



Shawn Oller

Shareholder

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Focus Areas

Discrimination and Harassment
Training - Compliance, Ethics, Leadership
Unfair Competition and Trade Secrets
Litigation and Trials
Workplace Policy Institute
Healthcare
Energy
Home Health and Home Care

Overview

In 2016, 2019, 2020, and 2021, Shawn Oller was named one of the Top 100 Lawyers in Arizona by AzBusiness Magazine and previously featured as “20 Names to Know – Law” by the Phoenix Business Journal. Shawn is a trial lawyer who represents management and companies in all aspects of employment litigation, arbitration, and mediation. Shawn also serves as the Arizona coordinator and liaison for Littler’s Workplace Policy Institute (WPI). Shawn focuses on Arizona state legislative and regulatory developments in employment and labor law, as well as municipal ordinances and regulation of the workplace. He assists the employer community in understanding and impacting Arizona legislation before it becomes law.

He practices in federal and state courts in Arizona, New Mexico, and Texas, and before and against federal agencies like the Equal Employment Opportunity Commission and comparable state agencies. He has extensive experience defending harassment and discrimination claims under:

- Title VII of the Civil Rights Act
- The Age Discrimination in Employment Act
- The Americans with Disabilities Act

- The Family and Medical Leave Act
- The Arizona Employment Protection Act
- The Arizona Civil Rights Act
- The New Mexico Human Rights Act
- The Texas Human Rights Act

Shawn also defends state law claims for:

- Breach of contract
- Negligent hiring
- Supervision and retention
- Defamation
- Wrongful termination

Some of his notable decisions in Arizona, New Mexico, and Texas include:

- U.S. District Court, District of Arizona: defense verdict in jury trial for airline carrier in gender discrimination and retaliation case brought by long-term employee.
- U.S. District Court, District of Arizona: defense verdict in jury trial for assisted living facility in disability discrimination case brought by nonprofit using testers.
- Ninth Circuit: successfully argued before the Ninth Circuit in a disability discrimination case alleging morbid obesity with the Court affirming the trial court's grant of summary judgment.
- Ninth Circuit: successfully argued before the Ninth Circuit the application of the Religious Organization Exemption under Title VII which affirmed the trial court's decision to dismiss plaintiff's claims.
- U.S. District Court, District of Arizona: defense verdict in jury trial over issue of independent contractor status in a multi-plaintiff case.
- U.S. District Court, District of Arizona: obtained adverse inference in trade secret case based on destruction of evidence, leading to favorable settlement for client.
- U.S. District Court, District of Arizona: defense verdict against the Equal Employment Opportunity Commission in trial of retaliation case under the Americans with Disabilities Act, following dismissal of disability discrimination claim on summary judgment.
- U.S. District Court, District of New Mexico: defense verdict in trial of race discrimination and hostile work environment case under Title VII and Section 1981 where third-party witnesses testified about the allegedly hostile work environment and plaintiff's expert witness diagnosed plaintiff with post-traumatic stress disorder.
- District Court, El Paso, Texas: obtained dismissal with prejudice of nonsubscriber negligence claim for health-care client.
- Superior Court of Arizona: obtained summary judgment on behalf of municipality against former employee because plaintiff's claims, based on alleged constructive discharge, were untimely.
- Texas Court of Appeals: unanimous opinion reversing trial court and ordering plaintiff's claims to arbitration pursuant to parties' agreement.
- U.S. District Court, District of Arizona: obtained summary judgment against 19 "class" members in sexual harassment case filed by Equal Employment Opportunity Commission and Arizona Attorney General's Office.

