



James S. Barber

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Practice Areas

Employment Law

Industries

Accountants and Attorneys
Architects and Engineers
Health Care
Insurance
Manufacturers and Distributors
Municipalities
Real Estate
Schools & School Districts

James S. Barber

Partner



James S. Barber is a partner with Clausen Miller P.C. Mr. Barber is chair of CM's Employment Practice Group.

Mr. Barber is a Fellow of the College of Labor and Employment Lawyers. He also is the Vice Chair of the Labor and Employment Committee of the DuPage County Bar Association. He is a member of the Legislative Committee of the Society of Human Resource Professionals (SHRP). In 2009, Mr. Barber will be a Director at Large for SHRP. He counsels and represents corporations and management in the areas of employment policy, contracts, labor, wage and hour standards and employment litigation. Mr. Barber represents management before the National Labor Relations Board and other federal and state labor departments and agencies.

For the last three consecutive years, Mr. Barber has been recognized by Crain's Chicago as a Leading Lawyer in Employment Law. This special recognition was based on a state wide survey of the opinions of other lawyers who practice Employment Law. Also in 2008, for the fourth consecutive year, Mr. Barber has been recognized as an Illinois Super Lawyer by Law & Politics. He has an "AV" rating with Martindale-Hubbell indicating the highest ranking in legal ability and ethical standards as determined by his peers in the legal community.

Mr. Barber is a 1977 graduate of DePaul University School of Law, where he was an editor on the law review. Mr. Barber also has a Master of Business Administration degree from the DePaul Graduate School of Business, 1974. Mr. Barber received his bachelor's degree from DePaul University in 1967.

Mr. Barber is an accomplished author and lecturer. Most recently, Mr. Barber is the award winning co-author of Anti-discrimination and Harassment Policies and Training, Chapter 7, in IICLE's book, Conducting the Employment Practice Audit, 2004 edition. The book was awarded the Outstanding Achievement Award by the Association of Continuing Legal Education.

Mr. Barber also counsels clients on corporate governance, board of director duties, business decisions and business litigation related to the following businesses and professions:

Accounting Firms, Airlines, Architects, Banks, Brokerage Firms, Colleges, Corporations, Directors, Doctors, Educators, Financial Institutions, Governmental Bodies, Health Care Industry, Hotels, Hospitals, Insurance Companies, Law Firms, Manufacturers, Municipalities, Officers, Partnerships, Police, Retailers, Real Estate Developers, Restaurants, Schools, Service Industries, Sole Proprietorships, Teachers and Universities.

James S. Barber *cont.*

Mr. Barber's litigation practice spans twenty years in both federal and state courts. He also represents clients before the Equal Employment Opportunity Commission, the Illinois Department of Human Rights and other state and local agencies. Mr. Barber represents management before the National Labor Relations Board and state labor departments and agencies. Mr. Barber also defends employers before the Department of Labor and in court on wage and hour claims.

Mr. Barber has extensive experience in injunction actions. In this regard, he also represents clients in disputes related to the enforcement of covenants not to compete, confidentiality agreements and trade secrets.

He also has written other articles and spoken on the topics of:

- Employment Discrimination
- Wage & Hour Class Actions
- Fair Labor Standards Act (FLSA) Investigations
- Retaliation Claims under the Sarbanes-Oxley Act
- Employment Practices
- Corporate Compliance
- Corporate Governance
- Fiduciary Duties: Officers, Board of Directors and Employers
- Sexual Harassment
- Violence in the Workplace
- The Americans with Disabilities Act
- The Family and Medical Leave Act
- The Duty of Loyalty to One's Employer
- Covenants Not to Compete
- Confidentiality Agreements
- Trade Secrets
- Whistleblower Litigation

Mr. Barber also is the author/contributing editor of chapters on covenants not to compete, trade secrets and employee duty of loyalty in three separate volumes published by the Bureau of National Affairs, Inc. (BNA) in conjunction with the American Bar Association.

