

# Paul E. Starkman

## Member

**Paul E. Starkman** is one of the leaders in the Labor & Employment Practice Group in Clark Hill's Chicago office. Paul focuses his practice on labor and employment law counseling, litigation and transactions. As a litigator, he has successfully represented clients in federal and state courts as well as in arbitrations across the country.

Drawing on his extensive experience, Paul counsels public and private employers, family and closely-held entities, business owners, and executives on a comprehensive range of workplace issues, employment-related transactions, and disputes involving contractors, consultants, partners, shareholders, and directors. He has substantively advised clients on everything from wage and hour matters to discrimination and harassment claims. He regularly represents clients involved in reorganizations, mergers and acquisitions, and other transactions with employment issues.

Paul takes a proactive approach to employment issues. He protects his clients' interests by devising customized strategies that help them improve employment practices and avoid disputes. He keeps clients ahead of the curve by regularly providing them with timely and relevant legal updates, practical advice, and best practices.

Paul has built a strong record of favorable resolutions in matters involving complex employment claims and represents clients in a broad spectrum of industries in actions involving restrictive covenants, class and collective actions, executive compensation arrangements and employment contracts, and benefit claims in state and federal forums.

A frequent lecturer for bar associations and professional organizations, Paul is regularly interviewed by TV and radio stations and national publications such as *The Wall Street Journal*, *American Lawyer*, *USA Today*, and *InsideCounsel*. He has published numerous articles on labor and employment law issues and regularly posts on employment-related blogs and websites.

### Representative Transactions and Litigation

- Counseled large and mid-sized corporations and negotiated the departures of top-level corporate executives.
- Drafted and negotiated numerous employment agreements and executive compensation plans for incoming and current CEOs and C-Suite executives of mid- and large-sized private and public companies and non-profit organizations.
- Prevailed on behalf of a national retailer in complex trial court and appellate litigation involving employment tort claims arising from an employee's computer fraud.
- Obtained summary judgment that was affirmed by the Seventh Circuit in favor of a large telecommunications company client, in a case involving federal and state law claims of disability discrimination, failure to accommodate, and retaliatory discharge.

### Representative Clients

Representative clients who have come to Paul for assistance on employment and labor matters include: media and retail companies, national banks, a national commercial real estate company, national recycling companies, food processing companies, electronic trading and investment organizations, national and regional law firms and professional services providers.

### Employment Litigation

- In a commercial defamation action against a recycling certification organization, Paul Starkman prevailed in federal district court and in the Seventh Circuit on attempts to defeat the action based on state anti-SLAPP statutes and Constitutional grounds.
- In an unfair labor practice action brought by the National Labor Relations Board (NLRB) against a locomotive manufacturer, Paul Starkman was able to persuade a federal district court in Iowa to deny the NLRB's petition for interim reinstatement and injunctive relief.
- In a wage and hour class and collective action filed against a Chicagoland restaurant chain, a federal district court granted a motion to dismiss filed by Paul Starkman and dismissed claims for failure to pay tipped employees proper overtime and violations of the Illinois Wage Payment and Collections Act.
- In federal litigation involving a Chicago-area bank, the court granted Paul Starkman's motion to dismiss a



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### Education

J.D., DePaul University College of Law, Chicago, Illinois, 1984  
B.A., University of Wisconsin, Madison, Wisconsin, 1980

### State Bar Licenses

Illinois

### Court Admissions

U.S. District Ct., N.D. of Illinois  
U.S. District Ct., N.D. of Illinois Trial Bar  
U.S. District Ct., C.D. of Illinois  
U.S. District Ct., S.D. of Illinois  
U.S. Court of Appeals, 7th Circuit  
U.S. Court of Appeals, 8th Circuit

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defamation claim based on a final written warning and an alleged wrongful termination involving a bank executive.

- In Illinois state court litigation, Paul Starkman obtained the dismissal of shareholder derivative claims as well as claims seeking declaratory judgment for breach of employment agreements and improper termination of the company president of a large retail telephone distributor.
- In two federal cases, Paul Starkman first obtained the dismissal of class claims, and then was awarded summary judgments in favor of a global home-goods retailer on discrimination and retaliation claims brought by former warehouse workers.
- In other federal court employment litigation handled by Paul Starkman, the Seventh Circuit affirmed summary judgment in favor of a national retailer in a case involving malicious prosecution and false arrest claims brought by a former data analyst who, immediately prior to his resignation, deleted a large number of computer files from the company's computer systems.

## Practices, Industries & Services

Labor & Employment

## Areas of Emphasis

Immigration Law

## Memberships

- American Bar Association, Employment Rights and Responsibilities Committee, Current Co-Chair, Past Chair of the At-Will and Employment Subcommittees and Social Media Liaison
- College of Labor and Employment Lawyers, Fellow (inducted 2007)
- Illinois State Bar Association Labor and Employment Committee
- Society of Human Resources Professionals

## Presentations

- WEBINAR: Using Big Data to Make Employment Decisions: Are the Benefits Worth the Risks?