



**PRACTICES / INDUSTRIES**

- Labor & Employment

**BAR ADMISSIONS**

- California

**EDUCATION**

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

**> LOCATION / CONTACT INFO**

Partner in the San Diego Office  
Practice Group Leader - Labor and Employment Law

**Phone:** 619.699.2408  
**Fax:** 619.645.5352  
**E-Mail:** mkenny@luce.com  
**Web:** www.luce.com/mariekenny

Marie Burke Kenny represents employers in federal and state court litigation involving wage and hour, wrongful termination, discrimination, harassment, retaliation and unfair competition claims. Ms. Kenny also represents employers in mediation, arbitration and state and federal agency proceedings. She has extensive experience counseling employers regarding all aspects of the employment relationship and works with employers to develop strategies to prevent employment claims and create effective defenses to litigation. Ms. Kenny counsels employers regarding performance management, termination, contracts, workplace investigations, medical issues, leaves of absence and employment policies and practices. She is also an adjunct professor of employment law for San Diego State University's Human Resources Certification Program.

Ms. Kenny 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, Orange County Employer Advisory Council, Construction Management Association of America, Riverside/Temecula Employer Advisory Council and American Subcontractors Association.

> **MEMBERSHIPS**

American Bar Association, Labor and Employment Law Section.  
State Bar of California, Labor and Employment Section.  
San Diego County Bar Association, Labor & Employment Section (Member and Former Co-Chair).  
Mother Attorney Mentoring Association of San Diego, Board of Directors.  
National Conflict Resolution Center, Board of Directors, 2002-2006.  
American Inns of Court, William B. Enright Chapter, Associate Member, 2001-2002.  
Carlsbad Chamber of Commerce.

> **RECOGNITION**

*San Diego Metropolitan*, "40 Under 40," 2009.  
*San Diego Business Journal*, "Women Who Mean Business" Awards, Finalist 2004.

> **SPECIAL NOTES**

Adjunct Professor, Human Resources Certification Program, San Diego State University Department of Extended Studies.

> **PUBLICATIONS**

"Calif.'s Stance On PAGA Representative Actions," *Law360*, July 29, 2009.

"The New Year Brings New Compliance Issues for California Employers" - *Luce Forward Legal e-Update* - January 16, 2009.

"New Year Brings New Laws for Companies to Follow," *San Diego Daily Transcript*, January 2008.

"Employment Law Compliance Issues for the New Year" - *Luce Forward Legal e-Update* - December 19, 2007.

"Employers Must Use New I-9 Form by December 26, 2007" - *Luce Forward Legal e-Update* - December 6, 2007.

"Compensating Employees for Time Off Due to California Fires" - *Luce Forward Legal e-Update* - October 24, 2007.

"California Employers Rejoice: The DLSE Substantially Changes Its Enforcement Position Regarding The Academic Requirement For The Learned Professional Exemption" - *Luce Forward Legal e-Update* - February 8, 2007.

"Lessons in Labor Laws Keep Employers Out of Legal Hot Water," *San Diego Business Journal*, February 2007.

"Answers to Some of the Most Commonly Asked Employment Law Questions," *San Diego Business Journal*, August 22, 2005.

"California Court Decides That Employers Can Require Exempt Employees to Use Vacation Leave for Partial-Day Absences" *Luce Forward Legal e-Update* - July 27, 2005.

"California Employment Legislation Update: Governor Davis Hands Out 'The Good and The Bad'" *Luce Forward Legal e-Update* - October 3, 2002.

> **PUBLICATIONS** *CONTINUED*

"Accommodation Approved: Employer's Efforts on Behalf of Disabled Employee Were Sufficient," *Los Angeles Daily Journal*, September 23, 1999.

"Absolutely Privileged: Manager Not Liable for Inducing Employer to Terminate At-Will Employee," *Los Angeles Daily Journal*, September 24, 1998.

"Common Sense: U.S. Supreme Court Tackles Same-Sex Harassment in 'Oncale,'" *Los Angeles Daily Journal*, March 25, 1998.

