



Bailey & Ehrenberg



**Bailey & Ehrenberg handles the most sophisticated legal matters while providing clients with personalized service. Our partners are experienced attorneys with solid reputations as strategic problem solvers, skilled negotiators, and aggressive litigators. Please contact our offices to find out how we can help you or your company.**

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Dedicated to high quality legal representation, Bailey & Ehrenberg PLLC provides legal representation on a nationwide basis to both individual and corporate clients. The firm has historically focused on litigation, employment law, and employee benefits law, but it has broadened its emphasis to include nearly every practice area including corporate bankruptcy, white collar criminal defense and corporate investigations, catastrophic personal injury, and family law, as well as the unique legal matters confronted by new and emerging businesses.



Comprised of attorneys with significant experience both in and out of the courtroom, B&E aggressively represents its clients at every stage along the way. At B&E, every case is treated as a unique matter. We find that our creative and sophisticated approach to cases results in better results for our clients.

B&E's founders have years of experience working in the private sector – with the largest international law firms and boutique specialized practices – and in the government. This background has yielded a firm with particular expertise in employee benefits (“ERISA”) law, employment and workplace law, and litigation before federal and state courts and agencies. It is B&E's breadth and depth of knowledge and experience that have made B&E the go-to firm for many clients.

## Bankruptcy

When the sponsor of an employee benefit plan is in bankruptcy, or is considering filing for bankruptcy, there are often issues that arise under the Employee Retirement Income Security Act (ERISA), the Bankruptcy Code, and the Internal Revenue Code. B&E provides advice concerning these laws.

## Business and Corporate Law

B&E's corporate client list includes small and large established and emerging companies from across the country, as well as international firms with offices in the United States. In addition to acting as outside general counsel, corporate counsel and/or strategic national counsel to these nationally- and internationally-recognized companies, B&E handles complex litigations and trials in Federal and State courts throughout the country involving a wide variety of legal disputes.

## Criminal Defense

Over the years, laws that subject individuals and companies to criminal charges have expanded, most of which individuals and companies are unaware of. This expansion of criminal laws has ushered in a wave of increased government enforcement through internal investigations, criminal trials, and administrative enforcement proceedings.

## Cultural Property Law

Antiquities have been avidly collected since the Renaissance. Over the years, many such artifacts that have resided in public and private collections have not retained their ownership history. Today, however, questions about an artifact's provenance have become paramount, with foreign governments and the archaeological establishment claiming that artifacts should be treated as "illicit" unless proven otherwise.

## Employee Benefits Law

ERISA is a federal law passed to protect pension rights. The U.S. Congress, out of concern over corporate mismanagement of worker's retirement funds, passed this act in 1974. ERISA sets minimum standards for pension plans, guaranteeing that pension rights cannot be unfairly denied to or taken from a worker.

## Employment Law

The Firm offers a full range of labor and employment law advice and services, including: Age Discrimination, Disability Discrimination, Discrimination Law, Employment Contract Disputes, Employment Contract Negotiations, Employment Law & Counseling, Labor Law, Maryland Employment Law, Non Compete Litigation, Sexual Harassment, Washington D.C. Employment Law and Wrongful Discharge/Termination.

## Family Law

Family disputes over child custody or a divorce can be difficult to navigate through to arrive at a resolution. Oftentimes these disputes are perpetuated by parties to the dispute focusing on the problem rather than their desired resolution.

## Government Relations

B&E attorneys provide clients with a wide range of legislative and regulatory services. These services include: Representing clients before regulatory agencies; Advising on political trends and key policy maker positions; Creating and managing coalitions, to further legislative goals; Drafting legislative proposals, bills and amendments, written comments, testimony, rulemaking, proposals, issue summaries, and strategies.

## Litigation

B&E's litigation practice cuts across the substantive knowledge of its core practice areas of employment and employee benefits law, and includes several other areas of practice. All lawyers at B&E are seasoned litigators, well-known for their vigorous representation of individuals and entities in civil and criminal litigation, investigations, trials, and appeals.

## Personal Injury

A catastrophic injury is a serious, life changing event often causing an individual to experience limitations and complications to their health that can last a lifetime. Catastrophic injuries can be physically, emotionally and financially devastating. An individual who has experienced a catastrophic injury due to the wrongful actions or inaction of another is entitled to fair and just compensation.

## Special Matters / Investigations

Bailey & Ehrenberg's Special Matters practice group brings the interdisciplinary expertise of the firm's attorneys to a diverse range of legal problems. Our attorneys have handled a variety of complex personal, criminal, and business law problems for individual and institutional clients.

