

## Mark Ogden

Shareholder

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## Practice Areas

Wage and Hour  
Class Actions  
Discrimination and Harassment  
Complex Litigation and Jury Trials  
Hiring, Performance Management and Termination

## Overview

Mark Ogden has litigated more than 500 employment lawsuits to conclusion, mostly in federal court, and has litigated 23 jury trials to verdict. Among his notable litigation successes are cases involving:

- Discrimination on the basis of religion, age, and disability
- Breach of contract issues
- Whistleblower claims

In addition to his litigation practice, Mark provides employment training to employers of all sizes and regularly speaks on a variety of topics before a wide range of professional organizations. He was named in the 2015 edition of *Best Lawyers in America*®. He serves as a member of the firm's Employment Practices Liability Committee. He is a former member of the firm's Board of Directors and a former co-chair of the Complex Litigation and Trials Practice Group.

Prior to joining Littler in 1998, Mark was a trial attorney at the Department of Labor and a special assistant United States attorney in Los Angeles, representing the federal government in the litigation of employment cases.

*\*Not licensed to practice law in New Mexico*

## Professional and Community Affiliations

- Member, Labor and Employment Section - State Bar of Arizona
- Member, Labor and Employment Section - State Bar of California
- Member, District of Columbia Bar Association

- Member, Federal Bar Association
- Member, American Bar Association
- Member, Lawyer-Pilots Bar Association
- Member, Defense Research Institute
- Member, National Employment Law Institute
- Member, Arizona Association of Defense Counsel
- Member, Republican National Lawyers Association
- Member, Arizona Pilots Association
- Member, Aircraft Owners and Pilots Association
- Member, Cessna Pilots Association
- Member, American Mensa Society
- Member, National Rifle Association
- Member, Rocky Mountain Elk Foundation
- Member, Professional Association of Diving Instructors

## Recognition

- Named, America's Leading Lawyers for Business - *Chambers USA*, 2014
- Named, Litigation Star - Arizona, *Benchmark Litigation*, 2014 and 2015
- Named, Super Lawyer - Arizona Southwest, *Super Lawyers*, 2007-2014
- Named, *The Best Lawyers in America*®, 2008-2015
- Awarded, Martindale-Hubbell AV® Peer Review Rating
- Named, Top 50 Law Firms in Labor and Employment Law, *Book of Lists - Phoenix Business Journal*, 2009-2013
- Named, Arizona's Top Lawyers - *AZ Business*, 2010-2014
- Named, Arizona's Top Rated Lawyers - *Legal Leaders*, 2013

## Education

J.D., Pepperdine University School of Law, 1991

B.S., Arizona State University, 1986

## Bar Admissions

Arizona

District of Columbia

California

## Courts

U.S. Court of Appeals, 9th Circuit  
U.S. District Court, District of Arizona  
U.S. District Court, Northern District of California  
U.S. District Court, Eastern District of California  
U.S. District Court, Central District of California  
U.S. District Court, Southern District of California  
U.S. District Court, District of Guam  
U.S. District Court of the Northern Mariana Islands  
U.S. District Court, District of New Mexico

## Languages

Spanish

## Publications & Press

### August 18, 2014

Littler Attorneys Included in the Best Lawyers in America© 2015 Edition  
*Littler Press Release*

### May 23, 2014

Littler and Its Attorneys Ranked In 2014 Chambers USA Guide  
*Littler Press Release*

### April 2, 2014

Riskiest States for Employee Lawsuits  
*Property Casualty 360*

### April 1, 2014

Top 5 Riskiest States for Employee Lawsuits: Hiscox  
*Insurance Journal*

### 2003-present

Columnist, Ask the Legal Professional  
*The Business Journal*

### 2003-present

Columnist, Career Builder, Ask the Experts  
*The Arizona Republic, Sunday Edition*

### August 15, 2013

Littler Attorneys Named in Best Lawyers in America® 2014 Edition  
*Littler Press Release*

**October 1, 2012**

Message to Kingman staff: Silence is golden  
*Daily Miner*

**September 7, 2012**

Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition  
*Littler Press Release*

**July 6, 2012**

Cultural liaisons: More law firms open offices in other countries to serve clients more effectively  
*Phoenix Business Journal*

