

# LEGAL REPRESENTATION IN CRIMINAL CASES THE FIRST STEPS



NEFF &  
SEDACCA, P.C.

Whether new to the profession or a long-standing public school teacher, the professional standards faced by Pennsylvania public school employees are some of the strictest within the Commonwealth. The school workplace is highly regulated; the interaction with and responsibility over children is highly scrutinized. There are background checks, forms, reporting requirements and tracking - all in place to ensure students are not only learning but also safe. Therefore, when a teacher or other public school employee is accused or convicted of a crime, he or she can face severe personal and professional consequences.

Such accusations are serious, but fear is not the answer. It helps to know the law, understand one's obligations and most importantly, find the right attorney - one well-versed in both the criminal justice system and the professional guidelines set forth by the regulators.



## THE LAW SIMPLY DEFINED

Within the Commonwealth of Pennsylvania, all public school employees, including teachers, custodians, bus drivers and others working in the proximity of children, must comply with background checks set forth in the Public School Code and are required to disclose “General Background Information” related to criminal history. When completing these forms for the first time, it is important to note that such disclosure can prevent a meaningful opportunity for certification and employment. These comprehensive reviews are required for any potential employees who will have direct contact with children and applies equally to new teachers as well as veteran employees.

Governed by the Public School Code of 1949, Act 168 of 2014 amended the guidelines public school employees must follow and required school employers to conduct new and more comprehensive background checks on those who will have direct contact with children. This includes the mandatory completion of Sexual Misconduct/Abuse Disclosure forms before any applicant will be hired for such a position. Further the law expanded the list of offenses, which result in a lifetime employment ban as well as created a tiered system of ten-year, five-year, and three-year employment bans for certain other criminal offenses. Although answering “yes” on these forms does not necessarily bar employment, it can negatively impact one’s career.

In addition to the requirements set forth in the Public School Code, there are two other disclosure requirements faced by individuals who want to become a public school teachers in Pennsylvania. They must submit a form titled “Standard Application for Teaching Positions in Pennsylvania Public Schools” and register online with the Pennsylvania Department of Education Teacher Information Management System (“TIMS”). In both cases, there are questions related to criminal history and applicants should be aware such disclosure may prevent certification and employment.

Upon completion of the forms and applications, all answers are verified with police records, including a review of one’s Pennsylvania State Police Criminal History Record and Federal Criminal Record.

### PHILADELPHIA, PA OFFICE

1845 Walnut Street, Suite 1300, Philadelphia PA 19103  
Telephone: (215) 563-9800 | Fax: (215) 563-9803

### NEW JERSEY OFFICE

309 Fellowship Road, Suite 200, Mt. Laurel, NJ 08054  
Telephone: (856) 833-1833 | Fax: (856) 833-1838

## LEGAL REPRESENTATION CHOOSING RIGHT

Pennsylvania public school employees face a range of possible negative outcomes if accused of a criminal offense – a number of which have a direct impact on their ability to work within the school system. This is true even if they were charged prior to entering the profession. For this reason, selecting the right criminal defense attorney is critical.

The attorneys at **Neff & Sedacca, P.C.** have more than 30 years of criminal defense expertise and more than 25 years working with Pennsylvania State Education Association (PSEA). Led by senior partner Marc Neff, the team understands not only the criminal justice laws but the professional implications of related pleas and convictions.

As part of guiding clients through the regulatory disclosures and criminal legal processes, the firm works with any and all other counsel who may be providing representation in the employment and licensure proceedings. This includes keeping all lines of communication open so that decisions can be made jointly and timely since criminal proceedings and the administrative/disciplinary matters can impact one another.

This same communication helps keep priorities in order. More often than not, the criminal case will be the most pressing and also will move more quickly. Therefore the criminal defense team tends to lead the way when such matters are in play. As a PSEA approved criminal defense firm for such legal cases, **Neff & Sedacca, P.C.** works closely with the union and its representatives. The firm provides an initial consultation at no cost to a public school employee facing criminal charges. Upon reviewing the claims against the accused and the case details, the team offers recommendations suitable to each set of unique circumstances.

While the implications of criminal accusations are ominous, many of these cases are ultimately never charged by law enforcement. There is a tendency towards over-reporting due to the sensitive nature of working in direct contact with children. For this reason and others, addressing the matter as expeditiously as possible can help resolve the issue without going into a courtroom.

## THE CASE AT HAND

When **Neff & Sedacca, P.C.** gets the call to represent a teacher or public school employee client, a special protocol is initiated. Traditional client representation takes on a completely new meaning, because the right attorney can make or break one's career if the criminal case is not handled properly. Criminal defense counsel should be engaged as early as possible in order to ensure timely reporting requirements are met and to help navigate the various investigations and proceedings faced by the employee.

## INVESTIGATIONS AND PROCEEDINGS

If accused of criminal activity, teachers and other public school employees who have direct contact with children can face as many as four distinct investigations and proceedings based on the criminal charge. These include:

- Criminal justice system proceedings
- ChildLine/Children and Youth Services investigations
- Employer-based action and disciplinary proceedings
- Department of Education certification proceedings

All four hurdles involve distinct legal standards and any mistakes by the accused or their criminal defense counsel can dramatically change one's life and chosen profession.

## REPORTING REQUIREMENTS

Any public school employee must report to his or her employer, within seventy-two (72) hours, if they have been arrested for, charged with or convicted of any of the crimes specified in Act 168 of 2014 of the Public School Code. Failure to self-report can lead to professional and employment discipline. For certified teachers, their school's administration is required to also report the incident to the Department of Education, which generates proceedings against the teacher's certificate.



