

BARRAN LIEBMAN^{LLP}

A T T O R N E Y S

Employment | Labor | Benefits | Higher Education
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Paula Barran, a founding Partner at Barran Liebman LLP, has been practicing law since 1980 with concentrations in labor and employment law and the law of higher education. She has written extensively on management law, higher education, investigative processes, and is a national speaker and trainer. She handles litigation in labor and employment and higher education, in state and federal courts, as well as employment and labor arbitrations. Additionally, she develops and presents “train the trainer” programs to introduce comprehensive and cost effective training programs into workplaces and educational institutions. Since the first publication of the *Oregon Super Lawyers* Magazine in 2006, Paula has repeatedly been named as a “Top Ten Lawyer” in Oregon. In 2008, 2010, and 2017-2021, she has been honored as the “Top Point Getter” for the year, and was honored as the #2 Top Point Getter in 2016. Since 2003, Paula has been ranked

#1 (with partners Ed Harnden and Rick Liebman) for Labor and Employment Law defense in the State of Oregon by *Chambers & Partners USA*, America’s Leading Business Lawyers. She is also a fellow of The College of Labor and Employment Lawyers, a fellow of the American Bar Foundation, and has been named in *The Best Lawyers in America* directory since 2001. She is admitted to practice in Oregon, Washington and before the U.S. Supreme Court, U.S. Court of Appeals, Ninth Circuit, U.S. District Court, District of Oregon and U.S. District Court, Eastern and Western Districts of Washington.

Paula received her B.A. from the College of William and Mary, M.A. from Cornell University, Ph.D. from the University of British Columbia, J.D., with honors, from Osgoode Hall Law School at York University, and M.B.A. degree from the University of Oregon, Oregon Executive M.B.A. program. Paula has also earned an Association of Title IX Administrators Title IX Coordinator Certificate. In addition to her labor and employment practice, she represents colleges and universities on wide ranging compliance issues, including institutional obligations under Title VI, Title IX, and Violence Against Women Act.

Litigation Experience

Number of cases tried to a conclusion: 15-18

Number of cases worked and settled: 300-400

Number of appeals argued: 7-8

The percentage of time devoted to trial and litigation matters, exclusive of mediation: 75%

The percentage of time devoted to other matters, e.g., mediation and other legal matters, trainings, charitable, community and public service, etc.: 25%

Representative Matters

Counsel, *Freyd v. University of Oregon*. Summary judgment granted faculty pay equity claim; Matter is presently on appeal to the Ninth Circuit Court of Appeals.

Representative Matters (continued)

- Counsel, Choi v. Reed College. Summary judgment granted in student lawsuit alleging multiple claims regarding academic matters. Ninth Circuit Court of Appeals affirmed the U.S. District Court's decision.
- Counsel, Fawcett v. Willamette University. Prevailed in a request for a preliminary injunction asserting a Title IX challenge to the decision of the university to eliminate a women's varsity sport.
- Counsel, Vejo v. Lewis and Clark. Received a favorable ruling on summary judgement, dismissing nearly all claims of a graduate student who challenged the graduate program's decision to extend the duration of her academic program.
- Counsel, Baynton v. Port of Portland. Represented the Port in litigation related to its 2004 reduction in force.
- Counsel, Byer v. Oregonian. Granted summary judgment on claims of wrongful termination, fraud, and retaliation and a defense verdict after a jury trial on claims of gender discrimination.
- Counsel, Rexam Graphics in AWPPW v. Rexam Graphics. Judgment was granted in favor of our client in a suit to vacate an arbitration award under a labor agreement.
- Co-counsel, Bonnichsen et al. v. U.S. Department of Army Corps of Engineers (Kennewick Man). Represented eight anthropologists opposing efforts by the U.S. Army Corps of Engineers to repatriate a 9,300-year-old skeleton and seeking study rights to the remains.
- Counsel, Nike v. City of Beaverton. Represented the City in litigation over extensive public records request.
- Counsel. Favorable ruling from Department of Education Office for Civil Rights on student complaint of retaliation against Title IX Coordinator.
- Counsel. Favorable ruling from Department of Education Office for Civil Rights on student complaint of harassment by faculty members.
- Counsel. Achieved favorable resolution on various claims of student expelled from professional school for academic reasons.

