



## James B. Thelen

Of Counsel

One Monument Square  
456 Congress Street, Suite 600  
Portland, ME 04101  
main: +1 (207) 774-6001  
direct: (207) 699-1102  
fax: +1 (207) 775-6407  
jthelen@littler.com



---

## Practice Areas

Higher Education  
Labor Management Relations  
Business Restructuring and M&A  
Investigations  
HR Advice and Counsel

## 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

### U.S. Department of Education's New "Dear Colleague" Letter Targets DEI Programs and Signals New Era of Title VI Enforcement

*Littler ASAP*

February 18, 2025

### Higher Ed DEI Practices to Be Reviewed Under President's New Executive Order

*Littler ASAP*

January 24, 2025

**What Should Educational Institutions Do Next for Title IX Now That Biden's Final Rule Was Blocked by a Federal Judge?**

*Littler ASAP*

January 14, 2025

**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 ASAP*

June 30, 2023

**Littler Welcomes Jim Thelen as Of Counsel in Portland**

*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

**Events & 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