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SEXUAL MISCONDUCT LIABILITY GROUP & INSTITUTIONAL RESPONSE

We started Fowler Hirtzel McNulty & Spaulding because we felt the traditional legal model was broken. We wanted to approach our work in a different way, to relate to our clients from their perspective and in a manner that respected their core values and efficiently achieved their objectives. Our Sexual Misconduct Liability Group draws on the career experience of former sex crimes prosecutors Ashley R. Lynam, Jeremy Abidiwan-Lupo and Alison C. Fleming to provide comprehensive risk management, investigation and litigation defense services to an array of insured and self-insured clients facing sexual misconduct, assault, harassment and other abuse-related claims. We provide comprehensive wrap-around services to our higher education clients. From drafting sexual and related misconduct policies and procedures, establishing risk management systems and protocols and conducting proactive audits, to investigating sexual and gender-based harassment, abuse and misconduct allegations and providing advice and counsel in employment-related disputes, our team is an ever-ready resource for colleges, universities, and K-12 schools. Our extensive experience representing high profile commercial organizations, sports teams, bus and trucking companies, homeowners, hotels, franchisees, educational institutions, universities, nursing home and long-term care facilities, ambulance companies, medical centers, group homes, charitable and social services organizations and more offers a diverse and inclusive approach encapsulating a multitude of ideals, tenets and beliefs that are specific and valued by our clients.

Title IX Investigations

Our Title-IX investigations are supported by the firm's nationally recognized Rapid Response Team, which has implemented critical structural supports for time-sensitive intensive investigations. Our team is engineered to be able to quickly and efficiently respond to your Title IX and Clery Act investigation and reporting needs. Most importantly, our team is equitable and fair. Outside the settings of the silver screen and major motion pictures which often paint prosecutors as pre-disposed to convict, the true role of a prosecutor is to seek justice. Ashley, Jeremy and Alison prided themselves on representing the Commonwealth of Pennsylvania as prosecutors – not a person, not a party, but a community. This value-driven pursuit of justice and fairness perfectly complements the needs of our higher education clients in Title IX investigations – to gather facts with objectivity and integrity.

Title IX Adjudications

With decades of combined civil and criminal experience, our team touts a true command of the rules of procedure and evidence. Title IX adjudicators are required to absorb, assess and analyze evidence in the balanced but bubbled world of a particular institution's policies and presently promulgated regulations. Our team, which has tried countless criminal and civil trials to jury and defended through appeal, is uniquely situated to assess evidence, determine relevancy and offer thoughtful determinations as adjudicators.

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Title IX Advisory Services

The art of cross-examination is both a classic text for academic trial attorneys and a celebrated journey for litigators who respect and admire the process of truth-finding. Recently promulgated Title IX regulations require that cross-examination be conducted by each party's advisor, and that an advisor be provided to a party at the expense of the Title IX funding recipient. In this unchartered Title IX territory, universities should look for knowledgeable advisors skilled in the art of cross-examination, which is exactly what you'll find in with our Sexual Misconduct Liability team. With experience in interviewing cross-examining alleged victims, perpetrators, professional and lay witness at trial, our team offers an unparalleled range of criminal, civil, and institutional experience in this realm, with the benefit of appreciating the impact that each question has on the ultimate result and appeals process.

Why FHMS

We are counselors, advisors, adjudicators, litigators and trusted partners with all of our higher education clients. Our unique background of seasoned criminal and civil litigators with specific experience in Title IX, VAWA, Clery Act, and other important regulatory arenas offers comprehensive attorney services specialized to your needs. We invite you to meet our team:



Ashley R. Lynam is a Partner in the Philadelphia office and Chair of the firm's Sexual Misconduct Liability (SML) Group. Ms. Lynam and her team of experienced trial attorneys handle the investigation and defense of claims for clients including high profile commercial organizations, sports teams, homeowners, hotels, educational institutions, charitable and social services organizations and more. These claims often involve domestic abuse, third party criminal acts, children, the disabled and the elderly, and other complicated areas that require precision and skill to successfully navigate, advise upon, and defend.

