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Food for thought: Attorney draws on her work in restaurant field

By Sheila Pursglove

Legal News



Maria Fracassa Dwyer is a member of Clark Hill's Labor and Employment Group and also is practice leader of the Food, Beverage & Hospitality team. She is a graduate of Michigan State University College of Law.

The youngest of 29 cousins, Clark Hill attorney Maria Fracassa Dwyer grew up in a "very loud" Italian family.

"If I wanted to be heard, I had to be assertive and have the courage to speak up and maintain my ground," she said. "Defending myself and my opinion was a near everyday occurrence and my skills seemed to improve as I grew up."

Becoming a defense attorney "was a natural fit," Dwyer said, "and I now have to remember to check my defense-attorney hat at the door before entering the house every night."

Based in the firm's Detroit office and practice leader of the Food, Beverage & Hospitality team, Dwyer has earned kudos from DBusiness as a Top Lawyer in the food and beverage industry.

Also a member in the Labor & Employment Practice Group, she has been named a Michigan Super Lawyer each year since 2013, and identified by Hour Detroit Magazine as one of the top women attorneys in Michigan.

A faculty member of ICLE and the National Business Institute, she is a frequent speaker on labor and employment issues.

Family roots run deep in the food industry for Dwyer, whose parents and grandparents emigrated from Italy to the U.S. in the early 1950s.

"My grandfather built — literally with his own hands — an Italian restaurant which thrived and was a jewel in the Dearborn community for many years," she said.

Dwyer's parents, who started a catering business when Dwyer was 4 years old, own Arnaldo's Banquet Center, in Riverview, and more than a dozen family members work in the hospitality trade.

"I was drawn to this industry because I grew up in it and understand the triumphs and tribulations of this world," Dwyer said. "When a client calls me, I know exactly what they are going through because, chances are, I went through it or my brothers, who are running the family business, are going through it."

As a young child, Dwyer would be assigned what she perceived as menial jobs in the family business and would complain to her father that she was never given the "important" jobs her older brothers were tasked with.

"My father taught me that every job in an organization is important and part of the bigger picture, and that in order to be successful, all you had to do was have passion for your work and work hard," she said.

"Growing up with a family business taught me everything I needed to know about the entrepreneurial spirit, which is key to maintaining a busy law practice."

The resurgence of Detroit, and subsequent growth of its restaurant industry, is wonderful to watch and even better to experience, Dwyer said.

“There are so many great restaurants and hotels popping up in this region, and so many legends standing strong and even reinventing themselves,” she said.

A key complaint from clients of all sizes is concern over finding the right workforce, and many clients think “outside the box” to attract and maintain talent, such as offering perfect attendance incentives.

The struggle to find a solid workforce has resulted in many clients turning to talent acquisition firms to locate reliable labor, Dwyer said.

“Department of Labor audits are ripe in this industry and can become more complicated from a documentation perspective when you are relying on contractors,” she said. “I work with human resources to get their employment practices in place before the DOL comes knocking.”

Much of Dwyer’s day-to-day work focuses on helping clients streamline their employment practices, including training, contracting with vendors, investigations, disciplining employees and leave of absence issues.

“More often than not, it’s the employee with an empty personnel file who has the strongest argument for a ‘surprise’ termination,” she said. “Documentation is key to avoiding trouble down the road — an employee should never be surprised when he is transitioned out of the workforce.”

Dwyer started her career path with an undergraduate degree from Michigan State University and when Detroit College of Law merged with MSU, she jumped at the chance to stay on Spartan turf.

“The East Lansing group of professors and students was small and, as a result, I felt I was truly with an extended family,” she said. “We watched the beauty of the new law school come to life and witnessed first-hand the bittersweet goodbyes of the Detroit location.”

A Dearborn native, Dwyer continues to make her home there with her husband, a 30-year veteran of the Detroit Police Department, and children, Adriana, 6, and Domenico, 9.

“I love the community and my children are now going to school with the children of folks I went to school with,” she said.

Active in the community, she volunteers as an executive board member for the Dearborn Area Chamber of Commerce and for the Dearborn Education Foundation, which funds academic and extracurricular grants for Dearborn Public Schools to enhance student achievement.

“I tease my children that I have eyes everywhere,” she said with a smile.

Dwyer also is a board member for Women Celebrating Life Downriver, and an advisory board member for the Michigan Business and Professional Association Women and Leadership in the Workplace and the Michigan Food and Beverage Association.

An alum of Leadership Detroit Class XXXV, she also is a member of the Michigan State Bar Diversity and Inclusion Committee.

For relaxation, Dwyer stays very active and recently got back into kickboxing.

“Exercise helps with the stress of the job and forces me to do something good for myself,” she says.

And, of course, Dwyer loves to cook.

“Growing up,” she said, “there wasn’t any ailment food couldn’t cure, or so my mother said.”

Maria Fracassa Dwyer is a Member in the firm’s Labor and Employment Group. She is also the Practice Leader of the Food, Beverage & Hospitality team. Maria is a trusted advisor and counselor to senior management across a wide range of industries including public and private employers. Maria represents clients across the entire spectrum of employment and labor law. Her clients include the staffing, education, nonprofit and food industries. **She can be reached at 248.988.5899 or mdwyer@clarkhill.com.**

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