



Marko J. Mrkonich

Shareholder

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Focus Areas

Class Action
Litigation and Trials
Discrimination and Harassment
Hiring, Performance Management and Termination
Labor Management Relations
AI and Technology

Overview

Marko Mrkonich focuses his practice on discrimination and other employment litigation, traditional labor law issues and providing clients with advice and counseling. He represents clients, in virtually all industries, in federal and state jury and bench trials, in appellate courts and in administrative hearings before federal and state agencies. Marko regularly handles labor arbitrations and has extensive experience in mediation and other forms of alternative dispute resolution. He has been the lead lawyer on numerous reported decisions and has argued cases in four federal appellate courts and the highest courts of two states. Additionally, he routinely counsels clients on matters of workforce reorganization and reductions-in-force.

Marko has also testified before the EEOC Commissioners on the impact of data analytics on employment laws, which *SHRM Online* covered in the article, "EEOC Panel Looks at Implications of Big Data in the Workplace." Marko has also co-authored two law review articles on the subject:

- **"Big Data" and the Risk of Employment Discrimination**

Oklahoma Law Review, 2016

- **Applying Old Rules to New Tools: Employment Discrimination Law in the Age of Algorithms**

South Carolina Law Review, Winter 2019

Marko previously served as Littler Mendelson's president and managing director from 2005-2012, and he was a founding member of the Minneapolis office in 1998, where he formerly held the position of office managing shareholder.

Before joining Littler, Marko served as chairperson of the labor and employment practice of another firm, where he practiced for 17 years. He began his career as a law clerk to the Hon. Miles W. Lord, United States District Court Judge for the District of Minnesota.

Professional and Community Affiliations

- Member, Labor and Employment and Litigation sections, American Bar Association
- Member, Minnesota State Bar Association
- Member, Hennepin County Bar Association
- Member, Minnesota Management Attorneys Association
- Member, Board of Directors, JWM Scholarship Foundation

Recognition

- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*
- Fellow, College of Labor and Employment Lawyers
- Named, The Best Lawyers in America®, 2012-2024
- Named, Lawyer of the Year, Employment Law - Management, Minneapolis, *The Best Lawyers in America*®, 2015
- Ranked, Labor & Employment, *Chambers USA*, 2005-2023
- Named, 500 Leading Corporate Employment Lawyers, *Lawdragon*, 2020-2024
- Named, Top 10 Most Influential Labor & Employment Lawyers in Minnesota, *Business Today*, 2023
- Named, Nations' Most Powerful Employment Attorneys - Top 100, *Human Resource Executive / Lawdragon Inc.*, 2009-2019

Education

J.D., Harvard Law School, 1980, *With Honors*

A.B., Harvard College, 1977, *With Honors*

Bar Admissions

Minnesota

Wisconsin

Courts

U.S. Supreme Court
U.S. Court of Appeals, 2nd Circuit
U.S. Court of Appeals, 4th Circuit
U.S. Court of Appeals, 6th Circuit
U.S. Court of Appeals, 7th Circuit
U.S. Court of Appeals, 8th Circuit
U.S. Court of Appeals, 9th Circuit
U.S. Court of Appeals, 10th Circuit
Minnesota Supreme Court
Wisconsin Supreme Court
U.S. District Court, District of Minnesota
U.S. District Court, Eastern District of Wisconsin
U.S. District Court, Western District of Wisconsin

Publications & Press

The Littler Annual Employer Survey 2024

Littler Report

May 8, 2024

Employers Expect Increased Regulatory Enforcement Amid Legislative Slowdown in Election Year, Littler Survey Finds

Littler Press Release

May 8, 2024

How to embrace AI without jeopardizing morale – or risking lawsuits

American City Business Journals

February 27, 2024

A Playbook for 2024

Albany Business Review

January 11, 2024

A Playbook for 2024

American City Business Journals

December 22, 2023

Companies find reasons to avoid generative AI for hiring

American City Business Journals

September 29, 2023

Workplace AI Use On The Rise, But Regulatory Guidance And HR Policies Still Taking Shape, Littler Survey Finds

Littler Press Release

September 25, 2023

AI Study Reveals How Employers Are Using the Tools, and With What Safeguards

Corporate Counsel

September 25, 2023

Littler AI in the Workplace Survey Report 2023

Littler Report

September 25, 2023

California Court's Expansion of 'Employer' Could Have Implications for AI Regs

SHRM Online

August 28, 2023

California Supreme Court's Expansion of "Employer" under FEHA Could Have Implications for AI Regulation

Littler ASAP

August 25, 2023

Littler Recognized in 2023 Chambers USA Guide

Littler Press Release

June 6, 2023

EEOC Issues Guidance on Use of Artificial Intelligence Tools in Employment Selection Procedures Under Title VII

Littler Insight

May 18, 2023

An Overview of the Employment Law Issues Posed by Generative AI in the Workplace

Littler Report

May 11, 2023

New AI Training Requirement for Certain Federal Government Employees

Littler ASAP

November 14, 2022

White House's AI Guidance Puts Employers On Notice

Law360 Employment Authority

October 6, 2022

How should a company intelligently adopt employment-focused artificial intelligence, or AI tools?

