



Deena Jo Schneider Partner

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Deena concentrates her practice in appeals and issue-oriented litigation. She is experienced in virtually every aspect of motion and appellate practice and often serves as a strategic advisor while a case is prepared and tried, later handling or partnering on the post-trial proceedings and appeals. She litigates in federal and state courts at all levels, including the Supreme Court of the United States, and has worked on a number of celebrated cases involving diverse procedural and substantive issues, representing both plaintiffs and defendants. She also has a significant counseling practice and regularly speaks and writes on appellate practice, antitrust and trade regulation, corporate and fiduciary conduct, and e-commerce and technology.

Representative Matters

Appellate Practice

Deena served as co-chair of Schnader's appellate practice for many years. Some of her notable appellate successes have involved:

- **Bankruptcy** - defeated efforts to remove a Chapter 11 trustee based on alleged invasion of privacy and to stay proceedings based on the former company owner's Fifth Amendment rights; sustained remedies to prevent movement of assets offshore
- **Charter Schools** - obtained review and reversal of state diversion of school district funds to pay a charter school for students enrolled above enrollment caps in the school's charter
- **Conflict of Interest** - successfully defended an AmLaw 10 law firm in recusal proceedings designed to derail restructuring of a major national insurance company
- **Employment Discrimination** - won and preserved on appeal summary judgment for a Fortune 50 employer charged with nationwide race discrimination in managers' promotion, pay, and working conditions; secured reversals of discrimination findings and judgments for employers in bet-the-company age discrimination class actions involving pension and severance plans and in the first sex discrimination suit tried against a law firm
- **ERISA** - established for the first time in the U.S. Supreme Court the scope of judicial review of a plan administrator's denial of benefits and who is a plan participant
- **Federal Procedure** - won the first ruling from the U.S. Court of Appeals for the Third Circuit that a judgment may be altered or amended based on legal error without a prior trial motion
- **Information Disclosure** - procured the first U.S. Supreme Court rulings precluding release of television fire data collected by manufacturers and being sought by public interest groups
- **Privilege and Recusal** - obtained mandamus review and orders prohibiting release of attorney-client privileged documents and directing trial judge's recusal in tobacco litigation
- **Public Financing** - defeated multiple challenges to municipal financing and construction of a new professional football stadium and baseball park in Philadelphia
- **Taxation** - obtained rulings that local government efforts to tax receipts from business activities outside the jurisdiction are unconstitutional
- **Trust Indentures** - won reversal of a judgment on defaulted notes based on failure to follow statutory requirements and affirmance of the dismissal of a suit concerning the collateral for the notes based on lack of personal jurisdiction and forum non conveniens
- **Family Law** - established law in the U.S. Court of Appeals for the First Circuit concerning child custody disputes under the Hague Convention; defeated constitutional challenges to Pennsylvania's alimony pendente lite formula and grandparent visitation statute
- **Section 1983** - obtained the first rulings from the U.S. Court of Appeals for the Third Circuit permitting prison guard liability for failing to prevent unconstitutional acts by fellow officers and prisoner claims for being held in administrative segregation in retaliation for filing civil rights actions and for damages for violations of their religious freedom

Complex Litigation

Some of Deena's other major cases have involved:

- **Breach of Fiduciary Duties and ERISA** - won dismissal of nationwide class claims against a major mortgage reinsurer holding company stock in employees' retirement plan during the sub-prime crisis; defended a mega-retailer's retirement plan fiduciaries in nationwide class action alleging failure to make adequate contributions to employees' accounts

- **Class Actions** - limited a class based on counsel's communications to potential members and obtained permission to appeal overlapping national opt-in and state-law opt-out classes
- **Collection of Judgments** - defended multiple proceedings to enforce hundreds of millions of dollars in judgments against a foreign manufacturing conglomerate
- **Eminent Domain** - defended compensation paid by a major city for a large tract of land designated for redevelopment and later taken for use as an airport employee parking lot
- **Historic Preservation** - defended municipal protection of a privately owned glass mosaic mural, preventing its removal from its original location in a building under separate ownership
- **Securities Fraud** - successfully defended a mortgage reinsurer's disclosures during the sub-prime crisis; represented plaintiffs in adversary proceedings against an investment adviser and Chapter 11 creditor, transnational litigation and post-settlement arbitration concerning an acquisition, and a short seller's suit alleging artificial inflation of a company's stock price

