



Marie Burke Kenny, Partner

Practice Areas	Labor and Employment Law Class Actions Hospitality
Admissions	California
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Professional Summary

Marie is the Leader of the Firm's Labor and Employment practice group. She was named Business Woman of the Year in 2018 by the *San Diego Business Journal*, is ranked by *Best Lawyers in America* and *Super Lawyers* in the category of Employment Law, and in 2015 was named one of the Top 100 Women Lawyers in California by the *Daily Journal*. Marie represents employers in wage and hour class actions and litigation involving wrongful termination, discrimination, harassment, retaliation and unfair competition claims. Marie believes that it is critically important to tailor the defense strategy to achieve the best litigation and business outcomes for her clients.

Marie also has extensive experience counseling employers regarding all aspects of the employment relationship, including performance management, termination, contracts, workplace investigations, medical issues, leaves of absence, wage and hour audits, compensation review, workplace training and employment policies and practices. She works with employers to develop strategies to prevent employment claims and create effective defenses to litigation.

Marie is a member of [Procopio's COVID-19 Legal Resources Team](#).

Recognitions

- Business Woman of the Year, *San Diego Business Journal*, 2018
- *The Best Lawyers in America*® 2019-Present (Employment Law-Management, Litigation-Labor and



Employment)

- *San Diego Super Lawyers*® 2013-2021 (Employment & Labor)
- "Top Women Lawyers," *Daily Journal*, May 12, 2015
- "Southern California Super Lawyers," *Super Lawyers Magazine*, Southern California 2014.
- "Procopio Awarded Tier 1 Ranking for Employment Law - Management by U.S. News & World Report," 2014-2016
- YWCA Tribute to Women & Industry Award – 2011
- *San Diego Metropolitan Magazine* "40 under 40" – 2009
- *San Diego Business Journal* "Women Who Mean Business" Award Finalist – 2004

Community

- American Bar Association – Labor and Employment Law Section
- National Conflict Resolution Center – Board of Directors (2002-2006)
- San Diego County Bar Association – Labor and Employment Law Section
- The State Bar of California – Labor and Employment Law Section

Education

- JD, University of San Diego School of Law, *cum laude*, 1995
- BS (Legal Studies), John Jay College of Criminal Justice, *summa cum laude*, 1991

News Coverage

- Whitlock, Jared. "[A Growing Number of Employers Require COVID-19 Shots](#)," *Center for Health Journalism*, July 29, 2021.
- LaSusa, Mike. "Calif. Virus Safety Rules Add To Employers' Pay Obligations," *Law360*, February 11, 2021.



- Graves, Brad. "Employment Law Has a New Emphasis in the Era of COVID-19," *San Diego Business Journal*, July 19, 2020.
- Reuter, Elise. "Me Too Movement Goes to Work," *San Diego Business Journal*, May 20, 2019.
- "[Business Women of the Year Awards](#)," *San Diego Business Journal*, December 24, 2018
- "Procopio Elects Employment Partner to its Management Committee," *The Daily Transcript*, March 20, 2017.
- "Procopio Partners Elect Marie Burke Kenny to its Management Committee," Procopio, March 2, 2017.
- Coe, Erin. "Pay Stub Claims Give Calif. Employers New Headaches," *Law360*, August 3, 2015.
- Allen, Mike. "TIG to Get \$1M in Lawsuit Settlement With Former Employees, Co.," *San Diego Business Journal*, October 21, 2013.
- "Q&A With Procopio's Marie Kenny," *Law360*, March 18, 2013.
- Chutchian, Maria. "Calif. Resort Beats Time-Share Owners' Class Cert. Bid," *Law 360*, July 16, 2012.

Seminars

- Speaker. "Back in Business: What You Need to Know About Returning to the Office," County of San Diego Business Sector Telebrief, July 14, 2021.
- Co-presenter. "Back in Business: What You Need to Know About Returning to the Office," San Diego Regional Chamber of Commerce Webinar, June 10, 2021. [PowerPoint](#).
- Co-presenter. "Recent California Employment Law Developments," Procopio Labor and Employment Virtual Seminar 2020, November 4, 2020.
- Co-presenter. "Recent California Employment Law Developments," presented to San Diego Chamber of Commerce, October 29, 2020.
- Co-presenter. "[Tips For Building an Anti-Racist Workplace While Preventing Employment Liability in the Age of #BlackLivesMatter](#)," June 23, 2020.
- Co-presenter. "[Return to Work: Employer Do's and Don'ts](#)," presented to San Diego Chamber of Commerce, May 28, 2020.



