



## A Fox Rothschild Podcast

### Labor Law Lineup

#### Episode 1: Leadership at the NLRB

***Featuring Mark Eskenazi and Katie Cohodes of Fox Rothschild***

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**Mark:** Welcome to "Labor Law Lineup." I'm Mark Eskenazi.

**Katie:** And I'm Katie Cohodes.

**Mark:** We're labor and employment attorneys at Fox Rothschild breaking down how the current state of labor law affects your workplace.

**Katie:** Mark draws on deep experience shaping federal labor policy at both the White House and the National Labor Relations Board.

**Mark:** Katie offers sharp insight as former in-house counsel who's dealt firsthand with a broad range of workplace challenges.

Together we break down labor law news for people leaders.

**Katie:** And we promise to keep it brief, because we know your time is valuable and your inbox is full.

**Mark:** Please reach out if you're a client of Fox Rothschild or a listener who wants to continue the conversation on anything we cover.

**Katie:** Welcome to "Labor Law Lineup." We recorded this episode on January 27, 2026. Today we're covering major changes at the NLRB that every people leader needs to know about.

**Mark:** And there's a lot to cover. On January 7, 2026, Crystal Carey was sworn in as the new General Counsel of the NLRB. For those unfamiliar, the general counsel is essentially the agency's top prosecutor. She decides which cases get pursued and sets enforcement priorities nationwide. And the general counsel has unreviewable discretion to decide which cases to pursue, and that gives her a lot of influence over federal labor law.

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**Katie:** Carey comes with deep management-side and career NLRB experience. She was a partner at a large law firm where she spent years advising employers on labor issues. She also spent several years as an attorney at the NLRB working for prior general counsels and board members.

**Mark:** The same day Carey was sworn in, two new board members were also sworn in: James Murphy and Scott Mayer. Murphy served as the NLRB Chief Counsel for several Republican board members and spent 47 years as a career NLRB lawyer. In short, Murphy has extensive experience in board operations. Mayer also worked for the same law firm as Carey, where he handled complex labor matters for major employers.

Murphy and Mayer joined Democratic holdover David Prouty, meaning the board has its first quorum in nearly 11 months since the firing of former board member Wilcox. So what does this mean practically?

**Katie:** Great question. It means after nearly a year without issuing adjudicated decisions, we now have an active board with management-side background, and importantly, members who know how to move cases through the system quickly.

And we're already seeing some movement.

**Mark:** That's right Katie. The board issued several union election representation cases. It also issued decisions that we will call auto adopt decisions, which adopt the decision of an NLRB administrative law judge because no party appealed the ALJ's decision. These board decisions will give finality to the parties in each case.

We have not yet seen published decisions and contested unfair labor practice cases, but we do expect them soon.

**Katie:** On the funding front, the House just passed the board's appropriations bill, which is now heading to the Senate. This is worth watching because funding levels can affect the agency's capacity to process cases.

The bill would fund the NLRB at \$294 million starting October 1, 2026. That's slightly below the current funding level of \$299 million. That reduction is possibly reflecting the large number of career employees who left the agency since the beginning of the current administration.

**Mark:** So the bottom line for employers right now: Expect an active, potentially more employer-friendly posture at the board and stay engaged. We think decisions will be published quickly.

**Katie:** We'll be tracking developments closely in upcoming episodes. Thanks for listening.

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**Mark:** See you next time.

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