

**Leah C. Lively**

Shareholder  
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**Areas of Practice**

Leah Lively chairs Lane Powell's Labor and Employment practice group. Leah is an experienced trial attorney exclusively defending employers from claims of harassment, discrimination, retaliation, wrongful discharge, and wage and hour violations. During her career, Leah has successfully tried more than 40 jury trials in multiple states and jurisdictions.

Following a defense verdict on behalf of a multi-state real estate development/investment firm, in a race discrimination and retaliation case in the Eastern District of Pennsylvania, the presiding federal magistrate, Jacob P. Hart, described Leah in a letter as "everything a good litigator should be. She was completely prepared on every issue, clear and convincing to the jury[.]"

In addition to her trial experience and expertise in defending discrimination and harassment claims, Leah has significant experience defending wage and hour claims, including class actions. Leah co-managed the defense of a 40,000 putative class-member case for a national restaurant chain and is one of very few lawyers nationwide to have defended a wage and hour class action at trial.

Leah represents Fortune 100 companies, non-profit organizations, and small locally owned businesses. Leah assesses each client's needs on an individual basis to ensure the most efficient and effective representation possible. Leah is recommended by *Chambers USA* for Labor and Employment, and is a fellow of the Litigation Counsel of America, an exclusive invitation-only society honoring effectiveness and accomplishment in the law.

**Professional Experience**

Associate, Paul Hastings LLP (2004-2006)  
Associate, Lane Powell Spears Lubersky LLP (2001-2004)  
Associate, Miller Nash LLP (2000-2001)  
Deputy District Attorney, Multnomah County District Attorney's Office (1995-2000)

**Admitted to Practice**

Oregon  
California

**Academics**

Northwestern School of Law of Lewis & Clark College (J.D., 1996)  
Honors: National Champion Team - Environmental Moot Court  
American Jurisprudence Award - Brief Writing  
Cornelius Honor Society  
California Polytechnic State University at San Luis Obispo (B.S., Honors Received, 1993)

**Practice Group and Specialty Team Memberships**

Chair, Labor and Employment Practice Group  
Class Action Defense  
Retail Industry  
Wage and Hour  
Diversity Committee

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## Representative Matters

*Hohnbaum v. Brinker International, Inc.*, and *Rotunno v. Brinker International Inc.*, co-managed the defense of two putative class action lawsuits (one for missed meal and rest periods and one for misclassification of employees). Putative class members exceed 40,000 and 1,000, respectively.

*McAllister v. Trendwest Resorts, Inc.* (D. Oregon), jury trial representing defendant resulting in defense verdict on all claims.

*Holman v. Trammell Crow Company* (E.D. Pennsylvania), represented defendant in a jury trial resulting in defense verdict on all claims.

*Thiebes v. Wal-Mart* (D. Oregon), one of three trial lawyers representing Wal-Mart in a four-week wage and hour class action involving over 100 testifying plaintiffs and resulting in 25 defense verdicts and actual damages of less than \$7,000.

*Wacher v. Aramark Educational Services, Inc.* (D. Oregon), complete summary judgment for defense in sexual harassment and gender discrimination case.

*Al-Khatetbah v. Aramark Educational Resources, Inc.* (D. Oregon), complete summary judgment for defense in national origin discrimination case.

*Barron v. Nordstrom, Inc.* (D. Oregon), complete summary judgment for defense on plaintiff's race discrimination claims.

*Schroeder v. NES, Inc.* (Oregon Bureau of Labor and Industries), two day administrative trial resulting in a finding for the defense in family leave interference/retaliation case.

## Publications

"New Laws Affecting Oregon Employers in 2010," *Coast River Business Journal*, January 15, 2010 (Co-Author)

Leah is a frequent contributor and author for the *Portland Business Journal's* labor and employment law column titled "Ask the Legal Professionals"

"Social Media May Contradict Applicant's Info," *Portland Business Journal*, November 2009

"The New ADA Amendments: Increasing the Burden on Employers," *Human Resources* 2009, Winter 2009

"Why employee performance evaluations are important for every size business," *BUILDERnews*, December 2008 (Co-Author)

"Going Green in the Workplace: Positives, Practicalities and Pitfalls," *Human Resources* 2008, Summer 2008 (Co-Author)

"Law: Harassment Training -- The legal tetanus shot for the building industry," *BUILDERnews*, January 2008

"Definition of 'wrongful termination' gets narrower," *Portland Daily Journal of Commerce*, December 17, 2007

"Be Cautious With Employees Who Complain of Discrimination," *Portland Business Journal*, September 1, 2006

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## **Speaking Engagements**

Leah has spoken at several employment law training seminars on topics such as the ADA, harassment and discrimination in the workplace, wage and hour updates, and alternative dispute resolution.

“From Healthy-Employee Incentive Programs to Misclassification Problems: Potential Pitfalls in Areas Targeted for Government Scrutiny in 2010,” and “Best Practices” for Dealing With a Challenging Employee,” Lane Powell 27th Annual Labor and Employment Law Seminar (Portland), March 2010

“Best Practices’ for Dealing With a Challenging Employee,” Lane Powell’s 27th Annual Labor and Employment Law Seminar, September 2009

“Protecting Your Company During Layoffs: The five steps to avoiding lawsuits by departing employees in tough economic times,” Home Builders Association, August 18, 2009

“Best Company Practices To Manage The Challenging Employee,” Lane Powell’s 26th Annual Labor and Employment Law Seminar, September 2008

“Retaliation and Adverse Actions After *Burlington Northern*: How to Avoid the Minefields,” Lane Powell’s 25th Annual Labor and Employment Law Seminar, 2007

“Another Bad Day at the Office -- Wage and Hour: The Bad Days Keep on Coming,” Lane Powell’s 24th Annual Labor and Employment Law Seminar 2006 and Lane Powell’s Employment Law School for Managers Seminar Series, July 27, 2006

“Navigating California Employment Law: Guiding You Through Workplace Legislation and Litigation,” Employers Group Workplace and Employment Law Update, 2005

## **Awards and Honors**

Recommended by *Chambers USA: America’s Leading Lawyers for Business*, Labor & Employment, 2008-2010

Named one of *Portland Business Journal’s* “Forty Under 40,” 2008

## **Professional and Community Activities**

Fellow in the Litigation Counsel of America, Trial Lawyer Honorary Society, 2009

Board of Directors, Children’s Relief Nursery

Board of Directors, U.S. District Court Historical Society, Oregon

Oregon State Bar Association, Labor & Employment Section

California State Bar, Labor & Employment Section