Ms. Lynam has considerable experience in the analysis, implementation and evaluation of written sexual assault and molestation policies and procedures. She uses a trauma-informed approach to her proactive investigations of alleged sexual assault and representation of corporate representatives, current and former employees and independent contractors, and other witnesses for deposition and trial.

Ms. Lynam and her practice have tried several suits to jury and have also obtained successful resolutions via summary judgment and other motions, all while managing her client's important privacy, public interest and policy concerns throughout litigation and resolution. As a former senior rape prosecutor with the Philadelphia District Attorney's Office, Ms. Lynam approaches each SML matter with sensitivity to the nuanced and correlated legal issues that arise in ever-changing employment environments.

Ms. Lynam graduated summa cum laude from Villanova University's School of Business where she was the president of the nationally ranked mock trial team and cum laude from Villanova University's School of Law where she was chair of the Moot Court Board. Ms. Lynam is an executive board member of Villanova's Institute to Address Commercial Sexual Exploitation, an advisory board member of Villanova's

Alumni Association, and a board member of The Salvation Army of Greater Philadelphia. Ms. Lynam is licensed and actively practices in Pennsylvania, New York and New Jersey, has investigated sexual misconduct claims in 23 additional states and has been named a "Rising Star" in all four editions of "Super Lawyers" published in Philadelphia Magazine since 2017.



Jeremy Abidiwan-Lupo is a partner in the firm's Philadelphia office and co-chair of the SML group. Mr. Abidiwan-Lupo focuses his practice on the defense of civil litigation matters involving commercial liability disputes. A large part of his practice is devoted to post-incident response and time-sensitive investigations. He also has extensive experience defending companies from allegations of negligent supervision, sexual assault, and abuse claims.

Prior to joining FHMS, Mr. Abidiwan-Lupo was an Assistant District Attorney in the Montgomery County District Attorney's Office. He served as Captain of the Economic Crimes Unit, where he supervised all white-collar prosecutors and investigations involving corrupt organizations, theft offenses, insurance and white-collar fraud, workers' compensation fraud, and arson. He also handled investigations and prosecution of sexual and physical assault crimes as a member of the Sex Crimes Unit. During his time as an Assistant District Attorney, Mr. Abidiwan-Lupo successfully secured guilty verdicts after trial in homicide, fraud, rape, sexual assault, and theft cases.

Mr. Abidiwan-Lupo attended the Temple University, Beasley School of Law. During his time at Temple, he received awards for distinguished trial advocacy and oral argument. He also served as a Law Clerk for the Philadelphia Court of Common Pleas and as a Certified Legal Intern to the Temple Legal Aid Office and the Philadelphia District Attorney's Office. Mr. Abidiwan-Lupo is a graduate of Temple University, Beasley School of Law (J.D., 2009) where he was Staff Editor of the Temple Journal of Science, Technology & Environmental Law. He earned his Bachelor's degree from the University of Pittsburgh.



Alison C. Fleming is an associate in the Philadelphia office and concentrates her practice in commercial, premises, and sexual misconduct liability and special investigations.

Prior to joining FHMS, Ms. Fleming served as an Assistant District Attorney in Philadelphia where she was a member of the major trial division primarily dealing with sexual assault and domestic violence cases. Ms. Fleming also handled complicated forgery and other thefts as well as violent offenses involving gang activity in some of Philadelphia's most dangerous neighborhoods. She tried numerous cases to verdict in front of both judge and jury and litigated various motions including those involving Rape Shield Protections.

Ms. Fleming is a graduate of the Widener University School of Law. She was Vice-President of the Moot Court Honor Society, where she participated in interscholastic competitions. She also participated in various mock trial competitions where she and her team earned several awards. Ms. Fleming received the Thomas S. Lodge Memorial Scholarship for commitment to public service and the Pro Bono Service Award upon graduation. Following graduation, Ms. Fleming has returned to Widener to coach both mock trial and moot court teams who compete nationally. She earned her Bachelor's degree from the University of Pittsburgh and worked as a paralegal for a number of years before attending law school. Ms. Fleming is admitted to practice in Pennsylvania and New Jersey.