







# Clemens H. Barnes Special Counsel

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**“When a business is facing litigation, I bring a mission-oriented, problem-solving mind-set to help them meet their goals. I focus on recognizing likely outcomes, identifying paths to success, or assisting with associated cost-benefit decisions. I believe clients benefit from my broad and deep experience as litigation or negotiations develop.”**

Clem Barnes has been a trusted advisor to companies whose workers are represented by labor organizations and, more often, those whose workers are not, as well as to buyers and sellers of unionized businesses. Since returning to Seattle after his days as a court martial prosecutor and judge during the Vietnam war, Clem has for almost 50 years advised employers of all types and sizes on their employment practices and decisions, executive contracts and labor agreements, and represented them in civil and criminal litigation arising out of employment and labor disputes.

Clem represents employers in NLRB unfair labor practice and union representation proceedings and has, at times, been involved in negotiation and administration of collective bargaining agreements and in handling strike and picket line situations. He has served as counsel for employers in countless lawsuits in state and federal court, including dozens dismissed on summary judgment or resulting in a defense judgment or jury verdict, along with many others that settled favorably.

Over the years, Clem has represented banks, property management firms, metal fabricators, breweries, construction contractors, a professional sports team, grain millers, hotels and restaurants, employer associations, seafood processors, phone companies, large and small retailers, television stations, oil companies, airlines and trucking companies, a pet food chain and large grocery chains, among other private sector companies. He has also represented public sector employers, though not as frequently.

## Professional Activities

- The College of Labor & Employment Lawyers, fellow
- Alternative Dispute Resolution Roundtable

## Education

J.D., University of Washington School of Law, 1969

- Board of Editors, *Washington Law Review*

B.A., University of Washington, Economics, 1966

## Bar Admissions

Washington, 1969

## Court Admissions

U.S. Supreme Court

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court, Western District of Washington

U.S. District Court, Eastern District of Washington

Court of Military Appeals

- Seattle University Law School, Employment Discrimination, adjunct professor, 2001-2004
- Washington State Bar Association, Labor & Employment Law Section, past executive committee member

### Civic Activities

- Millionair Club Charity, board member
- Seattle Urban League, past board member

### Representative Experience

#### Municipal, State & Federal Court Litigation

- Seattle municipal court jury trials defending managers accused of criminal assaults growing out of strike violence
- Class action law suit challenging the FLSA overtime exempt status of supervisors in the oil fields on the North Slope of Alaska
- Class action lawsuit alleging off-the-clock work by longshore workers at the Port of Seattle
- NLRB hearings held in the labor camps in Prudhoe Bay, Alaska
- United States Supreme Court case challenging overtime exempt status of seafood processors off the coast of Alaska

### Presentations

- “From Touch-up Paint to New Additions: 2020 Labor Update for the Construction Industry,” Miller Nash Graham & Dunn, Employment Law Seminar (Dec. 2020)
- “Tear-Downs, Fixer-Uppers, and Restorations: 2020 Private Labor Law Update,” Miller Nash Graham & Dunn, Employment Law Seminar (Dec. 2020)
- “The Game is Afoot: Local, State, Federal, Union Update, Including the Equal Pay Act and Compliance,” Miller Nash Graham & Dunn, Employment Law Seminar (Oct. 2018)
- “It’s a New Era at the NLRB: What Every Nonunion and Union Employer Should Know About Key Changes in Federal Labor Law,” Miller Nash Graham & Dunn, webinar (Mar. 2018)
- “Local, State, Federal, and Labor Law Updates,” Miller Nash Graham & Dunn, Employment Law Seminar (Oct. 2017)
- “Evil Spells and Fairy Tales: State, Federal, and Union Updates for 2016,” Miller Nash Graham & Dunn, Employment Law Seminar (Nov. 2016)
- “Employers! Believe It or Not: State and Federal Updates for 2015,” Miller Nash Graham & Dunn, Employment Law Seminar (Oct. 2015)

### Recognition & Honors

- Recognized as a “Leader in Their Field” by *Chambers USA* for Labor & Employment
- Selected for inclusion as a Washington Super Lawyer, 2003-present
  - Top 100 Washington Super Lawyers List, 2007-2015
- Selected for inclusion in *The Best Lawyers in America*<sup>®</sup> (Seattle, WA)
  - Employment Law—Management, 2011-present
  - Labor Law—Management, 2011-present; “Lawyer of the Year,” 2013
  - Litigation—Labor and Employment, 2011-present
- Recognized by *Corporate Counsel* as a “Best Lawyer” in Labor & Employment
- Rated of AV<sup>®</sup> Preeminent<sup>™</sup> by Martindale-Hubbell<sup>®</sup>

### Personal Activities

Clem enjoys the theatre, films, and jazz. For almost 20 years he has worked with a Pilates private instructor. Clem is an avid Washington Huskies football and Mariners baseball fan.