

Christopher J. Conrad

Co-Chair, Special Education Law Practice Group

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Chris is a member of the firm's Professional Liability Department, and he devotes a significant portion of his practice to the representation and defense of school districts, intermediate units, career and technology centers and other academic institutions in all manner of employment, civil rights and special education litigation. As a member of the Professional Liability Defense Federation, Chris currently serves as Vice Chair of the Municipal, School Leaders and Miscellaneous Liability Committee.

Chris is Co-Chair of the firm's Special Education Law Practice Group, and his special education practice focuses on counseling clients and defending due process litigation involving a wide range of issues including claims of child find violations, denial of a Free Appropriate Public Education (FAPE), manifestation determinations and student discipline, appropriate educational programming and placement, and parents seeking private school placement at public expense. Chris has presented on a number of special education topics for school districts as well as for PBI's Exceptional Children Conference, Lehigh University's Special Education Law Conference and the National Business Institute.

Chris also represents public and private employers and their directors, officers, management and employees, in a variety of employment practices litigation under federal and state law, including defending claims of harassment, discrimination and retaliation, as well as whistleblower claims.

Additionally, Chris represents and defends licensed and certified professionals, including real estate agents and brokers, real estate appraisers, insurance agents and brokers, home inspectors, architects, engineers, surveyors, attorneys and accountants in E&O and related matters throughout Pennsylvania and Maryland.

Chris is a graduate of The Pennsylvania State University and The Pennsylvania State University Dickinson School of Law. During law school, Chris clerked for the Hon. Robert

Practices

- School Leaders' Liability
- Employment Law
- Public Entity & Civil Rights Litigation
- Real Estate E&O Liability
- Insurance Agents & Brokers Liability
- Non-Profit D&O
- Accountants' Professional Liability
- Miscellaneous Professional Liability

J. Woodside in the United States Bankruptcy Court for the Middle District of Pennsylvania. Chris also served as judicial law clerk for the Hon. Ronald B. Graves in the Civil Division of the Superior Court of New Jersey.

Chris is a certified mediator, and he works as a *pro bono* mediator for the Middle District of Pennsylvania mediation program and the Cumberland County Bar Association Fee Dispute Committee. For many years, Chris served as an adjunct instructor at the Penn State Dickinson School of Law for its Problem Solving I/ Law Practice I – Critical Skills course, and he assisted Dickinson's National Mock Trial Team as both a judge and sparring attorney. Chris also devotes a portion of his time as a volunteer for the Wills for Heroes Program. Additionally, Chris is a Member of the Knights of Columbus Council 13100 and Saint Martin's Assembly 2708.

Education

- Penn State Dickinson Law (J.D., 2001)
- The Pennsylvania State University (B.A., 1998)

Admissions

- New Jersey, 2001
- U.S. District Court District of New Jersey, 2001
- Pennsylvania, 2006
- U.S. District Court Middle District of Pennsylvania, 2006
- U.S. District Court Eastern District of Pennsylvania, 2007
- Maryland, 2018
- U.S. District Court District of Maryland, 2018
- U.S. District Court Western District of Pennsylvania, 2018
- U.S. Court of Appeals 3rd Circuit, 2021

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
- Susquehanna Valley Select Lawyers™ (2014)

Associations & Memberships

- Cumberland County Bar Association, Member, Fee Dispute Committee
- Knights of Columbus Council 13100 and Saint Martin's Assembly 2708
- Middle District of Pennsylvania Chapter of the Federal Bar Association
- Pennsylvania Bar Association
- Pennsylvania Bar Association, Legal Services for Exceptional Children Committee
- Professional Liability Defense Federation, Vice Chair, Municipal, School Leaders and Miscellaneous Liability Committee
- Saint Thomas More Society
- Certified Mediator, U.S. District Court, Middle District of Pennsylvania

Classes/Seminars Taught

- *Civil Rights Litigation*, The Courts and the Community: An Educational Series for the

