

Michael E. Baughman

Partner

Philadelphia

michael.baughman@troutman.com

D 215.981.4964



Mike offers clients time-tested trial strategies and solutions. His trial experience throughout the U.S. allows him to efficiently resolve disputes in or out of the courtroom.

OVERVIEW

Clients call on Mike to handle complex commercial disputes in jurisdictions throughout the U.S. He handles matters involving securities fraud, claims for breach of fiduciary duty, professional negligence, consumer fraud, complicated contract claims, and other business disputes.

Mike brings to bear a deep understanding of the law of class certification, having litigated class actions in courts throughout the U.S. He has successfully defeated numerous class actions ranging from the motion to dismiss stage to judgment at trial. Mike was part of a team that tried a certified class action alleging breach of contract that sought more than \$1 billion in damages and got the case dismissed. Mike also has worked on several TCPA class actions, most recently obtaining affirmance of a full dismissal of a claim relating to junk faxes in the Third Circuit.

Higher Education

Mike represents colleges, universities, and independent schools, providing counseling, litigation, and investigative services for the unique challenges that face higher learning institutions. He represents clients in court as well as in U.S. Department of Education investigations. Mike counsels boards and administrators on how to resolve complex problems, including student protests, faculty misconduct, board governance issues, and Title IX matters. He counsels clients on compliance with the federal Clery Act, the Family Educational Rights and Privacy Act (FERPA), and other federal and state laws; policies and procedures dealing with Title IX of the amendments to the Higher Education Act; and on student conduct policies and proceedings and faculty disputes.

Newsroom Law

Mike represents newspapers and television stations in defending lawsuits alleging libel and invasion of privacy. He also provides advice to reporters and editors on issues including pre-publication review, and has litigated numerous matters involving access to courtrooms and documents, and cases involving reporters' rights to protect their sources. Mike has lectured at the University of Pennsylvania and Drexel University on defamation law and presents on First Amendment issues in various programs, including for the Pennsylvania Bar Institute.

REPRESENTATIVE MATTERS

Complex Commercial Disputes and Class Action Litigation

- Obtained a full defense verdict in a multiweek bench trial in a certified class action in Arapahoe County, CO, alleging nearly \$1 billion in damages in alleged breach of contract case and successfully held verdict on appeal.
- Successfully represented several clients in class actions brought under the Telephone Consumer Protection Act, including most recently, *Mauthe v. National Imaging Associates*, which resulted in the Third Circuit affirming a full dismissal of a putative class action relating to junk faxes and affirmance on appeal.
- Obtained dismissal of a putative nationwide class action challenging a client's early termination fee included in a consumer contract.
- Obtained summary judgment, and affirmance by the Ninth Circuit, in claims relating to a financial institution's handling of a multimillion-dollar customer account.
- Obtained dismissal of a federal securities class action complaint alleging that a major pharmaceutical company failed to disclose information about the safety profile of one of its leading products and obtained affirmance on appeal.
- Successfully defended a major provider of security services in a putative nationwide class action alleging that the defendant improperly marketed and promoted its products.
- Successfully defended a major provider of security services in a putative nationwide class action alleging that the defendant engaged in deceptive trade practices.
- Successfully represented a major pharmaceutical company in derivative litigation alleging breach of fiduciary duty in connection with alleged improper promotion of one of the company's leading products.
- Represented a bankruptcy estate of Adelphia Communications Corporation in claims for professional liability against its former auditor, resulting in a \$167.5 million settlement for the client.
- Represented clients in claims for corporate mismanagement and breach of fiduciary duty.

