

Michael W. Prairie

Education, Employment, and Business

Prairie Law Group

2550 Fifth Avenue, 9th Floor, San Diego, CA 92103

Phone: 619.972.3123 Cell: 619.972.3000 E-Mail: mprairie@edulaw.com

Overview

Michael W. Prairie is a lawyer with an international reputation in education law. He has been representing public and private schools and colleges and related organizations for more than 25 years. His representation includes a wide variety of issues including accreditation, licensure, faculty and staff relations, compliance with state and federal statutes, governance, risk management, and student relations. He also provides services in employment, labor, real property, and commercial law, including general advice, transactions, civil lawsuits, and administrative proceedings.

Employment History

Principal: Prairie Law Group	December 2010 to Present
Senior Partner: Prairie, Schwartz, Heidel, LLP	January 2009 to December 2010
Senior Partner: Worley, Schwartz, Garfield & Prairie, LLP	May 1996 to December 2008
Principal: Stephenson & Prairie	February 1981 to April 1996
Associate: Weid, Granby, Alford, Arkin & Stephenson	September 1979 to February 1981
Associate: Adams, Duque & Hazeltine	September 1977 to September 1979

Other Professional Experience

Judicial Clerk: Honorable Philip C. Wilkins United States District Court for the Eastern District of California	September 1976 to February 1977
Legislative Fellow The Senate Committee on Natural Resources and Wildlife	October 1973 to October 1974

Education

University of California, Davis, J.D. Law Review: Associate Editor Fraternity: Order of the Coif	May 1977 September 1975 to June 1977
University of California Santa Barbara B.A., Political Science	August 1973
Harvard, Professional Development Institute	August 1996

Skills

The following is a specific description of the educational issues on which Mr. Prairie offers expert advice provides expert advice and services:

Accreditation and Licensure

- Compliance with accrediting standards
- Agency reviews, and approvals
- Specialized accreditation
- Trade and vocational schools

Faculty/Staff Relations

- Tenure
- Academic freedom
- Contracts
- Grievance Resolution
- Governance
- Research and technology
- Collective Bargaining
- Sexual harassment compliance
- Civil Rights Act compliance

Physical Facilities

- Campus security
- Environmental compliance
- ADA and Rehabilitation Act
- Drug-free Schools compliance
- Acquisition, zoning, and leasing
- Public financing

International Students

- Student visas
- SEVIS
- Change of visa status
- Foreign study programs

Governance

- Trustee relations
- Non-profit issues
- Affiliated organizations
- Governing instruments

Student Relations

- Contractual rights of students
- Grievance policies
- Admissions standards
- Grades, credits and degrees
- Procedure for suspension and dismissal
- Student organizations/athletics
- Student records and catalog review
- Educational malpractice
- Accommodating disabled students

Risk Management

- Focused legal audits
- Insurance analysis
- Review of institutional policies
- Litigation policies
- Cost controls

Financial Aid

- Regulatory compliance
- Audits
- Collection of student debts
- Minority scholarships

Other

Admissions

Supreme Court of California

United States District Court, Washington, D.C. Circuit

United States District Court, Central District of California

United States District Court, Southern District of California

United States District Court, Northern District of California

United States District Court, Eastern District of California

Memberships and Designations

National Association of College and University Attorneys

United Educators Risk Retention Group, Select Counsel (1995-1998)

Rated "AV" by Martindale-Hubbell, Inc.

California Bar Association

American Bar Association

San Diego County Bar Association

Military

Service: United States Army

February 1967 to December 1969

Assignment: Republic of Vietnam (MAC-V Advisory Team)

Hue and Nha Trang. Two tours of duty

Awards:

Army Commendation Medal (with Oakleaf Cluster)

Good Conduct Medal

Vietnam Campaign Medal and Vietnam Service Medal

Civic

2001 Community Givers Award, 2001 Philanthropy Day, Association of Fundraising Professionals (2001)

Member of the Committee on Arrangements for the NACUA Annual Conference (2000-2001)

Chair, Committee to Fund the Jerry C. Lee Chair for Technology and the Adult Learner in the School of Education and Human Services, National University (1995-Present)

Program Committee for the 1997 Annual Conference for the National Association of College and University Attorneys

Regional Board, Class of 1985, San Diego Region of the National Conference of Christians and Jews

Member of the Board of Visitors National University School of Law (1995)

Member of the Board of Directors Malashock Dance Company (1998-1999)

