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U.S. employers spend more than $1.5 billion annually on union avoidance

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Key takeaways

- Many U.S. employers hire union avoidance consultants to keep their workers from organizing and bargaining for better pay and working conditions. We estimate that employers spend roughly $1.7 billion a year on union avoidance consultants and law firms for this purpose, which has an undeniable impact on workers' ability to organize and bargain collectively.
- Over the past several decades, large law firms have developed substantial business specializing in union avoidance services. This includes exploiting the National Labor Relations Board's (NLRB) administrative processes and creating nearly endless delays for workers who are trying to form a union.
- Large law firms—such as Littler Mendelson, Morgan Lewis, and Jackson Lewis—have represented employers in their fights against some of the largest organizing efforts over the last decade, including Amazon, Starbucks, and Trader Joe's.

SECTIONS

Introduction

In 2025, unionization in the United States grew to its highest levels since 2009 (McNicholas, Poydock, and Shierholz 2026). This growth is a testament to the fact that Americans increasingly view unions favorably and recognize them as critical instruments for building a just economy. Yet more than 50 million nonunion workers would join a union but are unable to do so because our nation's labor laws allow employers to derail workers' unionization efforts (McNicholas et al. 2019).

It is well documented that employers often hire union avoidance consultants to dissuade and weaken workers' unionization efforts. These consultants work to prevent a union election from taking place—and if that fails, to ensure that workers vote against the union and then stall negotiations over a first collective bargaining agreement. Over the past several decades, large law firms have developed substantial business specializing in union avoidance services. These firms now play a significant role in denying workers their rights to a union and collective bargaining (Kaufman and Stephan 1995).

The role of these law firms in defeating workers' organizing campaigns and frustrating workers' attempts to reach a first contract has largely gone unexamined. While employers are required to disclose money spent on lawyers engaged in persuading employees on their union and collective bargaining rights, there is an exemption around reporting money spent on "advice" services, which is ill-defined under the law. Union avoidance law firms have taken full advantage of this reporting loophole and have constructed an industry providing counsel on union busting. Further, many union avoidance law firms provide employers services beyond these persuader activities, including representation at the NLRB and the stalling of first contract negotiations.

In this report, we examine the union avoidance industry and the law firms that play integral roles in this business. We calculate the revenue law firms generate from employers who try to avoid unions and undermine collective bargaining with their workers. Further, we discuss the impacts of the union avoidance industry on workers' ability to organize and what it means for workers, our economy, and our democracy.

Employers spend millions on union avoidance consultants

When workers seek to form a union, employers often hire union avoidance consultants to dissuade and weaken workers' unionization efforts. These consultants include both non-attorney consultants and attorney consultants. Under the Labor–Management Reporting and Disclosure Act (LMRDA), employers and the consultants they hire must file disclosure reports on agreements in which the consultant is engaging in union-busting activities. **Table 1** lists just a few of the employers who filed mandatory reports with the Department of Labor during 2025.

Table 1

Employers spend millions on union avoidance consultants

Amounts that union avoidance consultants reported receiving from selected employers for work performed in 2025

Company	Total Spending
Amazon	$26,640,897
UnityPoint Health	$2,138,994
LabCorp	$2,015,293
Premier Health	$801,575
American Rock Products	$584,915
Sygma Network	$559,863
Corewell Health	$526,669
3M	$501,703
Comfort Systems USA Southwest	$471,751
Dartmouth Health	$452,022

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Source: LaborLab's analysis of LM-10 forms filed by consultants with the U.S. Department of Labor's (DOL) Office of Labor–Management Standards (OLMS), in 2025, rounded to the nearest thousand dollars.

These reports represent only a fraction of the total money spent on anti-union campaign services, not to mention legal counsel, representation, and litigation aimed at union avoidance. That's for two main reasons: 1) consultants are not required to report activity that counts as "advice," which is ill-defined but currently interpreted to exempt nearly all activities that don't involve direct contact with workers, even though this accounts for the vast majority of work that consultants engage in; and 2) even activities that clearly must be reported very often are not. Research from LaborLab found that 57% of employers who were *known* to owe a financial disclosure for having hired a union avoidance consultant in 2024 had failed to file their required disclosure by June 30, 2025, three months after the filing deadline (LaborLab 2025). In 2024, a total of 153 employers filed a financial disclosure, according to the LaborLab report. This showcases a significant amount of underreporting from employers when one considers that over 3,200 union election petitions were filed in 2024, and that 71%–87% of employers hire a union avoidance consultant when faced with a union-organizing drive (NLRB 2026; DOL n.d.). If most "advice" provided by consultants were included, EPI estimates employers spend $442 million per year on both attorney and non-attorney consultants for anti-union campaign services.[1]

