



## Michelle Sherman

### Special Counsel

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### PRACTICE AREAS

- Litigation
- Government Contracts, Investigations & International Trade

### INDUSTRIES

- Aerospace and Defense
- Digital Business
- Social Media

### OVERVIEW

Michelle Sherman is a former partner at Sheppard Mullin who took one year away to be a Los Angeles County Assistant Public Defender where she further sharpened her trial skills and won all her jury trials. Ms. Sherman returned as special counsel in the Business Trial and Government Contracts Practice Groups in the firm's Los Angeles office where she specializes in complex litigation matters, and advising companies on social media and Internet legal issues. She is the head of the Social Media Industry Team, and is editor and contributing author to the Firm's Social Media Law Update blog, [www.socialmedialawupdate.com](http://www.socialmedialawupdate.com).

Ms. Sherman has a monthly Social Media Law column in the *Cyberspace Lawyer* (Thomson/West), and is a contributing author to the *Journal of Internet Law*. She has had articles printed in various publications including the *e-Commerce Law Report*, *The Recorder*, and *California Lawyer* magazine.

Ms. Sherman also speaks regularly on social media and Internet legal issues. Ms. Sherman is a regular presenter of webinars for the Federal Publications Seminars, a division of Thomson Reuters. Ms. Sherman also speaks to legal departments and business groups concerning social media and Internet legal issues, ranging from labor and employment issues, trade secrets protection, compliance with the Sarbanes-Oxley Act, FINRA requirements, and privacy issues.

Ms. Sherman is an adjunct professor for USC Annenberg School for Communication & Journalism, and will be teaching communications law in the Spring 2012. Ms. Sherman also serves as a faculty member for the National Institute for Trial Advocacy.

Ms. Sherman graduated Order of the Coif from UCLA Law School, and Phi Beta Kappa from Smith College with a degree in psychology.

### Areas of Practice

Michelle Sherman works closely with clients to try and strategize a business dispute so costly litigation can be avoided, and her clients' goals can be achieved in the most cost efficient way. This legal counseling also extends to advising her clients on compliance matters, and includes the drafting of compliance programs for business clients, including social media policies, and updating ethics and compliance policies to address the social media activity of her business clients and their employees.

When litigation is unavoidable, Ms. Sherman has handled a wide range of cases from

alleged unfair competition, price fixing, tortious interference with contract, breach of contract, Cal. Business & Professions Code Section 17200 (unfair trade practices), trademark disputes, misappropriation of trade secrets, fraudulent conveyance, partnership disputes, Clean Water Act, and other business and white collar matters, before state and federal courts, arbitrators and FTC administrative judges. Ms. Sherman has tried a number of cases, with her client being the prevailing party in most instances.

## EDUCATION

- J.D., University of California at Los Angeles, 1988, *Order of the Coif*, American Jurisprudence Award in Antitrust
- B.A., Smith College, 1983, *Phi Beta Kappa*, Chair of the Academic Honor Board

## ARTICLES

- Anonymous Bloggers and the First Amendment, *FindLaw*, October 17, 2011
- Background Check: Social Media And Job Candidates, *Employment Law360: Litigation, Policy & People News*, October 17, 2011
- Is Your Company's Social Media Launch Ahead of Its Compliance Program, *FindLaw*, October 7, 2011
- Why Every Business Should Have a Social Media Policy, *e-Commerce Law Report*, August 2010
- Antitrust Compliance Programs Under The Federal Sentencing Guidelines, Fall 1998
- Vertical Maximum Price Fixing Is No Longer A Four Letter Word Under Federal Antitrust Law, Spring 1997

## Government Contracts Law Blog Articles

- "Loose Tweets Sink Fleets" - What Government Contractors Should Include In Their Social Media Policy," November 11, 2010
- "The Fourth Amendment Trumps Unbridled Government Searches Of Electronic Data (And What Companies Should Know To Protect Their Interests)," March 19, 2010
- "New FCA Rules Put Lenders and Brokers Directly in Their Gun Sights", August 12, 2009

## Social Media Law Update Blog Articles

- "Your Social Media Policy May Need Revamping," October 3, 2011
- "Legal Issues Surrounding Social Media Background Checks," October 3, 2011
- "Anonymous Bloggers And The First Amendment: When And How Your Company Can Identify Its John Doe Defendants," July 25, 2011
- "10 Social Media Must Haves For Your Corporate Compliance And Ethics Program," July 18, 2011
- "Does Your Sarbanes-Oxley Act Compliance Program Reflect Your Social Media Presence?," June 21, 2011
- "Is Your Company's Social Media Launch Ahead Of Its Compliance Program," May 17, 2011
- "Social Media Activity In The Workplace And The Computer Fraud And Abuse Act," May 17, 2011
- "Protecting Trade Secrets In A Post-WikiLeaks World," April 6, 2011
- "Before You Hire That Online Reputation Manager, Consider Your Legal Alternatives," April 6, 2011

