



Grace E. Hurney

Member

Charleston Office

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Grace E. Hurney is a Member in the Firm's Labor and Employment and Litigation groups, focusing on employment litigation and traditional labor relations matters. She practices out of the Firm's office in Charleston, West Virginia.

Grace represents employers in a wide range of employment matters, with a primary focus on employment litigation. Her practice spans a variety of industries, including healthcare, energy, utilities, and manufacturing. She regularly represents employers in cases filed in federal and state courts, as well as before arbitration tribunals, including claims of breach of contract, wrongful discharge, discrimination, harassment, and retaliation.

In her labor relations practice, Grace represents management in individual and class action grievance arbitrations and defends employers against unfair labor practice charges filed with the National Labor Relations Board and participates in collective bargaining negotiations. She also defends employers in federal court against claims brought under the Labor Management Relations Act. Grace's representation of employers in labor relations matters encompasses multiple industries, including utilities, transportation, and telecommunications.

Grace joined Jackson Kelly upon graduation in 2015, and returned to Jackson Kelly in 2017 after serving as a law clerk to the Honorable Robert B. King of the United States Court of Appeals for the Fourth Circuit, which provided her with invaluable and extensive legal experience and exposed her to complex appellate issues.

Grace enjoys reading, traveling, and cheering on the West Virginia University Mountaineers — and she mildly tolerates running. She furthered her life-long love of politics during her time as a student at Concord University, where she served as President of both the Student Government Association and her undergraduate sorority, Sigma Sigma Sigma.

Awards

- Named in the *Best Lawyers*® Charleston, West Virginia "Ones to Watch" list for Labor & Employment Law - Management and Litigation - Labor & Employment (2021-2024)
- West Virginia *Super Lawyers*® *Rising Star* for Employment & Labor Law (2019-2024)

Notable Legal Experience

- Represented employers in numerous individual and class action labor arbitrations involving "just cause" discharge and various contract interpretation issues such as past practices, bidding and awarding vacant positions, callout pay, and job reclassification
- Served as chief negotiator and spokesperson for employer during collective bargaining negotiations
- Obtained multiple No Probable Cause findings before the West Virginia Human Rights Commission
- Experience providing human resources advice and counseling to employers in the private and public sectors

- Served as a law clerk for the Hon. Robert B. King on the U.S. Court of Appeals for the Fourth Circuit
- Successfully represented employers in "just cause" discharge and contract interpretation labor arbitrations
- Experienced in discovery, depositions, and motions practice in employment litigation cases
- Successfully obtained dismissal of claims through pre-trial motions practice

Work History

- Jackson Kelly PLLC (2017-Present)
- U.S. Court of Appeals for the Fourth Circuit, Law Clerk to the Hon. Robert B. King (2016-2017)
- Jackson Kelly PLLC, Associate (2015-2016)
- Steptoe & Johnson, PLLC, Summer Associate (2014)
- General Counsel to the Governor Earl Ray Tomblin, Legal Intern (2013)

Practices

- Labor & Employment
- Litigation

Industries

- Financial Services
- Health Care

Education

- West Virginia University College of Law (J.D., 2015)
 - Order of the Barristers
 - CALI Awards for Trial Advocacy, Pretrial Litigation, and Federal Courts
 - *West Virginia Law Review* (Vol. 116)
 - Associate Editor, Vol. 116
 - Associate Editor of the Year
 - Executive Research Editor, Vol. 117
 - United States Supreme Court Litigation Clinic, Member (2014-15)
 - Marlyn E. Lugar Trial Association
 - Vice President (2014-15)
 - West Virginia Invitational Tournament ("Lugar Cup") (2013-2015), Finalist (2015)
 - Steptoe & Johnson Labor & Employment Mock Trial Team, Member (2014-15)
 - Research Assistant to Professor Anne M. Lofaso (2014-15)
- Concord University (B.A. in Political Science, 2012)
 - Concord University Dean's Scholar
 - Concord University Honors Program
 - Cardinal Key Society

Admissions

- West Virginia (2015)
- Supreme Court of Appeals of West Virginia (2015)
- U.S. District Court, Southern District of West Virginia (2015)
- U.S. Court of Appeals, Fourth Circuit (2017)
- U.S. District Court, Northern District of West Virginia (2018)
- U.S. District Court, Western District of Pennsylvania (2023)

Professional Organizations

- Defense Trial Counsel of West Virginia
 - Member (2017-present)
 - Employment Law Committee
- Defense Research Institute
 - Member (2017-present)
 - Annual Meeting State Chair (West Virginia) (2018-19)
 - State Membership Chair (2018-2019)

