



## Dorothy Parson McDermott

Principal  
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### Practices

Class Actions and Complex Litigation  
Employee Benefits  
ERISA Complex Litigation Litigation

### Services

COVID-19

### Industries

Automotive  
Construction  
Healthcare  
Higher Education  
Life Sciences  
Retail  
Technology

### Education

University of Illinois College of Law  
J.D., 2003  
*cum laude*

Valparaiso University  
B.A., 1999  
With Honors

### Admitted to Practice

- 6th Circuit Court of Appeals, 2009
- 7th Circuit Court of Appeals, 2005
- 10th Circuit Court of Appeals, 2018
- Colorado - D. Colo., 2015
- Indiana - N.D. Ind., 2003
- Indiana - S.D. Ind., 2003

Dorothy "Dottie" Parson McDermott is a principal in the Indianapolis, Indiana, office of Jackson Lewis P.C. She concentrates her practice in the defense of complex ERISA litigation, single plaintiff ERISA cases, civil rights and employment-related claims.

Dottie defends ERISA 401(k) Plan class actions. She also has experience defending and dealing with defined benefit plan administration and complex Taft-Hartley-multi-employer plan issues. She has litigated sophisticated ERISA preemption issues and defended benefit claims in the LTD Plan, welfare plan, and pension plan areas. Her ERISA clients include fiduciaries, trustees, service providers, ERISA plans, plan administrators, claim administrators, third-party service providers, managed care entities, Taft-Hartley-multiemployer funds, and employers in a wide variety of employee benefits litigation issues nationwide. She additionally advises employers and plan administrators regarding administration of qualified retirement and welfare benefit plans, particularly processing internal claims and appeals. She is a member of the Employee Benefits Committee, Section of Labor & Employment Law, ABA. She is also a member of the ERISA focused DRI Life, Health and Disability Committee. Finally, she is a member of the American Health Lawyers Association.

Dottie also defends employers and management in federal and state courts and before administrative entities (EEOC, Indiana and U.S. Department of Labor, and similar state agencies) in matters ranging from ADA, ADEA, COBRA, FMLA, Title VII, Section 1981, the Indiana Wage Payment and Claims statutes, covenant not to compete/trade secret, and wrongful termination claims. Additionally, she participates in internal FLSA audits on behalf of employers, and the defense of FLSA class action litigation. Dottie further advises employers and management on human resource issues, reductions in force, employee handbooks, policies, severance agreements, EEO training, and workplace violence prevention restraining orders. She also leads internal corporate investigations regarding claims of sexual harassment and discrimination. Moreover, she provides analysis and guidance regarding drug testing laws and medical marijuana/marijuana-related legislation impacting employers in numerous states across the United States.

Examples of Dottie's experience include:

- Prevailing in Sixth Circuit on ERISA denial of disability benefits claim.
- Prevailing in the Sixth Circuit on an ADA claim alleging discrimination and failure to accommodate for a retailer.
- Securing summary judgment for a large company in a case involving claims of age discrimination and tortious interference with a business relationship.
- Assisting a retirement plan administrative committee in processing over 100 claims and/or appeals.
- Obtaining a no sanction result with the Indiana Department of Labor in a FLSA audit for a national company.
- Prevailing in Tenth Circuit on FLSA class and collective action claim.

- Wisconsin - E.D. Wis., 2006
- Wisconsin - W.D. Wis., 2009
- Indiana, 2003
- Wisconsin, 2006

## Honors and Recognitions

- *Indiana Super Lawyers®*, "Rising Stars" (2014-2016)
- *Legal 500 USA*, "Recommended Attorney" (2018)
- *Martindale-Hubbell®*, "AV Preeminent® - Peer Rated for Highest Level of Professional Excellence" (2014-present)

## Professional Associations and Activities

- American Bar Association
- Defense Research Institute
- Hispanic National Bar Association
- Indianapolis Bar Association
- Indiana Bar Association, Latino Affairs Committee
- State Bar of Indiana
- State Bar of Wisconsin

## Pro Bono and Community Involvement

- United States District Court, Southern District of Indiana, Mediation Assistance Program

## Published Works

- "PBGC to Back-Date Certain 2020 Contributions and Refund Premiums," *Bloomberg Tax* (November 2020) [Co-Author]
- "Mendez family fought for todos los niños," *Res Gestae* (November 2019) [Author]