Education Law

- Representing colleges and universities in complex lawsuits brought under Title IX throughout the U.S. Mike has successfully represented schools in dozens of student claims, obtaining dismissals and favorable settlements for his clients. Most recently, he obtained an interlocutory appeal for his client in the Sixth Circuit, resulting in a remand for entry of judgment, in a case setting important pleadings standards for Title IX claims, *Kollaritsch v. Michigan State University Board of Trustees*. He has represented schools in Title IX cases in numerous jurisdictions, including New York, New Jersey, Pennsylvania, Michigan, and the District of Columbia. He has litigated these issues in both federal district courts and courts of appeal.
- Served as primary outside counsel to several distinguished liberal arts colleges, providing advice on a wide range of legal issues affecting those institutions, including student affairs issues, freedom of speech issues, board governance issues, faculty tenure disputes, staff employment issues, contracting issues, tax and planned giving issues, compliance with not-for-profit laws, and compliance with a wide range of federal and state laws and regulations that govern institutions of higher learning.
- Represented multiple institutions in providing advice to Boards of Trustees and senior administrators regarding responding to allegations of faculty/teacher sexual misconduct, including historic claims of abuse.
- Representing schools in numerous investigations by the Department of Education Office for Civil Rights and Office of Federal Student Aid concerning disability claims, Title IX, Title VI, and the Clery Act.
- Providing advice to boards of directors on complex faculty and student issues, including matters involving Title IX and faculty misconduct. Obtained the court-ordered dismissal of a lawsuit brought by a graduate student claiming he was improperly dismissed for academic misconduct. Obtained affirmance on appeal in the U.S. Court of Appeals for the Third Circuit.
- Regularly performs complex internal investigations and Title IX investigations for institutions of higher learning.
- Wrote letter to Department of Education on behalf of 24 private liberal arts colleges commenting on proposed regulations under Title IX.

- Successfully represented several independent schools in claims relating to student misconduct.
- Successfully represented several educational institutions in defamation claims, including claims relating to student newspaper publications.
- Advised a college regarding allegations of academic misconduct by the college president.
- Successfully represented a university in claims that a graduate student's dismissal from the university was based on disability discrimination.
- Successfully represented a college in a challenge to the issuance of a liquor license for a college-owned hotel and restaurant.
- Represented a school in a lawsuit before the Supreme Court of New York involving compliance with the college's charter and deed of trust and alleged violations of the New York Not For Profit Law.
- Served on the team that investigated allegations of child abuse by a former football coach at a major Pennsylvania university.

Newsroom Law

- Successfully defended a claim brought by a sitting jurist against a newspaper relating to investigative articles about the jurist's conduct.
- Obtained summary judgment in a case brought by the head of a Philadelphia agency over investigative articles about the plaintiff's official conduct.
- Obtained dismissal of a complaint alleging that a website and its employees had defamed one of the website's users, and obtained a significant recovery of defendants' attorney fees in post-judgment proceedings.
- Obtained summary judgment (and affirmance on appeal) for a publisher of three newspapers in a claim by a former county commissioner that she was defamed by 19 separate publications.
- Successfully litigated a case before the Pennsylvania Supreme Court in which a public official claimed that she was defamed by an article in the *Philadelphia Daily News*, which set a strict pleading standard for proving actual malice.
- Represented a newspaper in defending a novel claim involving the "neutral reporting privilege" at trial, as well as in the Pennsylvania Supreme Court.
- Represented *The Philadelphia Inquirer* and the *Philadelphia Daily News* in dozens of libel claims brought by public officials, and public and private figures.
- Represented a newspaper reporter before the Pennsylvania Supreme Court in a case involving the application of the Pennsylvania Shield Law and the common law First Amendment privilege.
- Represented a newspaper seeking access to judicial proceedings and documents in a major corruption trial involving the Philadelphia government.

AWARDS

- *Benchmark Litigation*: "Local Litigation Star" in Pennsylvania (2021-2025)
- *Super Lawyers*: Business Litigation (2023-2025)
- 2020 Best of the Bar honoree, *Philadelphia Business Journal*
- *Best Lawyers in America*®: First Amendment Law (2021-2026), Litigation – First Amendment (2015-2026), Media Law (2015-2026)
- Listed in *The Best Lawyers in America* and was named Philadelphia "Lawyer of the Year" for Media Law (2018, 2025) and Litigation – First Amendment (2015, 2023)
- Selected as a local litigation star in Pennsylvania by *Benchmark Litigation* (2019)