Public, April 1, 2026

- *Left Behind? Today's U.S. Department of Education and the Potential Impact on Special Education and Disability Services*, PBI's Exceptional Children Conference, October 24, 2025
- *Hot Topics in Employment Law*, PBA Law Firm Administrators Conference, April 30, 2025
- *From Complaint to Appeal And Beyond: Litigating a Special Education Due Process Case*, PBI Exceptional Children Conference, October 18, 2024.
- *UNCivil Discourse: The 1st Amendment and Regulating Speech at Public School Board Meetings*, Professional Liability Defense Federation (PLDF) 2024 Annual Meeting, September 26, 2024
- *Extended School Year – It's Not Summer School*, PBI Exceptional Children Conference, October 13, 2023
- *Special Education Litigation: Best Practices for Avoiding Liability, and Strategies for a Successful Defense*, Professional Liability Defense Federation Annual Meeting, September 2022
- *Why Schools Need to Be Thinking About Title IX: Effectively Navigating the Evolving Legal Issues Surrounding Gender Identity*, Professional Liability Defense Federation Annual Meeting, October 2021
- *Federal Law and the Art of Email Maintenance: When Must Emails Be Produced Under IDEA and FERPA*, PBI Exceptional Children Conference, October 2019
- *Navigating the Bermuda Triangle: The Intersection of Workers' Compensation, the FMLA and the ADA*, County Commissioners Association of Pennsylvania, March 2019
- *The Risks of Failing to Report School Leaders Liability Claims*, Pennsylvania Association for Supervision and Curriculum Development, October 2017
- *The Thin Blue Line in School*, Lehigh University Special Education Law Conference, May 2017
- *Dyslexia: Much More Than What We Thought*, Lehigh University Special Education Law Conference, May 2016
- *Advanced Functional Behavior Assessments and Behavior Support Plans*, PBI Exceptional Children Conference, October 2015
- *Successfully Handling Disciplinary Actions for Special Needs Students*, National Business Institute, December 2014
- *Best Practices for Technology and Social Media in the Workplace*, Estate Planning Council of Central Pennsylvania, Inc., February 2014
- *Insurance Agents and Brokers Best Claims Practices in Claims Administration and Underwriting*, Liberty Mutual Insurance, December 2013
- *Avoiding Liability in Special Education*, Central Dauphin School District, August 2013
- *PBA Malpractice Avoidance Program*, Perry County Bar Association, April 2013
- *Avoiding Legal Malpractice*, PBA Malpractice Avoidance Program, Adams County Bar Association, April 2012
- *Avoiding Liability as Sellers' Agents in Residential Real Estate Transactions, Particularly with Regard to the Disclosure of Material Defects in the Property*, Educational Development School of Real Estate, March 2012
- *Malpractice Avoidance Program*, PBA Malpractice Avoidance Program, Mifflin and Juniata County Bar Associations, October 2011
- *PBA Malpractice Avoidance Program*, Dauphin County Bar Association, August 2011
- *Avoiding Liability in Special Education*, Pottsville Area School District, August 2011
- *Avoiding Liability in Special Education*, Palmyra Area School District, August 2010

Published Works

- "Let's Give a Cheer for Free Speech: U.S. Supreme Court Holds School District Cannot Discipline Cheerleader for Off-Campus Snapchat Posts," *Professional Liability Defense Quarterly*, Vol. 13, No. 3, 2021
- "Bullies In the Schoolyard and Beyond: Avoiding and Defending Federal Bullying Claims Against Schools and School Leaders," *Professional Liability Defense Quarterly*, Vol. 13, Issue 1, 2021
- "Educating Pa.'s Special Needs Students During the COVID-19 Pandemic," *The Legal Intelligencer*, May, 2020
- "This Is Exhausting! Parents of Special Needs Children Who Allege Educational Harm Must Exhaust Administrative Remedies Under the IDEA Before Filing Lawsuit," *Lorman*, August 2017
- "This Is Exhausting! Parents of Special Needs Children Who Allege Educational Harm Must Exhaust Administrative Remedies Under the IDEA Before Filing Lawsuit," *Defense Digest*, Vol. 23, No. 1, March 2017
- "The IDEA Statute of Limitations (Finally!) Explained," *Defense Digest*, Vol. 21, No. 4, December 2015
- "Does At-Will Employment Still Exist in Pennsylvania?," *The Legal Intelligencer*, Labor & Employment Supplement, June 24, 2014
- "State Courts May Exercise Jurisdiction in Legal Malpractice Actions Arising Out of Patent Litigation," *Defense Digest*, Vol. 19, No. 2, June 2013
- "The Third Circuit Holds That Private Employers Are Not Prohibited By Bankruptcy Code From Denying Employment To Individuals Who Previously Filed For Bankruptcy," *Defense Digest*, Vol. 17, No. 2, June, 2011
- "Forum The Bell Tolls: Plaintiffs Lose Challenge To Validity Of Forum Selection Clause In Their Auto Insurance Policy," *Defense Digest*, Vol. 16, No. 1, 2010
- "Ninth Circuit Holds Private Tuition Is Reimbursable Under IDEA Even Though Student Never Received Special Education From School District," *Defense Digest*, Vol. 14, No. 4, December, 2008
- "Remedies for Disabled Students Curtailed," *New Jersey Law Journal*, Vol. CXCI, No. 2, Jan. 14, 2008
- "School's Out: The Third Circuit Precludes Use of 42 U.S.C. 1983 to Remedy Violations of IDEA and the Rehabilitation Act," *Defense Digest*, Vol. 13, No. 3, September, 2007
- "Pennsylvania Superior Court Limits Duty Of Insurance Brokers," *Defense Digest*, Vol. 12, No. 4, December, 2006