However, that still represents only a fraction of what employers spend on union avoidance. The EPI estimate excludes spending on legal counsel, representation and litigation aimed at defeating organizing drives and stalling contract negotiations, as well as strike preparation and strike-breaking services (McNicholas et al. 2019). It further excludes spending on consultants to implement or enhance employee engagement and "positive employee relations" programs that center around "union-substitution" policies (Levine et al. 2025). These programs feature techniques that are deliberately crafted to preempt, detect, and rapidly quash union organizing, including supervisor training, manipulative communication policies, surveillance techniques, "voice" mechanisms (like suggestion boxes), and employee-involvement programs (such as employee committees and teams).

As mentioned, EPI estimates that employers spend at least an estimated $442 million on anti-union campaign services provided by consultants that are designed to persuade or intimidate workers into voting "no" in union elections. Many of these consultants are also practicing attorneys who simultaneously will provide legal counsel and representation services related to NLRB proceedings. These attorneys also will help employers bend the law to their advantage during contract negotiations, prepare for and break strikes, file unfair labor practice charges to weaken unions and defend employers against such charges, sometimes appealing them not just to the NLRB but also into federal courts. Inclusive of all of these services, the traditional labor relation practices of these law firms generate an estimated $1.48 billion on average.[2] When we account for overlap (much labor practice revenue comes from providing anti-union campaign services, not just representation and counsel), these two figures suggest that total spending on attorneys (whether for representation, consulting, or both) and non-attorney consultants is roughly $1.7 billion a year.[3] **Table 2** shows top law firms' share of cases at NLRB and the estimated revenue the labor relations practices of these firms generated in 2024.

Table 2

Law firms make millions of dollars on union avoidance

Estimated revenue of company-level labor practices and of U.S. labor practices

Firm	2024 NLRB case share (all types)	2024 revenue	Percentage of attorneys in U.S. labor practice	2024 estimated revenue of company U.S. labor practice*	2024 estimated revenue of all U.S. labor practices
Littler Mendelson	5.7%	$730,547,000	16.1%	$58,652,820	
Ogletree, Deakins, Nash, Smoak & Stewart	4.0%	$719,621,000	19.1%	$68,861,529	
Jackson Lewis	3.6%	$697,107,000	14.2%	$49,647,620	
Seyfarth Shaw	2.3%	$931,927,000	6.9%	$32,315,142	
Morgan, Lewis & Bockius	1.9%	$3,098,511,000	2.2%	$33,988,769	
Fisher & Phillips	1.6%	$393,997,000	19.7%	$38,844,775	
Total	19.1%	$6,571,710,000		$282,310,654	$1,481,168,174

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Notes: *The authors have discounted law firms' U.S. labor practice revenue by 50%, on the conservative assumption that half of the revenue generated by attorneys in a company's labor practice was earned for work performed in other areas of law than labor law. (Many labor relations attorneys belong to multiple practices, often practicing both labor law and employment law at the same company.)

Percentages in the table were rounded to the nearest tenth.

Source: LaborLab's analysis of Law.com and National Labor Relations Board case data from Gregg 2026.

Union avoidance law firms

Prominent law firms—such as Littler Mendelson, Morgan Lewis, and Jackson Lewis—have generated substantial business in union avoidance work on behalf of U.S. employers seeking to frustrate worker organizing and collective bargaining. As shown in Table 2, these law firms do a great deal of business before the National Labor Relations Board, the independent agency charged with enforcing the National Labor Relations Act (NLRA). The NLRA is the nation's fundamental labor law that guarantees most private-sector workers the right to organize and the right to collective bargaining. However, decades of federal policy and court decisions have weakened the NLRA (Shierholz et al. 2024). Union avoidance consultants and law firms have long exploited the law's significant loopholes, making it harder and harder for workers to win unions. For nearly 80 years, policymakers have failed to address the NLRA's weaknesses and restore meaningful union and collective bargaining rights to workers.

These law firms have represented employers in fighting against some of the largest organizing efforts over the last decade, including worker organizing drives at Amazon, Starbucks, and Trader Joe's (Logan 2025). These law firms have essentially created a specialized practice of union busting and together have generated billions of dollars in revenue, as shown in Table 2. The firms range from exclusively labor and employment firms to full-service corporate firms offering representation in a range of matters. The following are profiles of three law firms that have been at the center of the largest union avoidance campaigns in recent years.

