

## Carl F. Muller

Partner

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### education

Cornell Law School (J.D.), 1972

Grinnell College (B.A.), *with honors*,  
1969

### services

Labor & Employment

Business Litigation

Insurance

Carl Muller represents management in labor and employment law matters, general commercial litigation, and insurance defense.

He appears across the state of Ohio in courts of common pleas, courts of appeals, and federal district courts. Over the course of his career, Carl has tried more than 75 jury and bench trials to verdict.

Carl defends employers in litigation involving sexual harassment, the Age Discrimination in Employment Act, the Family and Medical Leave Act, non-compete and confidentiality covenants, quasi-contract/promissory estoppel claims, employee handbooks, substance abuse policies, employment-at-will, whistleblower claims, retaliation claims, public policy torts, employee intentional torts, employee privacy issues, and disciplinary actions. He also represents businesses with matters before the Equal Employment Opportunity Commission and Ohio Civil Rights Commission. He has undertaken numerous EPLI defenses for major insurance carriers and reviewed and litigated both EPLI and other coverage issues.

Carl is an experienced arbitrator with the American Arbitration Association's National Panel of Employment Neutrals, Ashtabula County Court of Common Pleas, Lake County Court of Common Pleas, and the Equal Employment Opportunity Commission Volunteer ADR Program. He has been involved in arbitrations of a variety of employment-related litigation with claims valued at more than \$1,000,000, and has served as a privately retained mediator in significant employment matters.

An active educational speaker and writer on employment law and litigation, Carl has presented programs to attorneys, human resources professionals, managers, and students. His many employment law articles appear in law reviews, textbooks, newsletters, and CLE publications.

#### **state admissions**

- Ohio (1972)

#### **federal admissions**

- Supreme Court of the United States
- United States District Court, Northern District of Ohio

#### **publications & events**

##### **PUBLICATIONS**

- *The Best of Labor & Employment Law*, Editor-in-Chief, Ohio State Bar Association CLE Institute (1st, 2nd, 3rd, 4th, and 5th (2015) Editions)
- "ADA and ADAAMA Update – A Review of the Comprehensive Statutory and Regulatory Changes Now in Effect," Ohio State Bar Association CLE Institute (2013)
- "Mandatory Arbitration of Ohio Employment Claims," Ohio CLE Institute (2002, 2009)
- "Sexual Harassment in the Workplace – Case Law Update: Emerging Issues in the Wake of *Ellerth & Faragher*," Ohio CLE Institute (2001, 2008)
- "The Bermuda Triangle of Employment Law – The Deadly Intersection of ADA, FMLA, and Workers' Compensation," Ohio CLE Institute (2006, 2008)
- "Mandatory Arbitration of Employment Claims," *Federation of Insurance and Corporate Counsel Quarterly*, Vol. 48, No. 4 (Summer 1998)
- "Conducting and Documenting Workplace Investigations of Harassment," *Employment Law Counselor*, published by Business Laws, Issue No. 86 (1997)

##### **SPEAKING ENGAGEMENTS**

- "New Beginnings: Considerations for Post-COVID-19 Returns to Work," Advanced Labor and Employment Law Seminar, Ohio State Bar Association (May 2021)
- "In-Person and Virtual Mediations: Advocacy Collides with Compromise," Moderator, Advanced Labor and Employment Law Seminar (May 2021)
- "My Time or Yours – The Changing Landscape of Compensable Time," Lake County Bar Association, Painesville, Ohio (October 2020)
- "What Every Employment Lawyer Should Know About ERISA in a COVID-19 World," Moderator, 57th Annual Midwest Labor and Employment Law Seminar (October 2020)
- "Employee Mobility: Here Today, There Tomorrow, Gone the Next Day," Advanced Employment Law Seminar, Ohio State Bar Association (May 2020)
- "The Collection and Use of Biometric Data in the Workplace," Advanced Employment Law Seminar/Webcast, Ohio State Bar Association, Columbus, Ohio (May 2019)
- "Frontiers in Employment Law," Lake County Bar Association, Painesville, Ohio (April 2019)