# James C. Bailey

Partner



Bailey & Ehrenberg



Jim represents both individual and corporate clients in issues arising from the employment relationship. Jim has particular expertise in the litigation strategy associated with prosecuting or defending claims alleging business and employment-related torts as well as claims arising under various anti-discrimination laws such as Title VII, the Americans with Disabilities Act, and the Age Discrimination in Employment Act. He has successfully defended and brought claims seeking to enforce restrictive employment covenants and is often consulted for advice regarding the drafting of employee covenants not to compete and the protection of trade secrets.

Before founding B&E, Jim was a senior associate with a large Washington, D.C.-based international law firm. Jim has defended some of the largest and most demanding international technology companies, investment firms, and pension plan fiduciaries, in complex, sometimes multi-continental litigation. Jim leverages his broad exposure to a wide range of sophisticated employee benefits matters in his current practice, prosecuting and defending claims arising under the Employee Retirement Income Security Act of 1974 ("ERISA").

Before entering private practice, Jim served as a member of the U.S. Navy's Judge Advocate General's Corps. As a defense attorney, Jim defended service members at many hard-fought courts-martial and administrative hearings. He also served as a Navy staff attorney, where he advised Navy leadership in the areas of federal labor relations, civilian personnel matters, government ethics, and contracts. After completing his naval service, Jim was an associate for five years at two of the premier international law firms in Washington, D.C.

Jim is a member of the American Bar Association Section of Labor and Employment Law and Litigation.

## Education

Jim is a graduate of the University of Scranton, and received his law degree with honors from Quinnipiac College School of Law, where he served as the editor-in-chief of the law review. He also holds a Masters in Law (LL.M.) in Labor and Employment Law, with distinction, from Georgetown University Law Center.

## Publications

An active writer and speaker, Jim often speaks at various bar and industry functions and writes for various bar journals, newsletters, and law reviews.

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# Jeffrey B. Cohen

Partner



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A partner in the Washington office of Bailey & Ehrenberg PLLC, Mr. Cohen has 30 years of ERISA litigation experience. He has extensive experience litigating a wide variety of ERISA issues at all levels in the federal court system, and is also a nationally recognized expert on employee benefits issues in bankruptcy. Mr. Cohen is a skilled negotiator and has resolved billions of dollars of benefits liabilities. He brings the same intensity to bear on his clients' behalf whether the matter involves billions of dollars or more modest amounts.

From 2005 through 2007, Mr. Cohen was Chief Counsel of the Pension Benefit Guaranty Corporation, the federal agency that insures traditional, private pension plans. In that capacity, he directed the work of 50 attorneys and served as lead counsel for the agency in major bankruptcy proceedings and ERISA litigation. Before his appointment as Chief Counsel, he served for many years as Deputy General Counsel of PBGC.

During his distinguished tenure at PBGC, he was lead counsel for the agency in the bankruptcy proceedings, and related district court and appellate litigation, in such high-profile cases as United Airlines, Delta Airlines, Northwest Airlines, US Airways, Enron, Kaiser Aluminum, Wheeling Pittsburgh Steel, Pan American World Airways, Trans World Airlines, and New Valley (Western Union). Mr. Cohen has successfully argued over a dozen cases and filed scores of briefs in the federal courts of appeals. In addition, he has appeared as counsel in numerous ERISA cases in the Supreme Court. He also spearheaded PBGC's defense of individual and class actions involving allegations of breach of fiduciary duty and claims for benefits.

In March 2006, The American Lawyer named him as a Dealmaker of the Year for 2005 for his work on behalf of PBGC in the United Airlines bankruptcy and other major bankruptcy cases, one of a very small number of government attorneys ever to be so honored. Mr. Cohen is a Fellow of the American College of Employee Benefits Counsel, and was co-chair of the American Bankruptcy Institute's Employee Benefits Committee from 2007 through 2009. He is a Contributing Author to Business Workouts Manual (2d ed. Thomson/West 2007), for which he wrote a chapter on Pensions in Restructurings. Additionally, Mr. Cohen has been quoted in a variety of media outlets ranging from the New York Times to specialty publications such as the BNA Pension & Benefits Reporter, Pensions and Investments and Ignites. He has also been interviewed on the Fox Business Network.

Since returning to the private sector, Jeff has represented employers, an international union, plan fiduciaries, a bankruptcy trustee, an official bankruptcy committee, hedge funds, secured creditors, and individuals. He has been selected for inclusion in the 2010 editions of the Best Lawyers in America and DC Super Lawyers.

