



Jill E. Hall

Member

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Jill E. Hall is a Member in the Labor & Employment and Employee Benefits & ERISA practice groups, as well as the Banking and Health Care industry groups. She practices out of the Firm's office in Charleston, West Virginia.

Jill has extensive experience at both the state and federal level in the areas of labor & employment law and employee benefits, the Employee Retirement Income Security Act of 1974 (ERISA) and ERISA litigation. She has written extensively about these areas of the law and is a frequent speaker on employment and benefits-related topics. She regularly advises clients on a wide array of human resources matters under both state and federal law. Jill also represents employers, insurers, and third-party administrators in all aspects of health and welfare plan compliance and regularly advises clients on the requirements of the Affordable Care Act. Jill also has experience in advising employers involved in major labor negotiations regarding health and welfare plan issues and representing employers in litigation related to delinquent contributions to multi-employer pension and welfare plans.

Jill is adept at every stage of the ERISA legal process, from the pre-suit administrative process to appeals in state and federal courts, including successful appearances before the United States Court of Appeals for the Fourth Circuit. She has litigated matters such as ERISA preemption, fiduciary obligations, and claims for benefits. She also has extensive experience in drafting, compliance, and advisory work, as well as subrogation and reimbursement rights under health plans.

Jill began her legal career as a law clerk to The Honorable Frederick P. Stamp, Jr., in the U.S. District Court for the Northern District of West Virginia. Jill has received recognition for her work, having been named to *The Best Lawyers in America*® as Lawyer of the Year for her work in Employee Benefits and ERISA, and a Rising Star and Super Lawyer in Employment & Labor by West Virginia Super Lawyers®. She has a preeminent AV rating with Martindale-Hubbell and has been named to Benchmark Litigation's "Under 40 Hot List" for two consecutive years. She received her law degree from West Virginia University College of Law, having graduated Order of the Coif and a member of *Law Review*, and graduated *summa cum laude* from Bethany College in Bethany, West Virginia.

Awards

- Ranked in *Chambers USA, America's Leading Lawyers for Business* in the area of Labor & Employment Law in West Virginia, (2021)
- Peer-Review Rated AV Preeminent by Martindale-Hubbell
- Named to *The Best Lawyers in America*® - Employee Benefits (ERISA) Law (2013-2022)
- Named *Best Lawyers' Lawyer of the Year*, Employee Benefits - ERISA (2018)
- Selected as a Future Star by Benchmark Litigation (2019-2021)
- Selected as a 2017 Elite Lawyer of the South by Martindale-Hubbell and American Lawyer Media

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- Benchmark Litigation's Under 40 Hot List (2016-2018)
- Recognized by West Virginia *Super Lawyers*® as a Super Lawyer, Employment & Labor (2018-2022)
- Recognized by West Virginia *Super Lawyers*® as a Rising Star, Employment & Labor, (2014-2016)

Initial Seaboard ERISA Preemption badge

Notable Legal Experience

- Successfully briefed and argued ERISA preemption and fiduciary issues at the U.S. Court of Appeals for the Fourth Circuit
- Obtained multiple dismissal orders and summary judgment orders for defendants in ERISA litigation and employment cases
- Successfully briefed and argued unemployment compensation appeal at the Supreme Court of Appeals of West Virginia
- Significant experience providing human resources advice and counseling to employers in the private and public sectors
- Experience in advising employers on health and welfare plan issues in the context of major labor negotiations
- Obtained complete dismissal of a disability discrimination case on behalf of an electrical contractor following a three-day administrative trial before the West Virginia Human Rights Commission.
- Obtained multiple No Probable Cause findings before EEOC
- Authored multiple articles and presented at various seminars on employee benefits and employment law matters

Work History

- Jackson Kelly PLLC (2018-Present)
- Bowles Rice LLP (2003-2018)
- Honorable Frederick P. Stamp, Jr., United States District Court for the Northern District of West Virginia, Law Clerk (2001-2003)

Practices

- Labor & Employment
- Employee Benefits & ERISA
- Litigation

Industries

- Insurance
- Health Care

Education

- West Virginia University College of Law (J.D., 2001)
- Bethany College (B.A., *summa cum laude*, 1998)

Admissions

- West Virginia (2001)
- Supreme Court of Appeals of West Virginia (2001)
- U.S. District Court, Northern District of West Virginia (2001)
- U.S. District Court, Southern District of West Virginia (2001)
- U.S. Court of Appeals, Fourth Circuit (2005)

