

Leah Lively

Portland, OR
Shareholder

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Areas of Practice & Industry Specialties

Labor & Employment; Equine Law



Leah Lively is a Shareholder in Buchalter's Portland office and a member of the Labor & Employment practice. Ms. Lively is an experienced litigator and counselor who has tried more than 40 jury trials in multiple states and jurisdictions during her career. Ms. Lively enjoys taking depositions and is known for her attention to detail and ability to out-manuever the plaintiff, setting the stage for favorable client outcomes.

Ms. Lively's employment practice centers on defending employers against claims of harassment, discrimination, retaliation, wrongful discharge, and wage and hour violations. When employers need to get ahead of potential disputes, Ms. Lively conducts workplace investigations and counsels businesses on employment law compliance, risk, and best practices.

Ms. Lively also advises and represents businesses in non-compete and employment-related trade secrets disputes.

In addition to her single-plaintiff employment claims experience, Ms. Lively has experience defending wage and hour claims, including class actions. She served as lead defense counsel in a putative wage/hour misclassification class action in Oregon and co-managed the defense of a 40,000 putative class-member case for a national restaurant chain in California.

Awards & Recognitions

- Named as one of "America's Leading Lawyers for Business" by Chambers USA in Labor & Employment (Oregon), 2008-2021
- Named as one of the "Best Lawyers in America" in Employment Law, 2011-present
- Selected to "Oregon Super Lawyers" in Employment Litigation, Thomson Reuters, 2011-2021
- AV Preeminent rated by Martindale-Hubbell
- Named "Lawyer of the Year" in Litigation – Labor and Employment (Oregon) by Best Lawyers, 2015

Representative Matters

- *Christian v. Umpqua Bank**: Obtained complete summary judgment and case dismissal for defendant in this federal case with alleged sexual harassment and retaliation claims. (D. Or. 2018)
- *Kouame v. DAL Global Services, LLC**: Obtained complete summary judgment and case dismissal for defendant in this federal case with alleged race and age discrimination and retaliation claims. (W.D. Wash. 2018)
- *Chapman v. Progress Rail**: Complete summary judgment granted for Progress Rail in this federal case alleging race discrimination, sexual harassment, and retaliation. (W.D. Wash. 2015)
- *Craig v. BNSF**: Obtained complete summary judgment and case dismissal for defendant in this federal case with alleged FMLA interference and retaliation claims. (W.D. Wash. 2015)

- *Bustos v. Aldis Manufacturing**: Lead trial lawyer for Aldis in this race/national origin, whistleblower, and retaliation case, resulting in a complete defense verdict. (D. Or. 2014)
- *Cedano v. Rite Aid**: Lead defense counsel for Rite Aid in this putative wage/hour class action which alleged misclassification of exempt employees. (D. Or. 2013)
- *Hohnbaum v. Brinker**: Defense of putative wage/hour class action alleging missed meal and rest breaks. (Cal. Super. 2010-2012)
- *Holman v. Trammell Crow Company**: Trial counsel for Trammell Crow against claims of race and discrimination and retaliation, resulting in a complete defense verdict in a jury trial. (E.D. Pa. 2012)
- *McAllister v. Trendwest Resorts**: Represented Trendwest in a jury trial for alleged sexual harassment and discrimination claims, resulting in a complete defense verdict. (D. Or. 2012)
- Wage and hour class action for national retailer*: One of three trial counsel representing a national retailer in wage/hour collective action jury trial involving over 100 testifying plaintiffs and resulting in 25 defense verdicts and actual damages of less than \$7,000. (D. Or. 2009)

*Denotes experience prior to joining Buchalter

Publications

- Sexual Harassment 2018: It Is Your Business, *Davis Wright Tremaine Blog Post*, December 12, 2017
- 10th Circuit: State's Sexual Harassment Policy Results in Dismissal of Case Against Judge, *Society for Human Resource Management*, October 5, 2011
- New Laws Affecting Oregon Employers in 2010, *Coast River Business Journal*, January 5, 2010
- The New ADA Amendments: Increasing the Burden on Employers, *Human Resources*, January 1, 2009

Presentations

- Presenter, "Critical Updates for Oregon Employers," Davis Wright Tremaine Webinar, August 4, 2021
- Presenter, "Liability Issue Spotting in the COVID Era," Oregon Labor & Employment Law Update, Davis Wright Tremaine, April 29, 2021
- Presenter, ""What You Don't Know Might Hurt You: New 2019 Oregon Employment Laws," Davis Wright Tremaine Webinar, June 25, 2019
- Presenter, "Preparing for Predictive Scheduling: How to Get Your Business Ready for July 1," Davis Wright Tremaine Webinar, June 19, 2018
- Presenter, "R.E.S.P.E.C.T. – Find Out What It Means to #metoo," Davis Wright Tremaine Employment Seminar, March 18, 2018
- Presenter, "Litigation Challenges - Motions that Make a Difference," American Employment Law Council 25th Annual Conference, January 1, 2017
- "Supreme Court Update," Oregon Association of Corporate Counsel, January 1, 2014
- Presenter, "In-House Roadmap for Managing Ethical Obligations and Dilemmas," Oregon Association of Corporate Counsel, January 1, 2013
- Presenter, "What Can Employers Expect Post-Election?," Oregon Chapter of the Association of Corporate Counsel, January 1, 2012
- Presenter, "When Policies Attack," 27th Annual Oregon Bureau of Labor and Industries Employment Law Conference, January 1, 2011
- Presenter, "National Issues, Local Impact," Oregon Restaurant & Lodging Association Annual Conference, January 1, 2010

Education

Ms. Lively earned her J.D. from Lewis & Clark Law School in 1996 and her B.S. from California Polytechnic

State University. While in law school, Ms. Lively was part of the National Champion Team, Environmental Moot Court, and Cornelius Honor Society.

Bar Admissions

- Alaska
- California
- Idaho
- Oregon
- Washington

Community

- Director, Multnomah Bar Foundation (MBF), beginning January 1, 2022
- American Employment Law Counsel, 2010-present
- Director, Oregon Hunter Jumper Association