



Jeremy Ben Merkelson

Of Counsel

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Jeremy Ben Merkelson works in close collaboration with businesses of all types and proactively counsels employers to resolve issues related to the employment relationship.

Jeremy's recent experience serving as the General Counsel and Assistant Director of the Association of American Law Schools provided him with first-hand insight into the practical risks employers face while managing their workforce. He draws on this experience as he works with clients to develop first-tier personnel policies, avoid litigation, and minimize employment-related risks including trade secret theft, whistleblower retaliation lawsuits, and unlawful discrimination claims.

When disputes arise, Jeremy has broad experience representing clients in state and federal courts, administrative proceedings, and arbitrations throughout the United States.

Prior to joining Holland & Hart, Jeremy was a labor and employment associate with Morrison & Forester in Washington, D.C., where he was second-chair trial counsel on a trade secret misappropriation lawsuit involving the Hubble Space Telescope and worked on former FBI Director Louis Freeh's team investigating post-bankruptcy breach of fiduciary duty claims against the officers and directors of the defunct financial services firm, MF Global Inc. Before attending law school, Jeremy was an Urban Fellow with the New York City Fire Department.

PRACTICES

Labor and Employment
Employment Litigation and Class Actions
HR Counseling, Compliance, and Risk Management
Accommodations, Disabilities, Leaves
Discrimination, Harassment, Retaliation, and Litigation
Wage and Hour
Commercial Litigation

EDUCATION

University of Virginia School of Law, J.D., 2009

Yale University, B.A., 2004
cum laude

BAR ADMISSIONS

Colorado
District of Columbia
Virginia

COURT ADMISSIONS

U.S. Supreme Court

EXPERIENCE

Employment Litigation and Class Actions

HR Counseling, Compliance, and Risk Management

- Dispute Resolution
- Employment Practices
- Non-Competes, Trade Secrets, and Unfair Competition
- Employment Policies, Handbooks, and Manuals
- Hiring, Discipline, Performance Evaluations, and Terminations
- Investigations
- Reductions in Force and Severance Agreements
- Training
- Workplace Privacy and Data Security

- Accommodations, Disabilities, Leaves

Discrimination, Harassment, Retaliation, and Litigation

Wage and Hour, Equal Pay, Compensation, and Benefits

- Pay Practices and Independent Contractors

Commercial Litigation

- Trials
- Appeals
- Business Torts

PUBLICATIONS

"Colorado Employers Can Forgo Paying Out Unused Vacation Upon Termination," *Colorado Employment Law Letter*, August 2019

"Interrogatories," *Discovery in Colorado, CLE in Colo., Inc.*, Co-Author, 2018 Ed.

"What Do Your Executives Have In Common With Seven-Figure Income College Coaches?," *Holland & Hart News Update*, Co-Author, 08/07/2018

"Dodd-Frank Whistleblower Protection Extends Only to Employees Who Report to SEC," *Holland & Hart News Update*, Co-Author, 02/21/2018

"Supreme Court Denies Review of FLSA Joint-Employer Test," *Employers' Lawyers Blog*, January 25, 2018

"Bowling Alone: Obama's Labor and Employment Regulatory Agenda in the New Republican Congress," *28 MoFo Employment Law Commentary 12*, December 2014

"Recent Developments in Sarbanes-Oxley and Dodd-Frank Whistleblower Retaliation Litigation," *Co-Author, D.C. Bar*, July 15, 2014

"FINRA Board of Governors Invalidates Class Action Waivers in Customer Account Agreements," *Co-Author, Mondaq*, April 28, 2014

"The CFTC Charges Civil Perjury, Even After the Witness Comes Clean," *Co-Author, The BD/IA Regulator*, September 23, 2013

"Full Speed Ahead: Employment and Labor Initiatives During the President's Second Term," *24 MoFo Employment Law Commentary 12*, December 2012

"You're Out of Order: Jurors, Social Media and Legal Ethics," *2 Socially Aware 5*, October 2011

SPEAKING ENGAGEMENTS

"Whistleblower Retaliation," *2019 Holland & Hart Colorado Employment Law Update*, September 18, 2019

"Sexual Harassment and Discrimination: #MeToo and More," *2018 Holland*

& Hart *Employment Law Update*, September 13, 2018

"Sexual Harassment in the Workplace in the Era of #MeToo," *Association of Corporate Counsel*, February 13, 2018

"Ethics in Technology Management: Trade Secrets," *Guest Lecturer, Georgetown University School of Continuing Education*, July 14, 2017

"Ethics in Technology Management: Intellectual Property and Software," *Guest Lecturer, Georgetown University School of Continuing Education*, June 14, 2016

"Advice for Startups: Employment Contract Pitfalls and How to Avoid Them," *1776 D.C.*, June 27, 2013

"Employment Traps for the Unwary: Social Media, Trade Secrets Issues, and Legal Ethics," *Morrison & Foerster*, October 17, 2012

"Managing the Social Workforce: Addressing the Challenges of Employee Social Media Use," *Morrison & Foerster*, November 9, 2011

MEMBERSHIPS AND AFFILIATIONS

- American Bar Association, Member
- Federal Bar Association, Member
- National Association of College and University Attorneys, Delegate, 2015-2017
- Association of Corporate Counsel, National Capitol Region, Member

PROFESSIONAL AND CIVIC AFFILIATIONS

- Urban Fellow, Office of the Deputy Commissioner for Intergovernmental Affairs, 2004-2006