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Professional Organizations

- West Virginia Bar Association
- Kanawha County Bar Association

Representative Cases

- *Johnson v. Highmark Health, Inc.*, Civil Action No. 6:19-288-KKC, Doc. #26 (E.D. Ky. 2021) (granting motion to dismiss based on ERISA)
- *Johnson v. Highmark Health, Inc.*, 2020 WL 5084024 (E.D. Ky. 2020) (denying motion to remand on ERISA preemption grounds)
- *Fugate v. Frontier West Virginia Inc.*, 304 F.Supp.3d 503 (S.D.W.Va. 2018) (granting summary judgment on FMLA interference and retaliation claims)
- *Prince v. Sears Holding Corp., et al.*, 2017 WL 6540493 (N.D.W.Va, 2017) (granting motion to dismiss on statute of limitations grounds)
- *Prince v. Sears Holdings Corp.*, 848 F.3d 173 (4th Cir. 2017) (affirming dismissal on ERISA preemption grounds)
- *Robinson et al. v. Highmark West Virginia Inc. d/b/a/ Highmark Blue Cross Blue Shield of West Virginia*, Civil No. 15-194 (Cir. Ct. Wood Cnty., W. Va. Jan. 11, 2016) (granting summary judgment on ERISA preemption grounds)
- *Prince v. Sears Holdings Corp.*, 2015 WL 9307292 (N.D.W. Va., Dec. 21, 2015) (granting motion to dismiss on ERISA preemption grounds)
- *Board of Educ. of Webster County v. Hanna*, 764 S.E.2d 356 (W.Va. 2014)
- *Special Agents Mutual Benefit Assoc. v. Cowger*, 2014 WL 1048546 (N.D. W. Va. 2014)
- *Feamster v. Mountain State Blue Cross & Blue Shield*, 502 Fed. Appx. 278 (4th Cir. 2012)
- *Guyan Intern., Inc. v. Professional Benefits Adm'rs, Inc.*, 2011 WL 4975322 (N.D. Ohio 2011)
- *Feamster v. Mountain State Blue Cross & Blue Shield*, 2010 WL 2854302 (S.D. W.Va. 2010)
- *Thomas v. Wells Fargo Ins. Services of WV*, 2010 WL 3702666 (S.D. W. Va. 2010)
- *Deem v. BB&T Corp.*, 279 Fed.Appx. 283 (4th Cir. 2008)
- *Wood v. Acordia of West Virginia, Inc.*, 618 S.E.2d 415 (W. Va. 2005)

Speaking Engagements & Publications

Speaking Engagements

- Presentation with **Wendy G. Adkins**, "Managing a Workforce During COVID-19 Pandemic" West Virginia Housing Association, Webinar, May 13, 2020
- Presentation with **Wendy G. Adkins**, "Business Ask Me!," Webinar, Small Business Development Center, April 20, 2020
- Presentation with **Justin M. Harrison**, "COVID-19 Issues for HR Professionals, Webinar, WV Automobile Dealers Association, March 31, 2020
- Presentation with **Justin M. Harrison**, "COVID-19 Issues for HR Professionals, Webinar, Kentucky Bankers Association, March 30, 2020
- Presentation with **Justin M. Harrison**, "COVID-19 Issues for HR Professionals, Webinar, WV Bankers Association, March 27, 2020
- Presentation with **Justin M. Harrison**, "COVID-19 Issues for HR Professionals, Webinar, Community Bankers Association, March 27, 2020
- Presentation, "Ask a Lawyer – Navigating through the COVID-19 Pandemic", AlignHR Webinar
- Presentation, "FLSA and More," Southeastern Association of School Business Officials Web Virginia, June 13, 2019
- Presentation, "Conducting Pay Equity Audits," West Virginia Chamber of Commerce 2019 HR Conference, Charleston, West Virginia, April 10, 2019

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- Presentation, "The Business of Diversity," SHRM Charleston Chapter Meeting, Charleston, West Virginia, Nov. 14, 2018
- Presentation, "Employment Law Trends in 2018," Energy & Mineral Law Foundation (EMLF), Lexington, Kentucky, Oct. 18, 2018
- Presentation, "Update on Employee Benefits Issues," Jackson Kelly PLLC Trends in WV Employment, Labor and Benefits Law Seminar, Charleston, West Virginia, Oct. 16, 2018
- Presentation with **David R. Stone**, "Conducting Gender Pay Audits to Avoid Discrimination Claims," Jackson Kelly PLLC Trends in WV Employment, Labor and Benefits Law Seminar, Charleston, West Virginia, Oct. 16, 2018
- Presentation, "What's Going on With Healthcare: The Latest Changes and Impacts on Your Employee Benefits Program," Chamber of Commerce HR Summit, Charleston, West Virginia, April 26, 2018
- Presentation, "Diversity in the Workplace," Charleston, West Virginia, Oct. 12, 2016
- Presentation, "Human Resources, FLSA Regulations and the Affordable Care Act," Charleston, West Virginia, Aug. 31, 2016
- Presentation, "The Role of HR Managers in Workplace Diversity Efforts," Charleston, West Virginia, July 27, 2016
- Presentation, "New FLSA Overtime Rules," Bridgeport, West Virginia, July 13, 2016
- Webinar, "Wage and Hour Laws," June 16, 2016
- Presentation, "Employer's Map to the ACA Maze of Requirements," Huntington, West Virginia, June 2, 2016
- Presentation, "Essentials of Employment Law," by **Jill E. Hall**, Hampton Inn, Barboursville, West Virginia, June 2, 2016
- Presentation, "Positioning Yourself for the Next Big Opportunity," by **Jill E. Hall**, Women in Leadership Symposium
- University of Charleston, Charleston, West Virginia, May 5, 2016
- Presentation, "Employee Benefits: The Only Certainty is Uncertainty," by **Jill E. Hall**
- West Virginia Chamber of Commerce's Annual HR Conference, Charleston Marriott Town Center, Charleston, West Virginia, Oct. 12-13, 2015
- Presentation, "Wage and Hour Laws: Close Enough is Not Good Enough," by **Jill E. Hall**
- Society for Human Resource Management, Charleston, West Virginia, Jan. 14, 2015
- Presentation, "Same-Sex Benefits Issues," by **Jill E. Hall**, West Virginia Chamber Human Resources Conference, Charleston Marriott Town Center, Charleston, West Virginia, Oct. 7, 2014
- Presentation, "The Affordable Care Act: Employer Mandate Compliance," by **Jill E. Hall**, Breakfast@Bowles, Charleston, West Virginia, Dec. 11, 2013

