



**MacMain
Leinhauser**
Attorneys at Law

New Attorney

Introducing Matthew Estberg, Esq.



MacMain Leinhauser PC is pleased to welcome Attorney *Matthew Estberg, Esq.* to the firm.

Matthew received his J.D. from Widener University Law School's Delaware Campus. During his legal education, he completed internships where he drafted motions to enforce stipulation, performed legal research, client interviews, and did consultations. Matthew graduated law school in May 2022 and passed the bar exam in July 2022.

Matthew joined the firm in January 2023. He is admitted to the Pennsylvania Supreme Court and has extensive client care experience.

[More about Matthew](#)

Client Victory

Commonwealth Court Grants Charter to Vision Academy



Brian Leinhauser and Laurie Fiore worked on behalf of our client to successfully reverse the denial of a charter application by the Southeast Delco School District and the Pennsylvania Charter School Appeals Board (“CAB”). In a decision released on March 30, 2023, the Commonwealth Court addressed and rejected the numerous alleged grounds for denial of the charter raised by the District and the CAB.

The Commonwealth Court declared repeatedly that the charter application complied with the requirements of the law and rejected the District’s and the CAB’s request for information beyond what the Charter School Law Requires. We are elated for our client, Vision Academy Charter School of Excellence, who applied to replicate a successful charter school operating in the William Penn School District in Southeast Delco School District.

The new school will look to open upon receipt of the charter. This is the first such reversal of a charter application denial by the Commonwealth Court in several years.

Appointment



Tricia Ambrose was appointed as the Program Vice Chair for **DRI’s 2024 Governmental Liability Seminar** to be held in Phoenix on January 17 – 19, 2024. This is the pre-eminent civil rights conference for defense lawyers and public entity insurers and features two days of programming with cutting-edge topics and exceptional speakers, and many networking opportunities. Tricia has been active in the GLC Committee and has served in various leadership positions including Women in the Law Liaison and DRI Annual Program Chair.

Employment Law Alerts

By: Laurie Flore



There are two new laws that impact employers:

The Pregnant Workers Fairness Act. Effective June 27, 2023.

Requires covered employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless it would cause an undue hardship. The Act applies only to accommodations. EEOC has thus far issued very limited guidance – found here <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act>. EEOC will start accepting charges under the Act beginning June 27, 2023. It is forward looking. “Covered employers” include private and public sector employers with at least 15 employees, Congress, Federal agencies, employment agencies and labor organizations. Covered employers should engage in the interactive process to determine a reasonable accommodation so long as it does not pose an undue hardship. Employers cannot require covered employees to take paid or unpaid leave if another reasonable accommodation is available. The Act protects employees from retaliation, coercion, intimidation, threats, and/or interference when an employee makes a request for a reasonable accommodation. Damages are the same as under Title VII (reinstatement, back pay, front pay, compensatory damages, punitive damages, and attorney's fees and costs).

The PUMP Act (Providing Urgent Maternal Protections for Nursing Mothers Act). Effective as of December 29, 2022. This Act is enforced by the Department of Labor and is an amendment to the FLSA of 1938. It requires employers to (a) provide reasonable break times for an employee to express breast milk for a nursing child for one year after the child's birth, and (b) provide a location other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, that may be used by the employee to express milk. The Act expands the existing protections under the

ACA (which protected nonexempt employees) to exempt employees as well. There are provisions impacting who/when should the employee get paid during the break time.

Employers with fewer than 50 employees are not subject to the Act if it would pose an undue hardship by causing the employer “significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.” There is a private right of action under the Act. The right to bring a lawsuit for damages does not start until April 28, 2023. The Act sets forth the employee’s responsibilities before a suit may be brought, including, in part, notifying the employer of its failure to provide a space to pump and giving the employer 10 days to cure. Damages include reinstatement, back pay, front pay, and liquidated damages.

Presentations:

Police Seminar



Pennsylvania
Chiefs of Police Association

David MacMain presented a Lunch & Learn webinar for the Pennsylvania Chiefs of Police Association on **January 18, 2023** titled “**Lessons Learned from 30 years of Defending Law Enforcement.**” The presentation focused on practical tips, observations, and suggestions as to how law enforcement can better avoid liability and be better prepared to defend claims that are filed.

Governmental Liability Seminar

David MacMain co-presented with Chalankis Brown of Montgomery, Alabama at the **DRI Governmental Liability Seminar in Las Vegas on January 23-25, 2023.** Attorneys MacMain and Brown’s presentation - “**Practical Qualified Immunity**” – is described as follows:

"To paraphrase a famous quote from Mark

Twain - "the reports of qualified immunity's death are greatly exaggerated." While under attack, qualified immunity remains an important and necessary defense to law enforcement officers who are often asked to make decisions in a split second and/or about legal issues that are unsettled that can be second-guessed and picked apart by lawyers and courts over the ensuing years. This session will be very practically based and focused on how and when to raise the defense of qualified immunity in the most effective, persuasive, and creative ways, both at the trial level and on appeal."



The conference was attended by lawyer and claims professionals from all over the country who handle, defend and insurance public entities. The firm played a large role in the conference with **Tricia Ambrose** serving as the Conference Women in the Law Liaison, and **Brian Conley** serving as the Young Lawyer Liaison.

Sexual Tort Litigation Seminar

Brian Leinhauser led a panel at the **DRI Sexual Tort Litigation Seminar in Indianapolis on March 13, 2023**. Mr. Leinhauser and his panel provided practical recommendations for discovery in matters involving allegations of sexual misconduct



including the impact of social media on discovery in these matters, identifying what history is needed to examine potential liability, and how to obtain that information in an effective manner.

The panel also addressed the scope of information gathering within the bounds of the Rules of Civil Procedure, the interaction with claimants, and the timing of discovery related to the parties involved. The seminar was an exceptional learning opportunity for lawyers and carriers from all over the country who defend claims related to alleged sexual misconduct to learn, share information, and be better equipped to address and resolve these difficult claims.

Upcoming Presentations:

Hazing Litigation and Liability



DEFENSE LAWYERS. DEFENSE LEADERS.

David MacMain, assisted by research and input from **Tricia Ambrose** and **Jamison MacMain**, will present at the FDCC Summer Conference on July 27, 2023 on Hazing Liability and Litigation. The firm has defended, and continues to defend, schools, religious institutions, non-profits, athletic teams, and individuals in claims arising from hazing and failure to protect and/or supervise.

Contact Us for Your Legal Needs

MacMain Leinhauser PC provides representation and counseling to public and private entities in a wide variety of areas, including civil rights and tort matters, labor and employment issues, school law, and general operational matters. We serve as counsel to law enforcement agencies and local governments in the review and preparation of policies and provision of training.

Additionally, the firm provides counseling for public authorities, schools, and small businesses in all manner of issues, including employment advice, statutory and regulatory compliance, formation and dissolution, and education law issues. MacMain Leinhauser PC also represents professionals in litigation matters. Call **484-318-7106** or **contact us online** today to engage our services.



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