SCHOOL LAW

Riker Danzig’s “Boutique in a Big Firm” school law practice is unique: a small group of highly qualified attorneys with significant experience representing schools, boards of education and other public entities, with the support and resources of one of the state’s oldest, largest, and most respected law firms.

Riker Danzig Scherer Hyland & Perretti LLP is proud to have practiced law in New Jersey for over 130 years, and to have grown during that time into one of the state’s preeminent full-service law firms. Riker Danzig traces its beginnings to at least 1882, when the firm of Riker and Riker practiced in Newark. The name took its current form in 1985.

Riker Danzig is equally proud of our firm’s long history of serving state and local agencies in New Jersey, and our rich heritage of public service. Many of the state’s most prominent public servants have been associated with the firm, including lawyers who have served as United States Attorney General, New Jersey Attorneys General and Governor’s chief counsel as well as justices of the New Jersey Supreme Court and judges of state and federal courts. Many government entities are firm clients. At Riker Danzig public service is not a sideline; it is an essential part of our practice of law. Our firm’s representation of public sector clients cuts across all our practice groups and involves many, if not most, of our attorneys. Our work for these public entities ranges from handling litigation in various courts and other forums to providing advice and counsel on day-to-day legal questions to negotiating complex transactions with private parties and other government entities. Because of our extensive experience in these areas, we are New Jersey’s “go to” law firm in public sector legal representation.

The scope of our firm’s practice overall is reflected in the variety of our more than 1,000 clients, ranging from multinational and regional corporations to small businesses, charitable enterprises and individuals as well as public entities. With approximately 145 attorneys in our Morristown, Trenton and New York City offices, we offer the extensive resources of a large firm while providing personal service to our public entity clients. Our attorneys are accountable and available on a daily basis.
OUR SCHOOL LAW PRACTICE

Riker Danzig has represented boards of education in New Jersey for almost 50 years. Our firm has served as general counsel and special counsel for many public education clients as well as private schools. We provide legal advice and counsel every day to school officials, and frequently attend public and closed-session board meetings. Over the years, our school law group has helped clients solve just about every problem a board or school administrator can face, involving student discipline, special education, school district governance, school ethics, labor and employment, and public school contracting, as well as the full range of regulatory and administrative issues.

Our firm has successfully represented schools and school boards on many occasions in state and federal courts and the Office of Administrative Law, and before the Commissioner of Education, the School Ethics Commission, the Public Employee Relations Commission, the New Jersey Division on Civil Rights and USDOE Office of Civil Rights, and the Equal Employment Opportunity Commission. We also have represented boards of education and other public entities on many occasions in negotiation of contracts and transactions. We have years of experience handling claims of discrimination and violation of statutory and constitutional rights, including claims made under civil rights laws, privacy laws, the First Amendment, and the Anti-Bullying Bill of Rights Act.

We know that the practice of education law requires not only extensive knowledge of relevant laws, but also an appreciation of the heightened sensitivity required when dealing with public bodies and students. We also are keenly aware that serving as counsel to school districts requires not only the ability to litigate, but also to help take preventative measures and resolve disputes favorably and expeditiously. While litigation is our firm’s “bread and butter,” our objective is always to help our clients take preventative measures and, whenever possible, resolve disputes amicably before they escalate to litigation. Our most valuable assets are our extensive knowledge of the issues facing schools and our experience in representing schools on these issues, and our most appreciated asset is our responsiveness. Clients can call any time, day or night; if we are not at our desks when a client calls, we always return the call promptly.

Labor / Personnel

Riker Danzig represents public and private sector employers in matters involving employee relations, negotiation and administration of employment contracts and collective bargaining agreements, in administrative proceedings before State and federal agencies and in defense of claims of unlawful discrimination, retaliation and wrongful termination. Our counseling covers the full range of employment issues, such as wage and hour compliance, occupational safety and health, nondiscrimination and affirmative action, whistleblower issues and claims, harassment claims, accommodation of disabilities and employee benefits matters.
We have worked closely with district administrators and human resources staff in various districts on reductions in force in teaching staff and other employees. We are well versed in the requirements of TEACHNJ and AchieveNJ, well aware of the challenges created by the State’s observation and evaluation requirements, and the potential impact of mandatory tenure charges of inefficiency against “ineffective” and “partially effective” teachers and administrators. Riker Danzig attorneys have prepared and served dozens of tenure charges under TEACHNJ, and taken them through every step of the required statutory process, including arbitration and appeals.

Additionally, we provide training for administrators and supervisors on matters ranging from workplace harassment to constitutional rights to effective observation and evaluation. We conduct investigations of alleged misconduct and provide legal advice in connection with such investigations. More routinely, we advise clients handling day-to-day personnel issues and situations. Administrators appreciate our ready availability and willingness to discuss practical as well as legal aspects of sensitive personnel matters, and we always encourage them to bring potentially troublesome situations to our attention before they get out of control.

Sometimes, of course, those situations do not come to our attention, or that of district administrators, before charges or complaints are filed. In those cases, we vigorously defend against claims made before state and federal agencies and in judicial proceedings. We have extensive experience in employment litigation on behalf of school districts.

