



# Jake Rubinstein

## Member

## Boulder, Denver

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### Practice Areas

- Employment Litigation
- Labor & Employment
- Labor Relations & Disputes
- Technology, Privacy & Data Security

### Industry Sectors

- Education
- Food & Beverage
- Retail

### Education

- Chicago-Kent College of Law, J.D., 1994
- University of Illinois–Chicago, B.A., 1991

### Bar Admissions

- Colorado
- Illinois

### Court Admissions

- U.S. District Court -- Colorado
- U.S. District Court -- Northern District of Illinois
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court -- Southern District of Texas

### Clerkships

Honorable John J. Bowman, Illinois Appellate Court

Jake combines more than 20 years of experience as a trial lawyer with a background of high-level human resources leadership experience to provide unique versatility in counseling and representing clients in all aspects of labor and employment law and human resources practices. Jake's litigation work includes, employment discrimination, traditional labor, and wage and hour cases. Jake also counsels clients on labor and employment law compliance and policy design and also advises human resources professionals on imaginative solutions to difficult workplace problems. Jake's practice also includes negotiating collective bargaining agreements, conducting workplace investigations, representing clients in business disputes, and representing social media companies in litigation over site content. Jake also advises and represents individual clients, including negotiating executive employment agreements.

Jake honed his trial skills over the course of 26 jury trials in both state and federal courts, more than 100 bench trials and contested motions, and over 75 labor arbitrations across the United States. Jake has also represented clients and conducted hearings before administrative agencies, including the National Labor Relations Board, the Equal Employment Opportunity Commission, and multiple state agencies.

Before joining Cozen O'Connor in 2017, Jake served as the executive director of employee and labor relations for the University of Chicago, where he led a six-person team responsible for advising university human resources professionals, faculty, and administrators on the full range of labor and employment issues for union and non-union employees. In this role, Jake also served as the university's chief labor strategist and negotiator. Prior to joining the University of Chicago, Jake was in private practice at Meckler Bulger Tilson.

Jake began his legal career as a law clerk to the Honorable Justice John J. Bowman of the Illinois Appellate Court. He also served as a Cook County (Illinois) assistant state's attorney for nine years, assigned first to the Civil Bureau's Labor and Employment Unit and later to the Criminal Prosecutions Bureau, where he rotated between courtroom and non-courtroom assignments, focusing on the prosecution of violent crimes, including homicides and sex offenses.

## Experience

Negotiated first collective bargaining agreements, with units of more than 3,000 graduate students each, at two prominent universities.

Successfully moved to dismiss a case filed against a social media company in state court in Colorado that that shared issues with two U.S. Supreme Court cases -- *Gonzalez v. Google LLC* and *Twitter, Inc. v. Taamneh* -- about whether such companies can be held liable for user-posted content. The plaintiff sought an injunction to force the company to remove from its platform allegedly defamatory posts. In granting the motion to dismiss, the court accepted our argument that the client was immune under Section 230 of the Communications Decency Act and dismissed all claims brought against the company.

Secured a complete victory for a company following a hard-fought, two-week arbitration hearing, after which the arbitrator upheld the termination of a highly compensated top executive and rejected his

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claims of age and disability discrimination, for which he sought lost pay damages totaling more than \$74 million. The executive -- who was in his sixties, had a heart condition, and had been with the company for more than 20 years -- was removed from his position due to his ineffective response to a company crisis.

Won a complete victory for a Fortune 100 company in a week-long arbitration hearing in a breach of contract case brought by a former software sales representative, alleging that he was owed hundreds of thousands of dollars in sales commissions.

Won a unanimous defense verdict on behalf of a medical center, a university, and two individual defendants at the conclusion of a three-week jury trial in federal court in Chicago in which the clients' potential exposure was \$80 million. The plaintiff, an orthopedic surgery resident and Air National Guard officer whose employment was terminated in the final year of his residency, brought claims of breach of contract, defamation, and discrimination and harassment under the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), and sought back pay and reinstatement or lifetime earnings as a spine surgeon. After hearing testimony from more than a dozen witnesses, and with a 19-page verdict form in hand, the jury reached its verdict in less than three hours.

Successfully represented a private N-12 school in defeating an attempt by a teachers' union to obtain a temporary restraining order and preliminary injunction in federal court to force the school to cease in-person schooling amid the COVID-19 pandemic. The case was dismissed following the denial of the temporary restraining order and preliminary injunction motions. *Faculty Association of the Laboratory Schools v. University of Chicago* (Laboratory Schools), 20 CV 7160 (N.D. Ill.).

Won a breach of contract case and obtained a judgment for costs against the plaintiff, a retail employee who alleged her employer broke a binding promise to bend transfer rules for her benefit.

Won a labor arbitration in which a police union challenged the termination of an officer for disrespectful treatment of a citizen and for lying about his actions during the internal affairs investigation.

Won a labor arbitration in which a police union challenged the termination of an officer for filing a false police report.

Secured a victory for a university client in an employment-related breach of contract case through an innovative combination of partial summary judgment and motion to dismiss.

Obtained a jury verdict in the clients' favor in a Section 1983 and First Amendment employment case in which a civilian sheriff's department employee alleged that he was fired for opposing the elected sheriff and for being affiliated with the opposing political party.

Won summary judgment for a university client in an age discrimination case.

Resolved an employment-related breach of contract case on terms favorable to the client during jury selection.

As a prosecutor in Chicago, Jake secured a guilty verdict and sentences of life without parole on a first degree murder charge against two men who stabbed an elderly woman to death in her home during a home invasion (*People v. Alonzo and Nathaniel Fields*).

As a prosecutor, while serving in the Felony Review Unit in which he assisted homicide detectives with investigations, Jake secured a suspect's confession to a gang retaliation murder. Jake later testified about the confession at the defendant's trial. The confession, combined with other evidence, led to a guilty verdict on first degree murder charges and a sentence of 23 years in prison (*People v. Octavis Sims*).

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As a prosecutor, Jake tried several members of the Renegade Vice Lords gang for a murder resulting from an attempt at gang retaliation. The heavily-armed defendants set out to kill members of a rival gang, the Mafia Insane Vice Lords, and surrounded a house in which they believed their rivals were present. In fact, no gang rivals were inside the home and it was instead occupied by a grandmother, her grandchildren, and other innocent family members. The defendants opened fire on the house with multiple firearms. The hail of gunfire killed the grandmother. Jake and his trial partners secured first degree murder convictions and decades-long prison sentences for the defendants (*People v. Willie Richard, Walter Edwards, Lawrence Coleman, Eddie Coleman et al.*).

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