

JILL PANAGOS



Shareholder

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Overview

Jill is a litigator who has tried close to thirty jury trials. Jill represents employers and corporate executives who need to avoid or resolve disputes regarding labor and employment practices, and for homebuilders in residential and commercial disputes. Her clients include Texas and national corporations engaged in healthcare, oilfield services, residential construction, and consumer finance.

She specializes in discrimination, wage and hour litigation and state and federal administrative tax hearings. She often represents clients for whom these issues may become critical, including homebuilders, hospitals, physicians, oil field services companies, banks, mortgage lenders, school districts, and non-profit organizations, such as the National Center for Missing and Exploited Children, and the American Red Cross.

Jill has successfully handled a number of Rule 13 administrative hearings before the Texas Workforce Commissioners for healthcare and oil and gas industry clients. These proceedings address classification of workers as independent contractors versus employees under state and federal statutes.

She has long experience in defending homebuilders in construction defect matters.

Jill has argued cases on appeal in Texas state courts, the Fifth Circuit Court of Appeals and in the United States Supreme Court.

Practices

[Employment and Labor Law](#)
[Health Law](#)

Education

- LL.M., Emory University School of Law
- J.D., Washington and Lee School of Law
- B.S., Vanderbilt University

Admissions & Certifications

- State Bar of Texas
- State Bar of Georgia
- U.S. Supreme Court
- U.S. Courts of Appeals for the Fifth and Eleventh Circuits
- United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas
- United States District Court for the District of New Mexico
- Texas Board of Legal Specialization - Labor and Employment Law

She served as a law clerk for the Honorable Don A. Langham in the Superior Court in Atlanta, Georgia and uses that knowledge to bring clarity to what judges look for in her clients' cases.

Board certified in labor and employment law by the Texas Board of Legal Specialization, Jill presents speeches on a wide variety of labor and employment issues in continuing legal education seminars, bar associations, EEOC outreach programs, TWC Texas Business Conferences, and before corporate management.

Benefiting her community with her unique knowledge and skills, Jill serves on the American Red Cross Human Resources and Risk Management Committees.

Experience

- Testified before a Texas House committee advocating a bill to create a new cause of action in Texas. House Bill 3662 would allow a person or business to sue a state agency that brought a frivolous, unreasonable or baseless regulatory action. After winning an appeal from an administrative proceeding, the successful person or business would recover damages, costs, and attorney fees incurred in defending the administrative proceeding and appeal. The Texas House voted 138-1 to pass the bill on May 15, 2015
- Represented four mortgage lender plaintiffs in a tax lawsuit which included one intervenor and three defendants, all of which were government entities. After summary judgment was argued, and while the plaintiffs' motion was still pending, the Texas legislature addressed the concerns of the plaintiffs in direct response to the high profile litigation, and enacted HB 2438, which resolved the substantive issues in the case. The case was ordered to mediation to resolve the remaining damages issues.
- Tried more than twenty-five jury trials, successfully defending over twenty-four corporate clients to take-nothing verdicts
- Successfully prevailed in the last six consecutive TWC Rule 13 hearings she handled
- Handled arbitrations and a number of appeals in both state and federal courts including, the United States Supreme Court
- Defended employers in discrimination and tax matters, attorneys in malpractice cases, and home builders in construction litigation including, a number of jury trials under the Texas Residential Construction Liability Act

Labor and Employment

- Litigated federal and state discrimination and Fair Labor Standards Act wage and hour cases
- Handled Texas Workforce Commission and United States Department of Health and Human Services administrative

hearings

- Arbitrated complex contract labor disputes, handled multiparty employment ERISA benefits litigation, defended school districts in civil rights litigation, and represented national non-profit institutions in negligence cases
- Represented clients before the NLRB, the EEOC, OSHA, the DOL, the TWC, and arbitrators

Residential Construction

- After trying the first jury trial in Texas in 1996 under the Residential Construction Liability Act, Jill successfully represented six additional residential homebuilders and manufactured homebuilders in RCLA lawsuits tried to a jury involving allegations of construction defects
- Handled and tried cases involving allegations of mold in residential homes

