

## JOSEPH J. SANTARONE JR.

CHAIR, PUBLIC ENTITY & CIVIL RIGHTS PRACTICE GROUP  
SENIOR COUNSEL



### AREAS OF PRACTICE

Public Entity & Civil Rights Litigation  
School Leaders' Liability  
Employment Law  
Miscellaneous Professional Liability  
Lawyers' Professional Liability

### CONTACT INFO

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### ADMISSIONS

Pennsylvania  
1986

U.S. District Court of New Jersey  
1986

U.S. District Court Eastern District  
of Pennsylvania

U.S. District Court Middle District  
of Pennsylvania

U.S. District Court Western District  
of Pennsylvania

U.S. Court of Appeals 3rd Circuit

### OVERVIEW

Joe serves as the chair of the Public Entity and Civil Rights practice group. In this capacity, he is responsible for the activities of some 25 attorneys firmwide. The focus of Joe's practice has been in the defense of police officers, municipalities, school districts, public officials, and both private and public sector employers. He has tried in excess of 100 jury trials to verdict in federal court in the areas of civil rights and employment litigation.

Additionally, Joe serves as the supervising attorney for Professional Liability in the Philadelphia office. He has handled numerous professional liability claims, often at the request of the professionals who find themselves a defendant. In addition to trying many cases to verdict in both federal and state courts, Joe has defended matters at administrative, public hearing and AAA Arbitrations.

In 1976 Joe graduated from LaSalle University and began work as a probation officer for the City of Philadelphia. While working full time, Joe attended the Widener University School of Law where he graduated with honors in 1985. He has been with Marshall Dennehey his entire legal career.

### EDUCATION

Widener University School of Law  
(J.D., cum laude, 1985)

La Salle College (B.A., 1976)

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## HONORS & AWARDS

AV® Preeminent™ by Martindale-Hubbell®

The Best Lawyers in America®,  
Civil Rights Law  
2015-2024

Pennsylvania Super Lawyers  
2013-2023

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## ASSOCIATIONS & MEMBERSHIPS

American Board of Trial Advocates (ABOTA)

Defense Research Institute

Montgomery County Bar Association

Pennsylvania Bar Association

Pennsylvania Bar Institute

Philadelphia Bar Association

Philadelphia Lawyers Club

Public Risk Management Association (PRIMA)

Widener University School of Law  
National Advisory Council

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## YEAR JOINED

1987

## THOUGHT LEADERSHIP

### Marshall Dennehey Announces 2024 Pennsylvania Super Lawyers and Rising Stars

May 17, 2024

Twenty-eight attorneys across Marshall Dennehey's six Pennsylvania offices have been selected to the 2024 edition of Pennsylvania Super Lawyers magazine.

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### On the Pulse...Our Public Entity and Civil Rights Litigation Practice Group

Philadelphia - Headquarters

Public Entity & Civil Rights Litigation

October 1, 2022

Marshall Dennehey's long history of representing public entities started in the early 1980s with one attorney, Robert Hanna, in our Philadelp Defense Digest, Vol.

### 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.

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### Three Marshall Dennehey Attorneys Selected 2022 "Lawyers of the Year" and 67 Attorneys Recognized Overall in the 2022 Editions of The Best Lawyers in America® and Best Lawyers: Ones to Watch®

August 19, 2021

Marshall Dennehey is proud to announce that three of the firm's attorneys have been selected 2022 "Lawyers of the Year" and 67 attorneys have been recognized overall in the 2022 Editions of The Best Lawyers in America® and Best Lawyers: Ones to Wa

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### Marshall Dennehey Announces 2021 Pennsylvania Super Lawyers and Rising Stars

May 26, 2021

Forty-five attorneys from the Pennsylvania offices of Marshall Dennehey Warner Coleman & Goggin have been selected to the 2021 edition of Pennsylvania Super Lawyers magazine.

