



JASON NUTZMAN

Director

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Denver, Colorado

Jason Nutzman is a director who works out of our Denver office where his practice encompasses business litigation, employment and labor matters, and mining law. He handles general business and commercial litigation cases, employment litigation for clients in the transportation industry, including life, health and disability concerns, as well as mining and heavy construction matters.

Throughout his distinguished career, Jason has represented mining companies nationwide regarding Mine Safety and Health Administration (MSHA), Occupational Safety and Health Administration (OSHA), and general employment matters. He represents both coal and metal/non-metal clients before the Federal Mine Safety and Health Review Commission in accident investigations, special investigations, and discrimination investigations conducted by the Department of Labor with respect to the Mine Safety and Health Act.

In his practice, he also works with human resource managers and in-house counsel providing employment advice and litigation support to employers. Jason also provides employment counseling to employers from the beginning of the employment relationship through termination, and employment advice covering all types of discrimination and wrongful discharge, FMLA, ADA, ADEA and FLSA issues, and non-compete agreements. He is also experienced in representing clients regarding labor issues, including dealing with unions during a labor campaign and assisting management with a unionized workforce.

Jason is married to Robyn Eads Nutzman and has three daughters, Taylor, Payton, and Skylar. When he's not in the office, you'll probably find Jason chasing his three girls around town either at soccer or basketball practice – or violin lessons.

EDUCATION

- J.D., West Virginia University College of Law
- B.A., History, College of Charleston
- Editor-in-Chief, *West Virginia Law Review*

AREAS OF PRACTICE

- Collective Bargaining Negotiations
- Employment and Labor Relations
- Employment Discrimination
- Labor
- Litigation
- Mine Safety & Health Administration
- Mining Law and Public Lands
- Natural Resources, Energy and Environmental
- NLRB Issues
- Occupational Safety & Health Administration
- Wage/Hour Law
- Workplace Safety
- Wrongful Discharge

AWARDS AND HONORS

- *Benchmark Litigation, Future Star of South Carolina, 2011-2019*
- *West Virginia Super Lawyers Rising Stars*®, 2013-2015, 2017, 2018

ARTICLES AND PRESENTATIONS

- Speaker, "A Review of MSHA Enforcement Actions – 2016-2021: What Does the Data Tell Us?" South Central Joint Mine Health and Safety Conference – Virtual Event, May 4, 2021
- Speaker, "Workplace Safety and COVID-19: MSHA and OSHA Considerations," Webinar, March 26, 2020
- Speaker, "MSHA Abatement – What Does This Mean for Operators?" Arkansas Mine Safety and Health Conference, Hot Springs, Arkansas, February 14, 2020
- Speaker, "MSHA Hot Topics – Update on MSHA News and Recent Commission Cases" Arkansas Mine Safety and Health Conference, Hot Springs, Arkansas, February 13, 2020
- Speaker, "MSHA Abatement – What Does This Mean for Operators?" Southeast Mine Safety and Health Conference, Birmingham, Alabama, November 16, 2020
- Speaker, "MSHA Hot Topics – Update on MSHA News and Recent Commission Cases," Mine Safety and Health Conference, Reno, Nevada, October 23, 2019
- Speaker, "MSHA Abatement – What Does This Mean for Operators?" Mine Safety and Health Conference, Reno, Nevada, October 22, 2019
- Speaker, "Supervisory Responsibilities," New Mexico Mine Health and Safety Conference, Albuquerque, New Mexico, May 9, 2019
- Speaker, "MSHA Abatement – What Does This Mean for Operators?" South Central Joint Mine Health & Safety Conference, Dallas, Texas, April 17, 2019
- Speaker, "MSHA Hot Topics," Mining Association of South Carolina Annual Workshop, Greenville, South Carolina, March 19, 2019
- Speaker, "MSHA Hot Topics," Arkansas Mine Safety & Health Conference, Hot Springs, Arkansas, February 7, 2019
- Speaker, "Traveling with Inspectors," 23rd Annual Professional Development Mine Safety Seminar for Supervisors, Allentown, Pennsylvania, January 23, 2019
- Speaker, "Traveling with Inspectors," Wyoming Fall Freeze, Gillette, Wyoming, November 1, 2018
- Speaker, "New Workplace Exam – How Does It Impact Industry Operators," 14th Annual Mine Safety and Health Conference, Reno, Nevada, October 24, 2018
- Speaker, "MSHA Enforcement Under the Trump Administration," 14th Annual Mine Safety and Health Conference, Reno, Nevada, October 23, 2018
- Speaker, "New Workplace Exam – How Does It Impact Industry Operators?" New Mexico Mine Health and Safety Conference, Albuquerque, New Mexico, May 10, 2018
- Speaker, "Legal Side of Safety – MSHA Hot Topics," Mining Association of South Carolina Annual Workshop, Greenville, South Carolina, April 24, 2018
- Speaker, "Traveling with Inspectors," Wyoming Spring Thaw, Sheridan, Wyoming, April 11, 2018
- Speaker, "Politics vs Realty: Which Factors Will Likely Drive MSHA's Enforcement Narrative in 2018?" South Central Joint Mine Health & Safety Conference, Dallas, Texas, March 27, 2018
- Speaker, "Litigation Roundtable," EMLF Special Institute, Washington, D.C., March 21, 2018
- Speaker, "Beyond the Final Rule: The Impact of Competency and Adequacy in Metal/Nonmetal Workplace Examinations," Arkansas Mine Safety & Health Conference, Hot Springs, Arkansas, February 2, 2018
- Speaker, "Role of a Supervisor," Arkansas Mine Safety & Health Conference, Hot Springs, Arkansas, February 1, 2018
- Speaker, "Beyond the Final Rule: The Impact of Competency and Adequacy in Metal/Nonmetal Workplace Examinations," 22nd Annual Professional Development Mine Safety Seminar for Supervisors, Allentown, Pennsylvania, January 17, 2018

