



## Mark Ogden

Shareholder

Camelback Esplanade  
2425 East Camelback Road, Suite 900  
Phoenix, AZ 85016  
main: (602) 474-3600  
direct: (602) 474-3601  
fax: (602) 957-1801  
mogden@littler.com

201 Third Street NW  
Suite 500  
Albuquerque, NM 87102  
main: (505) 944-9680  
fax: (505) 944-9681  
mogden@littler.com



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## Focus Areas

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

## Overview

Mark Ogden has litigated nearly 600 employment lawsuits to conclusion, mostly in federal court, and has litigated 27 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 is consistently recognized in *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.

## 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, Litigation, Labor & Employment, and Insurance Practices, American Bar Association
- Member, Lawyer-Pilots Bar Association
- Member, Defense Research 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
- Member, Society for Human Resource Management (SHRM)
- Member, Western Growers Association (WGA)
- Member, Maricopa County Bar Association (MCBA)
- Member, LA County Bar Association

## Recognition

- Awarded, AV<sup>®</sup> Peer Review Rating, *Martindale-Hubbell*
- Named, The Best Lawyers in America<sup>®</sup>, 2008-2021
- Named, Lawyer of the Year, *The Best Lawyers in America<sup>®</sup>*, 2019
- Named, America's Leading Lawyers for Business, *Chambers USA*, 2014-2020
- Named, Litigation Star, Arizona, *Benchmark Litigation*, 2014 - 2019
- Named, Super Lawyer, Arizona Southwest, *Super Lawyers*, 2007-2019
- Named, Top Rated Litigator, *ALM Media*, 2019
- Named, Top 50 Law Firms in Labor and Employment Law, *Book of Lists - Phoenix Business Journal*, 2009-2016
- Named, Top 100 Lawyers in Arizona, *AZ Business*, 2017
- Named, Arizona's Top Lawyers, *AZ Business*, 2010-2016
- Named, Arizona's Top Rated Lawyers, *Legal Leaders*, 2013-2016
- Named, Top Lawyers of Arizona, *Phoenix Magazine*, 2015-2016

