

News

ATTORNEYS IN 'CHRONICLE OF HIGHER EDUCATION' ON LIABILITY PROTECTIONS

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St. Louis Partner Christopher Schmidt, a co-leader of BCLP's Higher Education Practice, Denver Partner Tracy Talbot, leader of the firm's Higher Education Refund Class Action Rapid Response Team, and New York Partner Hope Goldstein were quoted May 29 by *The Chronicle of Higher Education* regarding possible liability issues colleges and universities should consider as they look to reopen their campuses this fall. Already, over 100 cases have been filed seeking tuition reimbursements for classes that switched from in-person to online this past spring. Dozens of higher-education associations have asked congressional leaders for "temporary and targeted" liability-exposure protections for those schools that do open their campuses in the fall. "I hope it happens," Schmidt said. "In the face of an unprecedented pandemic, we have already seen an avalanche of litigation. At some point, enough is enough." Talbot said plaintiffs' lawyers in those cases are struggling, partly because most students did complete the semester online and partly on procedural grounds. For example, it's hard to establish who constitutes a "class" given different types of study, who pays each tuition bill and whether students are on scholarship. Goldstein noted that while universities might ask faculty and staff to sign liability waivers, prospective waivers of future employment-related claims are largely ineffective and unenforceable. Whether COVID-19 is covered under workplace-related injuries covered by workers' compensation is a matter being argued and legislated in some states and cities, she said.

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