

James B. Thelen

Of Counsel

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Focus Areas

Higher Education
Labor Management Relations
Business Restructuring and M&A
Investigations
Hiring, Performance Management and Termination

Overview

James B. Thelen is a seasoned labor and employment lawyer who has worked both in private practice and as general counsel or chief legal officer at public and private higher education institutions. He is an experienced legal and executive strategist who helps large public and private institutions understand how labor and employment practices and legal risk impact long-term institutional strategy and performance.

Before joining Littler in April 2023, Jim was a higher education consultant and also general counsel and chief legal officer for seven years at the University of Maine System, a statewide system of seven public universities, where he also served as Vice Chancellor for Strategic Initiatives and Chief of Staff. Jim also served as Associate Dean for Legal Affairs and General Counsel for four years at Thomas M. Cooley Law School, a private nonprofit law school in Michigan. Earlier in his career he worked as an assistant general counsel and lobbyist for Western Michigan University, a regional public university in the Midwest. His higher ed legal and executive experience includes overseeing and advising on HR and labor relations, executive employment performance management, strategic risk management, and litigation defense.

Jim provides legal advice and counsel and represents higher education institutions and other entities in state and federal labor relations matters and administrative hearings; union campaigns and representation, collective bargaining, grievance administration and arbitrations; labor and employment strategy and risk assessment; university partnerships,

collaborations, mergers, reorganizations, and right-sizing; executive employment performance management; strategic and long-term planning; and board governance matters.

Previously, Jim also worked in private practice at a large law firm in Michigan, providing advice and counsel to public and private entities, including a number of colleges and universities, on employment practices, labor relations, collective bargaining and union avoidance, litigation defense of employment claims, and general employment-related business practices and strategy.

Professional and Community Affiliations

- Member, NACUA Committee on Strategic Planning, 2018-2021
- Member, Society for Human Resource Management, 2005-2011
- Member, President 2009-2010, HR Management Association of Mid-Michigan, 2004-2011

Recognition

- Named, Best Lawyers, *Best Lawyers in America*, 2010-2011
- Named, Rising Star, Michigan, *Super Lawyers*, 2008
- Named, Up and Coming, America's Leading Business Lawyers, *Chambers USA*, 2006

Education

J.D., Tulane University Law School, 1995, *cum laude*

B.A., Western Michigan University, 1992, *magna cum laude*

Bar Admissions

Maine

Michigan

Courts

U.S. Supreme Court

U.S. Court of Appeals, 6th Circuit

U.S. District Court, District of Maine

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Michigan

Publications & Press

NLRB Reaffirms that Graduate Students Are Statutory Employees under NLRA

Littler ASAP

September 17, 2024

NLRB General Counsel Suggests How Colleges and Universities Can Satisfy NLRA Disclosure Obligations Without Violating FERPA

Littler ASAP

August 26, 2024

NLRB Regional Director Says Dartmouth Men’s Basketball Players Are Employees, Can Vote in Union Election

Littler ASAP

February 7, 2024

The Summer’s death knell for affirmative action has passed - Now what?

University Business

September 7, 2023

Labor Cost Pressures in Higher Ed Call for Proactive Labor Strategy

Littler ASAP

July 17, 2023

U.S. Supreme Court Strikes Down Race-Conscious Admissions – What Does it Mean for Employers?

Littler Insight

June 30, 2023

Littler Welcomes Jim Thelen as Of Counsel in Portland

Littler Press Release

May 24, 2023

U.S. Departments of Education and Justice Issue Dear Colleague Letter Regarding Digital Accessibility in Higher Education

Littler ASAP

May 23, 2023

NLRB General Counsel Files Complaint Demanding College Reclassify its Student-Athletes as Employees

Littler ASAP

May 22, 2023

A New Era of Union Activism in Higher Ed

Insidehighered.com Views

March 14, 2023

Rethinking Credit Hours and Degrees

Insidehighered.com Views

November 22, 2022

Speaking Engagements

Higher Ed Management & Unions: Expansion at Private Colleges & Issues with GAs and Athletes

National Association of College and University Attorneys

June 26, 2024

Labor Unions and Campus Protests: A Moderated Legal Discussion

June 5, 2024

Higher Education Labor Organizing Update

April 18, 2024

Employment Law in Higher Education: Title IX, Professor/Student Interactions, Tenure, Application of Labor Laws

Strafford Webinar

May 16, 2023

The Digital-Led University: A Technology-Enabled Future for Higher Education

Co-Moderator, CGI Webinar

September 2022

Craft and Communicate an Effective Free Speech Policy: Preparing for the 2020 Election

Student Affairs Forum, Educational Advisory Board Webinar

February 2020

Management of a Small Office of General Counsel: Wearing Two Hats – Chief of Staff and General Counsel

General Counsel Institute, NACUA, New Orleans, LA

February 2019

Books & Book Chapters

- *Family & Medical Leave and the Law*, New York: ALM/Law Journal Press, 2012
- *Employment Law Handbook: Guide for Michigan Employers*, Lansing, MI: Michigan Chamber of Commerce, Editor, 2003-2011; Coeditor, 1996-2000