- Superior Court of Arizona: obtained summary judgment on behalf of municipality against 1100+ members of class and, later, decertifying class as to remaining 35 individuals.
- U.S. District Court, District of New Mexico: during deposition of plaintiff-whistleblower, obtained voluntary dismissal of all claims against client in exchange for waiving potential sanctions against plaintiff and opposing counsel.
- U.S. District Court, Western District of Texas: dismissal of FMLA claim against trucking company because truck driver was ineligible for FMLA benefits.
- United States Court of Appeals, Ninth Circuit: unanimous opinion affirming dismissal of police officer's lawsuit against municipality for alleged violations of Title II of the ADA.
- U.S. District Court, District of Arizona: obtained summary judgment on behalf of municipality against two former police officers alleging gender and race discrimination as well as retaliation against former municipal employer.
- New Mexico Court of Appeals: unanimous opinion affirming summary judgment and dismissing plaintiff's claims based on federal labor law preemption.
- U.S. Court of Appeals, Fifth Circuit: unanimous opinion affirming summary judgment for trucking company under Motor Carrier Act exemption and holding that staff leasing company stands in shoes of trucking company for exemption purposes.
- U.S. District Court, Northern District of Texas: obtained summary judgment on behalf of defendant trucking company, dismissing 26-plaintiff collective action under the FLSA based upon Motor Carrier Act exemption.
- U.S. Court of Appeals, Tenth Circuit: unanimous opinion affirming summary judgment in race discrimination claim under Title VII.
- U.S. District Court, District of New Mexico: obtained summary judgment on behalf of retail superstore in third-party retaliation claim under Title VII.
- U.S. District Court, Northern District of Texas: obtained order on behalf of defendant trucking company denying plaintiffs' motions to certify FLSA collective action and motion to toll limitations period.
- U.S. District Court, Arizona: obtained summary judgment for the Diocese under the Ministerial Act exemption in highly publicized case.
- Texas Court of Appeals: opinion affirming summary judgment for employer in a nonsubscriber negligence action under Texas law.
- United States District Court, Western District of Texas: sister decisions from the Western District of Texas exploring contours of the WARN act.

Additionally, Shawn regularly counsels employers on day-to-day personnel matters and practices and compliance, offers telephone advice, and conducts in-house training on employment-related topics. Working with both private and public entities, he counts among his many clients:

- Trucking companies
- Retail establishments
- Public employers
- Municipalities
- Counties

- State governments

Shawn has spoken extensively on a variety of labor issues before business and professional associations. He taught review courses as part of the PHR/SPHR Certification program, as well as a 15-hour seminar course for graduate students on alternative dispute resolution.

Previously the office managing shareholder of Littler's Phoenix office, Shawn is a member of the firm's Associates Committee and the Good Business Practices Committee. He formerly served on the Littler's Diversity & Inclusion Council. Previously, he worked as an associate at a firm in El Paso, Texas, and at another firm in Phoenix.

Professional and Community Affiliations

- Member, American Bar Association
- Member, State Bar of Arizona
- Member, State Bar of New Mexico
- Member, State Bar of Texas

Recognition

- Named, The Best Lawyers in America®, 2015-2023
- Named, America's Leading Lawyers for Business, *Chambers USA*, 2012-2018
- Named, Top 100 Lawyers in Arizona, *AZ Big Media*, 2016, 2019-2021

Education

J.D., Baylor University School of Law, 1995

B.S., Northeastern University, 1992

Bar Admissions

Arizona

New Mexico

Texas

Courts

U.S. Supreme Court
U.S. Court of Appeals, 5th Circuit
U.S. Court of Appeals, 9th Circuit
U.S. Court of Appeals, 10th Circuit
U.S. District Court, District of Arizona
U.S. District Court, District of New Mexico
U.S. District Court, Northern District of Texas
U.S. District Court, Southern District of Texas
U.S. District Court, Western District of Texas

Publications & Press

Littler Appoints Kristy Peters and Andrea Lovell to Lead the Firm's Phoenix Office

Littler Press Release

February 1, 2022

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers

Littler Press Release

August 20, 2020

Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year

Littler Press Release

August 15, 2019

Littler's Kristy L. Peters Has Been Named Among the 50 Most Influential Women in Arizona by AzBusiness Magazine

Littler Press Release

August 8, 2019

Littler Adds Shareholder Andrea Lovell in Phoenix

Littler Press Release

June 13, 2019

10 Unacceptable Office Behaviors You Used to Get Away With

Arizona Business Magazine

May 15, 2019

New Mexico's Fair Pay for Women Act Not Limited to Private Employers

Littler Insight

January 3, 2019

Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 15, 2018

Littler Ranked in 2018 Chambers USA Guide

Littler Press Release

May 15, 2018

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 17, 2017

Littler and Its Attorneys Receive Top Rankings in 2017 Chambers USA Guide

Littler Press Release

May 26, 2017

The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition

Littler Press Release

August 16, 2016

Chambers USA Recognizes Littler and Attorneys in 2016 Guide

Littler Press Release

May 27, 2016

Study: Men Nearly 3 Times as Likely to Earn Six-Figure Salary as Women

Phoenix Business Journal

February 25, 2016

Politically Correct Microaggressions at College Campuses Headed to Workplaces

Phoenix Business Journal

November 17, 2015

Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition

Littler Press Release

August 18, 2015

Chambers USA Recognizes Littler and Its Attorneys

Littler Press Release

May 20, 2015

Littler Attorneys Included in the Best Lawyers in America© 2015 Edition

Littler Press Release

August 18, 2014

Littler and Its Attorneys Ranked In 2014 Chambers USA Guide

Littler Press Release

May 23, 2014

Arizona Court of Appeals Decision Will Cause Employers to Reevaluate Restrictive Covenants Contained in Employment Agreements

