

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, and Commissioner's Charges and other charges of nationwide import brought by the Equal Employment Opportunity Commission. Ranked Band 1 for eight consecutive years by *Chambers USA*, Mark is hailed as "a fabulous lawyer, handling interesting and complex cases." Clients say that "Mark's knowledge never ceases to amaze me and his ability to provide legal advice is top-notch," and note "he is responsive, pragmatic and team-oriented, and offers excellent legal advice."

Outside of class and collective litigation, Mark 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, discrimination and wrongful termination litigation in federal and state courts; proceedings before the EEOC and Massachusetts Commission Against Discrimination; executive disputes; and wage and hour matters. 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.

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 more than 35 commercial computer games between computer operating systems.

Practices

Trials, Class & Collective Actions, Discrimination, Harassment & Title VII, Labor Management Relations, Transactions and Corporate Change, Wage and Hour, Employment Litigation

Industries

Financial Services, Private Capital

Education

Harvard Law School, J.D.
magna cum laude

Editor, *Harvard Law Review*

Davidson College, B.A.

magna cum laude

Admissions & Qualifications

Massachusetts

Clerkships

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

Court Admissions

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, Seventh Circuit

U.S. Court of Appeals, Eighth Circuit

U.S. Court of Federal Claims

U.S. District Court, Massachusetts

Awards & Recognition

The Legal 500 United States: Labor and Employment: Disputes (including Collective Actions): Defense 2019-2026 (Hall of Fame 2025-2026)

Chambers USA: Massachusetts; Labor & Employment, 2026

Lawdragon 500 Leading U.S. Corporate Employment Lawyers 2020-2025

Chambers Global: USA: Labor & Employment 2016-2023

Chambers USA: Massachusetts: Labor & Employment 2008-2025

The Legal 500 United States Hall of Fame 2020-2023

The Legal 500 United States Leading Lawyer 2016-2019

The Legal 500 United States: Labor and Employment: Labor-Management Relations 2020-2023

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

The Legal 500 United States: Labor & Employment: Workplace and Employment Counseling 2020-2023

Best Lawyers in America Lawyer of the Year 2018, 2027

Best Lawyers in America 2008-2027

Benchmark Litigation Litigation Star 2019-2026

Benchmark Litigation Labor & Employment Stars 2019-2022, 2024

Massachusetts Super Lawyers 2004-2018

Lawdragon & Human Resource Executive Top 100 Nation’s Most Powerful Employment Attorneys 2016-2019

Boston's Best Lawyers 2010

Fellow of the College of Labor & Employment Lawyers

2017 Cushing-Gavin Award, Management Attorney

Government Service

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