- "Ethical Considerations for Attorneys Participating in Investigations of Sexual Harassment Complaints," 2018 Corporate Counsel Institute, Ohio State Bar Association, Columbus, Ohio (October 2018)
- "Workplace Privacy: Developments in Monitoring and Use of Genetic Information," Ohio State Bar Association WebCast (September 2018)
- "Workplace Privacy: The Gathering Storm," Advanced Employment Law Seminar, Ohio State Bar Association, Columbus, Ohio (May 2018)
- "Risk Management of Sexual Harassment Claims in the Law Firm Setting," Ohio State Bar Association WebCast (April 2018)
- "Frontiers in Employment Law," 18th Annual Labor & Employment Law Conference, Cleveland Metropolitan Bar Association, Cleveland, Ohio (April 2018)
- "Frontiers in Employment Law," Emerging Topics in Employment & Employee Benefits Law, Tucker Ellis LLP, Columbus, Ohio (April 2018); Cleveland, Ohio (March 2018)
- "Domestic Violence and Employers: What Are Employers Doing?," Ohio State Bar Association webinar (October 2017)
- "Workplace Privacy: The Gathering Storm," 54th Annual Midwest Labor and Employment Law Seminar, Ohio State Bar Association, Columbus, Ohio (October 2017)
- "A View from the Bench and the 'Bench' – Perspectives of a Trial Court Judge and an Arbitrator on Employment Law Trials and Hearings," Advanced Employment Law Seminar, Ohio State Bar Association CLE (May 2017)
- "New Frontiers in Employment Law," Ohio State Bar Association webinar (May 2017)
- "NLRA and the Non-Union Workplace: New Traps for the Unwary," Ohio State Bar Association webinar (December 2016)
- "Top 10 Employment Law Risks," Hot Topics in Employment & Employee Benefits Law, Tucker Ellis LLP, Columbus, Ohio (November 2016)
- "What You Need to Know about the DOL's Wage and Hour Changes," Ohio State Bar Association webinar (October 2016)
- "Top Employment and Employee Benefits Concerns for Employers," Hot Topics in Employment & Employee Benefits Law, Tucker Ellis LLP, Cleveland, Ohio (October 2016)
- "Employment Practice Liability Issues: Perspective of Plaintiffs' and Employer Counsel," 52nd Annual Midwest Labor and Employment Law Seminar, Ohio State Bar Association, Columbus, Ohio (October 2015)
- "Advanced Employment Law," Ohio State Bar Association CLE Institute, Columbus, Ohio (2005, 2008, 2010, 2013)
- "The Idiosyncrasies of Ohio Employment Law," Ohio State Bar Association CLE Institute, Columbus, Ohio (2002, 2006)

#### **MEDIA QUOTES**

- "4 Ways COVID-19 Will Change Workplaces Forever," *Law360* (April 2020)
- "5 Ways To Buoy Productivity When Everyone's Teleworking," *Law360* (April 2020)
- "Hiring in a COVID-19 World," Society for Human Resource Management (SHRM) (April 2020)
- "6 Ways Employers Can Dump Office Romance Worries," *Law360* (February 2016)

### **honors**

- Martindale-Hubbell® AV Preeminent® Peer Rating
- The Best Lawyers in America® (2013-2022)
  - 2021 Cleveland Lawyer of the Year (Employment Law – Management)
  - 2018 Cleveland Lawyer of the Year (Employment Law – Management)
- Ohio Super Lawyers® (2012-2021)
- Ohio Alternative Dispute Resolution Lawyer of the Year, Corporate INTL (2013)

### **in the community**

- American Arbitration Association National Panel of Employment Neutrals
- American Bar Association
  - Labor and Employment Law Section
  - Equal Employment Opportunity Committee
  - ADR Committee
- Annual Midwest Labor & Employment Law Conference, Planning Committee
- Ashtabula County Bar Association
  - President (1983-1984)
  - Certified Local Grievance Committee, Chair (1992-1993)
- Cleveland Metropolitan Bar Association
  - Labor Section
- The Federation of Defense and Corporate Counsel
  - Employment and Civil Rights Section, Chair (1996-1998)
- Lake County Bar Association
  - Labor and Employment Committee
  - CLE Committee
- Ohio State Bar Association
  - Board of Governors, Labor & Employment Section (1988-present)
  - 2021 Advanced Labor and Employment Law Seminar, Planning Committee
  - CLE Institute, reference manual editor
  - Labor & Employment Law Specialty Certification Board, Emeritus Chair and Board Member (1998-present)