



National Association of College and University Attorneys
Presents:

**Campus on Trial: Litigation Management for Busy
College Counsel**

Webinar

July 23, 2025

1:00 PM – 3:00 PM Eastern

12:00 PM – 2:00 PM Central

11:00 AM – 1:00 PM Mountain

10:00 AM – 12:00 PM Pacific

Presenters:

Lauren Peach

First Assistant Attorney General
Colorado Department of Law

David Corry

General Counsel
Liberty University

Leslie Bissinger Golden

Assistant General Counsel
Valencia College

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Campus on Trial: Litigation Management for Busy College Counsel



Lauren Peach is a seasoned legal leader who heads the Higher Education team at the Colorado Attorney General’s Office. In this role, she serves as a trusted advisor and strategic litigator for all of Colorado’s public colleges and universities, their governing boards, and several state agencies. Under Lauren’s leadership, the team provides comprehensive legal counsel and deftly handles a wide range of litigation in state, federal, administrative, and appellate courts.

Drawing on her deep experience in employment law and as both general counsel and litigator across multiple jurisdictions, Lauren brings a pragmatic, high-level perspective to every case and client interaction. She is known for her ability to navigate complex legal challenges while maintaining strong, solution-focused partnerships with institutional stakeholders.

Lauren not only manages a dedicated legal team but also orchestrates litigation strategy and staffing across the broader Attorney General’s Office and with outside counsel—ensuring her clients are represented with skill, consistency, and excellence.



David Corry is General Counsel for Liberty University and its affiliated entities. He oversees a team of nine attorneys that provide legal services and advice to decision makers for the world’s largest Christian university, resolve legal claims, facilitate transactions, foster organizational ethics and a culture of compliance, and provide counsel for sound decision making and creative problem solving—all in service to the university’s mission. This requires his practice to be wide and varied since the work of these entities touches so many areas of the law. He also directs and oversees various outside counsel engaged to provide legal services to the University and serves as Secretary to the Board of Trustees.

David previously served as Senior Litigation Counsel for Liberty Counsel, a nationwide public interest religious civil liberties law firm. His practice with Liberty Counsel focused primarily on religious liberty and free speech constitutional law matters for individuals and ministries.

Before joining Liberty Counsel, David was the Chief Legal Officer for Jim Walter Homes, a top-30 homebuilder. The first part of his legal career primarily involved commercial and real-estate related litigation, serving as a shareholder and founding attorney of medium-sized real estate boutique firm in Tampa, Florida.

David has published numerous articles in legal publications and spoken at various legal seminars and workshops. He served on the School of Business graduate program faculty at Liberty University. He held other positions in higher education before entering law school.

David was graduated with honors from Florida State University College of Law in 1990. He received a B.A. in Mass Communications with distinction from the University of South Florida.

David is the seventh son in a family of nine children. He and his wife, Suzanne, raised three children, ages from twenty-two to thirty-six and hosted numerous foster children in their home in Lynchburg, Virginia.



Leslie Bissinger Golden serves as Associate General Counsel for Valencia College in Orlando, Florida. In this role, Ms. Golden supports the Vice President for Policy and General Counsel by providing legal advice and counseling to the College, participating in the creation and enforcement of College policy, and working with members of the Valencia community to further the Colleges interests. Ms. Golden previously served as an administrator at another institution before coming to Valencia. Prior to that, Ms. Golden practiced with the firms of Baker & Hostetler and Rumberger, Kirk and Caldwell in Orlando as a civil and commercial litigator. She received her undergraduate degree in English from the University of Florida and her law degree, cum laude, from Stetson University College of Law.

