

## Benjamin T. Johnson

Partner

### Overview

Ben is an experienced labor & employment attorney who brings a winning combination of big-picture strategies, attention to detail, and a responsive, collegial approach to his work representing employers of all sizes. Ben has particular expertise working with food, beverage, and agribusiness clients, and leads the firm's Beer, Wine & Spirits group. In addition, he works extensively with many of the firm's higher education clients.

Ben helps clients navigate the full spectrum of employment-related issues, from daily counseling and policy development to high-stakes litigation. He frequently advises on niche areas of labor and employment law, including OSHA and workplace safety, wage and hour matters, disability accommodations and employee leave, drug testing policies and procedures, and labor matters. With a background in disability law, he is particularly valued for his practical advice that helps clients navigate sensitive ADA matters, such as reasonable accommodation and service animal requests in order to avoid or efficiently resolve claims.

An experienced litigator, Ben has successfully defended all types of labor and employment claims. His federal, state, and administrative level experience includes several prominent federal jury trials in Illinois, as well as state and administrative litigation throughout Illinois and Wisconsin.

In addition to his labor and employment work, Ben helms the firm's Beer, Wine & Spirits team – a dedicated group of practitioners who provide legal services tailored to the unique needs of the craft brewing, spirit distilling, and viticulture industries. Ben has a deep knowledge of the unique business and legal complexities of these heavily regulated industries and helps both entrepreneurs and established companies tackle the operational and regulatory aspects of their businesses. Ben also works with Michael Best's Cannabis team in the CBD and medical marijuana spaces. Within these industries, Ben serves as a resource to identify legal needs, including corporate and transactional, intellectual property, regulatory, environmental, labor and employment, and workplace safety, and connects clients with other dedicated Michael Best team members who specialize in these areas.



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### Legal Assistant

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### Industries

Beer, Wine & Spirits  
CBD Products  
Cannabis  
Food & Beverage  
Higher Education

### Practices

Employment Litigation  
Employment Policies, Practices &  
Audits  
Labor & Employment Relations  
Wage and Hour Compliance &  
Defense  
Workplace Safety & Health

Before joining Michael Best, Ben clerked for the Honorable P. Michael Mahoney, one of the longest serving magistrate judges in the Northern District of Illinois. He also gained invaluable disability law experience while serving as an Assistant Attorney General in the Disability Rights Bureau of the Illinois Attorney General's Office.

## **Experience**

### **Defense against discrimination claims**

Ben has assisted in several key victories on behalf of a large municipal employer. In one case, the Michael Best team achieved a federal court jury verdict completely in the employer's favor after several years of extensive litigation on a six-figure ADA claim brought by an employee. He also helped achieve a very favorable settlement in a case where, on the eve of a state court jury trial, Ben's creative motions *in limine* led the court to indicate it would dramatically limit the plaintiff's damages regardless of the jury's verdict.

### **Federal class action wage case by Chicago taxi drivers**

Plaintiffs in *Enger, et al. v. Chicago Carriage Cab Co., et al.* were seeking in damages up to \$150 million for alleged violations of the Illinois Wage Payment and Collection Act. Ben and the Michael Best team secured dismissal of the case in U.S. District Court for the Northern District of Illinois, and then persuaded the Seventh Circuit Court of Appeals to uphold the dismissal with prejudice in a precedent-setting decision.

### **Administrative litigation**

Ben has successfully represented many clients before administrative agencies, such as the EEOC, Illinois Department of Human Rights (IDHR), Illinois Human Rights Commission (IHRC), and Wisconsin Department of Workforce Development, Equal Rights Division (ERD). Ben has an extremely high success rate at obtaining findings in favor of employers, oftentimes in a fashion that leads to no further litigation.

### **Large-scale internal audits**

Ben has worked on multiple extensive internal audits of multi-state and multi-national clients to review classification of employees under the Fair Labor Standards Act and other federal and state laws.

### **Defense of client in accidental death**

Ben represented an energy services company that was investigated by the Occupational Safety and Health Administration in the wake of an employee's death. After a substantial review of the contractor's facility and procedures, OSHA did not issue a single violation – an extremely rare result in a situation where an employee dies at a work site.

### **Collective bargaining**

Ben has provided valuable assistance to clients on various aspects of collective bargaining, including assisting with contract negotiations for an advanced manufacturer that resulted in a labor agreement amenable to all sides.

### **Beer, Wine & Spirits Industry Expertise**

Ben is a trusted advisor to a number of early-stage and established companies in the craft brewing, distilling, and wine-making industries. He brings significant knowledge of issues affecting these industries,

from the three-tier system and its impact on business considerations to industry-specific compliance and safety regulations.

## **Honors & Recognitions**

- "Rising Stars," Illinois Super Lawyers, 2014-2017

## **Professional Activities**

- Member, American Bar Association
- Member, Illinois Craft Brewers Guild
- Member, Brewers Association

## **Education**

- DePaul University College of Law, Juris Doctor (J.D.), *cum laude*, 2007
- University of Illinois, Bachelor of Science (B.S.), *cum laude*, 2004

## **Admissions**

- Illinois
- Wisconsin
- United States District Court, Northern District of Illinois

## **Community Involvement**

- Erie Neighborhood House, Associate Board

## **Related News**

### **PUBLICATION**

March 3, 2020  
Top Issues in 2020: Higher Education

### **PUBLICATION**

August 9, 2019  
Illinois Enacts Sweeping New Sexual Harassment Law

### **EVENT**

May 21, 2019  
31st Annual Labor & Employment Relations Law Seminar

### **PUBLICATION**

May 3, 2019  
CBD Beer and Wine Might Have to Wait

### **EVENT**

May 10, 2018



30th Anniversary Labor & Employment Relations Law Seminar