



# Jim Evans

*Partner*

*Syracuse*

*P: 315.425.2827*

*jevans@barclaydamon.com*

## Education

- Syracuse University College of Law, JD
- State University of New York at Oswego, BA

## Practices & Industries

- Commercial Litigation
- Construction & Surety
- Insurance Coverage & Regulation
- Labor & Employment

## Admitted to Practice

- New York

## Court Admissions

- US Court of Appeals for the Second Circuit
- US District Court for the Eastern District of Michigan
- US District Court for the Eastern District of New York
- US District Court for the Northern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of Michigan
- US District Court for the Western District of New York

## Biography

An assistant education professor at Le Moyne College with over 20 years of legal experience, Jim advises and represents educational and commercial institutions in matters involving statutory- and regulatory-compliance issues, labor and employment, civil-rights defense, student rights and obligations, and corporate governance.

Jim assists educational institutions with policy development, board governance, and risk-management issues and has defended public and private schools, including several charter schools, in litigation and special proceedings in state and federal courts throughout New York State as well as in appeals to the Commissioner of Education, in proceedings before accrediting agencies, and in inquiries by the US Department of Education Office of Civil Rights.

Jim has substantial experience representing clients in commercial litigation, including claims arising out of contractual disputes, business torts, competitive bidding, labor and employment claims, and insurance-coverage disputes. He also represents commercial entities concerning the deprivation of due-process claims and other constitutional issues and represents public-utility companies in contract claims involving the NY Public Service Law.

He additionally handles a wide variety of insurance-coverage disputes, particularly claims concerning life and disability coverage, and advises insurers on regulatory-compliance issues, contract development, and related areas.

## Bar Associations

- American Bar Association
- New York State Bar Association
- Onondaga County Bar Association

## Selected Memberships & Affiliations

- Middle States Association Commissions on Elementary and Secondary Schools, Commissioner
- Association of Trial Lawyers of America
- Education Law Association

## Representative Experience

- Successfully represented a charter school in a case filed by a former employee alleging the school had violated various provisions of the NY Labor Law, including requiring kickbacks of wages. Obtained a dismissal of the claims for failure to state a claim for which relief could be granted.
- Obtained a no probable cause finding relative to claims of gender and racial discrimination.
- Successfully challenged an accrediting agency's decision on the accreditation of a proprietary school.
- Successfully represented metropolitan school districts in impartial hearings concerning compliance with the Individuals With Disabilities Education Act and Section 504 of the Rehabilitation Act.
- Successfully represented a lending institution against a city that demolished the lender's collateral without notice or an opportunity to be heard.
- Successfully defeated a claim against a life insurance company alleging that an insured's death from a community-borne pathogen constituted an "accident" and was, therefore, covered under an accidental-death insurance policy.
- Successfully defeated a claim that an insured had renewed her life insurance coverage by providing the insurer with credit card information because the insurer did not actually receive the premium payment from the credit card company.
- Successfully defended sexual harassment claims filed under Title IX of the Education Amendments of 1973 against an educational institution.
- Successfully handled regulatory compliance disputes concerning NYS labor law.
- Successfully represented a charter school in a case filed by a former employee alleging the school had violated various provisions of the NY Labor Law, including requiring kickbacks of wages. Obtained a dismissal of the claims for failure to state a claim for which relief could be granted.
- Successfully represented a public charter school against claims of racial and gender discrimination, including preparing a detailed position letter to the Equal Employment Opportunity Commission (EEOC) and the NYS Division of Human Rights, participating in an investigatory conference,

and submitting a summary letter. The court found no probable cause and dismissed the claims.

- Successfully defended a life insurance company against a claim that it had misrepresented the cost of, and probable return on, flexible premium adjustable benefit life insurance policies, obtaining a pre-answer dismissal of the action.

## Prior Experience

- Hiscock & Barclay, LLP, Partner
- The Evans Law Firm, Partner
- O'Hara & O'Connell, Partner
- Dickinson Wright, Associate
- US Marine Corps, Active Duty and Reserve Forces, Gulf War Veteran

## Selected Community Activities

- Le Moyne College, Education, Education Law, and Personnel Administration Assistant Professor
- Marist College, Former Education and Administrative Law Adjunct
- Holy Family Church, Catechumen

## Selected Honors

- *The Best Lawyers in America*®: Commercial Litigation, 2024

## Selected Speaking Engagements

- National Business Institute Seminar, "Local Government Law: What Attorneys Need to Know"
- National Business Institute Seminar, "Getting Your Social Media, Email, and Text Evidence Admitted"
- National Business Institute Seminar, "Avoiding Common IEP Errors and Mistakes"
- Southern Regional Education Board High Schools That Work Conference, "Disciplining Student With Disabilities in Compliance With IDEA and Section 504 of the Rehabilitation Act"
- AudioSolutionz, "Accommodating Religious Practices of Employees and Students" Webinar

## Selected Media

- Lorman Education Services, “Options Under Section 504”
- Lorman Education Services, “Pupil Records: Rules, Responsibilities, and Requirements”
- Lorman Education Services, “Social Networking Policies for Teachers and Students”

## Selected Alerts & Blog Posts

- Third Department Rules Cross-Examination Not Required Under "Enough Is Enough" Law
- NY Appellate Court Permits Claim Against Insurance Agency for Failure to Procure Coverage for Rodeo Business
- Proposed Legislation In New York Would Create A Private Cause Of Action Against Insurers For Unfair Claim Settlement Practices
- New York Statute Imposes Obligations On Life Insurers To Find Deceased Policyholders