



McNeese Public Sector Practice

www.mcneesepublicsector.com





THE FIRM

For more than 80 years, McNeas has provided clients with a comprehensive range of legal services tailored to meet the legal priorities and unique needs of businesses, public entities, educational institutions, and individuals.

Our Firm is committed to the concept of “Clients First.” We exist to provide professional services of superior value that are designed to enhance our clients’ success. We do this with integrity and creativity by anticipating problems and understanding our clients’ needs. We understand and embrace our role as valued counselor, as professionals who strive to solve issues rather than simply identify them.

McNeas was established in 1935 and is comprised of more than 130 attorneys and 125 administrative staff. For over 80 years, McNeas has been a leader in the legal profession and the communities we serve. Our attorneys represent government and other public sector entities, businesses, manufacturers, financial institutions, trade associations, professionals, public and private nonprofit institutions and individuals. The Firm is headquartered in Harrisburg, Pennsylvania and maintains additional offices in Lancaster, State College and Scranton, Pennsylvania, Frederick, Maryland, Columbus, Ohio and Washington, D.C.

McNeas Practice Areas

Appellate & Post Trial
Automotive Dealership Law
Collaborative Law
Construction Law
Corporate & Tax Law
Craft Brewery Practice
Education Law
Eminent Domain
Employee Benefits & Executive Compensation
Energy & Environmental
Environmental Law & Toxic Tort
Estate Planning

Family & Collaborative Law
Financial Services
Food & Beverage
Government Relations
Healthcare
Injunction
Insurance Group
Intellectual Property
International Law
Labor & Employment
Litigation
Materials Patents
Mergers & Acquisitions

Orphans’ Court Litigation
Patent
Pipeline & Oil/Gas Infrastructure
Privacy & Data Security
Public Finance
Public-Private Partnerships
Public Sector
Racehorse Practice
Real Estate
Securities
State & Local Tax
Transportation, Distribution & Logistics
Venture Capital & Emerging Companies

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PUBLIC SECTOR

The McNeas Public Sector practice group is a team of lawyers from various practice areas with the experience and knowledge to provide holistic and specialized support to solicitors and other local officials. We are a one-stop shop where solicitors and officials can turn to get help with the unique, complex legal issues that face governmental entities. We understand that public entities, at all levels, operate within a more heavily regulated and complicated legal framework. We also appreciate the practical challenges facing elected and appointed officials. Most importantly, we know how to help. We see how all of the pieces fit together, and that allows us to offer practical, effective solutions.

Often, lawyers or firms view a client’s situation only with regard to a single specialty practice area. The McNeas Public Sector practice group takes a different approach. Our number one priority is to provide elected and appointed officials with a strategy to reach the best overall result. We partner with solicitors, officials, managers, auditors and financial advisors, to identify practical, cost effective solutions to difficult legal issues. We regularly help boroughs, townships, cities, counties, authorities, school districts and other government agencies address unique legal challenges such as the potential sale or lease of municipal assets, environmental and related regulatory issues, internal complaint investigations that require independence, complicated debt restructurings, costly litigation, or any other significant, complex legal issue. Our focus is on the legal aspects of these issues, and our goal is to solve your problems efficiently.

Our attorneys are keenly aware of the unique challenges facing public sector entities in Pennsylvania. We know about these problems because we currently represent entities at all levels of government, including Commonwealth agencies, counties, cities, municipalities, authorities and school districts. Another key basis for our awareness and approach is our own experience. A number of our attorneys joined McNeas following successful public sector careers where their legal experience was shaped and strengthened. Our attorneys in the Public Sector practice group have a multi-layered perspective, because they have worked either in-house at the state, county or municipal level or within the agencies before whom many issues are decided.

As with all McNeas attorneys, the Public Sector practice group professionals pride themselves on putting Clients First, which means that McNeas attorneys always put our clients’ goals and interests above all else. We pride ourselves on responsive, quality advice and counsel. When we are considering fee structures, developing a solution to a legal problem, reviewing a new legal development and at all other times, we ask ourselves: what is in the best interest of our client? Each day, our attorneys think clients first and put clients first in everything we do.