Littler Mendelson

One of the largest union avoidance law firms is Littler Mendelson, a global management-side law firm with more than 1,800 attorneys who can make upwards of $1,700 an hour (Littler Mendelson 2026).[4] In Littler Mendelson's 80-year history, it has represented the likes of Amazon, Delta Airlines, and McDonald's and has played a predominant role in Starbucks's anti-union campaign (Logan 2022; Logan 2025). Beyond offering their union-busting services to employers, Littler Mendelson has expanded their services to include promoting anti-worker legislation. For example, Littler Mendelson's Workplace Policy Institute (WPI) played a predominant role in opposing California's Assembly Bill (AB) 5, legislation aimed at protecting workers by combatting misclassification (Poydock 2020). WPI also supported the passage of Proposition 22, which exempted gig workers from AB5 (McNicholas and Poydock 2019). WPI is part of the Coalition for Workplace Innovation, which has lobbied for proposals that weaken workers' rights, including the exclusion of gig/app-based workers from employee status (Pinto 2022).

Morgan Lewis

Morgan Lewis also has a large practice aimed at union avoidance (Morgan Lewis 2026). The firm is a global law firm with nearly 2,000 attorneys, representing the likes of Amazon, REI, and McDonald's. In addition to being one of the largest union avoidance law firms, Morgan Lewis is also known as one of the most expensive firms, with partners making $1,100 to $1,900 an hour.[5] Morgan Lewis is the lead law firm engaged in the legal challenge to have the NLRB declared unconstitutional, despite employing multiple former NLRB officials (Rhinehart and McNicholas 2024).

Jackson Lewis

Another law firm with a significant union avoidance practice is Jackson Lewis, a national labor and employment law firm with a nearly 70-year history in union avoidance (Jackson Lewis 2026). The firm has over 1,000 attorneys who can make upwards of $730 per hour.[6] Jackson Lewis has an especially robust presence in the higher education and health care industries but also serves major companies in a wide range of other industries, such as ExxonMobil, Amazon, and Google. As with other union avoidance law firms, Jackson Lewis's services go beyond legal representation—often providing employers a "full-service" campaign in which they train supervisors and design materials, including speeches, to dissuade workers from organizing a union (Correia 2019).

How union avoidance law firms frustrate worker organizing

The NLRB election process is designed to be straightforward. Workers seeking to form a union file an election petition with the NLRB with signatures of at least 30% of the proposed bargaining unit. If parties cannot agree on a bargaining unit and election logistics, the NLRB will hold a hearing on issues of disagreement and then issue a decision and direct that an election be held. Either party can file post-election objections over the conduct of the election and other issues. Once these issues are resolved, if a majority of workers casting valid ballots in the election vote for union representation, the NLRB will certify the union and direct the parties to begin bargaining.

While the NLRB election process is supposed to be relatively simple, the strategy of union avoidance law firms follows a standard playbook—they use their overwhelming resources to exploit the NLRB's administrative processes and sometimes create nearly endless delays. This includes challenging bargaining units and election results and filing endless appeals of adverse decisions (See **Appendix Table 1** for examples). The result is to create an unnecessarily complicated and protracted legal process for workers. The NLRB's own performance objectives aim to ensure that the median age of representation and unfair labor practice cases before the Board is 180 days or less (NLRB 2025). While the NLRB

has achieved this goal for many years, the median age for cases is over 100 days and for some workers, it can take years. For example, the NLRB only recently ordered Amazon—an employer known for hiring Littler Mendelson, Morgan Lewis, and Ogletree Deakins—to bargain with workers ***who voted to unionize over four years ago*** (Bensinger 2026).

Impact of union avoidance

The roughly $1.7 billion U.S. employers spend each year on anti-union law firms and consultants has an undeniable impact on workers' ability to organize and bargain collectively. It also contributes to the creation of an economy marked by inequality: It has been well documented that the decline in unionization has contributed to increased income inequality over the last several decades (Bivens et al. 2023). It is no coincidence that the overall decline in unionization follows decades of federal policy neglect that have weakened U.S. labor law. The loopholes in U.S. labor law, which union avoidance consultants and law firms exploit, routinely frustrate workers' organizing and collective bargaining, enabling wealthy corporations to prosper at workers' expense.

Why would these corporations want to frustrate workers' organizing? Consider the benefits unions provide for workers and their communities. When workers join together in a union and engage in collective bargaining, they see higher wages and better benefits (McNicholas, Poydock, and Shierholz 2026). Further, in communities with higher union density rates, working families have higher incomes, greater access to health care, and few voter restrictions (McNicholas et al. 2025). It is clear that when unions are strong, workers have more power and their communities thrive.

