

Deputy Superintendent of Schools  
Henry C. Fraind

**SUBJECT: PROVISION OF COUNSEL TO REPRESENT THE SCHOOL BOARD BEFORE THE FLORIDA SUPREME COURT IN THE CASE OF IRA J. PAUL v. MIAMI-DADE COUNTY PUBLIC SCHOOLS – CASE NO. 00-1123**

The above-styled lawsuit was originally filed in the Eleventh Circuit Court in and for Miami-Dade County for the purpose of vacating a Final Award issued by Arbitrator Robert Williams. The Arbitrator, in addition to ruling in favor of Mr. Paul, held that the School Board had acted in bad faith in the processing of the grievance. The Arbitrator's ruling provided for the School Board to pay punitive damages in the amount of \$291,410.73. The School Board was represented in the arbitration hearing by its Labor Attorney. The Board, at its September 9, 1998 meeting, retained the law firm of Eckert Seamans Cherin & Mellott, LLC to provide legal representation before the Circuit Court and the Third District Court of Appeal. The Board's position was adopted by the courts and the Arbitrator's ruling was vacated. Mr. Paul has now filed a motion with the Florida Supreme Court requesting that they accept jurisdiction of this case. The law firm has responded to Mr. Paul's motion. However, in order for the law firm of Eckert Seamans Cherin & Mellott, LLC to continue to represent the Board in this matter, the Superintendent and Labor Attorney are recommending that the Board authorize an additional expenditure of \$15,000 to the law firm of Eckert Seamans Cherin & Mellott, LLC to present the Board's position before the Florida Supreme Court.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to secure legal counsel to represent the School Board before the Florida Supreme Court in the matter of Ira J. Paul v. Miami-Dade County Public Schools, Florida Supreme Court Case No. 00-1123 and enter into a contract with Eckert Seamans Cherin & Mellott, LLC at a rate not to exceed \$135 per hour, for a total cost not to exceed \$15,000 for responding to all motions and filing of briefs.

GAW:jmg