PUBLIC FINANCE

The McNees Public Finance Group has extensive experience in representing issuers and other participants in municipal bond transactions. We have served as bond counsel to many state and local government issuers. Our state clients have included the Commonwealth of Pennsylvania in general obligation issues and many state agencies in various types of revenue issues. These state agencies include the Commonwealth Financing Authority, the Pennsylvania Turnpike Commission, the Pennsylvania Economic Development Financing Authority and the State Public School Building Authority. We have also served as special tax counsel to the Pennsylvania Higher Education Assistance Agency.

Our local government bond counsel clients have included many counties, cities, boroughs, townships, school districts and authorities across Pennsylvania.

In addition to serving as bond counsel to issuers, we also represent other participants in financings including for-profit and nonprofit borrowers, underwriters, banks, trust companies and other financial institutions. The nonprofit borrowers we have represented include many healthcare and higher education institutions.

The transactions in which we participate involve the funding of new capital projects and the refinancing of existing debt. We have extensive experience with all types of debt structures, including competitive and negotiated underwritings, fixed and variable rate debt, derivatives, credit enhancement, large direct placements with banks or insurance companies, and more traditional tax-exempt bank loans.

We advise issuers and underwriters on compliance with continuing disclosure obligations and other securities law matters and with various tax requirements such as multipurpose allocations, qualified hedges, reissuance and rebate requirements.

In addition to financings, we also work with governments on related public finance matters such as the legality of various types of investments, the sale or leasing of assets, and the relationship between municipalities and their authorities. We have significant experience working on successful public-private partnerships.

McNees was ranked fifth in Pennsylvania, by dollar volume, in *The Bond Buyer's* annual rankings of top Bond Counsel firms. In 2016, the firm was ranked fourth in Pennsylvania, by dollar volume, for its work as Underwriter's Counsel, and is one of just two firms to appear in the top five Bond Counsel/Underwriter's Counsel rankings for that year. In 2013, McNees was ranked the number one Pennsylvania bond counsel firm by dollar volume, according to *The Bond Buyer*. Our firm was noted as having served as bond counsel on issues totaling more than \$1.4442 billion.

LABOR & EMPLOYMENT

The McNees Labor and Employment attorneys are keenly aware of the unique challenges facing public sector employers in Pennsylvania. We pride ourselves on our proactive approach, which allows municipal leaders to stay in front of issues, rather than waiting to respond to costly litigation.

We aid municipalities by helping them develop the policies, procedures, handbooks and practices that help avoid costly and time consuming litigation. However, if you find yourself facing a difficult human resources or personnel matter, we can help.

Our attorneys have a proven record of experience and success in all facets of labor and employment law, including conducting police and non-uniform labor negotiations, representing municipalities and government entities in interest and grievance arbitrations, and defending employment

litigation. Our attorneys advise public sector clients regarding their obligations under federal and state employment laws and regulations and routinely represent their interests before administrative agencies, such as the Pennsylvania Labor Relations Board, Pennsylvania Human Relations Commission, Civil Service Commissions, the Department of Labor and the Equal Employment Opportunity Commission. We also have experience assisting with the evaluation and implementation of regionalization efforts.

With offices in Harrisburg, State College, Scranton and Lancaster, we are uniquely positioned to provide critical, comprehensive services, in a prompt and efficient manner. We assemble client-specific teams of attorneys, paralegals and specialists to provide public sector clients with unique, cost-effective solutions to complex legal and financial problems.



ENERGY & ENVIRONMENTAL

Our Energy & Environmental practice group focuses on regulatory compliance and has significant experience guiding public sector clients through complex regulatory frameworks and representing public entities and authorities before federal regulatory agencies including the Environmental Protection Agency, the Federal Energy Regulatory Commission and the Susquehanna River Basin Commission, as well as state agencies, including the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utility Commission. In addition, our practice group is experienced in litigating before federal and state courts and other tribunals, including the Pennsylvania Environmental Hearing Board. We also help municipalities defend Environmental Rights Amendment claims.

We also advise municipal entities who own and operate fixed utility systems (e.g., water, wastewater, storm water, electric, etc.) on issues regarding end user rates and rate design, as well as inter-municipal agreements concerning use of those fixed utilities. This includes dispute resolution regarding terms, conditions and rates for those fixed utility services for customers living outside municipal boundaries.

