

Office of School Board Attorney
JulieAnn Rico, Board Attorney

SUBJECT: REQUEST FOR AUTHORIZATION TO ENTER INTO A CONTRACTUAL AGREEMENT FOR THE POSITION OF SENIOR ASSOCIATE ATTORNEY, RISK MANAGEMENT

COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY

The Senior Associate Attorney, Risk Management, provides legal advice and represents the School Board in the areas of risk management, claims, benefits, property insurance, personal injury defense and other litigation matters. The Senior Associate Attorney will work closely with Risk Management, and all other departments to provide all pertinent necessary legal support, and training for risk avoidance.

Conditions of the employment contract for the position of Senior Associate Attorney, Risk Management provides for an initial employment term from January 8, 2007 to January 7, 2009, with compensation at an annual salary of \$150,000.00, subject to increase as the Board, Board Attorney and the contracted employee may agree. The contract also provides for the individual to be granted vacation and sick leave as provided to managerial exempt personnel. The employee shall be entitled to membership in the Florida Retirement System in the Senior Management Classification as required by Florida Retirement System Rule 60S-1.004.

The employment contract may be terminated by the Board Attorney or employee on 30 days written notice to the Board and the Board Attorney, or to the employee, as the case may be, it being understood that except as so provided, the contracted employee's right to employment shall be subject to the Board Attorney's absolute right to terminate this agreement at will.

Mr. Jorge A. López, Esq. is recommended for appointment to the contracted position of Senior Associate Attorney, Risk Management. Mr. López received his Juris Doctorate *magna cum laude* in May, 1998 from the University of Miami School of Law. Mr. López has been a member of the Florida Bar since 1998 and was formerly a Partner with the law firm of Akerman, Senterfitt, P.A. in Miami, Florida.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, appoint **Mr. Jorge A. López** to the contracted position of Senior Associate Attorney, Risk Management, Office of the School Board Attorney effective January 8, 2007, upon completion of background check, at an annual salary of \$150,000.00 through January 7, 2009.

MIAMI-DADE COUNTY PUBLIC SCHOOLS

JOB DESCRIPTION

IDENTIFICATION INFORMATION

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| 1. | JOB TITLE: | Senior Associate Attorney, Litigation/
Risk Management |
| 2. | DEPARTMENT: | Board Attorney's Office |
| 3. | IMMEDIATE SUPERVISOR: | School Board Attorney |
| 4. | PAY GRADE: | (Contract) |
| 5. | JOB CODE: | 8106 |
| 6. | BARGAINING UNIT: | 6 |
| 7. | DATE OF LAST REVISION: | November 4, 2005 |
| 8. | POSITION AUTHORIZED: | Board Item G-2, November 16, 2005 |
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OCCUPATIONAL SUMMARY

Senior level position; manages cases associate attorney, and legal support staff. Provides legal advice and represents the School Board in the areas of risk management, claims, benefits, property insurance, personal injury defense and other litigation matters. Works closely with Risk Management, and all other Departments to provide all pertinent necessary legal support, and training for risk avoidance.

EXAMPLE OF DUTIES

1. Provides legal advice and represents the School Board in the areas of risk management, claims, benefits, property insurance, personal injury defense and other litigation matters.
2. Assists in drafting and/or reviews board policies, contracts, and documents relating to areas of responsibility.
3. Directs and performs as necessary legal research and preparation of legal opinions.
4. Works closely with Risk Management, and all other Departments to provide all pertinent necessary legal support, and training for risk avoidance.
5. Represents the School Board in litigation filed by or against the School Board, including but not limited to administrative proceedings, court proceedings, civil matters, and other civil suits.

MINIMUM QUALIFICATION REQUIREMENTS

1. Law degree from accredited law school.
2. Member in good standing of The Florida Bar.
3. Admission to the United States Federal District Court for the Southern District of Florida preferred.
4. Minimum of ten (10) years litigation experience in either trial court and/or administrative proceedings or arbitration in the area of construction, complex civil litigation, and/or Risk Management.
5. Demonstrated ability to successfully manage and supervise employees, manage cases and litigation teams.

Jorge A. López
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Miami, FL 33129
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e-mail: jlopeztally@yahoo.com

EMPLOYMENT

AKERMAN SENTERFITT, Miami, FL

2000 – Present

Partner. Responsible for diverse and active case load. Actively participated in multiple week-long jury trials. Draft and argue dispositive motions and draft appellate briefs in both federal and state courts. Negotiate, mediate, and settle cases on behalf of wide array of clients. Conduct depositions, investigations and interviews. Prepare presentations and case evaluations for boards of directors.

