



Joseph E. Tilson

Co-Chair, Labor & Employment Department

Chicago

jtilson@cozen.com | (312) 474-7880

Practice Areas

- Employment Litigation
- Labor & Employment
- Labor Relations & Disputes

Education

- University of Michigan Law School, J.D., *cum laude*, 1979
- University of Michigan, B.A., *with honors*, 1976

Bar Admissions

- Illinois

Court Admissions

- U.S. District Court -- Northern District of Illinois
- U.S. District Court -- Central 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
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Supreme Court
- U.S. District Court -- Colorado
- U.S. District Court -- Eastern District of Wisconsin

Affiliations

- Fellow and Regional Director, College Labor and Employment Lawyers
- ABA - Immediate Past Chair of Labor & Employment Section; Past Chair: Employment Law Trial Advocacy Competition; Past Chair: Federal Labor Standards Legislation Committee; FLSA, Age Discrimination, and Equal Pay Act Subcommittees
- Board of Managers, YMCA of Metropolitan Chicago

Awards & Honors

- Corporate LiveWire Global Awards - Employment & Labour Law 2016
- Lexology's 2015 and 2016 Illinois Client Choice Award
- 2011, 2014, 2017, 2018, and 2021 Chicago Labor and Employment Lawyer of the Year by *Best Lawyers in America*
- *Best Lawyers in America* 2003-2021
- *Chambers USA America's* Leading Lawyers for Business - Band 1 Ranking
- *Chambers Global* - 2011, 2014, 2017-2020
- Most Powerful Employment Attorneys by

Joe is co-chair of the firm's national Labor & Employment Department and a member of the management committee and board of directors. Joe represents employers in large-scale employment litigation and labor arbitrations. In the past 36 years, he has tried more than 150 jury and non-jury cases before the full range of courts, administrative agencies, and labor arbitrators. His clients include a number of the country's largest public and private employers, and Illinois' most prestigious universities, whom he represents in both traditional labor law matters and employment litigation. Joe is nationally known for his knowledge and success in handling large wage and hour class action cases, but he also has vast experience in collective bargaining involving large and complex bargaining units.

In his role as co-chair of the firm's Labor & Employment Department, Joe has been instrumental in the growth of the practice, which has nearly tripled in size to more than 80 attorneys since 2015.

Joe has been recognized as one of the top labor and employment lawyers in Chicago. He was named the 2020 Chicago Employment Law "Lawyer of the Year" by Best Lawyers for the fifth time in the last nine years; he also twice received Lexology's Illinois Client Choice Award for outstanding client service; he has been named one of the Nation's Most Powerful Employment Attorneys by Human Resource Executive and Lawdragon each year since 2010; and he has consistently achieved a Band 1 Labor and Employment ranking from *Chambers USA: America's Leading Lawyers for Business*.

Joe is a past-chair of the ABA's Labor and Employment Law Section, one of the largest sections of the ABA with over 12,000 members. He continues to serve on the ABA's council, the governing body of the ABA's Labor and Employment Section.

Joe is also a frequent lecturer, author, and bar association leader. He regularly speaks on labor and employment issues for the American Bar Association, Practising Law Institute, Northwestern University's Corporate Council Institute, Chicago-Kent College of Law, and many other educational institutions and associations. Joe is a fellow of the College of Labor & Employment Lawyers (CLEL) and is the former chair of the American Bar Association's Federal Labor Standards Legislation Committee. Joe also serves as vice-chair on the Board of Managers of the YMCA of Metropolitan Chicago.

Prior to entering private practice, Joe served as law clerk for the Honorable Stephanie K. Seymour, U.S. Court of Appeals for the 10th Circuit.

Joe earned his Bachelor of Arts from the University of Michigan in 1976 and his law degree, *cum laude*, from the University of Michigan School of Law in 1979.

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

Joseph E. Tilson

jtilson@cozen.com

P: (312) 474-7880 | F: (312) 878-2019

©2020 Cozen O'Connor. All rights reserved.



- Human Resource Network and Lawdragon
- Top 100 Illinois Super Lawyers
- Leading Lawyers Network Illinois
- Outstanding Lawyers of America
- International Who's Who of Management Labor and Employment Lawyers
- *Martindale-Hubbell* - AV rated
- Benchmark Labor & Employment Star for the Midwest

members of Congress to submit briefs to the Board. The case was covered by every major media outlet, and the unprecedented issue spawned Congressional hearings and nation-wide interest.

Performed due diligence and provided advice on complex labor and pension liability issues on behalf of the acquiring company in the acquisition of the *New York Daily News*, the ninth-largest daily newspaper in the United States.

Obtained a federal court order, which was affirmed on appeal to the U.S. Court of Appeals for the Seventh Circuit, vacating a labor arbitration award entered against our higher education client in a dispute centering on whether full-time staff who also teach (FTST) could be included in a bargaining unit represented by the Part-time Faculty Association Union. Our client took the position that FTST were included, while the union contended that they were not. The dispute played out both before the NLRB, where the Regional Director sided with our client, and then before an arbitrator, who sided with the union. In vacating the award, the court agreed with our arguments that the award infringed on the NLRB's primary jurisdiction to decide representational issues, was *ultra vires* in that the arbitrator exceeded the scope of the issues before him, and violated public policy by forcing our client to choose which of two conflicting decisions to obey.

Represented an agriprocessing company and 19 individual managers named as defendants in a 16-plaintiff retaliatory discharge lawsuit filed in Iowa state court. The plaintiffs brought individual claims based on allegations of a plant-wide culture with respect to workplace injuries, medical treatment and return to work policies, which impacted multiple departments of the operation. Taking an aggressive approach to discovery against the plaintiffs and analyzing an enormous amount of electronic information, our strategy culminated in the defeat of seven plaintiff's claims on motions for summary judgment, the voluntary withdrawal by four plaintiffs who chose not to respond to motions for summary judgment and settlement on favorable terms of the remaining plaintiffs. Five of the seven plaintiffs dismissed on summary judgment appealed to the Iowa Supreme Court. Through a combination of advocacy and favorable settlements, all but one of the appeals were withdrawn.

Represented a major meat processing company in an FLSA case involving class claims of unpaid overtime, unpaid minimum wage, meal and rest break violations, unreimbursed business expenses, failure to timely pay wages, waiting time penalties, inaccurate wage statement penalties and failure to maintain accurate pay records. We seized the initiative in discovery and refused to relieve the plaintiff of her duty to bring a class certification motion within 90 days of filing. In the face of that defense strategy and following an intense two months of written discovery and depositions, the plaintiff abandoned her class claims and pursued the case in her individual capacity, settling shortly thereafter for nuisance value.

Represented BOMA/Chicago, which is an association comprised of owners and property managers for hundreds of downtown Chicago office buildings, in successful collective bargaining negotiations with SEIU Local 1, which represents approximately 12,000 janitorial employees throughout Chicago.

Defended our client against a putative FLSA and IMWL class action brought by janitors seeking unpaid overtime for alleged off-the-clock preparatory work. During one of the plaintiff's deposition their counsel engaged in an outrageous pattern of disruptive, uncivil, and unprofessional conduct, including extreme speaking objections. As a result, we brought and won a motion for sanctions against the plaintiffs and were permitted to re-depose the plaintiff. Ultimately we were able to leverage the sanctions ruling into a favorable settlement for our client.