

Fighting for Fairness

Whether he's helping a client overcome workplace harassment or discrimination or leading the way in a landmark appellate case, employment attorney **David Koller** lives by the principle of equality for all.

by **MATT COSENTINO** | photo by **JODY ROBINSON**

Watching the New York Knicks recently celebrate their first NBA championship in 53 years, David Koller could not help but be impressed by star point guard Jalen Brunson. Considered undersized by basketball standards, Brunson was overlooked by many experts coming out of Villanova, but has emerged as one of the best players in the world despite his shortcomings.

It makes perfect sense that an underdog like Brunson would appeal to Koller—a lifelong resident of the Philadelphia area and a Sixers fan—because his career as an employment attorney is often defined by representing “the little guy.” Koller Law, with offices in Philadelphia and Allentown, helps clients in Pennsylvania and New Jersey who have been impacted by wrongful termination, sexual harassment, or workplace discrimination based on race, age, disability, or sexual orientation.

“I like giving people a voice, and I like the David versus Goliath story,” Koller says. “I know that’s a bit of a cliché, but as my wife would say about me, I just always want good for everyone. That’s what employment law is all about. When I see someone being mistreated, it bothers me. I try to fight for fairness and equality everywhere.”

Koller admires the courage it takes for his clients to speak up in the first place about the wrongs they have endured in the workplace. He was in a similar situation himself when he suffered a knee injury at work early in his career and filed an ADA disability discrimination claim against his then-employer.

He also has faced a serious health scare—a brain hemorrhage at the age of 32—a couple of years after he started the firm. The experi-

ence only deepened his will to fight for people who are dealing with unfair treatment at work, whether because of a disability, sexual harassment, discrimination or otherwise.

“It’s hard when you spend a few weeks in the ICU fighting for your life,” he says. “My daughter was 10 months old at the time and she’s now about to turn 16. I feel like I’ve faced those pressures before, and it’s nice to be able to relate to my clients’ pain, desperation, and fear—all those emotions that losing your job brings forth.”

Another aspect that makes Koller unique is that he will go above and beyond when he believes wholeheartedly in a case. If a court’s decision does not sit well with him, he is always willing to appeal, even if it doesn’t necessarily lead to a financial windfall for his firm.

“Sometimes an appellate decision that’s precedential is more impactful than a quick and easy settlement, because other lawyers will get to cite the law we’ve created for the benefit of their clients,” he says. “I just try to fight for what’s right, and if it means I’m working for free on an issue that I want to try to change the law on, that’s what guides me.”

That mindset has paved the way for Koller to be the driving force behind five precedential appellate decisions. The first was the landmark case *Minarsky v. Susquehanna County*, in which the U.S. Court of Appeals for the Third Circuit ruled that an employee’s failure to report sexual harassment right away does not automatically shield an employer from liability. Most recently, this past spring, the Fourth Circuit Court of Appeals ruled in Koller’s favor in a case where his client had tried to file a discrimination suit but was denied because she

had signed an employer-crafted document that shortened the statute of limitations afforded by the law. The court agreed that those employer agreements are unenforceable.

“I got a lot of accolades for that, with people calling me a brilliant appellate lawyer,” Koller says, “but to me it was just common sense.”

While these high-profile cases have certainly bolstered Koller’s reputation, he still views himself as an underdog in most situations. He credits fellow attorney Jordan Santo, who argued the Fourth Circuit appeal, and the rest of his team at Koller Law for their support in making a difference in clients’ lives. The key, he explains, is to determine what’s most important to a client and go about making them whole again, no matter who the opponent is.

“If I think there’s a way to help someone in need, it doesn’t matter to me if it’s a Manhattan law firm representing a Fortune 500 company or something smaller,” he says. “It goes back to that basic principle of what’s right is right, and what’s wrong is wrong.”

“The interesting thing that makes me love employment law is that you see a lot of the same scenarios, but every case is nuanced and different,” he continues. “It’s a practice area that requires sharpness in your counsel and advice, being an attentive listener, and being compassionate and patient. It’s really a gratifying career.” ■

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