



## Benjamin J. Wilson

Member

### Charleston Office

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**Benjamin J. Wilson is a Member in the Firm's Labor and Employment and Workplace Safety and Health practice groups, focusing on labor and employment litigation and workplace safety. He practices out of the Firm's office in Charleston, West Virginia.**

Ben Wilson represents employers in complex labor, employment, and workplace safety matters, providing both strategic counseling and skilled litigation defense. A member of the Firm's Labor and Employment and Workplace Safety and Health practice groups, Ben works with businesses of all sizes facing challenges under OSHA, MSHA, and labor and employment laws.

Ben's practice is defined by a "litigation plus" approach: he is a meticulous advocate in court and before administrative agencies, both at the trial and appellate levels, while also partnering with employers to prevent disputes before they arise. He counsels clients on regulatory compliance, workplace policies, and labor relations, and defends them against claims involving discrimination, harassment, retaliation, wrongful discharge, wage and hour issues, and other employment-related disputes. His work also includes representing employers in safety-related citation contests and discrimination proceedings before federal and state review commissions. Ben's breadth of knowledge allows him to serve as a trusted advisor to businesses navigating the full spectrum of workforce challenges.

Ben is also deeply engaged in legal education. From 2022 to 2025, he served as an Adjunct Lecturer at the West Virginia University College of Law's Supreme Court Clinic, where he guided law students in representing clients before the United States Supreme Court and the Fourth and Sixth Circuit Courts of Appeals. His teaching experience underscores his commitment to advancing the next generation of advocates while staying at the forefront of appellate practice.

In 2024, Ben had the privilege of attending the International Association of Defense Counsel Trial Academy at Stanford University in Palo Alto, California. There, he learned trial techniques and practiced skills under the tutelage of some of the best defense trial lawyers in the country. Ben previously clerked for the Honorable Thomas E. Johnston, Chief Judge of the U.S. District Court for the Southern District of West Virginia. He earned his J.D. from the West Virginia University College of Law, where he was Editor-in-Chief of the West Virginia Law Review. Ben attended Michigan State University, where he received his bachelor's degree, and he remains an avid fan of the Spartans.

## Awards

- Named in the *Best Lawyers*® 2021 Charleston, West Virginia "Ones to Watch" list for Environmental Law, Labor & Employment Law - Management, and Mergers & Acquisitions Law
- CALI Excellence for the Future Awards, Sports Law
- *West Virginia Law Review*, Editor in Chief
- Phi Alpha Delta

## Notable Legal Experience

- Represented an operator at an MSHA administrative hearing
- Represented multiple employers and operators during MSHA and OSHA accident investigations
- *Morrissey v. West Virginia AFL-CIO*, 243 W. Va. 86, 842 S.E.2d 455 (2020) (co-authored amicus curiae brief supporting the constitutionality of the Workplace Freedom Act a/k/a West Virginia's Right to Work Law)
- Authored multiple briefs before the Intermediate Court of Appeals of West Virginia
- Motions practice before state and federal courts, involving everything from discovery motions to dispositive motions
- Obtained "No Discrimination" findings on § 105(c) complaints before MSHA
- Conducted training for employers, operators, and HR professionals

## Work History

- Jackson Kelly PLLC (2022-Present)
- Adjunct Lecturer, West Virginia University College of Law, Supreme Court Clinic (2022-2025)
- Honorable Thomas E. Johnston, Chief Judge, U.S. District Court for the Southern District of West Virginia, Law Clerk (2020-2022)
- Jackson Kelly PLLC, Associate (2017-2020)
- United States Supreme Court Law Clinic, Supervised Clinic Member (2016)
- West Virginia Innocence Project, Supervised Student Attorney (2016)
- Honorable Robert Trumble, U.S. Magistrate Judge, U.S. District Court for the Northern District of West Virginia, Law Clerk (2015)
- State of Michigan, Department of Natural Resources, Park Ranger (2010-2014)

## Practices

- Labor & Employment
- Litigation
- Workplace Safety & Health

## Industries

- Coal
- Manufacturing
- Energy
- Mining

## Education

- West Virginia University College of Law (J.D., 2017)
- Michigan State University (B.S. in Parks, Recreation, and Tourism Resources, 2008)

## Admissions

- West Virginia (2017)
- Colorado (2025)
- U.S. District Court, Southern District of West Virginia (2017)
- U.S. District Court, Northern District of West Virginia (2018)
- Supreme Court of the United States of America (2023)

## Professional Organizations

- West Virginia State Bar, Young Lawyers Section
- American Bar Association

## Community

- Education Elevators

## Speaking Engagements & Publications

### Writings and Publications

- "Handbooks and Social Media," NBI West Virginia Human Resource Law 2024
- "Contract Law: Name, Image, and Likeness" – West Virginia University Football 5th Quarter Program, June 21, 2020
- Author, "Powered haulage: Can technology eliminate safety concerns?" *Aggregates Manager* magazine, June 2019
- Co-author with **Grace E. Hurney**, "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
- Co-author with **Justin M. Harrison**, "What Urban Meyer Can Teach You about HR Investigations," *The Community Banker*, Q3 2018

## Representative Cases

- *Morrissey v. West Virginia AFL-CIO*, 243 W. Va. 86, 842 S.E.2d 455 (2020) (co-authored amicus curiae brief supporting the constitutionality of the Workplace Freedom Act a/k/a West Virginia's Right to Work Law)
- *Morley v. Energy Servs. of America Corp.*, Civ. Action No. 3:22-0375, 2024 U.S. Dist. LEXIS 1457, 2024 WL 38557 (S.D. W. Va. Jan. 3, 2024) (obtained summary judgment claim in one of the first applications of the *Faragher-Ellerth* defense to hostile work environment claim under the West Virginia Human Rights Act)