HIGHER EDUCATION AND RESEARCH PARKS

We understand that institutions of higher learning must balance complex and competing obligations to students, parents, faculty, employees, donors, lawmakers, regulators, and educational standards. Accordingly, we deliver tailored advice that takes into account not just legal issues, but also the business, technological, financial and reputational issues organizations must consider when dealing with these obligations. As a full-service law firm, our attorneys have experience in all areas of the law that affect higher education and research parks. The depth of our industry-specific experience and the breadth of our complimentary practice groups at Taylor English allows us to support our higher education and research park clients in every area of their operations—from day-to-day decision-making to the most complex opportunities and challenges.

Our team’s clients include public and private institutions of all sizes, including both non-profit and for profit entities. We also represent school presidents, boards of trustees, boards of regents, accreditation agencies, supporting and cooperative organizations, foundations, service providers and other groups serving academia. Our attorneys’ backgrounds are as diverse as our clients and include former general counsel and in-house counsel, current and former college and law school professors, and educational institution board members.

EMPLOYEE BENEFITS AND EXECUTIVE COMPENSATION

We help universities retain top talent for their academic departments, research facilities, sports coaching staffs and administration. We offer guidance to colleges and universities and their boards in the negotiation of contracts for talent at every level, from university presidents to rank-and-file employees.

EMPLOYMENT AND LABOR RELATIONS

Higher education institutions must be vigilant when it comes to managing issues emerging from their large rosters of professional and non-professional employees. Our team is highly experienced in wage and hour litigation and discrimination and retaliation claims. We have a track record of successful defenses against complex class action claims and we regularly counsel clients on general employment-related matters, including risk management and preventive measures. We also offer employment training to employee supervisors at every level.

REAL ESTATE

Our real estate team represents higher education institutions in the acquisition, development, and disposition of all types of properties used for educational purposes, including classroom buildings, student housing, research parks, properties held for future development, mixed-use developments with an educational component, and ancillary-revenue properties. We also have extensive experience in the financing and funding of these types of properties, including in traditional lending, bond financing (including bonds-for-title), sale-leasebacks, mezzanine lending and other alternative avenues for financing and funding. Additionally, our real estate team represents our higher education and research park clients in the management, leasing, subleasing and maintenance of their real property holdings.

CORPORATE

Our corporate team has extensive experience representing higher educational institutions and research parks, including on commercial and government contracts, mergers and acquisitions, promotions, corporate structuring, data security, athletic department contracts, lending and aviation. We also counsel universities on
expanding their endowments, raising funds for projects, issuing bonds to fund expansion and applying for grants to underwrite research projects. As educational institutions are hot beds for research and technology, fostering the need for research parks and for incubator space for start-ups, we assist schools in setting up public-private partnerships as platforms to encourage and market such research.

INTELLECTUAL PROPERTY

As centers of creativity and research, it is critical for higher education institutions to safeguard the original works of their faculty and students with patents, copyrights and trademarks. We also assist with the license of technology—from software to laboratory research—that can create revenue streams for institutions, reward individual members of the higher education community and take advantage of public-private partnerships.

LITIGATION AND DISPUTE RESOLUTION

Colleges and universities are frequent targets of lawsuits arising from a wide variety of disputes, from highly charged First Amendment controversies to basic controversies which naturally arise while doing the “business” of higher education. Our team of litigators have extensive experience in virtually every area of the law. We focus on achieving favorable resolutions through negotiations and pre-trial motions for summary judgment or alternative dispute resolution, but when matters must go to the courtroom our team has the experience gleaned from taking hundreds of cases to verdict. Many of our litigators spent years as trial attorneys at Am Law 100 firms, and they now exercise those skills at our firm, where they can offer clients a value model that is sensitive to costs.

TITLE IX COMPLIANCE WORK

Higher education institutions are swamped in a sea of regulation and compliance with regards to Title IX. Our attorneys stay current with the latest pronouncements and directives from the Department of Education’s Office for Civil Rights. We advise clients on best practices for drafting and implementing Title IX policies and procedures knowing that any Title IX complaint could result in administrative, civil, or criminal action against the institution. Our team of attorneys, which includes former federal prosecutors, are also appointed as internal investigators prompted by a Title IX complaint. Our attorneys are educated on the ramifications of sexual assault and are trained to be sensitive to these issues whenever an alleged victim or accuser is interviewed.

TAX

Educational institutions have complex tax challenges arising from the maintenance of state and federal non-profit status, as well as the administration of the tax consequences arising from employee benefit plans. Our tax attorneys work closely with our employee benefits, real estate, corporate and non-profit attorneys to ensure compliance with federal and state laws to maximize tax advantages for employees, institutions and donors.

REGULATORY/COMPLIANCE

Colleges and universities must devote considerable attention to ensuring that their programs comply with very complex regulations. We have extensive experience in guiding institutions through the maze of regulations that ensure their non-profit status, and advise on best practices in board governance and compliance with the
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Campus Sexual Violence Elimination (SaVE) Act, the Clery Act, the Family Educational Rights and Privacy Act (FERPA) and the Higher Education Act.

ENVIRONMENTAL AND ENERGY

We frequently advise clients on environmental due diligence in real estate transactions, regulatory requirements and options regarding notification, investigation, mitigation, and remediation, as well as environmental risk management and allocation through negotiation of transactional terms and environmental insurance policies. Our attorneys offer guidance on regulatory permitting, compliance and enforcement issues involving air, water and land. We have extensive experience in water management, raw water storage, storm water treatment and discharge.

PRACTICE HIGHLIGHTS

Library facility joint venture between two nationally recognized universities. Represented a joint venture of two nationally recognized State universities in the acquisition and development of a unique shared library facility, and in the closing of a large million bond transaction to finance the construction and operation of the facility.

Nationally-recognized university’s development of a technology research park. Represented a nationally-recognized State university in the acquisition, development, financing and operation of a technology research park located in downtown Atlanta, including in the negotiation and completion of numerous complex lease agreements with technology and medical research companies.

Acquisition of research facilities from multinational defense company at U.S. Air Force base by a nationally-recognized university. Represented a nationally-recognized university in the successful acquisition of 52+ acres of research, warehouse and office buildings, to be utilized by the university as a large expansion to an existing research campus.

Closed large bond refinancing for nationally-recognized university. Represented a nationally recognized university in the closing of a large bond refinancing transaction on a downtown Atlanta tower, including extensive real estate lease restructuring.