



Pilar Morin

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EXPERIENCE

Pilar provides legal advice related to general education law including student and employee discipline, disability issues and the interactive process, student and employee privacy laws, speech, student and employee records, confidentiality and FERPA, student grievances and complaints, mandated reporting and civil rights. She regularly advises educational institutions about sexual misconduct policies, changes in the law, and investigations into allegations of sexual misconduct, including sexual violence. She assists the firm's clients in complying with the Education Code, Campus SaVE Act, Clery, speech, and privacy including FERPA. Pilar has trained boards, Title IX Coordinators, faculty and students at various colleges and schools concerning the prevention of and response to sexual harassment and assaults in compliance with federal and state laws and regulations. Pilar regularly works with the firm's education clients in assisting them with discipline, including faculty termination.

An experienced trial attorney who has obtained defense verdicts and won summary judgments in favor of educational institutions involving disability discrimination, harassment, race discrimination, retaliation and other employment claims, Pilar is an expert in all phases of trial practice in state and federal courts and administrative bodies. Pilar is experienced in conducting and assisting with investigations pertaining to harassment, discrimination and employee and student misconduct.

Pilar is a member of the National Association of College and University Attorneys (NACUA) and currently serves on its Committee on Legal Education. From 2014-2017, Pilar served on NACUA Notes' Editorial Board, and from 2012-2014, she served on the editorial board of the Journal of College and University Law (JCUL).

EDUCATION

JD, University of California, Hastings College of Law

BA, University of California, Berkeley

LEGAL EXPERTISE

Litigation Services
Private Education
Public Education
Employment Law
Investigations

REPRESENTATIVE MATTERS

ADMINISTRATIVE HEARINGS

Classified Employee v. School District (2017) - School District suspended and demoted a warehouse worker for multiple violations of safety protocol. This included failing to safely operate warehouse equipment and for continually neglecting daily tasks. He also exhibited a pattern of dishonesty regarding his safety practices. Following his demotion to a different position, he again violated safety standards and the School District terminated him. The employee appealed. Following a three-day hearing, a hearing officer upheld the termination. The hearing officer found that although the employee served for many years without discipline, termination was appropriate because his conduct following administration of proper progressive discipline did not result in correction of the misconduct.

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 a 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 a 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 a 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 terminate an employee. The Court also held that meetings that include fact-finding 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

Bonner v. Occidental College, et. al. (2016) - Representing the College in a lawsuit involving 1) Age Discrimination; 2) Age Harassment; 3) Disability Discrimination; 4) Disability Harassment; 5) Failure to

Accommodate Disability; 6) Failure to Engage in the Interactive Process; 7) Failure to Prevent Discrimination and Harassment; 8) Failure to Correct and Remedy Discrimination and Harassment; 9) Retaliation in Violation of the Fair Employment and Housing Act (FEHA), the Family Medical Leave Act (FMLA), and the California Family Rights Act (CFRA); 10) Wrongful Termination in Violation of Public Policy; 11) Intentional Infliction of Emotional Distress; and 12) Negligent Infliction of Emotional Distress. We successfully disposed of the disability-related causes of action via demurrer. The Plaintiff then agreed to settle this matter.

Skelton v. Los Angeles Unified School District (2015) - Obtained summary judgment in favor of the District in a case involving a teacher who alleged race discrimination, race harassment, failure to prevent, and retaliation.

Harris v. City of Baldwin Park (2013) - Successfully defended the City of Baldwin Park against a former public works supervisor who sought reinstatement after the City terminated her for dishonesty, insubordination, threatening behavior and interference with an ongoing investigation.

Breach of Contract (2012) - Obtained a victory for a private liberal arts and sciences college in a federal court case filed 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 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 country.

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.

Michael 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 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 a summary adjudication on Plaintiff's claims under the Fair Employment and Housing Act for failure to engage in the interactive process and retaliation.

Alice Johnson v. LAUSD (2009) - Summary judgment in favor of LAUSD and against a special education teacher's assistant alleging discrimination based on race, and failure to prevent discrimination under FEHA. Plaintiff claimed she was demoted and improperly and repeatedly disciplined due to her race. However, this plaintiff had a lengthy disciplinary history starting from 2000 and was repeatedly written up and disciplined for failing to adequately supervise her assigned student (who suffered from seizures), reporting late to her post after breaks, falsifying her time records, and insubordination, among various other performance issues.

Jessica Jackson v. Los Angeles Unified School District (2009) - Won summary judgment in favor of the District in a case involving racial harassment, discrimination, failure to prevent and retaliation.

Paulette Jackson v. Los Angeles Unified School District (2009) - Won summary judgment in favor of the District in a case involving racial harassment, discrimination, failure to prevent 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)

- 7/1/2017 - Present: Committee on Legal Education, Member,
- 7/1/2014 - 6/30/2017: NACUANOTES Editorial Board, Member
- 7/1/2012 - 6/30/2014: Editorial Board, The Journal of College and University Law, Member

California Council of School Attorneys (CCSA)

College and University Professional Association for Human Resources (CUPA-HR)

National School Board Association Counsel of School Attorneys

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

Investigations in the Time of COVID-19, Sep 9, 2020

Review New Title IX Regulations, Effective This Month, Sep 2, 2020

Schools Must Rely More Heavily on Legal Counsel to Navigate the New Title IX Regulations, Aug 17, 2020

Second Court Denies Preliminary Injunction against New Title IX Regulations; the Compliance Deadline Remains August 14, 2020, Aug 14, 2020

US Department of Education Releases Final Title IX Rules, May 19, 2020

U.S. Department of Education Releases Final Title IX Rule, May 12, 2020

U.S. Department of Education Releases Final Title IX Rule, May 11, 2020

Trump Administration Ends Deferred Action For Childhood Arrivals (“DACA”), Sep 6, 2017

PRESENTATIONS

Advanced Investigations of Harassment and Other Formal Employee Complaints, SCCCD ERC, Webinar, Mar 19, 2021

Technology and Employee Privacy, Central CA CCD ERC, Webinar, Mar 12, 2021

Town Hall - Legal Eagles, Community College League of California (CCLC) Annual Convention, Webinar, Nov 20, 2020

Town Hall - Legal Eagles, Association of Chief Human Resource Officers (ACHRO) Virtual Fall Training Institute, Webinar, Nov 13, 2020

Top 10 things CSSO’s Need to Know about the New Title IX Regulations, Chief Student Services Officers (CSSO) Annual Student Services Conference, Webinar, Sep 10, 2020

Preventing Harassment, Discrimination and Retaliation in the Academic Setting/Environment, Pasadena City College, Webinar, Aug 21, 2020

There’s a Form For That: Title IX Compliance Forms for California Community College Districts, Aug 7, 2020

New Title IX Regulations: Compliance Training for California Community College Districts, Jul 31, 2020

New to IX: Effective Compliance with Title IX, Liebert Cassidy Whitmore, Webinar, May 15, 2020