



## Greg Jacob

Partner

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Greg Jacob represents financial services companies including banks, investment managers, health care payors, and insurers, as well as other employers, in class action and other litigation concerning ERISA and other labor and employment matters. A former Solicitor of Labor, Greg has extensive knowledge on a wide variety of labor and employment issues including ERISA, FLSA, OFCCP, and whistleblower law. He regularly litigates in federal courts throughout the country, defends clients against Department of Labor investigations, and provides counseling to plans and plan sponsors.

Prior to rejoining O'Melveny in 2021, Greg served as Counsel to Vice President Pence and Deputy Assistant to the President. He directly advised the Vice President on all legal issues relating to the Office of the Vice President, and advised the White House Coronavirus Task Force concerning the Defense Production Act and other legal issues related to bolstering the domestic supply chain.

Greg first joined O'Melveny as a partner in 2012, after serving in several high-profile positions of increasing responsibility in the administration of President George W. Bush, including at the White House, Department of Justice, and Department of Labor. For his final posting in the Bush Administration, Greg was appointed by the President and confirmed as Solicitor of Labor, the third-ranking official in the Department of Labor. In this position, he managed the department's most important litigation under more than 180 federal labor and employment laws.

Greg regularly advocates for children who are victims of physical or sexual abuse, providing pro bono services through the national

### Admissions

#### *Bar Admissions*

District of Columbia  
Virginia

#### *Court Admissions*

US District Court for the Eastern  
District of Virginia, District of  
Colorado, and District of Columbia  
US Court of Appeals for the First,  
Third, Fourth, Fifth, Seventh, Eighth,  
Ninth, and DC Circuits

### Education

University of Chicago, J.D., 1999:  
*Law Review*  
Amherst College, B.A., 1996: *cum  
laude*

nonprofit organization Child Justice. He received the Friend of Children Award in 2005 and the Shine the Light on Children's Rights Award in 2009, and has won groundbreaking appeals increasing protections for abused children in Maryland (*Fox v. Wills*, 2006) and Hawaii (*Doe v. Doe*, 2009).

## Corporate & Government Experience

- Greg served in several high-profile positions in the federal government, including at the White House, Department of Justice, and Department of Labor

## Professional Activities

### Clerkships

- Honorable Jacques L. Wiener, Jr., United States Court of Appeals for the Fifth Circuit

### Editor

- *ERISA Litigation Reporter*
- Senior Editor, *The Green Bag*

### Adjunct Professor

- George Mason University School of Law

### Selected Writings:

- "Is the Fiduciary Rule Dead?," *The Regulatory Review* (April 2019)
- "Sellers, Company Unable to Escape DOL Lawsuit," *ESOP Report* (February 2019)
- "*Troiano v. Aetna*, *Geiger v. Aetna*, and the Permissible Scope of Discovery Regarding an Administrator's Conflict of Interest," *ERISA Litigation Reporter* (January 2017)
- "*Teutscher v. Riverside Sheriffs' Ass'n*: Can State Law Claims Preempt ERISA Claims?," *ERISA Litigation Reporter* (November 2016)
- "A Tale of Two Reversals," *ERISA Litigation Reporter* (May 2016)
- "Judicial Review of Informal Agency Pronouncements: Any Clearer After *Young v. UPS* and *Perez v. MBA*?" *Washington Legal Foundation Legal Backgrounder* (July 2015)
- "Dickering with Tracing," *ERISA Litigation Reporter* (June 2015)
- "Sixth Circuit Upholds Venue Provision, Rejects 'Regulation by Amicus,'" *ERISA Litigation Reporter* (March 2015)
- "R.I.P. Presumption of Prudence," *ERISA Litigation Reporter* (October 2014)
- "Guaranteed Lifetime Withdrawal Benefits: Fiduciary Considerations for Plan Sponsors," *Benefits Law Journal* (Summer 2014)
- "A Meditation on *Metyk*: Can There Be 'Artificial Inflation' in an ERISA Case if There is No 'Alternative Investment'?" *ERISA Litigation Reporter* (June 2014)
- "Litigating after *Leimkuehler*: The 401(k) Service Provider Industry Wins a Battle in the Ongoing War," *ERISA Litigation Reporter* (June 2013)
- "Socratic Whistleblowing," *ERISA Litigation Reporter* (November 2012)

- “Department of Labor Threatens to Triple Overtime Misclassification Damages for Employers,” *Employee Benefits Plan Review* (July 2011)
- “Avoiding Liability for Off-the-Clock Work in the Brave New World of the Blackberry,” *Employee Relations Law Journal* (Summer 2010), reprinted in ABA TIPS Corporate Counsel Committee Newsletter (Fall 2010)

#### **Selected Speeches:**

- Practising Law Institute's "Applying ERISA Fiduciary Rules to Health Plans, Services and Products 2021" (October 2021)
- 2017 NFP HR & Benefits Seminar, *ERISA and Benefit Plans: Navigating an Era of Uncertainty* (July 2017)
- American Law Institute's "The Year in Employee Benefits," *ERISA and the Fiduciary Exception to Attorney-Client Privilege* (March 2017)
- American Conference Institute National Forum on ERISA Litigation, *Medical Provider Standing Under ERISA* (June 2016)
- Washington Legal Foundation, *Transforming the Workplace: How Lawsuits and Government Regulators Are Redefining "Employer" and "Employee"* (October 2015)
- American Law Institute's "The Year in Employee Benefits," *Living with Qualified Longevity Annuity Contracts* (April 2015)
- American Conference Institute National Forum on ERISA Litigation, *M&G Polymer USA, LLC v. Tackett: Retiree Health and Welfare Benefits and the Yard-Man Presumption* (April 2015)
- American Conference Institute National Forum on Wage & Hour Claims and Class Actions, *Developments in Private Class Action Certification, Obtaining Decertification, and Hybrid Claims: Managing and Defending Against FLSA Collective Actions and State Law Class Actions* (May 2014)
- American Conference Institute National Forum on Wage & Hour Claims and Class Actions, *Department of Labor and Enforcement Update: Responding to Changing Wage & Hour Federal and State Priorities and Investigations* (June 2012)
- National Association of Manufacturers, *Regulatory Overreach and Labor Issues* (April 2012)
- American Association of Builders & Contractors, *Wage and Hour Issues Affecting the Construction Industry* (Dec. 2011)
- IADC Corporate Counsel College, *Developments in Labor & Employment Law* (Chicago) (April 2011)
- DC Bar Association, *Dodd-Frank Act: Robust Protections and Substantial Rewards for Whistleblowers* (Nov. 2010)
- Corporate Counsel Institute, *Wage and Hour Developments* (Northwestern Law School) (Sept. 2010)
- Defined Contribution Institutional Investment Association (DCIIA), *DOL's Influence on the Development of ERISA Law* (May 2010)
- National Association of Attorneys General, *Misclassification of Independent Contractors* (March 2010)

#### **Honors & Awards**

- Recommended by *Legal 500* in the area of Labor and Employment: ERISA Litigation (2017, 2019, 2022)

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- Recognized by *Chambers USA* in ERISA Litigation, Nationwide (2017-2019)
  - Recipient of *First Star's Shine the Light Award* (2009)
  - *Justice for Children's Friend of Children Award* (2005)