Areas of Practice

Affirmative Action Plans
 Americans with Disabilities Act
 Class Actions
 Compliance Advice
 Contract Administration
 Employment Law Advice
 Employment Leadership Training
 Employment Litigation
 Employers in Healthcare
 Faculty Recruitment, Hiring & Promotions
 Higher Education Compliance
 On-Site Employment Law Training
 Policy Advice & Preparation
 Reductions in Force
 Subcontracting, Relocations & Closures
 Successorship & Acquisitions
 Title IX Compliance Advice and Training
 Wage & Hour

Honors

America's Top 100 Attorneys: Lifetime Achievement (2016-present)

Oregon Super Lawyers Magazine: #1 Point Getter (2008, 2010, 2017-2021); #2 Top Point Getter (2016); Top 10 Oregon Super Lawyers (2006-present); Top 25 Women Oregon Super Lawyers (2006-present); Super Lawyer (2006-present)

Human Resource Executive/Lawdragon 500: Listed in 100 Most Powerful Corporate Employment Attorneys (2011-present)

Chambers & Partners USA: Ranked #1 for Labor & Employment Lawyers in Oregon (2003-present)

The Best Lawyers in America: Listed (2001-present)

Portland Printing Industries: Hickey Picker Award (2018)

Portland Business Journal: Orchid Award Recipient and Woman Executive of the Year, Entrepreneur Category Winner (2009)

Professional Experience & Affiliations

University Risk Management & Insurance Association (URMIA): Affiliate Member (2021-present)

Lewis & Clark Graduate School: Adjunct instruction in The Law of Higher Education (2017-present)

Portland Human Resource Management Association: General Counsel (2016)

Association of Title IX Administrators: Northwest Chapter Board of Directors, Member (2015-present); Member (2012-present)

Super Lawyers: National Advisory Board (2014-present)

National Association of College and University Attorneys: Member (2013-present)

Children's Cancer Association: Board Member (2009-present)

Canadian American Bar Association: Member (2009-present)

College of Labor and Employment Lawyers: Fellow of the College (Inducted 2005)

Willamette University: Labor Law, Adjunct Professor (2000-2001)

Society for Human Resources Management: Northwest Chapter, Counsel to the Board (1998-1999)

American Bar Association: Labor & Employment Section; Associate Editor, Primary Chapter Editor, and Contributing Editor of *The Developing Labor Law* (1972-present)

The Nonprofit Association of Oregon: Member

Litigation Counsel of America: Senior Fellow

American Bar Foundation: Life Fellow

American Bar Association: Individual Employment Rights Section

Pacific Printing and Imaging Association

Representative Presentations

National Electrical Contractors Association (NECA) Lunch & Learn: "Oregon Equal Pay Act," Presenter (9/16/21)

CUPA-HR Spring Conference: "HR Legal Update," Presenter (4/8/21)

Barran Liebman & ADP Joint Webinar: "Progressive Solutions to Address Parenting During COVID-19," Co-Presenter (11/19/20)

CUPA-HR Fall Conference: "Legal Update," Presenter (11/5/20)

Barran Liebman Annual Seminar: "To Boldly Go: Space Crew Leadership & What Employers Can Learn From the 2020 Department of Labor Regulations," Presenter (10/22/20)

Mid-Valley Human Resource Association (MVHRA) Webinar: "Workplace Diversity & Gender: What the Department of Education, Black Lives Matter, Me Too, & the Pandemic Have To Tell Us About 2021," Presenter (10/14/20)

Representative Presentations (continued)