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# Terrence M. Deneen

Of Counsel



Bailey & Ehrenberg



For over thirty-four years of practice and government service, Terry Deneen has enjoyed the challenges and complexity associated with ERISA and the related laws governing employee benefits. Terry has developed expertise in an uncommonly broad array of subjects, including legislative drafting, federal appellate practice, bankruptcy litigation and negotiations, multiemployer plan liability arbitrations, and adjudicating pension disputes between federal agencies. His clients have been equally diverse: pension plans, bankruptcy debtors, corporations, Indian tribal governments, law firms, a group of federal district court and bankruptcy judges, and federal agencies. He is well-known for his work with underfunded multiemployer retirement plans and financially distressed corporate plan sponsors.

Terry began his career with the Pension Benefit Guaranty Corporation, where he was a staff attorney from 1978-81 and helped secure the passage of the landmark Multiemployer Pension Plan Amendments Act of 1980. He then joined the legal staff of the UMWA Health and Retirement Funds (1981-84), and thereafter became an

associate, and later partner, in a Washington DC benefits law firm.

Terry rejoined PBGC in 1992 and eventually became the Chief Insurance Program Officer -from late 2004 until his retirement in early 2011. As the CIPO, he was one of the highest-ranking career employees at PBGC with responsibility over the agency's insurance programs, and directed the work of over 150 agency accountants, financial analysts, actuaries, and attorneys in cases and negotiations in high profile matters such as the Chrysler, General Motors and Delphi bankruptcies. Terry also led PBGC's multiemployer plan insurance program, a task that required frequent interaction, instruction, negotiation and occasional disagreement with Congress, its staff, GAO, other executive branch agencies, labor unions and trade associations. He received the PBGC's coveted Distinguished Career Service Award (2007).

Terry is a Charter Fellow of the American College of Employee Benefits Counsel. He has been a frequent speaker for various ABA committees, the International Foundation of Employee Benefit Plans, and the National Coordinating Committee for Multiemployer Plans.

## Education

University of Illinois: JD cum laude (1978)

University of Illinois: AM (1975)

University of Illinois: AB magna cum laude (1975)

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# Jason H. Ehrenberg

Partner



Bailey & Ehrenberg



Jason H. Ehrenberg is a founding partner of Bailey & Ehrenberg PLLC, heads up the firm's employee benefits practice, and is the firm's lead appellate litigator. His practice focuses on employee benefits and employment law counseling and litigation, representing both individual and organizational clients on a broad spectrum of issues within the employment relationship. Mr. Ehrenberg has particular expertise litigating claims under the Employee Retirement Income Security Act of 1974 (ERISA). This includes defending claims for pension benefits, long term disability benefits, breaches of fiduciary duties, and ERISA withdrawal liability. Mr. Ehrenberg also regularly defends claims arising under various federal, state, and local anti-discrimination laws, including Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Family and Medical Leave Act, and the Age Discrimination in Employment Act.

Mr. Ehrenberg is an experienced trial attorney of recognized superior skill, having first-chaired numerous federal and state jury trials and private arbitrations. Mr. Ehrenberg also has significant experience in appellate litigation. This includes his participation in *Becker v. Montgomery*, 532 U.S. 757 (2001) (appellate procedure), his participation on behalf of several amici in the Supreme Court's landmark ERISA preemption decision, *Aetna Health Inc. v. Davila*, 542 U.S. 200 (2004) (ERISA preemption), and his litigation of ERISA and employment matters in the United States Courts of Appeal for the Third, Fourth, Sixth, Ninth and District of Columbia Circuits.

## Education

University of Michigan Law School (J.D., Scribes award for outstanding legal writing, Note Editor, University of Michigan Journal of Law Reform).

Cornell University (B.S., Policy Analysis).

## Publications and Memberships

Mr. Ehrenberg is the Chair-Elect of the Employee Benefits Committee of the American Bar Association ("ABA"), Tort, Trial, and Insurance Practice Section. Mr. Ehrenberg is a regular contributing editor and chapter author of *Employee Benefits Law*, a leading ERISA treatise published by the Bureau of National Affairs ("BNA") and the ABA, as well as BNA's *Pension and Benefits Daily* and *Pension and Benefits Reporter*. He has also authored or co-authored several articles on issues arising under ERISA and is a regular speaker on issues arising under ERISA and employment law.

Mr. Ehrenberg is admitted to practice in New York and the District of Columbia, and is a member of the United States District Courts for the District of Columbia and the District of Maryland, as well as the United States Courts of Appeal for the Third, Fourth, Ninth and District of Columbia Circuits.

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# Juli Z. Haller

Partner



Bailey & Ehrenberg



Juli concentrates her practice in complex civil, commercial and employment litigation matters, including professional liability defense. She has extensive experience in representing a number of professionals in legal disputes, contract issues, employment matters and malpractice actions. She has significant trial experience from both federal and state courts.

