



A. James Johnston

Principal
Employment and Labor

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Represents and defends for-profit and not-for-profit corporations, and their directors, officers, and employees in employment and labor matters before state and federal courts, federal, state, and local administrative agencies.

Bio

A. James Johnston is a Principal in the Firm's Employment & Employee Relations and Health Care Practice Groups. Mr. Johnston also serves as the Firm's President and Chief Executive Officer. He represents for-profit and not-for-profit corporations, and their directors, officers and employees in multiple industries, including healthcare, before state and federal courts, federal, state and local administrative agencies, including the Equal Employment Opportunity Commission (EEOC), the Department of Labor (DOL) and the Pennsylvania Human Relations Commission. His clients include some of the nation's largest health systems and hospitals, as well as national employers with multi-state operations.

Over a three-decade career representing employers, Mr. Johnston has compiled substantial experience in defending clients against the full range of employment discrimination claims in state and federal courts. He has successfully defended clients and secured defense victories in precedent-setting cases and has also served as a close adviser and counselor to his clients on employment and employee issues and compliance.

Specifically, Mr. Johnston provides advice, counsel, and representation to employers in all aspects of employment law including issues relating to and claims brought pursuant to every major employment statute, including: the Americans with Disabilities Act (ADA); the Age Discrimination in Employment Act (ADEA); the Fair Labor Standards Act (FLSA); the Family and Medical Leave Act (FMLA); Title VII; and the Equal Pay Act, among others.

Mr. Johnston also regularly provides advice, counsel, and representation on a range of employment, employee, litigation, and compliance-related issues, including drafting and interpretation of employment handbooks and manuals, conducting internal investigations, employee privacy, and individual employee rights issues, and federal and state regulatory compliance.

Publications

Practices

- Employment and Employee Relations
- Employment Collective and Class Actions
- Health Care
- Health Care Litigation Services
- Health Care Regulatory Services
- Labor
- Wage and Hour
- Trade Secret & Non-Compete Law
- Hospitality and Retail

Industries

- Manufacturing
- Health Care
- Hospitality

Education

- J.D., Pennsylvania State University Dickinson School of Law, 1980
- B.A., Dickinson College, 1977

Bar Memberships

- Pennsylvania (1980)

Court Admissions

- U.S. Supreme Court
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Tenth Circuit

- "Formulating a Strategy for Hospital Compliance with the ADA's Employment Provisions: Dealing with the Uncertainty," *Pennsylvania Bar Institute*, PBI No. 1992-714 (1992) (with Sidney R. Steinberg)

Media

- Television Guest Appearance, Law Journal Program, "When Workers Leave: Employer and Employee Rights," on WFMZ-TV (Greater Lehigh Valley and Eastern Pennsylvania) and WTGI-TV (Philadelphia, Wilmington, DE and Cable Television Network of New Jersey) (July 5, 1999)
- Television Guest Appearance, Law Journal Program, "The Supreme Court and the Americans with Disabilities Act," WFMZ-TV and WTGI (1999)
- Television Guest Appearance, Law Journal Program, "The Interactive, Evolving Employer - Employee Relationship," WFMZ-TV and WTGI (1999)
- Television Guest Appearance, Law Journal Program, "Harassment and Discrimination: A Whole New Set of Rules," WFMZ-TV and WTGI (December 28, 1998; February 8, 1999)
- Television Guest Appearance, Law Journal Program, "Getting Even: Sexual Harassment and Discrimination Claims," WFMX-TV and WTGI (1997)
- Television Guest Appearance, Law Journal Program, "Wrongful Termination in the Workplace," WFMX-TV and WTGI (1996)