> **PRESENTATIONS**

Speaker: "Speed Dating With a Labor Attorney" - SHRM Breakfast Meeting - February 17, 2010.

Speaker: "2010 Labor Law Update" - San Diego Chapter of the Association of Legal Administrators - February 9, 2010.

Speaker: Two Topics - "California Wage and Hour Law" and "Layoffs and Other Cost Cutting Measures During Tough Economic Times" - "North County Law Day" sponsored by the San Diego Society For Human Resource Management January 27, 2010.

Speaker: "California Employment Law Developments: A Review of 2009 and Preview of 2010" - HR In the Morning Vista Chamber of Commerce - December 9, 2009.

Speaker: "Employment Issues Relating to Swine Flu (H1N1)" - Luce Forward Labor & Employment & Employment Breakfast Briefing - November 5, 2009.

Speaker: "Wage and Hour Law: The Top Employer Mistakes" - Luce Forward Labor & Employment Seminar 2009 San Diego, CA - October 7, 2009.

Speaker: "Managing Costs and Employment Issues During Tough Economic Times" - Luce Forward Labor & Employment & Employment Breakfast Briefing - August 27, 2009.

Speaker: "Managing Employment Costs and Issues During Tough Economic Times" - San Diego Society for Human Resource Management, North Coast Breakfast Meeting - April 22, 2009.

Speaker: "Critical Issues Every Employer Must Know Regarding California Wage and Hour Law" - Luce Forward Labor & Employment Seminar - November 6, 2008.

Speaker: Luce Forward "Breakfast With Your Employment Counsel" Series:

- "Conducting Effective Investigations" - July 18, 2008.
- "Medical Issues in the Workplace" - May 16, 2008.
- "HR Resolutions for the New Year" - January 18, 2008.
- "Managing Employee Performance in the Workplace" - October 5, 2007.

> **PRESENTATIONS** *CONTINUED*

Speaker: "Unveiling the Complexities of Sexual Harassment Laws" - Association of Corporate Counsel Monthly MCLE June 19, 2008.

Speaker: "Misconduct and Performance Based Terminations: Investigations, Documentation and Avoiding Retaliation Claims" Employer's Resource Institute - June 12, 2008.

Speaker: Annual Employment Law Update Seminar - Association of Legal Administrators, San Diego Chapter - 2007-2008.

Speaker: "Dealing With Problem Employees in California" - Employer Resources Institute - February 6, 2008.

Speaker: Various Topics - San Diego Employer Advisory Council's Annual Workplace Seminar - 2003-2008.

Speaker: Annual Employment Law Updates Seminar - International Public Management Association for Human Resources, San Diego Chapter - 2004-2008.

Speaker: Various Topics - Luce Forward Employment Law Breakfast Briefing - 2007-2008.

Speaker: Various Topics - Luce Forward Annual Employment Seminar - 2002-2007.

Speaker: "Performance Appraisals: How to Use Appraisals Effectively - and Legally - in Your Organization" Employer Resources Institute - September 28, 2006.

Speaker: "Employee Leaves Of Absence" - State Bar of California Annual Labor and Employment Seminar - 2004.

Speaker: "Managing Employee Performance and Misconduct in California" - Lorman Education Services - 2003-2005.

Speaker: "California Prevailing Wage Law" - Construction Management Association of America - June 25, 2003.

Speaker: Certificate in Human Resource Management Seminar - Council on Education in Management - April 8, 2003.

Speaker: "Recent Developments in Employment Law" - Society for Human Resource Management - February 25, 2003.

Speaker: "California Overtime Exemptions" - Carlsbad Chamber of Commerce Human Resources Roundtable February 21, 2003.

Speaker: "Family and Medical Leave Act In California" - Lorman Education Services - 2002-2003.

Speaker: American Subcontractors Association - "Labor and Employment Law Update" - January 2002.

Speaker: "Disability and Leave Related Laws" - San Diego County Bar Association - November 2001.

Speaker: "California Employment Legislation Update " - San Diego County Bar Association - January 2001.

Speaker: "Fundamentals of Employment Law Practice, Employee Handbooks and Leaves of Absence" - California Continuing Education of the Bar - September 2001.