



James D. Kremer

Attorney / Minneapolis Off. Managing Partner

jdk@dewittllp.com

612-305-1451

Minneapolis

Jim has more than twenty-five years of complex civil litigation and counseling experience with a focus on employment and construction law. He has broad experience partnering with senior management and human resources personnel in designing and improving employment policies and practices; managing and resolving internal disputes; implementing effective litigation avoidance strategies; and litigating claims to successful conclusion efficiently, cost-effectively, and with minimal business disruption.

He regularly advises and represents design professionals and contractors on a variety of matters, including contract terms and negotiations, personnel issues, claims avoidance, and litigation of contract, alleged professional negligence, and claimed defects disputes.

He regularly counsels clients on employment policies and practices, including compliance with state and federal laws/regulations (e.g., Title VII, ADA, FMLA, ADEA, FLSA, FCRA, WARN, etc.); employee hiring, discipline and discharge; internal EEO and other investigations; employment and separation agreements; reduction-in-force programs and practices; payroll practices, including compliance with state and federal wage/hour laws; and the protection of company resources, including proprietary and trade secret information. In addition, he conducts training on a variety of employment law issues, company best practices, and litigation avoidance and management strategies and has served as lead and co-counsel for corporations in numerous litigation matters in multiple jurisdictions.

Representative Experience

- Obtained numerous favorable summary judgment decisions for clients in employment cases involving claims of age discrimination, sexual harassment, race and gender discrimination,

retaliation, and breach of contract.

- Defense counsel in sexual harassment action. Complete defense verdict following jury trial.
- Lead defense counsel in whistleblower action against major U.S. airline. Secured defense verdict at trial and affirmance of decision on appeal.
- Obtained numerous favorable summary judgment decisions for clients in employment cases involving claims of age discrimination, sexual harassment, race and gender discrimination, retaliation, and breach of contract.
- Lead counsel for six former officer/directors of agricultural biotech company in action by bankruptcy trustee for breach of contract, breach of fiduciary duty, usurpation of corporate opportunities, fraud, and misappropriation of trade secrets. Secured dismissal of all claims against clients for no compensation, and recovered all litigation fees and costs from D&O carriers.
- Defense counsel in misappropriation of trade secrets, usurpation of corporate opportunity, breach of contract lawsuit seeking more than \$300 million in compensatory damages and \$1 billion in punitive damages. Claims dismissed by Court after 8-week trial, and secured more than \$700,000 cost judgment against plaintiff.
- Defense counsel for design professionals in construction defects cases, obtaining numerous favorable outcomes through litigation and mediation.
- Obtained several favorable labor arbitration awards for leading Minnesota manufacturer.
- Counsel for leading Minnesota healthcare client in wage/hour class action. Defeated motion for class certification leading to dismissal of lawsuit.
- Defense counsel for European company in \$500 million lawsuit for allegedly defective wood preservative used in manufacture of windows. Secured dismissal of claims on summary judgment.

Articles & Presentations

Regularly conducts training on a variety of employment law issues, HR best practices, and litigation avoidance and management strategies, for example:

- "Addressing Worker Safety and Reasonable Accommodation Issues as Employees Return to Work," DeWitt COVID-19 Resource Center, May 2020
- "Minnesota Governor Issues Executive Order Addressing Worker Safety and COVID-19 Pandemic," DeWitt COVID-19 Resource Center, May 2020
- "A Deeper Dive in Questions Asked by Employers Regarding the Families First Coronavirus Relief Act," DeWitt COVID-19 Resource Center, March 2020
- "Minnesota Enacts New "Wage Theft" and Record-Keeping Requirements," DeWitt North Star Update, June 2019
- "2019 Promises Revised Overtime Rules," DeWitt North Star Update, February 2019
- Employment Law Update (annual presentation for American Council of Engineering Companies)

- Hot Topics in Employment Law: Social Media, the Activist NLRB, and Other Key Issues in 2013 (March 2013)
- Client Workplace Conduct Annual Training (multiple presentations)
- Employment Law Update: What's New and What's Ahead (multiple presentations)
- The Wage & Hour Onslaught: A Survival Guide (March 2011)
- Creating a Positive Workplace: Sexual Harassment and Discrimination Training (multiple presentations)
- Managing (Not Just Reacting) to Employee Leave: The FMLA, ADA and Other Statutes (January 2010)
- WARNing: RIF Notifications May Be Hazardous to Your Health (September 2009)
- Avoiding the RIF-Raff: Strategies for Minimizing Risks in Downsizing (January 2009)
- The FLSA in Indian Country (November 2009)
- Preparing for the E-Discovery Wars: Avoiding the Pitfalls, Controlling the Costs, and Maintaining (perhaps) Your Sanity (May 2009)
- The Attorney-Client Privilege: Communicating Effectively With Your Lawyer ... Without Shooting Yourself in the Foot (March 2009)

Volunteer Experience

Perspectives, Inc., St. Louis Park, MN – an award-winning full-service supportive housing and chemical addiction agency serving underprivileged, at-risk women in recovery and their children.

- Chair of the Board: December 2009 to present
- Director of Finance: 2008-2009
- Member, Executive, Finance and Strategic Planning Committees: 2008 to present
- Member, Board of Directors: 2005 to present
- Pro Bono Counsel: 2000 to present

Expertise

- Construction Litigation
- Labor & Employment Relations
- Commercial Litigation
- Appellate Law
- Real Estate, Land Use & Construction

Education

- J.D., *cum laude*, Georgetown University Law Center
- B.A., *summa cum laude*, Moorhead State University

Admissions

- Minnesota
- U.S. District Court, Dist. of Minnesota
- U.S. District Court, Dist. of E. Wisconsin
- U.S. District Court, Dist. of E. Michigan
- U.S. Court of Appeals, Eighth Circuit

Affiliations

- Minnesota Bar Association
- Hennepin County Bar Association