Materials

- I. Kai McGintee, Alexandra Mitropoulos, and Emily Babb, "[Blurred Lines: Ethical Challenges in Counsel's Role During Investigations](#)" (NACUA Spring 2025 CLE Workshop).
- II. Lindsey Dunn and LaKeshia Banks, "[Student Litigation Updates](#)" (NACUA 2024 Annual Conference).
- III. Louis DiLorenzo, Esther Henry, Sima Saran Ahuja, and Cody Meixner, "[#TheySaidWhat??? The Ethics of Witness Preparation: Rules to Follow and Pitfalls to Avoid](#)" (NACUA 2024 Annual Conference).
- IV. Katrina Chapman, Abra Francois, and Nicholas DiGiovanni, "[Finding Order in Chaos – Recent Developments in Labor and Employment Litigation and Regulation](#)" (NACUA 2024 Winter Workshop)
- V. Neil Hamburg, Stephanie Karn, Jill Huntley Taylor, and Pamela Peltzman, "[Lessons Learned from the Courtroom: Employment Litigation Challenges and Opportunities](#)" (NACUA 2022 Annual Conference).
- VI. David J. Kessler, Caroline M. Mew, Andrea D'Ambra, "[E-Discovery Update: E-Discovery under the Amended Federal Rules of Civil Procedure](#)" (NACUANOTES 2017).
- VII. Sarah G. Flanagan, "[In the Hot Seat: Ethical Issues Surrounding Counsel as Witness](#)" (NACUA 2015 Annual Conference).



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July 23rd, 2025

If you are an attorney applying for Continuing Legal Education credits (CLEs), you must sign this attendance record to verify your attendance. Please complete and return this form no later than Wednesday, July 30th to the CLE Credit Submission Portal (www.nacua.org/submitCLE).

***Total CLE Credits = 120 minutes**

Organization

PRINTED Name

SIGNATURE

State & Bar Number (If Applying for CLE)



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- **Attorneys from MD, MA, MI, SD, or DC:** These jurisdictions do not have CLE requirements and therefore require no report of attendance or filing.
- **Attorneys from all other states:** Please complete and return this form no later than Wednesday June 30th to the CLE Credit Submission Portal (www.nacua.org/submitCLE). Please also remember to sign the attendance record.

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Amanda McLean
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CLE Verification Codes Webinar

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July 23rd, 2025

FOR KANSAS, NEW YORK, OHIO AND PENNSYLVANIA ATTORNEYS ONLY

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Date / Time	Session Title	Verification Code 1	Verification Code 2
7/23/2025 12:00 PM ET	Campus on Trial: Litigation Management for Busy College Counsel		

Campus on Trial: Litigation Management for Busy College Counsel

David Corry, General Counsel, Liberty University

Leslie Bissinger Golden, Associate General Counsel, Valencia College

Lauren Peach, First Assistant Attorney General, Colorado Attorney General's
Office

Agenda

- Introduction to Litigation Management & Current Landscape
- Before Getting Sued
- Investigations & After-Incident Reviews
- Relationships
- When the Complaint is Filed
- Discovery & Pretrial
- Mediation & Settlement
- Tips & Tricks to Stay Organized & Manage Client Expectations
- Audience Q&A and Closing Remarks

Introduction to Litigation Management & Current Landscape

Introduction to Litigation Management



Today's Focus: In-House Management of Litigation



Focus on pretrial stages



Assumes use of outside counsel

Current Landscape


- Federal agencies are already litigating less
 - EEOC right to sue letters
 - Reduced OCR workforce
 - But...more and new pressure levers
- Potential closure of the Department of Education



Current Landscape

- Litigation is more common and accessible
 - More aggrieved parties will turn to courts for relief
 - Increase in protests and focus on antisemitism
- Increase in reverse discrimination, religious discrimination, and anti-DEI claims
- People generally more likely to go to lawyer these days as a primary course of action rather than last resort (demand letters, etc.)





Before Getting Sued

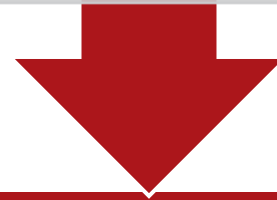
Awareness Mindset for Potential Litigation

How Do You Spot Risk for Potential Litigation
when Advising Your Client?

