

MATTHEW J. BEHR

SHAREHOLDER



AREAS OF PRACTICE

Public Entity and Civil Rights Litigation
School Leaders' Liability
Employment Law

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ADMISSIONS

New Jersey
1999

EDUCATION

Seton Hall University School of
Law (J.D., 1998)

The Pennsylvania State University
(B.A., 1994)

ASSOCIATIONS & MEMBERSHIPS

New Jersey Bar Association

YEAR JOINED

2003

OVERVIEW

Matthew's practice is concentrated in the defense of public entities in the areas of employment law and municipal liability. As well, he defends municipal and county governments, police departments, police officers and school boards in cases relating to civil rights, sexual harassment, age discrimination, race, ethnic, gender and handicap discrimination, and land use issues. Matthew also has vast experience in cases involving retaliation and whistle blowing under state law, and his practice involves both federal and state courts.

Clients rely on Matt to handle their most complex and high-exposure litigation. He has successfully settled numerous cases well below the initial demand, including a high-profile case involving allegations of bullying in a school district that received national attention. He understands the complexity of these cases and how they affect not only the clients, but the carriers as well, from both a litigation and reputational perspective.

In 1994, Matthew received his B.A. in Political Science from The Pennsylvania State University. He earned his *juris doctor* from Seton Hall School of Law in 1998. Following law school, Matthew served as a judicial law clerk for the Honorable George L. Seltzer in Atlantic City.

Matthew joined Marshall Dennehey in 2003, bringing with him considerable employment law experience.

THOUGHT LEADERSHIP

Contrary Decisions Highlight Complexity of TCA Claims

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Public Entity and Civil Rights Litigation

February 20, 2024

Last week the New Jersey Appellate Division and the Third Circuit issued two different opinions in regard to the notice requirements pursuant to the New Jersey Tort Claims Act (TCA). Legal Updates for New Jersey Public Entity & Civil Rights, February 20, 2024

Security Camera Video from Elementary School Had to Be Produced Pursuant to OPRA

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Public Entity and Civil Rights Litigation

July 5, 2023

In the recent case of Zezza v. Evesham Twp. Bd. Legal Updates for New Jersey Public Entity & Civil Rights, J

Defendant did not have constructive notice of uncovered manhole to satisfy requirements of New Jersey Tort Claims Act.

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Public Entity and Civil Rights Litigation

July 1, 2023

The New Jersey Appellate Division affirmed granting of summary judgment for the City of Newark in a case where a manhole cover became dislodged during a heavy rain storm. The plaintiff lost control of her car after driving over the open manhole. Case Law Alerts, 3rd Quarter, July 2023 is prepared by Marshall Dennehey to provide information on recent developments of interest to our readers.

Public Entity Required to Disclose Private Email Account Pursuant to an OPRA Request

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Public Entity and Civil Rights Litigation

March 30, 2023

The plaintiff, Frank Brooks, submitted a written request under the Open Public Records Act (OPRA) and the common law right of access for a log showing the sender, recipient, date, submit line, persons copied, and persons blind-copied for each email. The material in this law alert has been prepared for our readers by Marshall Dennehey.

County Prosecutors Association of New Jersey Not a Public Entity and Not Subject to the Open Public Records Act

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Public Entity and Civil Rights Litigation

December 28, 2022

The plaintiff, the American Civil Liberties Union of New Jersey (ACLU), served the County Prosecutors Association of New Jersey (CPANJ) with a request to produce documents pursuant to the Open Public Records Act (OPRA). The material in this law alert has been prepared for our readers by Marshall Dennehey.

PUBLISHED WORKS

"Police Officers Have a Ministerial Duty to Render Assistance to an Intoxicated Person Involved in a Motor Vehicle Accident and Are Not Immune Under the New Jersey Tort Claims Act," *Defense Digest*, Vol. 26, No. 2, June 2020

Legal Updates for New Jersey Public Entity & Civil Rights, regular contributor, 2018-present

RESULTS

Client dismissed from litigation involving high school wrestler's claim of discrimination based on his hair style.

Public Entity and Civil Rights Litigation

March 24, 2023

We were successful in obtaining a dismissal of our client, a state interscholastic athletic association, by way of a motion to dismiss for failure to state a claim. The plaintiff was a high school wrestler who was not permitted to wrestle due to an alleged violation of the rules concerning hair style and covering requirements. The wrestler had his hair cut by the athletic trainer in order to wrestle. This incident was recorded by a local reporter and went viral.

SIGNIFICANT REPRESENTATIVE MATTERS

Summary judgment granted in case where employee of a Board of Education brought whistle blowing allegations.

Summary judgment granted in case against general contractor where damages were well in excess of \$1 million by showing the contractor had no involvement in the alleged deficient work site.

Summary judgment granted in case where former employee sued police department for discrimination and alleged whistle blowing activities.

Summary judgment granted in case where plaintiff alleged police officers used excessive force where multiple officers shot him numerous times.

Summary judgment granted in case where former employee of Board of Education brought allegations of violations his civil rights when the Board of Education reported to police allegations of improper use of his Board-issued computer.