- "Why Companies Want Arbitrators Who Have A Public Profile On LinkedIn And The Internet," March 9, 2011
- "Why Social Media Activity May Mean Updating Your Insurance Coverage," March 9, 2011
- "Social Media Research + Employment Decisions: May Be a Recipe for Litigation," January 18, 2011
- "E-Discovery Rules Applied to Social Media: What This Means in Practical Terms for Businesses," January 18, 2011
- "What You Wish Your Lawyer Had Told You About Social Media," December 14, 2010
- "The Anatomy of a Trial With Social Media - The Jury," December 14, 2010
- "The Federal Trade Commission's Proposed Framework For Consumer Privacy Protection - The Basics," December 14, 2010
- "Businesses May Have Some Legal Recourse For Anonymous Smear Campaigns On The Internet," November 16, 2010
- "Chapter Two: Blog Hyperlinks To News Stories - Copyright Infringement Or Not," November 16, 2010
- "Blog Hyperlinks to News Stories = Copyright Infringement or Not?" October 18, 2010
- "Information Sharing On The Internet May Mean Fewer Confidential Trade Secrets," October 18, 2010
- "Cyber-Bullying Does Not Happen In a Vacuum," October 18, 2010
- "Bloggers and Web Media Beware: You Can Be Sued For Defamation If You Change A Video Clip And Distort The Speaker's Original Message," September 10, 2010
- "'Astroturfing' With Fake Reviews Exposes A Company to Legal Risk," September 10, 2010
- "Why Every Business Should Have A Social Media Policy," September 10, 2010

## **SPEECHES**

- Panelist, "Use of Social Media in IP Litigation", AIPLA (American Intellectual Property Law Association) Midwinter Meeting, Orlando, FL, February 3, 2011
- Panelist, "Everything - and We Mean Everything - You Need to Know About Social Networking ... But Were Afraid to Ask!", UCLA Law School, February 16, 2011
- Webinar, "Loose Tweets Sink Fleets - Social Media Policies and Guidance for Government Contractors", Federal Publications Seminars (West Thomson), February 23, 2011
- Panelist, "Everything - and We Mean Everything - You Need to Know About Social Networking ... But Were Afraid to Ask!", UCLA Law School, March 9, 2011
- Speaker on Social Media Use, The Straus Council of Distinguished Advisors Annual Meeting, Pepperdine University Law School, April 6, 2011
- Panelist for program on Social Media, Advertising and Branding, Women Lawyers Association For Los Angeles, Business Section, April 7, 2011
- Webinar, "Social Media Issues For Corporate Counsel", Federal Publications Seminars (West Thomson), April 27, 2011
- Webinar, "Safeguarding The Company Jewels: Trade Secrets In The Post-WikiLeaks World", Federal Publications Seminars (West Thomson), May 11, 2011
- Webinar, "How To Address Defamatory Material On The Internet About Your Business", Federal Publications Seminars (West Thomson), June 14, 2011

- Webinar, "Social Media Law and Corporate Compliance for Government Contractors ", Federal Publications Seminars (West Thomson), September 21, 2011
- Webinar, "Social Media Law and Corporate Compliance: Key Policy Elements", Federal Publications Seminars (West Thomson), September 22, 2011
- Moderator, "Social Media - What Business Owners Need To Know", Vistage International's All-City 2011, Los Angeles, September 27, 2011
- Speaker, "The Use Of Social Media In The Workplace: OMG/TMI", Sheppard Mullin Richter & Hampton LLP breakfast program, September 29, 2011
- Panelist, "Does Tweeting Beat Meeting? – The Ethics of Social Networking", California Minority Counsel Program, October 5, 2011

**EVENTS**

- Social Media: How to Minimize Legal Risks and Maximize Commercial Success
- Social Media: How to Minimize Legal Risks and Maximize Commercial Success
- The Use of Social Media in the Workplace: OMG/TMI
- Everything – And We Mean Everything – You Need To Know About Social Networking (Facebook, Twitter, LinkedIn, etc.) ... But Were Afraid To Ask