

BCLP Lawyer in 'Law360' on New NLRB Policy Discouraging Settlement

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BCLP Senior Counsel Jerry M. Hunter was quoted Sept. 24 by *Law360* concerning a recent memo from the National Labor Relation Board's (NLRB) top prosecutor that may discourage employers from settling cases and lead to more litigation, though union advocates say those concerns are overblown. "If the region is going to insist on some of these extreme remedies, the employer has nothing to lose by trying the case," Hunter said. If settlement rates drop as he expects them to, it could put the NLRB in a tight spot, he noted. The board already spends most of the money it is allocated by Congress on employee salaries, real estate and other expenses, leaving it little room to accommodate the costs of more lengthy trials. "There's not a whole lot of leeway in terms of funds left over to try cases, and that's why the regions, historically, have settled 91-92% of unfair labor practice cases," said Hunter, a former NLRB general counsel who served during the administration of former President George H.W. Bush.

Related Attorney(s)



Jerry M. Hunter

Senior Counsel
St. Louis
jmhunter@bclplaw.com

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