

D. Michael Reilly

Shareholder
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Areas of Practice

D. Michael Reilly is the Director of Lane Powell's Labor and Employment and Employee Benefits Practice Group. He concentrates his practice representing small and large employers on employment litigation and advice in claims involving discrimination, wrongful discharge, ERISA, race, sex, religion, retaliation, family responsibility discrimination and disability claims. He has successfully tried over 60 jury trials, arbitrations and bench trials and successfully handled claims before the Equal Employment Opportunity Commission (EEOC) and Washington State Human Rights Commission. Michael has served as lead counsel in an employee raiding/trade secret cases as reported in the *Wall Street Journal*, and defended companies in class action claims.

Michael is listed in *The Best Lawyers of America*®. In 2008, *Seattle Business Magazine* ranked Michael a "Top Lawyer" in Labor and Employment Law. *Chambers USA's Guide to America's Leading Lawyers for Business* listed him a "Leading Lawyer," describing him as "truly phenomenal [with] superb legal instincts." In 2006, *Washington CEO Magazine* named Michael a "Most Amazing" attorney. *Washington Law and Politics Magazine* routinely designates Michael a "Super Lawyer." His remarks on employment issues have been quoted in *Newsweek*, *Corporate Legal Times*, *Seattle Times*, *Employee Relations Law Journal*, *Puget Sound Business Journal*, *CFO.com*, and other professional journals and management publications.

Professional Experience

Rated "AV" "preeminent" by his peers in Martindale-Hubbell
Annual speaker, EEOC Training Institute
Appellate Law Clerk, The Honorable J.B. McInturff, 1984-86

Admitted to Practice

Washington, Ninth Circuit Court of Appeals, and *pro hac vice* admission in Oregon, Idaho, Alaska

Academics

Catholic University of America, Washington, D.C. (J.D., 1984)
Member, Board of Editors, *Catholic University of America Law Review*, 1983-84
First Place in Moot Court Competition, 1983
Gonzaga University, Spokane, Washington (B.B.A., *cum laude*, 1981)
Outstanding Student of the Year, 1981;
Excellence Award, School of Business Administration, 1981;
Loyalty in Leadership Award, 1981;
Albert Mann Debate Award, 1979.

Practice Group and Specialty Team Memberships

Director, Lane Powell Labor and Employment Practice Group
Chair, Lane Powell Retail Industry Team

ERISA Litigation
Financial Institutions
Healthcare
Premises Liability

Representative Clients

Home Depot, Bank of America, Countrywide, King County, Intermec, Tesoro, Providence Health Services, Aramark, Fred Hutchinson Cancer Research Center, Knowledge Learning Centers, Seattle Cancer Care Alliance, Ferrellgas, Seattle Chamber of Commerce, Kadlec Medical Center

Representative Matters

Successful jury trials representing specialty retailers and Fortune 100 Companies in claims involving race, gender and disability discrimination and retaliation.

Kendall and Rahlfs v. Home Depot, U.S.D.C., Alaska (Obtained \$126,000 judgment for defendant Home Depot against plaintiffs who were asserting age and disability discrimination claims)(2009).

Burney v. Home Depot, U.S.D.C., W.D. Washington (Age Discrimination) (Defended national retailer and defeated Plaintiffs' Motion for Class Certification);

Calence v. Dimension Data et al., U.S.D.C., W.D. Washington (Trade secret and unfair competition claim representing plaintiff; defeated all defendants' motions for summary judgment and obtained settlement after only one week of scheduled three week jury trial)(2007).

Hedenburg and Marshall v. Aramark, U.S.D.C., W. D. Washington (Defense judgment in gender and race discrimination, retaliation claims)(2007).

Blomster v. Nordstrom, Washington State Court of Appeals (FMLA: no implied private right of action under Washington law; Published Opinion). 2

Weyer v. Twentieth Century Fox, United States Court of Appeals, 9th Circuit (ERISA/ADA: mental disability issues; Published Opinion).

Guijosa v. Wal-Mart, Washington State Supreme Court (Race Discrimination Defense Verdict Upheld; Published Opinion).

Eaton v. Equilon, U.S.D.C., W. D. Washington (ERISA Class Action contingent workers: Dismissed).

Young v. Ferrellgas, Washington State Court of Appeals (Wrongful Discharge in Non-FAA Case Involving Arbitration Agreement; Published Opinion).

Wal-Mart v. Amazon.com, King County Superior Court (Represented Plaintiff in employee raiding and trade secret case).

Futamura v. UNUM, U.S.D.C., W.D. Washington (ERISA: breach of fiduciary duty claims; Defense judgment)(published opinion, 2004).

Harmon v. Home Depot, 9th Circuit Court of Appeals (Affirming defense judgment in sexual harassment and hostile work environment case)(published trial court decision).

Publications

"Social Media May Contradict Applicant's Info," *Portland Business Journal*, November 2009 (Co-Author)

“How Fastest Growing Companies Avoid Lawsuits,” *Puget Sound Business Journal*, October 16, 2009

“The Low-Down on Layoffs,” *Seattle Business Monthly*, June 2009 (Co-Author)

“Human Resources 2008: Answers to Your Top 25 Questions,” *Thompson Publications*, 2008 (Co-Author)

“ERISA Fiduciary Claims: Planning, Protecting and Preparing for Class Actions,” *Employee Relations Law Journal*, 2005

Featured, “High Court Opens the Door For Age Discrimination Cases: Companies Should Get Their Policies in Order to Avoid Potential Suits,” *Corporate Legal Times*, June 2005

“The ADEA and the U.S. Supreme Court”, *Employment Litigation Reporter*, December 2004

Featured, “Job Nightmare - When is a company responsible for a shooting?” *Newsweek*, July 2003

Speaking Engagements

“The Surge in High-Exposure Retaliation Claims: Getting Them Dismissed Via Dispositive Motion and/or Minimizing Their Jury Appeal,” American Conference Institute’s Premier Forum on Defending and Managing Employment Discrimination Litigation, February 25, 2010

“The Nuts and Bolts of Twitter and Social Media for Employers: How to Use It, What’s to Gain, Guidance to Minimize Risk,” Lynnwood Convention Center, November 2009

“Social Media and Employment Law,” Best Practices for Best Employers Seminar, September 2009

“Avoiding Common Mistakes in Investigations,” EEOC Training Institute, August 2009

“Family Responsibility Discrimination Claims,” Washington State Bar Association, August 2009

“Failures in the Interactive Process and the Disabled Employee,” Northwest Human Resource Management Association Annual Conference, October 2007

“ERISA Law Update,” ERISA Law Forum, June 13, 2006

“The Wild World of Whistleblower and Retaliation Claims,” Employment Law Institute, Washington State Bar Association, March 12, 2004

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Awards and Honors

Recommended by *Chambers USA: America’s Leading Lawyers for Business*

Named as one of *The Best Lawyers in America*®, 2010

Named as Washington “SuperLawyer,” *Washington Law and Politics Magazine*, 2003-2009

Named in “Top Business Lawyers,” *Seattle Business Monthly*, 2008

Named in “Washington’s Most Amazing Attorneys” in *Washington CEO*, 2006

Professional and Community Activities

Commissioner, Washington State Economic Development Commission, 2005-2007

Member, Board of Regents, Gonzaga University

Gubernatorial Debate Consultant to the Governor, State of Washington

Past Member, Board of Directors, American Red Cross

Society for Human Resource Management (SHRM)

Washington State Healthcare Human Resources Association