

Steve Silver

Of Counsel

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Focus Areas

Discrimination and Harassment
ERISA and Benefit Plan Litigation
Litigation and Trials

Overview

Steve Silver focuses his practice on ERISA litigation, sports and gaming law, and representing employers in federal and state court litigation involving discrimination, harassment, retaliation, and wrongful termination claims. He also represents employers in arbitrations and administrative hearings before state and federal government agencies. Steve counsels employers on a broad spectrum of day-to-day employment matters, including employee discipline, terminations, leaves of absence, and wage and hour issues. In addition, he assists employers in drafting policies, employee handbooks, and employment-related agreements to ensure compliance with local, state, and federal law.

Before relocating to Maine, Steve practiced in Philadelphia where he defended premises liability, products liability, trucking, and other civil litigation matters. Steve has tried numerous matters in municipal, state, and federal courts. Steve also served as an arbitrator in the Philadelphia Court of Common Pleas Compulsory Arbitration Center.

While in law school, Steve was a member of the *Temple Law Review* and held internships with the former President Judge of the Philadelphia Court of Common Pleas Idee C. Fox and the ECHL "AA" Hockey League.

Prior to law school, Steve was a sports reporter for the *Tennessean* and *Las Vegas Sun*. He also served as the radio broadcaster for the ECHL's Las Vegas Wranglers.

Selected Matters

- Obtained complete dismissal of an ERISA claim for six-figures worth incentive investment benefits in federal court in California on a Rule 12(b)(6) motion for a national home healthcare provider
- Prevailed through a motion for summary judgment in an ERISA disability benefits case in federal court in Connecticut involving a national insurer and a national telecommunications company
- Obtained dismissal of a whistleblower retaliation claim brought by a former employee of a construction company in New Hampshire by arguing preemption by the Federal Enclave Doctrine
- Convinced a former physician of a Maine hospital to dismiss his wrongful termination lawsuit alleging, among other things, whistleblower retaliation, by definitively proving through discovery that the physician's alleged whistleblower emails to government agencies were fabricated
- Successfully represented a national bank against a disability discrimination and failure to accommodate claim brought by an employee in Maine who did not want to follow the company's return-to-office policy

Professional and Community Affiliations

- Chair, Maine Gambling Control Board, 2020-present
- Member, Board of Directors, The Locker Project, November 2023-present
- Board Member, Law360 Employment Authority Sports & Betting Editorial Board, 2024
- Member, Maine State Board of Property Tax Review, 2018-2021

Recognition

- Named, Ones to Watch, Employee Benefits (ERISA) Law, and Litigation – Labor and Employment, *The Best Lawyers in America*®, 2021-2025
- Named, Rising Star, Employee Benefits, New England, *Super Lawyers*, 2018-2023
- Named, Rising Star, Civil Litigation Defense, Pennsylvania, *Super Lawyers*, 2017

Education

J.D., Temple University James E. Beasley School of Law, 2013

B.S., Northwestern University, 2008

Bar Admissions

Maine

Pennsylvania

New Jersey

Courts

U.S. District Court, District of Maine
U.S. District Court, District of New Jersey
U.S. District Court, Western District of Pennsylvania
U.S. District Court, Eastern District of Pennsylvania
U.S. District Court, Middle District of Pennsylvania

Publications & Press

Maine Adopts Final Rules for Paid Family and Medical Leave Program

Littler Insight

December 6, 2024

What Issues Do Super Bowl Squares Present in the Workplace?

Littler ASAP

January 30, 2024

Hazard Pay Now in Effect for Nearly All Portland, Maine Employees

Littler ASAP

January 12, 2024

Nearly Every Employee in Portland, Maine Entitled to Hazard Pay Due to Hurricane Lee Emergency Declaration

Littler ASAP

September 15, 2023

Maine Opens Easier Path For Race-Based Pay Bias Claims

Law360 Employment Authority

August 4, 2023

Maine Legislative Roundup: New Employment Laws Were Enacted This Session

Littler Insight

July 14, 2023

Maine Poised to Enact Sweeping Paid Family and Medical Leave Law

Littler Insight

July 5, 2023

How can our organization retain our neurodiverse employees?