Published Opinions

- *Michelle Spencer vs. KS Management Services, L.L.C.*, (5th Cir. No. 16-20553, filed 08-01-16, judgment 02/27/2017) (<http://www.ca5.uscourts.gov/opinions/unpub/16/16-20553.0.pdf>)
- TWC Decision of the Commission Involving the Tax Liability of ExTech Consulting, L.L.C.; Case No. TD 15-096-0615 (January 15, 2016) (determining ExTech's oil and gas consultants are not employees of ExTech or its client oil and gas operators, and properly classified as independent contractors)
- TWC Decision of the Commission Involving the Tax Liability of Entrust Energy, Inc.; Case No. TD 15-026-0215 (August 19, 2015) (determining Entrust's door-to-door salespeople selling electricity are not employees of Entrust, and properly classified as independent contractors)
- TWC Decision of the Commission Involving the Tax Liability of SDS Petroleum Consultants, LLC; Case No. TD 14-077-0414 (December 3, 2014) (determining seven categories of SDS's oil and gas consultants are not employees of SDS, and properly classified as independent contractors)
- *Thibodeaux-Woody v. Houston Community College*, No. 13-20738 (November 14, 2014) (5th Cir. 2014)
- *Elgin Nursing and Rehabilitation Center v. United States Department of Health and Human Services*, 718 F. 3d 488 (5th Cir. 2013)
- TWC Decision of the Commission Involving the Tax Liability of DDDS Partnership with Codan, Inc.; Case No. TD 10-027-0310 (February 18, 2011) (determining DDDS's in home caregivers are not employees of DDDS and properly classified as independent contractors)
- TWC Decision of the Commission Involving the Tax Liability of

- Kriscon, Inc.; Case No. TD 10-004-1209 (February 18, 2011)
(determining Kriscon's in home caregivers are not employees
of Kriscon and properly classified as independent contractors)
- TWC Decision of the Commission Involving the Tax Liability of Ray of Sunshine Sitting Service of Northeast Tarrant County; Case No. TD 10-021-0110 (February 18, 2011) (determining Ray of Sunshine's in home caregivers are not employees of Ray of Sunshine and properly classified as independent contractors)
 - *Elsik v. Regency Nursing Center Partners of Kingsville, Ltd., d/b/a Kingsville Nursing and Rehabilitation Center, et al*, WL 2428288 (Tex. 2007)
 - *Simons v. Harrison, Waldrop & Uherek, L.L.P.*, WL 1698273 (Tex. 2006)
 - *Delfino v. Perry Homes, A Joint Venture*, 223 S.W.3d 32 (Tex.App.- Houston 2006)
 - *Elaine Chao, Secretary, Department of Labor v. Occupational Safety and Health Review and Erik K. Ho; Ho Ho Ho Express, Inc. and Houston Fruitland, Inc.*, 401 F.3d 355 (5th Cir. 2005)
 - *Calzada v. Namasco Corporation*, 2005 WL 608733 (Tex.App.- Houston 2005)
 - *Vu v. Rosen*, 2004 WL 612832 (Tex.App.-Houston 2004)
 - *Lovick v. Ritemoney Ltd, et al*, 378 F.3d 433 (5th Cir. 2004)
 - *Singleton v. San Jacinto Methodist Hospital*, 2003 WL 22303420 (Tex. 2003)
 - *Wallace v. The Methodist Hospital System*, 271 F.3d 212 (5th Cir. 2001) (Tex.), cert. denied, 535 U.S. 1078 (2002)
 - *Abraham v. Diagnostic Center Hosp. Corp. of Texas*, 138 F.Supp.2d 809 (S.D.Tex.) (2001)
 - *Riner v. Allstate Life Ins. Co.*, 131 F.3d 530 (5th Cir. 1997)
 - *Shinn v. College Station Independent School Dist.*, 96 F.3d 783, 112 Ed. Law Rep. 646 (5th Cir. 1996), cert. denied, 520 U.S. 1211 (1997)
 - *Sabine Independent Seagoing Officers Ass'n v. Sabine Towing and Transp. Co.*, 805 F.Supp. 430 (E.D.Tex.) (1992)

Honors & Awards

- Best Lawyers in America - Employment Law - Management, BL Rankings, 2013-2020
- Best Lawyers in America - Litigation - Labor and Employment, BL Rankings, 2014-2020
- Best Lawyers in America - Women in Law - Labor and Employment Law, BL Rankings, 2013-2018
- Texas Super Lawyers, Thomson Reuters, 2007-present
- Texas Legal Foundation, member

Publications & Presentations

- *Sleuths in the Workplace or Can an Employer be Sherlock*

Holmes and A Sequel on Guns in the Workplace, Texas Association of Legal Professionals Webinar, 2017

- *Compliance with the Payday Law*, Executive Legal Advisor, 2008
- *Workplace Violence: The Number One Security Concern Facing American Businesses*, 2003
- *The American with Disabilities Act of 1990*, Young Lawyers Form Book Chapter, Defense Research Institute, 2002
- *It's Not a Secret Anymore: Waiving Goodbye to the Attorney-Client Privilege*, The Houston Lawyer, 1993
- *A Different Kind of Breast Implant Litigation*, Texas Lawyer, 1988