

Erin N. Bass

Partner



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Overview

Erin Bass is a Partner in Dentons' Litigation and Dispute Resolution practice with first-chair jury trial experience. She focuses her practice on labor and employment litigation and complex commercial litigation.

Erin has successfully defended employers against wage-hour class actions, and individual claims of discrimination, wrongful termination, and whistleblower retaliation.

Erin also counsels employers on risk management and litigation avoidance. She has developed and implemented training programs for management on best practices and compliance, and has designed policies and procedures to guide supervisors and HR professionals on lawfully and efficiently managing their workforce.

Erin also represents Fortune 500 corporations and government entities in complex disputes involving allegations of fraud, breach of fiduciary duty, extortion, antitrust, breach of contract, and insurance bad faith.

Erin's trial experience includes first-chairing a federal jury trial on behalf of a pro bono client, where she secured a unanimous verdict in her client's favor on his First Amendment and Due Process claims.

Experience

Employment Litigation and Counseling

- Defended various clients against discrimination, retaliation, and wrongful discharge claims under Title VII, California's Fair Employment and Housing Act, the Age Discrimination in Employment Act, the Family Medical Leave Act, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, and Arizona's Employment Protection Act.
- Guided employers through restructures, relocations and mass layoffs, including their obligations under the Worker Adjustment and Retraining Notification (WARN) Act and states' mini-WARN laws.
- Achieved dismissal with prejudice of state wage-hour claims based on Labor Management Relations Act preemption argument.
- Advised employers on compliance with their obligations related to COVID-19, including paid leave

requirements under the Families First Coronavirus Response Act and safely returning employees to work.

- Represented employers seeking to protect trade secrets and proprietary information from departing employees or to enforce non-competition and non-solicitation clauses in employment contracts.
- Defended a company in a multi-state wage-and-hour class action in a New York federal court challenging the employer's tip credit and uniform allowance pay policies under the Fair Labor Standards Act and various state laws.
- Defended an employer against a wage-and-hour class action in a California federal court challenging the company's piece-rate pay system under the Fair Labor Standards Act and California law, and alleging a joint employer relationship.
- Represented clients in connection with US Department of Labor wage-and-hour audits.

Labor

- Second-chair trial counsel in *Walmart Stores Inc.*, 368 NLRB No. 146 (Dec 16, 2019), where the NLRB ruled that the employer did not violate the NLRA by restricting union insignia to "small and non-distracting" size on the sales floors of 5,000+ nationwide stores.
- Trial counsel in *Walmart Stores, Inc.*, 368 NLRB No. 24 (July 25, 2019), where the NLRB held that the employer did not violate the NLRA because employees engaged in unprotected intermittent work stoppages.
- Represented an employer in a consolidated unfair labor practice trial, and appeal to the NLRB, challenging its discipline of employees who conducted a demonstration on a retail sales floor.
- Appeared for employers in dozens of other unfair labor practice proceedings, including challenges to decisions to close a facility and allegations of nationwide retaliation.
- Appeared for employers in NLRB representation hearings involving challenges to unions' petitioned-for unit of employees and objections to election proceedings under the expedited election rules.
- Advised employers on union-organizing campaigns in retail stores, distribution centers, food processing plants and among truck drivers.
- Represented employers in grievance arbitrations alleging discharge without just cause.

Commercial Litigation

- Represented a tribe in federal court in a case alleging fraud, misrepresentation and breach of contract, and involving issues of preemption and inter-governmental immunity.
- Represented a hospital as plaintiff in a case against a medical provider alleging breach of contract and bad faith.
- Won a jury verdict for a defendant insurance company in a case alleging breach of contract and bad faith denial of coverage, where the plaintiffs sought more than \$1 million in damages.
- Won a partial summary judgment on bad faith claims for a defendant insurer.