Despite the erosion of U.S. labor law and the standard playbook of union avoidance, workers do win unions and union contracts. In 2025, 16.5 million workers in the United States were represented by a union—an increase of 463,000 from 2024 and the highest number of unionized workers in the U.S. in 16 years. The 2025 rise in union density coincides with a high public favorability toward unions, with nearly 70% of people in the U.S. viewing unions favorably (Brenan 2025). Further, research from the Pew Research Center finds that most people in the U.S. see the decline in union density as bad for the country (60%) and bad for working people (62%) (Van Green 2025).

To sustain the modest gains seen in union density in 2025, policymakers must act to restore workers' rights to a union and collective bargaining. This is critical to the health of our economy and to ensuring that workers receive a fair share of the profits they help produce. Policymakers must pass the Richard L. Trumka Protecting the Right to Organize (PRO) Act, which would help restore private-sector workers' ability to form unions and bargain collectively.[7] The PRO Act addresses many of the major shortcomings with U.S. labor law by establishing civil penalties for employers who violate workers' rights, creating an election process that limits employer interference, and establishing a bargaining process for reaching a first contract in a timely manner. The PRO Act also would shed light on the union avoidance industry by requiring prompt disclosure of union-busting activities and closing the "advice" loophole through which employers and consultants have evaded

reporting (McNicholas, Poydock, and Rhinehart 2021).

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Appendix

Methodology for labor practice revenue estimate

Estimated revenue of company-level labor practices and of U.S. labor practices as a whole was calculated in the following manner.

First, we divided the number of attorneys listed in a company's labor practice in 2026 by the number of attorneys that Law.com reported that the firm had in 2024, the most recent year for which Law.com data are available. We treated that figure as an initial indicator of the fraction of the firm's total revenue that came from its labor practice. We then multiplied that fraction by the company's total 2024 revenue, as reported by Law.com. Next, we discounted the result by 50%, on the conservative assumption that half of the revenue generated by attorneys in a company's labor practice was earned for work performed in other areas of law than labor law. (Many labor relations attorneys belong to multiple practices, often practicing both labor law and employment law at the same company.) This calculation yielded our estimate of the revenue generated by a firm's labor practice in 2024, inclusive of both representation and consulting services.

We performed this calculation for the six law firms with 1.5% market share or more in 2024, where market share is defined here as a firm's share of all NLRB cases in 2024. We then estimated the total revenue generated by all U.S. labor practices by dividing the sum of the six firms' estimated labor practice revenue by the sum of the six firms' market share.

Market share data were obtained through a custom query of NLRB data compiled by Labor Data (https://labordata.bunkum.us/). The number of attorneys in a company's labor practice was obtained by tallying the number of attorneys listed on each company's labor relations practice page in March 2026 and weeding out any attorneys practicing outside the U.S.

Note: The share of revenue generated by attorneys in a labor practice that comes exclusively from labor relations services (rather than other areas of practice, such as employment law) may vary significantly by each law firm. For example, our labor practice revenue estimate for Littler Mendelson is lower than our estimate for Ogletree, Deakins, Nash, Smoak & Stewart, even though the former has greater market share than the latter does. This may be because our 50% assumption is too low in Littler Mendelson's case. Perhaps attorneys in Littler Mendelson's labor practice specialize in labor relations more often and more intensively than attorneys in Ogletree's labor practice, thereby leading to higher labor practice revenue for Littler than our estimate suggests.

Appendix Table 1

How anti-union employers respond to workers' organizing efforts

Step in process	Anti-union employer response
Workers are hired by employer.	Orientation includes anti-union indoctrination by employer, either directly or through a third-party consultant.*
Workers begin discussing workplace issues and possible unionization with each other.	When employers believe there is union-organizing activity occurring, they often illegally fire pro-union workers, knowing that litigation will last months or years and there are no financial penalties. Firing activists scares other workers and undermines the organizing campaign.
Workers file a petition for a representation election with the National Labor Relations Board, supported by signatures from at least 30% of workers. This formally starts the representation election process.**	Once workers file a petition for a representation election, the employer's anti-union campaign begins in earnest: circulation of anti-union literature, anti-union meetings, one-on-one anti-union conversations between supervisors and workers, and more.***
Employer is given seven calendar days to respond to the union representation petition.	Employer responds by challenging the composition of the proposed bargaining and raising other issues to complicate and slow the process and give the employer more time to run its anti-union campaign.
NLRB investigates the petition and, if necessary, schedules a hearing on the petition. Hearing is typically scheduled for within eight days of the notice of hearing. Note that parties are always free to agree (stipulate) to the terms of an election without having a hearing, and many do.	Employer anti-union campaign continues. Employer refuses to reach agreement on issues and instead participates in NLRB hearing and continues to raise objections over the composition of the bargaining unit in order to complicate and delay proceedings.
NLRB Regional Director issues a decision on issues and schedules an election.	Employer appeals the Regional Director's decision to the NLRB for review. Review by the NLRB is discretionary and only delays the election if the NLRB so orders.
Unfair labor practices are filed over employer union-busting leading up to the election (firing activists, etc.)	Employer disputes and litigates the unfair labor practice charges.
Workers vote in NLRB-supervised representation election (unless the unfair labor practices are so pervasive as to make a fair election impossible).	Employer engages in surveillance of workers during the on-site election. Many of these practices are illegal, but their use is widespread by employers. Employer challenges some ballots on grounds that certain workers are ineligible to vote. This further delays the process. If the employer challenges a sufficient number of votes to affect the outcome of the election, ballots are impounded and results are delayed until the challenges are resolved.

