



Derek Barella

PARTNER

Resolving complex labor and employment disputes is the foundation of Derek's practice.



Industries

[Private Companies](#)

Practices

[Trade Secrets, Non-Competes & Employee Mobility](#)

Education

Indiana University Maurer School of Law, JD,
Indiana Law Journal, Executive Notes and Comments
Editor, 1994

Ball State University, BS, Miller College of Business,
Finance, cum laude, 1991

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Derek counsels clients on federal and state labor and employment laws, and frequently defends claims in state and federal trial and appellate courts, as well as before arbitrators and administrative agencies such as the NLRB, EEOC, and U.S. Department of Labor.

With deep experience in traditional labor matters, Derek advises clients on collective bargaining relationships, including developing and implementing bargaining strategies, labor dispute contingency planning, maintenance of operations during labor disputes, responding to corporate campaigns, audits of union-sponsored health and welfare plans, unfair labor practice litigation, labor contract administration, and labor issues associated with the acquisition or divesture of corporate assets.

Clients with and without unionized workforces turn to Derek for help on employee engagement initiatives, organizing risk assessments, and implementing successful campaigns related to union certification and decertification elections. He represents clients across a broad range of industries, including health care, manufacturing, law enforcement, logistics and distribution, business consulting, retail, publishing, and financial services.

Beyond traditional labor matters, Derek's litigation experience includes defending claims involving civil rights and equal employment opportunity, wrongful discharge, wage payment and collection, and ERISA benefits, including class action claims for alleged vested retiree benefits. Derek also has considerable experience prosecuting and defending actions involving the enforcement of contractual restrictive covenants, as well as claims for unfair competition, employee raiding, and the protection of trade secrets.

Boards, Memberships & Certifications

- American Bar Association, Section of Labor and Employment Law
- Contributing Editor, The Developing Labor Law (2004-Present)
- Derek teaches Chicago Public School students about the U.S. government and Constitution as part

Publications, Presentations & Recognitions

Publications

- “Critical NLRB Developments Under the Trump Administration,” National Employment Law Institute 2018 Mid-Year Employment Law Conference, Chicago (May 2018)
- “Hat Trick +1: NLRB Scores Four Times for Employers as Time Expires on Chairman Miscimarra’s Term of Office,” *Employee Relations Law Journal* (Summer 2018/Vol. 44)
- “U.S. Supreme Court Invalidates ‘Inference’ of Vesting of Retiree Medical Benefits,” (Co-author) *Employee Benefit Plan Review* (Vol. 69/No. 11)
- “The Bargaining Order and Related Remedies Under the NLRA,” *The Labor Law Handbook*, Illinois Institute for Continuing Legal Education (Ch. 4)
- “Fifth Circuit Rejects NLRB Ruling, Finding Class Action Waivers Enforceable,” Lexology

Speeches & Presentations

- “Cultural Institutions and Labor Dynamics,” Legal Issues in Museum Administration 2022, Washington, DC (Mar. 24, 2022)
- “Are You Ready for COVID-19 Litigation?” Schiff Hardin, Webinar (Aug. 13, 2020)
- “COVID-19 Legal Issues Spotting for In-House Counsel,” Webinar (Apr. 1, 2020)
- “NRLA Update,” 40th Annual Employment Law Conference, National Employment Law Institute, Chicago, Ill. (Nov. 15, 2019)
- “Critical NLRB Developments Under the Trump Administration,” 2018 Mid-Year Employment Law Conference, National Employment Law Institute, Chicago (May 2018) (Paper and Presentation)
- “Under New Management: What to Expect from a Trump NLRB” (Feb. 2018)
- “NLRB Briefing – Recent Developments and a Few Prognostications” (Apr. 2017)
- “The NLRB’s Latest Salvo: A New, Expansive Joint-Employer Test. What Employers Need to Know Regarding its Likely Impact”
- “Does Purple Have You Seeing Red? Potential Impact of the NLRB’s Purple Communications Decision,” 2015 EEI/AGA Labor Relations Conference
- “The ‘Mount Everest of Regulations’ – Examining the NLRB’s New ‘Quickie Election’ Rules”
- “NLRB Briefing Regarding Employee Handbook Policies”
- “Aftermath of Hobby Lobby: Beyond Culture Wars and Into the Legal Profession,” Thomson Reuters Legal Insights & Analytics Audiocast
- “Obama Administration and the NLRB”

Awards

- The Best Lawyers in America, *Best Lawyers* (2021-2023)

Bar Admissions

Illinois

Court Admissions

- [US Court of Appeals, 7th Circuit](#)
- [US District Court, Central District of Illinois](#)
- [US District Court, Northern District of Illinois](#)
- [US District Court, Northern District of Indiana](#)
- [US District Court, Southern District of Indiana](#)