

BARRAN LIEBMAN^{LLP}

A T T O R N E Y S

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Rick Liebman, a founding partner at Barran Liebman LLP, has extensive experience representing employers in labor and employment law issues. He is former chair of the Tri-County Affirmative Action Association and the Oregon State Bar's Labor Law Section. He is the management editor of the Oregon State Bar's book and supplements entitled *Labor and Employment Law*, for which he was presented with the Association for Continuing Legal Education's Best Award of Outstanding Achievement in 2012. Rick has also served as an instructor in EEO law at Portland State University's Professional Development Center. Rick has three notable "firsts" that truly speak to his professional accomplishments: he was selected by Best Lawyers as the first "Labor and Employment Lawyer of the Year in Portland" for 2010 (and was selected for that same honor again in 2012 and 2014), he was honored as the first "Management Practitioner of the Year" by

the Oregon Industrial Relations Research Association in 2004, and he was the recipient of the Oregon State Bar Labor Section's first "Distinguished Service" Award in 2003. Rick was also elected by his national colleagues as a national fellow of The College of Labor and Employment Lawyers for his sustained outstanding performance in the profession and is ranked #1 (with partners Paula Barran and Ed Harnden) for Labor and Employment Law defense in the State of Oregon by Chambers & Partners USA, America's Leading Business Lawyers, 2003-present. He has been selected repeatedly by his peers for listing in the Best Lawyers in America, 1995-present. He has also repeatedly been named as one of the top 50 lawyers in Oregon by *Oregon Super Lawyers Magazine*.

Rick received both his undergraduate and J.D. degrees from the University of California at Berkeley. He is admitted to practice in Oregon, Washington, Hawaii and the U.S. Court of Appeals, District of Columbia.

Areas of Practice

Employment Law Advice
Employment Litigation
Higher Education
Labor Relations
On-Site Employment Law Training

Representative Matters

Counsel for J. C. Penney in *Patton v. J. C. Penney*, 301 Or 117, 719 P2d 854 (1986), the leading and most frequently cited case on the principle of employment-at-will in Oregon. Cited by *Portland Monthly* as one of the 20 most important legal decisions for the past 50 years in Oregon.

Representative Matters (continued)

Counsel for II Morrow, Inc. (a division of United Parcel Service) in Mains v. II Morrow, Inc., 128 Or App 625 (1994), overturning a BOLI rule on employer strict liability for supervisory conduct in hostile environment cases.

Counsel for United Airlines in Smith v. United Airlines, U. S. District Court for the District of Oregon, Civil No. 93-572-JE (1994), establishing employer's right to reject reinstatement under ORS 659.415 after treating physician found a permanent restriction on return to work.

Spokesperson for Portland Public Schools 2004 teacher negotiations which *The Oregonian* described as, "The pay increase is modest. So are the changes to health insurance. But both sides achieved their goals and kept their promises, with the kind of good faith effort not seen in years. That's monumental in a district known for its mistrustful negotiations and alienated union leadership." *The Oregonian*, October 6, 2004.

Administrative Proceedings

Numerous EEO Charge Matters Handled: More than 1500 in 12 different states and with four different federal agencies for numerous clients.

Number of National Labor Relations Board Matters Handled: More than 700, including elections and various unfair labor practice charges.

Contract Negotiations: Chief spokesman, member of the bargaining committee or advising bargaining committee on several hundred labor contracts.

Various Arbitrations Handled: More than 1,000 for employers throughout the western states.

Honors

Chambers USA, America's Leading Business Lawyers: Ranked #1 (with partners Paula Barran & Ed Harnden) for Labor and Employment Lawyers in the State of Oregon (2003-present)

The Best Lawyers in America: Listed as a Management Employment Attorney (1995-present); Named Labor & Employment Lawyer of the Year in Portland, OR (2010 & 2012)

Oregon Super Lawyers Magazine: Super Lawyer (2006-present); Top 50 (2006-2011)

Human Resource Executive/Lawdragon 500: Listed as the only Oregon attorney on the "Top 20 Most Powerful Attorneys Nationally in "Traditional Labor and Employment"" (2011-present)

The Association for Continuing Legal Education (ACLEA): Best Award of Outstanding Achievement (2012) for *Labor and Employment Law: Private Sector*, a Publication of the Oregon State Bar

Oregon IRRRA: First Recipient of "Management Practitioner of the Year" Award (2004)

Oregon State Bar Labor Law Section: Award for Distinguished Service (2003)

Professional Experience & Affiliations

College of Labor and Employment Lawyers: Fellow of the College, Northern Ninth Circuit Credentials Committee (1999-2003), Committee Chairman (2001-2003), Inducted (1998)

Portland State University's Professional Development Center: Basic EEO and Advanced EEO Classes, Instructor (1988-2008)

Oregon State Bar: *Oregon Employment Law*, Management Editor (1989, 1994, 1997, 2002, 2010)

Oregon State Bar Labor Law Section: Chair (1990-1991); Executive Board, Member (1987-1992)

Oregon State Bar Civil Rights Section: Executive Board, Member (2002-2008)

NW EEO/Affirmative Action Association: Chair (1985-1987); Vice-Chair (1984-1985); Board Member (1983-1994); Treasurer (2004-2009)

Professional Experience & Affiliations (continued)