Administrators

President

Board



Communication is Key

Awareness Mindset for Potential Litigation



- Know your Capabilities
- Proactive Litigation Holds and Duty to Preserve Evidence
 - Identifying People, Places, Sources of Evidence
 - Don't forget cell phones!
 - Updating Litigation Holds
 - Employee vs. Students

Awareness Mindset for Potential Litigation

Have you received a report of a Clery crime through an atypical channel?



Are there other facts or circumstances that could be mandatory report triggers?



Investigations & After-Incident Reviews

Selection of Investigator



What are the factors that go into selecting the appropriate investigator?



Policy and legal obligation considerations

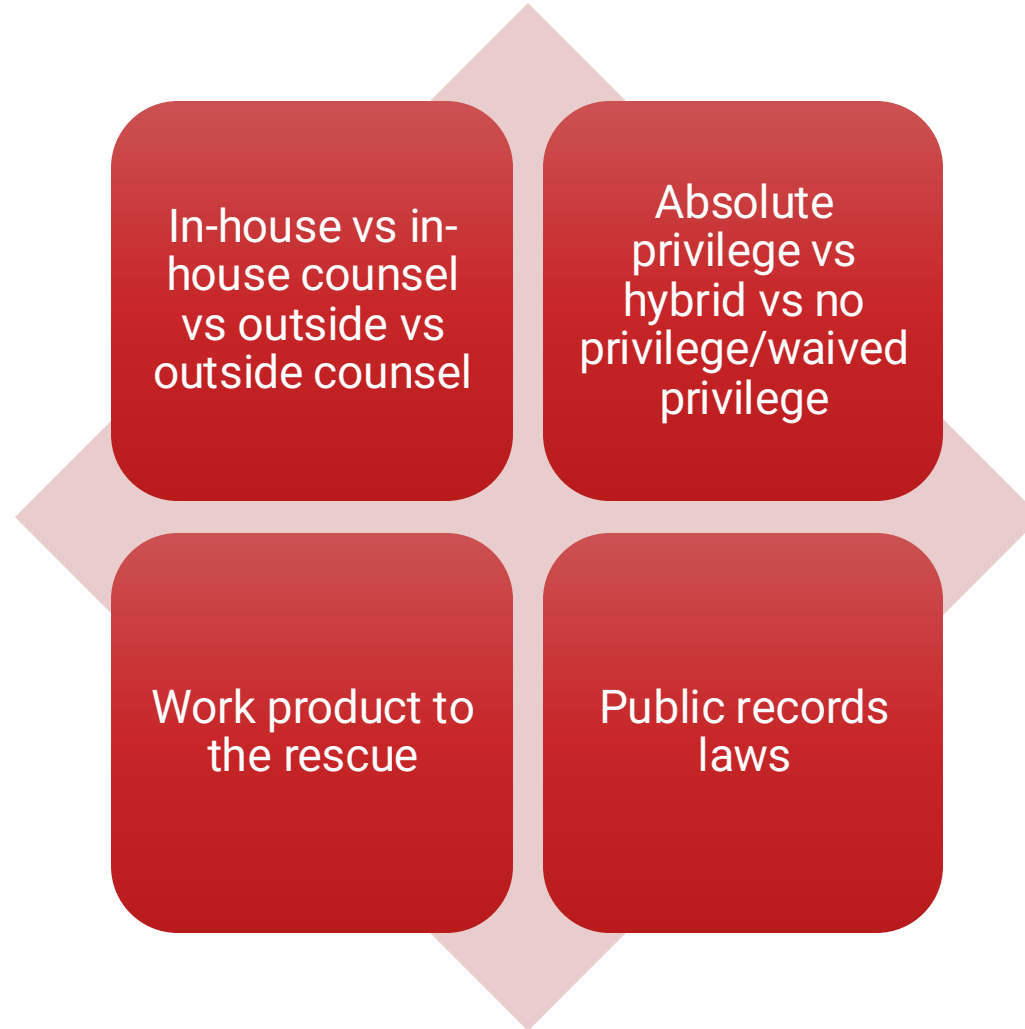


Directing investigation style (people first, prosecutorial, collaborative)



