



James Hammerschmidt

Co-President (He/Him)

301-841-0819

jrhammerschmidt@lerchearly.com

It has been a pleasure working with you over the years.

I will be transitioning to Lerch, Early & Brewer effective May 1, 2023.

For new and existing clients, you can contact me using the updated information above.

Thanks again and I look forward to continuing our work together

PRACTICE AREAS

Employment Law

Litigation: Business

Litigation: Individual

Appellate Practice

BAR ADMISSIONS

Maryland

District of Columbia

United States District Court for the District of Maryland

United States District Court for the District of Columbia

EDUCATION

J.D., *Cum Laude*, Saint Louis University School of Law, 1993

- Executive Editor of the Public Law Review
- Co-Editor-in-Chief of the American Bar Association's *Fidelity and Surety Law*
- Trial Advocacy Team member
- Alpha Sigma Nu National Honor Society

B.S.B.A., Washington University in St. Louis, 1988

ACCOLADES & AWARDS

"Top Lawyers," - *Washingtonian* magazine (2022)

Daily Record Power List of Top 25 Maryland Business & Employment Lawyers (2022)

Best Law Firms – *U.S. News & Best Lawyers* (2013-2023)
- Tier 2 National Ranking for Litigation - Labor & Employment
- Tier 2 National Ranking for Employment Law - Management
- Tier 1 Metropolitan (D.C. area) Ranking for Litigation - Labor & Employment
- Tier 1 Metropolitan (D.C. area) Ranking for Employment Law - Management

Best Lawyers in America - *Best Lawyers* (2016-2023)
- Litigation - Labor and Employment
- Employment Law - Management

Maryland *Super Lawyers* (2014-2022)

Washington D.C. *Super Lawyers* (2014-2020)

"Top Attorneys," *Bethesda Magazine* (2019, 2021)
- Employment - Employee
- Employment - Employer

Recognized for his distinguished service to and leadership of the Federal Bar Association's Labor & Employment Law Section at the FBA Annual Meeting (2011)

"President's Citation for Outstanding Service" from the Bar Association of Montgomery County (2008)

AV Preeminent® Peer Review Rated

IN THE NEWS

Eight Paley Rothman Attorneys Named in the Washingtonian's 2022 Top Lawyers List

14 Paley Rothman Attorneys Named to the 2023 Maryland Super Lawyers and Rising Stars Lists

Paley Rothman Earns National and Local Honors in U.S. News "Best Law Firms" 2023 Rankings

19 Paley Rothman Attorneys Selected 2023 Best Lawyers® in America

Jim Hammerschmidt Named in The Daily Record's 2022 Power List

Paley Rothman Earns National and Local Honors in U.S. News "Best Law Firms" 2022 Rankings

Paula Calimafde Named 2022 Best Lawyers® "Lawyer of the Year" in the Washington, D.C. Area and 21 Paley Rothman Attorneys Selected Best Lawyers in America

Jim Hammerschmidt Quoted in Law360 Article on the Benefits of Small Firms in Talent War

Jim Hammerschmidt Provides Commentary for Law360 Article Regarding the Fourth Circuit's ADA Appeal

Jim Hammerschmidt Talks to National Law Journal About Appeal of Suburban Law Firms

Jim Hammerschmidt Provides Commentary for Law360 Article on Reimplementing Business Travel and Avoiding Worker Discrimination

Jim Hammerschmidt Provided Commentary to SHRM Regarding How HR Leadership Can Take a Creative Approach to Helping All Employees Celebrate Their Holidays

Glenn Cooper No. 1, 13 Paley Rothman Attorneys Named to the 2021 Maryland Super Lawyers and Rising Stars Lists

Twenty Paley Rothman Attorneys Selected to 2021 Best Lawyers in America

14 Paley Rothman Attorneys Named to the 2020 Maryland Super Lawyers and Rising Stars Lists

Glenn Cooper Top 10, 14 Paley Rothman Attorneys Named to the 2020 Washington D.C. Super Lawyers and Rising Stars Lists