Juli previously served within the government at the United States Consumer Product Safety Commission, an independent commission that addresses and enforces federal safety standards. In this position, she addressed policy initiatives and worked within the Office of the General Counsel. She also has considerable experience in litigating matters in New York and New Jersey. She also, upon graduating law school, served as a law clerk to the Hon. Theodore Winard, J.S.C., State of New Jersey.

## Education

Juli received her law degree from Seton Hall University School of Law in 1996. During law school, she was a research assistant with the school's Health Law & Policy Program. She received her Bachelor of Arts in English Literature from Lehigh University in 1993

## Admitted

State of New York, Supreme Court, Appellate Division, Third Judicial Department, 1997  
United States District Court for the District of New Jersey, 1997  
Supreme Court of New Jersey, 1997  
District of Columbia Court of Appeals, 2000  
United States District Court for the District of Columbia, 2001  
Court of Appeals of Maryland, 2010

## Memberships

District of Columbia Bar Association, Litigation Group  
District of Columbia Defense Lawyers Association  
DRI – Washington DC Representative

## Languages

Hungarian (fluent)

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# Sara M. Klayton

Associate



Bailey & Ehrenberg



An associate at B&E, Sara Klayton focuses her practice on employment law and general litigation. Ms. Klayton earned her law degree in 2010 from the University of Virginia School of Law where she was a member of the Virginia Journal of Social Policy and the Law. During law school, Ms. Klayton participated in the University of Virginia's Employment Law Clinic. She also served as a legal intern in the Superior Court Division of the United States Attorney's Office for the District of Columbia. Ms. Klayton was a member of the Public Interest Law Association, and was recognized for meeting the University of Virginia's Pro Bono Challenge for her volunteer work in family law and alternative dispute resolution throughout law school. Ms. Klayton graduated summa cum laude from Washington University in St. Louis in 2007 with a Bachelors of Arts degree in Psychology. She is a member of Phi Beta Kappa.

## Education

- \* University of Virginia Law School, J.D., 2010
- \* Washington University, B.A., 2007

## Bar Admissions

Ms. Klayton is admitted to practice in Virginia. She is not admitted in D.C. While her application for admission is pending, her practice in D.C. will be supervised by principals of the firm licensed to practice in the District of Columbia.

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# Michael A. Tilghman II

Associate



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Michael Tilghman is an associate at B&E. Mr. Tilghman focuses his practice on general litigation. Prior to joining the firm, he served as a law clerk to the Honorable Inez Smith Reid of the District of Columbia Court of Appeals.

Mr. Tilghman earned his law degree from Cornell Law School in 2008, where he received a CALI Award for Excellence in Advanced Persuasive Writing & Appellate Advocacy. During law school, he also served as a law clerk in the Civil Division of the United States Attorney's Office for the Northern District of New York, and the Office of the Solicitor General and Civil Litigation Divisions of the Office of the Attorney General for the District of Columbia. Mr. Tilghman graduated with a Bachelor of Arts degree in International Affairs from The George Washington University in 2005.

Mr. Tilghman is admitted to practice in the District of Columbia and Virginia.

## Education

- \* Cornell Law School, J.D., 2008
- \* The George Washington University, B.A., 2005

## Bar Admissions

- \* District of Columbia and Virginia

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# Peter Karl Tompa

Of Counsel



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Peter Tompa's practice is devoted to problem solving for individuals, not-for-profits, and corporations, particularly in employment disputes and matters related to the construction of contracts. He also provides advice and lobbying services related to the trade in cultural artifacts.

Tompa has appeared in numerous federal and state trial and appellate courts. He has lobbied members of the U.S. Congress and the Executive Branch in an effort to ensure that his small business clients receive fair treatment from federal regulators. His advocacy has received notice in the media, including the New York Times and the Voice of America.

Prior to joining the firm, Tompa was a partner at the Washington, D.C. offices of Dillingham & Murphy, LLP (2004-2008) and McDermott, Will & Emery (2000-2004). He was an associate senior counsel and partner at Carr, Goodson Warner (1989-2000), and an associate with the New Jersey firm of Porzio, Bromberg & Newman (1987-1988). Tompa also served as a judicial law clerk for Hon. Frank E. Schwelb on both the District of Columbia Superior Court (1986-1987) and the District of Columbia Court of Appeals (1988-1989).

## **Education**

Tompa graduated from the Washington College of Law, American University (J.D. cum laude, 1986) and the Georgetown University School of Foreign Service (B.S.F.S. 1982). His views about insurance coverage issues and cultural property matters may be found both in print and on the internet.

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