On the transactional side, we assist municipalities with the development and implementation of renewable energy, energy efficiency, and sustainability projects. We also work with municipalities to obtain competitive market pricing for both wholesale and retail electric/power purchase contracts. In addition, we assist with asset monetization, whether in the form of an asset sale, long term lease, or long or short term operational agreement. To support such projects, we have facilitated successful public-private partnerships.

Our team also assists municipal entities within the Marcellus and Utica Shale regions on various issues regarding natural gas and oil issues.

PRIVACY & DATA SECURITY

State and local governments routinely collect and maintain files of private and confidential information about their residents and constituents. Personally-identifiable information abounds in public records, including names, addresses, dates of birth, and Social Security numbers. When left exposed and placed into the wrong hands, that information can be used to perpetuate identity theft and other fraudulent activity.

The McNees cybersecurity team advises public sector entities on how to proactively limit the risks of data breaches and the ensuing liabilities. Our lawyers recognize that data exposure events are nearly inevitable, and so entities must seek to be "compromise ready." We assist clients in reaching this goal by providing training and education, privacy and security assessments, strong data security policies, appropriate breach response plans, and attention to insurance and indemnification issues.

We help public sector entities, including state and local government entities, school districts and authorities respond to data breaches, including rectifying and reporting those events, and providing notice to affected individuals.

We also advise clients on compliance with federal, state, and international privacy laws, including compliance with governmental standards applicable to state and federal contractors.





REAL ESTATE

The Real Estate Law practice group at McNees delivers sophisticated legal advice to a broad range of clients in virtually all areas of commercial real estate and land use. Our clients include residential and commercial real estate developers, investors and lenders; buyers and sellers of real estate; businesses and non-profit entities, such as colleges and universities, with significant real estate components; and commercial lessors and lessees.

Our goal is to help our clients achieve their objectives at every stage of the real estate transaction through practical, efficient and timely representation.



EDUCATION

McNees currently represents numerous school districts, intermediate units, charter schools, and cyber charter schools. A primary focus of our work for these institutions is special education compliance and litigation, including administrative due process hearings. We also assist schools and educational providers with legal issues related to school funding, teacher certification, and student misconduct. We routinely assist public education institutions with policy drafting, implementation, and review, and with contract review and drafting. McNees has extensive experience with the Family Educational Rights and Privacy Act (FERPA), the Pennsylvania School Code, and the Pennsylvania Right to Know Law.



SOFTWARE & TECHNOLOGY LICENSING

McNees regularly assists clients with the review and negotiation of software license, development, implementation and services agreements. More and more, boroughs, townships, counties, authorities and school districts are entering into technology-related contracts, including software service agreements. We take the time to explain the implications of the agreement, spot risk points and negotiate more favorable terms for our clients. Not only are we able to negotiate more favorable terms for our clients, but by working through the issues presented with a new software implementation, our clients are able to think more deeply about how to anticipate and reduce risks like software failure and data loss or exposure.

Working in conjunction with our Privacy and Data Security group, we advise local governments on how to navigate the increasingly high-stakes practice of collecting, transmitting and storing sensitive data.



LITIGATION

The McNees Litigation team represents governmental and quasi-governmental entities with regard to all manner of disputes. We routinely represent the interests of state agencies, counties, cities, townships, boroughs and other governmental entities as well as public authorities, universities and hospitals.

McNees recognizes the importance and sensitivity of disputes involving substantial financial and political stakes. Recently, we have handled matters for our clients, including:

- Guiding the acquisition of property through eminent domain for public projects/utilities;
- Advising a public authority with regard to litigation arising out of bond financing for a neighborhood improvement zone;
- Defending federal civil rights claims against public and quasi-public entities, including a class action lawsuit against a correctional institution;
- Representing the interests of primary creditors with regard to a city's Chapter 9 municipal bankruptcy filing; and
- Defending the constitutionality of state legislation regarding Marcellus Shale development

Our litigators understand that when presented with a dispute, many legal questions arise and the process can be overwhelming. What are the implications of a particular contract? What rights can be enforced? What damages can be recovered? What remedies are available? We also understand that even though litigation is sometimes necessary to protect rights, it can be a drain on resources (dollars and time) and very distracting to a government entity's day to day operations. Keeping these things in mind, we combine our broad experience with personalized attention to help answer all of our clients' questions about a dispute, aggressively represent clients in litigation proceedings, and consistently and actively engage in counseling our clients to reassess the objectives as a case develops.

