



# Profile: Michelle Neumann

Trials have changed over 30 years, but this employment lawyer believes it's still about telling an appealing story to the jury

By **STEPHEN ELLISON**

Many Americans might consider arguing at the dinner table a daily rite of passage. Michelle Dye Neumann's family certainly subscribed to that notion, perhaps taking it a step further and in turn planting a seed for Neumann's fruitful career as a trial lawyer.

Neumann believes there were several factors contributing to her path into law, and one telling influence in her mind was her father's stipulation to family members that they take a stance on any given issue brought to light during evening supper.

"My dad was always insistent on people being able to argue their position and would often require us at the dinner table to take a position, even if it wasn't our position, and argue it," Neumann recalled. "So, I just kind of grew up arguing, I guess, but not in the negative sense. I always enjoyed it."

Indeed, Neumann to this day couldn't be happier taking a stance on issues she's passionate about for people who need someone to stand up for them – in her case, workers whose employers mistreat them or take advantage of them or retaliate against them for standing up for their rights.

A sole practitioner based in Santa Rosa, Neumann has been practicing plaintiff-side employment law for more than a quarter-century. It started in Florida and Alabama, where she ran her own solo practice; continued in St. Louis, where she worked for a firm for more than eight years on several big cases; then carried over to the Minneapolis-St. Paul area, where she had senior positions at two firms before she settled in the Bay Area.

She has been running Neumann Law for more than a decade out of Sonoma County but continues to work cases in multiple states across the U.S. Her gravitation toward employment law, she believes, was mostly a product of her



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focus areas in law school.

"I went to Duke, and Duke really kind of tries to funnel a lot of its students into the big-law defense firms in big cities," she explained.

"I don't think it was a foregone

conclusion that I would be doing plaintiffs' law. But if you take a look at the classes, the elective classes that I took in law school ... social justice issues, race discrimination, gender discrimination. I co-founded, along with a number of other students, the Duke Journal of Gender Law and Policy.

"I worked with a professor who was representing death row inmates," Neumann continued. "My electives were always focused on things that are very relevant to my practice – discrimination and harassment, that sort of thing."

Only three years removed from law school, Neumann worked her first sexual discrimination trial and won. It was only the beginning. Over the next 28 years, she compiled 25 employment law trial wins, including a \$2 million verdict in a retaliation case and a \$2.8 million verdict for two plaintiffs in a whistleblower case. In 2018, Neumann won a \$313,000 verdict against a local Sonoma County business for age discrimination in employment.

Along with sexual harassment, discrimination and retaliation cases, Neumann has decades of experience handling wrongful termination, breach of contract matters, whistleblower claims, family medical leave violations, workers' comp retaliation and claims under the Uniformed Services Employment and Reemployment Rights Act.

## On the move

As the daughter of a military man, Neumann was raised in multiple cities within the United States proper. Her dad was a pilot in the Air Force until she was about seven or eight years old, then became a commercial pilot, she said. As a result, her family moved around a lot, so Neumann is a product of Texas, Oklahoma, Delaware, South Carolina, three cities in Florida and Colorado. Until college, she never lived in any one place longer than about a year and a half, she said.

Even while constantly on the move, the young Neumann managed to participate in extracurricular pursuits. She was involved in theater for many years, and while she was in middle school, she shot a commercial for a European product that was trying to break into the U.S. market. She may not have known it at the time, but the art of drama served as a decent dress rehearsal for the courtroom.

"I think my acting career has come in handy, in terms of being able to present a story to a jury," Neumann said. "If I were talking to somebody who's interested in going into law, I would say, 'Well, make sure you get some public speaking.' But theater is a good one too."

Before college, Neumann had designs on matching her father's career path as a pilot, but "it didn't pan out because I'm actually too short to fly commercial airlines," she said. By the time she arrived at University of Colorado, Boulder, she knew she wanted to be a lawyer. She declared a double major, political science and women's studies, and her honors thesis covered gender and the law.

At Duke, she was a founding editor of the Duke Journal of Gender Law and Policy, and thus began her development as an expert in sexual harassment and discrimination issues in the workplace.



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## Telling the story

Having been involved with plaintiff-side employment law for such a long time gives Neumann a rather deep perspective on how employment disputes have progressed over time, but she believes not much has changed in her fundamental approach to such cases.

“The technology has certainly changed a lot, but in terms of how to tell that story, no, I don’t think so,” she said. “I mean, now 26 or 27 trials in, obviously, my ability to try the cases, I hope, got a lot better than that very first trial. But the basic strategy is about telling a story that will appeal to the jury, taking the facts of the case and making sure the jury understands what happened to the employee and why. And why being harassed or sexually harassed in the workplace is so devastating to someone.”

