



I am a highly experienced advisor and represent employers in high-stakes employment litigation, class actions and labor relations matters.

#### overview

Art Silbergeld works closely with clients to ensure compliance with wide-ranging federal and California employment laws and to defend them in complex individual and complex class actions, including wage and hour disputes, in federal and state courts.

Art is a dedicated problem solver committed to ensuring clients understand applicable employment laws and regulations and helping establish sustainable policies that maintain compliance and avoid risk. He has counseled employers through self-audits and advised on obtaining releases of claims from employees in order to avoid litigation or class certification. He has also frequently helped employers successfully resolve disputes through early mediation.

When claims do arise, employers count on Art to aggressively defend them in individual and class action lawsuits regarding misclassification, overtime, discrimination, disability, harassment, wrongful termination, OSHA, whistleblower, retaliation, ADA accommodation, and other issues in California and other states. Having first-chaired more than 100 employment litigations, Art regularly represents employers in federal and state bench and jury trials, mediations and arbitrations and NLRB trials. He is one of the few California attorneys to have defended several wage class actions through trial. Most of the cases he defends settle early in mediation on terms that his clients regard as a successful result.

In addition to litigation, Art represents employers in labor relations matters, including union organizing drives, elections, collective bargaining negotiations, strikes, picketing, boycotts, grievance and arbitrations, and unfair labor practice proceedings. Art's early career as an attorney with the NLRB provided the exceptional background in labor relations and viewing labor issues from all sides that today informs his work with clients, as he represents employers in every aspect of labor relations.

Dedicated to sharing his extensive knowledge of employment law and litigation, Art has published more than 180 articles in legal publications and has been quoted in The New York Times, Fortune, and Forbes. He has written three handbooks that he distributes to clients and prospects: Doing Business in California: An Employment Law Handbook, Understanding Class Actions, and Understanding Harassment: Investigating Claims and Avoiding Risk.

## Arthur

**Arthur F. Silbergeld**  
**Partner**

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#### MY SERVICES

Labor & Employment

#### EDUCATION

Temple University School of Law, J.D.  
University of Pennsylvania, Masters in City Planning  
University of Michigan, B.A.

#### ADMISSIONS

New York  
California  
District of Columbia  
The Supreme Court of the United States  
U.S. District Court Southern District New York  
U.S. District Court Eastern District New York  
U.S. District Court Western District New York  
U.S. District Court Northern District New York  
U.S. District Court Southern District California  
U.S. District Court Eastern District California  
U.S. District Court Western District California  
U.S. District Court Northern District California  
U.S. Court of Appeals 2nd Circuit  
U.S. Court of Appeals 9th Circuit  
U.S. Court of Appeals District of Columbia

For many years he has served as a Chapter Editor and contributor to The Developing Labor Law, published by Bloomberg for the American Bar Association Labor and Employment Law Section.

## experience

### Employment Litigation

- Defended the subsidiary of a major consumer products company in a federal district court class action claiming unpaid overtime and travel expense reimbursement violations. After challenging whether common issues of fact existed among the class members, plaintiffs waived deadline for filing motion to certify the class and filed a separate action for 52 other individuals in California Superior Court. After the state case was removed to the federal district court, 62 individual plaintiffs agreed to a settlement on terms favorable to the defendants.
- Defended a company that had relied on a background check company's forms to be compliant with the federal Fair Credit Reporting Act in a class action filed on behalf of more than 17,000 individuals claiming technical noncompliance with the act. We asserted that the company was not liable for the technical errors and successfully persuaded a general liability insurer to support a class-wide settlement of all claims on terms favorable to our client. Less than 30 percent of the class responded to the claims forms sent out by a third-party administrator.
- Defended a national retailer in this and other litigation in Alameda County Superior and other state courts alleging misclassification of employees and failure to pay overtime. Directed the collection of information pertaining to salary and hours of work data. Assisted in bringing the matter to early settlement without protracted litigation.
- Defended a national retailer in a class action claim alleging failure to reimburse employees for expenses and failure to provide meal and rest periods. Resolved the dispute in a mediation on favorable terms.
- Defended a retailer in a class action claim alleging misclassification of store managers and assistant managers, failure to pay overtime, and failure to provide meal and rest periods. Successfully opposed certification of meal period class, and led an eight-day bench trial resulting in a reduction of the class size by approximately 60 percent.
- Defended a national nurse staffing company in a class action involving over 3,500 nurses alleging failure to pay overtime, improper pay practices, and meal period violations. Litigated case to the point of settlement on terms acceptable to the client. Defended a staffing company in federal district court against federal and state law claims that on-call employees working during off-hours were entitled to hourly pay. Successfully obtained an order that federal collective action opt-in procedures trumped state class action opt-out procedures, then obtained summary judgment resulting in dismissal with prejudice of all claims.
- Defended a video game production company in a class action in San Diego Superior Court alleging misclassification, failure to pay overtime, inaccurate wage statements and Section 17200 claims Settled before class certification hearing.
- Defended a fundraising organization in a class action in San Francisco Superior Court alleging failure to deliver final paychecks on time and various penalty claims. Settled in mediation before class certification hearing.
- After three administrative law judges and a trial court found a subsidiary of a major manufacturer liable for failing to pay retention bonuses to a class of employees who had been laid off, the client rejected the plaintiffs' counsel demand of \$1.8 million to settle. On appeal of the trial court's award of \$99,000 and an award to plaintiffs of over \$880,000 in fees, persuaded the California Court of Appeal that our client had no obligation to pay the bonuses in the first instance. The court reversed the award of fees. On a second appeal following the trial court's award of \$307,000 in catalyst attorneys' fees, obtained reversal and a remand directing the trial court to award our client all fees and costs in the eight-year litigation.
- Represented an international software company in recovering hardware and software following cybersecurity breaches by an employee who removed servers and laptops out of state without prior authorization.

