

## Toyja E. Kelley

Partner

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Toyja represents companies in high-stakes commercial litigation, construction disputes, offshore wind matters, and product liability claims. With decades of first-chair trial experience, he delivers practical, strategic guidance that helps clients manage risk, resolve complex challenges, and protect their business interests.

### OVERVIEW

Toyja represents large public companies and medium-sized businesses in complex commercial disputes in state and federal courts. He has tried cases to verdict for clients in multiple sectors, bringing particularly deep industry knowledge and decades of first-chair trial experience to construction, offshore wind energy, and product liability litigation.

Toyja serves as primary outside litigation counsel for offshore renewable energy companies, advising on disputes and regulatory risks arising from large-scale development projects along the Atlantic coast. His work includes direct engagement with the Maryland Attorney General's Office on regulatory and state law matters, as well as lead trial counsel responsibility in active federal and state court proceedings across Maryland and the District of Columbia.

Toyja handles the full spectrum of construction disputes — delay and disruption claims, change orders, mechanic's liens, payment and performance bond claims, design defects, and construction defect litigation. He advises owners, developers, contractors, and manufacturers on risk allocation, schedule analysis, damages calculations, and bid protests.

Toyja's broader trial practice encompasses professional and product liability defense, business torts, breach of fiduciary duty, shareholder and partnership disputes, trade secret litigation, non-compete enforcement, and insurance coverage matters including bad faith and coverage disputes. His clients range from construction companies and special event manufacturers to publicly traded companies and national franchising businesses. Toyja also provides alternative dispute resolution services, including mediation and arbitration representation.

Toyja is a recognized leader who is committed to advancing inclusion and mental health awareness in the legal profession. He previously held leadership roles with the National Black Lawyers Association and the National Alliance on Mental Illness Metropolitan Baltimore, and he served as president of the Defense Research Institute, the largest global association for attorneys and in-house counsel, focusing on representing businesses and individuals in civil litigation. Toyja also served as an adjunct professor of law at Washington and Lee University, where he taught trial skills. He regularly writes and speaks on key legal and policy issues.

## REPRESENTATIVE MATTERS

### Offshore Wind Energy

- Representing an offshore wind energy developer in litigation and regulatory matters involving development of an area off the Maryland coast designed to generate more than 750 MW of electricity — sufficient to power more than 500,000 homes.

### Construction

- Secured summary judgment and a \$1.6 million jury verdict for a building owner in a \$12.7 million dispute with a general contractor and bonding company over performance bond claims.
- Represented a contractor in disputes arising from construction of Gaylord National Harbor, the largest hotel and convention center complex on the Eastern seaboard, with a project cost exceeding \$800 million.
- Defended a Baltimore-area private high school in litigation over its artificial turf football stadium construction.
- Defended a sports clothing manufacturer in a two-week jury trial involving a \$4.1 million visitor center construction project.
- Represented an EB5 regional center in a \$9.5 million arbitration involving a failed construction partnership.

### Commercial Litigation

- Defended an administrator of automotive consumer service claims in class action litigation.
- Defended a home security company in class action and MDL litigation.
- Defended a national office products manufacturer in breach-of-contract cases brought by a multinational customer and material supplier.
- Represented a national home improvement franchising company in breach-of-contract disputes.
- Defended manufacturers in product liability and defect cases across multiple industries.
- Handled commercial litigation for publicly traded broadcasting and real estate investment trust clients.

## 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, “[Five For Five: How the APA Protected Offshore Wind \(For Now\)](#),” *Troutman Pepper Locke*, February 17, 2026. Republished on *Recharge News* on March 3, 2026.
- 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.