

Daryl J. Lapp

Partner

Boston

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Daryl has more than 30 years of experience advising and representing colleges, universities, and independent schools in a wide range of matters in state and federal courts, before state and federal administrative agencies, and outside of litigation.

OVERVIEW

Daryl is a litigator who represents colleges, universities, and independent schools in connection with Title IX, employment discrimination, personal injury, civil rights, breach of contract, real estate, and other claims.

Daryl regularly advises education clients outside of litigation, including on issues relating to faculty and staff employment matters, student conduct matters, at-risk students, and compliance with federal and state anti-discrimination, privacy, campus security, and other laws. He also regularly works with educational clients in connection with investigations by federal and state agencies and matters of institutional governance.

In addition to his education practice, Daryl handles other litigation matters, including employment matters and commercial disputes.

REPRESENTATIVE MATTERS

- Defended a university against breach of contract and discrimination claims arising from its suspension of an athletic team for hazing activity. The case was dismissed after the athletes' motion for preliminary injunction was denied.
- Represented three universities in a lawsuit against the Massachusetts Department of Revenue to overturn a DOR ruling that disqualified the universities from receiving millions of dollars in environmental tax credits. Obtained a declaratory judgment in the superior court, which was affirmed on appeal.
- Defended a university and several administrators against breach of contract and other claims arising from an alleged sexual assault on campus. Obtained summary judgment on all counts, which was upheld on appeal to the Massachusetts Supreme Judicial Court.
- Defended a university against breach of contract and other claims arising from a real estate development project. Obtained judgment for the university following a two-week bench trial and defeated the plaintiff's appeal.
- Defended a university in a three-week jury trial involving claims of gender discrimination and retaliation asserted by a lecturer who repeatedly was denied appointment to the faculty. Obtained a defense verdict on all claims at

trial and defeated the plaintiff's appeal.

- Defended a university in a two-week jury trial involving claims of disability discrimination asserted by a computer programmer who alleged that the university failed to reasonably accommodate her disability. Obtained a defense verdict on all claims.
- Defended a university against breach of contract, defamation, and other claims asserted by a tenured faculty member who was terminated for his misuse of university credit cards. Obtained a dismissal of all claims through motions to dismiss and for summary judgment and defeated the plaintiff's appeal.
- Defended a college against breach of contract and other claims asserted by a faculty member who was terminated for cause after pleading guilty to fraud. Defeated the plaintiff's claim for injunctive relief, prevailed on a motion to dismiss the complaint, and defeated the plaintiff's appeal.
- Defended a university against claims seeking to establish the existence of a prescriptive easement across the university's property. Obtained a judgment in favor of the university following a trial in the land court.
- Defended a university in three separate lawsuits alleging wrongful arrest and/or excessive force by campus police. Prevailed on motions to dismiss or for summary judgment in each case and defeated all three appeals.
- Represented a university in an arbitration proceeding to enforce the terms of a license agreement with respect to the proceeds of a patent infringement action involving the licensed technology, securing a \$4 million recovery for the university.
- Defended the town of Spencer in a two-week jury trial against breach of contract, civil rights, and defamation claims arising from the town's termination of much of its police force. Obtained a defense verdict on all disputed claims.
- Defended the town of Lexington against a constitutional challenge to the town's regulations for the use of its historic Battle Green for expressive purposes. Defeated the plaintiff's motion for injunctive relief, obtained summary judgment on all claims, and defeated the plaintiff's appeal.

AWARDS

- *Best Lawyers in America*®: Lawyer of the Year, Boston Education Law (2019, 2021, and 2024)
- *Best Lawyers in America*®: Employment Law – Management (2018-2026), Education Law (2007-2026), Litigation – Labor & Employment (2021-2026)

TOP AREAS OF FOCUS

- Educational Institutions
- Labor + Employment

ALL AREAS OF FOCUS

- Educational Institutions
- Employment Counseling
- Fair Housing Compliance + Defense
- Labor + Employment
- Labor + Employment Litigation + Dispute Resolution
- Nonprofit Organizations + Foundations
- Privacy + Cyber
- Wage + Hour Matters

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, National Association of College and University Attorneys
- Member, Boston Bar Association College and University Law Section
- Former president and trustee, Greater Boston Legal Services
- Trustee, Willow Hill School

EDUCATION AND CERTIFICATIONS

EDUCATION

- Northwestern University Pritzker School of Law, J.D., *cum laude*, 1987, articles editor, *Northwestern University Law Review*
- Swarthmore College, B.A., 1984

BAR ADMISSIONS

- Massachusetts

COURT ADMISSIONS

- Supreme Court of the United States
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, District of Massachusetts
- U.S. District Court, Northern District of Illinois

SPEAKING ENGAGEMENTS

- Speaker, “Addressing Employee Mental Health Issues,” Locke Lord, January 29, 2020.

PUBLICATIONS

- Co-author, “OCR’s Directive on Race-Conscious Policies in Higher Education,” *Troutman Pepper Locke*, February 24, 2025.
- Co-author, “What Do We Do Now? District Court Invalidates 2024 Title IX Regulations,” *Troutman Pepper Locke*, January 17, 2025.
- Author, “Student Privacy Concerns When Educational Institutions Outsource: The FERPA ‘School Official’ Regulations,” *Locke Lord*, Fall 2021.