

Office of School Board Attorney
JulieAnn Rico, Board Attorney

SUBJECT: PROVISION OF LEGAL REPRESENTATION TO INDIVIDUALLY NAMED DEFENDANTS IN THE LITIGATION MATTER OF: ROSE BAREFIELD-COX v. SCHOOL BOARD OF MIAMI-DADE COUNTY, FL, ET AL, Circuit Court Case No. 06-10740-CA-05

The above-referenced lawsuit was filed on June 5, 2006 in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, against The School Board of Miami-Dade County, Florida, and the individually named defendants, Dr. Michael Krop, former Board Member; Merrett Stierheim, former Superintendent of Schools; George Burgess, former Chief Financial Officer; Joseph Arriola, former Chief Business Officer; Johnny Brown, former School Board Attorney; Patricia Bass, former Deputy School Board Attorney; Martin Berkowitz, current Chief Financial Officer and Ana Segura, current Associate School Board Attorney (hereinafter collectively referred to as "Defendants").

As you may recall, a year ago, in June 2005, Ms. Barefield Cox filed a similar lawsuit, and pursuant to School Board Rule 6Gx13-1C-1.02 (*Legal Services for Employees of the Board*), the Board approved a request to provide legal counsel to the individually named Defendants. Some of the individually named Defendants have not been served with the lawsuit at the time of this writing, but are expected to be served in the near future. In order to avoid submitting multiple requests to the Board on behalf of each individual defendant, *in seriatim*, the Board Attorney's Office hereby submits one request to the Board for authorization to provide legal representation (whether in house or through outside legal counsel) to current employees and former employees of the School Board who are named Defendants in their former official capacity and in their individual capacity in this lawsuit.

The lawsuit contains 963 allegations and asserts 25 counts for, *inter alia*, race and age discrimination, sexual harassment/hostile work environment, retaliation, hostile work environment, breach of contract, negligent hiring, negligent retention and supervision, intentional infliction of emotional distress, breach of contract, claim for unpaid wages, violation of administrative rules, abuse of power, violation of MEP provisions, unconstitutional interference with freedom of association and intentional denial of due

G-3

process. Although some of the individually named Defendants are no longer employed by the School Board, the acts alleged in the lawsuit to have been committed by the individually named Defendants allegedly arose out of, and in the course of, the performance of their respective job duties and responsibilities while employed by the School Board.

Pursuant to School Board Rules 6Gx13-1C-1.02 (*Legal Services for Employees of the Board*), and 6Gx13-1C-1.021, (*Defense and Indemnification of Board Members and Superintendent*), and the authority under § 1012.26, Fla. Stat. (2005), the Board Attorney's office hereby requests that the School Board authorize the provision of legal representation by the School Board Attorney's office for the individually named Defendants in this lawsuit. In the interim, the Board Attorney's office will be filing the necessary documents with the Court to protect the Defendants' legal interests.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the office of the School Board Attorney to provide or secure legal representation for the defense of the individually named Defendants, in the matter of Rose Barefield Cox v. The School Board of Miami-Dade County, FL, et al, Circuit Court Case No. 06-10740-CA-05.