- The Oregon Alliance of Independent Colleges & Universities Webinar: “Overview of Regulations & Addressing Conflicts Between State & Federal Law,” Presenter (6/3/20)
- Mid-Willamette Human Resource Association (MHRA): “Best Practices for Document Preservation, Litigation Holds, & ESI Discovery,” Presenter (11/13/19)
- CUPA-HR Fall Conference: “Legal Update,” Presenter (11/8/19)
- Barran Liebman Annual Seminar: “Watch Out For All Those Huge Elephant Feet: Getting Through Document Preservation, Litigation Holds, & ESI Discovery Without Getting Trampled,” Presenter (10/10/19)
- Oregon State Bar Solo & Small Firm Conference: “Beyond Employment Law 101: Being a Good Boss is Good for Business,” Co-Presenter (9/20/19)
- HR Directors Affinity Group: “HR for the 2019-2020 Academic Year,” Presenter (9/19/19)
- Oregon State Bar Solo & Small Firm Section Legal Lunchbox: “Harassment in Employment,” Presenter (3/20/19)
- Oregon CUPA-HR Spring Conference: “Legal Update,” Presenter (3/8/19)
- Mid-Willamette Human Resource Association (MHRA): “Transgender Rights in the Workplace,” Presenter (11/14/18)
- CUPA-HR Fall Conference: “Uncorking HR: Legal Update,” Presenter (11/2/18)
- Local Government Personnel Institute (LGPI) Annual Conference: “Employment Law Update,” Presenter (10/2/18)
- Barran Liebman Annual Seminar: “The Venomous Backlash of Pay Equity: Make Sure to Pack the Right Snakebite Kit,” Presenter (9/27/18)
- Northwest Human Resource Management Association (NHRMA) 2018 Annual Conference: “Global Citizens: Employ Them Well, Treat Them Right,” Presenter (9/6/18)
- Oregon CUPA-HR Spring Conference: “Transgender Employment Rights in Educational Institutions: A Legal & Practical Survey”; “Legal Update,” (3/16/18)
- Oregon CUPA-HR Fall Webinar: “Employment Law Update,” (11/8/17)
- Barran Liebman LLP Annual Seminar: “Cowboys & Cowgirls Are Global Citizens: Employ Them Well, Treat Them Right,” (10/5/17)
- Northwest Human Resource Management Association (NHRMA) 2017 Annual Conference: “The Thrilling Journey through the Tumultuous Transgender Rapids: Transgender Rights in the Workplace,” Presenter (9/26/17)
- Local Government Personnel Institute Annual Conference: “Employment Law Update,” Presenter (8/10/17)
- 2017 Oregon CUPA-HR Spring Conference: “Recent Legal Developments,” Presenter (3/31/17)
- BOLI’s 30th Annual Employment Law Conference: “Preparing for the Next Civil Rights Regulation: Transgender Rights in the Workplace,” Presenter (11/23/16)
- Athledify Webinar: “FLSA 2016: Changes for Athletics Departments,” Presenter (10/25/16)
- Barran Liebman Annual Seminar: “The Transcontinental Journey: Transgender Rights in the Workplace,” Presenter (10/6/16)
- 2016 LGPI Annual Conference: “Annual Legal Update,” Presenter (8/18/16)
- SEAK 2016 National Worker’s Compensation and Occupational Medicine Conference: “Marijuana in the Workplace: What Workers’ Compensation and Occupational Health Professionals Need to Know,” Presenter (7/22/16)
- Northwest Association Title IX Administrators Webinar: “Lessons From the Doe Cases,” Presenter (6/21/16)

Representative Presentations (continued)