**September 12, 2011**

Best Lawyers in America® Names 108 Littler Lawyers to 2012 Edition  
*Littler Press Release*

**August 9, 2010**

Seventy-Two Littler Attorneys Named to The Best Lawyers in America® 2011  
*Littler Press Release*

**April 2010**

Legal Pitfalls of Employee Wellness Programs  
*HR IQ Column - Impact Magazine*

**August 14, 2009**

61 Littler Attorneys Named to The Best Lawyers in America® 2010  
*Littler Press Release*

**August 2009**

Work Furloughs for Salaried Employees  
*HR IQ Column - Impact Magazine*

**June 26, 2009**

Layoffs, Furloughs Provoke More Claims of Worker Discrimination  
*Phoenix Business Journal*

**June 16, 2009**

Cancel Worker EEO Training at Own Peril, Attorneys Say  
*Law360.com*

**March 27, 2009**

5 Questions About Employer Law and the Stimulus  
*Phoenix Business Journal*

**March 27, 2009**

Stimulus Package Includes Changes for Employers  
*Phoenix Business Journal*

**January 30, 2009**

Forewarn Legislation  
*Phoenix Business Journal*

**December 10, 2008**

Gays Urged To Join 'Call In Gay' Protest. Action Protests - Laws Banning Unions of Same Sex Couples  
*AZ Republic*

**November 17, 2008**

Prepare Now for the Newly Amended Americans with Disabilities Act  
*Phoenix Business Journal*

**October 31, 2008**

51 Littler Attorneys Named to The Best Lawyers in America  
*Littler Press Release*

**August 15, 2008**

Groundbreaking Opinion Could Be Catalyst for Policy Changes  
*Phoenix Business Journal*

**August 15, 2008**

Corporate Communications, Ruling Attempts To Clarify Line Between Private, Business Text Messages  
*Phoenix Business Journal*

**August 12, 2008**

Employers Work To Ease Commuting Costs to Offset Gas Prices  
*AZ Republic*

**August 2008**

Caring for a Relative Injured in the Military Now Permitted Under FMLA  
*AZ Business Magazine*

**March 14, 2008**

Wage Gap Widens Along Ethnic, Geographical Lines  
*Phoenix Business Journal*

**February 1, 2008**

Calif. Firm to Open Local Office, Add Littler Partners  
*Phoenix Business Journal*

**January 11, 2008**

Sheriff, Prosecutor Ramp Up Sanctions Investigations  
*Phoenix Business Journal*

**November 2, 2007**

Protect Intellectual Property with Employee Agreements – But Be Sure They're Enforceable  
*Phoenix Business Journal*

**October 19, 2007**

When Diversifying Your Workforce, Be Sure to Play by the Rules  
*Phoenix Business Journal*

**September 14, 2007**

Proposed State Rules Target Tax Evasion Schemes  
*Phoenix Business Journal*

**August 17, 2007**

Workplace Compliance Training – It Isn't Required; It Is Recommended  
*Phoenix Business Journal*

**July 8, 2007**

Mark Ogden Encourages Employers to Get a Head Start on Immigration Laws  
*The Arizona Republic*

**July 2007**

Independent Contractor Classification  
*HR IQ Column - Impact Magazine*

**June 22, 2007**

Alissa Horvitz and Mark Ogden Comment on Federal Agencies  
*InsideCounsel*

**June 8, 2007**

To Settle ... Or Not to Settle? Litigation Specialists Weigh Costs, Risks of Taking Clients' Cases to Court  
*Phoenix Business Journal*

**May 2007**

Employer's Responsibility Related to A Domestic Violence Protection Order  
*HR IQ Column - Impact Magazine*

**March 26, 2007**

Mark Ogden Says Employers Already Heed the EEOC  
*The National Law Journal*

**March 26, 2007**

EEOC Cracks Down On Hiring Practices  
*National Law Journal*

**November 15, 2006**

Watch out for the Many Legal Pitfalls of Affinity Groups  
*Phoenix Business Journal*

**September 15, 2006**

Watch Out for the Many Legal Pitfalls of Affinity Groups  
*Phoenix Business Journal*

