

CHRISTOPHER J. CONRAD

CO-CHAIR, SPECIAL EDUCATION LAW PRACTICE GROUP
SHAREHOLDER



AREAS OF PRACTICE

School Leaders' Liability
Employment Law
Public Entity & Civil Rights Litigation
Real Estate E&O Liability
Insurance Agents & Brokers Liability
Non-Profit D&O
Miscellaneous Professional Liability

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ADMISSIONS

New Jersey
2001

U.S. District Court of New Jersey
2001

Pennsylvania
2006

U.S. District Court Middle District
of Pennsylvania
2006

U.S. District Court Eastern District
of Pennsylvania
2007

Maryland
2018

U.S. District Court District of
Maryland
2018

U.S. District Court Western District
of Pennsylvania
2018

U.S. Court of Appeals 3rd Circuit
2021

OVERVIEW

Chris is a member of the firm's Professional Liability Department, and he devotes a significant portion of his practice to the representation and defense of school districts, intermediate units, career and technology centers and other academic institutions in all manner of employment, civil rights and special education litigation. As a member of the Professional Liability Defense Federation, Chris was instrumental in creating the School Leaders Liability Claims Committee, and he currently serves as the Chair of the Committee.

Chris is Co-Chair of the firm's Special Education Law Practice Group, and his special education practice focuses on counseling clients and defending due process litigation involving a wide range of issues including claims of child find violations, denial of a Free Appropriate Public Education (FAPE), manifestation determinations and student discipline, appropriate educational programming and placement, and parents seeking private school placement at public expense. Chris has presented on a number of special education topics for school districts as well as for PBI's Exceptional Children Conference, Lehigh University's Special Education Law Conference and the National Business Institute.

Chris also represents public and private employers and their directors, officers, management and employees, in a variety of employment practices litigation under federal and state law, including defending claims of harassment, discrimination and retaliation, as well as whistleblower claims.

Additionally, Chris represents and defends licensed and certified professionals, including real estate agents and brokers, real estate appraisers, insurance agents and brokers, home inspectors, architects, engineers, surveyors, attorneys and accountants in E&O and related matters throughout Pennsylvania and Maryland.

Chris is a graduate of The Pennsylvania State University and The Pennsylvania State University Dickinson School of Law. During law school, Chris clerked for the Hon. Robert J. Woodside in the United States Bankruptcy Court for the Middle District of Pennsylvania. Chris also served as judicial law clerk for the Hon. Ronald B. Graves in the Civil Division of the Superior Court of New Jersey.

Chris is a certified mediator, and he works as a *pro bono* mediator for the Middle District of Pennsylvania mediation program and the Cumberland County Bar Association Fee Dispute Committee. For many years, Chris served as an adjunct instructor at the Penn State Dickinson School of Law for its Problem Solving I/ Law Practice I – Critical Skills course, and he assisted Dickinson's National Mock Trial Team as both a judge and sparring attorney. Chris also devotes a portion of his time as a volunteer for the Wills for Heroes Program. Additionally, Chris is a Member of the Knights of Columbus Council 13100 and Saint Martin's Assembly 2708.

EDUCATION

Dickinson School of Law, Penn State University (J.D., 2001)

Pennsylvania State University (B.A., 1998)

HONORS & AWARDS

AV® Preeminent™ by Martindale-Hubbell®

Susquehanna Valley Select Lawyers™
2014

ASSOCIATIONS & MEMBERSHIPS

Cumberland County Bar Association, Member, Fee Dispute Committee

Knights of Columbus Council 13100 and Saint Martin's Assembly 2708

Middle District of Pennsylvania Chapter of the Federal Bar Association

Pennsylvania Bar Association

Pennsylvania Bar Association, Legal Services for Exceptional Children Committee

Professional Liability Defense Federation, Chair, School Leaders' Liability Claims Committee

