

## WILLIAM J. MCPARTLAND

CO-CHAIR, SPECIAL EDUCATION LAW PRACTICE GROUP  
SHAREHOLDER

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### AREAS OF PRACTICE

School Leaders' Liability  
Public Entity & Civil Rights Litigation  
Employment Law  
Automobile Liability  
Property Litigation  
Fraud/Special Investigation

### CONTACT INFO

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Moosic, PA 18507

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## ADMISSIONS

New Jersey  
2004

Pennsylvania  
2004

U.S. District Court Eastern District  
of Pennsylvania  
2005

District Court District of New  
Jersey  
2005

New York  
2006

U.S. District Court Western District  
of Pennsylvania  
2006

U.S. District Court Middle District  
of Pennsylvania  
2010

U.S. Court of Appeals 3rd Circuit  
2011

U.S. District Court Northern District  
of New York  
2014

U.S. District Court Western District  
of New York  
2014

U.S. District Court Southern  
District of New York  
2016

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## EDUCATION

University of Pittsburgh School of  
Law (J.D., 2004)

University of Miami (B.S., 2000)

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## HONORS & AWARDS

The Best Lawyers in America®,  
Insurance Law  
2023-2025

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## YEAR JOINED

2007

## OVERVIEW

Will is a member of the Professional Liability Department and handles matters on behalf of both insured and self-insured clients. He concentrates his practice in areas involving special education due process, civil rights, employment matters and claims involving the Political Subdivision Tort Claims Act. Will represents both government and private employers in state and federal court in ADEA, ADA, Title VII, FMLA and PA Veterans Preference Act claims. He also handles general liability matters involving automobile accidents, premises liability claims and special investigations matters, which often involve claims of suspected arson and insurance fraud.

Prior to joining Marshall Dennehey, Will worked for defense firms in Pittsburgh and Philadelphia. He also served as a law clerk to the Honorable Ralph L. DeLuccia, Jr. in the Superior Court of New Jersey, Trial Division, in Passaic County.

Will earned his Bachelor of Arts degree from the University of Miami in environmental planning, an interdisciplinary degree with an emphasis on science and civil engineering. While at Miami, he was the starting fullback for the Hurricanes and received All Big East Football Academic Honors. He later attended the University of Pittsburgh School of Law, earning his *juris doctor* in 2004.

## THOUGHT LEADERSHIP

### Educating Students During the Coronavirus Pandemic

#### School Leaders' Liability

**March 30, 2020**

This bulletin is in reply to recent questions we have received about educating students during the coronavirus epidemic.

## RESULTS

### Summary Judgment Secured in First Amendment Retaliation Case

#### Public Entity & Civil Rights Litigation

**January 31, 2024**

We obtained summary judgment in a First Amendment retaliation claim where the plaintiff, an employee of the Borough, alleged that she was terminated by the president because of her affiliation with the minority of the supervisors. In granting summary judgment, the court found that the statements of one council member cannot constitute a policy of the council, unless she is delegated authority by the entire board. Summary judgment was entered in favor of the individual board member, as she did not have the authority to fire the plaintiff without approval from the majority of the board.

### Unanimous Defense Verdict in Excessive Force Jury Trial

#### Public Entity & Civil Rights Litigation

**September 13, 2023**

We achieved a defense jury verdict in a 4th Amendment civil rights trial in the U.S. District Court for the Middle District of Pennsylvania. The plaintiff alleged that two officers of our Northeastern Pennsylvania Police Department client used excessive force to transfer him from the police station's processing room to a holding cell.

### Federal Rehabilitation Act suit against a school district dismissed.

#### School Leaders' Liability

**November 1, 2022**

The plaintiffs filed a complaint stemming from the school district's alleged violation of Section 504 of the Rehabilitation Act. Defense counsel prepared a F.R.C.P. 12(b)(6) motion to dismiss, arguing that the plaintiffs' pleadings were insufficient to show that the student was disabled under the Act, that the district did not discriminate against the student, and that an isolated incident or comment from one teacher does not impart liability in violation of Section 504. The motion was first evaluated by a U.S.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Successfully defended a school district at a Special Education Due Process Hearing where plaintiffs claimed that the district failed to provide the student with a Free Appropriate Public Education pursuant to the Individuals with Disabilities Education Act related to a request for assistive technology.

Successfully defended a school district in the first trial in Pennsylvania challenging a student drug testing policy under Article I, Section 8 of the Pennsylvania Constitution.

Obtained a defense verdict in a slip and fall case before the Court of Common Pleas of Lackawanna County brought by a tenant alleging she fell on ice caused by the paint used on the stairs as well as a leaking gutter.

Obtained a defense award for school district at Special Education Due Process Hearing regarding a disciplinary matter and the district's manifestation determination hearing.

Obtained dismissal of a claim against a school district alleging failure to protect a student from abuse by a third party.

Obtained dismissal of claims of trespass and negligence against a landowner related to the use of an easement which was adjacent to his property.

Obtained dismissal of a 14th Amendment state created danger claim against a school district arising out of a fight between two students.

Obtained dismissal of a plaintiff's challenge to a sale of land by a school district under the Donated and Dedicated Property Act and the Public Trust Doctrine.