

# Snell & Wilmer

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## Swen Prior

Partner | Las Vegas

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## Main Bio

Swen Prior focuses his practice on defending employers (including Fortune 500 companies) in a wide variety of litigation arising under common law and numerous employment-related statutes. He represents and counsels clients in many industries, including hospitality, healthcare, manufacturing, construction, higher education, telecommunications, waste management, transportation, warehousing and distribution, financial services, and retail.

As a labor and employment partner, Swen has been involved in individual and class/collective actions involving:

- Race, national origin, religion and gender discrimination (including sexual harassment) and retaliation under Title VII and state statutes
- Age discrimination and retaliation cases under Age Discrimination in Employment Act (ADEA) and state statutes
- Misclassification and overtime claims under the Fair Labor Standards Act and state statutes
- Discrimination and retaliation claims under the Americans with Disabilities Act and state statutes
- Discrimination claims under the Family and Medical Leave Act (FMLA)
- Restrictive Covenants (non-compete and non-solicitation)
- Retaliation claims under both federal and state statutes (including whistleblower actions under the Surface Transportation Assistance Act)
- Claims arising under the National Labor Relations Act, and a variety of other federal and state employment related laws
- Employment torts, contractual claims, employment agreements, separations, and collective bargaining issues

Swen assists clients with revisions to employee handbooks, employee-related policies, non-competition and intellectual property ownership agreements, and other employment-related documents. He also conducts both employment investigations and training seminars for a variety of clients.

## Education

- George Mason University School of Law (J.D.)
- University of Utah (B.A., Political Science)

## Representative Presentations & Publications

- ["Nevada To Implement New Solar Workforce Requirements,"](#) Co-Author, Snell & Wilmer Legal Alert (December 11, 2023)
- "Best Practices and Tools for Managing Employee Leave," Presenter, Employment Seminar, Reno, Nevada (September 14, 2023)
- "Best Practices and Tools for Managing Employee Leave," Presenter, Employment Seminar, Las Vegas, Nevada (April 20, 2023)
- "Employment Law Priorities for In-House Counsel," Presenter, Snell & Wilmer Last Chance CLE Program (November 10, 2022)
- "HR Essentials: Developing and Maintaining a Professional Workforce While Adapting to Transformative Changes in the Workplace," Presenter, Employment Seminar, Reno, Nevada (July 14, 2022)
- "Training, Hiring and Managing Employees," Co-Presenter, Nevada Business Magazine Business First Series, Las Vegas, Nevada (June 2, 2022)
- "HR Essentials: Developing and Maintaining a Professional Workforce While Adapting to Transformative Changes in the Workplace," Presenter, Employment Seminar, Las Vegas, Nevada (April 21, 2022)
- "Nevada Round Up: New Developments and What Nevada Businesses Need to Know," Presenter, 2021 Employment Law Tool Kit Two-Part Webinar Series: Session 2: More Issues for All Employers and State-Specific Updates (November 18, 2021)
- "Employment Law Changes Under the Biden Administration," Presenter, 2021 Employment Law Tool Kit Two-Part Webinar Series: Session 1: Issues for All Employers (November 4, 2021)
- ["Legal Opinions: Beyond COVID-19: Important Developments That Will Impact Nevada Employers,"](#) Author, Nevada Business Magazine (October 1, 2021)
- "New Administration's Impact on Labor & Employment Law," Presenter, Employment Seminar, Las Vegas, Nevada (September 16, 2021)
- "What Employers Can Expect in a Post-COVID Biden Administration," Co-Presenter, Snell & Wilmer Virtual CLE Series (June 1, 2021)
- ["State task force sets sights on multimillion-dollar problem of employee misclassification,"](#) Quoted, The Nevada Independent (April 14, 2021)
- ["Voting Rights – Key Questions for Employers,"](#) Co-Author, Snell & Wilmer Legal Alert (November 2, 2020)
- "Regional Roundup: A State-Focused Look at Covered Topics," Panelist, 2020 Employment Law Tool Kit Three-Part Webinar Series: Session 1: Issues for All Employers (October 20, 2020)
- "Reopening or Resuming Business During a Pandemic: What Employers Need to Know," Presenter, Webinar to Financial Executives International, Las Vegas chapter (May 20, 2020)
- ["Employees' Refusal to Work Over Coronavirus Concerns,"](#) Co-Author, Snell & Wilmer Legal Alert (May 14, 2020)
- ["Updated EEOC Guidance for Employers Permits Testing for COVID-19,"](#) Co-Author, Snell & Wilmer Legal Alert (April 30, 2020)
- "Reopening or Resuming Business During a Pandemic: What Employers Need to Know," Presenter, Webinar to Firm Clients (April 29, 2020)