Significant Representative Matters

- *Godfrey v. Southern York County School District*, 2019 U.S. Dist. LEXIS 96736 (M.D. Pa. 2019) (summary judgment in favor of school district dismissing ADEA age discrimination and retaliation claims by former teacher)
- Defense verdict following jury trial representing insurance agency and its owner in case involving claims of professional negligence.
- *K.E. v. Lincoln Intermediate Unit*, 2017 U.S. Dist. LEXIS 163489 (M.D. Pa. 2017) (summary judgment dismissing claims against intermediate unit by former student alleging Title IX and 1983 civil rights violations)
- *Rohrbaugh v. Lincoln Intermediate Unit*, 255 F. Supp. 3d 589 (M.D. Pa. 2017) (dismissal of claims against intermediate unit by student under 504 of Rehabilitation Act of 1973 for failure to exhaust administrative remedies)

- *Judge v. Shikellamy School District*, 2017 U.S. Dist. LEXIS 65694 (M.D. Pa. 2017) (summary judgment dismissing claims by former principal alleging violation of Procedural Due Process rights, breach of employment contract and constructive discharge).
- Defense award at arbitration in declaratory judgment action brought against condominium association.
- *A.V. v. Capital Area Intermediate Unit*, ODR File No. 18090-1617 (successful defense of intermediate unit in special education due process hearing)
- *Hollinghead v. York City Sewer Authority*, 2014 U.S. Dist. LEXIS 43202 (M.D. Pa. 2014) (Summary judgment dismissing Title VII, PHRA and 1983 claims by a City employees alleging race discrimination and retaliation).
- *Schuback v. Law Office of Phillip S. VanEmbden*, 2013 U.S. Dist. LEXIS 18379 (M.D. Pa. 2013) (Judgment on the pleadings in favor of attorneys sued for alleged violations of the Fair Debt Collection Practices Act).
- *Thomas v. Thomas*, 2012 U.S. Dist. LEXIS 83320 (M.D. Pa. 2012) (Dismissal of 14th Amendment claims against an attorney for alleged abuse of process and wrongful use of civil proceedings).
- *Munir v. Pottsville Area School District*, 2012 U.S. Dist. LEXIS 82966 (M.D. Pa. 2012) (Summary judgment dismissing action by parent against school district under the Individuals with Disabilities Education Act and Rehabilitation Act).
- *Hocker v. CitiMortgage*, 2012 U.S. Dist. LEXIS 76867 (M.D. Pa. 2012) (Dismissal of claims against mortgage lender under the federal Real Estate Settlement Procedures Act by alleged victim of a housing fraud scam).
- *Baltimore v. Harrisburg Parking Authority*, 2010 U.S. Dist. LEXIS 59508 (M.D. Pa. 2010) (Summary judgment dismissing action against parking authority by former employee who claimed she was terminated from her employment in violation of her 1st and 14th Amendment rights).
- *Gregory v. Derry Township School District*, 2010 U.S. Dist. LEXIS 1875 (M.D. Pa. 2010) (Summary judgment dismissing claims against school district, administrators and school board members in action by former teacher who alleged she was terminated from her employment in violation of her federal civil rights).
- *Walsh v. Dallastown Area School District*, 2009 U.S. Dist. LEXIS 71266 (M.D. Pa. 2008) (Summary judgment dismissing claims by parent and students against school district, administrators and staff members of claims brought under federal and state wiretap laws and 4th Amendment).
- Defense award at arbitration in negligence action brought against insurance agency and owners of the agency.