Appendix Table 1 (cont.)

Step in process	Anti-union employer response
Results of vote are announced: A majority of voters have chosen union representation.	Employer files objections to election over alleged problems with the election and/or bargaining unit issues. Certification of union is delayed until Regional Director holds a hearing and rules on objections.
NLRB rules on employer challenges, rejects challenges, and certifies election. Parties are obligated to bargain in good faith toward reaching an agreement.	Employer stalls the bargaining process—delays agreeing to dates for bargaining, engages in extended and slow bargaining at the table, and refuses to reach agreement. This is a tactic to undermine the union and also allows the employer to challenge the NLRB's bargaining unit decision in federal court.
Union files unfair labor practice charge over employer's delaying tactics and refusal to bargain in good faith.	NLRB issues "technical 8(a)(5)" ruling, finding that employer has refused to bargain. Employer seeks review of the NLRB's decision in the federal circuit court of appeals and uses this as an opportunity to continue litigating over the NLRB's decisions about the composition of the bargaining unit. Review by the federal circuit court can take years.
Workers get frustrated because despite voting to unionize, they have not been able to win a first collective bargaining agreement due to their employer's delaying and union-busting tactics. Workers circulate and file a petition to decertify the union.	This is the goal of the anti-union campaign, and employers either illegally encourage decertification petitions or tacitly support them.

Notes: * Anti-union indoctrination usually involves characterizing the union as a third party and falsely asserting that having a union will interfere with direct communication between workers and managers. Employers typically make assertions about the negative impact of having a union: plant closings, strikes, wages being paid for union dues, etc. Under the law, employers are not permitted to threaten employees about negative consequences if they unionize, but they can make statements and predictions. The line is blurry, and many statements are perceived by workers as threatening, given the power relationship their employers hold over them.

** Workers can also ask their employer to voluntarily recognize their union, based on a showing of majority support from the bargaining unit, and some employers do agree to voluntary recognition. Under *Cemex Construction Materials Pacific LLC*, if workers ask their employer to voluntarily recognize their union, the employer must either recognize the union or file a petition for an NLRB election. They cannot lawfully ignore their workers' request.

*** In *Amazon Services*, the NLRB ruled that captive audience meetings are illegal. Employers may hold group anti-union meetings, but workers cannot be required to attend them.

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Notes

1. See Celine McNicholas, Margaret Poydock, Julia Wolfe, Ben Zipperer, Gordon Lafer, and Lola Loustaunau, *Unlawful: U.S. Employers Are Charged with Violating Federal Law in 41.5% of All Union Election Campaigns*, Economic Policy Institute, December 2019. To arrive at the $442 million figure, we take the $338 million dollar estimate from McNicholas et al. 2019, which covered the four-year period 2014–2017, and adjust it for inflation to 2025 dollars, according to Consumer Price Index (CPI-U) estimates using the annual average of the BLS CPI-U for 2014–2017 and BLS C-CPI-U for 2025. The estimated rates for consultants are from McNicholas et al. 2019.
2. Full methodology for this calculation can be found in the methodology section in the appendix.
3. We assume about half ($221 million) of the $442 million goes to attorney consultants for anti-union campaign services, which we also capture in the law firms' labor practice revenue of $1.48 billion. To get to the $1.7 billion, we add the remaining of the $442 million ($221 million) on non-attorney consultants with the law firm revenue estimates ($1.48 billion).
4. Author's analysis of public court documents and engagement letters sourced from LexisNexis and municipality websites.
5. Author's analysis of public court documents and engagement letters sourced from LexisNexis and municipality websites.
6. Author's analysis of public court documents and engagement letters sourced from LexisNexis and municipality websites.
7. Richard L. Trumka Protecting the Right to Organize Act of 2025, [H.R. 20], 119th Cong. (2025).

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