Oregon Bureau of Labor and Industries: Rule-Making Task Force, Member (1995-present): write and review all Oregon civil rights and wage/hour regulations
 Oregon Bureau of Labor and Industries: Civil Rights Advisory Committee, Member (2002)
 Oregon Independent College Fund: Board of Directors (2006-present)
 Oregon Law Institute: Board of Directors (2006-present)
 Labor and Employment Relations Association (LERA), Oregon Chapter: Member (2010-present)

Civic Activities

Japan-American Society of Oregon: Member
 Interstate Firehouse Cultural Center: Board of Directors (1997-1999)
 Oregon Symphony Association: Board of Directors (1983-1992)

Representative Presentations

Barran Liebman Annual Seminar: “Unusual Roadside Attractions: Case Law Update,” Presenter (10/27/16)
 Oregon Labor Law Conference: “Employment & Labor Law Update,” Presenter (2006-present)
 Northwest EEO: “Employment Law Update,” Presenter (1989-present)
 OSB Labor & Employment Section’s Annual Meeting & CLE: “Case Law Update,” Presenter (1990-present)
 Barran Liebman LLP Annual Seminar: “Avengers Assemble! 2015 Case Law Update,” Presenter (9/24/15)
 OLI of Lewis & Clark: “Case Law Update,” Presenter (1988-present)
 Pulp & Paper Roundtable: “Employment & Labor Law Update,” Presenter (1988-present)
 OLI Representing Families & Closely-Held Businesses: “Employment Law Update,” Presenter (2005-present)
 Multnomah Bar Association, 15 for '15: “The Top 15 Labor and Employment Updates for 2015,” Presenter (2/5/15)
 Barran Liebman Food For Thought Breakfast Seminar: “Legislative & Case Law Update,” Presenter (12/2/14)
 BOLI’s 30th Annual Employment Law Conference: “Case Law Update,” Presenter (1990-present)
 Barran Liebman LLP Annual Seminar: “Legislative & Case Law Update,” Presenter (9/25/14)
 OLI Business Law Program: Presenter (3/14/14)
 Barran Liebman Breakfast Seminar: “2013 Case Law Update,” Presenter (12/3/13)
 Barran Liebman LLP Annual Seminar: “Legislative & Case Law Update,” Presenter (9/26/13)
 National Association of College & University Attorneys Annual Conference: “Top 10 Things General Counsel Should Know About Labor Law,” Presenter (6/30/12)
 Oregon NHRMA HR Foundation Conference: “Employment & Labor Law Update,” Presenter (2005-present)
 University of Oregon School of Law: “Arbitration under a Collective Bargaining Agreement,” Presenter (2008-present)
 Barran Liebman LLP Annual Seminar: “The Year’s Legal Update in Employment & Labor Law,” Presenter (1998-present)
 Barran Liebman LLP Food For Thought Breakfast Seminar: “Understanding the New Limitations of the Genetic Information Nondiscrimination Act,” Presenter (2009)
 ABA Labor & Employment Law Section, NLRA Committee, 2001 Annual Meeting in Puerto Rico: Presenter (2001)

Representative Presentations (continued)

EEOC's Technical Assistance Programs: "Employment Case Law Update" and "ADA Update," Presenter (2001-2012)

Western Region Conference and National Meeting of the College and University Personnel Administrators Association: "Employment Case Law Update," Annual Presenter (1993-2007)

Association of Pulp and Paper Manufacturers, Hotel Personnel Managers Association and other Industry Groups: "Employment Case Law Update," Regular Presenter (1982-present)

Multnomah Bar Association: "Employment Case Law Update," Presenter (1996)

National Meeting of American Association on Affirmative Action: "Employment Case Law Update," Presenter (1994)

University of Portland: "Industrial Relations Symposia," Panelist

Willamette Valley College and University Consortium: "Employment Law," Instructor (1982-present)

University of Oregon School of Law, Willamette University School of Law, and Lewis & Clark School of Law: "Labor Law, Arbitration, and Professionalism," Regular Guest Lecturer

Representative Publications

"Compelling and Staying Arbitration in Oregon," *Practical Law*, Thomson Reuters Newsletter, September 2017

"Recent Legal Developments," *Oregon Civil Rights Newsletter*, June 2017

"Recent Updates," *Oregon Civil Rights Newsletter*, December 2016

"Recent Updates," *Oregon Civil Rights Newsletter*, September 2016

"Recent Updates," *Oregon Civil Rights Newsletter*, June 2016

"Noncompetition, Non-solicitation and Confidential Agreements," *Daily Journal of Commerce*, November 28, 2014

"Employment Law and Civil Rights," *Oregon Statutory Time Limitations*, Oregon State Bar, Editorial Review Board, 2014 Edition

Quoted in "Law Firm Models: Improving Diversity and Performance," *Law Practice Today*, July 2014

Columnist for OSB Civil Rights Section Newsletter (2000-present)

"The Legality of Secondary Activity to Enforce Either Recognition or Bargaining," published by The College of Labor & Employment Lawyers, Co-author, Summer 2002

"Arbitration under Oregon's PE CBA", University of Oregon Labor Education and Research Center, Co-author, Fall 2003

"Employment Discrimination Law," with supplements, published by BNA in conjunction with ABA Subsection Committee on Equal Employment Opportunity, Contributing Author, Schlei & Grossman

Admitted to Practice

Hawaii

Oregon

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. District Courts, District of Columbia Circuit

Washington

Academics

University of California at Berkeley, Boalt Hall (J.D.)

University of California at Berkeley (B.A.)