

W. Joseph Scholler

Partner

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Industries

Industrials

Manufacturing

Practice Areas

Business & Commercial Litigation

Government Services

Labor & Employment

Litigation

Schools, School Districts & Universities

Bar Memberships

Ohio

Joe leads the Government Services Practice Group and serves as general counsel for clients in both the private and public sectors, including municipalities, townships and school districts. He thrives by digging through complex issues and working with clients to produce creative solutions that are beneficial both financially and operationally. His approach to working in partnership with innovative clients has made him a trusted and sought-after counselor in the legal profession.

Joe's practice has an emphasis in labor and employment issues, including contract negotiations, grievances, arbitrations, union avoidance, wage and hour law, Family Medical Leave Act, Americans with Disabilities Act, workers' compensation, unfair labor practice charges, harassment, discrimination and misconduct investigations, policy development, litigation, evaluation, nonrenewal and termination. He has served as a lead negotiator in more than 100 collective bargaining negotiations.

Joe also advises school districts in the areas of student issues, civil rights, public records, abuse reporting, ethics, board policies, meeting requirements, and career-technical education. He defends boards of education and municipalities in arbitration and against charges filed with a variety of federal and state administrative agencies including the Ohio Civil Rights Commission, State Employment Relations Board, U.S. Equal Employment Opportunity Commission, and U.S. Department of Education Office for Civil Rights.

Joe shares his passion and experience with the next generation by serving as an adjunct professor at Miami University for graduate level public law students. Courses focus on the First Amendment,

collective bargaining, employee and student rights, discrimination, and other issues important to all public employers. He also trains administrators and presents at education law forums across Ohio on a wide assortment of matters affecting public entities.

Other Info About Joe

Experience

During Joe's first year as general counsel for a school district, he identified a revenue generation opportunity that netted the client an additional $300,000 annually after legal fees.

As labor counsel for a municipality, Joe and his colleague negotiated collective bargaining agreements that saved a public entity $5 million in one year as the entity was facing a major budget shortfall.

As labor counsel for a municipality, Joe and his colleague negotiated collective bargaining agreements that reduced expenses by $12 million over a three-year period.

As general counsel and labor counsel, Joe created a joint public entity and merged two existing and very different collective bargaining units into one. The joint entity saves taxpayers over $1 million per year.

Education

University of Dayton School of Law, J.D., 2000

Miami University, B.A., 1997

Recognition

The Best Lawyers in America®, Litigation – Labor and Employment, 2021-2027; Education, 2023

Selected for inclusion in Ohio Super Lawyers®, 2012-2014 and Rising Stars® 2010

Cincinnati Business Courier's Forty Under 40 Class of 2010

Humanitarian of the Year (Legacy Society members) LifeSpan 2010

Frost Brown Todd Mentor of the Year, 2012

Frost Brown Todd Volunteer of the Year, 2004

Butler County Volunteer Lawyer of the Year Award, Co-Winner, 2004

Professional Affiliations

School District Attorney Committee, Member, School Superintendents Association (AASA)

American Bar Association

Cincinnati Bar Association

Ohio State Bar Association

Butler County Bar Association

Ohio Council of School Board Attorneys, Vice Chair

National Council of School Board Attorneys, Executive Board Member

Ohio Public Employer Labor Relations Association, Member

Multiple Sclerosis Leadership Class, Cincinnati

Mid-Miami Valley Leadership, Graduate

Civic Activities

Miami University Middletown Campus, Board Member, Former Chair of Citizen Advisory Council

Miami University Citizen's Advisory Council Member

Coaches vs Cancer, Board Council Member

Ohio Legal Rights Service Commission

LifeSpan Inc., Past Chair

Firm Committees

Government Services Practice Group, former Chair for six years

Presentations

"Planning and Tracking Tax Incentive Agreements," Buckeye Association of School Administrators Fall Conference, October 1, 2024

"Employee Discipline" City of Cincinnati Seminar, November 4, 2014

"Cloud Computing Issues" School Law Seminar, October 14, 2014

"The Battles in the Courts and Legislatures over Collective Bargaining and Teacher Tenure" NSBA Council of School Attorneys' 2014 School Law Practice Seminar, October 9, 2014, with Michael Julka, Jay Fernow and Nancy Hungerford

"Fourth Amendment Search and Seizure" School Law Seminar, October 24, 2013

"Clarifying the Commonly Misunderstood Notion of "Past Practices": Are They Binding Or Not?" Public Employment Seminar, April 26, 2013

"Evaluations: Rules to Remember" School Law Seminar, August 8, 2012

"Human Resources Issues" Presented with Julie E. Byrne, National Business Institute's Current Challenges in Local Government Law Seminar, June 2012

"Employee Discipline: Effective Process and Strategies" School Law Seminar, August 12, 2011

"Where are we Now?: Collective Bargaining Reform Senate Bill 5, House Bill 153, and Others" Senate Bill 5 Seminar, August 13, 2011