Results

Summary Judgment Obtained for a Homeowners' Association

We secured summary judgment for a homeowners' association. The plaintiff owned an apartment in a planned community and sought to drill a hole through the exterior wall of the building to vent an HVAC unit. The HOA denied his request, and the plaintiff asserted claims of negligence and breach of the duty of good faith and fair dealings, alleging that the HOA treated him unfairly by denying his request. Despite providing numerous photos of other holes through the exterior wall of the building, the plaintiff admitted during his deposition that they did not know whether the HOA had ever permitted another unit

owner to drill a hole in the exterior wall. We successfully argued that the plaintiff could not put forth any evidence demonstrating unfair treatment, or that the request had been denied in bad faith.

Secured Dismissal of a Suit Against a Dauphin County School District

We achieved dismissal of a suit against a school district by way of preliminary objections. The Dauphin County case involved allegations that the district deprived the plaintiffs of certain educational rights, premised on procedural due process violations, negligence and subornation of perjury. Preliminary objections were filed to the plaintiffs' original complaint on both procedural and substantive grounds. Following the filing of an amended complaint and additional preliminary objections on similar grounds, argument was held. As a result, the court agreed with the defendant and dismissed the plaintiffs' amended complaint with prejudice.

Successfully Defended a School District in a Special Education Case

We defended a school district in a special education matter involving a high school student identified with a specific learning disability and ADHD. The student sought out a peer during the school day, went into the peer's classroom and physically attacked her, punching and kicking her several times. After the incident, the student's Individualized Education Program team determined the conduct was not a manifestation of the student's disabilities. The student and her parent disagreed with this determination and requested an expedited due process hearing. At the hearing, the parent argued that the student's conduct was a result of trauma she had experienced from a previous fight she had with her peer and that the student's decision to fight the other student was on impulse and attributable to her ADHD condition. We presented testimony from the dean of students that she had talked to the student earlier in the school day, and during the conversation, the student expressed to the dean that she wanted to fight her peer to "squash the beef" they had between them. With this, we argued the student's behavior was not impulsive, and her decision to attack the student was premeditated and thought out. The hearing officer agreed and found the school district was correct in concluding the student's conduct was not a manifestation of her disabilities. The hearing officer permitted the school district to seek further discipline of the student, including expulsion.

Motion to Dismiss Granted in Hazing Lawsuit Filed Against a Pennsylvania School District

We prevailed on a motion to dismiss a hazing lawsuit filed against a school district. The plaintiff, who was a member of his high school football team, alleged he was subject to hazing and physical abuse by several other members of the team while attending a dinner at the home of one of his teammates. The plaintiff claimed that the school district had been aware of the hazing, but failed to prevent it. He asserted claims against the school under Title IX for emotional distress damages and punitive damages. The court eventually agreed with our arguments that emotional distress and punitive damages are not recoverable under Title IX, and that all other claims were barred by the Political Subdivision Tort Claims Act.

Summary Judgment Secured in Fourth Amendment Civil Rights Case

We secured summary judgment in a Fourth Amendment civil rights claim involving an unlawful search and seizure. The plaintiff, a former social worker employed by a school district, alleged that the assistant superintendent and Right to Know Law officer conducted an illegal search of her work space, who then produced these records to the plaintiff's estranged husband, with whom she was in the midst of a contentious divorce. The court agreed that the plaintiff failed to produce any evidence to show that either the assistant superintendent or the Right to Know Law officer actually searched her filing cabinet or seized her personal property. All claims, including those under the Fourteenth Amendment, the Rehabilitation Act and the Pennsylvania Human Relations Act, were previously dismissed on a Rule 12(b)(6) Motion.

Successful Defense of a Local School District and Its Board Members in a Lawsuit Filed in Pennsylvania Commonwealth Court

