



Contact

**Mark W. Batten**

**Partner**

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Mark W. Batten is a partner in the Labor & Employment Law Department and co-head of the Class & Collective Actions Group.

Mark represents employers nationwide at all stages of complex employment litigation, including class and collective actions on wage and hour matters and discrimination claims. Ranked by *Chambers USA*, Mark is hailed as “a fabulous lawyer, handling interesting and complex cases.” Clients “highly recommend him to anyone seeking litigation counsel in the Boston area,” as well as note “he is responsive, pragmatic and team-oriented, and offers excellent legal advice.”

He assists clients with all aspects of employment policies and practices, including hiring, termination, leaves, accommodation of disabilities, and other matters. Mark also handles diverse civil litigation, including litigation of noncompetition agreements, ERISA matters, discrimination and wrongful termination litigation in federal and state courts; proceedings before the Massachusetts Commission Against Discrimination; wage and hour matters; and labor arbitrations. He is also an experienced appellate attorney both in employment cases and other civil litigation, handling appeals at all levels in the state courts and in the United States Courts of Appeals.

Mark also has substantial experience with traditional labor matters. He regularly represents employers in a variety of industries, including a number of newspaper and media companies, in collective bargaining, practice before the NLRB, labor arbitrations, union organizing campaigns, and day-to-day advice on administration of collective bargaining agreements. He regularly advises clients in both union and non-union settings on diligence matters in corporate acquisitions and financings. He also has experience on behalf of securities firms in arbitrations before the NASD and NYSE of customer and employee complaints.

Mark also practices on behalf of newspapers and other media in newsroom litigation, including libel defense and representation of reporters under subpoena, and has substantial experience in litigation involving access to sealed records and judicial proceedings on behalf of media companies.

Before joining Proskauer, Mark was a trial attorney in the Civil Division of the U.S. Department of Justice in Washington, where he was lead counsel in major litigation for over two dozen federal agencies, ranging from the U.S. Air Force, the CIA, and the U.S. Secret Service to the Department of Housing and Urban Development and the National Endowment for the Arts.

Mark regularly writes and lectures on employment-related matters, including, for instance, MCLE's *Representing Clients Before the Massachusetts Commission Against Discrimination*.

In his spare time, Mark is an experienced computer programmer, conversant in C, C++, and other languages. He has ported software between computer operating systems and has published several commercial computer games.

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#### Practices

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Trial Strategies , Class Actions, Employment Counseling & Training, Discrimination, Harassment & Title VII, Labor-Management Relations, Strategic Corporate Planning, Wage and Hour, Employment Litigation & Arbitration

## Industries

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Financial Institutions

## Education

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Harvard Law School, J.D., 1988

*magna cum laude*

Editor, *Harvard Law Review*

Davidson College, B.A., 1985

*magna cum laude*

## Admissions & Qualifications

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Massachusetts

## Clerkships

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U.S. District Court, Virginia, Eastern District - Hon. Richard L. Williams

## Court Admissions

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U.S. District Court, Massachusetts

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Appeals, First Circuit

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Eighth Circuit

U.S. Court of Federal Claims

## Awards & Recognition

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Chambers Global: USA: Labor & Employment 2016-2018

Chambers USA: Massachusetts: Labor & Employment 2008-2018

The Legal 500 United States Leading Lawyer 2016-2018

The Legal 500 United States: Labor and Employment: Labor & Employment Litigation  
2013-2017

The Legal 500 United States: Litigation: Supreme Court and Appellate 2014-2015

Best Lawyers in America Lawyer of the Year 2018

Best Lawyers in America 2008-2019

Benchmark Litigation, Litigation Stars 2019

Benchmark Labor & Employment Stars 2019

Massachusetts Super Lawyers 2004-2018

Lawdragon & Human Resource Executive Top 100 Nation's Most Powerful

Employment Attorneys 2016-2018

Boston's Best Lawyers 2010

Fellow of the College of Labor & Employment Lawyers

2017 Cushing-Gavin Award, Management Attorney

#### **Government Service**

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Trial Attorney, Federal Programs Branch, U.S. Department of Justice, 1989-1993