

Edward F. Berbarie

Shareholder

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Focus Areas

Alternative Dispute Resolution
Discrimination and Harassment
Wage and Hour
Labor Management Relations
Appellate Practice

Overview

Edward F. Berbarie represents and advises clients in a wide range of employment and traditional labor related matters, including:

- Drafting and enforcing arbitration agreements
- Claims of discrimination and harassment
- Wage and hour disputes
- The Fair Labor Standards Act
- The Family and Medical Leave Act
- Union grievances and unfair labor practice charges
- Covenants not to compete and unfair competition
- Appeals

Edward is board certified in labor and employment law by the Texas Board of Legal Specialization, and he has significant experience in representing and advising clients in complex commercial disputes.

Edward is one of the firm's subject matter resources in the field of employment arbitration agreements and a core member of Littler's Alternative Dispute Resolution Practice Group. A large part of his practice is devoted to drafting and enforcing arbitration agreements and arbitrating labor and

employment matters. He has argued arbitration enforcement issues in state and federal courts across the country, including appellate and state supreme courts. He was counsel for petitioner in a case involving arbitration enforcement issues that was successful before the U. S. Supreme Court. He frequently writes and speaks on arbitration topics, including the latest developments in arbitration law.

Edward has defended clients in all types of cases from single-plaintiff matters to collective actions. He has obtained complete defense verdicts and summary judgments in various cases, such as:

- Federal whistleblower claims
- Discrimination, harassment and retaliation claims
- Defamation claims
- Federal and state and wage hour violations
- Family and Medical Leave Act (FMLA) violations

Additionally, Edward has successfully defended management numerous times against grievances and unfair labor practice charges.

Professional and Community Affiliations

- Member, Board of Directors, Housing Crisis Center
- Coach, Interscholastic Mock Trial Team, Southern Methodist University Dedman School of Law
- Member, Labor and Employment Section, Dallas Bar Association
- Regional Co-Chair, Management Side, Annual Trial Advocacy Competition, American Bar Association
- Member, American Bar Association

Education

J.D., University of Houston Law Center, 2004, *cum laude*

B.A., University of Texas, Dallas, 1998

Bar Admissions

Texas

Courts

U.S. Supreme Court

U.S. Court of Appeals, 3rd Circuit

U.S. Court of Appeals, 5th Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 10th Circuit

U.S. Court of Appeals, D.C. Circuit
U.S. District Court, Northern District of Texas
U.S. District Court, Eastern District of Texas
U.S. District Court, Southern District of Texas

Publications & Press

High Court Again Finds a California Court Failed to Place Arbitration Agreements on Equal Footing With Other Contracts

Littler Insight
December 18, 2015

Will the NLRB Consider You a Joint-Employer Now? Understanding and Avoiding the Consequences of Browning-Ferris

The Transportation Lawyer
October 2015

Arbitrator to Decide Class Arbitration Question in Reimbursement Action

Thomson Reuters Westlaw's Employment Journal
September 15, 2015

The Principal Differences Between Labor and Employment Arbitration

The Advocate: Texas State Bar Litigation Section Report, Vol. 69
January 2015

Class-Action Waivers in Calif., and Beyond After 'Iskanian'

Corporate Counsel
July 25, 2014

Class Action Waivers Good in California, PAGA Waivers Perhaps

Littler Insight
June 26, 2014

Class Action Waivers Good In Calif., PAGA Waivers Perhaps

Law360.com
June 26, 2014

Eleventh Circuit Is the Latest Federal Appellate Court to Enforce Arbitration Agreements with Class Action Waivers

Littler ASAP
March 28, 2014

NLRB Ruling On Class Action Waivers In Arbitration Agreements Rejected on Appeal

Bloomberg Law, BNA's Health Law Reporter
December 19, 2013

Class Action Waiver Is Enforceable Despite NLRA Concerted Activity Provisions

Littler Insight

December 5, 2013

Ninth Circuit Is the Latest Circuit Court to Reject Horton Analysis Regarding Class Action Waivers

Littler ASAP

August 27, 2013

Supreme Court's Amex Decision Leads to Reversal of State Supreme Court's Invalidation of Class Action Waiver

Littler ASAP

August 5, 2013

Supreme Court shuts down latest challenge to class-waiver provisions

Thomson Reuters Westlaw Journal Employment

July 26, 2013

Attorneys React To High Court's Arbitration Ruling

Law360.com

June 20, 2013

Supreme Court's Amex Decision Creates High Hurdle for Plaintiffs Seeking to Invalidate Arbitration Agreements with Class Action Waivers

Littler Insight

June 20, 2013

Do New Massachusetts Supreme Court Decisions on Class-Action Waivers in Arbitration Agreements Foreshadow the U.S. Supreme Court's Anticipated Amex Decision?

Littler ASAP

June 17, 2013

Good News from the Eastern District of New York for Class Action Waivers

Littler ASAP

February 7, 2013

Littler Elevates 13 Associates To Shareholder Status

Littler Press Release

January 9, 2013

Speaking Engagements

Flanking Attacks and Other Maneuvers: How the Plaintiffs' Bar Defeats Arbitral Class Waiver Clauses

May 5, 2016

Best Practices Related to Compelling Arbitration: Ten Things You Should and Should Not Be Doing

Littler webinar

March 31, 2016

Hot Topics in Employment Law

Corporate Counsel Section - Dallas Bar Association
February 2, 2016

Employment Law Resolutions for 2016

Dallas, TX
January 21, 2016

Proposed Blacklisting Rule

Webinar
June 16, 2015

2015 Employment Law Update

Dallas, TX
June 11, 2015

Fighting Back Against New Anti-Arbitration Tactics by the Government, Hostile Courts and an Energized Plaintiffs' Bar

The Executive Employer Conference Phoenix, AZ
May 8, 2015

Arbitration Wars! The Plaintiffs' Bar Strikes Back – the Threat of Mass Arbitrations, Other Tactics and What you Can Do About It

The Executive Employer Conference, Phoenix, AZ
May 9, 2014

Arbitration: Pros and Cons – Debunking the Myths

Corporate Counsel Section - Dallas Bar Association
March 4, 2014

The Great Arbitration Debate

Dallas, TX
January 30, 2014

Understanding and Implementing an Update on the ADAAA and FMLA Regulations

Dallas, TX
April 28, 2010

Labor and Employment Law Update

Corporate Counsel Section - Dallas Bar Association
March 5, 2013

The Never-Ending Story: Arbitration Agreements and the Law

Littler Mendelson, Scottsdale, AZ
May 10, 2012

Recent Developments at the U. S. Supreme Court Regarding Labor and Employment Arbitrations

Labor Law Program - Center for American and International Law
May 6, 2011

Arbitration Agreements: Clause and Effect

Dallas, TX

August 4, 2010