## Education

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

B.S., Arizona State University, 1986

## Bar Admissions

Arizona  
District of Columbia  
California  
New Mexico

## 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

**Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers**

*Littler Press Release*

August 20, 2020

**Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year**

*Littler Press Release*

August 15, 2019

**Littler Ranked in 2019 Chambers USA Guide**

*Littler Press Release*

April 25, 2019

**Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 15, 2018

**Littler Ranked in 2018 Chambers USA Guide**

*Littler Press Release*

May 15, 2018

**Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 17, 2017

**Littler and Its Attorneys Receive Top Rankings in 2017 Chambers USA Guide**

*Littler Press Release*

May 26, 2017

**The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition**

*Littler Press Release*

August 16, 2016

**Chambers USA Recognizes Littler and Attorneys in 2016 Guide**

*Littler Press Release*

May 27, 2016

**Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition**

*Littler Press Release*

August 18, 2015

**Chambers USA Recognizes Littler and Its Attorneys**

*Littler Press Release*

May 20, 2015

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

*Littler Press Release*

August 18, 2014

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

*Littler Press Release*

May 23, 2014

**Riskiest States for Employee Lawsuits**

*Property Casualty 360*

April 2, 2014

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

*Insurance Journal*

April 1, 2014

**Columnist, Career Builder, Ask the Experts**

*The Arizona Republic, Sunday Edition*

2003-present

**Columnist, Ask the Legal Professional**

*The Business Journal*

2003-present

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

*Littler Press Release*

August 15, 2013

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

*Daily Miner*

October 1, 2012

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

*Littler Press Release*

September 7, 2012

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

*Phoenix Business Journal*

July 6, 2012

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

*Littler Press Release*

September 12, 2011

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

*Littler Press Release*

August 9, 2010

**Legal Pitfalls of Employee Wellness Programs**

*HR IQ Column - Impact Magazine*

April 2010

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

*Littler Press Release*

August 14, 2009

**Work Furloughs for Salaried Employees**

*HR IQ Column - Impact Magazine*

August 2009

**Layoffs, Furloughs Provoke More Claims of Worker Discrimination**

*Phoenix Business Journal*

June 26, 2009

**Cancel Worker EEO Training at Own Peril, Attorneys Say**

*Law360.com*

June 16, 2009

**5 Questions About Employer Law and the Stimulus**

*Phoenix Business Journal*

March 27, 2009

**Stimulus Package Includes Changes for Employers**

*Phoenix Business Journal*

March 27, 2009

**Forewarn Legislation**

*Phoenix Business Journal*

January 30, 2009

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

*AZ Republic*

December 10, 2008

**Prepare Now for the Newly Amended Americans with Disabilities Act**

*Phoenix Business Journal*

November 17, 2008

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

*Littler Press Release*

October 31, 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 15, 2008

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

*AZ Republic*

August 12, 2008

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

*AZ Business Magazine*

August 2008

**Wage Gap Widens Along Ethnic, Geographical Lines**

*Phoenix Business Journal*

March 14, 2008

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

*Phoenix Business Journal*

February 1, 2008

**Sheriff, Prosecutor Ramp Up Sanctions Investigations**

*Phoenix Business Journal*

January 11, 2008

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

*Phoenix Business Journal*

November 2, 2007

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

*Phoenix Business Journal*

October 19, 2007

**Proposed State Rules Target Tax Evasion Schemes**

*Phoenix Business Journal*

September 14, 2007

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

*Phoenix Business Journal*

August 17, 2007

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

*The Arizona Republic*

July 8, 2007

**Independent Contractor Classification**

*HR IQ Column - Impact Magazine*

July 2007

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

*InsideCounsel*

June 22, 2007

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

*Phoenix Business Journal*

June 8, 2007

**Employer's Responsibility Related to A Domestic Violence Protection Order**

*HR IQ Column - Impact Magazine*

May 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*

March 26, 2007

**Watch out for the Many Legal Pitfalls of Affinity Groups**

*Phoenix Business Journal*

November 15, 2006

**Watch Out for the Many Legal Pitfalls of Affinity Groups**

*Phoenix Business Journal*

September 15, 2006



**Ruling Could Leave Firms More Vulnerable to Lawsuits**

*Phoenix Business Journal, Valley of the Sun Business Journal*

August 18, 2006

**Ruling Could Leave Firms More Vulnerable to Lawsuits**

*Phoenix Business Journal*

August 2006

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

*AzBusiness Magazine*

July 2006

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

*Arizona Business Gazette*

June 15, 2006

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

*AzBusiness Magazine*

May/June 2006

**Suggestions for Change**

*HR Executive*

May 16, 2006

**The EEOC Turns 40, Suggestions for Change**

*Human Resource Executive Magazine*

May 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*

February 17, 2006

**Bird Flu Could Create Legal Nightmare for Businesses**

*Phoenix Business Journal*

December 2005

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

*The Business Journal*

October 24, 2005

**Religious Diversity at Work a Fine Line for Managers**

*Phoenix Business Journal*

October 2005

**Domestic Violence Can Dramatically Impact the Bottom Line**

*Phoenix Business Journal*

October 2005

**Mark Ogden: Active In and Out of the Courtroom**

*Profile - Phoenix Business Journal*

October 2005

**J. Mark Ogden warns employers of rising religious discrimination**

*The Phoenix Business Journal*

July 11, 2005

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

*Quote, Cover Story - Phoenix New Times*

July 2005

**Serrano's Wins Lawsuit, Feels Business Backlash**

*Quote - Phoenix Business Journal*

June 2005

**Employers See Rise in Pregnancy Lawsuits**

*Quote - Phoenix Business Journal*

February 2005

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

*Arizona Business Magazine*

July/August 2004

**EEOC Announces Relief for Employers Providing Retiree Health Benefits**

*Arizona Journal*

February 2004

**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*

April 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*

February 2003

**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*

January 2002

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

*Arizona Journal*

August 2000

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

*Arizona Journal*

May 2000

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

*Arizona Journal*

April 2000

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

*Arizona Journal*

December 1998

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

*Arizona Journal*

July 1998

## **Speaking Engagements**

**Managing Litigation as a Business: Aligning Value and Costs of Litigation Services**

Littler Mendelson, Scottsdale, AZ

May 9, 2012