Writings and Publications

- Author, "Temporary Rule Offers Guidance on the Families First Coronavirus Response Act," DRI's *The Voice*, May 13, 2020
- Author, "'Group Health Plan Deadlines Extended,'" Jackson Kelly PLLC's *Labor & Employment News Alert*, April 30, 2020
- Author, "COVID-19: Changes to Group Health Plans Required," Jackson Kelly PLLC's *Labor & Employment News Alert*, April 23, 2020
- Co-author with **Wendy G. Adkins**, "Temporary Rule Offers Guidance on the Families First Coronavirus Response Act," Jackson Kelly PLLC's *Labor & Employment News Alert*, April 2, 2020
- Co-author with Benjamin J. Wilson, "UPDATED April 3, 2020 – Small Business Relief Under the Paycheck Protection Program," Jackson Kelly PLLC's *Labor & Employment News Alert*, March 30, 2020
- Author, "Supreme Court Rules in Favor of Retirement Plan Participants," Jackson Kelly PLLC's *Labor & Employment News Alert*, March 2, 2020
- Author, "ACA: Another Court Decision but Questions Remain," Jackson Kelly PLLC's *Labor & Employment News Alert*, Jan. 2, 2020

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- Co-author with **Grace E. Hurney**, "Employment Separation Agreements: Parting is such sweet sorrow...but it doesn't have to be," *The Community Banker*, Second Quarter 2019
- "ACA: Alive and Well or on Death's Doorstep?," Jackson Kelly PLLC's *Labor & Employment News Alert*, Dec. 17, 2018
- "Using ERISA's Complete Preemption Doctrine as a First Line of Defense," by **Jill E. Hall**, DTCWV, Spring 2018
- "What's Going on With Healthcare?," by **Jill E. Hall**, West Virginia Chamber of Commerce *HR Journal*, Spring 2018
- "Employer-Sponsored Health Plans and Same-Sex Spousal Benefits," by **Jill E. Hall**, West Virginia Chamber of Commerce *HR Journal*, Spring 2017
- "The New Overtime Rule Has Been Blocked - Now What?," Labor and Employment e-Alert, Nov. 23, 2016
- "The Business of Diversity," West Virginia Chamber of Commerce *HR Journal*, April 19, 2016
- "IRS Extends ACA Reporting Deadlines," Dec. 29, 2015
- "Final Opportunity for Certain Individually Designed Retirement Plans to Obtain Favorable IRS Determination Letter," Employee Benefits Alert, Nov. 12, 2015
- "U.S. Supreme Court Upholds IRS Subsidy Authority Under Affordable Care Act," Health Care Reform Alert, July 7, 2015
- "Same-Sex Marriage Recognized in WV – How Will This Impact Employer-Sponsored Health Plans?," Benefits Alert, Oct. 9, 2014
- "Should County Boards of Education Be Doing Anything Now to Prepare for the Implementation of the Affordable Care Act?," by Lenna Chambers and **Jill E. Hall**, Legalities, West Virginia School Board Association, March 2014
- "Affordable Care Act: Employer Mandate Delayed for Medium-Sized Employers," Health Care Reform Alert, Feb. 11, 2014
- "Classification of Mortgage Officers and Lenders: Is Your Bank at Risk?," by **Jill E. Hall**, *West Virginia Banker Magazine*, Winter 2013
- "Effective Date for Affordable Care Act Employer Mandate and Reporting Requirements Pushed Back," Health Care Reform Alert, July 3, 2013
- "United States Supreme Court Issues Ruling on Health Care Reform Law," Labor and Employment Alert, June 28, 2012

Community

- Leadership Council on Legal Diversity (LCLD) Fellows Program (2019)
- Rea of Hope, Board of Directors
- The Health Plan, Former Vice President of the Board of Directors
- West Virginia KIDS COUNT, Former President of the Board of Directors