

Contact

Mark Theodore

Partner

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Mark Theodore is a partner in the Labor & Employment Law Department. He has devoted his practice almost exclusively to representing management in all aspects of traditional labor law matters throughout the U.S. He is Co-Chair of Proskauer's Labor-Management and Collective Bargaining Practice Group.

Some recent highlights of his career include:

- Successfully defended client against allegations that it had terminated a union supporter and isolated another. *T-Mobile USA, Inc.,* 365 NLRB No. 15 (2017).
- Successfully appealed NLRB findings that certain of client's written policies violated the National Labor Relations Actions Act. *T-Mobile USA, Inc.*, 363 NLRB No. 171 (2016), *enf'd in part, rev'd in part 865 F.3d 265 (5th* Cir. 2017).
- Represented major utility in NLRB proceedings related to organizing of planners. Secured utility-wide bargaining unit. Bargained on behalf of grocery chain. After negotiations reached an impasse, guided the company through lawful implementation of five year collective bargaining agreement.
- Coordinated employer response in numerous strike situations including a work stoppage across 14 western states of the client's operations.

Mark has extensive experience representing employers in all matters before the NLRB, including representation petitions, jurisdictional disputes and the handling of unfair labor practice charges from the date they are filed through trial and

appeal. Mark has acted as lead negotiator for dozens of major companies in a variety of industries, including national, multi-unit, multi-location, multi-employer and multi-union bargaining. Mark has handled lockout and strike situations, coordinating the clients efforts.

In addition, Mark has handled hundreds of arbitrations involving virtually every area of dispute, including contract interest arbitration, contract interpretation, just cause termination/discipline, benefits, pay rates, and hours of work.

Practices

Employment Litigation, Labor Management Relations, California Employment Law, Restrictive Covenants, Trade Secrets & Unfair Competition, International Labor & Employment

Education

Catholic University of America, Columbus School of Law, J.D.
Staff Member, *Journal of Contemporary Health Law and Policy*, 1988-1990
Cornell University School of Industrial & Labor Relations, B.S.

Admissions & Qualifications

New York
California

Court Admissions

Supreme Court of the United States
U.S. Court of Appeals, District of Columbia Circuit
U.S. Court of Appeals, Ninth Circuit
U.S. Court of Appeals, Seventh Circuit
U.S. Court of Appeals, Sixth Circuit
U.S. District Court, Pennsylvania, Eastern District
U.S. District Court, California, Central District

Memberships

State Bar of California

U.S. Chamber of Commerce Labor and Employment Group

Awards & Recognition

Chambers USA: California: Labor & Employment (Recognized Practitioner) 2015-2018

Chambers USA: California: Labor & Employment 2009-2010, 2023-2026

Best Lawyers in America 2016-2019, 2021-2027

Fellow, College of Labor & Employment Lawyers

The Legal 500 United States: Labor & Employment: Labor-Management Relations 2012-2017, 2019-2021

The Legal 500 United States: Labor & Employment: Workplace & Employment Counseling 2007-2008

Southern California Super Lawyers 2004-2010, 2014-2018

“Top 100 Labor Lawyers in America,” Labor Relations Institute, Inc., 2007

“20 Lawyers Under 40,” California Law Business, 2002

Government Service

Staff Attorney, National Labor Relations Board, Division of Advice, Washington, DC, October 1990 - July 1992