



## Elizabeth (Terry) Dunning

Partner

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**Elizabeth Dunning represents employers in mediating and litigating a wide variety of employment and discrimination cases.**

### PRACTICES

Labor and Employment  
 Discrimination, Harassment, Retaliation,  
 and Litigation  
 HR Counseling, Compliance, and Risk  
 Management  
 Alternative Dispute Resolution

### EDUCATION

Harvard Law School, J.D., 1977  
*magna cum laude*

Barnard College, B.A., 1968  
*magna cum laude*

### BAR ADMISSIONS

Massachusetts  
 New York  
 Utah

### COURT ADMISSIONS

U.S. District Court for the Tenth Circuit  
 U.S. District Court for the First Circuit  
 U.S. District Court for the Second Circuit  
 United States Supreme Court

She regularly assists employers in developing employment policies and best practices and applying those policies and practices in difficult workplace situations, including workplace investigations. She also assists employers in analyzing wage and hour classification and pay issues.

Terry's clients are both small and large, ranging from new tech companies in their first year of operation to a private boarding school founded in 1875. In addition, she speaks and writes frequently on employment and privacy issues.

### EXPERIENCE

- Discrimination, Harassment, Retaliation Investigation and Defense
- Employment Policies, Handbooks, and Manuals
- Employment Litigation and Hour Class Actions
- HR Counseling, Compliance, and Risk Management
- Alternative Dispute Resolution
- Employment Litigation and Wage and Hour Class Actions
- Non-Competes, Trade Secrets and Unfair Competition

### CLIENT RESULTS

Successful defense of national origin discrimination claim against manufacturer from EEOC complaint through summary judgment in federal court and Tenth Circuit appeal.

Development of independent contractor agreements for tech company with agents throughout U.S.

Successful defense of retaliation complaint under the Surface Transportation Assistance Act before U.S. Department of Labor.

Review and revision of ski resort employment handbook for year round and seasonal employees.

Successful defense of 15 related wage and hour complaints before the Utah Labor Commission

Dismissal in federal and state courts of complaints alleging safety

violations and retaliation under OSHA and UOSH against trucking company.

## **PUBLICATIONS**

"Employment: North America: USA (Utah)," *Lexology GTDT*, Co-Author, March 2020

"Employment At-Will: Utah," *LexisNexis - XpertHR*, June 2019

## **SPEAKING ENGAGEMENTS**

"Ethics and Civility," *Moderator, Holland & Hart's 2019 Utah Employment Law Seminar*, October 2019

"Wage and Hour Traps," *Panelist, Holland & Hart's 2019 Utah Employment Law Seminar*, October 2019

## **RECOGNITION**

- Utah State Bar Labor & Employment Section, Lifetime Achievement Award
- *Chambers USA: America's Leading Lawyers for Business*, Labor & Employment, 2011-2020
- *The Best Lawyers in America*®, Labor and Employment Law, 1987-2011; Employment Law – Management; Litigation – Labor and Employment, 2011-2021
- Mountain States Super Lawyers®, Employment & Labor, 2007-2020
- Mountain States Super Lawyers®, "Top 50 Women," Employment & Labor, 2013, 2017-2019
- *Utah Business Magazine*, Utah Legal Elite, Labor and Employment
- Martindale-Hubbell®, AV Preeminent® Rating

## **PROFESSIONAL AND CIVIC AFFILIATIONS**

- Presbyterian Church (U.S.A.) Foundation, Board of Trustees
- Committee on Mission Responsibility Through Investment, Presbyterian Church (U.S.A.)