Lectures

- Taking Effective Depositions in California, sponsored by Lorman Education Services (San Diego, 1990, 1992, 1998, 1999, 2002, 2003, 2004, 2005, 2006, 2007, 2008)
- Litigation Year in Review, sponsored by the National Association of College and University Attorneys (Lake Buena Vista, Florida, June 2005)
- School Law Issues in California, sponsored by the National Business Institute (Anaheim, July 2000; San Diego, December 2001; Anaheim, March 2002; Anaheim, March 2003; Irvine, July 2003; San Diego, December 2003, March 2004, April 2005)
- School Law in California, sponsored by National Business Institute (San Diego, May 1999; Anaheim, November 1999; Anaheim, July 2000; Anaheim, October 2001; Anaheim, October 2002; Los Angeles, December 2003; Anaheim, April 2004)

- Accreditation Workshop, sponsored by the California Association of Private Post-Secondary Schools (August 2000)
- California Real Estate Titles and Title Insurance, sponsored by Half Moon LLC (San Diego, September 2000)
- California's Hot Topics in School Law, sponsored by Lorman Education Services (San Diego, May 1996, October 1997, April 1999, September 2000)
- Seven Critical Steps to School Success, sponsored by the California Association of Private Post-Secondary Schools (Palm Springs, September 2000)
- Effective Human Resources Management, sponsored by Lorman Education Services (March 2000)
- CAPPs 1997 Annual Convention, sponsored by The California Association of Private Post-Secondary Schools (Rancho Mirage, September 1997)
- NACUA 37th Annual Conference, sponsored by National Association of College and University Attorneys (Seattle, June 1997)
- Conference on Law, Education and Public Policy, sponsored by National University's Center for Law, Education and Public Policy (San Diego, February 1997)
- CAPPs 1996 Annual Convention, sponsored by The California Association of Private Postsecondary Schools (Long Beach, October 1996)
- Conference on Law, Education & Public Policy, Legal Challenges Facing Education in the 90's, sponsored by National University's Center for Law, Education and Public Policy (San Diego, January 1996)
- URMIA 25th Annual Conference, sponsored by University Risk Management and Insurance Association (San Diego, September 1994)
- Assessing and Managing Risk in Higher Education: Workshop, sponsored by College and University Law Press (1994)
- Developing Your Basic Trial Skills, sponsored by California Continuing Education of the Bar (1991)
- Purchase and Sale Agreements, sponsored by California Continuing Education of the Bar (1985 and 1990)

Publications

- Preventative Law for Schools and Colleges (May 2004) with Garfield, Timothy, School and College Law Press
- "Transfer of Credits and the Recognition of Degrees: A Fresh Look," Higher Education Law Bulletin, Vol. XI, No. 3 (2006)
- "Anti-Terrorism Laws: Where Are We?" Higher Education Law Bulletin, Vol. XI, No. 2 (2006)
- "Investigations by the Institution - Part II," Higher Education Law Bulletin, Vol. IX, No. 4 (Fall 2003)
- "Ten Commandments of Media Interviews," Higher Education Law Bulletin, Vol. IX, No. 2 (Fall 2002)
- "The Perils of Investigations - Part II," Higher Education Law Bulletin, Vol. VIII, No. 3 (Fall 2000)
- "The Perils of Investigations - Part I," Higher Education Law Bulletin, Vol. VIII, No. 2 (Summer 2000)
- "Questions to Ask When Purchasing Wrongful Acts Insurance Policies," Higher Education Law Bulletin, Vol. VII, No. 3 (Fall 1998)
- "Workplace Sexual Harassment: Time to Revise Policies," Higher Education Law Bulletin, Vol. VII, No. 2 (Summer 1998)
- "Foreign Study Programs: Assessing and Managing the Unforeseen Risks," Higher Education Law Bulletin, Vol. VI, No. 4 (Winter 1997)
- "Understanding Insurance Coverage: What Your Agent Forgot to Tell You," Higher Education Law Bulletin, Vol. V, No. 2 (Summer 1996)
- "Ethics and Fund Raising: Six Steps you Can Take to Protect Donor Privacy," Higher Education Law Bulletin, Vol. V, No. 2 (Summer 1996)
- "Endowment Investing: Minimizing the Risks While Increasing the Return," Higher Education Law Bulletin, Vol. V, No. 1 (Spring 1996)
- "Getting More for Less: How to Work with your College Counsel," Higher Education Law Bulletin, Vol. IV, No. 1 (Spring 1995)
- "Due Process in the Accreditation Context," Journal of College and University Law, Vol. 21, No. 1 (Summer 1994) with Chamberlain,

Lori A.

