



Michael Blacher

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EXPERIENCE

Michael Blacher is the Chair of the firm's Private Education Practice Group. He represents educational institutions in all aspects of labor, employment, and education law. Michael has successfully defended claims involving alleged harassment, discrimination and retaliation, disability accommodation, First Amendment, and alleged violation of wage and hour laws. Michael also advises educational institutions in Office of Civil Rights investigations and has handled a number of Title IX cases. Michael often advises boards on governance and other issues, including updates to bylaws. He works extensively on contractual matters such as employment and enrollment agreements as well as employee and student handbooks. Michael also represents clients during arbitrations and administrative hearings.

A frequent presenter, Michael has provided a number of individualized trainings for schools, such as AB 1825 training. He also regularly presents at the California Association of Independent Schools (CAIS) Trustee/Head of School conference, the National Association of Independent School (NAIS) annual conference, and the National Business Officer (NBOA) annual meeting. He is one of the firm's most popular trainers.

Prior to joining Liebert Cassidy Whitmore, Michael worked on documentary films, including the Academy Award winner, *The Long Way Home*. He also worked at the Museum of Tolerance in Los Angeles.

EDUCATION

JD, Loyola School of Law, Los Angeles
MA, University of California, Los Angeles
BA, University of California, Riverside

LEGAL EXPERTISE

Employment Law
Labor Relations & Collective Bargaining
Litigation Services
Private Education
Public Education

REPRESENTATIVE MATTERS

LITIGATION

Wrongful Termination Claim (2015) - A private university obtained summary judgment against a former employee who alleged harassment and discrimination. The University's former Director of Student Recruitment claimed that the University terminated her in violation of the California Fair Employment and

Housing Act. Specifically, she alleged that her termination was motivated by her race and disability. The Court granted summary judgment in favor of the University. The Court determined the documented complaints, and verified attempts by plaintiff's supervisor to improve her performance, constituted legitimate, non-discriminatory reasons for separating her. Plaintiff could not proffer sufficient evidence to support her claims of harassment or discrimination.

Discrimination Claim (2011) - A private school terminated employee for misconduct. He then filed a claim with the EEOC and threatened litigation based on a claim of discriminations. The School put forth legitimate, nondiscriminatory basis for terminating the employee who then formally dropped the suit.

Religious Discrimination (2011) - A religious school restricted applicants to those whose religious beliefs were consistent with those of the school. Within the School rejected an applicant based on religion, he filled a claim with the EEOC. The School responded that it appropriately followed state and federal law. Both the EEOC and applicant dropped the complaint.

Defense Verdict For School District On Student Discipline (2010) - School district disciplined a student for cheating. Parents appealed using internal district procedure and lost at each level. Then parents sought a writ, which the court denied.

Breach of Contract Claim (2010) - A private school laid off a secretary who brought suit in breach of contract. The secretary sought attorneys' fees, damages, and penalties under the Labor Code. The School demurred and the court granted the motion without leave to amend.

PUBLICATIONS

Federal Funding and Federal Laws: What Participating in Federal Loan Programs Means for California Private Schools, Apr 17, 2020

Reference Checks, Jul 20, 2018

Anxious Parents in a Litigious Age, Jul 20, 2018

Exchange Programs and Host Families, Jul 20, 2018

Governor Brown Signs New Vaccination Bill, SB 277, Into Law - What Private Schools Need to Know, Jun 1, 2016

The New FLSA Salary Basis Test Regulations Are Here! - Everything California Private Schools Need To Know!, May 19, 2016

First Amendment and Ten Commandments: The Ministerial Exception's Application to Religious Colleges and Universities, Apr 15, 2015

PRESENTATIONS

Independent School Return To Work & School Toolkit, Jul 31, 2020

Performance Management in the Time of COVID-19, National Business Officers Association (NBOA) Webinar, Webinar, May 7, 2020

New Laws Impacting California Independent Schools, California Independent Schools Business Officers

Association (Cal-ISBOA) Annual Conference, Webinar, May 4, 2020

Emerging Legal Issues for Private Schools, Builders of Jewish Education Consortium, Webinar, Apr 2, 2020

Five Things California Private Schools Need to Know about: The Latest COVID-19 Developments Affecting Students and Employees, Mar 18, 2020

Five Essential Steps for Conducting an Investigation, National Association of Independent Schools (NAIS) Annual Conference, Philadelphia, Feb 27, 2020