COSGRAVE
VERGEER KESTER




# Shane P. Swilley

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## Law Practice

Shane Swilley's law practice focuses on employment, and business and commercial litigation. Additionally, he provides advice and counsel to clients on complying with employment laws and has specific expertise representing businesses in defending against consumer protection claims.

## Representative Cases

**Employment Law Litigation and Advice and Counsel:**

Representing and advising clients and businesses in a variety of employment law matters, including:

- Claims of discrimination, retaliation, sexual harassment, civil rights, breach of employment contract, unpaid wages, and wrongful discharge
- Assisting with state and federal agency investigations and hearings
- Providing advice, counsel and training on human resource and employment law issues
- Drafting and revising employee handbooks, employment contracts, workplace policies, and other employment documents

## INDUSTRIES

Beverage

Financial Services

Healthcare

Hospitality

Manufacturing

Professional Services

Railroad

Real Estate

## PRACTICE AREAS

Business & Commercial Litigation

Employment Law

Employment Litigation

Financial Services Litigation &

**Business and Commercial Litigation:**

Representing clients and businesses in a variety of commercial litigation matters, including:

- Breach of contract
- Breach of fiduciary duty
- Claims brought under consumer protection laws
- Interference with economic relations
- Misappropriation of trade secrets
- Unfair debt collection claims

Compliance

Regulatory

**Shane's accomplishments include:**

- Obtained jury verdict for employer on claims of sexual harassment, gender discrimination, and retaliation seeking $4.5 million in damages.
- Successfully defended an employer against a meritless claim of wrongful discharge and unpaid wages by getting the claims dismissed at the beginning of the case; resulting in significant cost savings to the client.
- Assisted in defending an employer against claims of unlawful discrimination and retaliation. The discrimination claims were dismissed as a matter of law before trial, and the remaining claims were tried to a defense verdict.
- Persuaded plaintiff to voluntarily dismiss a $300,000 claim of unlawful discrimination and retaliation against an employer after filing a motion to dismiss the case.
- Successfully represented clients in disputes involving non-competition agreements, breach of employment contracts, and claims of misappropriation of trade secrets and confidential information.
- Obtained complete dismissal of claims of unlawful debt collection and malicious use of civil proceedings alleged against local law firm. The plaintiff was seeking more than $460,000 in damages. Instead, all claims were dismissed and the client was awarded costs and attorney fees.
- Obtained dismissal of EEOC complaint of race discrimination based solely on initial submission to EEOC showing claim lacked merit.
- Obtained $210,000 settlement for a client in a breach of contract claim.

# Education & Bar Admissions

Shane earned his bachelor's degree from Willamette University in 2000, where he was a National Merit Scholar. He earned his law degree from Lewis and Clark Law School in 2005, where he was the Student ABA Representative and represented the school on its Regional Moot Court Negotiations Competition Team.

Shane was admitted to the Oregon State Bar in 2005 and the U.S. District Court for the District of Oregon in 2006. He was also admitted to the Washington State Bar in 2017.

# Professional

Shane's professional memberships include the Oregon Entrepreneurs Network (OEN), Oregon Restaurant and Lodging Association (ORLA), Public Risk Managers Association (PRIMA), Multnomah Bar Association (MBA), the Labor & Employment and Business Law sections of the Oregon State Bar, and the Large Firm Committee for the Campaign for Equal Justice. He is on the steering committee of ALFA International's Labor & Employment Practice Group.

# Personal

Shane enjoys spending his free time with his family and golfing, hiking, bowling, and working around his house.

# Presentations

**"Navigating Employment Law Compliance and Litigation in the Pacific Northwest: Regional Updates, Nuances and Best Practices"**
In September 2026, Shane co-presented at the ALFA International Labor & Employment Regional Seminar hosted by Cosgrave. He discussed recent developments in Oregon employment law and important compliance and litigation considerations for employers.

**"The Forest Thickens: Pay Equity Laws in a Brave New #MeToo World"**
In December 2019, Shane co-presented a webinar for ALFA International with other ALFA members. He discussed the background of the federal requirements, and delved into the various state Equal Pay Acts by touching on their commonalities and differences.

**"Employment Law Seminar"**
In August 2019, Shane hosted an Employment Law Seminar.

**"Access Denied: ADA Internet Accessibility Claims and How to Avoid Them"**

In April 2019, Shane co-presented to members of the Oregon Restaurant & Lodging Association. He discussed legal obligations to make websites and mobile apps accessible for the disabled, and how to comply with those obligations.

**"The X's and O's of Employee Arbitration Agreements"**
In February 2019, Shane presented at the ALFA ICS Conference, where he discussed the pros and cons of employee arbitration agreements, whether to implement them, and how the U.S. Supreme Court's recent decision on class action waivers in arbitration agreements can impact the audience.

**"Looking Ahead With 2018 In The Rearview…An Oregon Employment Law Update"**
In January 2019, Shane presented to members of the Washington County Chapter of the Oregon Employer Council

**"Exempt Today – Gone Tomorrow.  What Every Employer Needs to Know about Compliance with the New Overtime Rules"**
In June 2016, Shane presented a webinar regarding the new Department of Labor overtime rules to clients and attorneys of ALFA International

**"Ramifications of the Legalization of Marijuana"**
In June 2016, Shane spoke on a panel about employment-related issues and ramifications of state laws legalizing the use of marijuana at ALFA International's Insurance Law, Labor & Employment, and Professional Liability Practice Groups meeting in New York

**"Employment Law – What's New For 2016"**
In May 2016, Shane presented to employer representatives in Woodburn, Oregon on recent changes to employment laws