- Northwest Association of Title IX Administrators See Something Say Something- Preparing Your Campus for Title IX Conference: “Title VII, Title IX, FERPA, Legal Mandates,” Presenter (5/23/16)
- American Association of Occupational Health Nurses (AAOHN) 2016 National Conference: “Medical/Recreational Marijuana and Workplace Issues: The Conflict Between Cannabis Use and Employee Safety,” Presenter (4/4/16)
- Associated Writing Programs (AWP) Conference & Book Fair: “We Have Your Interests at Heart: Teaching Memoir in the Era of Mandatory Reporting,” Panelist (3/31/16)
- 2016 Oregon CUPA-HR Spring Conference: “Recent Legal Developments,” Presenter (3/25/16)
- 2016 Oregon CUPA-HR Spring Conference: “Oregon Paid Sick Leave,” Presenter (3/25/16)
- Northwest Association of Title IX Administrators Fall 2015 Annual Conference: “Legal Mandates for K-12 through Higher Education,” Presenter (10/23/15)
- Athledify Masterminds Live Online: “A New Paradigm for Paying Part-Time Coaches: FLSA Law and Small College Athletics,” Presenter (10/20/15)
- 2015 Southern Oregon Occupational Safety & Health Conference: “Medical & Recreational Marijuana: A ‘Budding’ Workplace Safety Issue,” Presenter (10/14/15)
- Barran Liebman LLP Annual Seminar: “The Empire Strikes Back: Five Rebels, Five Stories, Five Lessons,” Presenter (9/24/15)
- Oregon State University Alumni Association: “Recreational Marijuana and the Workplace,” Presenter (8/5/15)
- Oregon State Bar Professional Liability Funds: “Employment Practices CLE,” Presenter (5/28/15)
- University of Oregon Professional Development Center: “Legal Triage,” Presenter (4/8/15)
- NW EEO/Affirmative Action Association: “Religion, Disability & Accommodation,” Presenter (2/12/15)
- CUPA-HR Fall Conference: “Hot Topics: Legal Updates for HR Professionals in Higher Ed,” Presenter (10/24/14)
- Barran Liebman LLP Annual Seminar: “Stairway to Heaven: Keeping the Faith at Work,” Presenter (9/25/14)
- Oregon Community Colleges Professional Development Conference: “Title IX,” Presenter (7/8/14)
- Barran Liebman Seminar: “Meeting the Training Obligations of the VEVRAA (Veterans) & 503 (Disability) Regulations: A New Train the Trainer Program for Federal Contractors,” Presenter (6/19/14)
- Portland Business Journal: “Bizwomen Mentoring Event,” Mentor (4/7/14)

Representative Publications

- “New Oregon Unemployment Rule to Take Effect Next Week,” Barran Liebman Electronic Alert, September 22, 2021
- Featured in the *East Oregonian*: “The VA Will Mandate Vaccines for its Health Workers in Oregon,” July 27, 2021
- “Nonprofit Health Care Medical Centers or Hospitals: Proposed BOLI Rule Open for Public Comment,” Barran Liebman Electronic Alert, April 22, 2021
- “New E-Verify Tools Expedite Employment Eligibility Confirmation,” Barran Liebman Electronic Alert, March 17, 2021
- “Impaired Attorneys: The Firm as Employer,” New York State Bar Association *Planning Ahead Guide*, Revised January 2021

Representative Publications (continued)