Littler ASAP

November 8, 2013

Shawn Oller To Lead Littler's Phoenix Office

Littler Press Release

September 9, 2013

Littler Mendelson Named in the 2013 Chambers USA Guide

Littler Press Release

May 24, 2013

New Mexico Charge of Discrimination Form Creates Trap for the Unwary

Littler Insight

February 27, 2012

Fifth Circuit Holds Staff Leasing Company May Assert Motor Carrier Exemption

Littler ASAP

September 13, 2010

Speaking Engagements

2022 Arizona Regional Employer Conference

Phoenix, AZ

October 13, 2022

2021 Arizona Virtual Regional Employer Conference

Phoenix, AZ

October 12, 2021

High Times in New Mexico: Marijuana Legalization and What Employers Need to Know

July 1, 2021

President Biden's First 70 Days in Office

Phoenix, AZ

March 31, 2021

Arizona Virtual Employer

October 20, 2020

COVID-19 Guidance for Employers: Part II, Preparing for the Coming Wave of Legal Claims

Phoenix, AZ

May 21, 2020

COVID-19 Guidance for Employers: Part I, Updates and Practical Tips

May 14, 2020

2019 Developments in Federal and State Whistleblower Retaliation Law Webinar

October 17, 2019

Arbitration Pros and Cons

2016 Annual Employment & Labor Law Fall Seminar – State Bar of Arizona

October 22, 2016

Public Sector Employment Law Update

Phoenix, AZ

July 27, 2016

Hot Topics in HR

2015 Employment Law and Legislative Conference - SHRM New Mexico, Albuquerque, NM

February 26, 2015

A Whistleblowing Whistle-Stop Tour: The Hottest Trends and Topics in Whistleblowing and Retaliation

2015 Employment Law & Legislative Conference - Arizona SHRM, Phoenix, AZ

February 25, 2015

The Conflict Between Legal Compliance and Effective Business Operations – What HR Can Do to Further Both Goals

2014 New Mexico Conference - Society for Human Resource Management, Albuquerque, New Mexico

April 7, 2014

2014 Whistleblowing & Retaliation Update

January 29, 2014

Hot Topics in Employment and Labor Law

Phoenix, AZ

August 15, 2013

Hot Topics in Employment and Labor Law

Phoenix, AZ

August 14, 2013

Hot Topics in Employment and Labor Law

Phoenix, AZ

August 13, 2013

Work Life Balance and Making Partner

Seminar and Diversity Expo - DRI Diversity for Success, Chicago, IL

May 30-31, 2013

4th Annual Public Sector Employment Law Update

Phoenix, AZ

February 14, 2013

Controlling Employee Personal Behavior in the Age of Social Media and Personal Technology

Annual Legal Update - Conference Northern New Mexico Human Resources Association, Santa Fe, New Mexico

September 11, 2012

3rd Annual Public Sector Employment Law Update

Phoenix, AZ

May 23, 2012

10 Thorny Issues

2012 New Mexico Conference, Society for Human Resource Management

March 26, 2012

2nd Annual Public Sector Employment Law Update

Tempe, AZ

February 17, 2011

2010 Public Sector Employment Law Update

Surprise, AZ

March 19, 2010

2010 Annual Conference

Society for Human Resource Management - New Mexico

February 8, 2010

2010 Legislative and Employment Law Conference

Arizona Society of Human Resource Management

February 5, 2010

Who Says That Social Networking Is Just for Kids?

Phoenix, AZ

December 10, 2009

Best Practices for Downsizing and Preparing for the Employee Free Choice Act

Phoenix, AZ

April 15, 2009

Books & Book Chapters

- *The In-House Counsel's Essential Toolkit, Volume 4 - Employment Law, American Bar Association, 2007*