



“Whether I’m managing the firm or managing my clients’ needs, listening is the most important thing I can do. My clients, and I, will only be successful if I truly understand the scope of their objectives. How can I go about finding solutions if I don’t know what their end goal is?”

James Hammerschmidt

Co-President

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Jim Hammerschmidt is Co-President of the firm, Chair of the Employment Law group, and a member of its Litigation and Appellate Practice groups. His practice includes a range of commercial, corporate, and employment counseling and litigation, but his primary task is listening. The first thing Jim does when meeting with a client is ask, “What is your goal?” In doing this, Jim is able to determine the client’s expectations and whether we will be able to meet them. Only then can he really set about meeting his clients’ business needs.

Jim has extensive experience representing and counseling clients on employment law issues. He represents clients in federal and state court, as well as before agencies such as the EEOC, Department of Labor, and local and state human rights commissions and labor departments. He handles claims arising under Title VII, ERISA, FLSA, FMLA, ADA, ADEA, Wage Payment and Collection Law, and Wage and Hour Law statutes, including class actions. He has extensive litigation experience on a wide range of employment issues, such as breach of contract, wrongful termination, trade secret claims, and non-competition and non-solicitation agreements. In addition to litigation, Jim provides daily advice to clients dealing with difficult employees and employee discipline, and his role as Co-President of the firm puts him in a unique position to apply his internal experience to client issues. He also routinely assists clients in developing and implementing employment policies and practices, drafting employee manuals and preparing employment agreements.

Jim’s general civil litigation and appellate practice includes matters involving real estate, land development, breach of contract, trusts and estates, construction, shareholder disputes, business disputes, protection of trade secrets and confidential information among many others. His critical attention to detail and access to a strong litigation department puts clients at ease, knowing they are receiving high quality representation.

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

Best Law Firms – *U.S. News & Best Lawyers* (2013-2019)
- Tier 2 National Ranking for Litigation - Labor & Employment
- Tier 3 National Ranking for Employment Law - Management
- Tier 1 Metropolitan (D.C. area) Ranking for Litigation - Labor & Employment
- Tier 2 Metropolitan (D.C. area) Ranking for Employment Law - Management

Best Lawyers in America - *Best Lawyers* (2016-2020)

Maryland *Super Lawyers* (2014-2019)

Washington D.C. *Super Lawyers* (2014-2019)

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

Seventeen Paley Rothman Attorneys Selected to 2020 Best Lawyers in America

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

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

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

- Chair, Budget Committee (present)
- Member, Strategic Planning Committee (2013-present)
- 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

- Member, Special Committee on Voir Dire (2012-present)
- Member, Labor & Employment Law Section Council (2004-2016)

Federal Bar Association

- Board Member, Foundation of Federal Bar Association (2014-present)
- Board Member, Labor and Employment Section (2005-present)
- 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)

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

"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: 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

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

"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 Incentive Weather Policies for Pay & Attendance," Center for Competitive Management, November 2012

WEBINARS

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

"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