- ["A Roadmap to Reopening or Resuming Business in the Midst of a Pandemic,"](#) Co-Author, Snell & Wilmer Legal Alert (April 22, 2020)
- ["Managing Business Needs During a Pandemic \(Nevada\),"](#) Co-Presenter, Telephone Presentation to Firm Clients (March 27, 2020)
- ["The DOL Updates Its Model Notice of Employee Rights Under the Families First Coronavirus Response Act,"](#) Co-Author, Snell & Wilmer Legal Alert (March 27, 2020)
- ["Employment 101 During a Pandemic,"](#) Co-Presenter, Telephone Presentation to Firm Clients (March 23, 2020)
- ["Nevada's New Employment Laws in 2020,"](#) Author, Snell & Wilmer Legal Alert (November 26, 2019)
- ["Construction Industry Update Regarding Marijuana: Arizona and Nevada Laws Continue to Evolve,"](#) Co-Author, Snell & Wilmer Under Construction Newsletter (July 2019)
- ["Times They Are \[Still\] a-Changin'": The Developing Landscape of Marijuana Legalization in Nevada and What This Means for Nevada Employers,"](#) Author, Snell & Wilmer Legal Alert (June 19, 2019)
- ["Nevada Firms Barred from Using Marijuana Test to Reject Job Seekers,"](#) Quoted, Las Vegas Review-Journal (June 12, 2019)
- "Employment Hot Topics for 2018: Legal Update and Best Practices for Preventing Bullying and Harassment," Presenter, Nevada Medical Group Management Association, Reno, Nevada (May 3, 2018)
- ["Reviewing Sexual Mores in a Time of High Sexual Impropriety,"](#) Quoted, Vegas Legal Magazine (Spring 2018)
- "Cannabis and the Workplace: Legal Update and Best Practices for Employers in the World of Weed," Presenter, Las Vegas Valley Paralegal Association's Annual CLE Seminar, Las Vegas (April 14, 2018)
- "Cannabis and the Workplace: Legal Update and Best Practices for Employers in the World of Weed," Presenter, American Board of Vocational Experts (ABVE) Seminar, Salt Lake City, Utah (April 7, 2018)
- ["Times They Are a-Changin'": Recent Developments Regarding Marijuana Use by Employees in Nevada,"](#) Author, Snell & Wilmer Legal Alert (April 2, 2018)
- ["Reviewing Societal Mores in a Time of High Sexual Impropriety,"](#) Quoted, Vegas Legal Magazine (Spring 2018)
- "Employment Hot Topics for 2018: Legal Update and Best Practices for Preventing Bullying and Harassment," Presenter, Henderson Chamber of Commerce's Roadmap to Success Seminar Series, Henderson, Nevada (March 1, 2018)
- ["Business professionals offer advice on asking for a raise,"](#) Quoted, Vegas Inc. (August 21, 2017)
- "The Impact of Legalized Marijuana In Nevada: What Employers Need to Know," Presenter, Nevada Contractors Association Up In Smoke Safety Forum, Las Vegas (June 15, 2017)
- "The Impact of Legalized Marijuana in Nevada: What Employers Need to Know," Speaker, American Society of Safety Engineers Southern Nevada Chapter, Las Vegas (April 20, 2017)
- "Labor & Employment Toolkit," Co-Presenter, Snell & Wilmer seminar, Reno (March 30, 2017)
- ["The Impact of Legalized Marijuana Use for Nevada's Employers,"](#) Author, The Silver State CPA (February 2017)
- "Cannabis Conflict," Panelist, Nevada Contractors Association Quarterly Luncheon, Las Vegas, Nevada (January 27, 2017)