Seventeen Paley Rothman Attorneys Selected to 2020 Best Lawyers in America

Jim Hammerschmidt Named Co-President of Paley Rothman

Jim Hammerschmidt Named Deputy Chair of the FBAs Labor & Employment Law Section Board of Governors

Jim Hammerschmidt Provides Commentary for Law360 Article on Billing Clients

Jim Hammerschmidt Provides Commentary for Law360 Article on Intern Protection

Jim Hammerschmidt Provides Commentary for Law360 article on Prospective Clients

Jim Hammerschmidt Provides Commentary for Law360 Article on Summary Judgment Bids

Jim Hammerschmidt Provides Commentary in Law360 Article on Misclassification Guidance

Jim Hammerschmidt Provides Insight to HRE Article “Rethinking Class-Action Requirements”

Jim Hammerschmidt Provides Insight to Human Resource Executive Article on Interviewing

Jim Hammerschmidt receives “President’s Citation for Outstanding Service”

Jim Hammerschmidt Recognized for his Service and Leadership to FBA Labor & Employment Law Section

Jim Hammerschmidt Selected to Serve on Board of Governors of MD Chapter of FBA

Jim Hammerschmidt Selected Treasurer-Elect of the Bar Association of Montgomery County

Jim Hammerschmidt Serves as Deputy Chair of FBA’s Labor & Employment Law Section BOG

Jim Hammerschmidt Provides Commentary in DailyWorth Article on New Overtime Rules

Jim Hammerschmidt Provides Commentary in Law360 Article on DOL’s Final Overtime Exemption Rule

Jim Hammerschmidt Provides Commentary in Article Regarding Small Business Optimism

Jim Hammerschmidt Provides Commentary in Article titled “Preventing Pregnancy Discrimination”

Jim Hammerschmidt Provides Commentary in Law360 Article on Challenges to the DOL’s New Overtime Rule

Jim Hammerschmidt Provides Commentary in Law360 Article on Minimum Wage

Jim Hammerschmidt Provides Commentary in Law360 Article on the Effects of a Trump Presidency

Jim Hammerschmidt Provides Commentary in SHRM Article on Age Discrimination

Jim Hammerschmidt Provides Commentary on the Effects a Trump Presidency Will Have on Small Business

Jim Hammerschmidt and Ethan Don Sponsor Meeting of Society for Human Resource Managers

Jim Hammerschmidt and Jack Blum Publish Article About Noncompete Agreements on Law360.com

Jim Hammerschmidt Co-Authors Article on Independent Contractors for Maryland Bar Journal

Jim Hammerschmidt Delivered Welcoming Speech at 4th Bi-Annual Federal Bar Association Conference

Jim Hammerschmidt Presents at Seminar Hosted by MSBA and BAMC Employment Law Sections

Jim Hammerschmidt Presents at HRA-NCA Event on Handbooks

Jim Hammerschmidt Presents to Montgomery County SHRM Chapter

Jim Hammerschmidt Presents to Montgomery County SHRM Chapter

Jim Hammerschmidt Provides Commentary in Article titled: "How to Get Your Customers to Pay on Time"

Jim Hammerschmidt Speaking at American Bar Association Webinar

Jim Hammerschmidt Speaks in C4CM Audio Conference

Jim Hammerschmidt Will Speak at MSBA Continuing Legal Education Event

13 Paley Rothman Attorneys Named to the 2019 Washington D.C. Super Lawyers and Rising Stars Lists

13 Paley Rothman Attorneys Selected 2014 Maryland Super Lawyers and Rising Stars

13 Paley Rothman Attorneys Selected 2014 Washington D.C. Super Lawyers and Rising Stars

10 Paley Rothman Attorneys Named as Maryland Super Lawyers and Two Attorneys Named as Maryland Super Lawyers Rising Stars for 2022