We successfully defended a local school district and its board members in a lawsuit filed in Pennsylvania Commonwealth Court. The petitioner is a resident of the school district and a former school board member. At its December 2021 reorganization meeting, the school board voted to appoint a new school district solicitor. The petitioner attempted to make public comment and object to the school board's appointment of the solicitor, but he was not permitted to do so. The petitioner contended the school district and its board members violated the Sunshine Act and his right to free speech under the Pennsylvania Constitution by not allowing him to offer public comment at the meeting. The petitioner filed in Commonwealth Court, seeking to invoke the court's original jurisdiction, and he sought a writ of mandamus as well as declaratory and injunctive relief. Chris filed preliminary objections in response to the petition on various grounds. The Commonwealth Court agreed with our primary argument that it lacked original jurisdiction over the petitioner's claims because the school district (and, by extension, its board members) is a local agency and not an agency of the Commonwealth, and that the court could not assert ancillary jurisdiction because there were no other viable claims within the court's exclusive original jurisdiction. Also, although the court recognized that the petitioner could have challenged the school board's actions by filing a complaint under the Sunshine Act in the Court of Common Pleas, he failed to do so within 30 days of the December 2021 meeting. Thus, his claims by statute were untimely, and the court concluded that the transfer of his suit to Common Pleas Court would be futile. The court dismissed the lawsuit with prejudice.

Successful Defense of School District and its Board Members

The petitioner resides in the school district and is a former school board member. At its December 2021 reorganization meeting, the school board voted to appoint a new school district solicitor. The petitioner attempted to make public comment and object to the school board's appointment of the solicitor, but he was not permitted to do so. The petitioner contended the school district and its board members violated the Sunshine Act and his right to free speech under the Pennsylvania Constitution by not allowing him to offer public comment at the meeting. The petitioner filed in Commonwealth Court, seeking to invoke the court's original jurisdiction, and he sought a writ of mandamus as well as declaratory and injunctive relief. We filed preliminary objections in response to the

petition on various grounds. The court agreed with our primary argument that it lacked original jurisdiction over the petitioner's claims because the school district (and, by extension, its board members) is a local agency and not an agency of the Commonwealth, and that the court could not assert ancillary jurisdiction because there were no other viable claims within the court's exclusive original jurisdiction. Also, although the court recognized that the petitioner could have challenged the school board's actions by filing a complaint under the Sunshine Act in the Court of Common Pleas, he failed to do so within 30 days of the December 2021 meeting. Thus, his claims by statute were untimely, and the court concluded that the transfer of his suit to Common Pleas Court would be futile. The court dismissed the lawsuit with prejudice.

Successful defense of real estate agent investigated by the PA Bureau of Professional and Occupational Affairs (BPOA).

The real estate agent represented a buyer in the purchase of a home in Adams County. Prior to closing, the buyer had the property's septic system inspected, and the system passed the inspection. Several months after closing, the real estate agent's client decided to sell the property. When the new prospective buyers had the septic system inspected, the system failed the inspection, and they would not agree to close until the client fixed the system. The client then learned after the fact that the original sellers had experienced many issues with the septic system, that the system had failed several prior inspections because the ground would not perc, and that the sellers failed to disclose this information when they sold the property to the client.

The client filed a complaint against the real estate agent with the BPOA under the Real Estate Licensing and Registration Act, alleging the agent engaged in misrepresentation and unprofessional conduct, and claimed that the agent allegedly had knowledge of the prior history with the septic system but failed to disclose it to her. We were able to demonstrate to the BPOA investigator that the real estate agent had no knowledge of the prior history with the septic system, that neither the sellers nor their agent ever disclosed information about the system, and that if she was aware, she would have advised the client not to close on the purchase until the septic system was repaired. The BPOA declined to prosecute and closed its investigation.

Claims against real estate agent dismissed.

We successfully defended a real estate agent in a suit brought by the agent's former client. Our client represented the plaintiff in connection with her purchase of a residential property with an on-lot septic system in Adams County, Pennsylvania. Prior to her purchase, the plaintiff had the septic system inspected by a home and septic inspection company, and the system passed the inspection. Four months after the plaintiff closed and moved into the property, she decided to sell. The plaintiff's prospective buyers once again had the septic system inspected, but this time the system failed the inspection. The plaintiff claimed she was advised by a local septic contractor who had serviced the property for years that the system likely failed the inspection because the drain field would not perc (and had failed to perc many times in the past), and that the only remedy was to completely upgrade the septic system with a new holding tank. Because the

plaintiff did not want her buyers to walk away from the sale, she decided to pay to upgrade the system at a significant expense. Once the sale was finalized, the plaintiff then sued our client, claiming the defendant knew or should have known that the septic system was faulty and that she should have advised the plaintiff not to purchase the property with the faulty system. After the plaintiff presented her case in chief, we moved to dismiss her complaint, arguing that the plaintiff failed to present sufficient, credible evidence that our client had any knowledge prior to the plaintiff's purchase of the property that the septic system was faulty. The court agreed, granted the motion and entered judgment in our client's favor.

