

SHARON M. O'DONNELL

SHAREHOLDER



AREAS OF PRACTICE

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

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ADMISSIONS

Pennsylvania
1997

EDUCATION

Widener University School of Law
(J.D., 1996)

Kings College (B.A., magna cum
laude, 1990)

HONORS & AWARDS

Pennsylvania Super Lawyer Rising
Star
2005

Harrisburg Style Magazine,
December, 2015, "Select
Lawyers," (peer rated) in
Education and Employment
Discrimination Law

ASSOCIATIONS & MEMBERSHIPS

American Bar Association

Dauphin County Bar Association

Pennsylvania Bar Association

OVERVIEW

Sharon is a highly experienced professional liability attorney who defends private and public entities in a wide array of education law, employment law and civil rights litigation. Her clients range from self-insured corporations, to school districts and other private and public entities insured under errors & omissions, directors & officers, professional liability and employment liability practices insurance policies.

Sharon has successfully defended some of the most high-profile school district litigation in the state of Pennsylvania. She defends school districts in due process matters brought under the Individuals with Disabilities in Education Act and related federal and state statutes where a free appropriate public education (FAPE) is typically disputed, or related educational services are challenged relating to both gifted and disabled students. She has defended clients before the Pennsylvania Department of Education and the Pennsylvania Special Education Office for Dispute Resolution.

In the arena of employment law, Sharon defends claims alleging unlawful discrimination, wrongful termination and retaliation matters involving Title VII actions, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act, and other similar federal statutes. She has also defended lawsuits brought under the Pennsylvania Whistleblower Law. She is accustomed to defending employment law clients in actions brought before the Pennsylvania Human Relations Commission, Equal Employment Opportunity Commission, and the Office of Civil Rights.

THOUGHT LEADERSHIP

OSHA's New Emergency Temporary Standard Suspended for Now

Harrisburg
Employment Law
November 18, 2021

Key Dates: Effective Immediately and Until Further Notice The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

COVID-19 Update: New OSHA Regulatory Standard Mandating COVID-19 Vaccinations for Large Employers

Harrisburg
Employment Law
November 11, 2021

Key Compliance Dates: December 6, 2021; January 4, 2022 The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Col

SCOTUS Slugfest Results in LGBTQ Workplace Protection

Harrisburg
Employment Law
June 16, 2020

In what can only be described as a landmark decision after almost 100 years of debating, gerrymandering The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Col

Legal Updates for Employment Law

Harrisburg
Employment Law
November 8, 2018

WHAT COULD "ALSO MEANS" ALSO MEAN? In Mount Lemmon Fire District v. The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Coleman & Goggin.

U.S. Supreme Court Pulls the Plug on DOMA and Opens the Floodgates to Litigation

Harrisburg
Public Entity & Civil Rights Litigation
September 1, 2013

Key Points: Defense Digest, Vol. 19, No. 3, September 2013 is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

CLASSES/SEMINARS TAUGHT

Education Law and related statutory and legal updates to various school districts, insurance companies and professional associations, 2005-2015

Employment Law and related statutory and legal updates to various school districts, insurance companies and professional associations, 2005-2015

Pennsylvania Special Education Law Seminar, National Business Institute, December 2, 2011

Lawfully Managing Student Records Without Violating Privacy Rights, National Business Institute, June 6, 2013

Hot Topics in Employment Law, Cumberland County Society for Human Resource Managers, 2002

PUBLISHED WORKS

"U.S. Supreme Court Pulls the Plug on DOMA and Opens the Floodgates to Litigation," *Defense Digest*, Vol. 19, No. 3, September 2013

"A Judgment that Doesn't Bear Repeating," PBA Civil Litigation Section Newsletter, *Civil Litigation Update*, Vol. 6, No. 1, Winter, 2001

"Plaintiff Rues Preclusive Effect of Workers' Compensation Decision in Third Party Tort Action," *Defense Digest*, June Vol. 6, No. 3, 2000

"Pennsylvania Bar Claims for Sexual Assault Where Repressed Memory Delays Commencement of Suit," *Pennsylvania Bar Association Quarterly*, Vol. 69, No. 4, Oct., 1998

"Repressed Memory of Sexual Assault Does Not Trigger Discovery Rule," *Pittsburgh Legal Journal*, Vol. 123, No. 223 Daily Ed., Nov. 25, 1997

MEDIA COMMENTARY

The School I Deserve, by Jo Napolitano, 2021. Sharon was interviewed and quoted in this book regarding her representation of the subject matter school district.

RESULTS

Defense verdict for school district.

School Leaders' Liability

May 18, 2020

We obtained a defense verdict after a one-week trial in the U.S. District Court for the Eastern District of Pennsylvania. The case involved alleged race, gender and/or "intersectional" (race and gender) discrimination claims by two women against a Philadelphia area school district.

