Mark Payne

Partner

Orange County

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Mark is a strong and seasoned advocate and legal adviser. His clients praise him as thoughtful, dedicated, thorough, and effective.

OVERVIEW

Mark has been advising and defending employers since 1992. He represents local, regional, and national employers across a wide range of industries in all aspects of employment and labor law, with an emphasis on the unique challenges facing employers with operations in California.

As lead counsel, Mark has successfully handled and resolved hundreds of employment-related disputes in state and federal courts. His proven track record of litigation success makes him an effective, practical legal adviser to employers seeking to comply with local, state, and federal workplace laws (for example, wage and hour compliance, and class action and PAGA defense; discrimination, harassment, and retaliation issues; workplace investigations; and traditional labor relations, including collective bargaining negotiations and grievance resolution).

Mark also has extensive experience with unfair competition claims and protection of trade secrets, helping companies protect their information assets through effective policies, enforceable agreements and, when necessary, litigation.

Before practicing law, Mark distinguished himself in his undergraduate and graduate studies. In college, he completed three major courses of study – philosophy, religion, and psychology. He graduated *cum laude*, received honors in religion, and earned a bachelor's degree. After college, Mark worked for two years in computer software development for the trade association industry. He then earned his J.D. at the College of William & Mary, where he served as the managing editor for the *Law Review* and was admitted to the Order of the Coif after graduating in the top five percent of his class.

After law school, Mark served in the U.S. District Court for the Eastern District of Virginia as a law clerk for the Honorable Rebecca Beach Smith. He then began his employment and labor law practice with Gibson, Dunn & Crutcher, where he was an associate and of counsel for eight years.

AWARDS

- *Best Lawyers in America*®: Litigation – Labor and Employment (2026-2027)

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- *Benchmark Litigation – United States*: Labor & Employment Star (2021, 2023)
- Super Lawyer, Southern California, *Corporate Counsel*
- Rising Star, Southern California, *Corporate Counsel*

TOP AREAS OF FOCUS

- Class Action
- Labor + Employment

ALL AREAS OF FOCUS

- Class Action
- Employment Counseling
- Labor + Employment
- Labor + Employment Litigation + Dispute Resolution
- Litigation + Trial
- Noncompete + Trade Secrets
- Wage + Hour Matters

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Board of Governors, Association of Business Trial Lawyers, Orange County Chapter
- American Bar Association (Labor and Employment Law Section)
- California Bar Association
- Orange County Bar Association (Labor Law Section)

EDUCATION AND CERTIFICATIONS

EDUCATION

- William & Mary Law School, J.D., 1991, Order of the Coif
- University of Mary Washington, B.S., *cum laude*, 1986

BAR ADMISSIONS

- California

COURT ADMISSIONS

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Northern District of California

SPEAKING ENGAGEMENTS

- Speaker, “California Workplace Developments and Preparing for 2023,” Troutman Pepper, December 8, 2022.
- Speaker, “California Workplace Developments During an Extraordinary Year, and Preparing for 2021,” Troutman Pepper Complimentary Webinar, December 3, 2020.
- Speaker, “Getting Ready for 2020: Employment and Privacy Law Breakfast Seminar,” Troutman Sanders, San Diego, CA, December 12, 2019.
- Speaker, “Getting Ready for 2020: Employment and Privacy Law Breakfast Seminar,” Troutman Sanders, Orange County, CA, December 11, 2019.
- Participant, Roundtable Series: Labor & Employment, *Daily Journal*, December 2018.