Public sector clients rely on our extensive experience before state and federal courts and administrative agencies, including the handling of high-profile litigation involving civil rights claims, contract disputes, eminent domain and land use matters, and personal injury litigation. Together with attorneys from our other specialized practice groups, we provide clients with the strategic thinking and comprehensive subject-matter expertise necessary to advance public sector projects and resolve disputes.

GOVERNMENT RELATIONS

We established our government relations practice to assist our clients with strategically navigating state and federal government. Local governments are regulated in much the same way as many private businesses, and sometimes, public entities also need help charting a course to get their concerns before policy-makers. That is where we come in.

McNees professionals include those with significant experience working inside the government who combine their relationships and knowledge of how the government operates to assist clients with effective strategies. Our team has gained experience working at some of the highest levels of government. We can help boroughs, townships, counties, authorities, commissions, school districts and other public entities present their concerns directly to decisions-makers, in both the executive and legislative branches of government, in an effort to find a solution that works for everyone.

Our government relations professionals also know from experience that executive and legislative elected leaders and their staffs have a real interest in understanding their constituents' issues and what they need to succeed. We also know that a successful government relations practice requires credibility and an extensive network both inside government and sometimes outside of government as well. We work to make sure our clients have seats at the table for key discussions inside or outside government regarding policy or legislative efforts. Our professionals know what relationships are critical, what strategies best serve the client's goals and how to achieve the best results for them.

If your efforts to get the attention of an elected or appointed official have stalled, or if you are looking to expand your grant and funding efforts, we can help. Our efforts include, but are not limited to educating government leaders, lobbying with regard to administrative policy and legislative initiatives, navigating government programs in order to obtain economic development support, interacting with government offices to get your pending requests expedited or obtain face time with decision-makers to ensure key issues are understood and addressed, and having a broad and deep understanding of comprehensive solutions.

The McNees government relations professionals put Clients First and use their unique qualifications to achieve our clients' successes regardless of whether or not the representation requires a complex government relations and communication strategy or providing the client with advice that only comes with the experiences our professionals offer.



PUBLIC SECTOR GROUP MEMBERS



Adam L. Santucci, *Public Sector Chair*
Labor and Employment

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Adam serves as the Chair of the McNees Public Sector Practice Group. Adam is also a Member in our Labor and Employment Group. Adam has extensive experience working with government entities at the state and local level, and obtained excellent experience working in the government sector prior to joining McNees.

Adam provides proactive advice and counsel to employers with respect to labor and employment law matters. Adam helps employers solve the difficult problems that arise in today's workplace, and he zealously represents employers facing lawsuits or other claims by employees or former employees. Adam also asserts employers' rights when they are facing government investigations or audits. He regularly represents and counsels unionized employers in all aspects of labor relations, including collective bargaining and labor arbitration, securing successful grievance arbitration decisions for clients and favorable outcomes in interest arbitration proceedings.



Adeolu A. Bakare - **Energy and Environmental**
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Ade's practice focuses on issues involving electric, natural gas, communication, and water utility services. Ade represents large industrial and commercial consumers of these services before state and federal administrative agencies. Ade also counsels several municipalities on energy matters. Prior to joining McNees, Ade served as a prosecutor in the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement. As a PUC prosecutor, Ade participated in litigation and settlement negotiations concerning utility base rate filings, merger and acquisition applications, 1307(f) purchased gas cost filings, 1307(e) reconciliation filings, electric transmission line siting applications, and natural gas pipeline siting applications.