- "Access for the Disabled Student: How Effective is your Compliance Program?" Higher Education Law Bulletin, Vol. II, No. 2 (Summer 1994) with Aguilar, Patricia
- "Focused Legal Audit: The First Step in an Effective Preventative Law Program," Higher Education Law Bulletin, Vol. III, No. 2 (Summer 1994) with Chamberlain, Lori A.
- "Mandatory Disclosures to Students: Is your Institution in Compliance?" Higher Education Law Bulletin, Vol. III, No. 1 (Spring 1994) with Chamberlain, Lori A.
- "Alternative Dispute Resolution: A Faster and More Cost-Effective Way of Resolving Many Campus Disputes," Higher Education Law Bulletin, Vol. II, No. 4 (Winter 1993)
- "Practical Problems Facing Colleges in Accommodating the Disabled," Higher Education Law Bulletin, Vol. II, No. 3 (Fall 1993)
- "Ten Practical Steps your College can take to Prevent or Win Lawsuits," Higher Education Law Bulletin, Vol. II, No. 2 (Summer 1993)
- "Problem Areas in the Exemption Process under the Power plant and Industrial Fuel Use Act of 1978," 29 Kansas Law Review, 369 (1981) with Beckman, Bruce A.
- "A Guide to Obtaining Required Regulatory Approvals for New Industrial Facilities in California," 17 San Diego Law Review, 979 (1980) with Beckman, Bruce A.
- "Products Liability Law in California," Los Angeles Lawyer, Vol. I, No. 8 (October 1978)
- "The Best Evidence Rule: A Critical Appraisal of the Law in California," University of California, Davis, Law Review, Vol. IX (1976)
- "Who Pays to Repair California's Mining Scars?," California Journal, Vol. IV, No. 11 (November 1974)
- "The Energy Crisis in California - An Overview," Staff Report, the Senate Committee on Natural Resources and Wildlife (January 1974)

Editor and Publisher

- Chief Executive Officer, School & College Law Press (1992-Present)
- Publisher of Higher Education Law Bulletin, School & College Law Press (1992-2007)
- Advisor to Shimamura, LLC

Professional Highlights

Accreditation

- *Western College of Health Sciences v. American Veterinarian Medical Assoc.* Grant of first stage of accreditation for veterinary college after prosecution of administrative proceeding and federal lawsuit.
- *Counsel of Private Postsecondary v. Pacific Western University.* Grant of continued licensure after successful defense of administrative proceeding brought by state for revocation of license.

Education

- *Talarico v. National University.* Defense verdict in wrongful termination claim and affirmative \$82,000 verdict on cross-claim for defamation in binding arbitration for university.
- *Lascola v. National University.* Summary judgment for university upheld by Fourth District Court of Appeal in defense of class action for violation of wage and hour law.

Lawsuits

- *Escondido Retail Associates v. ATC Associates, Inc.* \$400,000 settlement in lawsuit for retail shopping center seller in contaminated soil lawsuit.
- *Courtyards v. Shappell Industries.* \$10.5 million settlement in lawsuit for homeowners' association in construction defect and class action lawsuit.
- *McKeller Development v. Fidelity Title.* \$1.2 million jury verdict for developer in bad faith lawsuit, including \$750,000 punitive damages.
- *Villa DeFanta v. Mabie and Mintz.* \$3 million settlement in lawsuit for homeowners' association in construction defect lawsuit.
- *Krys v. Jobsite Supply.* \$500,000 settlement for two employees in fraud lawsuit for equity participation.
- *Schoen v. Tannenbaum.* Defense verdict and \$110,000 dollar award of attorneys' fees in binding arbitration for sellers in nondisclosure action.
- *Jacobs v. National University.* Defense verdict in binding arbitration for university in lawsuit brought by terminated faculty member.
- *Nassif v. Signet Armorlite.* Judgment for \$500,000 in binding arbitration for senior executive in contract claim.
- *Lynch v. Catholic Radio.* \$600,000 settlement in contract claim against limited liability company.

CLIENTS

International University	National University
Argosy University	National University Charter Academy
Art Institute of California	National University International
Brown Mackie College	National University Virtual High School
Cajon Valley Union School District	New Bridge College
California Institute of Biological Research	New College
Center for Creative Leadership	New College School of Law
Center for Human Advancement	Newport University
Center for Integrative Health	Mira Costa Community College District
Century University	Musicians Institute
Cogswell Polytechnic College	Ola Grimsby Institute
Cuyamaca College	Pacific Western University
Cuyamaca College Foundation	Palomar Community College District
Design Institute of San Diego	Perelandra College
Education Management Corporation	Remington Colleges
Fashion Career College, Inc.	San Diego Children School
Gemological institute of America	San Diego Community College District
Grossmont College Foundation	San Diego Institute for Policy Research, LLC
Guggenheim Partners	San Diego Unified School District
Horizon Christian Fellowship	Santee School District
Houston Community Colleges	Shimamura, LLC



Institute for Hard of Hearing
International Center for American Alliant English
Jamul-Dulzura School District
John F. Kennedy University
John F. Kennedy University School of Law
Kennedy-Western University
La Jolla Infectious Disease Institute
National Polytechnic College of Science

Southwestern Community College District
Spectrum Pacific Learning Company
System Management Group
Thomas Jefferson School of Law
United States International University
University of California San Diego
Western University of Health Sciences
WestMed College