15 Paley Rothman Attorneys Named to 2016 Maryland Super Lawyers and Rising Stars Lists

15 Paley Rothman Attorneys Named to the 2019 Maryland Super Lawyers and Rising Stars Lists

16 Paley Rothman Attorneys Named to 2015 Maryland Super Lawyers & Rising Stars Lists

17 Paley Rothman Attorneys Named to the 2018 Maryland Super Lawyers and Rising Stars Lists

17 Paley Rothman Attorneys Named to the 2018 Washington D.C. Super Lawyers and Rising Stars Lists

17 Paley Rothman Attorneys Named to 2017 Washington D.C. Super Lawyers and Rising Stars Lists

17 Paley Rothman Attorneys Named to 2017 Maryland Super Lawyers and Rising Stars Lists

16 Paley Rothman Attorneys Named to 2016 Washington D.C. Super Lawyers & Rising Stars Lists

RECENT PUBLICATIONS

"Noncompete Agreements Under Siege At The State Level," co-authored, *Law360.com*, May 2017

"Employee or Independent Contractor? Historical Perspective, Current Risks, and Practical Tips," co-authored, *Maryland Bar Journal*, November 2013

"Please Let Employers Know the Charge," co-authored with Hope Eastman, *Legal Times*, May 2008

"Enforceability of and Alternatives to Mandatory Arbitration Agreements in the Workplace," Maryland State Bar Association *Bar Bulletin*, February 2005

"Privacy in the Workplace—Employer/employee rights in the electronic age," *The Daily Record 'On Employment'*, September 2004

"Retaliation claim: A trap for the unwary employer," co-authored with Hope Eastman, *Washington Business Journal—Small Business Growth Strategies*, August 2004

CIVIC & COMMUNITY INVOLVEMENT

Bar Association of Montgomery County

- Member, Strategic Planning Committee (2013-2016)
- Chair, Budget Committee (2016)
- Treasurer, Montgomery County Bar Foundation (2014-2015)
- Treasurer (2013-2014)
- Treasurer-Elect (2012-2013)
- Member, Executive Committee (2006-2008)
- Committee Co-Chair, Bar Foundation Fall Outing Golf & Tennis Classic (2004-2008)
- Member, Judicial Panel Selection Committee (2001-2004)
- Co-Chair, Employment Law Section (2000-2001)
- Co-Chair, District Court Mediation Program (1998-2001)

Maryland State Bar Association

- Co-Chair, Managing Partners Group (2022-2023)
- Member, Special Committee on Voir Dire (2012-2017)
- Member, Labor & Employment Law Section Council (2004-2016)

Federal Bar Association

- President, Foundation of the Federal Bar Association (2020-2021)
- Board Member, Foundation of Federal Bar Association (2014-present)
- Board Member, Labor and Employment Section (2005-2020)
- Board Member, National Convention Committee (2011-2014)
- Chairman of the Board, Board of Governors Maryland Chapter (2012-2013)
- Secretary, Board of Governors Maryland Chapter (2011-2012)
- Chair, Labor and Employment Section (2010-2011)
- Treasurer, Board of Governors Maryland Chapter (2008-2011)
- Treasurer, Labor and Employment Section (2008-2009)
- Secretary, Labor and Employment Section (2007-2008)

American Bar Association

- Member, Litigation and Employment Law Sections
- Past Contributing Editor, *Employment Discrimination Law* (3d Ed.) and *Annual Developments in Business and Corporate Litigation*

Member – Montgomery County Society for Human Resource Management

The American Employment Law Council

- Member (2013-present)
- Advisory Board Member (2017-2020)

National Finance Industry Employment Law Committee

- Member (2017-present)

Pro bono Membership on Board of Directors - Lubuto Library Partners - A 501(c)(3) organization working to build children's libraries and create educational opportunities for children affected by HIV/AIDS in Africa

Board Counsel to the Board of Trustees - Green Acres School (2006-2009)

SPEECHES & PRESENTATIONS

"Employment Law Day - Now You See It: Trends in Wage Transparency and Equal Pay," Paley Rothman, March 2023

"Legal Trends: Evolving Issues with NDAs; What Employers Should Know," The Daily Record, June 2022

"2022 Employment Law Update," Montgomery County Society for Human Resource Management (SHRM), June 2022

"Employment Law Day: 1, 2, 3! Know Your ABC's About Independent Contractors," Paley Rothman, February 2022

