

## Noah G. Lipschultz

Shareholder

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## Practice Areas

Labor Management Relations  
Discrimination and Harassment  
ERISA and Benefit Plan Litigation

## Overview

Noah G. Lipschultz focuses on representing employers in a variety of labor and employment matters, including both traditional labor law matters, as well as employment litigation and counseling, and wage/hour matters. He also represents employers in employee benefits litigation matters arising under the Employee Retirement Income Security Act, including matters pertaining to retiree health benefits and the enforcement of ERISA plan subrogation/reimbursement rights, and has litigated such matters in multiple courts of appeal and the U.S. Supreme Court.

Noah regularly counsels and defends management in traditional labor law matters, including:

- Grievance and arbitration proceedings
- Matters arising under the NLRA
- Collective bargaining negotiations and related advice
- Litigation concerning disputes over obligations under collective bargaining agreements
- Numerous union organizing campaigns and NLRB elections, including several of the largest that have occurred in the U.S. in the past decade

Noah also appears regularly before state and federal courts and state and local agencies. In addition to having extensive experience in Equal Employment Opportunity Commission and National Labor Relations Board matters, he regularly defends employers in matters arising under:

- Title VII of the Civil Rights Act of 1964
- The Age Discrimination in Employment Act
- The National Labor Relations Act

- The Labor Management Relations Act
- The Employee Retirement Income Security Act
- The Fair Labor Standards Act
- State antidiscrimination laws

## Professional and Community Affiliations

- Member, Minnesota State Bar Association
- Member, Illinois State Bar Association
- Member, American Bar Association

## Recognition

- Named, The Best Lawyers in America<sup>®</sup>, 2020-2025

## Education

J.D., University of Chicago Law School, 2001

B.A., University of Wisconsin, Madison, 1998, *With Distinction*

## Bar Admissions

Minnesota

Illinois

Wisconsin

## Languages

Spanish

## Courts

U.S. Supreme Court

U.S. Court of Appeals, 2nd Circuit

U.S. Court of Appeals, 3rd 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, 11th Circuit

U.S. Court of Appeals, D.C. Circuit

U.S. District Court, District of Minnesota

U.S. District Court, Northern District of Illinois

U.S. District Court, Western District of Michigan

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Wisconsin

## **Publications & Press**

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

*Press Release*

August 19, 2021

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

*Press Release*

August 20, 2020

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

*Press Release*

August 15, 2019

### **Labor of Law: Watching SCOTUS: What's In the Wings? | CBS Hires Covington, Debevoise | Plus: Our L&E Water Cooler Roundup**

*Law.com*

August 2, 2018

### **NLRB Paves the Way for Bargaining Units Composed of Employees of Two Different Employers**

*Littler ASAP*

July 13, 2016

### **Supreme Court Limits ERISA Plans' Reimbursement Rights**

*Littler ASAP*

January 22, 2016

### **Board Overrules Longstanding Protections Against Disclosure of Witness Statements**

*Littler ASAP*

July 9, 2015

### **NLRB says workers can use company email to organize**

*Thomson Reuters Westlaw Journal – Employment*

January 21, 2015

### **NLRB Ruling Gives Unions Advantage in E-Mail Organizing**

*National Legal and Policy Center*

December 19, 2014

### **NLRB Creates Right to Use Corporate E-Mail to Organize and to Complain About Work: Ten Key Implications for Employers**

*Littler ASAP*

December 15, 2014

**Board Holds off on Major E-mail Use Pronouncement . . . For Now**

*Littler ASAP*

October 6, 2014

**Second Circuit Upholds Plan's Right to Reimbursement**

*Littler ASAP*

April 16, 2013

**Board Finds Employer's "Overbroad" Off-Duty Access Provisions Violate NLRA**

*Littler ASAP*

November 1, 2012

**Auto Dealership Lawfully Fired Employee for Facebook Posts, but Maintained Unlawful "Courtesy" Rule, Board Rules**

*Littler ASAP*

October 31, 2012

**U.S. Supreme Court Agrees to Resolve Circuit Split Over ERISA Plan Reimbursement Rights**

*Littler ASAP*

July 9, 2012

**Appellate Court Credits Employer's Challenge of Mock Card Check Ceremony During Union Campaign**

*Littler ASAP*

May 30, 2012

**Must a Participant Be "Made Whole" Before a Plan May Exercise Its Right to Reimbursement?**

*Littler ASAP*

February 29, 2012

**Fifth Circuit Affirms NLRB Holding that Investment Manager and Resort Were Joint Employers**

*Littler ASAP*

November 3, 2011

**Board Revisits Register Guard E-Mail Case**

*Littler ASAP*

August 19, 2011

**NLRB Upholds Inflatable Rat Display at Secondary Employer Site**

*Littler ASAP*

June 6, 2011

**NLRB to Consider Change to Union Information Requests Related to Relocations**

*Littler ASAP*

May 25, 2011

**Court Finds No Waiver of Right to Litigate in General CBA Clause**

*Littler ASAP*

March 31, 2011

**Judge Invalidates Milwaukee Paid Sick Leave Ordinance**

*Littler ASAP*

June 18, 2009

**Littler Mendelson Announces Twenty-Seven Newly Elevated Shareholders**

*Press Release*

January 8, 2009

**Milwaukee Becomes Third City to Mandate Paid Sick Leave for Employees**

*Littler ASAP*

November 14, 2008

**The Employee Free Choice Act: A Critical Analysis**

*Littler Report*

July 24, 2008

**NLRB Modifies "Recognition Bar" Doctrine to Permit Employees and Rival Unions to File Election Petitions**

*Littler ASAP*

October 8, 2007

**Events & Speaking Engagements**

**2024 Midwest Regional Employer Conference**

Minneapolis, MN

November 14, 2024

**2023 Midwest Regional Employer Conference**

Minneapolis, MN

November 9, 2023

**2021 Upper Midwest Virtual Regional Employer Conference**

Minneapolis, MN

October 20, 2021

**Labor Law in the Pandemic Age: Navigating Union-Related Issues During These Unprecedented Times**

June 30, 2020

**The NLRB's Redefinition of Joint Employment: A Dangerous Twist in Many Common Business Relationships**

The 2016 Executive Employer® Conference, Scottsdale, AZ

May 5, 2016

**2012 Midwest Employer Conference**

Minneapolis, MN

October 11, 2012

**The Obama Administration's Impact On Labor Law And In The Workplace**

Littler Mendelson, Minneapolis, MN

October 11, 2012

**Books & Book Chapters**

- Conducting the Employment Practices Audit, *Illinois Institute of Continuing Legal Education (IICLE)*, Chapter Author, 2004
- The Developing Labor Law: The Board, the Courts, and the National Labor Relations Act, *Bloomberg BNA*, Contributing Editor, 2004-2010
- Labor and Employment Issues in Transactions, Business Restructuring, and Workforce Reductions, *Illinois Institute of Continuing Legal Education (IICLE)*, Chapter Author, 2005, 2008 and 2011