



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

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

Industries

Financial Institutions

Education

Harvard Law School, J.D., 1988 magna cum laude Editor, Harvard Law Review

Davidson College, B.A., 1985 magna cum laude

Admissions & Qualifications

Massachusetts

Clerkships

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

Court Admissions

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

Chambers Global: USA: Labor & Employment 2016-2018 Chambers USA:
Massachusetts: Labor & Employment 2008-2017 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 2008-2018 Massachusetts Super
Lawyers 2004-2016 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

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