We also have experience in collective negotiations for our public entity clients, at the table and behind the scenes. Depending on clients’ preferences and strategy, we serve as the district spokesperson or as an advisor on proposals and issues as they arise. We work closely with administrators to evaluate direct and indirect costs of various proposals, financial and otherwise. When impasse occurs, we participate in mediation and fact-finding, either as spokesperson or as an advisor. Once agreements are ratified, we work with district staff on contract interpretation and administration issues, with the goal of fairness, consistency and efficiency. We handle grievances and we represent districts in arbitration, in scope-of-negotiations proceedings, and in defense of unfair practice charges. Based on our experience, we know that effective labor relations in public schools require attention year-round and in between rounds of contract negotiation, and it often involves complex and politically sensitive issues. A skilled labor attorney who knows the district schools and culture is vital.

Special Education

Riker Danzig attorneys have extensive experience in special education law, including training and counseling clients, negotiating settlements and litigating cases. Based on many years of experience and hours spent with child study teams, special education directors and attorneys on all sides, we know the value of preventative measures in this area – that is, the importance of careful compliance with substantive and procedural requirements and effective
communication with parents and their advocates. We also firmly believe, however, that communicating a clear willingness to defend the school district’s decisions and interests, and to litigate aggressively when necessary and appropriate, is one of the preventative measures that every district needs to have at its disposal. Counsel plays a role in each of these areas: assisting the special education staff in ensuring compliance and communicating with parents and advocates; determining when litigation should be pursued vigorously and making informed recommendations to the administration and board in that regard; representing the district in mediation and, whenever possible, skillfully negotiating settlements that serve the district’s interests as well as those of the students involved; and, when necessary, handling due process hearings and appeals effectively and efficiently. We are acutely aware of the cost of special education programs and litigation; and because of this, we realize that special education counsel plays a particularly important role in helping the district manage resources wisely.

Real Estate and School Construction

Riker Danzig’s diverse real estate practice has successfully represented major parties in some of New Jersey’s most significant real estate projects. We perform real estate-related legal services for a wide variety of clients, including many well known companies, developers, and lending institutions. In addition, we represent a large number of owners, prospective owners and tenants of commercial properties, providing legal services related to development, sale and lease of such properties.

We have represented school districts, schools, and other entities in all aspects of real estate transactions and construction projects, including the acquisition/development/financing/permitting/construction process as well as the sale and lease of buildings no longer needed for school purposes. We also have represented clients in connection with leases of buildings to be used for school purposes and in obtaining municipal approvals for their use. We are proud to have represented a charter school client in connection with the state’s first successful officially rated bond financing transaction involving a charter school.

We counsel schools and school districts on a wide variety of construction issues, and draft and negotiate many types of construction documents, such as agreements with architects, construction managers, contractors and others; multi-prime agreements; claim resolutions; change orders; and access agreements. We defend actions to enforce mechanics’ lien claims and actions asserting breach of contract and other common law claims.

OUR CLIENTS

Representative clients include:

School Districts and Boards of Education

- Newark Public School District
Charter Schools

- North Star Academy Charter School
- Paterson Charter School for Science and Technology
- North Jersey Arts and Science Charter Schools (Bergen, Passaic, Paterson)
- Central Jersey College Prep Charter School
- John P. Holland Charter School
- Classical Academy Charter School

Private Schools

- Council of Private Schools for Children with Special Needs
- The Peck School
- The Red Oaks School
- Deron Schools of New Jersey
- YALE Schools

Board Members

- We regularly advise boards and board members on school ethics and other issues.
- We represent board members in defense of charges before the School Ethics Commission and on appeal from SEC decisions.
- We have represented boards and board members member in defense of actions challenging their qualification for service on the board of education.

Municipal Entities

- Borough of Chatham
- Jersey City Municipal Utilities Authority
- Township of West Caldwell
- Township of West Caldwell Planning Board and Board of Adjustment
All of the attorneys in our School Law Group are available to respond to clients' requests for advice, counsel and guidance. All, as needed, may prepare and review resolutions, contracts, policies and other documents. Formal legal opinions and litigated matters are collaborative efforts. When needed, these attorneys seek guidance from attorneys in the firm’s other practice groups. While the expertise of colleagues is at their disposal, our school law attorneys are careful to use it only when necessary and only with close coordination to maximize efficiency.

The advantage of a small school law group within a large firm is that it can easily tap the expertise and experience of practitioners in other areas of the law and combine it with their own experience in education law without reinventing the wheel or requiring long explanatory memoranda or conferences.

OUR RESOURCES

In addition to its attorneys and paralegal staff, Riker Danzig employs reference librarians, information technology staff, litigation support specialists and an extensive administrative support team. In all administrative departments and support roles, the firm employs individuals who are not only professional and highly qualified but service-oriented. We emphasize a team approach in our attention to client needs, and make it a priority of each employee to consistently keep the needs of the client foremost in whatever project he or she is addressing. With this support and our experience, Riker Danzig is capable of responding in a timely fashion to any inquiry and performing any school law task, large or small.