

Maureen P. Fitzgerald

Shareholder

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Maureen focuses her practice in the areas of employment litigation, professional liability and commercial litigation. In the area of employment law, Maureen has extensive experience defending public and private employers across a broad scope of industries, in cases involving all aspects of employment discrimination, sexual harassment, wage and hour claims, and wrongful termination under state and federal employment statutes. As well, Maureen is experienced in handling administrative and due process hearings for school districts which often involves SPED and IDEA claims. Her practice also extends into the areas of trade secrets, non-compete agreements, employer counseling, employee training and civil rights litigation.

In the area of professional liability, Maureen, who is also a CPA, has represented various licensed professionals including attorneys and accountants. Her knowledge of business and accounting principles has been of significant help to her clients, particularly in the defense of complex commercial litigation and professional liability matters.

In the areas of commercial litigation and consumer financial services, Maureen has defended various businesses and individuals in disputes arising under the Fair Credit Reporting Act and Fair Debt Collection Act. Her experience in this area involves handling both individual claims and nation-wide class action disputes.

Prior to joining Marshall Dennehey, Maureen worked for Price Waterhouse, LLP, as well as an international and a local law firm.

Practices

- Employment Law
- Accountants' Professional Liability
- Consumer Financial Services Litigation
- School Leaders' Liability

Education

- Notre Dame Law School (J.D., 1991)
- University of Notre Dame (B.B.A., 1987)

Admissions

- Illinois, 1991
- U.S. District Court Northern District of Illinois, 1991
- Pennsylvania, 1993
- U.S. District Court Eastern District of Pennsylvania
- U.S. District Court Middle District of Pennsylvania
- U.S. Court of Appeals 3rd Circuit

Honors & Awards

- Pennsylvania Super Lawyers Rising Star (2005)

Associations & Memberships

- Pennsylvania Bar Association
- Philadelphia Bar Association

Classes/Seminars Taught

- *Handling the Accountant Embezzler Claim - A Case Study*, client seminar, November 2013
- *A Multi Disciplinary Approach to Accountants Professional Liability Claims Handling, Litigation and Underwriting*, client seminar, March 2013
- *Non-Compete Provisions in Physician Employment Agreements -- Litigation and Drafting Tips*, Philadelphia Bar Association's Health Law Committee Meeting, March 2012
- *Non-Competition Provisions in Physician Employment Agreements: Drafting and Litigation Tips*, 2012
- *ADA Amendments Act of 2008 and Its Impact on Employers and EPL Insurers*, client seminar, November 2011

Published Works

- "Client Records: Your Responsibilities With Handover Requests," *Pennsylvania CPA Journal*, Summer 2020
- "DOL Issues Final Rule on FLSA Overtime Exemptions – What Employers Need to Know," *Legal Updates for Employment Law*, May 25, 2016
- "IRS Revised Circular 230: What do Do About Disclaimers," Travelers Insurance Co. Accountants Risk Management Newsletter for Professional Liability, January 2015
- "Leave Required for Victims of Domestic and Sexual Violence," *Philadelphia Report*, 2009

Significant Representative Matters

- Successfully defended a large financial institution at trial against claims of racial and

pregnancy discrimination and violations of the Family and Medical Leave Act in the Eastern District of Pennsylvania.

- Defended an attorney in a bench trial against claims of defamation relating to speech on a matter of public concern and postings on an internet website.
- Defended a large corporate client in an injunctive proceeding against claims for alleged violations of Pennsylvania's Uniform Trade Secrets Act and alleged breach of non-compete agreements arising from the hiring of a competitor's employee.
- Drafted numerous Employee Handbooks, employer-specific policies, and provided counseling to employers regarding matters of employee discipline.
- Successfully tried a disability discrimination case brought by a pharmacist against his employer alleging violations of the Americans with Disabilities Act and the Family and Medical Leave Act.
- Participated in the successful defense of an attorney sued for abuse of process and wrongful use of civil proceedings arising from an underlying medical malpractice claim.
- Defended a law firm in an action for negligent supervision where an employee engaged in alleged inappropriate workplace conduct, and the plaintiff sought substantial punitive damages.
- Prevailed in the defense of a township against allegations of civil rights violations relating to a builder's attempts to develop property and claims of due process violations.
- Successfully defended a municipality in a trial in the Middle District of Pennsylvania where a former employee brought claims of civil rights violations and under Pennsylvania's whistleblower statute.
- Litigated several matters relating to employee non-competition agreements, the Pennsylvania Uniform Trade Secrets Act, employer confidentiality provisions.
- Has handled professional liability matters for over 15 years in numerous state and federal courts, both at the trial court and appellate court levels, including successfully trying numerous professional liability matters.

Certifications

- Certified Public Accountant, 1988