

## SHARON M. O'DONNELL

SHAREHOLDER



### AREAS OF PRACTICE

School Leaders' Liability  
Professional Liability  
Public Entity and Civil Rights Litigation

### CONTACT INFO

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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

### OVERVIEW

Sharon's litigation and trial practice focuses on the defense of private and public entities in a wide array of professional liability and employment law matters, education law matters, medical liability, complex general liability, and class action matters brought in federal and state courts, state agencies, labor boards, and educational agencies.

She handles alleged wrongful termination actions that include 1983 and First, Fourth, and Fourteenth Amendment claims in federal suits filed in the Middle and Eastern Districts of Pennsylvania. Sharon defends a wide variety of matters including those brought under the Pennsylvania Whistleblower Law and related claims brought in state law actions filed in county courts. Sharon has also defended individual, collective, and class actions brought under the Fair Labor Standards Act, the Pennsylvania Wage Payment and Collection Law, as well as the Fair Debt Collection Practice Act, the Pennsylvania Consumer Protection Law, and related claims.

Sharon's agency practice involves actions brought to the Pennsylvania Human Relations Commission, Equal Employment Opportunity Commission, Pennsylvania Department of Education, Office of Civil Rights, and special education matters brought in the Pennsylvania Special Education Office for Dispute Resolution.

The employment matters that Sharon handles, typically involve claims brought in alleged unlawful discrimination 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. Sharon also 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.

Sharon's practice also involves the defense of matters brought to arbitration under

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## ASSOCIATIONS & MEMBERSHIPS

American Bar Association

Dauphin County Bar Association

Pennsylvania Bar Association

the Pennsylvania Labor Relations Act and further provides defense litigation support to public entity solicitors as requested in matters ranging from education issues to employment matters.

Sharon's professional liability practice involves the defense of realtors, insurance agents and brokers, residential and commercial real estate appraisers, and other licensed professionals, including health care professionals, brought in negligence actions in federal and/or state court, and licensing matters brought before the Bureau of Occupational and Professional Affairs. In addition, she has experience in handling construction litigation matters.

Sharon provides defense litigation services to all of her clients who range from self-insured corporations to private and public entities insured under errors & omissions, directors & officers, professional liability and employment liability practices insurance policies.

In 1990 Sharon graduated from Kings' College, Wilkes-Barre, Pennsylvania, and achieved a *juris doctor* from Widener University School of Law, Harrisburg, Pennsylvania in May 1996. Sharon joined Marshall Dennehey Warner Coleman & Goggin in August 1996. She was elected shareholder in 2004.

Sharon has published several articles, some of which have appeared in *Pittsburgh Legal Journal* and the *Pennsylvania Bar Association Quarterly*. She also speaks to various organizations on employment, education, and professional liability litigation issues.

## THOUGHT LEADERSHIP

### **Sharon O'Donnell (Harrisburg) was on the faculty at the Pennsylvania Special Education Law seminar**

January 12, 2012

Sharon O'Donnell (Harrisburg) was on the faculty at the Pennsylvania Special Education Law seminar hosted by NBI (the National Business Institute).

[Read More](#)

### **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 and Civil Rights Litigation**

**September 1, 2013**

by Sharon M. O'Donnell, Esq. \* Key Points: Defense Digest, Vol. 19, No. 3, September 2013

## **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

## **RESULTS**

### **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 mammoaplasties.

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.