



JAMES A. KELLER

PARTNER

Philadelphia
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2186

Phone number: (215) 972-1964
Fax number: (215) 972-4152
james.keller@saul.com

Jim Keller is the co-chair of Saul Ewing Arnstein & Lehr's Higher Education Practice and K-12 Schools Practice, vice-chair of the firm's Litigation Department, and a former member of the Executive Committee. He is a higher education lawyer, an ERISA litigator, and a complex commercial dispute trial lawyer.

In addition to his legal practice, Jim has served as an adjunct professor at the University of Delaware, where he taught undergraduate law courses.

SERVICES

Campus Investigations Team
Employee Benefits and
ERISA Litigation
Appellate
Litigation
Commercial Litigation
Real Estate Litigation

INDUSTRIES

Higher Education
K-12 Schools
Independent K-12 Schools
Insurance

EXPERIENCE

Higher Education /General Counsel

Jim defends colleges and universities and advises them on critical issues of compliance, policy, and liability. Jim has led teams in both proactive and reactive internal investigations across a wide swath of higher education compliance and risk management issues, including compliance with the Clery Act, Title IX, student deaths, hazing, sexual assault, and alcohol abuse and use on campus. Jim has also provided Title IX training and presentations across the country, and is actively defending civil actions that include Title IX claims. Jim also serves as general counsel to several colleges and universities that do not have inside counsel.

Complex Commercial Litigation

Jim handles complex commercial litigation matters for clients in the real estate, insurance, and defense industries. He has experience leading teams in state and federal courts in Pennsylvania, New Jersey, Delaware, and the District of Columbia, as well as in AAA arbitration. Jim also has handled many appellate arguments before the Third Circuit, all appellate courts in the Commonwealth of Pennsylvania, and he is admitted to practice before the U.S. Supreme Court.

As just a few examples:

- Summary Judgment on Tortious Interference With Contract Claim: Summary

judgment affirmed in favor of client defending alleged multi-million dollar tortious interference with contract claim, *Warfield v. Trustees of the University of Pennsylvania*, 6 A. 3d 558 (Pa. Super. 2010)

- Dismissal of Bad Faith Claim: Obtained dismissal of bad faith claim against insurer, *El Bor Corp. v. Fireman's Fund Insurance Co.*, 787 F. Supp. 2d 341 (E.D. Pa. 2011)
 - Dismissal of RICO and Lanham Act Claims: Lead defense counsel in obtaining dismissal of RICO and Lanham Act claims, *Mega Concrete v. Smith*, 2011 WL 1103831 (E.D. Pa. 2011)
 - Lead Trial Counsel for Shareholder Litigation: Lead counsel for shareholders in case seeking release of funds from escrow post-closing, *Fesnak and Associates v. U.S. Bank*, 722 F. Supp. 2d 496 (D. Del. 2010)
-

ERISA and Insurance Litigation

Jim is lead counsel in ERISA litigation matters filed throughout the East Coast. Jim has particular experience with group benefit plans involving AD&D insurance, disability insurance, and life insurance, and with individual health coverage litigation. Jim is willing to take these cases to trial, when needed. For example:

- ERISA Trial Win: Secured judgment for insurer after bench trial and motion for judgment on partial findings in an ERISA benefits action, *Bair v. Life Insurance Co. of North America*, 2011 WL 4860006 (E.D. Pa. 2011)
-

Compliance and Investigation Experience

- Clery Act: Jim has been lead counsel in handling Clery Act compliance issues for a variety of higher education institutions. Jim has reviewed Annual Security Reports, advised on regulatory interpretation questions, and coordinated responses to major program reviews instituted by the Department of Education. Jim has a team of as many as 35 lawyers to assist with these projects. Given the sensitivity of these matters, client names can be provided upon request, with client consent.
- Title IX and VAWA: Jim has been lead counsel on many lawsuits where a party is claiming a violation of Title IX. Jim has also provided training more than 35 times on Title IX and VAWA compliance, revised dozens of policies, and assists clients with Title IX and VAWA issues weekly. Jim has assisted and is assisting multiple institutions in handling, and responding to, reviews initiated by the Office for Civil Rights of the U.S. Department of Education. These have ranged from single-issue complaints involving a single party, to extensive compliance reviews involving many campuses in a large university system. Given the sensitivity of these matters, client names can be provided upon request, with client consent.
- College and University Student Risk Issues: Jim has been counsel in matters involving student death, alcohol abuse, hazing, or assault. Jim has provided advice across the spectrum in these matters, ranging from an internal investigation, to policy work, to defending a civil action when filed. Given the sensitivity of these matters, client names can be provided upon request, with client consent.

- Sexual Assault and Abuse: Jim has been counsel in dozens of cases of alleged sexual assault or abuse involving an educational institution, whether K-12 or a college or university. Jim has also provided training on best practices for preventing and handling these matters, and helps to structure pertinent policies for educational institutions. Given the sensitivity of these matters, client names can be provided upon request, with client consent.
 - Hazing: Jim has assisted with investigating and litigating matters involving athletic, greek life, and other hazing issues at both the university and the K-12 level.
-

Independent K-12 Schools

Jim advises and defends independent K-12 schools on matters affecting their daily operations and their compliance with federal and state laws as well as best practices. His experience includes counseling the heads of schools, senior administrators and boards on sexual misconduct matters, mandatory child abuse reporting, student discipline, student housing issues, study abroad, and academic, medical and disability accommodations for students. Jim also provides advice on labor and employment matters, including employee discipline and separation, as well as issues involving real estate, "town-gown," taxes, and board governance. Jim's risk management work for K-12 schools includes helping them to create internal policies, as well as leading internal investigations into employee misconduct, student misconduct and, in several high-profile cases, #MeToo allegations of historic sexual abuse. When a crisis arises, he advises institutions on how to manage the related legal issues and will generally either lead the investigation or, if not, represent the institution in disputes and litigation.

HONORS

Named a Distinguished Leader by *The Legal Intelligencer*, 2019

Named a "Local Litigation Star" in Pennsylvania by *Benchmark Litigation*, 2015 to present

Named a "Future Star" in Pennsylvania by *Benchmark Litigation*, 2012 to 2014

Named one of Pennsylvania's "Lawyers on the Fast Track," *American Lawyer Media*, 2006

Named to the *Pennsylvania Super Lawyers* List for Business Litigation, 2013 to 2017

Selected to the Rising Stars list, *PA Super Lawyers*, 2005 - 2007, 2010, 2011

Named one of "America's Leading Lawyers in Commercial Litigation" by *Chambers USA*, 2014 to 2019

MEMBERSHIPS AND AFFILIATIONS

Fellow, American Bar Foundation, 2012 - present

Philadelphia Bar Association

Pennsylvania Bar Association

National Association of College and University Attorneys

University Risk Management and Insurance Association

Member, DRI, The Voice of the Defense Bar

EDUCATION

J.D., University of Pennsylvania School of Law, 1996

- Comment Editor, *University of Pennsylvania Law Review*
- Winner, Edwin R. Keedy Moot Court Competition

B.A., University of Delaware, 1993, *magna cum laude*

BAR ADMISSION

District of Columbia

New Jersey

Pennsylvania

FIRM INVOLVEMENT

K-12 Schools, Co-Chair

Higher Education, Co-Chair

Litigation, Vice Chair

Executive Committee, Member

CLERKSHIPS

Judge Harvey Bartle, III, U.S. District Court for the Eastern District of Pennsylvania