Kathleen Duffy Bruder - **Government Relations / Labor and Employment**
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Kathleen has over 20 years of experience representing clients in the public and private sectors. She served as Governor Tom Corbett's Deputy Chief of Staff from 2011 to 2015. In this role, she worked closely with all state agencies and their authorities and commissions, local government, and contacts within the federal government. Her experience also includes litigating on behalf of public entities and corporations in federal and state courts and administrative agencies in all aspects of employment-related litigation. This includes defending claims of employment discrimination, sexual harassment and wrongful discharge. Kathleen has significant experience arbitrating labor-management disputes in the public and private sectors under collective bargaining agreements, representing employers as the chief negotiator in labor negotiations, and representing employers in all phases of the union certification and decertification process. Her extensive network of contacts and knowledge of federal, state and local government operations, regulatory and administrative issues help clients of McNees succeed with challenges and opportunities that involve government relations with federal, state and local agencies and legislative issues, as well as clients faced with labor and employment needs, corporate governance and right-to-know issues.



Devin J. Chwastyk - **Litigation / Education / Privacy & Data Security / Appellate**
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Devin Chwastyk leads the firm's Privacy & Data Security Group, and has worked on cybersecurity issues since 2005. He helps municipalities reduce the risk of data breaches by implementing appropriate data security policies and training employees on best practices to protect the privacy of their constituents. He has counseled hundreds of entities victimized by data breaches, including dozens of municipalities and state agencies, in meeting their obligations under state, federal, and international laws. Devin holds the Certified Information Privacy Professional designation from the International Association of Privacy Professionals, and regularly speaks and writes on cybersecurity issues. Devin's practice otherwise centers on complex commercial litigation, with an emphasis on defending class action lawsuits. He routinely represents state and local government agencies with regard to constitutional and civil rights claims.



Dana W. Chilson - **Litigation / Insurance**
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Dana is the Chair of the Insurance Group, as well as a member of the Litigation, Financial Services, and Injunction Groups. She primarily focuses her practice on representing commercial and business clients in complex contract challenges and business disputes. Dana has particular experience in counseling on shareholder and corporate rights, as well as litigating business divorces. She also has experience asserting the rights of public entities under the Eminent Domain Code and Business Corporations Law, including public utilities in connection with Marcellus infrastructure projects.



Crystal Clark - **Labor & Employment**
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Crystal provides representation and counsel to employers on a wide range of legal matters including harassment and discrimination, FMLA and ADA compliance, the Fair Labor Standards Act, Civil Service/Merit Based Hiring compliance, Unemployment Compensation, collective bargaining and labor arbitrations. She counsels employers on all facets of State and Federal employment laws, and also conducts training for both clients and the bar on employment law matters. Prior to joining the firm, Crystal served for over four years as the Lancaster County Solicitor. Crystal was in-house legal counsel for the County, which necessitated a wide knowledge of legal issues unique to government entities.



James P. Dougherty - **Energy & Environmental / Government Relations**
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Jim has spent over 35 years in the fixed utility industry. He represents industrial users before state and federal regulatory commissions and agencies with respect to utility matters, including natural gas, electric, water, wastewater and communications. Jim devotes a significant part of his practice to representing industrial interests before state legislatures on energy matters. Jim is also involved in the valuation and monetization of municipal and municipal authority assets, including water and wastewater facilities.



David J. Evenhuis - **Real Estate**
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David represents and counsels businesses and municipalities in a wide range of commercial real estate transactions. His practice is focused on acquisitions and dispositions, commercial leasing, realty transfers within mergers and acquisition, and advising public sector entities on the monetization of public assets. David also devotes a significant amount of work to advising clients on matters of realty transfer tax, the establishment of easements, and perfecting title to water and sewer systems.



Matthew Garber - Energy & Environmental

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Matt practices before the Public Utility Commission, representing businesses and municipal authorities in energy and contract matters. He is passionate about seeing local communities thrive. Prior to law school, Matt served as an elected official, non-profit director, and business operations manager. In his home city of Altoona, PA, Matt co-founded two non-profit organizations and served as a City Councilman from 2006-2010. During law school, Matt extensively researched Pennsylvania's municipal recovery program, Act 47, and worked in the legal office of the Department of Community and Economic Development.



Benjamin A. Haverstick - Financial Services / Public Finance / Corporate & Tax / Mergers & Acquisitions

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Ben has significant experience in asset sales and acquisitions, in mergers, in finance and lending, and in asset transactions for municipalities. He helps to guide those transactions from the earliest planning phases through the negotiation and drafting to their signing and closing. He also provides on-going and day-to-day strategic advice to municipalities and elected and appointed officials.