- "[Nevada Supreme Court Issues Important Opinions Concerning Nevada's Minimum Wage](#)," Co-Author, Snell & Wilmer Legal Alert (November 16, 2016)
- "New DOL Overtime Rules and Employment Law Update," Co-Presenter, Snell & Wilmer seminar, Las Vegas (November 1, 2016)
- "Accommodations in the Workplace: What Employers Need to Know," Speaker, Northern Nevada Business Weekly's Live Breakfast Series, Reno, Nevada (May 5, 2016)
- "Medical Cannabis Employment Issues," Speaker, Clark County Medical Society's Medical Marijuana Symposium, Las Vegas, Nevada (April 16, 2016)
- "[The New EEO-1 Pay Reporting Burdens Employers](#)," Co-Author, Snell & Wilmer Workplace Word Newsletter (February 22, 2016)
- "[Nevada's Recent Minimum Wage Ruling and Best Practices for Employers](#)," Co-Author, Snell & Wilmer Legal Alert (October 1, 2015)
- "e-Discovery, a Legal Perspective," AIIM Capture Shoot Out, SWITCH Innevation Center, Las Vegas, Nevada (June 24, 2015)
- "Legal and Medical Perspectives of Medical Marijuana," an Ethics CME Panel Seminar, Presenter, Washoe County Medical Society, Reno, Nevada (January 15, 2015)
- "[Balancing Employee Monitoring With Privacy Concerns](#)," Quoted, Nevada State Bank newsletter and web posting (October 2014)
- "[Employment Law: Attorneys Speak Out](#)," Featured, Nevada Business Magazine (September 2014)
- "2014 Employment Tool Kit: Understanding Employment Law in Nevada; Issues Affecting the Workplace Today Including Discrimination, Retaliation, FMLA, ADA, Wage and Hour Issues, Proper Classifications of Employee and Independent Contractors, Enforcing Non-Compete Agreements, Social Media and Medical Marijuana" Presenter and Panel member, Snell & Wilmer seminar (Reno, September 18, 2014; Las Vegas, September 23, 2014)
- "Department of Labor Now Accepting Comments on Regulations Establishing a Minimum Wage for Contractors and Subcontractors," Co-Author with Bryan M. Gragg, Construction Ally-Snell & Wilmer (July 1, 2014)
- "Hiring & Terminating: The Ins and Outs of Employment Law: The Termination Process," Speaker, Sterling Education Services CLE, Las Vegas, Nevada (October 4, 2013)
- "Ninth Circuit Joins Second and Eighth Circuits in Rejecting D.R. Horton," Co-Author with Karl O. Riley, Legal Alert-Snell & Wilmer, (September 13, 2013)
- "Promoting a Welcoming and Courteous Work Environment," Presenter, Employment Seminars, Las Vegas, Nevada (May 2013)
- "Tax Twister: How Employee Misclassification and Other Tax Fraud Distort Markets – and What Subcontractors Can Do About It," Panel Moderator, Las Vegas Nevada, American Subcontractors Association Convention (focusing on employee misclassification issues) (March 22, 2013)
- "Recognizing, Addressing and Preventing Sexual Harassment, Discrimination and Retaliation," Presenter, Employment Seminars, Las Vegas, Nevada (2008, 2009, 2010, 2011, 2012 and 2013)
- "Promoting a Welcoming and Courteous Work Environment," Presenter, Employment Seminars, Kaanapali, Hawaii (October 2012)
- "FLSA/Wage and Hour Compliance," Presenter, Labor and Employment Law 2012, Sterling Education Services, Inc., Las Vegas, Nevada (April 2012)

- "Privacy Issues in the Workplace," Presenter, Labor and Employment Law 2012, Sterling Education Services, Inc., Las Vegas, Nevada (April 2012)
- "Successful Implementation of Records Management," Presenter, AIIM Nevada Chapter and ARMA Silver State Chapter, Las Vegas, Nevada (April 2012)
- "[Failure to pay wages? Now there's an app for that](#)," Co-Author, Daily Journal (September 15, 2011)
- "Prevailing Wage Law," Presenter, Lorman Education Services, Henderson, Nevada (September 2011)
- "Nevada Domestic Partnership Act: What Employers Should Know," In Business Las Vegas TV (Oct. 2, 2009)
- "Electronic Document & Records Management: Lessons Learned," Panel Member, AIIM Nevada Chapter, Quarterly Chapter Meeting (August 2009)
- "eDiscovery," AIIM Nevada Chapter, Quarterly Chapter Meeting (May 2009)
- "Document Retention Keeping Ahead in the Digital Age," Presenter, Employment Seminar, Sedona and Scottsdale, Arizona (2009)
- "Charges of Discrimination Based on Religion Have More Than Doubled Since 1992," Author, Work Place Word (September 2008)
- "Recognizing, Addressing and Preventing Sexual Harassment, Discrimination and Retaliation," Presenter, Employment Seminar, Las Vegas, Nevada (2008, 2009, 2010, 2011)
- "What's The Bottom-Line?" Author, Work Place Word, discussing damage awards in employment discrimination cases (September 2007)
- "Nevada/Federal Minimum Wage Law," Legal Alert, Author (June 2007)
- "Uniformed Services Employment and Reemployment Rights Act (USERRA), Focus On the Workplace, Managing Litigation Risk," Las Vegas, Nevada (2007)
- "Focus on Document Retention Keeping Ahead in the Digital Age," Panel Member, Focus On the Workplace, Managing Litigation Risk, Las Vegas, Nevada (2007)

## Professional Recognition & Awards

- Top Lawyer, Labor and Employment Law, Vegas Inc. (2020)
- The Best Lawyers in America®
  - Litigation - Labor and Employment (2021-2024)
  - Employment Law-Management (2024)
- Top 100 Lawyers of the Year, Readers' Choice, MYVEGAS Magazine (2020)
- Top 100 Men of the Year, Readers' Choice, MYVEGAS Magazine (2015)
- [Distinguished Women & Men in Nevada](#), Distinguished Publishing (2015)

## Previous Professional Experience

- United States District Court, District of Nevada, Judicial Clerk to Hon. Robert Clive Jones
- United States Senate Committee on the Judiciary, Counsel
- Senator Orrin G. Hatch, United States Senate, Staff Assistant and Nominations Clerk
- United States Court of Federal Claims, Judicial Extern to Hon. Lawrence J. Block
- Senator Robert F. Bennett, United States Senate, Staff Assistant

- Congressman Chris Cannon, Legislative Intern/Correspondent

## **Bar Admissions**

- Nevada

## **Court Admissions**

- Supreme Court of Nevada
- United States Court of Appeals, Ninth Circuit
- United States District Court, District of Nevada