

Municipal Law

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Representing municipalities, public authorities, governing bodies, and boards, Lippes Mathias' municipal practice team is defined by the extensive collective experience of its ranks, which include a former New York State Attorney General, the former Erie County District Attorney, an Assistant Corporate Counsel for the City of Buffalo who also served as Majority Counsel for the Erie County Legislature, and multiple current and former Town Attorneys.

The team boasts a national network of attorneys uniquely focused and regularly practicing in a wide range of applicable matters, including litigation, corporate, real estate, labor and employment, land use and zoning and general municipal law.

In these areas, our team has handled virtually every type of legal matter that can arise in a municipal context, including drafting and revising local laws and ordinances; charter interpretation, application and revision; personal injury claims; employee disputes; contracts; real estate transactions; legislative matters; and complex litigation. By way of Lippes Mathias' office footprint, variety of practice areas, and nearly 220 attorneys, the team is even able to provide counsel to municipalities in matters that fall outside the usual scope of municipal law.

John Flynn, the leader of Lippes Mathias' municipal practice team, has occupied myriad public service roles that directly translate to his knowledge of municipal law and representation of clients. Before joining Lippes Mathias, Mr. Flynn served nearly two terms as Erie County District Attorney, prosecuting virtually every crime committed in Erie County, including the prosecution of misdemeanor cases in the city, town and village courts; the prosecution of felony cases in State Supreme Court and Erie County Court; and the prosecution of cases in several specialty courts. Prior to being elected as Erie County District Attorney, Mr. Flynn also served as an Assistant District Attorney, Acting Buffalo City Court Judge, Town Justice in the Town of Tonawanda, Tonawanda Town Attorney, and as a member of the Tonawanda Town Board. Mr. Flynn's record as a public servant, in which he forged many lasting relationships, is emblematic of his ability to counsel clients of the firm on virtually all matters that fall within the sphere of municipal law.

Our municipal law experience includes:

Article 78 Challenges

Our attorneys have successfully defended clients against Article 78 challenges ranging in topic from the award of

TEAM LEADER



JOHN J. FLYNN

Partner | Team Leader - Municipal
Law | Team Co-Leader -
Lobbying & Public Policy

construction contracts to the accessibility of fiber optic cable.

Real Estate/ Land Use and Disposition

Lippes Mathias regularly aids municipalities and quasi-governmental agencies in matters relating to land use and development. The firm has a close working relationship with the County of Erie; the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) and the Erie County Industrial Development Agency (ECIDA), assisting with both development and land use and associated litigation where necessary.

On many occasions, the team has advised in the successful transition of underutilized and/or vacant land back to useful, productive properties, spurring economic growth and development.

Our attorneys are well-versed in land use regulation and the powers and duties of the various local development agencies. In several instances, the firm has even helped to draft enabling legislation for municipalities.

Real Property Tax Enforcement

Lippes Mathias represents municipalities in connection to real property tax enforcement matters including In Rem and judicial tax lien foreclosures, tax certiorari defense matters, and creditor rights in Bankruptcy. Margaret A. Hurley, a member of the municipal team, has represented the County of Erie exclusively for over a decade in connection to its real property tax lien foreclosures, and regularly assists in recouping approximately \$16 million per year in delinquent tax dollars. Additionally, our attorneys stay abreast of recent developments in the law, and regularly advise Cities, Towns and Counties with respect to tax enforcement strategies and land disposition and use matters involving tax enforcement.

Litigation

Lippes Mathias has represented municipalities of various sizes in a wide variety of legal matters, from basic consultation on contracts to complex litigation throughout New York State. Jennifer C. Persico, a member of the municipal team who also leads the firm's litigation practice team, has represented municipalities on a wide range of issues throughout her career, which started with her role as an Assistant Corporation Counsel for the City of Buffalo, where she handled a wide variety of municipal issues, including, but not limited to, zoning, inspections, and land use and enforcement matters. Ms. Persico also served as Majority Counsel for the Erie County Legislature wherein virtually all aspects of municipal law were addressed on a regular basis.

The team has worked on behalf of multiple municipalities to navigate cooperative relationships between municipalities and enforcement agencies during comptroller audits, litigation, and other governmental investigations.

Contracts and Vendor Agreements

The firm's robust corporate practice team represents a multitude of clients ranging from municipalities to publicly traded companies subject to U.S. Securities and Exchange Commission (SEC) regulations, to closely held businesses. This vast reserve of knowledge in corporate law gives the municipal team an edge in both municipal and corporate governance and contract drafting and negotiating.

Reviewing and Drafting Legislation

Our attorneys have extensive experience in drafting and revising local and state laws and ordinances on topics

including taxation, real property and public bidding. Our attorneys regularly draft resolutions for local legislative bodies as they pertain to those issues.

Labor & Employment Matters

Our Labor and Employment attorneys have represented clients before the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the U.S. Department of Labor, the New York State Department of Labor and other various state and local employment agencies. Additionally, the team has played an important role in negotiating collective bargaining agreements on both the management and labor sides of the bargaining table.

Though the goal is always to prevent litigation through proactive counsel on labor and employment law, litigation can and does arise. In these circumstances, our attorneys draw upon their experience and knowledge to ardently advocate in favor of clients' interests.

Lippes Mathias' labor and employment practice team counsels and advocates for clients in the following areas:

- Human Resources training and investigations
- Employee policies, background checks, and handbooks
- Affirmative action plans
- Compliance and litigation involving federal, state, and local labor and employment laws, such as Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), Family and Medical Leave Act (FMLA), Age Discrimination in Employment Act (ADEA), Fair Labor Standards Act (FLSA), and Pregnancy Discrimination Act
- Occupational Safety and Health Administration (OSHA) compliance
- Workers' compensation and unemployment insurance
- Employment agreements
- Discrimination complaints before the Equal Employment Opportunity Commission (EEOC), the New York State Division of Human Rights (DHR), and other state and local employment agencies
- Federal and state court discrimination litigation
- Compliance with state and federal wage and hour laws
- Federal and state Department of Labor wage and hour audits
- Negotiating collective bargaining agreements

Environmental Matters

Attorneys on Lippes Mathias' environmental practice team represents a wide variety of entities, from individuals to private developers to municipalities, and regularly advise those clients on local, state, and federal environmental regulations, structuring and negotiating transactions with clients' best interests in mind. The team conducts thorough research of a property's environmental condition for commercial real estate deals, including the coordination of Phase I and Phase II environmental assessment reports, to minimize risk and liability. When environmental issues do arise, our attorneys are ready to help minimize additional risk and, where appropriate, work with consultants to plan a comprehensive and cost-effective approach to achieve regulatory compliance.