"Handling Student Records" National Business Institute, Student Liability Issues Seminar, Cincinnati, Ohio

"Understanding Student Rights" National Business Institute, Student Liability Issues Seminar, Cincinnati, Ohio

"A Refresher on Due Process" Public Sector Employees, Public Labor Seminar, Cincinnati, Ohio

"Current issues Regarding Foreign and Migrant Students" Ohio School Board Association Seminar

"Treating Sick Leave Abuse Disorder" Public Sector Employers, Public Sector Labor Seminar, Cincinnati, Ohio

"Collective Bargaining in the Real World" Guest Presenter, Master's Level Collective Bargaining Course, University of Dayton, Dayton, Ohio

"Introduction to Harassment and What You Should Do If You Witness Harassment" Middletown Adolescent Achievement Group, Middletown, Ohio

"Harassment in the Workplace" Southwest Ohio Business Teacher Association, Cincinnati, Ohio

"Using the Consumer Price Index Effectively in Collective Bargaining Negotiations" Public Sector Employers, Public Sector Labor Seminar, Cincinnati

"A Public Employee's Right to Remain Silent During an Administrative Investigation: How Should You Handle It?" Public Sector Employers, Public Sector Labor Seminar, Cincinnati, Ohio

"Employment Law Considerations: Ten Common Mistakes of Employers" Medical Practice Management Program, Grandview Hospital, Dayton, Ohio

Major Publications

Co-Author: "The Principal's Legal Handbook" Seventh Edition, October 2024 Education Law Association

"Classifying Public Safety Administration Under The New Fair Labor Standards Act Regulations" Ohio Public Employer Labor Relations Association Update

Co-Author: "Desegregation in the 1990's, The Principal's Legal Handbook" Second Edition, 2000 Education Law Association, co-authored with Dr. Charles J. Russo

Co-Author: "Desegregation in the 1990's: The Supreme Court Pulls Back" School Business Affairs, August 2000, Volume 66, Number 8,

co-authored with Dr. Charles J. Russo, J.D., Ed.D.

Co-Author: "Court View, Update on School Desegregation" Updating School Board Policies, July 2000, Volume 31, Number 3, with Dr. Charles J. Russo, J.D., Ed.D.

Co-Author: "The Battles in the Courts and Legislatures over Collective Bargaining and Teacher Tenure" NSBA Council of School Attorneys' 2014 School Law Practice Seminar, October 9, 2014, with Michael Julka, Jay Fernow and Nancy Hungerford

Featured Articles

Muldrow v. City of St. Louis: Supreme Court Establishes New Harm Standard for Title VII Discrimination Claims

U.S. Department of Education Issues Long-Awaited Revised Title IX Regulations

U.S. Department of Education Releases Proposed Changes to Title IX Regulations

New Ohio Law Limits Ability of School Boards to File Property Tax Complaints

New Ohio Law Provides Further Flexibility to Ohio Schools for the 2021-2022 School Year

New Ohio Law Restricts Public Schools' COVID-19 Vaccine Responses

U.S. Department of Education's Title IX Notice Gives Insight into LGBTQ+ Discrimination Claims

Court Rules on the 'Cussing Cheerleader' Case: Implications for Schools and Student Off-Campus Speech

"When Work Follows You Home" – Ohio Court Invalidates Law Prohibiting Unions From Picketing Private Homes and Businesses of Representatives of Public Employers

Ohio Governor Signs Bill Granting School Districts Additional Flexibility During the COVID-19 Pandemic

Supreme Court Decision Prohibiting LGBTQ Discrimination in Employment Could Have Important Implications for Schools

Sixth Circuit Recognizes a Fundamental Right to a Basic Minimum Education

HB 197 (COVID-19 Relief Bill): What Schools Need to Know

What is a "Life-Sustaining Retail Business?" Kentucky Issues Statewide Order for Residents to remain "Healthy at Home"

What is an "Essential Business?" Ohio Issues Statewide "Stay-at-Home" Order

U.S. Supreme Court Rules Eighth Amendment Excessive Fines Clause Applies to State and Local Governments

Public Sector Union Fair Share Fees Ruled Unconstitutional: Supreme Court Hands Down Landmark Decision in Janus v. AFSCME Council 31

School Safety: The Federal Answer to Parkland

Promptly and Appropriately Responding to Sexual Harassment Complaints Is Important to Help Shield a Public Employer from Title VII Liability

Title IX: A New Approach

Supreme Court Sends Transgender Bathroom Case Back to Court of Appeals

Trump Administration Revokes Administrative Guidance Regarding Transgender Student Rights in Schools

Sixth Circuit Refuses to Overrule Injunction Requiring School to Allow Transgender Student to use Restroom Based on Gender Identity

SCOTUS Blocks Order Requiring School to Allow Transgender Student Access to Bathroom Matching Their Gender Identity

Federal Government directs public schools to allow transgender students to use bathroom that matches their gender identity

U.S. Department of Education Provides Guidance on Protecting Student Privacy While Using Apps and Online Educational Services

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