

James J. Oh

Shareholder

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Practice Areas

Class Actions
Wage and Hour
Discrimination and Harassment
Competition and Trade Secret Law
Complex Litigation and Jury Trials

Overview

James J. Oh has a nationwide practice that focuses on representing management in class action and employment litigation of all kinds. He has specific expertise with claims arising under:

- The Fair Labor Standards Act
- State wage and hour laws
- Title VII
- The Americans with Disabilities Act
- The Age Discrimination in Employment Act
- The Family and Medical Leave Act

Cases of note that James has handled have included:

- FLSA collective action bench trial alleging misclassification under the administrative exemption in the US District Court for the Southern District of Ohio where court found for defendant on all claims
- Disability and age discrimination jury trial in the US District Court for the Northern District of Georgia where defense verdict affirmed on appeal
- Pregnancy discrimination jury trial in the US District Court for the Northern District of Illinois where defense verdict affirmed on appeal
- FLSA claims of branch manager and claims adjuster tried to the court in US District Court for the District of Alaska resulting in defense verdict
- Retaliation action filed by EEOC in which US District Court for the Northern District of Illinois twice dismissed complaint for failing to state a claim, and Seventh Circuit affirmed

- Two-plaintiff, multi-count discrimination action filed in US District Court for the Southern District of New York in which summary judgment was granted on all counts
- Injunction action filed on behalf of client against the Labor Commissioner of the State of California Labor Commissioner in US District Court for the Southern District of Ohio in which State of California agreed to enter into consent decree that provided that California vacation pay law was preempted by ERISA, thereby preserving applicability of company PTO plan in California
- Injunction action filed on behalf of client against State of Wisconsin Department of Workforce Development in US District Court for the Southern of Ohio seeking ruling that substitution provision of Wisconsin FMLA is preempted by ERISA
- FLSA misclassification and age discrimination action in which US District Court for the Southern District of Mississippi held that plaintiff, a commercial lines insurance underwriter, was an exempt administrative employee and also granted summary judgment on his age claim
- Collective/class action in the US District Court for the Eastern District of New York where court denied class wide discovery
- California wage and hour class action filed in US District Court for the Southern District of California with over 10,000 class members resulting in a settlement
- Wage and hour class action filed in US District Court for the Western District of Washington resulting in a settlement
- Discrimination, breach of contract and retaliation action in which US District Court for the Eastern District of Michigan granted summary judgment on all counts
- Discrimination action in which US District Court for the Southern District of New York granted summary judgment on all claims
- FLSA collective action in which the US District Court for the Eastern District of Arkansas first limited purported nationwide collective action to just two states and then granted summary judgment holding that claims adjusters were properly classified as exempt administrative employees

James also counsels clients on a variety of employee relations issues, including wage and hour compliance, discipline and termination, leaves of absence and affirmative action obligations.

He also helps government contractors to develop affirmative action compliance programs and represents them during Office of Federal Contract Compliance Programs audits.

James has published articles and given speeches on a variety of employment law topics, including wage and hour compliance, class action certification and sexual harassment. He also has given speeches on:

- Developments in wage and hour class action law
- Classifying employees properly under the Fair Labor Standards Act
- The interplay between the Americans with Disabilities Act, the Family and Medical Leave Act and Workers' Compensation laws
- Conducting internal investigations

His clients include insurance and financial services companies.

Professional and Community Affiliations

- Member, Labor and Employment Law Section - American Bar Association

Recognition

- Awarded, Martindale-Hubbell AV Peer Review Rating
- Named, Super Lawyer - Illinois

Education

J.D., Northwestern University, 1987

B.A., Northwestern University, 1984

Bar Admissions

Illinois

Courts

U.S. Court of Appeals, 2nd Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 7th Circuit

U.S. Court of Appeals, 8th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. Court of Appeals, 11th Circuit

Illinois Supreme Court

U.S. District Court, Central District of Illinois

U.S. District Court, Northern District of Illinois

U.S. District Court, Eastern District of Michigan

U.S. District Court, District of Arizona

U.S. District Court, District of Nebraska

Publications

"The Administrative Exemption in the Financial Services Industry," September 13, 2010

"Edwards v. Audubon Insurance Group: A Case of First Impression Holding an Insurance Underwriter to Be an Exempt Administrative Employee Under the FLSA," January 1, 2005

"Dukes v. Wal-Mart: A Foreboding Class Certification Decision for Employers," July 11, 2004

Press

"Littler's James J. Oh Awarded 2012 Client Choice Award by the International Law Office," February 27, 2012

Events & Speaking Engagements

"Wage and Hour Compliance," *National Client*, November 2011

"Class Action Summit (Invitation Only)," *Rancho Palos Verdes, CA*, September 23, 2010

"What Jobs Are Now Exempt Under the New Wage and Hour Laws," *Chicago, IL*, May 13, 2010

"New Wage and Hour Challenges," *The Financial Services and Insurance Industry Roundtable*, March 2010

"Litigating FLSA Collective Actions: Focus on the Certification Hearing Part 1: The Conditional Certification Phase,"
Executive Employer - Littler Mendelson, April 2006

Blog Posts

"Insurance Company Special Investigators are Exempt Under Federal and State Laws, Ohio District Court Rules," *Wage & Hour Counsel*, January 12, 2012