

## LEE C. DURIVAGE

VICE CHAIR, EMPLOYMENT LAW  
VICE CHAIR, SCHOOL LEADERS' LIABILITY  
SHAREHOLDER



### AREAS OF PRACTICE

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

### CONTACT INFO

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### ADMISSIONS

Pennsylvania  
2007

U.S. District Court Eastern District  
of Pennsylvania  
2007

U.S. District Court Middle District  
of Pennsylvania  
2014

### EDUCATION

Widener University School of Law  
(J.D., cum laude, 2007)

Syracuse University (B.S., 2004)

### HONORS & AWARDS

Pennsylvania Super Lawyers  
Rising Star  
2012-2022

### ASSOCIATIONS & MEMBERSHIPS

American Bar Association  
Pennsylvania Bar Association  
Philadelphia Bar Association

### OVERVIEW

Lee is a shareholder and the Vice Chair of the Employment Law Practice Group, where he represents employers in the full spectrum of discrimination, harassment and retaliation claims, including claims pursuant to Title VII, the ADA public accommodation, the ADEA, the FMLA, whistleblower, housing discrimination and related tort claims. He is experienced in handling wage and hour lawsuits, including class and collective actions, pursuant to the FLSA, the Pennsylvania Minimum Wage Act and the Pennsylvania Wage Payment and Collection Law. Additionally, Lee serves as the Vice Chair of the firm's School Leaders' Liability Practice Group. He routinely defends school districts, charter schools and other academic institutions in civil rights litigation, as well as in special education due process matters alleging violations of the IDEA and related federal and state statutes.

Lee serves as lead counsel for clients from a wide range of industries, including construction, manufacturing, restaurant and hospitality, education, real estate development, health care and non-profit organizations. He has served as lead counsel in a number of employment litigation matters in federal court and state court, as well as before the Equal Employment Opportunity Commission and the Pennsylvania Human Relations Commission, the Philadelphia Commission on Human Relations. Additionally, Lee advises clients on how to avoid employment disputes altogether by counseling them on compliance with federal, state and local laws with respect to hiring, discipline, medical leave and terminations, as well as conducting workplace investigations and creating and updating employment policies and procedures to proactively manage employee relations. In 2004, Lee graduated from Syracuse University with a double major in Communications & Rhetorical Studies and Political Science. Following graduation, he attended Widener University School of Law, receiving his juris doctor, cum laude, in 2007 and was awarded a Business Organization Law Certificate, with honors.

During his time in law school, Lee served as an administrative board member of the *Delaware Journal of Corporate Law* and as a member of the Moe Levine Trial Advocacy Honor Society. He joined Marshall Dennehey Warner Coleman & Goggin as a summer associate in May 2006 and continued to work with the firm during his final year of law school. Following graduation, Lee returned to the firm as an associate in August 2007.

In addition to his employment practice, Lee has experience litigating environmental, toxic tort and professional liability matters. He has been recognized as a Pennsylvania Super Lawyer: Rising Star by Philadelphia Magazine in the area of Employment Litigation: Defense in from 2012 through 2021. Rising Stars are chosen by their peers as being among the top-up-and-coming lawyers in Pennsylvania. Only 2.5 percent of Pennsylvania attorneys receive this honor each year.

## THOUGHT LEADERSHIP

### **EEOC's Expansion of Accommodations Under the Pregnant Workers Fairness Act**

Philadelphia - Headquarters  
Employment Law  
December 14, 2023

### **On the Pulse... School Leaders' Liability Practice Group Provides Defense, Counseling and Training Services to School Districts, Public and Private Schools And Universities**

Philadelphia - Headquarters  
School Leaders' Liability  
June 1, 2023

Today's headlines are replete with stories of lawsuits involving student-on-student bullying or sexual assault, denial of a student's right to free appropriate public education, or violations of a student's or educator's due process or First Amend Defense Digest, Vol. 29, No.

### **The Federal Trade Commission's Proposed Evisceration of Non-Compete Agreements – What the Proposed Rule Means for Employers**

Philadelphia - Headquarters  
Employment Law  
March 1, 2023  
Defense Digest

### **Marshall Dennehey Announces 2022 Pennsylvania Super Lawyers and Rising Stars**

May 23, 2022

Thirty-four attorneys across Marshall Dennehey's six Pennsylvania offices have been selected to the 2022 edition of Pennsylvania Super Lawyers magazine.

[Read More](#)

### **As States Begin to Ease Stay-At-Home Restrictions, EEOC Provides Guidance on Return-To-Work Requirements and COVID-19 Testing**

Employment Law  
April 24, 2020

The first directives on what needs to happen before businesses will be permitted to reopen and employees return to work have just been announced in various states. The material in this law alert has been prepared for our readers by Marshall Dennehey Warner Col

#### **CLASSES/SEMINARS TAUGHT**

*EPL – You Have Headaches, We Have Solutions*, Public Risk Management Association Conference, Long Beach, CA, June 2023

*Best Practices in Handling Employment Issues*, Motor Carrier Insurance Education Foundation, November 2015

*EPL Training*, Berkley Mid-Atlantic Group, co-presenter, June 26, 2014

*Social Media & Cyber Breaches: the Internet's Impact on Your Business*, The Graham Company, co-presenter, May 2014

## PUBLICATIONS

"The EEOC's Litigation Under the Pregnant Workers Fairness Act," *The Legal Intelligencer*, November 8, 2024

"EEOC's Expansion of Accommodations Under the Pregnant Workers Fairness Act," *Pennsylvania Law Weekly*, December 13, 2023

"The State of Class Action Waivers in Arbitration Agreements," *Pennsylvania Law Weekly*, November 22, 2016

"EEOC's Proposed Guidance Expands the Scope of Retaliation," *Legal Updates for Employment Law*, February 2016

"Avoiding Penalties When Classifying Independent Contractors," *The Legal Intelligencer*, Employment Law Supplement, June 30, 2015

"Pennsylvania Employment Law Update," *Counterpoint*, newsletter of the Pennsylvania Defense Institute, 2008-present

"Avoiding Age Discrimination Claims in Succession Planning," *The Legal Intelligencer*, June 11, 2013

"When Does Striving for a Health Workforce Violate the Law?," *The Legal Intelligencer*, June 12, 2012

"The Continued Expansion of the ADA: The Equal Employment Opportunity Commission's Updated Regulations In Light of the Americans with Disabilities Act Amendments Act," *Counterpoint*, newsletter of the Pennsylvania Defense Institute, Oct. 2011

"Undue Hardship: the Employer's Burden Under the ADA," *The Legal Intelligencer*, June 15, 2011  
*Case Law Alerts*, regular contributor, 2008-2018

## RESULTS

### Unanimous Defense Verdict Secured in Fourth Amendment Civil Rights Trial

#### Public Entity & Civil Rights Litigation

**August 2, 2023**

We obtained a defense verdict in a Fourth Amendment civil rights trial before Judge Michael Baylson in the Eastern District of Pennsylvania. The plaintiff alleged that a public agency violated his Fourth Amendment rights by searching and seizing his personal property after his vehicle was impounded. The defense witnesses each testified that the vehicle was never searched by the public agency and that the public agency does not have a policy or custom of searching vehicles once they are impounded, which was an essential element of plaintiff's constitutional violation claim.