Littler 2 the Point Video

June 15, 2023

First Circuit Creates New Fiduciary Duty Under ERISA for Insurers Accepting Group Premiums from Employers

Littler Insight

December 12, 2022

Portland, Maine Voters to Decide on Raising Minimum Wage, Eliminating Tip Credit, and Classifying Ride-share and Delivery Drivers as Employees

Littler ASAP

August 11, 2022

Amended Maine Law Will Require Vacation Payout When Employment Ends

Littler ASAP

April 22, 2022

Portland, Maine City Council Ends Hourly Hazard Pay and Enacts Indoor Mask Mandate

Littler ASAP

January 4, 2022

Portland, Maine: Broadly-Applicable Hourly Hazard Pay Takes Effect on January 1, 2022

Littler ASAP

December 22, 2021

Maine's Public-Sector Employers Must Follow OSHA COVID-19 Vaccine Mandate

SHRM Online

October 1, 2021

Maine's Public Sector Employers Will Be Subject to OSHA COVID-19 Vaccination Mandate

Littler ASAP

September 17, 2021

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

Maine Legislative Update: Back to Work Incentives, Ban the Box, Tip Minimum, and Other Developments Affecting Employers

Littler ASAP

July 22, 2021

Maine's Highest Court Finds Portland Hazard Pay Ordinance Constitutional, But Not Effective Until 2022

Littler ASAP

July 8, 2021

Exercise Caution With COVID-19 Vaccine Incentives to Avoid Running Afoul of Gambling Laws

Littler ASAP

June 15, 2021

Maine DOL Issues Final Rules on Mandatory Paid Leave

SHRM Online

September 29, 2020

Maine Becomes First State to Mandate Paid Leave for Any Reason

SHRM Online

June 6, 2019

Here's What You Need to Know About Legalized Sports Betting

VICE Sports

May 14, 2018

SCOTUS Strikes Down Federal Sports Betting Ban in Monumental Victory for States' Rights

Above the Law

May 2018

Speaking Engagements

Maine's Paid Family Medical Leave: What You Need to Know for 2025

Maine Association of Nonprofits

December 5, 2024

2024 Maine Employment Law Update

Human Resources Association of Southern Maine

September 10, 2024

2024 Maine Employment Law Update

July 24, 2024

HR Roundtable: Navigating New Rules from the Federal Government

Portland Regional Chamber of Commerce

June 11, 2024

Human Resources Update Webinar

Maine State Chamber of Commerce

May 22, 2024

2023 New England Regional Employer Conference

Boston, MA

November 14, 2023

Attracting, Retaining, and Accommodating Neurodiverse Employees – The Benefits and Business Case

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

Attracting, Retaining, and Accommodating Neurodiverse Employees

Association of Corporate Counsel Annual Conference

October 24, 2022

Maine Employment Law 2022

National Business Institute CLE

August 10, 2022

Regulatory Models for Sports Betting

North American Gaming Regulators Association Annual Conference

June 8, 2022

2021 Maine Employment Law and Legislative Update

Human Resources Association of Southern Maine

May 25, 2021

Online Sweepstakes, The Rapid Rise of Legalized Sports Betting, and Office Pools in the Digital Age: The State of Gambling in Maine

Cumberland Bar Association

February 23, 2021

Vice in the Workplace

Maine State Bar Association Winter Conference

January 27, 2021

LD 369: An Act Authorizing Earned Employee Leave Update

NESHHRM Conference

September 16, 2020

Vice in the Workplace: Managing the Expansion of Legal Marijuana and Online Gambling

Human Resources Association of Southern Maine

March 10, 2020

Place Your Bets? An Update on Gambling in the Workplace

Association of Corporate Counsel Sports & Entertainment Network Webinar
February 18, 2020

2019 Employment Law Update

Association of Corporate Counsel Sports & Entertainment Network Webinar
February 19, 2019

Cardozo Sports Law Symposium First Amendment Issues In Sports

Cardozo Law School, New York, NY
March 16, 2018

Books & Book Chapters

- Due Process in College Sports chapter, *College Athletes' Rights and Well-Being: Critical Perspectives on Policy and Practice*, Johns Hopkins University Press, November 2017
- New Hampshire chapter, *Misrepresentation in the Life, Health, and Disability Insurance Application Process: A National Survey*, ABA Publishing, 2021