"Employment Law Day - Changes: A New Chapter in Employment Law," Paley Rothman, February 2021

"Addressing Vaccine Confidence in Practice Personnel," a webinar for the Montgomery County Medical Society, February 2020

"Navigating New Laws and COVID19 Related Employment Issues," Montgomery County Society for Human Resource Management (SHRM), September 2020

"COVID-19 Staffing Q&A for Physicians," a webinar for the Montgomery County Medical Society, August 2020

"2020 Labor Law Update for MD, DC and VA," Montgomery County Society for Human Resource Management (SHRM), May 2020

"COVID-19 Employment Law Q&A," a webinar for the Montgomery County Medical Society, March 2020

"Employment Law Day: You Gotta Keep 'Em Separated - Termination, Off-Boarding and Severance Issues," Paley Rothman, February 2020

"Employment Law for Child Care Providers," Maryland State Child Care Association, October 2019

"How Many Sexes Can Stand Under Title VII's Umbrella," Virginia State Bar's 2nd Annual Forum on Diversity, September 2019

"Marijuana Legalization: Workplace Woes Over Weed and Beyond," Federal Bar Association's 2019 Annual Meeting and Convention, September 2019

"May Breakfast Meeting - 2019 Employment Law Update for MD, VA, and DC," Montgomery County Society for Human Resource Management (SHRM), May 2019

"Employment Law Day: Retaliation Claims - Don't Win the Battle and Lose the War," Paley Rothman, February 2019

"Employment Law Day: Agree to Disagree - Arbitration Agreements," Paley Rothman, February 2019

"Employment Law Basics for Childcare Centers," Organization of Child Care Directors, January 2019

"May Breakfast Meeting - 2018 Employment Law Update for MD, VA, and DC," Montgomery County Society for Human Resource Management (SHRM), May 2018

"Advanced Employment Law: What You Need to Know," National Business Institute, April 2018

"Employment Law Day: The Afternoon After the Morning After - Post-Election Debrief," Paley Rothman, November 2016

"Employment Law Day: Talk to the Hand(book) – The NLRB's impact on every day employment policies," Paley Rothman, November 2017

"What Employers and Their Advisors Need to Know About Independent Contractors," Presentation to Major Accounting Firm, July 2017

"Employment Law for Early Stage Start Ups," The Vinetta Project, July 2017

"Employment Law Program," MSBA 2017 Advanced Business Law Institute, April 2017

"New Overtime Regulations Lunch and Learn," Launch Workplaces, September 2016

"Employment Law: 2016 Comprehensive Guide," National Business Institute, August 2016

"2015-2016 Employment Law Update for Maryland, Virginia and the District of Columbia," Montgomery County Society for Human Resource Management, May 2016

"What Every Business Lawyer Should Know About What an Employment Lawyer Deals With Each Day," MSBA Advanced Business Law Institute, April 2016

"Talk to the Hand(book): An Overview of the NLRB's Recent Attack on Handbooks and What Employers Should Do To Modify Them," Human Resource Association of the National Capital Area, January 2016

"Hot Topics in Employment Law CLE: *The Law Governing Non-Compete Agreements in Washington, D.C., Maryland and Virginia*," Federal Bar Association, D.C. Chapter and the Metropolitan Washington Employment Lawyers Association, November 2015

"Pitfalls and Pratfalls in Classifying Employees in Light of the (Upcoming) Federal Exemption Regulations," Moderator, The American Employment Law Council Annual Conference, October 2015

"Maryland & Federal Wage Laws Update," Maryland State Bar Association and Bar Association of Montgomery County Labor & Employment Sections, May 2015

"2014 Employment Law Update for Maryland, Virginia and the District of Columbia," Montgomery County Society for Human Resource Management, May 2015

"2013 Employment Law Update for Maryland, Virginia and the District of Columbia," Montgomery County Society for Human Resource Management, May 2014

"Human Resource Law: What You Need to Know Now," National Business Institute, October 2013