TOP AREAS OF FOCUS

- Business Litigation
- Class Action
- Educational Institutions
- First Amendment + Newsroom
- Telephone Consumer Protection Act (TCPA)

ALL AREAS OF FOCUS

- Business Litigation
- Class Action
- Educational Institutions
- Financial Services
- Financial Services Litigation
- First Amendment + Newsroom
- Litigation + Trial
- Securities Litigation
- Telephone Consumer Protection Act (TCPA)
- White Collar Litigation + Investigations

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Pennsylvania Carey Law School, J.D., *magna cum laude*, 1996, comment editor, *University of Pennsylvania Law Review*
- Cornell University, B.A., *magna cum laude*, 1993, economics and history

BAR ADMISSIONS

- Pennsylvania
- New Jersey
- New York

COURT ADMISSIONS

- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, District of Columbia
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Middle District of Pennsylvania
- U.S. District Court, Western District of Michigan

- U.S. District Court, Western District of New York
- Supreme Court of the United States
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. District Court, Southern District of New York

CLERKSHIPS

- Hon. William H. Yohn, Jr., U.S. District Court, Eastern District of Pennsylvania, 1996-1997

SPEAKING ENGAGEMENTS

- Speaker, "Campus Speech: Policies, Protests, and Best Practices," The 2025 URMIA Eastern Regional Conference, March 19, 2025.
- Speaker, "Counsel Advisory Conference (CAC) 2024," United Educators, October 10-11, 2024.
- Speaker, "Free Speech Risks Facing Higher Education in the Next Year, and Advice to Be Ahead of the Curve," NACUA 2023 Fall Workshop, November 10, 2023.

PUBLICATIONS

- Co-author, "Foreign Influence in Universities Targeted by Trump Administration," *Troutman Pepper Locke*, March 20, 2025.
- Co-author, "OCR's Directive on Race-Conscious Policies in Higher Education," *Troutman Pepper Locke*, February 24, 2025.
- Co-author, "What Do We Do Now? District Court Invalidates 2024 Title IX Regulations," *Troutman Pepper Locke*, January 17, 2025.
- Co-author, "Fourth Circuit: Institution's Tax-Exempt Status Does Not Trigger the Applicability of Title IX's Requirements," *Troutman Pepper*, April 11, 2024.
- Co-author, "NLRB Rules That Dartmouth Basketball Players Are Employees," *Troutman Pepper*, February 9, 2024.
- Co-author, "Ninth Circuit: Universities May Be Liable Under Title IX for Off-Campus Assaults," *Troutman Pepper*, October 4, 2023.
- Co-author, "Supreme Court Rules Title IX and Other Spending Clause Statutes Do Not Permit Damages for Emotional Distress," *Troutman Pepper*, May 5, 2022.
- Co-author, "Ninth Circuit Rules University Not Liable Under Title IX for Football Player's Off-Campus Assault," *Troutman Pepper*, February 1, 2022.
- Author, "Review of George S. McClellan and Neal H. Hutchens's *Shared Governance, Law and Policy in Higher Education: A Guide for Student Affairs Professionals*," *NACUA Journal of College and University Law* (Volume 46, Number 2), January 20, 2022.
- Co-author, "Third Circuit Rules Universities May Face Title IX Liability for Sexual Misconduct by Nonstudent Guests," *Troutman Pepper*, January 13, 2022.
- Co-author, "Student Workers in College Office of Admission Vote to Unionize," *Troutman Pepper*, October 19, 2021.
- Co-author, "En Banc Sixth Circuit Reaffirms High Bar for Title IX 'Deliberate Indifference'," *Troutman Pepper*, January 12, 2021.

MEDIA COMMENTARY

- Quoted, "State Leaders Unmoved by College Outrage Over LAX COVID Rules," *POLITICO*, October 10, 2021.
- Quoted, "College Campuses Drove Major COVID-19 Outbreaks. Now, Will They Require the Vaccine?," *USA Today*, December 10, 2020.