



# Brian D. Hall

*partner*

Brian partners with employers of all sizes – from small family-owned businesses to multi-national Fortune 500 companies – to help them effectively manage the issues they face on a daily basis in an increasingly regulated workplace. Brian focuses much of his practice on educating and assisting employers in their use of 21st century technology in the workplace and its impact on cybersecurity, employee privacy and trade secret protection. Brian also counsels employers on the wide range of federal and state employment laws, including the Family & Medical Leave Act, the Americans with Disabilities Act, the Fair Credit Reporting Act and the Fair Labor Standards Act.

When employment-related disputes escalate to litigation, Brian represents management interests in employment and workers' compensation matters in both union and non-union environments. In fact, he devotes a large portion of his practice to defending employers in litigation involving employment discrimination, wrongful discharge, allegations related to workplace injuries and occupational diseases (including employment intentional tort litigation), as well as claims arising under ERISA. Brian also has significant experience advising employers and litigating the enforcement of rights and obligations under non-compete agreements and laws relating to misappropriation of trade secrets.

In the workers' compensation discipline, Brian helps both state-funded and self-insured employers manage their Ohio workers' compensation programs and defend against individual claims. Viewing workers' compensation from a general employment law perspective, he helps employers understand how their approach to workers' compensation is impacted by federal laws such as the Americans with Disabilities Act, the Family and Medical Leave Act, and ERISA and state law concepts addressing workers' compensation retaliation and employment intentional tort.

Brian is a Certified Information Privacy Professional through the International Association of Privacy Professionals (IAPP), the world's leading association of privacy and security professionals, and is a Certified Specialist in Ohio Workers' Compensation Law by the Ohio State Bar Association.

## CONTACT

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## SOCIAL MEDIA

### Blogs

employerlawreport.com

## EDUCATION

University of North Carolina School  
of Law, J.D., 1985

University of New York at Albany,  
B.S., 1982

## SERVICES

### Labor & Employment

- Workplace privacy and technology
- Employment law compliance counseling
- Workplace safety
- Leave, FMLA and ADA reasonable accommodation counseling
- Trade secret protection and non-competition
- Employment litigation
- Whistleblowing and retaliation

As editor of the firm's Employer Law Report blog, Brian is constantly reviewing recent cases, legislation and other employment law developments to help our clients understand how these changes may impact their organizations. More information and updates can be found on his Twitter feed @BrianDHallEsq, including employment law news, resources and views.

Brian is listed in *Best Lawyers*® in the areas of Employment Law – Management, Litigation – Labor & Employment and Workers' Compensation – Employers and has been recognized by *Ohio Super Lawyers*® in Employment Law and Workers' Compensation Law.

#### BAR ADMISSIONS

- Ohio
- Ohio Court of Appeals
- Ohio Court of Common Pleas
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio

#### PRESENTATIONS

- "Addressing Workplace Challenges Stemming from the Opioid Epidemic," HORAN, June 5, 2018
- "Epidemic at the O.K. Corral: Addressing the Impact of Opioids in the Modern Workplace," Porter Wright Employment Relations Seminar, May 21, 2018
- "Ghosts Inside: Data Breach for Employers," Porter Wright Employment Relations Seminar, Oct. 12, 2017
- "Data Breach for Employers," Porter Wright Technology Seminar Series, June 14, 2017
- "The Rise of Wearable and Smart Technology in the Workplace," National Symposium on Technology in Labor and Employment, American Bar Association Section of Labor & Employment Law, April 7, 2017
- "The New World of Joint Employer Responsibility: Caution to Users of Temporary Staff, Franchisors and Parent/Subsidiary Companies," HR Academy, Nov. 10, 2016
- "Big Data, Data Analytics & the Law 2016: What Your Company Needs to Know About the Evolution of the Next Big Thing," Porter Wright Technology Seminar Series, May 18, 2016
- "FCRA and Ban the Box: Get it Right or You'll End Up Walking the Plank," Porter Wright Employment Relations Seminar, May 16, 2016
- "Preventing Data Leaks Through Workplace Management," Porter Wright Employment Relations Seminar, June 3, 2015
- "Preventing Data Leaks Through Workplace Management," OHS/INFRAGARD: Cyber Strategies for a Safer Ohio, Oct. 27, 2014
- "Preventing Data Leaks Through Workforce Management," Porter Wright Technology Seminar Series, Aug. 13, 2014

#### SERVICES (CONTINUED)

##### Labor & Employment

- Reductions-in-force and restructuring
- NLRB and other unfair labor practices representation
- Social media

##### Business Competition, Advice & Litigation

- Non-compete, non-solicitation, non-recruitment and non-disclosure agreements

##### Litigation

- Non-competition and trade secrets litigation

##### Privacy & Data Security

- Workplace privacy
- Data security and breach notification
- HIPAA and HITECH compliance
- Litigation
- Social media

##### Health Care

##### Sports

- “Shining a Light on the Workers’ Compensation Hearing: Strategies for Success and Pitfalls to Avoid,” Porter Wright Workers’ Compensation Seminar, February 2014
- “Social Media: An Employer’s Best Friend in Defending Against Questionable Workers’ Compensation Claims,” Porter Wright Workers’ Compensation Seminar, February 2014
- “Be My Cyber-Friend: the Effect of Social Media and Technology on Employment Litigation,” Columbus Bar Association, October 2013
- “Taming the Lion: Social Media, Bring Your Own Device Issues and Other Technology Risks in the Workplace,” Porter Wright Labor and Employment Seminar, October 2013
- “Finding Your Way Out of the Darkness: Crafting ‘Exit Strategies’ for Problem Employees,” Porter Wright Employment Relations Seminar, October 2012
- “Voluntary Abandonment and Retaliation: Two Sides of the Same Coin,” Porter Wright Workers’ Compensation Seminar, Feb. 1, 2012
- Steering Your Clients Through Troubled Waters: Privacy Issues in the Modern Workplace,” American Bar Association Employment Rights & Responsibilities Committee Midwinter Meeting, 2011

## PUBLICATIONS

- “Four takeaways from failed wrongful termination claims,” *Law360*, May 8, 2018
- “Data breaches highlight key takeaways for employers,” *Employee Benefit News*, Oct. 9, 2014
- “Don’t give up on post-accident drug and alcohol testing just yet,” *Columbus Business First*, March 7, 2011

## PROFESSIONAL ASSOCIATIONS

- Columbus Bar Association
- Ohio State Bar Association
- American Bar Association
- Society for Human Resource Management
- International Association of Privacy Professionals

## HONORS | AWARDS

- *Ohio Super Lawyers*<sup>®</sup>
- *Best Lawyers*<sup>®</sup>, Employment Law – Management, Litigation – Labor and Employment, Workers’ Compensation Law – Employers

## COMMUNITY

- ProMusica Chamber Orchestra, Board of Trustees
- Center of Science and Industry (COSI), Member, Community Board
- Greater Columbus Sports Commission, Member, Board of Commissioners, 2011-2017