Scope of investigation and projected budget

Privilege Issues



Reports

- Bifurcated report (findings of fact, conclusions of law)
- Written report vs. executive summary vs oral briefing
- Drafts and edits of reports
- Who to share report with or brief on results



Interviews & Witnesses

Accused interviewed
early vs late

Keeping witnesses
from colluding to
undermine
investigations

Reminding witnesses
of employee
assistance and
non-retaliation

Interim Actions Post-Fact Gathering

- Interim administrative leave for employee/suspension of student
- Media holding statements
 - Don't forget the privilege issues!
- Other after-action steps





Relationships

Relationships

**With client
representatives**

**With stable of
outside
litigators**

**Implications of
advice of in-
house counsel**

**Local
prosecutors**

**Leveraging
supervisors**

Outside Counsel

Pre-Suit work with outside counsel

Finding new counsel in your jurisdiction/outside your jurisdiction

- Referrals (NACUA and others)
- Reported cases
- Internet searches
- Carrier assignment/suggestions/preferences

Right counsel style for the case

Putting carrier on notice

Getting pre-suit counsel and investigation costs covered

Your Clients & Adversaries

Your Clients

- Putting client representatives on notice
 - Deciding who to include
 - Deciding who to exclude (conflicts, impair investigation/defense)
- Getting witness statements/positions locked down (basics, timeline, indemnification analysis)

Your Adversaries

- Pre-suit mediation and tolling agreements
- Pro-se nuisance claims—pay for it and go quickly





When the Complaint is Filed

Internal Communications

Notifying client
(administrator,
president, board?)

Sharing protocols
for what to do
when served

Advising those
named and Upjohn

Insurance
coverage (defense
costs, liability) for
others named

Explaining which
process and how it
works

Explain what
everyone's roles
are, what to say

Reactive Litigation
Hold

Any operations
that need to be
modified because
of filing



External Communications: Former Employees



External Communications: Public Statements

- Protocol for public statements and media responses
 - Protocol for drafting and circulating
 - Public relations vs. legal strategy considerations
 - What you CAN say without violating FERPA





Discovery & Pretrial

Discovery & Pretrial

Budgets and Strategies

- Determine up front

Witness Protocols

- For talking to employees
- For meeting with employees
- For scheduling with former employees

Deposition Prep

- Who conducts
- Who attends depositions

Protocol for review of motions, affidavits, declarations

- By in-house counsel
- By client

Discovery & Pretrial

- Hearings
 - Scheduling considerations
 - Client representative vs. in house counsel attending
 - Telephonic attendance
 - Media/social media considerations
 - Client post-hearing briefing
- Sharing the court's decisions
- Use of trial consultants





Mediation & Settlement

Mediation & Settlement

Communicating
directly to
opposing party

Mediator
selection

Format of
mediation

Court ordered
vs voluntary

Confidentiality

Client
representative

Obtaining Settlement Authority



From both client and insurer:

- How far in advance
- Who attends mediation
- Documenting authority
- Timing of payments
- Plan for more authority

Mechanics of Getting to a Settlement

Circulate draft of settlement at mediation

Mediation statements (confidential vs shared)