## affiliations

- Officer and in 1999-2000 chair of the 1,200-member Labor & Employment Law section of the Los Angeles County Bar Association and current member of Executive Committee
- Executive Committee, Human Rights Watch of Southern California
- Board member for several non-profit and charity boards in Los Angeles throughout his career

## recognitions

- Recognized several times by the Los Angeles Lawyer and The San Francisco Recorder as one of the top 25 management employment and labor relations attorneys in Southern California
- Listed in "The Best Lawyers in America®" 2011-2025 (by BL Rankings), Employment Law - Management, Labor Law - Management
- Listed in Super Lawyers, 2006-2025
- Who's Who in America
- Who's Who in American Law

## publications

- [Quoted, "Legal Boom Nigh?"](#)  
*Los Angeles Business Journal*, July 17, 2023
- ["Sexual harassment offensive conduct continues"](#)  
*Daily Journal*, July 10, 2023
- ["Are Biometric Data Violation Cases Coming to a Courthouse Near You?"](#)  
*Daily Journal*, May 18, 2023
- **"Doing Business in California: An Employment Law Handbook"**  
4th ed., February 2017
- **"Complying With the Federal Family and Medical Leave Act and the California Pregnancy Disability Leave Law"**  
2016
- **Co-Editor, Chapter 7: "Discrimination in Employment"**  
*The Developing Labor Law, Bloomberg BNA for the American Bar Association*, 6th ed., 2012 and Supplements
- **"Bill May Shake Up Class Actions"**  
*Los Angeles Daily Journal*, April 5, 2017
- **"Texas Overtime Ruling Directly Affects California Employers"**  
*Los Angeles Daily Journal*, December 1, 2016
- **"NLRB Holds Employers Must Arbitrate Pending Grievances With Ousted Union"**  
*Bender's Labor & Employment Bulletin*, November 2016
- **"Sandquist v. Lebo Automotive: The California Supreme Court Decides 'Who Decides' "**  
*Bender's Labor & Employment Bulletin*, October 2016
- **"Tyson Foods: Supreme Court Okays Sampling Evidence to Prove Liability"**  
*Bender's California Labor & Employment Bulletin*, June 2016
- **"Justices Shutdown 9th Circuit on Overtime"**  
*Los Angeles Daily Journal*, June 23, 2016
- **"Supreme Court Strengthens the Enforceability of Class Action Waivers in Arbitration Agreements"**  
*Bender's California Labor & Employment Bulletin*, February 2016

- **"Employment Bills to Know About from 2015"**  
*Los Angeles Daily Journal*, December 2015
- **"On Assignment Staffing: Class Action Waivers Violate the National Labor Relations Act"**  
*Bender's Labor & Employment Bulletin*, November 2015
- **"Equal Pay Will Benefit Us All"**  
*Los Angeles Daily Journal*, October 2015
- **"How the NLRB Changed the Union Election Rules"**  
*Bender's Labor & Employment Bulletin*, June 2015
- **"California Supreme Court Empowers Unauthorized Workers to Seek State Protections"**  
*Bender's Labor & Employment Bulletin*, September 2014
- **"A California Employment Law Checklist"**  
*Bender's Labor & Employment Bulletin*, May 2014
- **"Sexual Harassment Claims in the Electronic Workplace"**  
*The Los Angeles Daily Journal*, March 2014
- **"Considering Pros and Cons of Arbitrating Class Actions"**  
*Bender's Labor & Employment Bulletin*, September 2013
- **"Wage Class and Representative Actions: Is Arbitration the 'Simpler, Faster, Cheaper' Solution?"**  
*Bender's California Labor & Employment Bulletin*, December 2012
- **"Leaves of Absence as Reasonable Accommodations: When is Enough, Enough Under the ADA"**  
*Bender's California Labor & Employment Bulletin*, December 2012
- **"Avoiding Post-Brinker [Meal and Rest Period] Liability Risks"**  
*Law360*, April 2012
- **"Sexual Harassment and The Law"**  
*California Lawyer*, June 2011
- **"Complex Issues in Class Action Defense"**  
*Bender's California Labor & Employment Bulletin*, February 2011
- **"The Key Role of HR in Defending Wage and Hour Class Actions"**  
*Employment Relations Today*, Fall 2010

## in my free time

My many interests outside the office include extensive travel in Europe, South Africa, Mexico, Central America, and Hawaii; reading exceptional fiction, current and historical events by Pulitzer and Nobel prize-winning authors; photography; and hiking. I'm also interested in mid- to late 20th century art and have acquired collections for several professional organizations, and for two years, I have broadcasted a weekly radio program featuring American folk and bluegrass music. I have enjoyed serving as an election observer at a local precinct, and spending time with family is always a pleasure.