- “Oregon Law Restricts Healthcare Employers Who Want to Require COVID-19 Vaccination,” Barran Liebman Electronic Alert, December 31, 2020
- Quoted in the *Portland Business Journal*: “How a Portland Law Firm Manages to Litigate in 2020,” September 4, 2020
- “Ninth Circuit Further Clarifies FCRA Requirements,” Barran Liebman Electronic Alert, April 24, 2020
- “Coronavirus-Related Financial Assistance Update for Employers,” Barran Liebman Electronic Alert, March 31, 2020
- “New Start Date: Emergency Paid Sick Leave (EPSL) & Expanded FMLA (EFMLA) Leave Now Required April 1 (Not April 2),” Barran Liebman Electronic Alert, March 25, 2020
- “Deceptive Background Check Requirements Spell Trouble,” *Portland Business Journal*, April 16, 2020
- “EEO-1 Surveys & the Back-and-Forth of Compensation Reporting: Now You Have to Do It,” Barran Liebman Electronic Alert, March 6, 2019
- Featured in CorporateLiveWire Virtual Round Table: “Labour & Employment Law 2018,” January 25, 2018
- Featured in the Portland Business Journal’s “Harassment in the workplace: Five Portland employment lawyers on how businesses need to react,” December 6, 2017
- “Don’t Change Your Gender Neutral Bathroom Signs,” Barran Liebman Electronic Alert, February 23, 2017
- “Overtime Rule Put on Hold: What’s Next?,” *HR.com*, November 24, 2016
- “Breaking News: Judge Blocks New Overtime Rule,” Barran Liebman Electronic Alert, November 22, 2016
- Featured in “If I Knew Then...,” *Crain’s Seattle*, September 20, 2016
- Featured in “Q&A: What U.S. Department of Labor’s overtime-pay rule means for you,” *The Oregonian*, May 19, 2016
- “New Overtime Rules: Special Provisions for Employers in Higher Education,” Barran Liebman Electronic Alert, May 18, 2016
- “Employers May Need to Adjust Their EEOC Responses,” Barran Liebman Electronic Alert, March 1, 2016
- “Marijuana, Law, and the Workplace,” *Healthy Business Journal*, January/February 2016
- Featured in “Profiles in the Law: A Lifelong Love of Learning,” *Oregon State Bar Bulletin*, October 2015
- Featured in “National Association of Professional Women Inducts Paula Barran, Attorney, Barran Liebman LLP, Into its VIP Professional Woman of the Year Circle,” September 8, 2015
- Featured in “Setting Precedents: A Legal Odyssey,” *Mammoth Trumpet*, A Publication of Texas A&M University, Department of Anthropology
- “The Precedent-Setting Case of Kennewick Man,” *Kennewick Man: The Scientific Investigation of an Ancient American Skeleton*, Texas A&M University Press 2014
- “Be Careful With Your Releases,” Barran Liebman Electronic Alert, May 12, 2014; Republished by *Lexology*, May 12, 2014
- “What Today’s New Compensation Standards Mean For Employers,” Barran Liebman Electronic Alert, April 8, 2014; Reprinted in the *Governor’s Office of Diversity & Inclusion/Affirmative Action News*, April 15, 2014; Republished by *Lexology*, April 8, 2014
- “Boost Your Affirmative Action Compliance,” Barran Liebman Electronic Alert, March 26, 2014
- “Using the OFCCP for Outreach,” Barran Liebman Electronic Alert, March 24, 2014; Republished by *Lexology*, March 24, 2014

Representative Publications (continued)