Successful Defense of School District in a Special Education Due Process Matter

The case involved a middle school student diagnosed with epilepsy and ADHD. Throughout middle school, the student was accommodated for his medical conditions through a 504 Service Agreement, and was provided intensive, small group instruction in reading and math as he struggled in those areas. The student was evaluated for special education twice by the school district, at the parents' request, because they believed he might have a learning disability. The school district concluded both times that the student did not have a learning disability; however, the district also determined in the second evaluation that the student was eligible for special education with an Other Health Impairment, in light of his medical diagnoses. The school district presented the parents with an Individualized Education Plan (IEP) for the student, which they initially approved. Before the school district had a chance to implement the plan, however, the parents unilaterally withdrew the student from public school and placed him at a private school for children with special needs. In their complaint, the parents claimed the school district conducted inadequate evaluations and, therefore, failed to timely identify the student as eligible for special education (and to recognize his alleged learning disability), and that the school district denied the student a Free Appropriate Public Education by offering him an inadequate IEP. The parents also claimed the school district failed to take appropriate measures to prevent the student from being bullied by his peers. The family sought, among other relief, reimbursement for the cost of the private school at the school district's expense, reimbursement for the cost of a private educational evaluation and a finding of intentional discrimination because of the school district's response to the alleged bullying. After nine hearing sessions, the Hearing Officer found in favor of the school district on all claims. Preliminarily, the Hearing Officer agreed with our argument that the complaint was not timely filed and, therefore, much of the parents' claim was precluded by the IDEA statute of limitations. The Hearing Officer also found that the school district's evaluations were appropriate and that the family was not entitled to tuition reimbursement because there was insufficient evidence to show the private school was an appropriate placement. Additionally, the Hearing Officer concluded that the school district responded promptly and appropriately to the parents' reports of alleged bullying and, therefore, the school district did not discriminate against the student.

Successful defense of real estate agency and its agents.

We obtained summary judgment on behalf of a Bedford County real estate agency and its agents, who represented the buyers/plaintiffs in their purchase of a home in Bedford, PA. Prior to closing, the plaintiffs waived their contractual right to a home inspection.

After they closed and moved into the home, the plaintiffs became aware of several issues with the home, including a leaking metal roof, a defective heat pump and flooding in the crawlspace after a heavy rain. The plaintiffs claimed the sellers/defendants were aware of these conditions but knowingly failed to disclose them on the sellers' disclosure statement. The plaintiffs also claimed our clients were negligent in failing to advise them about the alleged material omissions in the sellers' disclosure statement and by not taking steps to try to ascertain whether there were any undisclosed defects in the property in light of the information that was omitted from the disclosure statement. The plaintiffs conceded during their deposition testimony that they reviewed and signed the disclosure statement, even though they did not ask any questions of our clients about its contents or the sections of the statement that were not completed by the sellers. The plaintiffs also acknowledged that our clients did not prepare the disclosure statement and that they had no actual knowledge of any of the alleged defects in the property at issue. In granting summary judgment, the court concluded that the plaintiffs failed to produce sufficient evidence in support of their negligence claim, and dismissed the claim, with prejudice.

Defense verdict in Pennsylvania Sunshine Act case.

We obtained a defense verdict following a non-jury trial. This case was brought under Pennsylvania's Sunshine Act, which governs the meetings of Commonwealth public agencies, including school boards. The plaintiffs were residents of a Centre County school district, and they sued the school board and its president, claiming they violated the Act in the manner by which they conducted public meetings. Specifically, the plaintiffs alleged the board failed to state with sufficient specificity during the open portion of its meetings the reasons why it was convening privately in executive session, and because the board did not allow public comment at, or keep minutes of, its executive session meetings. After trial and post-trial briefing, the court, in a written opinion found for the defendants, concluding the board complied with the Act as it routinely and appropriately announced, in general terms, when it was convening in executive session to discuss contract, personnel and non-litigation legal matters. Finally, the trial court found as matter of law that the board was not required to allow public comment at, or keep minutes of, its work sessions because the work sessions are non-voting meetings at which the board does not "deliberate" or take any "official action," as those terms are specifically defined by the Act.