## Speeches

- "The Future of Diversity, Equity, and Inclusion: Fostering Systemic Change and the Importance of Allyship," Elevate Indiana! Diversity, Equity & Inclusion Best Practices for Business and Industry (Carmel, IN, October 2021) (employer panel moderator)
- "Recent Developments in Employment Law," ICLEF (Indianapolis, IN, December 2019) (co-presenter)
- "Mock Sexual Harassment Trial," Indiana Chamber of Commerce 55th Annual Conference (Indianapolis, IN, April 23, 2019) (co-presenter)
- "Employers vs. Marijuana in the Workplace in 2019," Indiana Chamber of Commerce 55th Annual Conference (Indianapolis, IN, April 22, 2019) (co-presenter)
- "Bolstering Preventative Practices to Meet the New Wave of Sex Harassment Claims," Jackson Lewis Spring Employment Law Conference (Indianapolis, IN, May 17, 2018) (co-presenter)
- "Termination in the Review Mirror: A Mock Trial Defending an Employment Termination Decision," Indiana Chamber of Commerce (Indianapolis, IN, May 7, 2018) (co-presenter)
- "HR Due Diligence: Tips from a Benefits and Labor and Employment Attorney," National Business Institute (Indianapolis, Indiana, December, 2017) (co-presenter)
- "Mary Jane in the Workplace," South Central Indiana HR (Bloomington, IN, 2017) (presenter)
- "FLSA – The New DOL Regulations and How to Avoid Flubs and Fumbles in Your Workplace," American Payroll Association 2016 Indiana Statewide Payroll Conference (Indianapolis, IN, September 15, 2016) (presenter)
- "Impact of New Overtime Rules on Employee Benefits," Indiana Chamber of Commerce (Indianapolis, IN, September 12, 2016) (presenter)
- "Managing Benefits During and After a Leave of Absence," Indiana Chamber of Commerce (Indianapolis, IN, September 12, 2016) (presenter)

- “The FMLA: 2016 – ‘This Could Happen to You’ Real Life FMLA in Action,” Indiana Chamber of Commerce (Indianapolis, IN, January 21, 2016) (presenter)
- “Pandemic Preparedness: Legal, Employment and Ethical Considerations,” Indianapolis Bar Association (Indianapolis, IN, October 13, 2015) (presenter)
- “Overworked and Underpaid: Compensation Update,” Indiana Chamber of Commerce Employee Benefits Seminar (Indianapolis, IN, September 15, 2015) (presenter)
- “Emerging Infectious Diseases - Ebola and the Workplace,” Marion County Public Health Department” (Indianapolis, IN, November 10, 2014) (presenter)
- “Post-Windsor Updating Plan Definitions of Spouse,” Indiana Chamber of Commerce Employee Benefits Seminar (Indianapolis, IN, September 17, 2014) (presenter)
- “Speakers Panel: ERISA at 40: Top 10 Cases for Dinner Party Conversations,” Indiana Chamber of Commerce Employee Benefits Seminar (Indianapolis, IN, September 17, 2014)
- “Preparing for the Unexpected, Managing Plan Beneficiary Designations,” Indiana Chamber Benefits Seminar (Indianapolis, IN, September 12, 2013) (presenter)
- “Patient Protection and Affordable Care Act – Workplace Accommodations for Nursing Mothers,” Indiana Chamber of Commerce (Indianapolis, IN, September 13, 2011) (presenter)
- “And GINA Makes Four: The FMLA, ADA, Workers’ Compensation and GINA,” Indiana Chamber of Commerce (Indianapolis, IN, June 16, 2011) (presenter)
- “What is a Disability Under the ‘New’ ADA?,” Indiana Chamber of Commerce (Indianapolis, IN, February 23, 2011)
- “Are We There Yet – The Twists and Turns of FMLA Documentation,” Indiana Chamber of Commerce (Indianapolis, IN, December 9, 2010) (presenter)
- “Medicare Reporting: New Requirements for Employee Benefit Plans and Employment Claim Settlements,” Indiana Chamber of Commerce (Indianapolis, IN, April 22, 2010)
- “Conducting Effective Workplace Investigations,” Park 100 Partners (Indianapolis, IN, February 2010) (presenter)