



Jeremy Ben Merkelson

Partner

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Jeremy's clients benefit from his prior experience as in-house general counsel and his knowledge of the unique challenges of managing the workforce in a cost-effective, efficient manner.

When disputes arise, Jeremy has broad experience representing clients from a wide range of industries in state and federal courts, administrative proceedings, and arbitrations throughout the United States. He has substantial first-chair trial experience, including the unique experience of prevailing in a bench trial conducted entirely on virtual platforms during the COVID-19 pandemic.

Jeremy regularly advises public and private companies, health care organizations, trade associations, and non-profits on employment matters from the local to the federal level. He also regularly provides advice and counsel to deal teams on the employment aspects of complex, cross-border M&A transactions.

Prior to joining Holland & Hart, Jeremy was a labor and employment associate with Morrison & Foerster 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. Jeremy also worked as General Counsel for the Association of American Law Schools. 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

INDUSTRIES

Outdoor Recreation

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

M&A Transactions

PUBLICATIONS

"[The Disappearing Future of Non-Compete Agreements](#)," *Employers' Lawyers Blog, ERE Recruiting Intelligence, and Holland & Hart News Update*, Co-Author, 11/10/2021

"[Discovery in Colorado](#)," *CBA-CLE*, Co-Author, 2021 Edition

"Colorado Lawmakers Try to Push Back Against Mandatory Vaccines," *HR Hero*, 05/26/2021

"[Small Business Coverage Under the Paid Leave Provisions of the FFCRA](#)," *Holland & Hart News Update*, 04/17/2020

"[COMPS: Coming Soon to a Workplace Near You](#)," *Employers' Lawyers Blog*, 03/13/2020

"[Expansive New Overtime and Minimum Pay Requirements Coming for Most Colorado Employers](#)," *Holland & Hart News Update, Employers' Lawyers Blog*, Co-Author, 12/04/2019

"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

"Roundtable with ACC Colorado: Lessons Learned on Complying with New Colorado Employment Law," *Colorado Employment Law Webinar Series with Holland & Hart and ACC Colorado*, 03/18/2021

"Data Protection in the New Normal | COVID-19 and the Workplace: Where Are We Now and Where Are We Going?," *Holland & Hart Webinar*, November 10, 2020

"Criminal Background Checks - Beyond the Box," *SHRM EvolveHR Summit*, August 6, 2020

"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

"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

RECOGNITION

- Washington, D.C. Super Lawyers® Rising Stars, Employment & Labor: Employer, 2021, 2022

PROFESSIONAL AND CIVIC 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
- General Counsel, Association of American Law Schools, 2015-2017
- Urban Fellow, Office of the Deputy Commissioner for Intergovernmental Affairs, 2004-2006