



PIERCE DAVIS & PERRITANO LLP

We defend school districts, elected and appointed officers, and school employees in actions arising out of the performance of their public duties, including student discipline, school liability and employment claims.

Pierce Davis & Perritano represents schools in federal and state courts as well as administrative agencies on a variety of alleged violations, including claims arising out of the Massachusetts Tort Claims Act, the Recreational Use Statute, Title IX of the Education Amendments of 1972, the Massachusetts Anti-Bullying Law and employment-related federal and state laws.



LITIGATION EXPERIENCE

School Liability Claims – In the landmark case of *Brum v. Town of Dartmouth*, we successfully defended the Town against tort claims brought by the parent of a high school student who was fatally stabbed on school property by intruders.

Sexual Harassment – A female public school teacher alleged that, after she and a male co-worker ended their 2.5 year extra-marital affair, her former lover sexually harassed her through his repeated and inappropriate attempts to rekindle the relationship. Plaintiff further alleged her employer retaliated against her for coming forward to complain of the harassment.

Title IX of the Education Amendments of 1972 – Successfully defending principals and superintendents alleged to have fostered inadequate hiring schemes, as well as defended claims brought by students alleging sexually hostile school environments.

School Bullying – Defending numerous schools and school officials in failure to prevent bullying cases, including successful appeals to the First Circuit Court of Appeals.

Academic Freedom – In *Parker v. Hurley*, we represented the Town of Lexington and Lexington school officials in the first case in the country in which a court upheld the right of public school officials to use same-sex teaching materials in the classroom.

Union Member-Union Privilege Denied – The Massachusetts Supreme Judicial Court ruled in favor of PDP's client when it declined to recognize union members' communications with their unions are protected by privilege in a civil case alleging employment discrimination.

Student Injury Claims – Defending numerous schools, cities and towns in negligence suits arising from sports injuries, field maintenance, supervision of minors and premises liability claims.

MCAD Discrimination Claims – Defending school districts before the Massachusetts Commission Against Discrimination regarding discrimination claims based on gender, age and race.

SCHOOL LAW COUNSELING EXPERIENCE

- ▶ Counseling to schools and coaches regarding sports concussion regulations, required training, forms and reports, and management of and response to student head injuries
- ▶ Assessing and minimizing the risks of terminations and other employee disciplines
- ▶ Ensuring compliance with the FMLA, the ADA, and other federal and state employment statutes
- ▶ Responding to claims of workplace harassment, discrimination and retaliation
- ▶ Drafting employment applications, employee handbooks, employment agreements and other policies designed to avoid litigation
- ▶ Responding to investigatory subpoenas and document requests from state and federal agencies

PIERCE DAVIS & PERRITANO LLP

We have defended more than 300 cities, towns, counties and school districts in Massachusetts and Rhode Island, as well as their officers and employees in actions arising out of the performance of public duties, including those duties involving land management, zoning, planning, public works, police protection and student discipline.

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