LCW LIEBERT CASSIDY WHITMORE

Pilar Morin

Partner

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Pilar represents public agencies and public and independent educational institutions, in such areas as personnel and student matters, and general business law, including contracts and trademark issues.

Pilar is experienced in all phases of trial practice, including litigation before state and federal courts, administrative bodies, and alternative dispute resolution procedures such as mediation and arbitration. She represents our clients in all aspects of employment law including employee discipline, due process, wrongful termination, discrimination, harassment, retaliation and privacy issues.

Pilar is also experienced in conducting and assisting with investigations pertaining to harassment, discrimination and employee misconduct. Pilar advises and conducts training for clients concerning best practices and compliance with state and federal laws.

Pilar is also a contributing author to the firm's California Public Agency Labor & Employment Blog.

Pilar is bilingual and conducts investigations and training in Spanish.

Education

JD, University of California, Hastings College of Law
BA, University of California, Berkeley

Legal Expertise

Education Law
Employment Law
Investigations
Litigation Services

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Representative Matters

Administrative Hearings:

Joseph Salemi v. Los Angeles Unified School District (2012) - In an 11 day teacher termination appeal hearing, the Commission on Professional Competence upheld the Los Angeles Unified School District's termination of a permanent certificated math teacher due to unsatisfactory performance under Education Code section 44932, subdivision (a)(4). The Commission on Professional Competence found good cause for the teacher's termination upon the District's demonstrating that the teacher failed to meet minimum reasonable requirements for teaching as measured by the District and that he had a sustained history of poor teaching and failed to make significant progress towards improvement, despite specific recommendations, coaching and accommodations provided by the administration. The teacher merely went through the motions of teaching by making PowerPoint presentations before his class, but did not engage the students or guide them through the lessons with any meaningful exchange.

Appellate:

Michael Wells v. Los Angeles Unified School District (2011) - Successfully defended summary judgment in favor of the District in a case involving racial and sexual harassment, discrimination and retaliation.

Jessica Jackson v. Los Angeles Unified School District (2011) - Successfully defended summary judgment in favor of the District in a case involving racial harassment, discrimination, failure to prevent and retaliation.

Paulette Jackson and Alice Johnson v. Los Angeles Unified School District (2011) - Successfully defended summary judgment against two former employees in a case involving racial harassment, discrimination, failure to prevent and retaliation.

Chaffey Community College District v. Dale Tatum (2008) - Successfully defended summary judgment entered against faculty member for breach of his sabbatical agreement.

Davis v. Los Angeles Unified School District Personnel Commission (2007) - Holding that an employee was not entitled to reinstatement if he could not return to active duty, and that the employee was not entitled to back pay because the employee could not work due to his non-industrial disability.

Morrison v. Housing Authority of the City of Los Angeles (2003) - Court of appeal found substantial evidence that supported the trial court's findings in support of the board's decision to terminated employee. The Court also held that meetings that include factfinding into charges and complaints against an employee require notice to the employee of the right to demand an open session under the Brown Act, Government Code section 54957, subd. (b)(2).

Litigation:

Breach of Contract (2012) - Obtained a victory for a private liberal arts and sciences college in a federal court case filled by a former student who after withdrawing, claimed the college breached contractual and other legal obligations. The college is located in Iowa and the case was filed in federal court in Los Angeles, in an attempt to "forum shop" and litigate the case in a forum more favorable to plaintiff for statute of limitations purposes. Prepared a motion to dismiss the case based on lack of personal

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jurisdiction, improper venue and forum non-conveniens, and met and conferred with the former students' lawyer, after which plaintiff outright dismissed the case. This is a victory for an out of state college that was the victim of forum shopping and an attempt to subject that college to litigation in California. A swift and comprehensive attack to the lawsuit saved the college from the burden of litigating a case half way across the county.

Liburd v. Los Angeles Unified School District (2011) - Successfully moved for judgment on the pleadings in favor of the District and individual defendants in a case involving various claims including failure to train and supervise, excessive force, and retaliation in violation of the Fair Employment and Housing Act.

