

William J. McPartland

Co-Chair, Special Education Law Practice Group

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Will is a member of the Professional Liability Department and handles matters on behalf of both insured and self-insured clients. He concentrates his practice in areas involving special education due process, civil rights, employment matters and claims involving the Political Subdivision Tort Claims Act. Will represents both government and private employers in state and federal court in ADEA, ADA, Title VII, FMLA and PA Veterans Preference Act claims. He also handles general liability matters involving automobile accidents, premises liability claims and special investigations matters, which often involve claims of suspected arson and insurance fraud.

Prior to joining Marshall Dennehey, Will worked for defense firms in Pittsburgh and Philadelphia. He also served as a law clerk to the Honorable Ralph L. DeLuccia, Jr. in the Superior Court of New Jersey, Trial Division, in Passaic County.

Will earned his Bachelor of Arts degree from the University of Miami in environmental planning, an interdisciplinary degree with an emphasis on science and civil engineering. While at Miami, he was the starting fullback for the Hurricanes and received All Big East Football Academic Honors. He later attended the University of Pittsburgh School of Law, earning his *juris doctor* in 2004.

Education

- University of Pittsburgh School of Law (J.D., 2004)
- University of Miami (B.S., 2000)

Admissions

- New Jersey, 2004
- Pennsylvania, 2004
- U.S. District Court District of New Jersey, 2005
- U.S. District Court Eastern District of Pennsylvania, 2005

Practices

- School Leaders' Liability
- Public Entity & Civil Rights Litigation
- Employment Law
- Automobile Liability
- First-Party Property
- Fraud/Special Investigation

- New York, 2006
- U.S. District Court Western District of Pennsylvania, 2006
- U.S. District Court Middle District of Pennsylvania, 2010
- U.S. Court of Appeals 3rd Circuit, 2011
- U.S. District Court Northern District of New York, 2014
- U.S. District Court Western District of New York, 2014
- U.S. District Court Southern District of New York, 2016

Honors & Awards

- The Best Lawyers in America®, Insurance Law (2023-2027)

Significant Representative Matters

- Successfully defended a school district at a Special Education Due Process Hearing where plaintiffs claimed that the district failed to provide the student with a Free Appropriate Public Education pursuant to the Individuals with Disabilities Education Act related to a request for assistive technology.
- Successfully defended a school district in the first trial in Pennsylvania challenging a student drug testing policy under Article I, Section 8 of the Pennsylvania Constitution.
- Obtained a defense verdict in a slip and fall case before the Court of Common Pleas of Lackawanna County brought by a tenant alleging she fell on ice caused by the paint used on the stairs as well as a leaking gutter.
- Obtained a defense award for school district at Special Education Due Process Hearing regarding a disciplinary matter and the district's manifestation determination hearing.
- Obtained dismissal of a claim against a school district alleging failure to protect a student from abuse by a third party.
- Obtained dismissal of claims of trespass and negligence against a landowner related to the use of an easement which was adjacent to his property.
- Obtained dismissal of a 14th Amendment state created danger claim against a school district arising out of a fight between two students.
- Obtained dismissal of a plaintiff's challenge to a sale of land by a school district under the Donated and Dedicated Property Act and the Public Trust Doctrine.

Results

Emergency Injunctive Relief Denied in a Data Center Matter

We obtained denial of a motion for emergency injunctive relief in a data center case. Two pro se plaintiffs filed a complaint and a motion for emergency injunctive relief following a township planning commission's meeting to discuss conditional review of a proposed data center development plan. The plaintiffs asserted various violations under Pennsylvania's Sunshine Act and related public meeting statutory requirements. Following a hearing wherein witness testimony was presented and cross examined, the court issued an order denying the motion for injunctive relief, finding that no immediate and irreparable harm existed relative to the planning commission's meeting and the purported Sunshine Act violations.

