

**James E. Kellett**

Partner
jkellett@crowell.com

New York

590 Madison Avenue,
New York, NY 10022-2544
Phone: 212.223.4000
Fax: 212.223.4134

Practice Areas

- Labor & Employment

James E. Kellett is a member of Crowell & Moring's Labor and Employment Practice Group in the New York office. Jim represents management in all aspects of labor and employment law. He litigates discrimination and other employment matters in federal and state courts across the country and handles discrimination charges and complaints before federal and state administrative agencies. These matters include representing clients at administrative hearings and bench and jury trials.

Jim's practice also includes counseling employers regarding employee disciplinary matters, business strategies such as layoffs or reorganizations, and any issues implicating federal, state or local employment laws. Jim also assists clients in developing and implementing personnel policies and in complying with a myriad of employment laws including, but not limited to, those relating to wage and hour matters, family and medical leave, drug testing, disability, sexual harassment and discrimination generally. His assistance to clients includes conducting seminars for managers and supervisors related to a wide variety of issues in which everyday management and human resources activities intersect with statutory and common law requirements.

Jim has served as counsel to numerous national corporations in a variety of industries, including Brink's, Incorporated, BAX Global, Sbarro, Inc., TNT USA Inc. and Malcolm Pirnie Inc.

Jim has engaged in significant appellate work in state and federal courts, including various federal Courts of Appeal and California, Florida, Michigan, and New York appellate courts. Successful litigation results achieved by Jim have been upheld by various appellate courts, including the California and Michigan Supreme Courts and the First Circuit and other Courts of Appeal. Some of these appellate decisions, as noted below, have been cited hundreds of times in the case law and literature. Jim is admitted to the New York and New Jersey State bars, the U.S. Supreme Court and many federal appellate

and districts courts. Jim received a B.A. degree in English Literature from Lafayette College, an M.B.A. degree in management from Fairleigh Dickinson University and a J.D. degree from Fordham University, where he was a member of the Law Review.

Noteworthy Decisions:

- *Arteaga v. Brink's, Incorporated*, 163 Cal. App. 4th 327 (2008), *cert. denied*, 2008 Cal. LEXIS 9786 (Cal., Aug. 13, 2008) (represented defendant in claims of disability discrimination and workers compensation retaliation which were dismissed on a motion for summary judgment).
- *Ingram v. Brink's, Incorporated*, 414 F.3d 222 (1st Cir. 2005) (represented employer in claims of sex discrimination and violation of the Equal Pay Act which were dismissed on a motion for summary judgment).

Education

- Fordham University School of Law, J.D.
- Fairleigh Dickinson University, M.B.A. Management
- Lafayette College, B.A. English Literature

Affiliations

Admitted to Practice: New York, New Jersey, U.S. Supreme Court, and many federal appellate and district courts

Publications

- "The Importance of Being Earnest About Bankruptcy," *Bankruptcy and Employment Law* 360 (November 8, 2011). Co-Authors: James E. Kellett and Christine Hawes.
- "Genetic Information: How Will Nondiscrimination Law Interact with Current Employment Statutes?," *New York Law Journal* (August 11, 2008). Co-Authors: James E. Kellett and Evan M. Lison.

Alerts & Newsletters

- "Department of Labor Proposes FMLA Rule on Leave for Caregivers to Servicemembers and Airline Flight Crew Employees," *Labor &*