Recognition

- United States District Court, District of Arizona "Pro Bono Attorney of the Year," 2019
- *The Best Lawyers in America*, 2021, "One to Watch" in Banking and Finance Law, Commercial Litigation, Construction Law, and Labor and Employment Law - Management
- *Southwest Super Lawyers*, 2018-2020, "Rising Star" in Employment and Labor Law

In the Media

- Cited by *Corporate Counsel*, February 2018
- Quoted in an article on “Paid Sick Leave Under Prop. 206,” *The Arizona Republic*, July 14, 2017
- Quoted in an article on “Arizona’s New Sick-Leave Law,” *The Arizona Republic*, June 29, 2017

Insights

- Author, "Preparing for DC’s Ban on Non-competes and Moonlighting Policies ," Dentons client alert, February 18, 2021
- Co-author, “Mid-Sized Business Loan Program Carries Significant Labor Law Implications,” Dentons client alert, April 7, 2020
- Co-author, "COVID-19: Furloughs, layoffs, and hours reductions under the federal WARN Act (United States)," Dentons client alert, March 23, 2020
- Co-author, "Department of Labor issues final rule clarifying how to calculate the ‘regular rate’ for overtime pay," Dentons client alert, December 16, 2019
- Author, "Practical guidance for employers on confidentiality provisions that survive NLRB scrutiny," *ABA Journal of Labor & Employment Law*, Volume 34, Number 1, October 10, 2019
- Co-author, “Balancing privilege interests with employees’ US labor rights in internal investigations ,” ACC Docket, September 19, 2019
- Co-author, "The Hidden Landmine in Arizona's Earned Paid Sick Time Law," *AZ Business Magazine*, June 15, 2017

Activities and Affiliations

Presentations

- Speaker, "A Quiet Place: No Solicitation," ABA's Committee on Development of the Law, March 3, 2021
- Speaker, "Arizona's Paid Sick Time Law: Are You in Compliance?," Southwest Arizona Human Resources Association (SAHRA) and RevAZ Workshop, November 14, 2018
- Speaker, "How to Draft an Employee Handbook According to the NLRB," 12th Annual ABA Section of Labor and Employment Law Conference, November 9, 2018
- Speaker, "Arizona's Paid Sick Time Law. Are you in Compliance?," Arizona Commerce Authority, RevAZ 2018 Workshop Series, September 13, 2018
- Speaker, “15th Annual Labor Relations Conference,” May 3, 2018
- Speaker, "I'm Still Hoping for the Raise...Denying a Wage Increase During Bargaining: A Look at Arc Bridges Inc. v. NLRB" ABA Committee on the Development of the Law Under the NLRA 2018 Midwinter Meeting, February 26, 2018

Memberships

- Contributing Editor, *The Developing Labor Law*
- Pro Bono Committee Co-Chair, ABA Committee on the Development of the Law Under the NLRA

- Member, National Financial Institutions Employment Lawyers Committee
- Secretary, Arizona Law Review Alumni Association

Prior and Present Employment

Clerkships

- Hon. Chief Justice Rebecca White Berch, Arizona Supreme Court
- Extern, Hon. Susan R. Bolton, US District Court, District of Arizona

Areas of focus

Practices

- Commercial Litigation
- Employment and Labor
- Restrictive Covenant Disputes
- Restructuring, Redundancies and Reductions in Force
- Wage and Hour/Working Time/Overtime Litigation
- Native American Law and Policy (United States)

Industry sectors

- Retail
- Construction
- Financial Institutions
- Manufacturing
- Freight and Logistics

Education

- University of Arizona College of Law, 2012, JD, *summa cum laude*; Order of the Coif; Research Editor, *Arizona Law Review*
- Arizona State University, 2009, BA, (journalism), *cum laude*

Admissions and qualifications

- Arizona
- California
- US Court of Appeals for the Fifth Circuit
- US Court of Appeals for the Ninth Circuit

- US District Court for the Central District of California
- US District Court for the District of Arizona