



## **John Duke**

### **Counsel**

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## **PRACTICES** Labor and Employment

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John Duke is a counsel in the Labor and Employment Practice Group in Haynes Boone's Austin office.

His practice focuses on advising regional, national, and international employers across the spectrum of industries in the full panoply of labor and employment matters. In addition to advising employers on such union-related concerns as organizing campaigns, collective bargaining, and strikes, John also has extensive experience defending employers in representation and unfair labor practice cases before the National Labor Relations Board, handling labor issues in the federal courts, and representing employers in labor arbitration proceedings. He also represents employers before federal and state trial and appellate courts in single plaintiff, complex class/collective action employment litigation, and non-compete and trade secret litigation. John provides day-to-day advice and counseling to employers regarding difficult employment issues and compliance with federal and state law as well.

John is board certified in Labor and Employment Law by the Texas Board of Legal Specialization.

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## **QUALIFICATIONS**

### **EDUCATION**

- Bachelor of Civil Law, University of Oxford, 2005
- J.D., Boston University School of Law, 2003, cum laude; editor, *Boston University Law Review*
- B.M., Boston University, 1996, summa cum laude

### **ADMISSIONS**

- Texas
- Massachusetts

### **COURT ADMISSIONS**

- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court for the District of Massachusetts
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas

- U.S. District Court for the Western District of Texas
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## PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Employment Law in Higher Education: Title IX, Professor/Student Interactions, Tenure, Application of Labor Laws," Webinar for Strafford Publications, Inc., presented May 27, 2020.
  - "Latest Guidance on Independent Contractors," Webinar for Strafford Publications, Inc., presented November 13, 2019.
  - "New DOL Guidance on Independent Contractors: Multi-Factor Test for Determining Worker Classification," Webinar for Strafford Publications, Inc., presented October 18, 2018.
  - "Austin's Sick Leave Mandate Will Likely Be Shot Down in Court," *Austin Business Journal*, June 2018.
  - "Austin Legal Limits: Austin's Paid Sick Leave Ordinance Challenged," *Texas Employment Law Letter*, June 2018.
  - "Litigating Unfair Labor Practice Charges—Charge Receipt and Investigation," *BNA Federal Compliance Checklists*, August 2017.
  - "Litigating Unfair Labor Practice Charges—Arbitration and Settlements," *BNA Federal Compliance Checklists*, August 2017.
  - "Litigating Unfair Labor Practice Charges—Pre-Hearing and Hearing Procedures," *BNA Federal Compliance Checklists*, August 2017.
  - "Litigating Unfair Labor Practice Charges—Post-Hearing and Appeals Procedures," *BNA Federal Compliance Checklists*, August 2017.
  - "Texas Employment Law Update," presented April 10, 2017.
  - "'A Day Without ...' How to Legally Manage and Respond to Political Protests, Strikes, and Absenteeism," March 7, 2017.
  - "Austin Legal Limits: What Are Texas Legislators Up To This Year?," *Texas Employment Law Letter*, February 2017.
  - "Recent NLRB Actions Affect Your Company Whether or Not You Have a Union," presented June 13, 2012.
  - "Successorship and 'Application of Contract' Clauses," Contributing Editor, *The Developing Labor Law*, 6th ed. 2012.
  - "Wage & Hour Collective And Class Litigation," *ALM Law Journal Press*, 2012.
  - "Retrofitting the National Labor Relations Act for the Social Media World," *Insights*, Fall 2011.
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## PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Texas Bar College, Member
  - Boy Scouts of America Eagle Scout Award
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## SELECTED CLIENT REPRESENTATIONS

- Represented and advised a national media firm in labor matters following a spinoff from a large telecommunications company and subsequent acquisitions and restructuring.
  - Represented multiple employers in obtaining injunctions in state and federal courts against unions to restrain unlawful conduct during a strike.
  - Negotiated collective bargaining agreements on behalf of employers in the telecommunications, hospitality, entertainment, construction, healthcare, and environmental maintenance industries.
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# HAYNES BOONE

- Represented employers in obtaining dismissal of state and federal law wage and hour claims as preempted/precluded by federal labor law.
  - Represented an employer in obtaining dismissal of state law invasion of privacy claims as preempted by federal labor law.
  - Represented an employer in enforcing an international non-compete/non-solicitation agreement against its former managing director.
  - Represented an employer in obtaining an injunction to restrain four employees from working for a competitor and soliciting their former employer's employees in violation of their restrictive covenants following a raid of their former employer's employees.
  - Represented employers in multiple putative class and collective actions including claims under the Fair Labor Standards Act, claims under state wage and hour law, alleged violations of the Family and Medical Leave Act, and claims under the Massachusetts independent contractor law.
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## AWARDS AND RECOGNITION

- Recognized as a "Rising Star" by *Massachusetts Super Lawyers*, Thomson Reuters, 2013