- “EEOC Issues New Religion Guidance,” Barran Liebman Electronic Alert, March 10, 2014;
 Republished by *Lexology*, March 10, 2014
- Quoted in “EEOC Steps Up Prosecution of Genetic Information,” *BenefitsProcom*, June 12, 2013
- “Off-Campus Harassment: Identifying the Geographic Reach of Title IX Compliance,” *URMLA Journal*, 2013
- Quoted in “How to Survive the eDiscovery Process,” *eCampus News*, April 29, 2013
- “Higher Ed Homework: Complying with VAWA,” Barran Liebman Electronic Alert, March 1, 2013
- Quoted in “Did a Baker Break the Law When He Denied Service to Same Sex Couple?,” *KATU News*, February 2, 2013
- “DOJ Issues Report on Campus Sex Crime Investigations,” Barran Liebman Electronic Alert, January 8, 2013
- “The EEOC’s Uniform Guidelines on Employee Selection Procedures are Alive and Well (But What Does That Mean for Us?),” Barran Liebman Electronic Alert, December 10, 2012
- “Oregon Supreme Court Says Employees Have the Right to Pursue Grievances and Discrimination Complaints at the Same Time,” Barran Liebman Electronic Alert, November 30, 2012
- “New College & University Child Abuse Reporting Law Takes Effect January 1,” Barran Liebman Electronic Alert, November 26, 2012
- “Discrimination Claims in Oregon,” *Torts* Published by the Oregon State Bar, Chapter Co-Author, 2012 Revision
- “Recreational Marijuana in Washington: Now What?,” Barran Liebman Electronic Alert, November 7, 2012
- “NLRB Launches Webpage to Educate Employees About Protected Concerted Activity,” Barran Liebman Electronic Alert, June 21, 2012
- “Retaliation Can Happen on the Friends and Family Plan,” *Portland Business Journal*, February 3, 2012
- “NLRB Throws Employers Curveball regarding Arbitration Agreements,” Barran Liebman Electronic Alert, January 9, 2012
- “Ninth Circuit Rules That Employers are Not Required to Accommodate Employees to Help Them Become Qualified for Their Jobs,” Barran Liebman Electronic Alert, December 9, 2011
- Quoted in “Black Friday Midnight Sales Might Be Outlandish, But Not Illegal,” *BrieflyLegalPDX*, November 25, 2011
- “Update Your Offer Letters to Include Mandatory Procedures and Notices for Employee Arbitration Agreements,” Barran Liebman Electronic Alert, August 31, 2011
- “Washington Supreme Court Rejects Appeal of Medical Marijuana Ruling: Employers are Not Obligated to Accommodate Users,” Barran Liebman Electronic Alert, June 9, 2011
- “Testing & Medical Marijuana,” *Healthy Business Journal*, January 2011-February 2011
- “Medical Marijuana Laws: Obstructing Congress?,” *The Journal of Global Drug Policy and Practice*, Spring/Summer 2010
- Monthly Column “Compliance Corner,” *Daily Journal of Commerce*, Rotating Months 2007-present
- “Medical Marijuana: Friend or Foe?,” *The Gresham Outlook*, September 2009
- “Taking Leave and Still Working?,” *Daily Journal of Commerce*, September 26, 2008
- “Companies Can Take Steps to Reduce the Cost of Litigation,” *Portland Business Journal*, September 26, 2008
- “Inside The Minds: Founding a Law Firm,” published by Aspatore Books, Contributing Author, 2008
- “Proceedings of the International Science Conference: Science in Archaeology,” published by Lulucom, Contributing Author, 2007

Representative Publications (continued)

- “Motions for Summary Judgment,” *2006 Trial Tactics Defense Litigation Manual*, 2006
- “Public Policy Challenges to Labor Arbitration Awards: Still a Safe Harbor for Silly Fact Finding?,” *Willamette Law Review*, Volume 38, Co-author, Spring 2002
- “Managing Reentry: Returning to the Interrupted Practice,” *The Professional Lawyer*, February 1996
- “Individual Rights in a Collective Bargaining Environment,” *LERC Monograph*, No 12, 1993
- “The Glass Ceiling: Do You Need to Worry? And Can You at Least Worry Constructively?,” *Arbitration Quarterly of The Northwest*, Vol XIII, Spring 1993
- “Employees,” *The Oregon Health Law Manual*, Co-author (Oregon State Bar Health Law Section, 1992, 1994)
- “Employment Actions in Tort,” *Labor and Employment Law: Private Sector*, Chapter Co-author, Published by the Oregon State Bar in 1989, with 1994, 1997 supplements, and editions in 2002 and 2010; Recipient of “The Association for Continuing Legal Education’s (ACLEA) Best” Award of Outstanding Achievement
- “Sexual Harassment in the Workplace: Eliminating the Offensive Working Environment,” *LERC Monograph No 7*, University of Oregon, 1988

Admitted to Practice

Oregon
 U.S. Court of Appeals, Ninth Circuit
 U.S. District Court, District of Eastern Washington
 U.S. District Court, District of Oregon
 U.S. District Court, District of Western Washington
 U.S. Supreme Court
 Washington

Academics

Cornell University: Diversity and Inclusion Certificate (July 2021)
 Association of Title IX Administrators (Title IX Coordinator and Administrator Certificate, 2013)
 University of Oregon (M.B.A., Oregon Executive MBA Program, Valedictorian, 1991)
 Osgoode Hall, York University (J.D., with honors, Silver Medal, 1979)
 University of British Columbia (Ph.D., 1976)
 Cornell University (M.A., 1973)
 College of William and Mary (B.A., *summa cum laude*, 1971): Phi Beta Kappa