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## CLASSES/SEMINARS TAUGHT

*Excess Force, Police Brutality and Prisoner Rights Cases*, Pennsylvania Bar Institute, December 2020

*Municipal & Civil Rights Issues In School Litigation*, School Claims Services LLC, December 12, 2014

*Case Study: Police Matter Resulting in Death Following Repeated Deployments of a TASER*, Delaware Valley Insurance Trust, June 2013

*ADA Amendments Act of 2008 and Its Impact on Employers and EPL Insurers*, USLI, November 1, 2011

*What is Hearsay*, City of Philadelphia Law Department, February 1, 2011

*Exposure in Education Cases Related to Due Process and Bullying*, Allied World/Darwin Insurance, August 1, 2010

## PUBLISHED WORKS

"Supervisory Rule Concerning Motions Based On Qualified Immunity Imposed," *Lawyers Journal*, 2003-09-05

"Third Circuit Rules Plaintiff Failed To Follow Pennsylvania Procedure For Petitioning Grand Jury Files," *Defense Digest*, Vol. 9, No. 4, 2003

"Third Circuit Imposes Supervisory Rule Concerning Motions Base On Qualified Immunity," *Defense Digest*, Vol. 9, No. 2, 2003

"Township Not Primarily Liable for Settlement of Personal Injury Case Involving Township Employee," *Defense Digest*, Vol. 7, No. 1, 2001

"Direct Evidence Not Required in Age Discrimination Cases," *Defense Digest*, Vol., 6, No. 5, 2000

"Student-On-Student Sexual Harassment: The Next Liability Minefield For School Districts," *Defense Digest*, Oct. Vol. 5, No. 5, 1999

"Third Circuit's Limitation On ADA 'Regarded As' Claims Is Short Lived," *Defense Digest*, Vol. 4, No. 4, 1998

"If 3rd Circuit Decision Stands, Fewer ADA Claims Can Be Filed," *The Legal Intelligencer*, December 3, 1997

"Third Circuit Decision Will Cut Down ADA Claims," *Defense Digest*, Vol. 3, No. 6, 1997

"Superior Court Cuts Award in Sexual Harassment Case," *Defense Digest*, Vol. 3, No. 3, 1997

"Sex-Based Shift Assignments: Employers May Use Common Sense (Co-Author)," *Defense Digest*, Vol. 2, No. 7, 1996

"Employment Discrimination Claims: Arbitration Under Collective Bargaining Clauses (Co-Author)," *Defense Digest*, Vol. 2, No. 6, 1996

## RESULTS

### Appellate court affirms district court order dismissing a federal civil rights lawsuit.

#### **Appellate Advocacy & Post-Trial Practice Public Entity & Civil Rights Litigation February 10, 2023**

A unanimous panel of the the Third Circuit affirmed an order of the U.S.E.D. Pa., which had granted a Rule 12 motion to dismiss in favor of a former Assistant District Attorney. The plaintiff had plead guilty to murder and other offenses in 1990 after shooting a man in the back four times. In 1993, the plaintiff filed a petition under Pennsylvania's Post Conviction Relief Act (PCRA), claiming ineffective assistance of counsel. The crux of his argument being his counsel failed to object when the court incorrectly stated the meaning of life imprisonment.

### Township immune from liability pursuant to Pennsylvania's Political Subdivision Tort Claims Act.

#### **Public Entity & Civil Rights Litigation December 12, 2022**

We obtained summary judgment in favor of a township client. The Court of Common Pleas of Bucks County entered judgment as a matter of law in favor of the township, dismissing with prejudice the plaintiff's negligence and negligent supervision claims. Counsel argued, and the court agreed, the township was immune from liability pursuant to Pennsylvania's Political Subdivision Tort Claims Act, 42 Pa. C.S. § 8541 et. seq.

## Federal civil rights claims against former city Assistant District Attorney dismissed.

### **Public Entity & Civil Rights Litigation**

**November 10, 2022**

We successfully obtained dismissal with prejudice of federal civil rights claims brought against an Assistant District Attorney. The plaintiff alleged he entered an involuntary guilty plea to murder following a defective plea colloquy with a judge, who now sits on the Third Circuit Court of Appeals. The plaintiff alleged the transcript evidence of the colloquy was improperly altered by our client during his first post-conviction collateral proceeding, thereby resulting in violations of his Fifth, Sixth and Fourteenth Amendment rights.

