



## Marko J. Mrkonich

Shareholder

1300 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
main: (612) 630-1000  
direct: (612) 313-7650  
fax: (612) 630-9626  
mmrkonich@littler.com



---

## 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

### **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

### **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

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

*Littler Press Release*

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

**Littler Launches Holistic Workforce Restructuring Solution**

*Littler 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 Littler Lawyers; 14 Named Lawyer of the Year**

*Littler Press Release*

August 15, 2019

**Law Firms Fill Void Left by Lawmakers in AI Discrimination Space**

*Bloomberg Big Law Business*

July 19, 2019

**Littler Attorneys Recognized Among Nation's Most Powerful Employment Attorneys**

*Littler Press Release*

June 4, 2019

**Littler Ranked in 2019 Chambers USA Guide**

*Littler 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 Littler Lawyers**

*Littler Press Release*

August 15, 2018

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

*TLNT*

July 3, 2018

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

*Dear Littler*

June 21, 2018

**Littler Attorneys Recognized Among Nation's Most Powerful Employment Attorneys**

*Littler Press Release*

June 18, 2018

**Littler Ranked in 2018 Chambers USA Guide**

*Littler Press Release*

May 15, 2018

**Curtailing Workplace Harassment ... with a Robot?**

*Workforce*

November 14, 2017

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

*Littler Press Release*

August 17, 2017

**Littler Attorneys Distinguished Among the Nation's Most Powerful Employment Attorneys**

*Littler Press Release*

July 12, 2017

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

*Littler WPI Report*

June 27, 2017

**HR Should Understand the Risks and Rewards of Using Data Analytics**

*SHRM Online*

June 20, 2017

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

*Littler 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

**Little 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