



Nonnie L. Shivers

Shareholder

nonnie.shivers@ogletreedeakins.com

Location:

Phoenix (Office: 602-778-3706, Fax: 602-778-3750)

Education:

J.D., University of Arizona, 2004
 M.Ed., Arizona State University, 1998
 B.A., Kansas State University, 1996

Practice Areas:

Employment Law, Litigation, Higher Education, Airline and Railway, Appellate, Healthcare, Retail



Nonnie partners with employers and managers in three primary ways: litigation avoidance through counseling and training; investigations and resolutions when issues arise; and litigating complex and challenging cases to defend employer's actions.

Nonnie advises and counsels private and public employers in all aspects of employment law. Nonnie regularly partners with clients to plan and implement reductions in force, severance plans and agreements, and pre-litigation disciplinary matters. Nonnie regularly conducts complex and high-level internal investigations for clients, including at the executive level and within key departments, and assists in identifying and resolving potential areas of liability and exposure in a proactive but practical way. Nonnie's unique practice also includes providing employment advice for employers doing business on the Navajo Nation and other tribal lands, including cultural and employment law training on unique tribal code requirements.

Nonnie has successfully defending employers against allegations of discrimination, sexual harassment and wrongful termination in state and federal court, as well as administrative forums. Nonnie has handled hundreds of charges with the U.S. Equal Employment Opportunity Commission and the Arizona Civil Rights Division, as well as claims filed with the Industrial Commission of Arizona. Nonnie has also litigated whistleblower claims against air carriers under AIR 21 and handled investigations with numerous other federal agencies, including the U.S. Department of Labor.

Nonnie regularly speaks and trains on current and emerging employment law topics, including recent presentations to industry and trade groups on gay, lesbian, bisexual and transgender workplace issues, joint employment challenges, avoidance of retaliation claims, etc. Nonnie's advanced degree in education and years of experience as an instructor and student affairs professional at Arizona State University help make her training sessions and presentations one-of-a-kind. Nonnie has also published several scholarly articles focused on employment law, including a book chapter on the impact of reasonable workplace accommodations for employees with disabilities on employers and employees' expectations of privacy outside the workplace.

Nonnie has received numerous accolades recognizing her skills. Nonnie was named a Rising Star by Southwest *Super Lawyers* in 2012, 2013 and 2014. This distinction is awarded to attorneys under the age of 40 based on 12 indicators of peer recognition and professional achievement. Nonnie also obtained the recognition of the legal community by receiving an AV Preeminent Rating by Martindale Hubbell beginning in 2014. Prior to joining the firm, Ms. Shivers served as a law clerk to the Honorable Patricia K. Norris on the Arizona Court of Appeals.

Experience:

Nonnie's clients run the gamut from large, international companies to flourishing local businesses. Her personal clients include a Fortune 150 air carrier, several regional and local law firms, title agencies, in-home care providers, physician practice groups, and surgical centers.

While Nonnie's clients seek her out to resolve problems before litigation ensues and to prevent litigation by acting proactively, Nonnie's robust litigation successes include:

- Successfully defended one of the largest insurance companies in the world against breach of contract, defamation, tortious interference and myriad other claims in a two-week jury trial, including obtaining and recovering nearly \$1 million dollars in sanctions, attorneys' fees and costs after prevailing at trial.
- Obtaining complete summary judgment for international air carrier in disability discrimination case, in part based on the rare ruling by the court that the employee did not have a disability under the Americans with Disabilities Act.
- Obtaining complete summary judgment and award of costs for a national trucking company in a gender discrimination case involving a long-term female employee in a male-dominated industry.
- Obtaining complete summary judgment in a multi-plaintiff age discrimination case involving a reduction-in-force due to changing business for an international technology and manufacturing company.
- Obtaining complete summary judgment for a retail company in a wrongful termination case in which the company allegedly blackballed and defamed a former employee.
- Winning a total defense judgment and an award of all attorneys' fees incurred after a multi-day arbitration for a national bank in a wrongful termination case.
- Successfully obtaining dismissal of a multi-plaintiff age discrimination case filed in federal court for a large brokerage company, and prevailing after appeal taken to the U.S. Ninth Circuit Court of Appeals.

Admitted to Practice:

Arizona
U.S. District Court, District of Arizona
U.S. Court of Appeals, Ninth Circuit