



## Shayna Giles Roark

Associate

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Shayna Roark concentrates her practice in labor and employment, including both employment advice and litigation.

As an employment attorney, Ms. Roark assists employers in a wide variety of employment matters. She handles employment litigation matters under Title VII, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), and their state equivalents, as well as other federal, state, and local laws. She represents companies before state and federal courts and agencies, such as the Equal Employment Opportunity Commission (EEOC) and the Department of Labor (DOL), defending them against allegations of discrimination, harassment, retaliation, and other claims and charges.

Ms. Roark helps employers create and update employee policies and handbooks to comply with relevant federal, state, and local laws. She writes and advises employers on employment and other agreements relating to hiring, restrictive covenants, confidentiality, and non-disclosure provisions. She is similarly well-versed in separation agreements and reductions in force, including conducting adverse impact analyses.

Ms. Roark also has experience in a variety of health care, tort, and general litigation matters. From this, she has developed a strong understanding of the health care industries and the unique employment issues they face.

### Representative Matters

- Obtained summary judgment for a medical device company in a lawsuit filed by a current employee alleging discrimination, harassment, and hostile work environment based on race and sex under the Tennessee Human Rights Act, and negligence and intentional infliction of emotional distress under Tennessee law.
- Obtained dismissal with prejudice of all claims of wrongful discharge, tort of outrage, and violation of due process and equal protection under Arkansas law made by a former employee against two management-level employees.
- Obtained a verdict on appeal before the Tennessee Court of Appeals upholding the lower court's dismissal of an investment company due to the plaintiff's failure to state a claim in the complaint.
- Attained voluntary dismissal for a bank in an age discrimination lawsuit filed under the ADEA.
- Obtained compassionate release for a pro bono client in federal prison due to extenuating circumstances related to her imprisonment.
- Obtained summary judgment based on Tennessee's "Suicide Rule" in favor of a security company against negligence claims based on failure to prevent the plaintiff's suicide.
- Obtained partial summary judgment in favor of a hospital against claims under the Tennessee Health Care Liability Act that the care rendered deviated from the recognized standard of professional practice.
- Obtained dismissal in favor of a hospital against claims under the Tennessee Health Care Liability Act of alleged improper discharge from the hospital's emergency department.

### Professional Honors & Activities

- Selected to Mid-South Rising Stars (2023, 2024)

- Participant – New Memphis Institute's Embark program (Fall 2019)
- Member – Federal Bar Association
- Member – American Bar Association
- Member – Tennessee Bar Association
- Member – Memphis Bar Association
- Recipient – Robert C. Khayat Award for Outstanding Service and Contribution to the *Mississippi Law Journal* (2016 – 2017)
- Recipient – University of Mississippi 2015 Skills Session Best Lawyer Award in Contract Drafting and Negotiation



## Publications

- "Employers and Health Care Providers Take Note: Recent Announcements Forecast Increased Government Enforcement of Discrimination Laws Regarding Gender Identity and Sexual Orientation," republished September 16, 2021, in *Westlaw* (August 2021)
- "Baker's Dozen: Remembrances of RBG," *Women's Initiative Newsletter* (October 2020)
- "NLRB Proposes Employer-Friendly Rule to Standardize the Joint-Employer Test" (September 2018)
- "NLRB Invalidates *Hy-Brand* and Complicates Joint Employer Issues for the Hospitality Industry" (April 2018)
- "NLRB Overrules 2016 Browning-Ferris Decision on Joint Employer Liability" (February 2018)
- "Criminal Prosecution of UN Peacekeepers: When Defenders of the Peace Incite Further Conflict Through Their Own Misconduct," *American University International Law Review* (November 2017)
- "Trade Dress: An Unsuitable Fit for Product Design in the Fashion Industry," *Journal of the Patent and Trademark Office Society* (2016)



## Speaking Engagements

- "DEI Panel: Where We've Been, Where We're Going," TN SHRM Conference and Exposition (August 2024)
- "ADA and Animal Accommodations," 33rd Annual Healthcare Administrator Conference (May 2024)
- "Best Practices: Employee Handbooks and Employee Terminations," 32nd Annual Healthcare Administrator Conference (May 2023)
- "Weed in the Workplace, Animal accommodations, 'Migraine Mondays': Recent Workplace Accommodation Issues," TN SHRM Conference & Exposition (September 2019)



## Webinars

- An Employer Who Fires an Individual Merely for Being Gay or Transgender Defies the Law (August 2020)



## Education

- University of Mississippi School of Law, J.D., 2017, magna cum laude
  - Executive Notes and Comments Editor (Volume 86) and Staff Editor (Volume 85) – *Mississippi Law Journal*
  - Member – Mississippi Moot Court Team
  - Chair – Honor Council
- Tulane University, B.A. in International Relations and Spanish, 2014, cum laude



## Admissions

- Tennessee, 2017
- U.S. District Court for the Eastern District of Tennessee, 2020

- U.S. District Court for the Western District of Tennessee, 2019