

*From providing real-time counsel, to reviewing and drafting key employment documents, training on best practices, investigating allegations of misconduct or defending against claims of wrongful termination, Paul assists employers in all facets of the employment relationship.*



## Paul R. Smith

Shareholder | Salt Lake City

### Biography

Your workforce is one of your company's most valuable assets. It's also one of the trickiest to manage. As a seasoned management-side employment lawyer, Paul helps companies navigate the various facets of the employment relationship. This goes far beyond simply representing employers when they are sued for wrongful termination. The adage "an ounce of prevention is worth a pound of cure" couldn't be truer in the employment arena. But when claims arise, Paul is an experienced litigator who can vigorously defend his clients without blowing up the situation or breaking the bank.

### Contact information

801.536.6941

[psmith@parsonsbehle.com](mailto:psmith@parsonsbehle.com)

### Capabilities

Employment & Labor

Employment Litigation

Business & Commercial Litigation

### Licensed/Admitted

Utah

### Counseling Clients in Real Time

The best way to handle employee claims of mistreatment (e.g., wrongful termination, failure to accommodate, retaliation, etc.) is to avoid them in the first place. Paul consistently counsels companies with issues related to disability-accommodation requests, leave requests, misconduct, performance, discipline, classification (exempt vs. non-exempt, employee vs. independent contractor) and termination. Handling these issues immediately avoids escalation. And thinking through issues and putting in place preventative procedures in real time can make your case imminently easier to defend in future litigation.

### Reviewing and Drafting Documents

Having the right documents in place is vital to avoiding employment disputes and mitigating risk. Carefully crafted employment agreements, offer letters, company policies, procedures and employee handbooks ensure your employees

understand expectations, and if disputes arise, you're well positioned to enforce your rights. Paul analyzes companies' current employment documents to ensure they comply with applicable law and contain proper protections. He also helps employers craft new agreements, policies and manuals, filling gaps in companies' current catalogues.

### **Training**

Formal trainings that educate supervisors and subordinates regarding duties and legal landmines help set expectations and reduce risk. Paul presents informative and entertaining trainings for companies of all sizes, local to national, regarding harassment, discrimination, conflicts of interest and company policies. In 2023, Paul was recognized with the Outstanding Faculty Award by the National Business Institute for his trainings on employment law issues.

### **Investigating**

Sometimes, despite employers' and managers' best efforts, allegations arise of misbehavior and injury, leaving companies to determine what happened, who is telling the truth and what they should do next. Paul commonly conducts investigations that involve interviewing witnesses, reviewing documents (including text messages, emails, Slack messages, etc.), analyzing company policies and providing factual findings that enable employers to make informed decisions on next steps and remedial measures.

### **Defending**

From claims of discrimination (racial, gender, age, disability, etc.), harassment, failure to accommodate a disability and retaliation, Paul routinely defends companies in litigation before the Equal Employment Opportunity Commission (EEOC), state agencies like the Utah Antidiscrimination and Labor Division (UALD) and in federal district court. Such litigation also often involves settlement negotiations, including through formal mediation. Paul excels at resetting unreasonable plaintiffs' expectations from six-figure demands to nuisance-value settlements. And when settlement isn't successful, Paul has a strong track record obtaining favorable rulings from tribunals—including on motions for summary judgment—avoiding costly trials.

Paul's litigation experience extends beyond the employment sphere into general commercial and contractual disputes. He has years of experience litigating at the administrative and trial-court level (including in state and federal court) as well as at the appellate level, briefing and arguing cases before the Tenth Circuit Court of Appeals, the Utah Court of Appeals and the Utah Supreme Court.

## **Experience**

### **Defense of Healthcare Company Against Sex Discrimination Claim**

Former employee filed charge of discrimination with Utah Labor Commission, alleging sex discrimination and retaliation. Settled matter within a month of the charge being filed for nuisance value.

**Defense of Restaurant Company Against Sexual Harassment Claim**

Defending company against charge of discrimination filed with Utah Labor Commission, alleging sexual harassment and retaliation. Settled case during mediation for nuisance value.

**Defense of Logistics Company Against Disability Discrimination Claim**

Former employee filed a charge of discrimination with Utah Labor Commission, alleging disability discrimination, failure to accommodate and retaliation. Former employee then filed lawsuit in federal district court. Case settled for nuisance value during discovery.

**Employment Investigation Into Sex Discrimination Allegation**

Conducted investigation into allegation of sex discrimination on behalf of public employer, including interviewing numerous witnesses, reviewing documents and making factual findings in investigative report.

**Employment Investigation Into Sex Harassment Allegation**

Conducted investigation into claims of sexual harassment on behalf of insurance company, including interviewing witnesses, reviewing documents (including police records) and making factual findings in investigative report.

**Employment Investigation Into Coworker Romantic Relationship**

Conducted investigation into romantic relationship between CEO and subordinate and advised board of directors regarding options and strategy.

**Handbook Review**

Review dozens of employee handbooks for dental practices across the country to ensure compliance with federal, state and local law.

**Conduct Reduction in Force**

Assisted video game company in conducting complex reduction in force, including counseling client, drafting severance agreements and disclosure statements, and communicating and negotiating with departing employees.

**FMLA and ADA Discrimination Defense**

Represented a large Intermountain region bank in two discrimination claims in U.S. District Court concerning FMLA and ADA.

## Accomplishments

**Professional**

Business Editor, Arizona State Law Journal

Utah Legal Elite, Civil Litigation, 2022

Best Lawyers in America “One to Watch”

National Business Institute 2023 Outstanding Faculty Award

## Academic

Arizona State College of Law (J.D., cum laude, 2012, Willard H. Pedrick Scholar)

University of Utah (B.S., 2009, Major in Mechanical Engineering)

## Associations

### Professional

Utah State Bar

Federal Bar Association

American Bar Association

Society for Human Resource Management (SHRM)

Board Member, Jefferson Academy

## Articles

*"Employment Law Update,"* (January 17, 2023)

*"Employment Law Update,"* (August 16, 2022)

## Presentations

*"Social Media: What's Not to Like About Social Media in the Workplace?,"* (October 5, 2022)

Parsons Behle & Latimer 10th Annual Idaho Employment Law Seminar

*"Key Employment Laws Every New HR Professional Must Know,"* (August 30, 2022)

WECon Utah SHRM Conference

*"Social Media: What's Not to Like About Social Media in the Workplace?,"* (June 16, 2022)

34th Annual Parsons Behle & Latimer Employment Law Seminar