



## → Mark S. Ross

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Mark S. Ross is a Special Counsel in the Labor and Employment Practice Group in the firm's San Francisco Office.

### Areas of Practice

Mark is a seasoned management side labor lawyer who began his career as a trial lawyer with the National Labor Relations Board's Region 21. He left the NLRB and entered private practice in 1975.

Mark has handled hundreds of labor-management matters before the NLRB and in federal and state courts. He has also successfully argued cases before the United States Supreme Court and in circuit courts of appeal. He advises employers on all aspects of labor-management relations law, including NLRA compliance, union organizing, contract negotiations, arbitrations, and injunctions. He also trains management on NLRA compliance and effective employer-employee communications. Mark also advises employers in corporate campaigns, corporate transactions, and bankruptcies. Mark has also served as an Adjunct Faculty member at the University of San Francisco.

### Honors

Martindale-Hubbell® AV Preeminent Rated  
Lawyer of the Year, Best Lawyers, 2019  
Best Lawyers in America, 2017-2021  
San Francisco, Super Lawyers, 2017

### Experience

#### Representative Cases

- *Laborers Trust Fund v. Advanced Lightweight Concrete*, 484 U.S. 539 (1988)
- *Walmart Foods v. National Labor Relations Board*, 354 F.3d 870 (D.C. Cir. 2004) (a successful appeal from an adverse NLRB decision addressing union access to non-union premises for consumer boycott purposes)
- *Adtranz ABB Daimler-Benz Transportation, N.A. Inc. v. National Labor Relations Board*, 253 F.3d 19 (D.C. Cir. 2001) (a successful appeal from an adverse NLRB decision overturning an employer election victory and addressing the lawfulness of handbook provisions)

- *Loomis Courier Service, Inc. v. National Labor Relations Board*, 595 F.2d 491 (9th Cir. 1979)
- *Road Sprinkler Fitters Local Union 669*, 365 NLRB No. 83 (2017) (Union violated Sections 8(b)(4)(A) and (B) of the NLRA by grieving and suing to compel neutral employers to arbitrate another employer's plant closure; union is enjoined from proceeding with the grievance/suit)
- *McClatchy Newspapers, Inc. d/b/a The Fresno Bee* 337 NLRB 1161 (2002) (an NLRB case in which the NLRB found the employer's discharge of seven union adherents to be lawful)
- *Mack Trucks, Inc.*, 227 NLRB 711 (1985)

## Articles

- New NLRB Election Rules Re-Level The Field For Employers  
*Law360*, 12.13.2019
- NLRA May Preempt AB 5 under the Garmon doctrine  
*Daily Journal*, 10.14.2019
- How To Take A Case Before The NLRB  
*Ninth Edition, Senior Editor, Chapters 19 - 23*
- Obama's NLRB Out of Sync with Precedent  
*Daily Journal*
- End the Myopic Focus on Section 7  
*Daily Journal*
- NLRB May Have the Last Word on "AT&T"
- Going Over the Top at Disneyland: Sleazy Union Tactics in "The Happiest Place on Earth"
- EFCA, Schmecca: The Obama Board Won't Wait for Legislation to Change Labor Law

## Labor & Employment Law Blog Posts

- "Christmas Comes Early for Employers at the NLRB – New Election Procedures That Give Employers a Greater Opportunity to Mount Legal Challenges to Election Petitions and to Effectively Campaign Against Unionization," December 13, 2019
- "Striking A New Balance – The NLRB Abandons the Lutheran Heritage Test and Devises a New Standard for Assessing the Facial Validity of Neutral Work Rules," December 15, 2017
- "NLRB Overrules Browning-Ferris Joint Employer Standard," December 15, 2017
- "NLRB Orders Union To Drop Unlawful Grievance, to Dismiss Suit Seeking to Compel Neutral Employers to Arbitrate Grievance and to Pay The Employers' Legal Fees and Defense Costs," June 5, 2017

## Books

Employer's Guide To COVID-19 And Emerging Workplace Issues (Over 690 pages)  
04.21.2020

## Media Mentions

GOP-dominated Labor Board Acts Fast to Reverse Rulings  
*Daily Transcript*, 01.02.2018

## Memberships

American Bar Association  
California Bar Association  
San Francisco Bar Association

## Practices

Labor and Employment  
Employee Benefits/ERISA  
Labor Union Management Relations

## Industries

Construction  
Emerging Company & Venture Capital  
Food and Beverage  
Healthcare  
Hospitality  
Retail  
Wine

## Education

The George Washington University Law School, J.D., 1973  
University of Maryland, B.A., 1968

## Admissions

U.S. Supreme Court  
U.S. Court of Appeals for the Ninth Circuit  
U.S. Court of Appeals, DC Circuit  
U.S. District Courts for the Northern, Eastern, and Central Districts of California