**"Annual Employment Law Update"**
In December 2015, Shane presented to clients an educational seminar on recent changes to State, Federal and City employment laws

**"Legal Issues Surrounding the Legalization of Recreational Marijuana"**
In April 2015, Shane presented to the National Association of Legal Secretaries (NALS)

**"Marijuana is Legal in Oregon – Now What?"**
In December 2014, Shane presented at the Central Oregon Estate Planning Counsel's  Annual Dinner

**"Is Your Business In Compliance With Recent Changes in Employment Laws?"**
In December 2014, Shane presented to a group of client business owners of the Engle and Schmidtman Law Firm

**"Should They Stay Or Should They Go Now?  Navigating Oregon's Employee Leave Laws"**
In September 2014, Shane presented at the Annual Convention of the Oregon Restaurant and Lodging Association (ORLA)

**"Employment Law Basics For Employees and Employers"**
In April 2014, Shane presented at the Pacific University's School of Optometry about employment law topics for new professionals

**"Employment Law Update"**
In February 2014, Shane presented an educational seminar to members of the Oregon Paralegals Association on

changes to employment laws

**“Annual Employment Law Update”**
In December 2013, Shane presented an educational seminar to clients updating them on recent changes to employment laws

**“Annual Employment Law Update”**
In October 2013, Shane presented at the Annual Conference for the Oregon Chapter of the Public Risk Managers Association (PRIMA)

**“Not Just Another Day At Work:  Managing Employees To Minimize Liability”**
In May 2013, Shane presented at the Annual Convention of the Oregon Restaurant and Lodging Association (ORLA)

**“Helping Financial Professionals Spot Legal Issues”**
In May 2013, Shane presented to the Portland Chapter of the Institute of Management Accountants (IMA)

**“Employment Law in Oregon – What Hiring Managers and Career Seekers Should Know”**
In October 2012, Shane presented to the Career Resources Network

**“Employment Practices – Tips for Avoiding Litigation”**
In September 2012, Shane presented at the Oregon Debt Collectors Association Annual Conference

**“Managing Employees in the Digital Age”**
In July 2012, Shane spoke to the Woodburn Rotary

**“Hot Topics in Employment Law”**
In April 2012, Shane spoke at the Woodburn Chamber of Commerce

**“Employment Law Tips for Contractors”**
In February 2012, Shane presented to construction contractors as part of Cosgrave’s educational series

**“Stop Litigation Before it Starts: Privacy and Electronic Communication Traps”**
In October 2011, Shane spoke at a Commerce Company event held at The World Forestry Center

**“Managing Employees in the World of Social Media”**
In August, 2011, Shane spoke to members of the local business community at Umpqua Bank

In April of 2011, 2012, 2013, and 2015 Shane spoke at the Pacific University’s School of Optometry about employment and business law topics that new optometrists should be aware of when starting a practice

# Newsletters

Shane is responsible for preparing and publishing Cosgrave’s quarterly Employment Law Newsletters.

- 2nd Quarter 2017 Cosgrave Employment and Business Law Newsletter
- 1st Quarter 2017 Cosgrave Employment and Business Law Newsletter

- 3rd Quarter 2016 Cosgrave Employment and Business Law Newsletter
- 1st Quarter 2016 Cosgrave Employment and Business Law Newsletter
- 2nd & 3rd Quarter 2016 Cosgrave Employment and Business Law Newsletter
- 1st Quarter 2015 Cosgrave Employment and Business Law Newsletter
- 4th Quarter 2014 Cosgrave Employment and Business Law Newsletter
- 3rd Quarter 2014 Cosgrave Employment and Business Law Newsletter
- 1st & 2nd Quarter 2014 Cosgrave Employment and Business Law Newsletter
- 4th Quarter 2013 Cosgrave Employment Law Newsletter
- 3rd Quarter 2013 Cosgrave Employment Law Newsletter
- 2nd Quarter 2013 Cosgrave Employment Law Newsletter
- 1st Quarter 2013 Cosgrave Employment Law Newsletter
- 4th Quarter 2012 Cosgrave Employment Law Newsletter
- 3rd Quarter 2012 Cosgrave Employment Law Newsletter
- 2nd Quarter 2012 Cosgrave Employment Law Newsletter
- 1st Quarter 2012 Cosgrave Employment Law Newsletter
- 3rd Quarter 2011 Cosgrave Employment Law Newsletter

## Awards

*The Best Lawyers in America*®, Employment Law (2024–2025); Employment Law – Management (2026–2027)

## Client Comments

“Shane has worked tirelessly to reach a resolution in this case with the opposing party. He has always responded to my emails or calls immediately. He has always been available to answer my questions or concerns. He has always been patient, empathetic and professional.”

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"Shane was quickly able to demonstrate his knowledge of the law and his commitment to my case. In fact, Shane is an outstanding attorney that should be recognized as an exceptional asset to Cosgrave Vergeer Kester LLP."

"On behalf of myself and my entire firm, I want to thank you for all your good work. We are all absolutely delighted with the outcome. I very much appreciate the work you did and the personal interaction with your office."

"I am very impressed and appreciative of how quickly you all were able to turn this around. It was really a life-saver! You are all Rock Stars!"

"Thank you for representing me today. You have been a pleasure to work with not to mention an excellent attorney. Thank you."

"Just wanted to let you know that you have made it to the top of my panel firm list for Oregon on EPLI claims. I have been impressed with the level of reporting and the detail of said updates. I wish I could bottle that Insurance defense reporting and embed that to all my firms nationwide."

"I appreciate all that you've done for us and the time you took for us while on vacation. You are my/our go to guy as far as legal matters go. Thank you Sir."