Speaking Engagements

- Moderator, "A View From the Bench," CLE program, Penn State Dickinson School of Law, Carlisle, PA (October 30, 2010)
- Presenter, "Alphabet Soup: A Discussion of the Interplay of the Americans with Disabilities Act, The Family and Medical Leave Act, and Workers' Compensation Law," and "Navigating the Troubled Waters of Employment and Workers' Compensation Issues" Seminar, Dallas, TX (June 8, 2004)
- Presenter, "Proof of Post-Injury Earning Capacity (Including Statutory Job Offer Obligation)," "Navigating the Troubled Waters of Employment and Workers' Compensation Issues" Seminar, Dallas, TX (June 8, 2004) (with Jonathan C. Ascher)
- Presenter, "Settlement of the Workers' Compensation Claim and its Implication for the Employment Relationship," "Navigating the Troubled Waters of Employment and Workers' Compensation Issues" Seminar, Dallas, TX (June 8, 2004) (with Patrice A. Toland)
- Presenter, "Trying an Invasion of Privacy and Defamation Suit," Panel Presentation/Mock Trial, Ninth Annual Northeast Regional Employment Law Institute, Pennsylvania Convention Center, Philadelphia, PA (April 2003)
- Co-Course Planner, "Employment Issues in The Health Care Workplace," PBI/PBEC Education Center (with Sidney R. Steinberg); Presenter, "The Disruptive Physician;" Moderator, "Hospital Employment Law from the Inside," Philadelphia, PA (August 26, 2002)
- Presenter, "How to Protect Your Rights Where Employer Liability Insurance Is Involved or How to Adjust Your Strategy When Insurance is Involved," Eighth Annual Northeast Regional Employment Law Institute, Pennsylvania Convention Center, Philadelphia, PA (April 2002) (with Carol Mager)

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- Presenter, "Tough Problems in Employment Law (Mental Disabilities, Independent Contractors and Temporary Workers, Handling Reductions in Force, The Plaintiff Who Still Works for You, and More)," 2001 Annual Pennsylvania Chamber of Business and Industry Human Resources Conference, Harrisburg, PA (November 28-29, 2001) (with Sidney R. Steinberg)
- Presenter, "When and How to Conduct an Internal Investigation," 2001 Annual Pennsylvania Chamber of Business and Industry Human Resources Conference, Harrisburg, PA (November 28-29, 2001)
- Presenter, "The Interactive Process Under the ADA: What Courts Expect From Employers," 2001 Annual Pennsylvania Chamber of Business and Industry Human Resources Conference, Harrisburg, PA (November 28-29, 2001) (with Sidney R. Steinberg)
- Presenter, "Sexual Harassment in the Workplace - The New Legal Landscape," 2000 Annual Pennsylvania Chamber of Business and Industry Human Resources Conference, Harrisburg, PA (December 12-13, 2000)
- Presenter, "Recent Developments and Trends in Employment Discrimination Law," 2000 Annual Pennsylvania Chamber of Business and Industry Human Resources Conference, Harrisburg, PA (December 12-13, 2000)
- Presenter, "Americans with Disabilities Act Lawsuits After the Sutton, Murphy and Albertsons Decisions," Sixth Annual Health Law Institute, Pennsylvania Bar Institute, Pennsylvania Convention Center, Philadelphia, PA (March, 2000)
- Presenter, "The Americans with Disabilities Act and Retaliatory Discharge: A Defense Perspective," 5th Annual National Workers' Compensation and Disability Conference, Chicago, IL (1996)
- Presenter, "Employment Litigation and Damages: A Defense Perspective," Second Annual Employment Law Institute, Pennsylvania Bar Institute (1996)
- Presenter, "Americans with Disabilities Act Update," and "Family and Medical Leave Act Overview and Update," Lancaster County Association for Human Resource Management, Legal Update (1996)
- Presenter, "Sexual Harassment in the Hospital Workplace: Risk Management Initiatives and Litigation and Liability Issues, Second Annual Health Law Institute," Pennsylvania Bar Institute (1996)
- Presenter, "The Americans with Disabilities Act and Retaliatory Discharge," 1995 Annual Meeting, American Bar Association (1995)
- Presenter, "Formulating a Strategy for Hospital Compliance with the ADA's Employment Provisions: Dealing with the Uncertainty," Pennsylvania Bar Institute, PBI No. 1992-714 (1992)

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Clerkship

- Justice William D. Hutchinson, Pennsylvania Supreme Court
- Honorable Roy Wilkinson, Jr., Commonwealth Court of Pennsylvania