Antitrust and Trade Regulation

Deena counsels clients concerning antitrust best practices and assists in developing overall strategies. She also advises on specific pricing and distribution practices; tying and exclusive dealing arrangements; market definition, analysis, and allocations; intellectual property administration; and joint ventures, mergers, and acquisitions. Her major cases have involved:

- **Robinson-Patman Act** - defense of a major publisher in a price and promotional discrimination action, which concluded with a consent decree changing industry practices
- **Unfair Competition** - defense of a national waste management company in a Sherman and Lanham Act suit by a new market entrant and of a software developer in a licensee's suit under the Sherman Act and California antitrust and unfair business practice laws
- **Sherman Act** - defense of a major television network in long-running government litigation claiming anti-competitive practices, including negotiation of a consent decree setting new industry standards and later modification of the same in light of changing market conditions
- **Regulatory Proceedings** - representation of clients in administrative rulemakings, inquiries, and related appeals, including factual submissions and economic analyses as well as briefs

Business, E-Commerce and Technology Counseling

Deena has advised and represented clients of all sizes and types in multiple industries on issues ranging from governance, corporate conduct, and general business practices to specific uses of IT systems and the Internet, licensing, and technology. Her matters in this area have involved:

- **Best Practices** - preparation of corporate codes of conduct and governance documents and briefing of organizations, management, and employees on fiduciary and other duties
- **Computers and Records** - drafting of policies and counseling on use of information services, e-mail,

voicemail, and records, including data retention and destruction

- **Internet Use** - preparation and review of website privacy statements and terms of use and advertising and other policy statements
- **Contracts** - negotiation of agreements covering product and technology development, distribution arrangements, and licensing and provision of consulting and other services

Community and Pro Bono

- Tri-County Concert Association: Vice President & Board, 2016-present
- Yale Alumni Nonprofit Alliance: National Roundtable on Best Practices, 2012-present; Philadelphia Chapter Chair, 2017; organizer, 2015-2017
- Yale Alumni Schools Committee of Philadelphia, Director 2004-present
- Yale Club of Philadelphia: President 2008-2010; Council 2004-2014; Chair of Service Committee 2008-2014
- YaleWomen, founding member; Strategic Planning Committee 2010-11; Marketing and Communications Committee 2012-2013

Education

- Harvard Law School, J.D., 1974
- Yale University, B.A., *magna cum laude*, 1971

Bar Admissions

- Pennsylvania, 1974

Court Admissions

- Supreme Court of the United States
- U.S. Court of Appeals for the First, Third, Eighth and Ninth Circuits
- U.S. District Court for the Eastern District of Pennsylvania

Professional Affiliations

- American Bar Association, Judicial Division, Appellate Judges Conference, Council of Appellate Lawyers: Executive Board 2011-15, 2016-present; Chair of Rules Committee, 2014-present; Chair of

Membership Committee 2012-14; Long Range Planning, Programming, Appellate Judges Education Institute and Website, and Social Media Committees

- American Bar Association, Antitrust Section: Chair of Distribution and Franchising Committee, 2017-present; Vice Chair of Economics Committee, 2014-17; Vice Chair of Pricing Conduct Committee, 2011-14; Advisory Board, 2009-11
- American Bar Association, Litigation Section, Appellate Practice Committee
- Bar Association of the Third Federal Circuit, founding member; Treasurer, 2017-present; Board of Governors 2012-present; Co-Chair of Rules Committee 2012-present; Interim Chair of Website Committee, 2013-present
- Pennsylvania Bar Association: Appellate Advocacy and Women in the Profession Committees
- Philadelphia Bar Association: Appellate Courts, Federal Courts, and Women in the Profession Committees; Women's Initiative Task Force
- Supreme Court Historical Society

Other Distinctions

- Listed in *The Best Lawyers in America* for Appellate Law, 2008-2022; named the Appellate Practice Lawyer of the Year in Philadelphia for 2015
- Noted among "Pennsylvania Super Lawyers" for appellate law, 2004-2006, 2009-2011, 2013, 2016-2022*
- Listed in *Marquis Who's Who in America* and *Who's Who in American Law*, and numerous similar publications
- Listed as a Top Lawyer by *Corporate Counsel*
- Rated AV® Preeminent by Martindale-Hubbell®

**No aspect of this advertisement has been approved by the Supreme Court of New Jersey. Further information on methodologies is available via these links.*

Practices

- Antitrust and Trade Regulation
- Appellate Practice
- E-Commerce and Technology
- Labor and Employment Counseling
- Labor and Employment Practices
- Litigation