

Toyja E. Kelley

Partner

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Toyja helps clients navigate complex construction disputes and commercial litigation. His clients appreciate his extensive trial experience, strategic approach, and dedication to client success.

OVERVIEW

Toyja represents large public and medium-sized businesses in complex commercial disputes, focusing on general commercial litigation, construction litigation, professional and product liability, business torts, and insurance coverage. He regularly appears before state and federal courts in Maryland and the District of Columbia. Toyja's clients include construction companies, special event manufacturers, and various others across industries. His trial-to-verdict experience and role as outside general counsel enable him to provide strategic legal guidance and effective dispute resolution.

Toyja is committed to advancing inclusion and raising awareness surrounding mental health in the legal industry. He holds leadership roles in the National Black Lawyers Association and the National Alliance on Mental Illness Metropolitan Baltimore. Toyja also served as an adjunct professor of law at Washington and Lee University.

In addition to writing and speaking on key issues, Toyja is involved in the Defense Research Institute and frequently advocates for public policy changes.

REPRESENTATIVE MATTERS

- Represents an offshore wind energy company in litigation and regulatory matters involving its development of an area off the coast of Maryland in order to provide renewable wind energy sufficient to generate more than 750 MW of offshore wind electricity to power more than 500,000 homes.
- Serving as trial counsel in ongoing litigation concerning a consent decree related to mental health and medical services for incarcerated individuals at the Baltimore City Jail. Responsibilities include coordination with the Maryland AG's office and collaboration with outside counsel.
- Representing an offshore renewable energy company as their primary outside litigation counsel, including regular engagement with the Maryland State AG's office on issues related to state matters.
- Defended a Baltimore area private high school in litigation over claims stemming from the construction of its artificial turf football stadium.
- Defended a building owner in a \$12.7 million construction dispute with its former general contractor and a bonding company. Toyja secured summary judgment in the client's favor on the claims made by the contractor.

and bonding company, and a jury returned a \$1.6 million verdict in the client's favor on its counterclaims.

- Represented a contractor in litigating various claims and disputes arising out of the construction of the Gaylord National Harbor, the largest hotel and convention center complex on the Eastern seaboard with a total project cost in excess of \$800 million.
- Defended a publicly traded real estate investment trust from a series of construction-related lawsuits brought by contractors and subcontractors in Maryland. Toyja's representation led to the dismissal of most cases; others have been resolved.
- Defended a Baltimore, Maryland-based sports clothing and accessories manufacturer in a two-week jury trial involving the construction of its \$4.1 million Station House Visitor Center.
- Represented an EB5 foreign investment regional center in connection with a \$9.5 million arbitration involving a failed real estate investment and construction partnership deal.
- Defended a sports equipment company in a personal injury case involving several athletes at a football camp in Maryland.
- Defended a national office products manufacturer in breach of contract cases brought by a multinational customer and a material supplier.
- Defended a commercial food service manufacturer against allegations that a product defect caused a fire that destroyed a national fast food chain's restaurant.
- Defended a manufacturer of custom-built industrial generator systems from allegations that it violated the Maryland Equipment Dealer Contract when it terminated a local sales representative.
- Defended a publicly traded broadcasting company in commercial litigation and business tort-related cases.
- Represented a national home improvement franchising company in a breach of contract dispute brought by customers of a local franchise that had gone out of business.
- Represented a petroleum manufacturer in a product liability case alleging injuries from lead pigment.
- Represented a large financial services company in numerous cases involving its Maryland real estate portfolio.

Reported Decisions

- *Schuele v. Case Handyman and Remodeling Servs., LLC*, 412 Md. 555 (2010).
- *AT&T Communications of Md., Inc. v. Comptroller of Md.*, 176 Md. App. 22 (2007).
- *Chang v. Brethren Mutual Ins. Co.*, 168 Md. App 534 (2006).
- *Smith v. Lead Industries Ass'n*, 386 Md. 12 (2005).