PUBLICATIONS

- Co-author, “FTC Clarifies Enforcement Priorities and Philosophy on Worker Noncompetes,” *Troutman Pepper Locke*, April 22, 2026.
- Co-author, “California’s 2025 Employment Law Changes,” *Troutman Pepper Locke*, December 1, 2025.
- Co-author, “California Broadens Restrictions on Noncompete Agreements, Imposes Civil Liability,” *Troutman Pepper*, October 16, 2023.
- Co-author, “CCPA/CPRA Will Apply to Employee AND B2B Data — Five Steps to Prepare for the January 1, 2023 Effective Date,” *Troutman Pepper*, September 6, 2022.
- Co-author, “Requirement for California Small Business Retirement Plans Takes Effect Today,” *Troutman Pepper*, June 30, 2022.
- Co-author, “California Supreme Court Substantially Increases Stakes for Noncompliant Meal and Rest Breaks,” *Troutman Pepper*, May 27, 2022.
- Co-author, “Cal/OSHA Approves Third and Final Readoption of COVID-19 Prevention Emergency Temporary Standards Through Year End,” *Troutman Pepper*, May 5, 2022.
- Co-author, “California Revives COVID-19 Supplemental Paid Sick Leave Through September 2022,” *Troutman Pepper*, March 7, 2022.
- Co-author, “Overview of New California Employment Laws,” *Troutman Pepper*, January 10, 2022.
- Co-author, “Ninth Circuit Restores California’s Ban on Mandatory Employment Arbitration Agreements,” *Troutman Pepper*, September 24, 2021.
- Co-author, “California Supreme Court Sets Retroactive Standard for Calculating Meal and Rest Break Premiums,” *Troutman Pepper*, July 23, 2021.
- Co-author, “Cal/OSHA Adopts Revised COVID-19 Prevention Emergency Temporary Standards,” *Troutman Pepper*, June 22, 2021.
- Co-author, “California Expands Supplemental Paid Sick Leave to September 2021,” *Troutman Pepper*, March 24, 2021.
- Co-author, “California Supreme Court Invalidates Rounding Practices for Employee Meal Periods and Imposes Rebuttable Presumption of Meal Period Violations,” *Troutman Pepper*, March 3, 2021.
- Co-author, “California Governor Enacts Legislation to Expand COVID-19 Protections for California Employees and Impose Additional Requirements on California Employers,” *Troutman Pepper*, September 30, 2020.
- Co-author, “A-B-C: Not As Easy as 1-2-3 for California Employers to Maintain Independent Contractor Relationships Under AB-5,” *Troutman Sanders*, September 25, 2019.
- Co-author, “California Supreme Court Rules Employees Cannot Recover Unpaid Wages Under PAGA,” *Troutman Sanders*, September 19, 2019.
- Co-author, “California Employers May Owe Reporting Time Pay to Employees Who Do Not Actually Report for Work,” *HR Law Matters*, February 20, 2019.

MEDIA COMMENTARY

- Quoted, “Four California Wage and Hour Rulings for Employers to Note,” *SHRM*, April 4, 2022.
- Quoted, “California Employers Should Review Time-Keeping Practices for Meal Breaks,” *SHRM*, March 11, 2021.
- Quoted, “Calif. Appeals Court Backs Online Retailer’s Arbitration Pact,” *Law360*, January 13, 2021.
- Quoted, “California Employers Must Prepare for CFRA Leave Expansion,” *SHRM*, October 26, 2020.
- Quoted, “Is It Time to Cancel Nondisclosure Agreements?,” *Corporate Counsel*, June 18, 2020.
- Quoted, “Should Grocery Store Workers Receive Virus Hazard Pay?,” *Daily Journal*, March 18, 2020.
- Quoted, “It’s Time to Review Your Employee Handbook,” *SHRM*, January 15, 2019.
- Quoted, “5 Questions to Ask When Workers Get Called for Jury Duty,” *Law360*, October 17, 2019.
- Quoted, “EEOC to Collect Pay Data in Effort to Address Inequity,” *Daily Journal*, July 16, 2019.
- Quoted, “Will California Employees Get More Paid Time Off?,” *SHRM*, May 31, 2019.
- Quoted, “Trucking Cos. Hit Rough Patches in Calif. Classification Fights,” *Law360*, April 4, 2019.
- Quoted, “Tilly’s Employment Lawsuit Could Have California-wide Impact,” *Orange County Business Journal*, March 2019.