

D. Michael Reilly

Shareholder
reillym@lanepowell.com
206.223.7051



Areas of Practice

Mike 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 and Washington State Human Rights Commission. Mike has served as lead counsel in an employee raiding/trade secret case as reported in the *Wall Street Journal*, and defended companies in class action claims.

In 2011, Mike was named Seattle’s 2012 “Lawyer of the Year” in ERISA Litigation by *Best Lawyers*®. Mike is consistently listed in *The Best Lawyers of America*® for his work in the areas of Employee Benefits, Employment Management, Labor Management and ERISA Litigation. *Seattle Business* magazine ranked Mike 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.” *Super Lawyers* magazine routinely designates Mike a “Washington 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. Mike also serves as a member of the Board of Regents for Gonzaga University.

Professional Experience

Annual Speaker, EEOC Training Institute
Appellate Law Clerk, The Honorable J.B. McInturff (1984-1986)

Admitted to Practice

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

Academics

Catholic University of America, Washington, D.C. (J.D., 1984)
Member, Board of Editors, *Catholic University of America Law Review* (1983-1984)
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 and Employee Benefits Practice Group
Chair, Lane Powell Retail Industry Team
Member, Lane Powell Board of Directors
Education
ERISA Litigation
Financial Institutions
Health Care

Representative Clients

Home Depot, Bank of America, Rhapsody International, Intermec, Tesoro, Michaels Stores, Carquest, Fred Hutchinson Cancer Research Center, Knowledge Learning Centers, Ferrellgas, Seattle Chamber of Commerce, Kadlec Medical Center, Diamond Parking

Representative Matters

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

Lattin v. Worldpac (W.D. Washington 2011) (Defeated class certification on wage/hour claims)

Stewart v. Master Builders Association, 2010 WL 3505101 (W.D. Washington 2010) (Summary Judgment in Fair Labor Standards Act retaliation claim)

Noren v. Jefferson Pilot, 378 Fed. Appx. 696 (9th Cir.), *cert. denied*, 2010 U.S. Lexis 9334 (2010) (Affirming Summary Judgment in ERISA fiduciary duty claim)

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)

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)

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

Weyer v. Twentieth Century Fox, Ninth Circuit Court of Appeals (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)

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

Harmon v. Home Depot, Ninth Circuit Court of Appeals (Affirming defense judgment in sexual harassment and hostile work environment case; Published Trial Court Decision)

Publications

- “NLRB Protects Many Employee Facebook Postings,” *Puget Sound Business Journal* (November 11, 2011)
- “Tempting Fate,” *Puget Sound Business Journal*, Quoted (October 28, 2011)
- “Rising Challenges for Community Banks and Key Tips to Stay Ahead,” *Community Bankers of Washington* magazine (Fall 2011)
- “Employers’ Checklist — Newest Emerging Issues Facing Your Best Company Practices Today,” *Seattle Business* magazine (July 2011)
- “Social Media May Contradict Applicant’s Info,” *Portland Business Journal*, Co-author (November 13, 2009)
- “How Fastest Growing Companies Avoid Lawsuits,” *Puget Sound Business Journal* (October 16, 2009)
- “The Low-Down on Layoffs — Thinking About a Reduction in Force?” *Seattle Business* magazine, Co-author (June 2009)
- “Human Resources 2008: Answers to Your Top 25 Questions,” *Thompson Publications*, Co-author (2008)
- “ERISA Fiduciary Claims: Planning, Protecting and Preparing for Class Actions,” *Employee Relations Law Journal* (2005)
- “High Court Opens the Door For Age Discrimination Cases: Companies Should Get Their Policies in Order to Avoid Potential Suits,” *Corporate Legal Times*, Featured (June 2005)
- “Job Nightmare — When is a Company Responsible For a Shooting?” *Newsweek*, Featured (July 2003)

Speaking Engagements

- “Investigations: Trepidation, Systematization and Documentation,” Northwest Human Resource Management Association Conference and Trade Show (October 6, 2011)
- “Winning the Class Certification Battle and Clarifying What is Needed to Get Classes Approved/Denied,” American Conference Institute (September 21, 2011)
- “Preparing for New and Anticipated Legislation, Regulations and Amendments Affecting the Retaliation and Discrimination Landscape,” American Conference Institute (July 27, 2011)
- “Ethical Obligations of Pleadings and Briefing,” Washington State Bar Association’s “8th Annual Law of Lawyering Conference” (November 9, 2010)
- “Best Practices in Investigating Employee Complaints,” TAPS Seminar for Employers (August 26, 2010)
- “The Surge in High-Exposure Retaliation Claims,” American Conference Institute (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,” Washington Society of Association Executives (November 2009)

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

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

“ERISA Law Update,” National ERISA Law Forum (June 13, 2006)

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

Awards and Honors

Named by *Best Lawyers* as Seattle’s 2012 “Lawyer of the Year” in ERISA Litigation (2012)

Peer Review Rated “AV” in Martindale-Hubbell

Recommended by *Chambers USA: America’s Leading Lawyers for Business*, Labor and Employment (2007-2011)

Named as one of *The Best Lawyers in America*®, Employee Benefits, Employment Management, Labor Management, ERISA Litigation (2010-2012)

Named as a “Washington Super Lawyer,” *Super Lawyers* magazine, Labor and Employment, Employment Litigation: Defense (2003-2011)

Named in “Top Business Lawyers,” *Seattle Business* magazine (2010)

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