Saint Thomas More Society

Certified Mediator, U.S. District Court, Middle District of Pennsylvania

YEAR JOINED

2006

THOUGHT LEADERSHIP

Federal 'Stop Campus Hazing Act' Signed into Law

Harrisburg
School Leaders' Liability
January 2, 2025

The federal bipartisan Stop Campus Hazing Act, an amendment to the Jeanne Clery Act, was signed into law by President Joe Biden on December 24, 2024. Legal Update for School Leader's Liability – January 2, 2025, is prepared by Marshall Dennehey to provide information on recent legal developments of

Legal Update for Special Education Law – Case Law Update

Harrisburg
School Leaders' Liability
January 1, 2025

Due to the situation-specific nature of parental involvement in educational decisions, nonparticipation in one decision due to a procedural inadequacy is not automatically a major barrier to a parent's input in the overall decision-making. Legal Update for Special Education Law – January 2025 is prepared by Marshall Dennehey to provide information on recent legal developments of interest

Legal Update for Special Education Law – Case Law Update

Harrisburg
School Leaders' Liability
September 1, 2024

Third Circuit finds District Court's compensatory education award was not an abuse of discretion. Upper Darby Sch. Dist. v. K.W. through T.B. and T.W., 2024 WL 3811990 (3rd Cir. Aug. 14, 2024). Legal Update for Special Education Law – September 2024 is prepared by Marshall Dennehey to provide information on recent legal developments of interest

Legal Update for Special Education Law – Case Law Update

School Leaders' Liability
September 1, 2024

Third Circuit affirmed lower court, concluding school district's re-evaluation was appropriate, its diagnosis of autism was supported, and school district's proposed IEP was an offer of a FAPE. Legal Update for Special Education Law – September 2024 is prepared by Marshall Dennehey to provide information on recent legal developments of interest

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

Harrisburg
School Leaders' Liability
May 1, 2024

PDE Publishes 2022–2023 Report of Expenditures Relating to Exceptional Pennsylvania Students. Legal Update for Special Education Law – May 2024

CLASSES/SEMINARS TAUGHT

UNCivil Discourse: The 1st Amendment and Regulating Speech at Public School Board Meetings, Professional Liability Defense Federation (PLDF) 2024 Annual Meeting, September 26, 2024

Extended School Year – It's Not Summer School, PBI Exceptional Children Conference, October 13, 2023

Special Education Litigation: Best Practices for Avoiding Liability, and Strategies for a Successful Defense, Professional Liability Defense Federation Annual Meeting, September 2022

Why Schools Need to Be Thinking About Title IX: Effectively Navigating the Evolving Legal Issues Surrounding Gender Identity, Professional Liability Defense Federation Annual Meeting, October 2021

Federal Law and the Art of Email Maintenance: When Must Emails Be Produced Under IDEA and FERPA, PBI Exceptional Children Conference, October 2019

Navigating the Bermuda Triangle: The Intersection of Workers' Compensation, the FMLA and the ADA, County Commissioners Association of Pennsylvania, March 2019

The Risks of Failing to Report School Leaders Liability Claims, Pennsylvania Association for Supervision and Curriculum Development, October 2017

The Thin Blue Line in School, Lehigh University Special Education Law Conference, May 2017

Dyslexia: Much More Than What We Thought, Lehigh University Special Education Law Conference, May 2016

Advanced Functional Behavior Assessments and Behavior Support Plans, PBI Exceptional Children Conference, October 2015

Successfully Handling Disciplinary Actions for Special Needs Students, National Business Institute, December 2014

Best Practices for Technology and Social Media in the Workplace, Estate Planning Council of Central Pennsylvania, Inc., February 2014

Insurance Agents and Brokers Best Claims Practices in Claims Administration and Underwriting, Liberty Mutual Insurance, December 2013

Avoiding Liability in Special Education, Central Dauphin School District, August 2013

PBA Malpractice Avoidance Program, Perry County Bar Association, April 2013

Avoiding Legal Malpractice, PBA Malpractice Avoidance Program, Adams County Bar Association, April 2012

Avoiding Liability as Sellers' Agents in Residential Real Estate Transactions, Particularly with Regard to the Disclosure of Material Defects in the Property, Educational Development School of Real Estate, March 2012

Malpractice Avoidance Program, PBA Malpractice Avoidance Program, Mifflin and Juniata County Bar Associations, October 2011

