

## JACOB M. GILBOY

ASSOCIATE



### AREAS OF PRACTICE

School Leaders' Liability  
Employment Law  
Public Entity & Civil Rights Litigation  
Miscellaneous Professional Liability

### CONTACT INFO

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### ADMISSIONS

Pennsylvania  
2021

U.S. District Court Middle District  
of Pennsylvania  
2021

U.S. District Court Eastern District  
of Pennsylvania  
2023

### OVERVIEW

Jacob is a member of the Professional Liability Department where he focuses his practice in matters related to school leaders' liability, employment law, municipal liability and civil rights law. He has litigated cases before state and federal courts, as well as the United States Equal Employment Opportunity Commission and the Pennsylvania Human Relations Commission. Jacob routinely represents both government and private employers in state and federal court in ADEA, ADA, Title VII, FMLA and PHRA matters.

With nearly two decades of prior experience serving his community in northeast Pennsylvania as a public school teacher and high school department head, Jacob is uniquely qualified to understand the intricacies of education litigation, among other professional liability fields. Jacob also previously spent time litigating cases from inception to resolution as a Plaintiff's attorney, which further aids in his ability to navigate complex legal matters.

Jacob holds a Bachelor of Science degree from the University of Scranton, a Master's degree from Wilkes University and a *juris doctor* degree from Widener University Commonwealth Law School.

Jacob is admitted to practice in Pennsylvania State courts as well as in the United States District Court for the Middle District and Eastern District of Pennsylvania. He enjoys being active in his community through coaching youth sports and is a member of the Board of Directors for Friends of the Poor, Scranton.

### EDUCATION

Widener University  
Commonwealth Law School (J.D.,  
2020)

Wilkes University (M.S., 2008)

University of Scranton (B.S., 2001)

### HONORS & AWARDS

Pennsylvania Super Lawyers  
Rising Star  
2024-2025

### ASSOCIATIONS & MEMBERSHIPS

Lackawanna County Bar  
Association

Pennsylvania Bar Association

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**YEAR JOINED**

2021

## THOUGHT LEADERSHIP

### Legal Update for Special Education Law – Case Law Update

**Scranton**

**School Leaders' Liability**

**November 1, 2025**

Eastern District of PA Finds that Section 504 of Rehabilitation Act Does Not Create a Stand-Alone Federal Cause of Action Based Upon Denial of Educational Records

### Employment Discrimination and Retaliation – Best Practices to Avoid Headaches

**Harrisburg**

**Employment Law**

**June 17, 2025**

### Legal Update for Special Education Law – Case Law Update

**Harrisburg**

**School Leaders' Liability**

**June 1, 2025**

Third Circuit Upholds Award of Attorneys' Fees Despite Student's Loss Before Administrative Law Judge Augustyn v. Wall Twp. Bd. of Educ., No. 23-3156, 2025 WL 1352259 (3d Cir. May 9, 2025)  
Legal Update for Special Education Law – June 2025 is prepared by Marshall Dennehey to provide information on recent legal developments of interest to

### Legal Update for Special Education Law – Updates from the Pennsylvania Department of Education

**Harrisburg**

**School Leaders' Liability**

**June 1, 2025**

Pennsylvania Recognizes 15 Postsecondary Institutions for Efforts to Support Student Mental Health and Prevent Suicide Pennsylvania Department of Education Press Release - May 27, 2025 -  
Philadelphia, PA Legal Update for Special Education Law – June 2025 is prepared by Marshall Dennehey to provide information on recent legal developments

### Marshall Dennehey Announces 2025 Pennsylvania Super Lawyers and Rising Stars

May 22, 2025

Thirty-three attorneys across Marshall Dennehey's five Pennsylvania offices have been selected to the 2025 edition of Pennsylvania Super Lawyers magazine.

[Read More](#)

## RESULTS

### Secured Dismissal of a Suit Against a Dauphin County School District

#### **School Leaders' Liability**

**September 4, 2024**

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.

### Defamation action against public school district dismissed.

#### **School Leaders' Liability**

**November 10, 2022**

We successfully disposed of a defamation action via preliminary objections. The plaintiff brought a defamation action against a public school district and certain district officials, alleging that he was defamed through a series of internal text messages exchanged between an elementary principal and another parent. The defense raised several procedural violations that occurred in the pro se plaintiff's filings, and also argued legal insufficiency by way of demurrer.

### Federal Rehabilitation Act suit against a school district dismissed.

#### **School Leaders' Liability**

**November 1, 2022**

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.