AWARDS

- DRI, Sheryl J. Willert Pioneer Diversity Award (2021)
- *The Daily Record*, Leadership in Law Award (2021)
- *Super Lawyers®* Maryland, Litigation (2016-2018)
- *The Daily Record*, Influential Marylanders Award (2015)
- *The Daily Record*, VIP-Professionals Under 40 (2010)

TOP AREAS OF FOCUS

- Construction Litigation
- Insurance + Reinsurance
- Litigation + Trial
- Product Liability
- Professional Liability

ALL AREAS OF FOCUS

- Class Action
- Construction
- Construction Litigation
- Fair Housing Compliance + Defense
- Insurance + Reinsurance
- Litigation + Trial
- Product Liability
- Professional Liability
- White Collar Litigation + Investigations

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Law360 Energy Editorial Advisory Board (2025)
- DRI – The Voice of the Defense Bar
 - President (2018-2019)
 - President-elect (2017)
 - First vice president (2016-2017)
 - Secretary treasurer (2014-2015)
 - Executive committee (2014)
 - National board of directors (2011-2014)
 - Diversity committee chair (2009-2011)
- President, DRI Center for Law and Public Policy (2020-present)
- Maryland Defense Counsel
 - President (2013-2014)
 - Board of directors (2005-2014)
- Adjunct professor of Law, Washington and Lee University (2013-present)
- Member, executive committee, National Black Lawyers Association
- Board member, National Alliance on Mental Illness Metropolitan Baltimore

EDUCATION AND CERTIFICATIONS

EDUCATION

- William & Mary Law School, J.D., 2001
- Franklin & Marshall College, B.A., 1998

BAR ADMISSIONS

- District of Columbia
- Maryland

CLERKSHIPS

- Hon. Andrew L. Sonner, Maryland Court of Special Appeals, 2001

SPEAKING ENGAGEMENTS

- Speaker, “[Energy Roundtable Discussion](#),” 2025 Renewable Energy Seminar, September 18, 2025.
- Speaker, “Predictive Analytics in Litigation: Predictive Analytics is Being Increasingly Used in Litigation,” Minority Corporate Counsel Association: Global Technology, Education & Careers, Forum, June 18, 2024.
- Speaker, “Explosive Rise of Nuclear Verdicts: Identifying Potential Triggers, Managing Risks & Controlling Outcomes,” Federation of Defense & Corporate Counsel: Insurance Industry Institute, November 8-10, 2023.
- Speaker, “Improving Rule 702,” National Foundation for Judicial Excellence: Annual Judicial Symposium, July 28-29, 2023.
- Speaker, “Wind Energy Litigation Seminar,” DRI, May 15, 2023.

PUBLICATIONS

- Co-author, “[Empire Wind 1 Stop-Work Order Targets Offshore Wind but Raises Questions for Other Industries](#),” *Troutman Pepper Locke*, April 18, 2025.
- Co-author, “Vineyard Wind Makes It a Clean Sweep in First Circuit Offshore Wind Decision,” *Locke Lord QuickStudy*, December 9, 2024.
- Author, “[Courts Scrutinize Pretextual Challenges to Offshore Wind](#),” Pratt’s Energy Law Report, October 2024.
- Co-author, “Following the Trail of Lost or Destroyed ESI with Forensic Imaging,” *For The Defense*, May 24, 2024.
- Author, “Update to Standing up to the Plaintiffs: Courts Scrutinize Pretextual Challenges to Offshore Wind,” *Locke Lord QuickStudy*, March 8, 2024, updated April 8, 2024.
- Author, “Offshore Wind Closes 2021 Strong, Further Growth Expected in 2022,” *Locke Lord QuickStudy*, January 5, 2022.

MEDIA COMMENTARY

- Mentioned, “[RISK: Experts Say Empire Wind’s Halt Order is Illegal, Cast Doubt on if Equinor Will Challenge It](#),” *New Project Media*, April 22, 2025.