Successful Defense of OSHA Whistleblower Investigation

Employment Law

April 21, 2016

Successfully defended a whistleblower investigation conducted by the U.S. Department of Labor, Occupational Safety and Health Administration against our client, an environmental cleaning contractor. The contractor was alleged to have violated the Surface Transportation Assistance Act when one of its drivers logged more than 10 hours on the road and then returned to work several hours later for another shift that required him to acquire, transport and dispose of a brine solution.

Blogging Teacher Loses Appeal Over Firing

School Leaders' Liability

January 22, 2016

Marshall Dennehey won a Third Circuit victory over a former teacher who appealed a summary judgment ruling in favor of the teacher's Pennsylvania school district. The teacher was fired for performance reasons but claimed she was fired in violation of the First Amendment's protection over free speech when she unwittingly allowed crude and profane comments she blogged about her students and colleagues to leak into the public realm. The Third Circuit affirmed the trial court's ruling that her speech wasn't protected, leaving no genuine issue of fact for deliberation b

Claims Against School Board Member Dismissed

School Leaders' Liability

June 8, 2015

Won a dismissal of a school board member on a 12(b)(6) motion. The board member was sued for defamatory comments made during a public school board meeting about a teacher who was terminated from her employment with the district.

School District Prevails in Blogging Teacher Case

School Leaders' Liability

February 16, 2015

Obtained summary judgment in favor of a Pennsylvania school district and its administrators who terminated a high school teacher for blogging derogatory comments about her students. The plaintiff argued that her blog entries were free speech protected by the First Amendment and that her termination was unlawful retaliation for exercising her First Amendment right to free speech. The defense argued that her speech was disruptive, which was not protected by the First Amendment. The judge agreed.

SIGNIFICANT REPRESENTATIVE MATTERS

Defense Verdict: Alleged racial discrimination case brought by a former African American seventh grade mathematics teacher for a suburban Philadelphia school district, who, although tenured, was informed by his union president that he could be terminated after two unsatisfactory performance evaluations. Having already received one, and with one likely on the way, he chose to resign. Three months thereafter he read his own name in the local newspaper amongst various racial slurs that had been exchanged between the former superintendent of the school district and its athletic director. A jury found that his separation from his employment was not based upon his race.

Defense verdict in favor of public school, administrators and professional staff alleged to have violated civil rights of freedom of speech, written expression and religious expression of students by disciplining them, up to and including expulsion, for protesting a dress code policy.

Directed verdict in favor of a public school board sued by a former member, represented by ACLU attorneys, on a theory of a First Amendment violation of free speech, among other claims, which were voluntarily abandoned prior to trial.

Defense verdict by a federal jury in favor of a local college in an alleged unlawful retaliation claim where all alleged Title VII race discrimination claims were voluntarily abandoned on the eve of trial.

Defense verdict by a county jury in favor of a credit collection agency alleged to have unlawfully withheld salary and commission to a former executive.

Defense verdict on ten separate counts of alleged unlawful gender discrimination by a federal jury in a three-week trial.

Defense verdict by county jury in favor of a medical professional by a former patient who alleged negligence in performing bilateral reduction mammoplasties.

Summary judgment in a professional negligence action brought against a psychologist alleged to have breached the standard of care when she dated and married the husband of a client within two years of providing the last client service.

Summary judgment on various claims, including 42 U.S.C. 1983, brought in a complex federal court action under the Americans with Disabilities Act against a county District Attorney and his professional staff in which exemplary and significant compensatory damages were sought, resulting in an overall satisfactory outcome.

Summary judgment for a defendant general practice physician who provided medical care to a prison inmate who alleged First, Fourth, Fifth, Eighth, and Fourteenth Amendment violations against the facility and its medical staff.

Summary judgment on behalf of a defendant breast surgeon alleged to have breached the standard of care in performing and following bilateral TRAM flap reconstruction procedures following bilateral mastectomies.

Summary judgment for employer of supervisor-employee who sent text-message with racial epithets to subordinate of color in demonstrating that internal investigation and corrective measures were sufficient to eradicate perception of a racially hostile work environment.

Mediation resulting in a \$250,000 settlement in a professional liability action against an architect alleged to have breached the standard of care where over \$1 million in damages were sought for the repair and reconstruction of a commercial property.

Mediation resulting in a \$50,000 settlement in an action against an acute care facility and anesthesiologist involving alleged wrongful termination of a nurse anesthetist whose wage loss claim alone was \$250,000.

Mediation resulting in a settlement under six figures in an alleged race discrimination and unlawful retaliation claim brought by a former assistant superintendent of a school district in which the claimed damages, including attorneys fees, exceeded \$1 million.