- Co-presenter. “Facing the Unknown: Employer Guidance For Return to Work Issues,” May 18, 2020.
- Co-presenter. “Part 3 – Even More Answers to Employer’s COVID-19 Questions,” April 3, 2020.
- Co-presenter. “Part 2 - More Answers to the Questions Employers Should Be Asking Regarding COVID-19 (CORONAVIRUS),” March 26, 2020.
- Co-presenter. “Answers to Employer Questions Regarding COVID-19,” March 19, 2020.
- Co-presenter. “Trade Secret Tips and Trends,” March 5, 2020.
- Co-presenter. “California Employers: Be Prepared for 2020,” Procopio Labor and Employment Seminar 2019, San Diego, CA, December 12, 2019.
- Speaker. “Learn How to Avoid a Lawsuit,” Lunch & Learn, San Diego, CA, April 24, 2019.
- Co-presenter. “The Procopio Brief: Recent Legal Developments Affecting California Employers,” Procopio Labor and Employment Seminar 2018, San Diego, CA, November 8, 2018.
- Speaker. “Deciphering the Dynamex Decision - How Will It Affect Your Business and Independent Contractors?” Breakfast Bytes, San Diego, CA, September 18, 2018.
- Co-presenter. “The Ultimate California Employment Law Briefing for Employers,” Procopio Labor and Employment Seminar 2017, San Diego, CA, November 16, 2017.
- “Wage and Hour Forecast: Stormy Weather Ahead for California Employers 2017,” Procopio Labor and Employment Seminar 2016, San Diego, CA, November 15, 2016.
- Co-presenter. "Let's Get Real: Practical Solutions for Complicated Wage & Hour Issues," Procopio Labor and Employment Breakfast Bytes, San Diego, CA, May 19, 2016.
- Co-presenter. “U.S. Immigration and Employment Considerations,” USD Procopio International Business Summit, San Diego, CA, March 18, 2016.
- Co-presenter. "Preventing Wage and Hour Liability in California," Procopio’s Annual Labor & Employment Seminar 2015, San Diego, CA, November 4, 2015.
- Co-presenter. "Paid Sick Leave Redux: Compliance Issues for July 1, 2015 and Beyond," Procopio Labor and Employment Breakfast Bytes, San Diego, CA, May 21, 2015.
- Co-presenter. “Handling Paid Sick Leave and Vacation Issues in California,” Procopio Labor and Employment Breakfast Bytes, February 19, 2015.



- “Wage and Hour Update for California Employers,” Procopio Labor and Employment Seminar, La Jolla, CA, November 17, 2014.
- “What You Need to Know About PAGA Claims,” San Diego County Bar Association, San Diego, CA, December 10, 2013.
- “Preventing Wage and Hour Liability in California,” Association of Corporate Counsel, San Diego, CA, November 20, 2013.
- “Bullying and Other Bad Behavior in the Workplace,” Procopio Labor and Employment Seminar, La Jolla, CA, October 29, 2013.
- “Panel Discussion: Private Attorney General Act,” JAMS San Diego Resolution Center, San Diego, CA, June 18, 2013.

Marie regularly conducts workplace trainings for employers and speaks publicly on a wide variety of employment law issues. She has lectured or made presentations to the following organizations:

- State Bar of California Labor & Employment Section
- San Diego Employer Advisory Council
- Society for Human Resource Management
- San Diego County Bar Association, Labor & Employment Section
- Employer Resources Institute
- California Continuing Education of the Bar
- International Public Management Association for Human Resources
- Association of Legal Administrators
- North County Personnel Association
- Carlsbad Chamber of Commerce
- Lorman Education Services
- The Council on Education Management

Publications

- ["To Mask Or Not To Mask? California Employers Receive CAL/OSHA'S Answers To This And Other Important COVID-19 Workplace Safety Questions,"](#) June 18, 2021.
- ["The Latest Legal COVID-19 Challenges for Employers: Answers to Employer Questions Regarding COVID-19 Paid Sick Leave and Extended FMLA Leave After California Senate Bill 95 and the American Rescue Plan Act,"](#) March, 29, 2021.
- Co-Author. ["COVID Workplace Safety Just Got Stricter: Cal/OSHA's New Emergency Standard For California Employers,"](#) November 25, 2020.
- Co-Author. ["California Governor Expands Workers Compensation Benefits To Employees Diagnosed With COVID-19,"](#) May 11, 2020.
- Co-author. ["Wage and Hour Win For Employers: The California Supreme Court Limits PAGA's Threat to Employers,"](#) September 13, 2019.
- ["U.S. Supreme Court Gives "Epic" Endorsement of Employment Class Action Waivers,"](#) May 21, 2018.
- Co-author. ["The New "ABC" Test for Independent Contractors Spells Serious Trouble for California Businesses,"](#) May 2, 2018.
- ["Overtime is Now More Expensive for Some California Employers,"](#) March 7, 2018.
- ["5 Steps to Recognizing and Stopping Workplace Bullying,"](#) February 12, 2018.
- ["The State is on Fire: What Should Employers Do About Paying Employees?,"](#) December 8, 2017.
- ["The Legal Challenges of Sexual Harassment in the Modern Workplace,"](#) October 5, 2017.
- ["Wage and Hour Wars Continue: The California Supreme Court Expands Discovery in PAGA Representative Actions,"](#) July 14, 2017.
- Co-author. ["The Future of Class Action Waivers In Mandatory Arbitration Agreements: Should Employers Be Worried?"](#) March 21, 2017.
- Co-author with Lauren Vega. ["The Good, the bad and the ugly of new sick leave guidance,"](#) Los Angeles Daily Journal, December 8, 2016.
- ["December 1, 2016 Deadline Defunct: Federal Judge Blocks U.S. Department of Labor Exempt Salary Increase,"](#) November 23, 2016.