



Melisa E. Gerecci Meyler

Associate

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Profile

Melisa litigates on behalf of universities, colleges and school districts. She is experienced in lawsuits involving civil rights, federal and state constitutional issues, intellectual property and employment law.

She has represented her clients in federal and state courts in New York and Texas, before the U.S. Department of Justice and the U.S. Department of Education, the U.S. Equal Employment Opportunity Commission, the New York Division of Human Rights and the Office of the Attorney General of Texas.

In addition to her litigation practice, Melisa assists her clients with investigations, training, policy manual review, ethics compliance and business and employment contract review. She has developed procedures related to student speech, campus law enforcement, employee grievances and drug and alcohol testing. Melisa's practice includes advocating for people, schools and non-profits in claims involving sexual harassment; campus safety; employment discrimination; and student affairs.

Representative Matters

- Obtained dismissal of Title VI and 42 U.S.C. § 1983 discrimination claims against school district and principal related to student discipline in *Mohamed v. Irving Independent School District*, 252 F. Supp. 3d 602 (May 18, 2017) and *Mohamed v. Irving Independent School District*, 300 F. Supp. 3d 857 (Mar. 13, 2018).
- Secured summary judgment for administrator and college against sexual harassment retaliation claims in *Gangotena v. Blinn College District*, 4:15-cv-3538 (S.D. Tex. May 28, 2017).
- Earned dismissal of First Amendment and retaliation claims against instructor related to student speech in *Sanders v. Guzman*, 1:15-cv-426 (W.D. Tex. Aug. 3, 2015).
- Achieved \$2.7 million federal jury verdict for energy distributor in complex contract and fraud dispute in *Lakes Gas Co. v. Fencl Oil & L.P. Co.*, 2:11-cv-01013 (N.D. Iowa 2013).
- Secured arbitration award for equipment licensor against operator of road-repair equipment in Brazil and successfully defended injunction in *Eco Tech Engenharia Ltda. v. Pothole Killers LLC*, 1:12-cv-07464 (S.D.N.Y. 2012).

Education

- New York University School of Law (J.D. 2009)
- The University of Texas at Austin (B.A. Plan II 2005)

Bar/Court Admissions

- New York
- Texas
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. Court of Appeals for the Fifth Circuit

Practices

- Business and Transactions
- Higher Education
- Labor and Employment
- Litigation
- School Law

- Represented college in affirmative litigation asserting federal and state claims of misleading representations, false advertising, cybersquatting, and unfair competition against gun range deceptively operated and marketed to suggest college endorsement.
- Counseled schools and colleges on transgender student accommodation, veteran hiring preferences, federal work-study programs, criminal background checks, disability accommodations, and compliance with a broad range of federal statutes and regulations, including 42 U.S.C. § 1983, the Clery Act, Title IV, Title VI, Title VII, the Family and Medical Leave Act, and U.S. Nuclear Regulatory Commission federal grant criteria.

Representative Presentations

- From Arne Duncan to Betsy DeVos: Litigating Title IX as the Rules are Rewritten, National School Boards Association, 2019 School Law Seminar, Santa Fe, NM, October 18, 2019
- Race, Color and National Origin: Title VI of the Civil Rights Act and A Practical Guide to a Compliant Title VI Program, National Association of College and University Attorneys, Denver, CO, 2019
- Gender Identity and Gender Expression Issues, Workplace Seminar, New York, NY, 2019
- New York State Sexual Harassment Law and New York City Requirements, Hot Topics in Labor Law for Home Care Providers, Home Care Association Education and Research, New York, NY, 2019
- Legal Issues in Higher Education, Higher Education Leadership Symposium, Purchase, NY, 2019
- New Year, New(ish) Laws: a Practical Guide to New York's Sexual Harassment Law and New York's Paid Family Leave Act, Commission on Independent Colleges and Universities (CICU), Albany, NY, 2018
- Terminating Employees with Positive Performance Evaluations: Common Scenarios and Practical Solutions, National School Boards Association School Law Seminar, Boston, MA, 2016
- Use It or Lose It: Maintaining Privilege in the Public Information Act Process, Texas Association of School Administrators Conference, Austin, TX, 2016
- Strategic Tips and Practical Guidance for Using Intellectual Property, Texas Association of School Business Officials Conference, Houston, TX, 2015
- Email Overload! Legal Limits on Keeping and Deleting Electronic Records, Texas Association of School Boards Conference, Austin, TX, 2015
- What the New Open Carry Law Means for Gun Prohibitions on School Property, Region 4 Education Service Center Critical Legal Issues for the New School Year Seminar, Houston, TX, 2015
- Accommodating the Religious Beliefs of Public Employees, Region 4 Education Service Center Critical Legal Issues for the New School Year Seminar, Houston, TX, 2014
- Trial Preparation from Start to Finish: Preparing Your Witnesses, Institute for Paralegal Education, National Business Institute, New York, NY, 2013

Representative Publications

- From Arne Duncan to Betsy DeVos: Litigating Title IX as the Rules are Rewritten, National School Boards Association, National School Boards Association, 2019 School Law Seminar, Santa Fe, NM (upcoming)
- Race, Color and National Origin: Title VI of the Civil Rights Act and A Practical Guide to a Compliant Title VI Program, National Association of College and University Attorneys, Denver, CO, 2019
- Terminating Employees with Positive Performance Evaluations: Common Scenarios and Practical Solutions, National School Boards Association, Presented at the 2016 School Law Seminar, Boston, MA, 2016
- Wiretap Evidence Raises the Bar for Insider Trading Convictions Following Rajaratnam, BNA International World Data Protection Report, 2011

Honors & Affiliations

- 2019 Recipient of The Honorable Judith S. Kaye Commercial and Federal Litigation Scholarship, New York State Bar Association Commercial and Federal Litigation Section