Littler 2 the Point Video

August 30, 2022

Littler Ranked in Chambers USA Guide 2022

Littler Press Release

June 1, 2022

EEOC Issues Guidance on Artificial Intelligence and Americans with Disabilities Act Considerations

Littler Insight

May 18, 2022

The Littler Annual Employer Survey 2022

Littler Report

May 4, 2022

Littler Survey: Competitive Talent Market and Pandemic Uncertainty Complicate Return-to-Office Policies

Littler Press Release

May 4, 2022

EEOC Increases Focus on Artificial Intelligence and Algorithmic Fairness

Littler ASAP

November 15, 2021

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

Littler Ranked in Chambers USA Guide 2021

Littler Press Release

May 27, 2021

Littler Attorneys Recognized by BTI Consulting and Lawdragon

Littler Press Release

December 15, 2020

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

Littler Press Release

August 20, 2020

Little Launches Holistic Workforce Restructuring Solution

Little Press Release

May 28, 2020

Applying Old Rules to New Tools: Employment Discrimination Law in the Age of Algorithms

South Carolina Law Review

Winter 2019

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

Little Press Release

August 15, 2019

Law Firms Fill Void Left by Lawmakers in AI Discrimination Space

Bloomberg Big Law Business

July 19, 2019

Little Attorneys Recognized Among Nation's Most Powerful Employment Attorneys

Little Press Release

June 4, 2019

Little Ranked in 2019 Chambers USA Guide

Little Press Release

April 25, 2019

Automation in Hiring Could Mean 'Significant Legal Risks'

Legaltech News

October 18, 2018

Best Lawyers in America© 2019 Edition Honors More Than 200 Little Lawyers

Little Press Release

August 15, 2018

In the Rush to Big Data, Don't Ignore the Legal Risks

TLNT

July 3, 2018

Dear Little: How Do Employers Use Big Data, And What Are The Risks?

Dear Little

June 21, 2018

Little Attorneys Recognized Among Nation's Most Powerful Employment Attorneys

Little Press Release

June 18, 2018

Little Ranked in 2018 Chambers USA Guide

Little Press Release

May 15, 2018

Curtailling Workplace Harassment ... with a Robot?

Workforce

November 14, 2017

Best Lawyers in America© 2018 Edition Honors More Than 200 Little Lawyers

Little Press Release

August 17, 2017

Little Attorneys Distinguished Among the Nation's Most Powerful Employment Attorneys

Little Press Release

July 12, 2017

July Is the New January: Beware of Employment Regulations About to Take Effect

Little WPI Report

June 27, 2017

HR Should Understand the Risks and Rewards of Using Data Analytics

SHRM Online

June 20, 2017

Little and Its Attorneys Receive Top Rankings in 2017 Chambers USA Guide

Little Press Release

May 26, 2017

Are You Buying a Lawsuit with 'Big Data'? HR Must Ask the Right Questions

HR Daily Advisor

April 7, 2017

The Hidden Dangers of Big Data in Employment

Law360

November 17, 2016

Big Issues Surrounding Big Data

Human Resource Executive Online

November 3, 2016

EEOC Panel Looks at Implications of Big Data in Workplace

SHRM Online

October 17, 2016

EEOC Ponders Employers' 'Big Data' Use

Bloomberg BNA Daily Labor Report

October 14, 2016

Employers Must Use Analytics With Care, EEOC Panel Warns

Law360

October 13, 2016

The Legal Risks of 'Big Data': What HR Should Know

SHRM Online

October 7, 2016

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

Littler Press Release

August 16, 2016

Littler Program Promoting Diverse Associates Sees Some Success

The American Lawyer

July 29, 2016

Littler Shareholders Recognized as "Most Powerful Employment Lawyers" by Human Resource Executive Magazine® and Lawdragon

Littler Press Release

June 16, 2016

Chambers USA Recognizes Littler and Attorneys in 2016 Guide

Littler Press Release

May 27, 2016

"Big Data" and the Risk of Employment Discrimination

Oklahoma Law Review

2016

Employers Underuse 'Big Data'

SHRM

October 19, 2015

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

Littler Press Release

August 18, 2015

The Big Move Toward Big Data in Employment

Littler Report

August 4, 2015

Employee Trust Essential for HR Analytics

Bloomberg BNA

July 20, 2015

Littler Lawyers Named to “Most Powerful Employment Lawyers” List by Human Resource Executive Magazine® and Lawdragon