**August 18, 2006**

Ruling Could Leave Firms More Vulnerable to Lawsuits  
*Phoenix Business Journal, Valley of the Sun Business Journal*

**August 2006**

Ruling Could Leave Firms More Vulnerable to Lawsuits  
*Phoenix Business Journal*

**July 2006**

Reporting for Duty (Employers' Obligations for Returning Soldiers under USERRA)  
*AzBusiness Magazine*

**June 15, 2006**

J. Mark Ogden Showcases the Appeal of Littler as a Boutique Firm  
*Arizona Business Gazette*

**May/June 2006**

When Johnny Comes Marching Home, Give Him Back His Job. It's the Law  
*AzBusiness Magazine*

**May 16, 2006**

Suggestions for Change  
*HR Executive*

**May 2006**

The EEOC Turns 40, Suggestions for Change  
*Human Resource Executive Magazine*

**February 17, 2006**

Tools Available To Help Small Firms Tackle Meth Use  
*Phoenix Business Journal*

**February 17, 2006**

Mark Ogden Discusses How the Use of Methamphetamines Has Become More of an Issue for Clients, Especially in the Form of Employee Theft

*Phoenix Business Journal*

**December 2005**

Bird Flu Could Create Legal Nightmare for Businesses

*Phoenix Business Journal*

**October 24, 2005**

J. Mark Ogden Cautions Firms of the Impact of Domestic Violence in the Workplace

*The Business Journal*

**October 2005**

Mark Ogden: Active In and Out of the Courtroom

*Profile - Phoenix Business Journal*

**October 2005**

Domestic Violence Can Dramatically Impact the Bottom Line

*Phoenix Business Journal*

**October 2005**

Religious Diversity at Work a Fine Line for Managers

*Phoenix Business Journal*

**July 11, 2005**

J. Mark Ogden warns employers of rising religious discrimination

*The Phoenix Business Journal*

**July 2005**

The Last Supper (Serrano's Trial Victory Over the EEOC)

*Quote, Cover Story - Phoenix New Times*

**June 2005**

Serrano's Wins Lawsuit, Feels Business Backlash

*Quote - Phoenix Business Journal*

**February 2005**

Employers See Rise in Pregnancy Lawsuits

*Quote - Phoenix Business Journal*

**July/August 2004**

Class Action Lawsuits: Just an Internet Click Away; Take Action to Prevent Workplace Class Action Lawsuits

*Arizona Business Magazine*



**February 2004**

EEOC Announces Relief for Employers Providing Retiree Health Benefits

*Arizona Journal*

**April 2003**

The Department of Labor has Proposed Wide-Ranging Changes that Will in Some Ways Narrow and Other Ways Broaden the Overtime Exemptions Used by All Employers for White-Collar Employees

*Arizona Journal*

**February 2003**

The EEOC's 'Telework Fact Sheet' Reaffirms the Agency's Position that Employers Can Reasonably Accommodate Qualified Disabled Workers Through Telecommuting Program

*Arizona Journal*

**January 2002**

Failing to Train Managers on Preventing Discrimination in Employment Decisions can Establish an Employer's Willful Disregard of the Law Leading to an Award of Punitive and Liquidated Damages

*Arizona Journal*

**August 2000**

Supreme Court of the United States Clarifies Standards for Summary Judgments and Judgments as a Matter of Law in Employment Discrimination Cases

*Arizona Journal*

**May 2000**

The Punishment: EEOC Has Expanded the Scope of Liability for Harassment in the Workplace

*Arizona Journal*

**April 2000**

Directing Traffic: EEOC Guidelines on Harassment Leads Employers to Safety from Liability

*Arizona Journal*

**December 1998**

Employment Law Uncovered: The ADA May Not Protect Employees Who Were Addicted to Drugs or Alcohol

*Arizona Journal*

**July 1998**

Strong Shield: Employers Can Limit Liability by Developing an Effective Sexual Harassment Policy

*Arizona Journal*

## Speaking Engagements

**May 9, 2012**

Managing Litigation as a Business: Aligning Value and Costs of Litigation Services  
The 2012 Executive Employer® Conference, Littler Mendelson, Scottsdale, AZ