



Michelle Drake

SHAREHOLDER IN ST. LOUIS, MO

Michelle joined Sandberg Phoenix in 2016, bringing 19 years of experience in litigating employment, family law, insurance, antitrust, medical malpractice, employment discrimination, commercial and health care matters. With the firm's Health Law practice group, Michelle focuses her practice on matters involved with long-term nursing care and medical malpractice defense. Prior to joining Sandberg Phoenix, Michelle was in solo practice for several years as founding member of the Drake Law Firm L.L.C.

Michelle also has experience with representing clients with employment and labor related matters, including claims of discrimination, wrongful termination and other labor related cases. She has a full understanding of professional malpractice litigation, having represented Illinois hospitals and physicians in medical malpractice litigation for 10 years, including cases involving wrongful death, birth related injuries and resuscitation, emergency medicine, neurology, surgery, radiology and retained objects. With this experience, Michelle is the optimal choice for successfully handling a broad range of personal injury cases.

Finally, Michelle has significant experienced representing commercial clients covering a broad range of legal matters, including commercial litigation and business consultation. She has extensive experience in the areas of complex commercial litigation, franchising and distribution law, antitrust and trademark infringement and contract review and negotiation. In these areas, she has represented national oil refiners, regional food retailers and local business franchises.

SUCSESSES

Franchise:

Successfully managed several complex commercial cases for a national oil refiner involving trademark infringement; commingling of motor fuel; termination under the Petroleum Marketing Practices Act; de-branding gasoline stations; and collection of millions of dollars in unpaid invoices, unamortized incentive funds and unamortized volume incentives from the franchisee.

Structured complex work-out agreement between national oil refiner and franchisee to avoid claims of fraud and discrimination, including successful negotiation of continuing relationship between the parties.

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SERVICES

Medical Malpractice Defense

INDUSTRIES

Hospitals

Long-term Care & Senior Living

Physicians & Allied Health
Professionals

Member of trial team in month-long trial in California defending a major oil company from allegations of fraud and misrepresentation in its model contract used throughout the United States with ancillary cases in Missouri and Ohio.

Primary role in handling product quality claims for major oil company, including enforcing its Product Quality Assurance program with retailers and wholesalers and negotiating settlements.

Professional Liability:

Defense of Illinois hospital in claim of untimely delivery of distressed baby, resulting in cerebral palsy and other brain injuries.

Defense of Illinois hospital in untimely delivery of baby in the face of placental abruption, resulting in kidney failure and transplant.

Defense of Illinois hospital in claim of early discharge of patient after receiving multiple hypotensive medications, resulting in stroke.

Defense of physician in emergency room setting involving care and treatment allegedly resulting in a urethral tear.

Defense of Illinois hospital in wrongful death claim arising out of care and treatment in the emergency room.

Defense of neonatologist for alleged failure to properly resuscitate newborn delivered at 28 weeks of gestation.

Employment Discrimination:

Defense of local small businesses in employment discrimination claims and lawsuits, including handling cases based on age, sex, gender, and retaliation.

Successfully negotiated settlement in wrongful termination case based on gender discrimination and pregnancy.

EDUCATION

J.D., University of Missouri-Columbia School of Law

B.S. in Accounting, University of Missouri-Columbia

LICENSURE(S) AND ADMISSION(S)

Illinois

Missouri

Tennessee

United States District Court for the Central District of Illinois

United States District Court for the Southern District of Illinois

United States District Court for the Eastern District of Michigan

United States District Court for the Eastern District of Missouri

United States District Court for the Western District of Missouri

United States District Court for the Western District of Tennessee

United States District Court for the Eastern District of Wisconsin

United States Court of Appeals for the Sixth Circuit

PRESENTATIONS

"The Use of Social Media in the Work Place," Medical Group Management Association, Webinar Series

"Litigation: Mediation of Franchise Disputes," led round table discussion at the International Franchise Association Legal Symposium

"Liability, Informed Consent and Risk Management (Medical liability for interventional pain physicians. Liability issues include malpractice, controlled substances, tort, consent, and defense)," American Society of Interventional Pain Physicians

"Medical Legalities (Issues that come up in litigation)," Physical Medicine & Rehabilitation Residents, Washington University