Education

J.D. DePaul University College of Law, 1977

M.B.A. DePaul University, 1974

B.A. DePaul University, 1967

Bar Admissions

Illinois

Court Admissions

U.S. District Court, Northern District of Illinois, 1977

U.S. Court of Appeals, Seventh Court, 1977

James S. Barber *cont.*

Organization Affiliations

Chicago Bar Association

(Member, Committees on Labor and Employment and Corporate Law Department, 1992-)

American Bar Association (Member, Labor and Employment Committee and Business Law Committee)

Illinois State Bar Association

College of Labor and Employment Lawyers (Fellow)

Labor and Employment Committee of the DuPage County Bar Association (Vice Chair)

Union League (Secretary)

Events

September 12, 2008

Barber Presents At ABA 2nd Annual CLE Conference, "Retaliation Claims Under SOX"

August 13, 2008

"Legal Update on Seventh Circuit Decisions"

February 13, 2008

"Practical Advice On Handling A Department Of Labor Wage And Hour (FLSA) Investigation"

February 07, 2008

Jim Barber' Hosts "Bullying in the Workplace" ERR Seminar

Sept 20, 2007

Jim Barber Hosts the Employment Rights and Responsibilities Committee Meeting

Aug 08, 2007

Jim Barber Speaks at the Legal Update Seminar for SHRP

June 07, 2007

James Barber Co-Chairs Panel Discussion On The Practice Of Employment Law In Federal Court

March 28, 2007

James Barber Speaks at ABA Midwinter Meeting

Oct 19, 2006

"SHRP Talk": Free Human Resources Roundtable

Sept 27, 2006

James Barber Speaks at ABA Teleconference

Aug 22, 2006

James Barber Speaks at the Council on Education in Management

James S. Barber *cont.*

CM Report Articles

What To Do If The Department Of Labor Knocks On Your Door, *CM Report of Recent Decisions*

Wage Hour Class Actions Brew At Starbucks, *CM Report of Recent Decisions*

Glimmer Of Hope For Employers In Multi-Employee "Pattern And Practice" Harassment Litigation, *CM Report of Recent Decisions*

E-Discovery Alert! Protect Against Court Sanctions, *CM Report of Recent Decisions*

Simple Practical Suggestions For Employees On Preserving Data, *CM Report of Recent Decisions*

Proselytizing In The Workplace: Is This Religious Freedom? *CM Report: Business Practice Group Report, CM Report of Recent Decisions*

Retaliation Standard Established By Supreme Court, *CM Report of Recent Decisions*

Office Paramours Create a New Twist in the Law, *CM Report of Recent Decisions*

CYBERSMEAR (Not Something You Put on a Bagel), *CM Report of Recent Decisions*

E-Mailing Company Employment Policy Was Not Enough --Even When the Employee Opened It! *CM Report of Recent Decisions*

Alert: Corporate Counsel and Human Resource Professional, *CM Report of Recent Decisions*

Q. Can an Employee Take Unauthorized Absence to Assist Domestic Partner? Illinois' Victims' Economic Security and Safety Act

Employer Loses Credibility with the Court in Litigation Discovery Battle, *CM Report of Recent Decisions*

Business Lost Because Employer Did Not Renew Employment Contract, *CM Report of Recent Decisions*

Is the News Really All That Bad in the Supreme Court's Decision Concerning Mixed-Motive Evidence in Employment Cases? *CM Report of Recent Decisions*

Learning Lessons From The Trenches: Wallace v. Valentino, *CM Report of Recent Decisions*

U.S. Supreme Court Gives Something to Both Employers and Employees in "National Railroad Passenger Corp. v. Morgan," *CM Report of Recent Decisions*

James S. Barber cont.

Reported Decisions

Jackson v. Daubert Chemical Co., Inc., 2006 WL 1069035 (N.D. Ill. 2006)

Griffin v. Daubert Chemical Co., Inc., 2005 WL 1563212 (N.D. Ill. 2005)

Blanks v. DH Johnson Construction Co., 2003 U.S. Dist. LEXIS 11808 (N.D. Ill. 2003).

Kudlinski v. Chicago Housing Authority, 2002 WL 1264007 (N.D. Ill. 2002).

Hartman v. Lisle Park District, 2001 U.S. Dist. LEXIS 12414 (N.D. 2001).

Atwell v. Lisle Park District, 2001 U.S. Dist. LEXIS 6550 (N.D. Ill. 2001).

Atwell v. Lisle Park District, 2001 WL 641101 (N.D. Ill 2001).

Tucker v. Cassidy, Schade & Gloor P.C., 2000 U.S. Dist. LEXIS 9864 (N.D. Ill. 2000).

Finnane v. Pentel of America, Ltd., 42 F. Supp. 2d 891 (N.D. Ill. 1999).

Finnane v. Pentel of America, Ltd., 2000 WL 288437 (N.D. Ill. 2000).

Chrouser v. DePaul University, 1998 U.S. Dist. LEXIS 8179 (N.D. Ill. 1998).

Kegley v. AT&T, 1998 U.S. Dist. LEXIS 19870 (N.D. Ill. 1998)