Dismissal Affirmed by the Commonwealth Court of Pennsylvania

We successfully convinced the Commonwealth Court of Pennsylvania to affirm the Court of Common Pleas of Wayne County's grant of our preliminary objections and dismissal of the plaintiff's complaint in mandamus. In its complaint in mandamus to the Court of Common Pleas, the plaintiff argued that our client's letter denying its plan and application for the development of solar panels was insufficient under the Municipalities Planning Code, thus entitling it to a deemed approval of its plan. We had successfully filed preliminary objections to the complaint on the grounds that the Township's letter, which identified the plan's defects with specific reference to provisions of the Municipal Planning Code that had not been satisfied, was sufficient under Section 508 of the Municipal Planning Code. This section requires that, when a municipality denies an application for approval of a development plan, "the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon." 53 P.S. Section 10508(2). The plaintiff appealed the decision, and we attended oral argument before the Commonwealth Court, following which the court affirmed the decision of the lower court on the same grounds.

Summary Judgment Obtained in Complicated Case Brought Against Two Pennsylvania School Districts

We obtained summary judgment on behalf of two school districts in a matter brought by various plaintiffs against the Career and Technology Center of Lackawanna County (CTC) and four of its sending school districts. The plaintiffs had asserted claims under Title IX, the 14th Amendment, and Section 8542(b)(9) of the Pennsylvania Political Subdivision Tort Claims Act based on their sexual abuse by an automotive technology instructor at CTC. While permitting some claims to proceed against CTC, the court dismissed all claims against the sending school districts on the grounds that the plaintiffs failed to demonstrate that any individual at any of the defendant-school districts had actual knowledge of the automotive technology instructor's conduct, and the instructor was not an employee, independent contractor or ostensible agent of any school district by virtue of his employment by CTC.

Summary Judgment Secured in First Amendment Retaliation Case

We obtained summary judgment in a First Amendment retaliation claim where the plaintiff, an employee of the Borough, alleged that she was terminated by the president because of her affiliation with the minority of the supervisors. In granting summary judgment, the court found that the statements of one council member cannot constitute a policy of the council, unless she is delegated authority by the entire board. Summary judgment was entered in favor of the individual board member, as she did not have the authority to fire the plaintiff without approval from the majority of the board.

Unanimous Defense Verdict in Excessive Force Jury Trial

We achieved a defense jury verdict in a 4th Amendment civil rights trial in the U.S. District Court for the Middle District of Pennsylvania. The plaintiff alleged that two officers of our Northeastern Pennsylvania Police Department client used excessive force to transfer him from the police station's processing room to a holding cell. We argued that

the officers' actions were reasonable under the circumstances because they were brief in duration, used techniques within the officers' training, caused no injury to the plaintiff, and only occurred after the plaintiff repeatedly refused to walk to the holding cell on his own power. The jury returned a unanimous verdict in our client's favor after approximately an hour of deliberation.

Federal Rehabilitation Act Suit Against a School District Dismissed

The plaintiffs filed a complaint stemming from the school district's alleged violation of Section 504 of the Rehabilitation Act. Defense counsel prepared a F.R.C.P. 12(b)(6) motion to dismiss, arguing that the plaintiffs' pleadings were insufficient to show that the student was disabled under the Act, that the district did not discriminate against the student, and that an isolated incident or comment from one teacher does not impart liability in violation of Section 504. The motion was first evaluated by a U.S. Magistrate Judge who issued a report and recommendation that the motion be granted and the plaintiffs' complaint be dismissed. The plaintiffs objected, and the defendants briefed the district's position that the report and recommendation should be adopted. Thereafter, a U.S. District Judge held that the report and recommendation contained no clear errors or manifest injustice, and that "plaintiffs' objections merely express disagreement with the Judge's analysis and attempt to rehash or restate arguments already considered and rejected by the Judge in the thorough report and recommendation." As a result, the defendant's motion to dismiss was granted and the plaintiffs' complaint was dismissed with prejudice.

Thought Leadership

July 1, 2025

Legal Update for Special Education Law – Case Law Update

February 1, 2025

Legal Update for Special Education Law – Updates from the U.S. Department of Education

December 1, 2024

Legal Update for Special Education Law – Updates from the U.S. Department of Education