

Mikaela R. Mitcham

Associate

mmitcham@foley.com

Dallas

214.999.4078



Mikaela Mitcham is a senior associate with Foley's Commercial Litigation Group, where she focuses her practice on consumer product compliance and litigation. With a strong emphasis on government solutions, Mikaela advises leading companies on navigating complex regulatory frameworks and represents them in high-stakes disputes in both federal and state courts. She is known for her efficiency, deep knowledge, and practical approach to delivering comprehensive legal solutions for businesses.

Government Enforcement

Mikaela regularly counsels manufacturers, retailers, and distributors on their obligations under the Consumer Product Safety Act. She advises on product safety assessments, navigates reporting requirements to the U.S. Consumer Product Safety Commission (CPSC), and prepares effective Section 15(b) reports. She also represents clients in CPSC investigations, guiding them through agency information requests, negotiating the scope of corrective actions or recalls, and helping manage reputational and business risks throughout the enforcement process.

While Mikaela works with a wide range of clients and products, she frequently advises manufacturers and retailers for off-road vehicles such as ATVs, UTVs, off-road motorcycles, and lawn mowers. Her familiarity with these complex machines allows her to identify potential issues early and communicate solutions effectively to the CPSC, regularly leading to favorable outcomes for clients. Growing up, Mikaela's childhood was filled with big machines with big motors; her affinity for these products at an early age is the touchstone of her practice today.

Commercial Litigation

Mikaela has significant experience in consumer product litigation, successfully defending against strict liability, breach of warranty, negligence, and failure to warn claims. She also defends clients against state consumer protection statutes—such as the Texas Deceptive Trade Practices Act—and similar laws across

the country. Beyond her consumer products work, Mikaela handles a diverse range of commercial disputes, including breach of contract, franchise and distribution matters, commercial lease and lending disputes, insurance claims, and employment actions. Her versatile practice reflects her commitment to meeting clients' diverse legal needs.

Mikaela's early work involved litigating against both state and federal agencies, providing her with a strong foundation in administrative law. She is well-versed in both the Texas Administrative Procedure Act and the Federal Administrative Procedure Act, allowing her to navigate the unique procedural complexities that often arise in agency disputes. This specialized experience allows her to effectively support clients, empowering them respond strategically when adverse to regulators.

Regulatory Compliance and Safety Advising

Mikaela takes a proactive approach to her practice, emphasizing regulatory compliance and litigation avoidance as essential components of risk management. She partners with clients to develop robust compliance programs that span the entire product lifecycle—from product testing and good manufacturing practices to supply chain oversight and the creation of compliant marketing and labeling strategies.

She regularly advises on regulatory framework under the CPSC, FDA, and FTC, drawing on her litigation experience to offer both strategic insight and practical guidance. Mikaela's business-centric mindset and legal insight make her a trusted advisor to companies navigating complex regulatory issues and litigation avoidance. Whether evaluating a new product application, planning market expansion, or assessing a new business venture, Mikaela helps clients position their products safely and successfully.

Awards and Recognition

- Recipient, Distinguished Studies in Legal Practice

Affiliations

- Member of Rawls College of Business Recent Alumni Board
- Member of the Dallas Bar Association
- Member of the Texas Young Lawyers Association
- Member of the Dallas Women Lawyers Association
- Member of the Women's Mentoring Circles

Presentations and Publications

- Co-author, "Leaked Budget Proposal Suggests Major Restructuring of Federal Health and Safety Agencies, Including the Consumer Product Safety Commission," *Manufacturing Industry Advisor* (April 25, 2025)
- Co-author, "Foley FAB Launches The Laws of Fashion: What's Trending in 2025," *Foley in Fashion* (March 31, 2025)
- Co-author, "An Executive Branch for the People, by the People: What the New Administration's Executive Orders Mean for an Independent CPSC," *Manufacturing Industry Advisor* (February 24,

2025)

- Co-author, “What Cosmetic Companies Need to Know About the CPSC,” *Foley Viewpoints* (November 1, 2024)
- Co-author, “2024 CPSC and FDA Enforcement Trends,” *Manufacturing Industry Advisor* (August 29, 2024)
- Contributor, “The Franchise Rule and State Franchise Requirements (TX),” *Thomson Reuters Practical Law Commercial Transactions* (November 3, 2021)

Sectors

- [Artificial Intelligence](#)
- [Blockchain & Digital Assets](#)
- [Health Tech & Genomics](#)
- [Innovative Technology](#)

Practice Areas

- [Commercial Litigation](#)
- [Litigation](#)

Education

- Texas Tech University School of Law (J.D., 2021)
 - Vice President, Phi Delta Phi Legal Honor Society
- Texas Tech University (B.A., 2017)
 - President/Co-founder, Women in Business

Admissions

- Texas