- Speaker, “Politics vs Reality: Which Factors Will Likely Drive MSHA’s Enforcement Narrative in 2018?” Webinar, December 13, 2017
- Speaker, “Politics vs Reality: Which Factors Will Likely Drive MSHA’s Enforcement Narrative in 2018?” CalCIMA 2017 Education Conference, Olympic Village, California, November 7, 2017
- Speaker, “Traveling with Inspectors,” 13th Annual Mine Safety and Health Conference, Reno, Nevada, October 24, 2017
- Speaker, “Politics vs Reality: Which Factors Will Likely Drive MSHA’s Enforcement Narrative in 2018?” KVMJ Meeting, Charleston, West Virginia, October 5, 2017
- Speaker, “Traveling with Inspectors,” Illinois Mining Institute Annual Meeting, Marion, Illinois, August 30, 2017
- May 9, 2017 – “MSHA Regulatory Update” – 10th Annual New Mexico Mine Health & Safety Conference, Socorro, New Mexico
- Panelist, “MSHA Panel,” Mining Association of South Carolina Annual Workshop, Greenville, South Carolina, April 25, 2017
- Panelist, “MSHA Attorney Panel,” South Central Joint Mine Health and Safety Conference, Dallas, Texas, April 12, 2017
- Speaker, “Determining the Adequacy of Workplace Examinations: The Reasonably Prudent Competent Examiner Test,” National Stone, Sand & Gravel Association, Legal Symposium, Las Vegas, Nevada, March 3, 2017
- Speaker, “Miner Training – MSHA Expectations and How to Be Prepared,” 2017 Arkansas Mine Safety & Health Conference, Hot Springs, Arkansas, February 10, 2017
- Speaker, “Supervisory Responsibilities,” 2017 Arkansas Mine Safety & Health Conference, Hot Springs, Arkansas, February 9, 2017
- Speaker, “MSHA Year End Review,” Webinar, December 14, 2016
- Speaker, “MSHA’s Workplace Examination Rule – How to Be Prepared for What May Come,” 12th Annual Mine Safety and Health Conference, Las Vegas, Nevada, October 25, 2016
- Speaker, “Miner Training – MSHA Expectations and How to be Prepared,” 25th Annual Oklahoma Mine Health & Safety Conference, Norman, Oklahoma, October 6, 2016
- Speaker, “MSHA Inspection & Investigation,” 9th Annual New Mexico Mine Health & Safety Conference, Socorro, New Mexico, May 2, 2016
- Speaker, “Walk Around Inspections” and “Workplace Examinations,” 30th Annual Arkansas Mine Safety and Health Conference, Hot Springs, Arkansas, February 11, 2016

PROFESSIONAL AND COMMUNITY ACTIVITIES

- Member, Arizona Mining Association
- Member, American Exploration & Mining Association
- Member, National Mining Association
- Member, Mining Association of South Carolina, Safety and Health Committee
- Member, Rocky Mountain Mineral Law Foundation
- Member, Nevada Mining Association

ADMISSIONS

- Colorado
- South Carolina
- West Virginia