Neumann also offered a perspective on the different nuances involved in an employment-law trial as opposed to personal injury.

“The big difference, I think, between employment and PI cases is people,” she said. “People’s entire identity is tied up in their jobs. Most of us spend more time at work than we do with our families. And when you walk into a cocktail party or a bar or sit down at a restaurant with new people, one of the first things you tell them is what you do. So, your job is very much your identity, and losing that because of something that somebody does in terms of discrimination or harassment or retaliation is devastating. I think it can be more emotionally devastating to some people than losing an arm or a leg.”

While the clients endure the brunt of the stress during employment law trials, it can be an ordeal for the attorney too, Neumann said. It’s not easy conveying that devastation to a panel of people who likely have never had a similar experience. And when it comes to building a case, composing that narrative, she and her colleagues are at a disadvantage before they even step into the courtroom.

“In an employment case, 90% of the information is usually in the hands of the

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**Go-To Music or Artist:** Right now, Kacey Musgraves

**Recommended reading:** Travel writer Bill Bryson

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**Words to live by:** “Aim for perfection, but don’t expect perfection from others.”

employer,” she explained. “The documents, the witnesses. Frequently, all the witnesses are still employed (by the defendant). And all the documents are usually in the control of the employer. Nowadays, it’s all emails and electronic communication. So, you’ve got to get all that from the employer and hope they haven’t destroyed things, which does happen.”

### Affecting change

Though Neumann’s practice is based in the Bay Area and most of her work is in California courts, she still tries cases in many other states, including Florida, Alabama, Missouri, Minnesota, Nebraska and Illinois.

Two cases Neumann considers memorable involved clients in St. Louis. First there was a sexual harassment case in which she represented a security guard at a community college who was harassed by a co-worker who kept telling her he wanted to go out with her and that she should go out with him. As the fellow security guard persisted, Neumann’s client complained repeatedly and got no help from the employer.

“Then one day, he walked in to where she was sitting, doing some paperwork, pulled out his service gun, pointed it in her face, and said, ‘If I can’t have you, nobody can.’ And then pulled the trigger,” Neumann said. “Fortunately, the gun was not loaded, but you can imagine how traumatic an event that would be.”

The other St. Louis case involved two co-founders of a business who were terminated from the company after its board of directors elected a new president. That new company president started taking money from the corporate coffers and using it for personal things,

Neumann said. The founders went to the board with allegations of the president’s illegal activity and were fired for it.

“They were doing well with something that they had helped create, then just basically were kicked out,” Neumann said. “They’d been there for probably 15 years. That was a nice case because we ended up with a seven-figure verdict.”

## All the way to the State Supreme Court

Another case Neumann recalled fondly involved changing the law. Once again in Missouri, she represented a military-school teacher who was fired after reporting abuse. State law at the time stated that contract employees were not covered by the whistleblower law, and while her client was mandated by law to blow the whistle and report the abuse, he couldn’t file a lawsuit as a whistleblower. Neumann’s team accepted the case with the specific intention of taking it up on appeal to the Missouri Supreme Court.

It was seven years before the case made it to trial, and Neumann won on the few claims her client had, except for the whistleblower claim, which was dismissed. Neumann appealed, as planned, and the appellate court ruled against her, as expected. When Neumann appealed the appellate court’s ruling, she then argued the case in front of the Missouri Supreme Court. The state’s high court ruled that the appellate court got it wrong, and contract employees are, in fact, covered as whistleblowers.

“So, we changed the law for the good in the state of Missouri on behalf of employees,” Neumann said.

## Spare time – not a lot

In her time away from the office, Neumann spends much of it looking after her four-year-old. And if she has any spare time, she enjoys running, hiking, cycling and swimming. She is serious about wine – in a community where wine is a serious business – she is a self-proclaimed “hobby chef.” She also recently took up the guitar.



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Neumann's advice to the next generation of attorneys is to try cases.

"Too many people are afraid of trying cases these days, and it's hard to get cases to trial," she said. "But I think a lot of people settle their cases when they should be taking a risk. Don't be afraid to

lose. Obviously, I'm not suggesting people should take (poor cases). But ... I think people are sometimes willing to take on cases with clients that they probably should have known didn't have the stomach to see it through, and that's something that I've very carefully

screened for. If I feel that someone is not willing to see it through to trial, then I'm much less likely to take their case."

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