School District Prevails Against Special Education Due Process Complaint

We successfully defended a local school district in a special education due process complaint by the parent of a former student who was diagnosed with autism, learning disabilities and ADHD. The student had graduated from high school, completed all credits and earned a regular diploma. Yet, the parent claimed that while the student was still attending high school, the school district failed to provide the student with sufficient learning support in reading and math, appropriate social skills training, and adequate vocational and transition services to help the student with life after graduation. Also, the parent claimed the school district failed to take appropriate measures to protect the student from alleged bullying by his peers, including fellow members of the varsity football team. The hearing officer found for the school district on all issues and concluded

the school district had provided the student with a free appropriate public education during all times in dispute. The hearing officer also found there was no evidence to suggest the school district had failed to respond appropriately to the parent's and student's reports of bullying.

Successful defense of real estate agency and its agents.

The agents/agency represented the buyer/plaintiff in his purchase of a home in Dauphin County. The plaintiff claimed the agents failed to disclose to him prior to settlement that there were alleged defects in the A/C system and heat pump, and that the roof was old and needed to be replaced. The plaintiff paid for a home inspection report of the property, which noted the age and condition of the A/C, heat pump and roof, but the plaintiff claimed he never received the report, even though he discussed the report with one of the agents and authorized the agent to reply to the report on his behalf. The reply specifically asked the sellers to make repairs to the roof. As part of the defense, we argued that the plaintiff's claims were barred by the release language in the agreement of sale, which specifically stated that the plaintiff agreed to release the agency and its agents from claims relating to any defects or conditions on the property, and that the release by its terms survived settlement. In addition, we argued that the plaintiff waived his claims, at least as to the costs to replace the A/C and heat pump, when he declined in writing a home warranty plan that was offered to him prior to settlement by the agents. By signing the home warranty application form stating he was declining the plan, the plaintiff agreed in writing not to hold the agency and agents liable for the repair or replacement of a system that would otherwise have been covered by the plan. We introduced testimony that that the A/C and heat pump would have been covered if they did need to be repaired or replaced. The court found for the agency and agents and entered judgment in their favor.

Successful Defense of Financial Planning/Investment Firm

We were successful on a motion to dismiss an action against a financial planning and investment firm and its employee, a certified financial planner, filed in Federal District Court in Maryland. The plaintiffs claimed that the financial planner advised them to purchase a life insurance policy that was indexed to the stock market and that he made certain representations about the expected return on investment, which never came to fruition. Instead, according to the plaintiffs, the value of the policy plummeted, and they lost significantly on their investment. The court dismissed all claims against the firm, agreeing that the company could not be liable for the alleged advice given to the plaintiffs by the financial planner, inasmuch as the firm did not exist at the time the alleged advice was given. Also, the court dismissed a claim for breach of fiduciary duty against the financial planner, agreeing that both federal and state courts in Maryland do not recognize a standalone cause of action for breach of fiduciary duty when only monetary damages are sought. As well, the court dismissed a conversion claim against the financial planner, concluding that the plaintiffs failed to allege sufficient facts to plausibly demonstrate the financial planner wrongfully exercised ownership or dominion over their finances.

Thought Leadership

March 5, 2026

[The Office for Dispute Resolution's Annual Report for Fiscal Year 2024 Details Due Process Filings, Bureau of Special Education Complaints](#)

February 1, 2026

[When Is a Symbol of Hate Not a Material Defect in Property?](#)

January 1, 2026

[Legal Update for Special Education Law – Case Law Update](#)

December 1, 2025

[Legal Update for Special Education Law – Updates from the U.S. Department of Education](#)

October 1, 2025

[Legal Update for Special Education Law – Case Law Update](#)

May 1, 2025

[Legal Update for Special Education Law – Updates from the Pennsylvania Department of Education](#)

January 2, 2025

[Federal 'Stop Campus Hazing Act' Signed into Law](#)

January 1, 2025

[Legal Update for Special Education Law – Case Law Update](#)

September 1, 2024

[Legal Update for Special Education Law – Case Law Update](#)

September 1, 2024

[Legal Update for Special Education Law – Case Law Update](#)

May 1, 2024

[Legal Update for Special Education Law – Updates from the Pennsylvania Department of Education](#)

March 1, 2024

[Legal Update for Special Education Law – Case Law Update](#)

September 21, 2021

[Let's Give a Cheer for Free Speech: U.S. Supreme Court Holds School District](#)

Cannot Discipline Cheerleader for Off-Campus Snapchat Posts

March 1, 2021

Bullies In the Schoolyard and Beyond: Avoiding and Defending Federal Bullying Claims Against Schools and School Leaders