



Anna Wermuth

Vice Chair, Labor & Employment Department

Chicago

awermuth@cozen.com | (312) 474-7876

Anna serves as the vice chair of the firm's national Labor & Employment Department. Anna represents management in labor and employment litigation before state and federal courts and administrative agencies such as the EEOC, the Department of Labor, and the National Labor Relations Board. Anna has extensive experience representing employers in individual and large-scale class actions involving the full range of employment-related disputes, including discrimination, wage and hour, non-compete agreements, and unfair labor practices. Anna also regularly counsels employers on maintaining compliance with state and federal laws and regulations, assists employers with developing employment policies and executing human resources strategies, negotiates employment and separation agreements, advises employers in connection with reductions in force, and has conducted numerous internal investigations.

Anna was recently named one of the "Most Influential Women Lawyers" by Crain's Chicago Business. She is an active member of the American Bar Association's Labor & Employment Law Section, where she has held a number of leadership positions. Currently, she is the Management Program co-chair of the Section's Development of the Law under the NLRA Committee and serves as an associate editor for the Bloomberg BNA-ABA jointly published *Developing Labor Law* treatise. She is also the past-chair of the Chicago Bar Association's Labor & Employment Law Committee. Anna writes and speaks on a variety of labor and employment topics for the American Bar Association, the Practising Law Institute, the Society of Human Resource Management, the National Association of College and University Attorneys, and other business, bar, legal education, and academic associations.

Prior to entering private practice, Anna served as law clerk to the Honorable Rebecca R. Pallmeyer of the District Court for the Northern District of Illinois. In addition to her legal practice, Anna serves on the Board of Directors of the Chicago Youth Centers, a 60-year-old nonprofit organization that services more than 4,000 children and families in Chicago each year with early childhood education, out-of-school, and teen leadership programs.

Anna received her J.D. from the Loyola University Chicago School of Law where she graduated second in her class and served as an editor of the *Loyola University Chicago Law Journal*. Anna received an M.A. from Northwestern University and graduated with high honors from DePaul University where she also competed in NCAA Division I Women's Track and Cross-Country. Before practicing law, Anna taught Spanish for the City Colleges of Chicago.

Experience

Secured victory in a high-stakes and closely watched appeal before the NLRB centering on efforts by the football team at Northwestern University to form the first-ever union of scholarship student athletes. The Cozen O'Connor team persuaded a staunchly pro-labor Board to decline jurisdiction in a unanimous decision. In February 2014, the team of lawyers had only three weeks to prepare the case for a trial that lasted two weeks before the NLRB Regional Director in Chicago. After the expected adverse ruling, we filed an immediate appeal and marshalled the support of nearly two dozen amici, including the NCAA, the Ivy League schools, several major conferences, private universities, and even members of Congress to submit briefs to the Board. The case was covered by every major media outlet,

Practice Areas

- Labor & Employment
- Employment Litigation
- Labor Relations & Disputes
- Trade Secrets & Unfair Competition

Industry Sectors

- Higher Education

Education

- Loyola University Chicago School of Law, J.D., 1999
- Northwestern University, M.A., 1992
- DePaul University, B.A., 1991

Bar Admissions

- Illinois

Court Admissions

- U.S. District Court -- Central District of Illinois
- U.S. District Court -- Northern District of Illinois
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Seventh Circuit

Affiliations

American Bar Association, Section of Labor and Employment Law:

- Management Program Co-Chair for the Development of the Law under the NLRA Committee
- Former Employer Vice-Chair, National Programs (BASICS) Subcommittee
- Former Employer Vice-Chair for Membership Development Retention Subcommittee
- Participant in Labor & Employment Law Section's Leadership Development Program

Chicago Bar Association:

- 2012-13 Chair, Labor & Employment Law Committee,
- 2011-12, Vice-Chair, Labor & Employment Law Committee,
- Alliance for Women Member

Fellow, American Bar Foundation

Women's Bar Association of Illinois Member

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Coalition of Women's Initiatives in Chicago
Law Firms - Delegate

Nominated, American Institute of Legal
Counsel

Awards & Honors

- Leading Lawyers Network Illinois 2009-2019
- Illinois Super Lawyer, 2010, 2012-2015, 2018-2019
- Illinois Rising Star, 2008-2009
- Chambers USA, 2017-2019
- Best Lawyers in America 2019
- Top Lawyers in Traditional Labor and Employment Law by *Lawdragon*, 2019
- Benchmark Labor & Employment Star for the Midwest
- 2018 Albert Nelson Marquis Lifetime Achievement Award

and the unprecedented issue spawned Congressional hearings and nation-wide interest.

Led the defense for a nationwide financial institution against a putative Illinois state-wide class action and FLSA collective action where the named plaintiffs claimed that credit card call center workers were misclassified as independent contractors and forced to work off the clock without pay. After limiting the case to a single location and curtailing discovery to less than a third of the claimed class period, we leveraged very advantageous testimony from Plaintiffs' depositions into a claims-made settlement that amounted to nothing more than seconds of uncompensated time.

Defended a large trucking company against class action claims that its intermodal drivers were misclassified as exempt. After aggressively pursuing initial written discovery, we were able to obtain a nuisance-value settlement because the facts we marshalled demonstrated that the drivers were not only properly treated as independent contractors, but were also clearly covered by the motor carrier exemption even if they were employees.

Successfully enforced arbitration agreements with class action waivers in putative class and collective actions against a retail optical company, a national fast food franchise, and a chain of restaurants and nightclubs.

We secured a victory for a university in connection with a union's petition to represent non-tenure track faculty members. The representation included coordinating all aspects of the university's campaign, ensuring compliance with the NLRB's election rules, and representing the university before the Chicago Regional NLRB when the union challenged 120 ballots believed to have been cast in the university's favor. This challenge led to two years of proceedings before the agency, including two Requests for Review to the NLRB in Washington, D.C., ultimately resulting in a unanimous ruling that all remaining challenged ballots should be opened. These ballots revealed that the university had won the election.

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