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Practices
- High Stakes Litigation
- Labor, Employment and Employee Benefits
- Whistleblower/False Claims Act

Michael L. Murphy

Biography

Michael, a partner in the Washington, D.C. office of Bailey & Glasser, concentrates his practice in complex litigation, including consumer class actions, complex commercial litigation, *qui tam* and false claims matters, and *parens patriae* litigation.

Michael is currently a member of the management committee for a consortium of law firms that directly represents a number of Governors, State Attorneys General, and Underground Storage Tank Funds in ongoing investigations, mediations, and litigations against the major oil companies in efforts to recoup improper overpayments obtained by the oil companies. This ongoing endeavor has currently returned over one hundred million dollars to the various states.

Michael currently represents the BSA | The Software Alliance, an association of the leading software manufacturers including Apple Inc., Adobe Systems, and Microsoft Corporation, in investigating and prosecuting allegations of copyright infringement.

Michael has represented several hospitals in financial fraud matters involving their issuance of auction rate securities. He also is on the plaintiffs' steering committee in a nationwide antitrust class action involving the illegal tying of cable set-top boxes to the provision of premium cable services. He's also represented a number of health and welfare funds for the International Brotherhood of Teamsters. He submitted an Amicus Curiae brief on behalf of Law Students in Court, a clinical program for law school students in the District of Columbia, in *Douglas v. Kriegsfeld Corporation*, No. 02-CV-711 (D.C. Oct. 13, 2005) (*en banc*). The holding in *Douglas* was a significant victory for tenants in the District of Columbia as it requires a landlord to actually attempt to accommodate a disabled tenant before it is able to justify an eviction on health and safety grounds.

Michael graduated from The Catholic University School of Law, *cum laude*, in 2002. While at Catholic University, he served on the Catholic University Law Review and was awarded first place in the John H. Fanning Labor Law Writing Competition. Following law school, Michael worked in the litigation department of O'Melveny & Myers LLP in Washington, D.C. Prior to attending Catholic University, he graduated from the University of Wisconsin-Madison in 1993 with a Masters degree in Industrial Relations and from California State University-Fresno in 1991 with a Bachelors degree in Human Resources Management.

Prior to attending law school, Michael work in the Research and Field Services Departments for the International Brotherhood of Teamsters in Washington, DC, providing support to the IBT's national bargaining committees. He also worked in the Research Department for the American Federal, State, County, and Municipal Employees ("AFSCME") in Madison, Wisconsin and, while in law school, as a legal assistant in the Civil Division in the Attorney Generals' office for the District of Columbia.

He is married, has two sons, and is a volunteer for and sponsor of Capitol Hill Little League and volunteers for the NOVA Ice Dogs hockey program.

Professional Involvement

Bar Admissions

New York, 2012
West Virginia, 2008
Washington, 2006
District of Columbia, 2003

Government Experience

Judicial Extern, Hon. Paul L. Friedman, U.S. District Court for the District of Columbia, 2001-2002

Memberships and Affiliations

Member, American Association for Justice ("AAJ"), Small Business Torts Committee
Member, Public Justice, Membership, Outreach & Diversity Committee
Member, Public Investors Arbitration Bar Association ("PIABA")

Publications & Panels

- Moderator, AAJ 2014 Summer Meeting, Business Torts Section.
- Participant, Plaintiff's Class Action Forum, April 2014 (The Forum, which is limited to only 44 of plaintiffs' attorneys on an invitation-only basis, is an intense two-day educational session covering a number of leading issues that are vital to class action litigation)
- Speaker, New Trends in Employee Benefits Class Actions, Mass Torts Made Perfect, October 2013 (co-presented with Gregory Y. Porter, Bailey & Glasser LLP)
- *Weeks v. Wyeth*: Certification of Controlling Issues of State Law, AAJ 2013 Summer Meeting, Business Torts Section.
- On the Merits: *Wyeth, Inc., et al. v. Weeks*, Washington Legal Foundation, January 2012
- Panel: *Wal-Mart v. Dukes*: The Supreme Court Examines How and When to Certify a Class Action, Hosted by the Washington Legal Foundation, March 2011
- The Class Action Fairness Act: Highlighting the Problems with the Patchwork of Certification Procedures, AAJ Business Torts Newsletter, Vol. 17, No. 1, Winter 2009
- CAFA's Amount-in-Controversy Requirement: Keeping Smaller Class Actions in State Court Where They Belong, American Bar Association Class Action & Derivative Suits Newsletter, 2009
- Third-Party Subpoenas in Multi-District Litigation: The Question of Proper Jurisdiction, American Bar Association, Mass Torts Litigation Newsletter, Vol. 2, No. 1, Fall/Winter 2004
- Assembly Bill 2222: California Pushes and Breaks the Disability Law Envelope, 51 Cath. U. L. Rev. 495 (2002) (John H. Fanning Labor Law Writing Competition Winner)
- The Federal Courts' Struggle with Burden Allocation for Reinstatement Claims Under the Family and Medical Leave Act: Breakdown of the Rigid Dual Framework, 50 Cath. U. L. Rev. 1081 (2001)

Court Admissions

U.S. Supreme Court
U.S. District Court for the Southern District of West Virginia
U.S. District Court for the District of Columbia
U.S. District Court for the Western District of Washington
U.S. District Court for the Western District of Michigan

Cases

Auction Rate Securities Arbitration Matters

The firm represented several hospitals in financial fraud matters involving their issuance of auction rate securities. Each of the FINRA arbitration matters resulted in settlement agreements.

UST Litigation & Related Proceedings

We serve on the management committee of a consortium of firms representing 22 governors, state attorneys general, and underground storage tank funds pursuing claims against the major oil companies for overpayments of UST cleanup costs. This ongoing endeavor has returned over \$100 million dollars to the various states.

Business Software Alliance Copyright Investigations

The firm represents BSA | The Software Alliance, an association of leading software manufacturers including Apple, Adobe Systems, and Microsoft, in investigating and prosecuting copyright infringement matters.

Comcast Set Top Cable Television Box Antitrust Litigation, MDL-2034

Michael Murphy serves on the plaintiffs' steering committee in MDL action alleging antitrust violations related to defendant's set-top cable box policies. The case settled for approximately \$45 million; the settlement is currently pending.

Education

- J.D., 2002, cum laude; Law Review; Winner, John H. Fanning Labor Law Writing Competition - The Catholic University of America
- M.S., Industrial Relations, 1993 - University of Wisconsin-Madison
- B.S., Human Resource Management, 1991 - California State University Fresno