PBA Malpractice Avoidance Program, Dauphin County Bar Association, August 2011

Avoiding Liability in Special Education, Pottsville Area School District, August 2011

Avoiding Liability in Special Education, Palmyra Area School District, August 2010

PUBLISHED WORKS

"Let's Give a Cheer for Free Speech: U.S. Supreme Court Holds School District Cannot Discipline Cheerleader for Off-Campus Snapchat Posts," *Professional Liability Defense Quarterly*, Vol. 13, No. 3, 2021

"Bullies In the Schoolyard and Beyond: Avoiding and Defending Federal Bullying Claims Against Schools and School Leaders," *Professional Liability Defense Quarterly*, Vol. 13, Issue 1, 2021

"Educating Pa.'s Special Needs Students During the COVID-19 Pandemic," *The Legal Intelligencer*, May, 2020

"This Is Exhausting! Parents of Special Needs Children Who Allege Educational Harm Must Exhaust Administrative Remedies Under the IDEA Before Filing Lawsuit," *Lorman*, August 2017

"This Is Exhausting! Parents of Special Needs Children Who Allege Educational Harm Must Exhaust Administrative Remedies Under the IDEA Before Filing Lawsuit," *Defense Digest*, Vol. 23, No. 1, March 2017

"The IDEA Statute of Limitations (Finally!) Explained," *Defense Digest*, Vol. 21, No. 4, December 2015

"Does At-Will Employment Still Exist in Pennsylvania?," *The Legal Intelligencer*, Labor & Employment Supplement, June 24, 2014

"State Courts May Exercise Jurisdiction in Legal Malpractice Actions Arising Out of Patent Litigation," *Defense Digest*, Vol. 19, No. 2, June 2013

"The Third Circuit Holds That Private Employers Are Not Prohibited By Bankruptcy Code From Denying Employment To Individuals Who Previously Filed For Bankruptcy," *Defense Digest*, Vol. 17, No. 2, June, 2011

"Forum The Bell Tolls: Plaintiffs Lose Challenge To Validity Of Forum Selection Clause In Their Auto Insurance Policy," *Defense Digest*, Vol. 16, No. 1, 2010

"Ninth Circuit Holds Private Tuition Is Reimbursable Under IDEA Even Though Student Never Received Special Education From School District," *Defense Digest*, Vol. 14, No. 4, December, 2008

"Remedies for Disabled Students Curtailed," *New Jersey Law Journal*, Vol. CXCI, No. 2, Jan. 14, 2008

"School's Out: The Third Circuit Precludes Use of 42 U.S.C. 1983 to Remedy Violations of IDEA and the Rehabilitation Act," *Defense Digest*, Vol. 13, No. 3, September, 2007

"Pennsylvania Superior Court Limits Duty Of Insurance Brokers," *Defense Digest*, Vol. 12, No. 4, December, 2006

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.

Successfully Defended a School District in a Special Education Case

School Leaders' Liability

March 12, 2024

We defended a school district in a special education matter involving a high school student identified with a specific learning disability and ADHD. The student sought out a peer during the school day, went into the peer's classroom and physically attacked her, punching and kicking her several times. After the incident, the student's Individualized Education Program team determined the conduct was not a manifestation of the student's disabilities. The student and her parent disagreed with this determination and requested an expedited due process hearing.

Motion to Dismiss Granted in Hazing Lawsuit Filed Against a Pennsylvania School District

School Leaders' Liability

October 3, 2023

We prevailed on a motion to dismiss a hazing lawsuit filed against a school district. The plaintiff, who was a member of his high school football team, alleged he was subject to hazing and physical abuse by several other members of the team while attending a dinner at the home of one of his teammates. The plaintiff claimed that the school district had been aware of the hazing, but failed to prevent it. He asserted claims against the school under Title IX for emotional distress damages and punitive damages.

Summary Judgment Secured in Fourth Amendment Civil Rights Case

School Leaders' Liability

September 14, 2023

We secured summary judgment in a Fourth Amendment civil rights claim involving an unlawful search and seizure. The plaintiff, a former social worker employed by a school district, alleged that the assistant superintendent and Right to Know Law officer conducted an illegal search of her work space, who then produced these records to the plaintiff's estranged husband, with whom she was in the midst of a contentious divorce.

