



James (Jimmy) J. Oh

Member of the Firm

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Jimmy Oh defends employers in high-stakes employment litigation. When a company's core business model is threatened or their reputation is at risk, clients trust his attentive counsel and sense of urgency to protect their interests. In the past 15 years, Jimmy has represented numerous companies across the country in wage and hour class actions. He is one of a few litigators in the country to defend a class action at trial and win. He also regularly represents companies in high-exposure cases involving allegations of harassment, discrimination, retaliation, or wrongful termination brought by single-plaintiff employees at all levels of a company, including the C-suite.

When he's not litigating cases, Jimmy counsels clients on proactive measures to ensure their employment practices comply with current or new workplace laws and regulations. For example, he has offered advice and training on how legalization of recreational and medical marijuana may affect a client's workplace drug policies, disciplinary action policies, and accommodations process. He also has guided clients through reductions in force due to the COVID-19 pandemic.

Before joining Epstein Becker Green, Jimmy was a shareholder at an international labor and employment firm, where he was on the Board of Directors. He has published numerous articles and presented on a variety of employment law topics, including wage and hour compliance, class action certification, and the impact of the legalization of cannabis on the workplace. He also speaks about developments in wage and hour class action law; Fair Labor Standards Act ("FLSA") classification; the interplay between the Americans with Disabilities Act, the Family and Medical Leave Act, and workers' compensation laws; internal investigations; and cannabis and the workplace.

Experience

- Served as first chair at a federal trial of a collective action in which special investigators at an insurance company alleged they were misclassified as exempt. After winning at trial, Jimmy's argument at the U.S. Court of Appeals for the Sixth Circuit affirmed the trial court victory.

- Served as first chair at a federal trial at which a branch manager and a claims adjuster alleged Jimmy's client misclassified them as exempt. The court found the plaintiffs were exempt under the FLSA.
- Served as first chair at a federal jury trial in Atlanta in which the plaintiff alleged disability and age discrimination. Jimmy won a defense verdict for his client.
- Guided a hospitality industry client through a nationwide reduction in force necessitated by the COVID-19 pandemic. Jimmy and his team completely avoided all litigation risk by drafting individual release agreements for thousands of affected employees and sending WARN Act notices to government agencies.
- Protected a major insurance company from wage and hour class actions by implementing a nationwide arbitration program and agreement that includes a class action waiver for the company's 30,000+ U.S. employees.
- Represented a communications client in a nationwide collective action in which installation technicians alleged off-the-clock work. Though plaintiffs initially sought a multimillion-dollar settlement, Jimmy and his team convinced the federal court to decertify, which compelled the two remaining plaintiffs to settle for a small fraction of their initial demands.
- Defended an insurer's ability to treat its paid-time-off ("PTO") plan as an ERISA plan governed by federal law. When the State of California refused to recognize that ERISA governed the PTO plan and preempted California vacation pay law, Jimmy sued the state twice to withdraw its challenge.
- Achieved a victory in an FLSA collective action filed in the U.S. District Court for the Eastern District of Arkansas. Jimmy and his team persuaded the court to limit the purported nationwide collective action to just two states and then to grant summary judgment because the claims adjusters were properly classified as exempt administrative employees.
- Achieved a victory in an FLSA misclassification and age discrimination action in which the U.S. District Court for the Southern District of Mississippi granted summary judgment, finding that the plaintiff, a commercial lines insurance underwriter, was an exempt administrative employee. The court also granted summary judgment on the plaintiff's age claim.

Education

- Northwestern University School of Law (J.D., 1987)
- Northwestern University (B.A., 1984)

Bar Admissions

- Illinois

Practice Areas

- Class Actions

- Wage and Hour
- Employment Litigation
- Trade Secrets & Employee Mobility

Industries

- Financial Services
- Health Care and Life Sciences Industry
- Cannabis Law

Court Admissions

- Illinois Supreme Court
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court, Central District of Illinois
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Eastern District of Michigan

Memberships

- American Bar Association, Labor and Employment Law Section

Recognition

- *The Best Lawyers in America*®, Employment Law – Management (2015 to 2021)
- *Illinois Super Lawyers*, Employment & Labor (2005 to 2013, 2015 to 2021)
- *The Legal 500 United States*, Workplace and Employment Counseling (2020)
- *Lawyers of Color*, “Nation’s Best” (2019)
- *Diversity & the Bar Magazine*, “Rainmaker” (2016)
- Martindale-Hubbell, AV® Peer Review Rating