Employer Briefing E-Newsletter*, January 5, 2012
- "Workplace Harassment: An Offer You CAN Refuse," *Informed Employer Briefing E-Newsletter*, November 22, 2011
- "We're All In A Protected Class Now," *Informed Employer Briefing E-Newsletter*, February 2, 2011
- "Don't Manage Like Your Lawyer," *Inside Edge E-Newsletter*, July 20, 2010
- "One Piece at a Time - Building a Perfect Mentor," *Res Gestae*, The Journal of the Indiana State Bar Association, April 2010

- "Attitude Adjustment," *Res Gestae*, The Journal of the Indiana State Bar Association, November 2006
- "Faith and the Bar," *Res Gestae*, The Journal of the Indiana State Bar Association, September 2001

Thought Leadership

July 10, 2023

Healthy Conflict in an Age of Avoidance

August 9, 2022

Indiana Passes Near-Total Abortion Ban

August 1, 2022

Update on Indiana's Abortion Bill

April 20, 2022

Employers: Expect a Latte Organizing This Year [1]

January 11, 2021

Good Grief

July 8, 2020

Marion County, Indiana Issues Mandatory Public Mask Order Effective July 9, 2020

April 20, 2020

Returning to Work: Can Employers Still Require Doctors' Notes from Employees Who Test Positive for COVID-19?
Inside Indiana Business

Speaking Engagements

- "Managing Risk Through Building Strength," Leading Age Indiana 2019 Spring Conference, April 2019
- "Building Better Workplaces," 2018 HR Annual SHRM Conference, August 2018
- "The Modern Workplace," 2017 Indianapolis MSATA (Midwestern States Association of Tax Administrators) Annual Conference
- "Under Pressure: Effective HR in High-Pressure Situations," 2012 HR Annual SHRM Conference, August 2012
- "At Will No More: We're ALL Protected Now," 2011 HR Annual SHRM Conference, August 2011
- "Managing Employer Communication Through Life Cycle of Employment," Social Media Legal Risks and Strategy Conference, January 2011
- "Surfin' the Net: Employee Communications in the Internet Age," Indiana Chamber of Commerce 46th Annual HR Conference and Expo, March 2010
- "Effective Communications in Workforce Restructuring," Indiana Chamber of Commerce Workforce Restructuring Seminar, March 2009
- "Several Severance Scenarios," Indiana Chamber of Commerce Employee Benefits Seminar, March 2008
- "Work/Life Balance (or How to Make Partner Without Losing Your Soul)," Indianapolis Bar Association Young Lawyers Division, May 2007

- "Handling Difficult Issues in Employee Investigations," Midwest Employment Institute, June 2006
- "Business Torts in Hiring and Firing," Lorman Education Services, April 2005
- "10 Commandments in Handling Conflict in Negotiations," Butler University School of Business, October 2005
- Prepared written materials and spoke on various labor and employment topics at Annual Seminar on Labor-Management Relations hosted by Indiana University School of Law and National Labor Relations Board for 1997-2001 and 2003-2004.
- "Electronic Workplace: Establishing Policies and Procedures for Successfully Managing Employees and Protecting Privacy Rights," Council on Education in Management Personnel Law Update, 2002
- "Workplace Privacy and Employers Need to Know," ICLEF Recent Developments in Employment Law, December 2002
- "Dealing with Injured Employees Under ADA, FMLA, OSHA and Worker's Compensation," Lorman Education Services, July 2001
- "Role of Documents in Employment Discrimination Claims," Lorman Education Services, February 1996
- "Employment Applications, Tests and Interviews: The Minefield at the Front Door," ICLEF Hire, Fire and Mire Conference, April 1996
- "Monitoring E-Mail, Computer Files, Voice Mail and Telephone Use Without Crossing the Line," Council on Education in Management Personnel Law Update, 1996
- "Defamation in the Workplace," Indiana Employment and Labor Law Seminar, April 2005
- "Limits on Language in the Workplace: Free Speech, Harassment, English-Only Rules and More," Council on Education in Management Personnel Law Update, 1994
- "Employers' Obligations under the ADA and FMLA," Indiana State Bar Association General Practice Section, April 1993