"Employee or Independent Contractor? *Perspectives from Employers, Employees & Regulators*," Maryland State Bar Association and Bar Association of Montgomery County Labor & Employment Sections, July 2013

"Employment Law Basics: Restrictive Covenants," Maryland State Bar Association CLE, February 2013

"How to Write Comprehensive, Compliant Inclement Weather Policies for Pay & Attendance," Center for Competitive Management, November 2012

WEBINARS

Employment Law Day - Now You See It: Trends in Wage Transparency and Equal Pay, March 2023

Employment Law Day: 1, 2, 3! Know Your ABC's About Independent Contractors, February 2022

Change Comes to the Commonwealth – A Virginia Employment Law Update, June 2020

Returning Employees to Work As COVID-19 Restrictions Ease, May 2020

CARES Act – Your Questions Answered, April 2020

Overtime Rules Rematch: Navigating the Newest Overtime Rules, October 2019

We've Got Chicken Soup for You: How to Comply with Maryland's New Sick & Safe Leave Law, February 2018

New Overtime Regulations - An Overview, June 2016

Cause I'm Free—Freelancing! What Employers Need to Know About Independent Contractors, December 2012

Check 1 Check 2 – What an Employer Needs to Know About Employee Background Checks, September 2012

How Tweet It Is – Social Media in the Workplace, June 2012

MEDIA COMMENTARY

"Small Firms Leverage Size To Take on BigLaw in Talent War, " *Law360*, November 28, 2022

"Takeaways After 4th Circ. Says ADA Covers Gender Dysphoria - *Law360*", *Law360*, August 17, 2022

"Downtown DC Firms Become an Increasingly Attractive Option for Suburban Lawyers," *National Law Journal*, April 28, 2022

"Resuming Business Travel May Cause Legal Turbulence," *Law360*, March 25, 2022

"What You Need to Know About the Federal COVID-19 Vaccine Mandate," *Good Day DC*, WTTG, November 5, 2021

"M&T Bank Local Business Spotlight," *104.7 WONK FM*, November 9, 2020

"How to Get Your Customers to Pay on Time," *Inc.com*, November 1, 2017

"Preventing Pregnancy Discrimination," *Human Resource Executive Online*, March 21, 2017

"Discount Retail Store Services Announces Small Business Optimism Greatly Increased Since November Election," PRweb.com, January 25, 2017

"States' Minimum Wage Hikes Roll On Without Federal Increase," by Vin Gurrieri, *Law360*, January 9, 2017

"Great expectations: Small businesses upbeat about 2017," by Joyce M. Rosenberg, December 28, 2016

"BigLaw Reacts To Trump's Election To The White House," *Law360 Roundup*, November 9, 2016

"DOL OT Rule Hard To Nix, But Automatic Increases May Fall," by Matthew Bultman, *Law360*, September 21, 2016

"HP Faces Age Claim over Demographics Discussions, RIFs," by Allen Smith, *Society for Human Resource Management*, September 6, 2016

"Do the New Overtime Rules Really Mean Bigger Paychecks?" by Nancy Mann Jackson, *DailyWorth*, May 19, 2016

"Attorneys React to DOL's Final Overtime Exemption Rule," *Law360 Roundup*, May 18, 2016

"Are LinkedIn Parties Legal?" by Allen Smith, *Society for Human Resource Management*, September 9, 2015

"Rethinking Class-Action Requirements," by Mark McGraw, *Human Resource Executive Online*, August 18, 2015

"Attorneys React To DOL Misclassification Guidance," *Law360 Roundup*, July 15, 2015

"Are You Asking Illegal Interview Questions?" by Mark McGraw, *Human Resource Executive Online*, May 4, 2015

"The Question You Should Ask Every Prospective Client," *Law360 Roundup*, October 2, 2014

"7th Circ. Warns Attys To Keep Dismissal Bids Spin-Free," by Scott Flaherty, *Law360*, August 12, 2014

"3 Tips For A Smoother Road To Payday," by Kaitlin Ugolik, *Law360*, April 16, 2014

"NYC Intern Protections Will Start Domino Effect Across US," by Pete Brush, *Law360*, March 28, 2014