## Defense Verdict for Two Police Officers in Excessive Force Case After 12-day Jury Trial

### **Public Entity & Civil Rights Litigation**

**December 1, 2017**

The plaintiff brought claims of excessive force against one of two police officers and claims of assault and battery against the other officer. The incident in question occurred during a traffic stop. The plaintiff bore a strong resemblance to, and shared the last name of, a known gang member who had outstanding warrants for weapons offenses. During the traffic stop, one of the defendants observed an unnatural bulge in the plaintiff's pants pocket. The officers ordered the plaintiff to exit the vehicle in order to pat him down for their own safety and to resolve the identity issue.

## Private School Not Liable for Future Actions of Dismissed Coach

### **School Leaders' Liability**

**August 25, 2016**

Obtained summary judgment in the U.S. District Court, Eastern District of Pennsylvania on behalf of a private school that had allowed a coach to resign after he exchanged thousands of text messages with a student, some of which were alleged to be sexual in nature. A number of years later, that same coach was arrested after having a sexual relationship with a 16-year-old student athlete while he was employed at a public school. He is currently in prison. The claim against our client was for negligence, and negligence per se, for violation of the Child Protective Services Law.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Successfully defended a Bucks County Township against claims of age discrimination as a reason for dismissal brought by its former Human Resources Director. The plaintiff had sought back pay, bonuses, actual damages, punitive damages, attorneys fees and injunctive relief. The Judge granted summary judgment in favor of the Township and dismissed the plaintiff's case.

Represented a Chester County School District in Federal Court in a case arising out of repeated sexual assaults by a 15 year old student against a 10 year old. Plaintiff's demand never went below \$5 million. Summary Judgment in favor of the School District.

Defense verdict in a discrimination case before the U.S. District Court of Eastern District of Pennsylvania. The plaintiff's termination from employment was, in part, based on the statements of women in the shelter where plaintiff worked whose identities could not be disclosed and did not testify. We argued that the decision makers' state of mind was what was relevant and that the statements of the women in the shelter were not hearsay since they were not offered for the truth of the matter asserted. The plaintiff appealed and the case was affirmed by the 3rd Circuit.

Obtained a defense verdict for Montgomery County and the District Attorney. A Montgomery County detective sued the District Attorney following his termination for poor job performance. The initial granting of Summary Judgment by the Eastern District of Federal Court was reversed by the 3rd Circuit and remanded for trial. The court found the reasons for the termination were not a pretext for unlawful discrimination.

Successfully defended three different civil rights suits where police officers shot suspects in the back, where it was later learned the suspects were unarmed.

Defense verdict in jail suicide case where the entire suicide was caught on video tape and played before the jury.

Successfully defended school district in IDEA case for alleged failure to provide special education for female high school student.

Defense verdict for County in wrongful termination and defamation case where health department employee was discharged, E. coli outbreak and Commissioner identified her in public newscasts.

Defense verdict for a County brought by employee claiming his termination was based on race.

Defense verdict for private employer where plaintiff alleged age and sex discrimination.

Defense verdict for numerous police officers involved in arrest of a minister who suffered a heart attack after alleged excessive force. The plaintiff turned down a significant offer to settle before the lengthy trial resulted in complete exoneration for the officers.

Successfully defended and argued in the 3rd Circuit, which affirmed in favor of the officers, in significant case where criminal defendant, with no prior record, spend 11 months in jail on charges of killing his parents before the charges were dropped. Case is often cited on issues of probable cause.

Grant of Summary Judgment, which was affirmed by 3rd Circuit, in case where a teacher was arrested for stealing supplies but later cleared. The 3rd Circuit opinion is cited by many courts regarding the issues of reliance by police on eye witnesses for issues of establishing probable cause.