

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 homebuilders and adjusters in residential and commercial disputes. Her clients include Texas and national corporations engaged in healthcare, oilfield services, residential construction, and consumer finance.

Jill 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 home builders, 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.

Jill 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.

Jill 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

Education

Washington and Lee School of Law, J.D.,
1985

Vanderbilt University, B.S., 1982

Emory University School of Law, LL.M.,
1987

Practice Areas

Employment and Labor Law

Health Law

Admissions

Texas

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 District of Texas and United States District Court for the District of New Mexico

United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas

United States District Court for the District of New Mexico

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.

Representative Experience

In 2014, Jill 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.

Jill 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.

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 [1st Dist.] 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 [14th Dist.] 2005).
 - *Vu v. Rosen*, 2004 WL 612832 (Tex.App.-Houston [14th Dist.] 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).

Certifications & Honors

Certifications

- Board Certified, Labor and Employment Law, Texas Board of Legal Specialization

Awards

- Selected by peers for inclusion in The Best Lawyers in America (Woodward White, Inc.) in the area of Employment Law - Management (2013-2019), Litigation - Labor & Employment (2014-2019).
- Selected by her peers for inclusion in the 2016 Edition of [The Best Lawyers Women in Law for Labor and Employment Law](#). The Best Lawyers in America is a registered trademark of Woodward White, Inc.
- Each year since 2007, Jill has been named on a list of Texas Super Lawyers by Thomson Reuters. Jill was also selected by her peers for inclusion in 2013-2018 editions of The Best Lawyers in America (Woodward White, Inc.) in the field of Labor and Employment Law, and is an elected member of the Texas Legal Foundation.

Litigation Experience

Jill has tried more than twenty-five jury trials, successfully defending over twenty-four corporate clients to take-nothing verdicts. Jill successfully prevailed in the last six consecutive TWC Rule 13 hearings she handled. In addition, Jill has handled arbitrations and a number of appeals in both state and federal courts including, the United States Supreme Court. She has extensive trial experience defending 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

Jill has litigated federal and state discrimination and Fair Labor Standards Act wage and hour cases. She has handled Texas Workforce Commission and United States Department of Health and Human Services administrative hearings. Jill has 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. She has 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. In addition, Jill has handled and tried cases involving allegations of mold in residential homes.

Speeches & Publications

- *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. February 25, 2017.
- *Compliance with the Payday Law.* Executive Legal Advisor. July/August 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