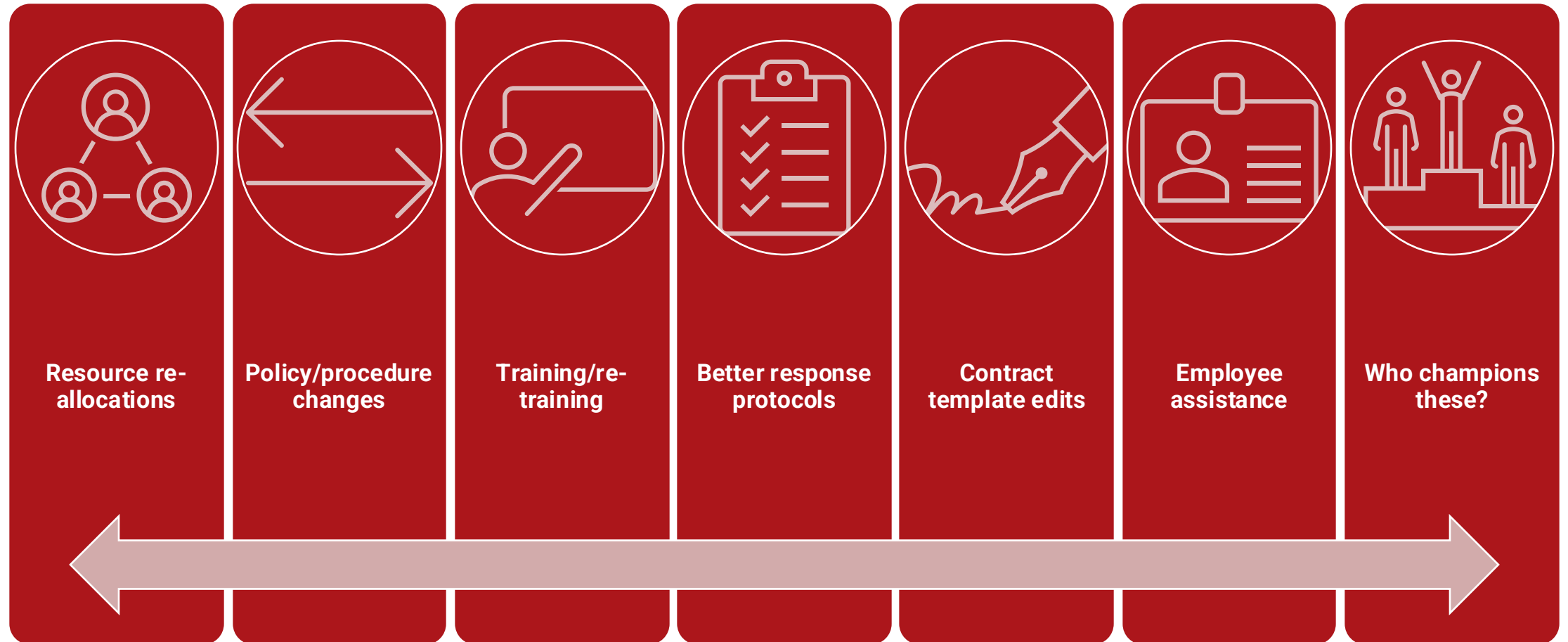
Approach with mediator

Impasse and subsequent rounds

Documenting settlement partially vs completely

Non-disclosure, non-disparagement and confidentiality clauses

Post-Settlement Assessment on Lessons Learned





Tips & Tricks to Stay Organized & Manage Clients

David's Tips and Tricks

- Management of multiple cases
 - Spreadsheets vs matter management software
 - Off-the-shelf vs custom
 - Tracking retention/deductible limits
- Technology Considerations
 - Data storage for complex cases/investigations
 - Internal search engines beyond Outlook
 - Virtual attendance at depositions and hearings

Leslie's Tips and Tricks

- You are the translator in both directions
- Be nice to the people, protect the institution
- Know what you want from outside counsel before you hire

Lauren's Tips and Tricks

- Front end costs of litigation vs. settlement
 - Video record depositions
 - E-discovery tools
 - Reputation before tribunals
- Communication is critical
 - Temperature of decision makers
 - Former employees
 - Risk assessment beyond legal



Questions?

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