- Employment Law Alert - US* (February 14, 2012). Contacts: James E. Kellett, Ira M. Saxe, Jared Levine, Thomas P. Gies, Mark A. Romeo.
- "FMLA Protections from Interference and Retaliation Extended to Pre-Eligible Employees," *Labor & Employment Law Alert - US* (January 25, 2012). Contacts: Kris D. Meade, Christopher Calsyn, Jeffrey W. Pagano, James E. Kellett, Ira M. Saxe, Mark A. Romeo.
 - "California Seating Lawsuits Meeting Resistance, But Employers Shouldn't Sit Idly By," *Labor & Employment Law Alert - US* (October 21, 2011). Contacts: Mark A. Romeo, Samuel P. Nielson, Jeffrey W. Pagano, James E. Kellett, Kris D. Meade, Thomas P. Gies.
 - "Employee Absences for Medical Reasons: An Expanding Source of Liability," (August 11, 2011). Contacts: Kris D. Meade, James E. Kellett, Jonathan A. Moskowitz, Wendy A. Sugg.
 - "Supreme Court Changes The Class Action Landscape In *Dukes v. Wal-Mart*," *Labor & Employment Law Alert - US* (June 28, 2011). Contacts: James E. Kellett, Jeffrey W. Pagano, Thomas P. Gies, Trina Fairley-Barlow, Mark A. Romeo, Wendy A. Sugg.
 - "Circuit Court Rules No Cause of Action for Discrimination Against Debtors," *Labor & Employment Law Alert - US* (May 24, 2011). Contacts: Thomas P. Gies, Glenn D. Grant, Arash Jahanian, Jeffrey W. Pagano, James E. Kellett, Mark A. Romeo.
 - "EEOC Issues Final Regulations on ADA Amendments Act of 2008," *Labor & Employment Law Alert - US* (April 7, 2011). Contacts: Jeffrey W. Pagano, James E. Kellett, Ira M. Saxe, Kris D. Meade, Thomas P. Gies, Mark A. Romeo.
 - "Court Rules Cancer in Remission Is Disability under the ADAAA," *Labor & Employment Law Alert - US* (September 10, 2010). Contacts: Trina Fairley-Barlow, Christopher Calsyn, James E. Kellett.
 - "New Whistleblower Incentives and Protections in the Dodd-Frank Wall Street Reform and Consumer Protection Act," *Labor & Employment Law Alert - US* (August 31, 2010). Contacts: Kris D. Meade, James E. Kellett.
 - "D.C. Issues Final Regulations for Accrued Sick & Safe Leave Act," *Labor & Employment Law Alert - US* (August 26, 2010). Contacts: Trina Fairley-Barlow, James E. Kellett.
 - "Federal Court Grant of Motion for Summary Judgment to Employer Emphasizes Importance of Prompt Remedial Action in Response to Harassment Complaints," *Labor & Employment Law Alert - US* (December 18, 2009). Contacts: James E. Kellett, Rebecca L. Springer.
 - "New York State Department of Labor Issues Forms Required When Giving Notice to New Employees Concerning Compensation," *Labor & Employment Law Alert - US* (December 17, 2009). Contacts: James E. Kellett, Ira M. Saxe.
 - "Supreme Court Shifts To "But For" Test In Age Discrimination in Employment Act Claims," *Labor & Employment Law Alert - US* (June 30, 2009). Contacts: Kris D. Meade, James E. Kellett.

- "Fee-Splitting Provisions In Arbitration Agreements Subject To Scrutiny," *Labor & Employment Law Alert - US* (May 14, 2009). Contacts: Jeffrey W. Pagano, James E. Kellett.
- "Reaux Decision Provides Wake Up Call for Employers Regarding FMLA Policies," *Labor & Employment Law Alert - US* (April 2, 2009). Contacts: Kris D. Meade, Christopher Calsyn, James E. Kellett.
- "California Delivers More Flexibility With Alternative Workweek Schedules," *Labor & Employment Law Alert - US* (March 30, 2009). Contacts: Mark A. Romeo, James E. Kellett.
- "Ledbetter Legislation Enacted – Now What?," *Labor & Employment Law Alert - US* (January 29, 2009). Contacts: Kris D. Meade, James E. Kellett, Christopher Calsyn.
- "Revised FMLA Regulations Clarify Employer Obligations," *Labor & Employment Law Alert - US* (December 4, 2008). Contacts: Kris D. Meade, James E. Kellett, Kathleen Clair.
- "California Supreme Court Leaves Intact Broad Prohibitions On Enforceability Of Non-compete Agreements," *Labor & Employment Law Alert - US* (August 11, 2008). Contacts: Mark A. Romeo, James E. Kellett, Ira M. Saxe.
- "Anxiously-Awaited *Brinker* Decision Holds That Employers Need Not Police Whether Employees Take Meal Periods," *Labor & Employment Law Alert - US* (July 23, 2008). Contacts: Mark A. Romeo, James E. Kellett, Thomas P. Gies.
- "New Law Prohibiting Genetic Discrimination Raises New Risks For Employers," *Labor & Employment Law Alert - US* (May 27, 2008). Contacts: Thomas P. Gies, Jeffrey W. Pagano, James E. Kellett, Mark A. Romeo, Rebecca L. Springer.
- "Supreme Court Rules that Filing of Formal Charge No Longer Necessary to Satisfy Administrative Filing Requirements of ADEA," *Labor & Employment Law Alert - US* (March 5, 2008). Contacts: Thomas P. Gies, James E. Kellett.
- "Commissioned Salespersons in New York State Must, Effective October 16, 2007, Be Paid Under Written Agreements," *Labor & Employment Law Alert - US* (October 12, 2007). Contacts: Jeffrey W. Pagano, James E. Kellett, Ira M. Saxe, Thomas P. Gies.