Littler Press Release

June 17, 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 Attorneys Recognized Among the Nation’s Most Powerful Employment Attorneys by Human Resource Executive Magazine® and Lawdragon

Littler Press Release

June 17, 2014

Littler and Its Attorneys Ranked In 2014 Chambers USA Guide

Littler Press Release

May 23, 2014

Littler Attorneys Named in Best Lawyers in America® 2014 Edition

Littler Press Release

August 15, 2013

Littler Distinguished Among the Nation's Most Powerful Employment Attorneys

Littler Press Release

June 25, 2013

Littler Mendelson Named in the 2013 Chambers USA Guide

Littler Press Release

May 24, 2013

The Silver Lining Practice

American Lawyer

October 1, 2012

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

Littler Press Release

September 7, 2012

The Churn: Lateral Moves and Promotions in the Am Law 200

Am Law Daily

August 21, 2012

Littler Attorneys Recognized As Nation's Most Powerful Employment Attorneys

Littler Press Release

May 25, 2012

Littler Mendelson Lands Top Spot In Employment Ranking

Law360.com

February 10, 2012

Littler Mendelson Opens Office in Memphis with Kiesewetter Wise

JD Journal

January 20, 2012

Littler Merges With Memphis Boutique Kiesewetter Wise

Law360.com

January 20, 2012

Labor and Employment Firms on the March: Jackson Lewis to Milwaukee, Littler to Memphis

AmLaw Daily

January 19, 2012

Law Firm Doubles Under Mrkonich

Minneapolis St. Paul Business Journal

December 23, 2011

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

Littler Press Release

September 12, 2011

Chambers USA Honors Littler And Its Attorneys

Littler Press Release

June 27, 2011

Littler Attorneys Recognized as Nation's Most Powerful Corporate Employment Lawyers

Littler Press Release

June 17, 2011

Making a Case: How Marko Mrkonich Drives Growth at Littler Mendelson

Smart Business

February 11, 2011

Who You Gonna Call

The American Lawyer

October 19, 2010

The Littler Ten: Employment, Labor and Benefit Law Trends for Navigating the New Decade

Littler Report

September 30, 2010

Littler Attorneys Recognized as Nation's Most Powerful Employment Lawyers

Littler Press Release

June 30, 2010

Littler Attorneys Honored by Chambers USA

Littler Press Release

June 21, 2010

Smooth Sailing for Littler Through Economic Turbulence

The Recorder

January 10, 2008

At Long Last! The Minnesota Supreme Court Speaks on Payment for Unused Vacation Upon Termination of Employment

Littler Insight

November 16, 2007

Marko Mrkonich Recognizes Challenges of Flex-Time

Entrepreneur Magazine

May 16, 2007

Employment Issues to Consider in a Results-Only Work Environment

Entrepreneur

May 1, 2007

One Turf Battle At a Time, Firms Chase Littler

The National Law Journal

April 30, 2007

Littler Repeatedly Ranked #1 in Litigation

Law360.com

February 14, 2007

Littler Mendelson Highlighted for Growth in Connecticut Market

Connecticut Law Tribune and Law.com

February 6, 2007

Marko Mrkonich Warns Against Discriminatory Hiring Practices Abroad

The National Law Journal

November 14, 2006

Marko Mrkonich Interviewed Postelection by Business Week

Business Week Online

November 13, 2006

Marko Mrkonich Discusses Political Talk at Work

Star Tribune

November 7, 2006

Littler Mendelson Goes from "Good to Great"

ALM's Law Firm Business Development Best Practices

October 1, 2006

Littler Ranked #1 In Employment Litigation

Law360.com

September 11, 2006

Marko Mrkonich and Dennis Brown Highlight Littler's Migration Practice

Los Angeles Daily Journal

August 8, 2006

Marko Mrkonich Showcases Littler and the "Power of the Boutique Model"

San Francisco Business Times

June 23, 2006

Littler's Expansion is Highlighted in the Daily Journal

Daily Journal

June 21, 2006

11 Littler Mendelson Lawyers Recognized as Legal Elite by Chambers USA

Littler Press Release

June 19, 2006

Marko Mrkonich Breaks Down for Time Magazine How "Microinequities" Have Become the Basis for Discrimination Claims Against Employers

Time Magazine

March 12, 2006

Littler Mendelson Elects Minneapolis Attorney Marko Mrkonich Managing Director and President; Elevates Wendy Tice-Wallner to Board of Directors Chair

Littler Press Release

September 17, 2004

Employer-Sponsored Health Plans and Experimental Medical Treatments: Life and Death Cost/Benefit Decisions

