



The POWER 30: Sheila Engelmeier

By: Minnesota Lawyer ◉ April 26, 2021

Sheila Engelmeier works both sides of the line in employer-employee disputes, trying to help the employees find common ground. You can make a difference on the defense side while being sympathetic to plaintiffs, she said.

"You teach [employers] how to build an environment and they come back when there's a problem," she said.

Engelmeier, of Engelmeier & Umanah in Minneapolis, started out at Mackall Crouse & Moore representing truckers. Now she has a vibrant employment practice, with clients ranging from the child of a company owner who is being harassed to another owner of a company, combined with a mediation practice that has about 60 cases per year.

Some cases need to be litigated, but mediation is important because many companies want to do the right thing, Engelmeier believes. Those that don't, go to court. If Engelmeier is representing the individual employee, she can deliver at trial, as the state learned in *Ewald v. Royal Norwegian Embassy* in 2015. The embassy was ordered to pay about \$2 million in legal fees to Engelmeier and another \$270,000 to the plaintiff for violating the Equal Pay Act.

"The defense spent \$5 million to be a bully," Engelmeier said. "That's what made me start mediation practice. I thought, there's got to be a better way."

State and federal courts are starting to be more friendly to plaintiffs, Engelmeier said. In 2019 *Daniel v. City of Minneapolis*, the court ruled that a firefighter injured on the job could bring claims for workers' compensation and also for disability discrimination because the city allegedly discriminated against him by failing to accommodate his disability and retaliated against him for seeking an accommodation.

To hold that the exclusivity provision of the workers' compensation act does not bar human rights claims, the court overruled its 1989 opinion in *Karst v. F.C. Hayer Co.* and reversed the Court of Appeals.

Additionally, in 2020, the Supreme Court stated unequivocally in *Kenneh v. Homeward Bound* that it was not controlled by federal decisions. The federal courts need to follow that lead, Engelmeier said. "I'm not for opening floodgates," she said. The 8th Circuit and other courts should "just give plaintiffs a shot. They shouldn't automatically lose," Engelmeier states.

While Engelmeier and her team have represented about 1,000 individuals, she also represents employers. It's fulfilling to bring the law's lessons to life, Engelmeier thinks.

And she cautions against dogma. "You cannot represent only individuals or companies," she says. "The pain that accompanies employer/employee conflicts is real. If you don't recognize that you're lying to yourself.

"If you become a 'true believer' you're doing a disservice to both sides."

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