Successful Defense of a Local School District and Its Board Members in a Lawsuit Filed in Pennsylvania Commonwealth Court

School Leaders' Liability

May 17, 2023

We successfully defended a local school district and its board members in a lawsuit filed in Pennsylvania Commonwealth Court. The petitioner is a resident of the school district and a former school board member. At its December 2021 reorganization meeting, the school board voted to appoint a new school district solicitor. The petitioner attempted to make public comment and object to the school board's appointment of the solicitor, but he was not permitted to do so.

SIGNIFICANT REPRESENTATIVE MATTERS

Godfrey v. Southern York County School District, 2019 U.S. Dist. LEXIS 96736 (M.D. Pa. 2019) (summary judgment in favor of school district dismissing ADEA age discrimination and retaliation claims by former teacher)

Defense verdict following jury trial representing insurance agency and its owner in case involving claims of professional negligence.

K.E. v. Lincoln Intermediate Unit, 2017 U.S. Dist. LEXIS 163489 (M.D. Pa. 2017) (summary judgment dismissing claims against intermediate unit by former student alleging Title IX and 1983 civil rights violations)

Rohrbaugh v. Lincoln Intermediate Unit, 255 F. Supp. 3d 589 (M.D. Pa. 2017) (dismissal of claims against intermediate unit by student under 504 of Rehabilitation Act of 1973 for failure to exhaust administrative remedies)

Judge v. Shikellamy School District, 2017 U.S. Dist. LEXIS 65694 (M.D. Pa. 2017) (summary judgment dismissing claims by former principal alleging violation of Procedural Due Process rights, breach of employment contract and constructive discharge).

Defense award at arbitration in declaratory judgment action brought against condominium association.

A.V. v. Capital Area Intermediate Unit, ODR File No. 18090-1617 (successful defense of intermediate unit in special education due process hearing)

Hollinghead v. York City Sewer Authority, 2014 U.S. Dist. LEXIS 43202 (M.D. Pa. 2014) (Summary judgment dismissing Title VII, PHRA and 1983 claims by a City employees alleging race discrimination and retaliation).

Schuback v. Law Office of Phillip S. VanEmbden, 2013 U.S. Dist. LEXIS 18379 (M.D. Pa. 2013) (Judgment on the pleadings in favor of attorneys sued for alleged violations of the Fair Debt Collection Practices Act).

Thomas v. Thomas, 2012 U.S. Dist. LEXIS 83320 (M.D. Pa. 2012) (Dismissal of 14th Amendment claims against an attorney for alleged abuse of process and wrongful use of civil proceedings).

Munir v. Pottsville Area School District, 2012 U.S. Dist. LEXIS 82966 (M.D. Pa. 2012) (Summary judgment dismissing action by parent against school district under the Individuals with Disabilities Education Act and Rehabilitation Act).

Hocker v. CitiMortgage, 2012 U.S. Dist. LEXIS 76867 (M.D. Pa. 2012) (Dismissal of claims against mortgage lender under the federal Real Estate Settlement Procedures Act by alleged victim of a housing fraud scam).

Baltimore v. Harrisburg Parking Authority, 2010 U.S. Dist. LEXIS 59508 (M.D. Pa. 2010) (Summary judgment dismissing action against parking authority by former employee who claimed she was terminated from her employment in violation of her 1st and 14th Amendment rights).

Gregory v. Derry Township School District, 2010 U.S. Dist. LEXIS 1875 (M.D. Pa. 2010) (Summary judgment dismissing claims against school district, administrators and school board members in action by former teacher who alleged she was terminated from her employment in violation of her federal civil rights).

Walsh v. Dallastown Area School District, 2009 U.S. Dist. LEXIS 71266 (M.D. Pa. 2008) (Summary judgment dismissing claims by parent and students against school district, administrators and staff members of claims brought under federal and state wiretap laws and 4th Amendment).

Defense award at arbitration in negligence action brought against insurance agency and owners of the agency.