19 Employee Benefits Journal 2

June 1994

Speaking Engagements

2023 Midwest Regional Employer Conference

Minneapolis, MN

November 9, 2023

2023 Littler AI Summit

Washington, DC

September 21, 2023

2023 Puerto Rico Employer Conference

San Juan, PR

April 27, 2023

Session Three: How Employers Can Prepare for the Future Legislative and Regulatory Framework Governing the Use of AI Tools in HR Decisions

December 1, 2022

2022 Midwest Regional Employer Conference

Minneapolis, MN

November 3, 2022

Littler AI Summit

Washington, DC

September 28, 2022

Answers to 20 of the Biggest Employment Law Questions Facing Employers in 2022

2022 In-House Counsel Crash Course

March 11, 2022

Legal and Practical Considerations for Hiring and Retention During COVID-19

COVID-19 Employment Law Update

December 1, 2021

2021 Upper Midwest Virtual Regional Employer Conference

Minneapolis, MN

October 20, 2021

The U.S. Labor Shortage: Employer Responses, Employment Law Challenges

July 29, 2021

Answers to 20 of the Biggest Law Questions Facing Employers in 2021

2021 Upper Midwest Employment Law Institute

May 24-25, 2021

2020 Upper Midwest Virtual Regional Employer Conference

November 11, 2020

Answers to 20 of the Biggest Employment Law Questions Facing Employers in 2020 & 2021 – Including Implications of COVID-19

2020 Upper Midwest Employment Law Institute

August 27, 2020

Answers to 40 of the Biggest Employment Law Questions Facing Employers in 2020

Winter 2020 Employment Law Series

February 5, 2020

AI: Old Rules and New Tools – Employment Discrimination Law in the Age of Algorithms

Minnesota CLE

January 23, 2020

They Can't Take It with Them, Can They? Protecting Your IP through Employment Contracts and Independent Contractor Agreements

Minnesota CLE

December 11, 2019

Current Trends and Topics in Arbitration Agreements and Class Action Waivers

46th Annual Labor & Employment Law

November 21, 2019

20 Bothersome Employment Questions: From New Laws to Tough Everyday Issues

2019 Upper Midwest Employment Law Institute

May 20, 2019

Arbitration Agreements and Class Action Waivers After Epic: What You Need to Know

Minnesota CLE

August 8, 2018

Answers to 20 of the Biggest Employment Law Questions Facing Employers in 2018

2018 Upper Midwest Employment Law Institute

May 21, 2018

Minnesota Labor and Employment Law Specialist Certification “And More”

Minnesota CLE

September 18, 2017

What to Expect from the Trump Administration – A National Perspective

2017 Upper Midwest Employment Law Institute

May 23, 2017

Answers to 20 of the Biggest Employment Law Questions Facing Employers in 2017

2017 Upper Midwest Employment Law Institute

May 22, 2017

Big Data Summit: What's the Deal with Using Data Analytics in Hiring, Workforce Management and Litigation?

May 10, 2017

Pay Equity & Demotions

FCA

March 28, 2017

The New Frontier: How Big Data is Changing the Employment Landscape

SHRM 2017 Employment Law & Legislative Conference, Washington, DC

March 14, 2017

The Littler Report

2016 Littler Midwest Employer Conference, Minneapolis, MN

October 4, 2016

Using "Big Data" to Hire, Manage & Discipline - The Benefits and Potential Risks

Upper Midwest Employment Law Institute, St. Paul, MN

May 24, 2016

Answers to 20 of the Biggest Employment Law Questions Facing Employers in 2016

Upper Midwest Employment Law Institute, St. Paul, MN

May 24, 2016

The Ever-Evolving Workplace

2016 Executive Employer Conference, Phoenix, AZ

May 5, 2016

Big Data 101: What Every Employer Needs to Know About Data Analytics

2015 Midwest Employer Conference, Minneapolis, MN

October 29, 2015

The Littler Report: The Road to Workplace 2020

2015 Midwest Employer Conference, Minneapolis, MN

October 29, 2015

Noncompetes & Trade Secret Protection: Drafting and Enforcing Noncompete Agreements That Work

Minneapolis, MN

September 29, 2015

20 Bothersome Questions

2012 Midwest Employer Conference, Minneapolis, MN

October 11, 2012

Guiding Your Company through Dramatic Changes: The Critical Legal/HR Role in Major Transactions

2012 Executive Employer Conference, Scottsdale, AZ

May 11, 2012

Social Media, the 21st Century Water Cooler: Top 10 Do's and Dont's (and the Grey Areas in Between) for Employers

Using Social Media Tools to Evaluate Candidates in the Hiring Process

Minnesota CLE

November 30, 2010

Minnesota Labor and Employment Law Specialist Certification and More

Minnesota CLE

August 9, 2010

20 More Bothersome Employment Law Questions - From New Law to Tough Everyday Issues

Upper Midwest Employment Law Institute

May 24, 2010

Globalized Legal Practice

International Business Law Institute - Minnesota CLE

March 29, 2010