Timothy J. Horstmann - Financial Services / Public Finance / Corporate & Tax / Public-Private Partnership

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Tim represents public sector clients in a variety of municipal financial transactions, including general obligation and revenue bonds, conduit lending to nonprofits and manufacturing facilities, water and wastewater utilities and public-private partnerships. Tim focuses his practice on the unique tax issues that public sector clients face in these transactions. He also has represented clients under audit by the Internal Revenue Service. Tim is a member of the Board of Directors of the Pennsylvania Association of Bond Lawyers, and manages the Public Sector Group's Blog.



Erik M. Hume - Real Estate / Education Law / Oil & Natural Gas

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Erik advises clients through all aspects of real estate transactions and development. He represents landowners and developers in the sale, acquisition, leasing, financing and development of commercial and residential real estate. Erik has also represented municipalities in real estate transactions and the creation of municipal authorities. His practice also includes the creation, development and administration of commercial and residential condominiums and planned communities. Erik is co-chair of the Pennsylvania Oil & Natural Gas Group. He works with landowners in the sale and leasing of mineral rights, and frequently lectures on oil and gas law.



Donna L. Kreiser - Financial Services / Public Finance / Public-Private Partnerships

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Donna focuses her practice on municipal and project finance law, including economic development, transportation, government, health care, and education. She serves as bond counsel, underwriter's counsel, trustee's counsel, bank counsel and borrower's counsel for state, county, and municipal clients and for economic development authorities and non-profit entities in the implementation and financing of major capital initiatives that benefit public, private and non-profit entities (including, for example, hotel, hospital and health care facility, university, water and sewer, transportation and treatment facility projects) and debt refinancings for public, for-profit and non-profit organizations. In addition, she counsels issuers on general obligation borrowings.



Kathy Pape - Financial Services / Public Finance / Government Relations

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Kathy began her career with the Office of Consumer Advocate and the Pennsylvania Public Utility Commission. After joining General Waterworks as a utility attorney, she practiced before 14 state utility commissions, litigating rate and acquisition cases, always focused on collaboration to find mutually agreeable solutions at the least possible cost for her client.

She was recruited to Philadelphia Suburban Water as its Vice President, Treasurer and Rate Counsel, she helped to grow the company from a five-county suburban Philadelphia water company to the second-largest publicly traded water and wastewater service provider in the United States. In 2007, she was selected to lead American Water's largest subsidiary, Pennsylvania American Water, and in 2011 was chosen to head the Mid-Atlantic Division, with additional responsibility for operations in West Virginia, Virginia and Maryland.

Kathy combines legal, financial and operational expertise to find the best business solutions for our clients.



Langdon T. Ramsburg - Labor & Employment

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Langdon counsels both public and private employers on a variety of labor and employment law issues and represents employers before federal and state courts, as well as administrative agencies. Langdon also represents employers with respect to labor relations, including collective bargaining, contract administration, labor arbitration and interest arbitration. Before attending law school, Langdon served as a police officer in central Pennsylvania for eight years.



David Unkovic - Financial Services / Public Finance

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David Unkovic has been a municipal bond lawyer in Pennsylvania for over 30 years. He has served as bond counsel to all sizes of governmental entities, including state agencies, townships, boroughs, cities, school districts, counties and authorities. He has also represented various financial entities and nonprofit corporations in tax-exempt financings. David has experience in the areas of distressed municipalities, bank lending and investment regulations. For most of his career, David has worked at private law firms, but he has also served as chief compliance officer at PFM Asset Management, as chief counsel of the PA Department of Community and Economic Development, and as the first state appointed receiver for the City of Harrisburg.



Jennifer E. Will - Labor & Employment

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Jennifer represents public and private sector employers exclusively, providing advice and counseling to management and elected officials on a wide range of labor and employment law issues, including wage and hour compliance, medical leave, disability accommodation, internal investigations and discriminatory harassment. She serves as lead counsel in federal employment litigation matters, as well as state administrative proceedings. Drawing from her experience as Assistant Counsel to the Pennsylvania Labor Relations Board, Jennifer represents public sector employers in unfair labor practice and representation proceedings, collective bargaining negotiations, labor arbitrations and litigation before Pennsylvania's courts and administrative agencies.



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