



Michelle Smigel, JD - Insurance Broker

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Michelle Smigel is a broker with Sky Insurance Agency, LLC, with expertise in coverage review, coverage disputes, business litigation, employment law, and education law. Focusing on insurance for lawyers, doctors, and educational institutions, Michelle assists clients with coverage review, risk management, and negotiating insurance policy language to best protect clients in the event of a lawsuit.

Education

J.D., Notre Dame Law School,
cum laude

- Executive editor, The Notre Dame Law Review
- Assistant rector of a women's undergraduate dormitory

B.A., University of Notre Dame,
magna cum laude, English and
government & international
relations

- College of Arts and Letters Honors Program

Bar Admissions

Oregon

Michelle is an experienced and respected litigator and advocate for her clients. Before joining Sky Insurance Agency, she was a shareholder at a premier Northwest law firm where she served as lead counsel for businesses, colleges, and universities in complex cases. She has taken and defended over 100 depositions, successfully argued numerous substantive motions such as motions for summary judgment, and represented clients in multiple state and federal jury trials. In addition, she has regularly given presentations on litigation, employment, and education law topics.

Michelle has been recognized in Oregon Super Lawyers magazine as a Rising Star for multiple years. She previously clerked for the Honorable Frederick J. Martone, United States District Court, District of Arizona.

Professional Activities

- Oregon State Bar, member
- Oregon Association of Defense Counsel, member
- National Association of College and University Attorneys, member

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Representative Experience

Dismissal of Title IX and Due Process Claims Against University, *Austin v. University of Oregon* (2016)

Michelle was lead counsel for the University of Oregon in a high profile case brought by three former University basketball players against the University asserting claims based on due process, Title IX, equal protection, breach of contract, and negligence. Michelle argued and prevailed on a motion to dismiss all claims in front of the United States District Court, District of Oregon.

Dismissal of Negligence Claim Against University Based On Sexual Assault of Student (2016)

Michelle was lead counsel for a private university in a high profile case brought by a former student alleging that the university was liable for a sexual assault by another student. Michelle argued and prevailed on a motion to dismiss all claims in front of the Multnomah County Circuit Court.

Arbitration Victory in Employment Claim (2016)

Michelle was lead counsel for a manufacturing client in the three day arbitration of a wage and hour claim brought by a former employee alleging he had been wrongly classified as exempt. Michelle obtained both a favorable arbitration decision and a rare award of attorney fees for her employer client.

Trial Victory for University in Title IX Claim, *Emeldi v. University of Oregon* (2014)

Michelle was lead counsel for the University of Oregon in a high profile jury trial of a Title IX claim brought by a former doctoral student in the United States District Court, District of Oregon and obtained a directed verdict in favor of the University on the third day of trial.

Summary Judgment Victory for University in Property Interest Claim, *Norman G. Lewis v. Washington State University, et al.* (2014)

Michelle represented Washington State University and argued and won a decision from the United States District Court for the Eastern District of Washington that a tenured professor failed to establish a constitutionally protected property right to continue as Project Director of a major federal grant. The Ninth Circuit upheld the decision.

Summary Judgement on ADA Claim Against University (2014)

Michelle was lead counsel for a public university in an ADA discrimination claim brought by a former employee. Michelle argued and prevailed on motion for summary judgment in front of the United States District Court, District of Oregon.

Summary Judgement on Negligence Claim Against University (2013)

Michelle was lead counsel for a public university in a negligence claim involving a student who stabbed another student on campus. Michelle argued and prevailed on a motion for summary judgment in front of the Multnomah County Circuit Court.

Breach of Contract Claim Success on First Day of Trial (2011)

Michelle was lead trial counsel in a million dollar breach of contract claim against her client. During the pre-trial conference, Michelle asked the trial court judge to re-consider a motion for summary judgment and successfully argued the motion, obtaining a ruling resolving the claim in her client's favor. The trial court's decision was upheld on appeal to the Oregon Court of Appeals.

Trial Victory for School District, *Sibley v. Portland Public School District* (2011)

Michelle represented the Portland Public School District and obtained a jury verdict after a four-week trial, defeating claims by a former administrator who alleged "whistleblower" retaliation, defamation, "false light," battery, and intentional infliction of emotional distress when her position was eliminated after she raised concerns about safety in special education programs.