Community

- Concord University Foundation
 - Member, Board of Directors (2023-present)
- Leadership Council on Legal Diversity (LCLD) Pathfinder Program (2023)
- Education Elevators Foundation
 - Member, Board of Directors (2017-present)
 - Secretary, Board of Directors (2018)
- Daymark Annual Gala Planning Committee (2018-19)
- Fund for the Arts
 - Festivals Committee (2018-present)
 - Member, Board of Directors (2020-present)

Representative Decisions

- *Elgin Separation Sols., LLC v. Dillon*, Civil Action No. 2:23-CV-00440, 2023 WL 6796201 (S.D.W. Va. Oct. 13, 2023) (denying plaintiffs' motion for preliminary injunction which sought relief for claims under Copyright Act, Lanham Act, Defend Trade Secrets Act, West Virginia Uniform Trade Secrets Act, tortious interference, breach of fiduciary duty, and breaches of contract)
- *Dishman v. West Virginia-American Water Company*, 2022 WL 9530010 (S.D.W. Va. Oct. 14, 2022) (granting summary judgment on plaintiffs' claim under Section 301 of the Labor Management Relations Act)
- *Pajak v. Under Armour, Inc.*, 873 S.E.2d 918, 246 W. Va. 387, 2022 WL 1197836 (April 22, 2022) (answering certified question in favor of defendant employer)
- *Brevard v. Racing Corp. of W. Va.*, 2020 WL 1860713 (S.D.W. Va. Apr. 13, 2020) (dismissing six employment claims and portions of two others on multiple grounds, including failure to exhaust administrative remedies, statute of limitations, workers' compensation immunity/exclusivity, at-will disclaimers precluded implied contract claim, and failure to satisfy the plausibility standard for federal court pleading)
- *Laborers' International Union of North America Local 1353 v. West Virginia American Water Company*, 2019 WL 2166534 (S.D.W. Va. May 17, 2019) (dismissing union's claims under Section 301 of the Labor Management Relations Act and Declaratory Judgment Act)

Speaking Engagements & Publications

Speaking Engagements

- Presenter, "Preparing for Electronic Discovery in Litigation," National Business Institute, June 23, 2020
- Presenter, "Returning to Work: Practical Tips for HR Professionals," SHRM Charleston Chapter, June 10, 2020
- Presenter, "Litigating Motions to Dismiss in Employment Cases," West Virginia University Continuing Legal Education, Canaan Valley Resort, Davis, West Virginia, Feb. 8, 2020
- Presenter, "99 Problems But a Subpoena Doesn't Have to be One: Drafting, Issuing, and Serving Subpoenas," Jackson Kelly PLLC Litigation Skills Training, Charleston, West Virginia, Feb. 19, 2019

- Presenter, "Robert's Rules of Order/Parliamentary Procedure," Women's International Network of Utility Professionals, Charleston, West Virginia, Feb. 22, 2018

Writings and Publications

- Author, "Say Goodnight Jimmy: Artificial Intelligence and the WGA Strike," Jackson Kelly PLLC *Labor & Employment News Alert*, May 10, 2023
- Co-author with **Mark H. Dellinger**, "The West Virginia Workers' Compensation Act: Providing 'Sweeping Immunity' From Common Law Tort Claims in Employment Discrimination Cases," 122 *W. Va. L. Rev. Online* 2, Jan. 17, 2020
- Co-author with **Alvin L. Emch**, "The Law of Indemnity and Its Interplay with Liability Insurance: A Fifty State Survey," American Bar Association, West Virginia Chapter (2019)
- Author, "Halloween may be over, but E-Discovery horror stories are always in season," Jackson Kelly PLLC *Anticipation of Litigation Advisor*, Nov. 27, 2019
- Co-author with **Jill E. Hall**, "Employment Separation Agreements: Parting is such sweet sorrow...but it doesn't have to be," *The Community Banker*, Second Quarter 2019
- Co-author with **Benjamin J. Wilson**, "What is an Employment Statute Doing in My Public Health Code? Defending Claims under the Patient Safety Act," 2019 Defense Trial Counsel of West Virginia Annual Seminar Notebook, June 2019
- Author, "Tough times for "Fat Cat" and "Scabby the Rat:" NLRB Advice Memo says use of inflatables may be an illegal form of secondary picketing," Jackson Kelly PLLC *Labor & Employment News Alert*, May 19, 2019
- Author, "Even Private Facebook Posts Can Come Back to Haunt You: Discoverability of Private Facebook Profiles," Jackson Kelly PLLC *Anticipation of Litigation Advisor*, March 25, 2019
- Author, "Supreme Court Watch: SCOTUS Grants Certiorari on Title VII Case," Jackson Kelly PLLC *Labor & Employment News Alert*, Jan. 15, 2019
- Author, "Hot off the Press for Public Employers and Political Subdivisions: The Supreme Court rules that the ADEA covers even small state and local government employers," Jackson Kelly *Labor & Employment News Alert*, Nov. 8, 2018