

Michael C. Burke

Associate

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Michael is a member of the Professional Liability Department where he focuses his practice in the areas of employment law, municipal liability, and civil rights litigation.

In 2021, Michael received his *juris doctor* from Drexel University Thomas R. Kline School of Law where he was both a member of the Drexel Moot Court Board and a Staff Editor for the *Drexel Law Review*.

During law school, Michael also earned a number of academic and scholastic honors, including multiple semesters on the Dean's List, CALI Awards for Best Student Performance in both Appellate Advocacy and Litigation Practice Skills, and a Top Oralist award at the National Moot Court Competition, sponsored by the New York City Bar Association and the American College of Trial Lawyers. In addition, he held a variety of private and public sector internships and externships, including serving as a summer clerk in the United States District Court for the Middle District of Pennsylvania, and later as a Co-Op Extern in the Civil Division of the United States Attorney's Office. Upon graduation, Michael was inducted into the Order of the Barristers, an honorary organization for graduating law students who demonstrate exceptional skills in trial advocacy, oral advocacy, and brief writing.

Michael joined Marshall Dennehey as a summer associate in 2020 where he continued to work throughout his third year of law school before returning to the firm following the Pennsylvania Bar Exam. Michael is currently admitted to practice in Pennsylvania and the U.S. District Court for the Eastern District of Pennsylvania.

In 2017, Michael received a Bachelor of Science degree in Finance and Risk Management from Saint Joseph's University where he graduated as a dual major.

Practices

- Employment Law
- Public Entity & Civil Rights Litigation

Education

- Drexel University Thomas R. Kline School of Law (J.D., 2021)
- Saint Joseph's University (B.S., 2017)

Admissions

- Pennsylvania, 2021
- U.S. District Court Eastern District of Pennsylvania, 2021
- U.S. District Court Middle District of Pennsylvania, 2021

Honors & Awards

- Pennsylvania Super Lawyers Rising Star (2024-2026)

Associations & Memberships

- Luzerne County Bar Association
- Order of the Barristers
- Pennsylvania Bar Association
- Philadelphia Bar Association

Published Works

- "Can ETS Mandating COVID Shots Survive Challenge and How Should Employers Prepare?" *The Legal Intelligencer*, December 9, 2021
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Thought Leadership

June 1, 2025

Driving the Workday: The Third Circuit Clarifies Compensable Travel Time Under the FLSA

October 1, 2023

Third Circuit Opts for Broad, "Fact-Specific Inquiry" Test in Analyzing Whether Certain Work-Related Activities Are Compensable Under the FLSA

October 1, 2023

Third Circuit: Knowledge Requirement Not To Be Overlooked in Proving Retaliation

July 1, 2023

Third Circuit holds Uber drivers are not exempt from Federal Arbitration Act and are subject to binding arbitration.

July 1, 2023

Third Circuit reaffirms high bar for showing 'severe and pervasive' harassment for

hostile work environment claims under Title VII.

April 1, 2023

Third Circuit maintains a high bar for use of witness affidavits to defeat summary judgment.

April 1, 2023

Third Circuit finds that four to six weeks between an employee's internal complaint and his termination is "not unduly suggestive" of retaliatory animus under Title VII.

April 1, 2023

Third Circuit holds deductions in paid time off do not equate to improper deductions in salary under the FLSA.

April 1, 2023

Third Circuit adopts "proxy-liability" exception to Faragher- Ellerth defense.

December 9, 2021

Can ETS Mandating COVID Shots Survive Challenge and How Should Employers Prepare?