# NEFF & SEDACCA, P.C.



## ABOUT THE FIRM

**Neff & Sedacca, P.C.** limits its practice to federal and state criminal defense and related matters, including grand jury investigations, parole matters, and forfeiture cases. The firm regularly defends individuals and corporations in state and federal courts, at the trial and appellate levels, and has done so successfully for more than 30 years. Mr. Neff has personally handled a wide variety of criminal cases involving white-collar crimes, drug distribution, money laundering, RICO, bank fraud, mail fraud, insurance fraud, criminal tax offenses, environmental crimes and serious crimes of violence [such as murder and aggravated assault. His experience also includes asset forfeiture, sentencing guideline and post conviction matters.

Each matter accepted by **Neff & Sedacca, P.C.** is approached in the same manner. Preparation, through a team approach, is the key to bringing a matter to a successful conclusion. Thorough investigation of the facts, legal research and formation of a comprehensive strategy produces results. It is the firm's policy to maintain an open line of communication, keep the client informed at all times and to always include the client in the decision-making process.

## NEFF & SEDACCA, P.C. MAKING THE RIGHT CHOICE

- Three decades of experience defending criminal cases
- Extensive knowledge of the Public School Code and related licensing requirements
- Thorough understanding of the disclosure and reporting requirements
- Well-versed in the lifetime and tiered employment ban consequences
- Effective communication with other counsel
- Firm understanding of the employee's priorities
- Pennsylvania State Education Association approved criminal defense firm
- Experience in CYS litigation and BHA appeals

### PHILADELPHIA, PA OFFICE

1845 Walnut Street, Suite 1300, Philadelphia PA 19103  
Telephone: (215) 563-9800 | Fax: (215) 563-9803

### NEW JERSEY OFFICE

309 Fellowship Road, Suite 200, Mt. Laurel, NJ 08054  
Telephone: (856) 833-1833 | Fax: (856) 833-1838



## **MARC NEFF, Criminal Defense Attorney** **Licensed in Pennsylvania & New Jersey**

Mr. Neff began practicing law in 1986 and has limited his practice to the area of criminal defense for more than three decades. As founder and managing partner of **Neff & Sedacca, P.C.**, he leads a team of highly skilled associates, assistants and para-professionals including law clerks, research assistants, paralegals and investigators. The firm also maintains a network of expert witnesses that include drug experts, accident reconstructionists, DNA experts, forensic toxicologists, forensic pathologists, forensic accountants and others. Although based in Philadelphia, **Neff & Sedacca, P.C.** represents individuals and corporations facing serious criminal charges across the United States and internationally. Mr. Neff has represented clients from a variety of backgrounds, such as corporate executives, entertainment personalities, medical and legal professionals, teachers, public officials and ordinary citizens – handling each case with the same level of concern and attention.

Mr. Neff is a member of the Pennsylvania, New Jersey and Philadelphia Bar Associations, the Philadelphia Trial Lawyers Association and Lawyers Club of Philadelphia. He is also actively involved with Pennsylvania Association of Criminal Defense Lawyers, Association of Criminal Defense Lawyers of New Jersey and National Association of Criminal Defense Lawyers. From 2005-2008, Mr. Neff served on the Supreme Court of Pennsylvania Criminal Procedural Rules Committee. Over the years, Mr. Neff has participated in a variety of lectures and speaking engagements, including various PSEA events.

Mr. Neff received his undergraduate Bachelor of Business Administration degree in marketing from George Washington University (1981) then returned to the Philadelphia area to earn a Master of Business Administration in Finance from Temple University (1983) and his Juris Doctor degree from Rutgers University School of Law (1986). He currently resides in Philadelphia, PA with his wife.



## **MATTHEW SEDACCA, Criminal Defense Attorney** **Licensed in Pennsylvania & New Jersey**

Mr. Sedacca has been practicing law since 2010 and over the years has worked on both sides of the courtroom. Prior to joining The Law Offices of Marc Neff, he began his career with the Philadelphia District Attorney's Office upon graduation from Rutgers University School of Law. As an Assistant District Attorney, he handled thousands of cases in every aspect of the criminal justice process.

In 2013, Mr. Sedacca chose to cross the aisle, bringing with him a complete understanding of the complex workings in the criminal justice system along with a reputation of being a tough, but fair, prosecutor. Having numerous family members as teachers, Mr. Sedacca has a deep understanding and passion when representing clients in the teaching profession. He has represented clients from variety of backgrounds and he treats each case with the same level of preparation and diligence. The firm, now known as **Neff & Sedacca, P.C.**, is proud to have him as its newest partner.

Mr. Sedacca is an active member of the legal community. He is admitted to practice law in both Pennsylvania and New Jersey. He currently resides in Medford, New Jersey with his wife and children.

## ABOUT PENNSYLVANIA STATE EDUCATION ASSOCIATION (PSEA)

PSEA is 181,000 members strong - a community of education professionals who make a difference in the lives of Pennsylvania's students every day. PSEA members are teachers, education support professionals, higher education staff, nurses in health care facilities, retired educators, and college students preparing to become teachers. PSEA's strength comes not only from our members, but from our beliefs, our values, and our passion. Every time we speak up for what we believe, we harness the power of collective action.

### PSEA MISSION:

We are members who promote, protect, and advocate for our schools, students, and professions.

PHILADELPHIA, PA  
1845 Walnut Street  
Suite 1300  
Philadelphia PA 19103  
Telephone: (215) 563-9800  
Fax: (215) 563-9803

NEW JERSEY  
309 Fellowship Road  
Suite 200  
Mt. Laurel, NJ 08054  
Telephone: (856) 833-1833  
Fax: (856) 833-1838

NEFFSEDACCA.COM