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Overview

- Common Claims against School Districts
- The Civil Suit
- The Litigation process
- Tips to Avoid Litigation

Common State Law Claims

- Negligence/Gross Negligence
- Defamation
- Breach of Contract
- Civil Conspiracy
- FOIA
- Construction
- Breach of Contract
- Property Disputes

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Common Federal Law Claims

- Title VII Discrimination
 - Race, Sex, Age, National Origin, Religion
- 1983 Civil Rights Claims
- First Amendment Claims
- Due Process Claims under the 14th Amendment
- Individuals with Disabilities Education Act/504 Rehabilitation Act

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Parties to the Lawsuit

- Plaintiff the person or entity filing the suit
- Defendant the person being sued
- Co-defendants other persons/entities being sued
- Defendants can include the District, the Board, individual employees, and individual board members

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The Role of Insurance

- All Districts have insurance that will pay for the defense of the case
- Insurance will also pay for a settlement or jury verdict
- Reservation of Rights



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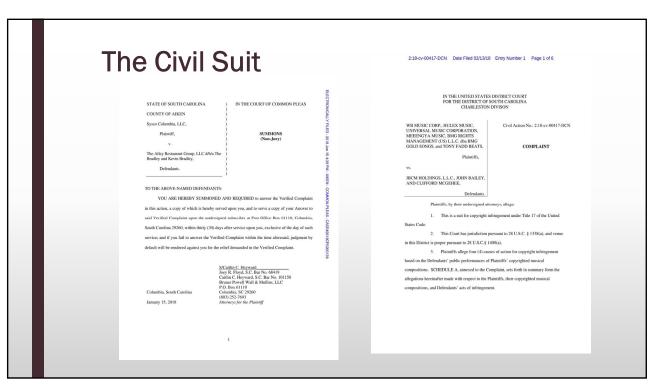
The Civil Suit

- "Anti-spoliation Letter"
 - Sent by employee's/student's legal counsel
 - reserve ALL documentation and electronic communications related to the employee/allegations

The Civil Suit

- Summons and Complaint
 - Initiates a civil suit
 - Filed in Court of Common Pleas in county where defendant resides or where event took place

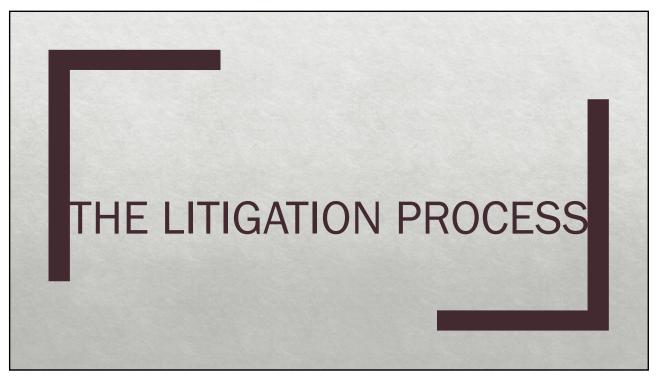
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The Civil Suit

- Summons and Complaint
 - Must be served on **each defendant** named in the case
 - Timelines start running!

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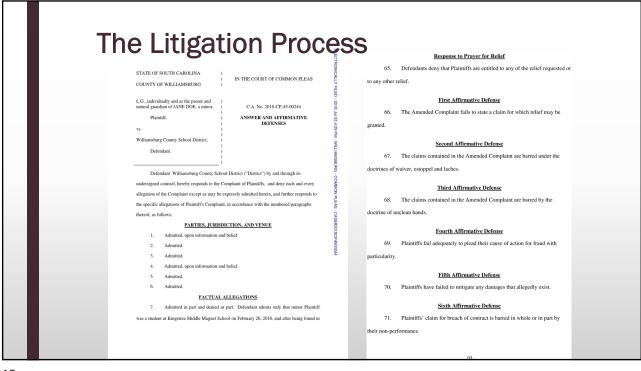


- The process is slightly different depending on whether the case is federal or state.
- Can possibly remove case to Federal court
 - If it involves Federal law
 - Federal Rules of Civil Procedure will then apply
 - Defense counsel prefers federal court

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The Litigation Process

- Answer and Affirmative Defenses
 - Admit, Deny, Admit/Deny in Part
 - Legal defenses certain defenses you must assert in your answer, or you lose them!
 - Must file within 30 days of service



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The Litigation Process

- Discovery Phase
 - Written discovery requestsInterrogatoriesRequests for Production

Requests to Admit

■ Must respond *within 30 days* of service

- Types of documents most likely required to be requested by the plaintiff
- * Emails/Texts * Policies & Procedures
- * Letters * Photos, audio, video
- * Financial records

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The Litigation Process

- Depositions
 - Out of court testimony
 - Under oath
 - Can be used for dispositive motions and at trial





- Mediation
 - Parties come to the table, with mediator, to try to resolve their disagreement
- Settlement, hopefully
 - Most cases DO settle!



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The Litigation process

- Trial, if no settlement
 - If the parties are unable to reach an agreement at mediation, the case will proceed to trial



- Appeal
 - The losing party can appeal the verdict
 - Legal issues must be preserved for the appellate court's review
 - Usually 30 days to file notice of appeal

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Help us, help you!

- Call your Attorney Early on
- Documentation is your friend!
- No surprises, please!



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