Wells v. Los Angeles Unified School District (2010) - Successfully defended the District and individual defendants in a case involving five Plaintiffs who were employees at three different schools in the Los Angeles Unified School District and sued alleging for various FEHA violations. The court severed the cases finding they were not related and entered summary judgment against four of the Plaintiffs.

Yevnovkian v. Los Angeles Unified School District (2010) - Successfully represented the District against a petition for writ of mandate seeking reinstatement of a teacher who resigned and retired via a supplemental retirement program.

Coppi v. City of West Covina (2010) - Successfully obtained a defense verdict in a jury trial in the Los Angeles Superior Court in a case involving disability discrimination. Prior to trial, we obtained summary adjudication on Plaintiff's claims under the Fair Employment and Housing Act for failure to engage in the interactive process and retaliation.

Davis v. LAUSD (2006) - Obtained judgment in favor of the Los Angeles Unified School District in a case involving a petition for writ of administrative mandate where an employee claimed he was wrongfully separated him from his employment after he exhausted all available leave during his non-work related disability. The petitioner sought an order awarding him reinstatement, attorneys' fees and costs, full back pay, restorations of benefits, reimbursement of PERS taxes, and other monetary damages.

Affiliations

National Association of College and University Attorneys (NACUA)

California Council of School Attorneys (CCSA)

Latina Lawyers of Los Angeles

Mexican American Bar Association

Los Angeles County Bar Association, Labor and Employment Section

Awards

Selected for inclusion in Southern California Rising Stars 2006 - 2010

Publications

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Social Media: Balancing The Rights Of Employers And Employees, *Western City Magazine*, August 2011, with Elizabeth Tom Arce

10 Things Employers And Employees Should Know About Social Media, *Law360*, April 2011, with Elizabeth Tom Arce

Management's Right to Monitor Its Electronic Communications Resources Within the Statutory Framework of Electronic Privacy Rights, June 2004

Presentations

Cyberbullying - California Association of Independent Schools - CAIS - Santa Barbara - June 17, 2013

Public Service: Understanding the Roles and Responsibilities of Public Servants - San Diego ERC - Del Mar - May 9, 2013

Preventing Workplace Harassment, Discrimination and Retaliation - Biscomerica - Rialto - March 21, 2013

Advanced Investigations of Harassment Complaints - SCCCD ERC - Anaheim - March 8, 2013

Workplace Bullying: A Growing Concern - SCCCD ERC - Anaheim - March 8, 2013

Advanced Investigations of Harassment Complaints - East Inland Empire ERC - Fontana - February 14, 2013

Super Manager or Super Spy: The Use of Technology in Monitoring Employee Conduct - East Inland Empire ERC - Fontana - February 14, 2013

Virtual Harassment - Investigating Harassment and Other Misconduct in Cyberspace - California Association of Independent Schools (CAIS) Trustee/School Head Conference - Los Angeles - February 2, 2013

Legal Update for California Business Officers (Independent School Legal Update) - Wells Fargo 25th Annual Independent School Administrators & Business Officers Seminar - Los Angeles - January 31, 2013

Virtual Harassment - Investigating Harassment and Other Misconduct in Cyberspace - Wells Fargo 25th Annual Independent School Administrators & Business Officers Seminar - Los Angeles - January 31, 2013

Risk Management and Bullying - Bolton & Company Conference - Pasadena - January 16, 2013

Legal Eagles: You Have Questions, We Have Answers! - Community College League of CA Annual Convention and Partner Conferences - Los Angeles - November 16, 2012

Town Hall Meeting - The Association of Chief Human Resource Officers (ACHRO) - Stateline, NV - October 25, 2012

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Advanced Investigations of Harassment Complaints - San Diego ERC - Chula Vista - October 11, 2012

Super Manager or Super Spy: The Use of Technology in Monitoring Employee Conduct - CCPC Consortium - Santa Barbara - September 21, 2012

Student Discipline - CCPC Consortium - Santa Barbara - September 21, 2012

Liebert Cassidy Whitmore Recording: Healthcare Reform – The Affordable Care Act Webinar - Liebert Cassidy Whitmore - July 19, 2012

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