Representative Cases. Successfully defended multi-plaintiff age discrimination and retaliation lawsuit, including obtaining defense jury verdict. Represent educational institutions in variety of legal issues, including defense of disputes brought by former and current students. Defend municipalities in tort cases. Represent employer in defense of invasion of privacy claim. Successfully defended state and federal challenges to Redistricting Plans adopted by the Florida Legislature. Addressed legal issues for negotiation of contracts, including application of workers' compensation statute in different employment arenas. Defended individual members of board of directors in breach of fiduciary duty claims. Participated in arbitration proceedings defending real estate developer. Defend numerous financial institutions in multi-million dollar lawsuits.

SUPREME COURT OF FLORIDA, Tallahassee, FL

1998 – 2000

Law Clerk - Justice Harry Lee Anstead. Drafted judicial opinions in numerous civil, criminal and commercial cases involving different subject areas, including constitutional law, business law, and workers' compensation. Researched legal issues and prepared legal bench memoranda on diverse areas of law. Made oral presentations and recommendations to Justices.

DADE COUNTY STATE ATTORNEY'S OFFICE, Miami, FL

01/98 - 04/98

Certified Legal Intern - County Division. Presented opening argument and conducted direct examinations in jury and bench trials. Interviewed witnesses. Negotiated pleas.

GUNSTER, YOAKLEY, VALDES-FAULI & STEWART, Miami, FL

Summer 1997

Summer Associate. Performed research and drafted legal memoranda on various issues of complex civil litigation and corporate transactions. Drafted documentation for State Department of Revenue and IRS.

SUPREME COURT OF FLORIDA, Tallahassee, FL

Summer 1997

Judicial Intern - Chief Justice Gerald Kogan. Performed legal research and drafted bench memoranda.

THIRD DISTRICT COURT OF APPEAL, Miami, FL

Summer 1996

Judicial Intern - Judge John G. Fletcher. Prepared case evaluations for oral argument and performed legal research.

READY STATE BANK, Miami, FL

1991-1995

PROFESSIONAL ASSOCIATIONS

- o - The Florida Bar, admitted 1998
- o - Admitted in all U.S. District Courts in Florida.
- o - Florida Bar Civil Procedure Rules Committee, 2001-2004
- o - Florida Bar Code and Rules of Evidence Committee, 2005-Present
- o - Cuban American Bar Association (currently nominated for the Board of Directors)

PUBLICATION

Jorge A. López, *Prejudgment and Postjudgment Interest: What's in a Name*, Fla. Bar Journal, March 2002, at 20.

EDUCATION

UNIVERSITY OF MIAMI SCHOOL OF LAW, Coral Gables, FL

Juris Doctor, *magna cum laude*, May 1998

G.P.A.: 3.50/4.0

Law Journal: *University of Miami Inter-American Law Review*

Honors: Dean's Honor Scholarship
Mofsky Service Scholarship 1997, 1998
MPLE Scholarship
Moot Court Board
Dean's Certificate in Business Planning for M & A
Honorary Society of Bar & Gavel, President

Dean's List
International Moot Court Board
Client Counseling Competition, Winner
Omicron Delta Kappa
Phi Delta Phi Honor Society
Alpha Epsilon Lambda Honor Society

Activities: Hispanic Law Students Association, Treasurer 1996-97
Faculty Curriculum Comm., Student Member 1996-97

Dean's Cup 1995-98
Intramural Basketball & Football

FLORIDA INTERNATIONAL UNIVERSITY, Miami, FL

Bachelor of Business Administration, *cum laude*, May 1995

G.P.A.: 3.706/4.0

Major: Finance

Honors: Dean's List: 1991-95
Academic Achievement Award in Finance
Beta Gamma Sigma Business Honor Society
National Hispanic Scholar

Phi Kappa Phi Honor Society
Phi Eta Sigma Honor Society
Golden Key National Honor Society

COMMUNITY SERVICE

- o Greater Miami Chamber of Commerce -- Leadership Miami Class of 2004
- o Participated in Justice Teaching Institute Program for Florida Teachers
- o Judged University of Miami Moot Court Trial Advocacy Competition
- o Active participant in University of Miami School of Law Partnership for Professionalism Program
- o Judged state high school mock trial finals
- o Directed mock oral arguments for students touring Florida Supreme Court
- o Participated in Dominican Republic Mission Trip - 1995, 1996
 - built aqueduct and schoolhouse for over 200 people in village
- o Coach of Special Olympics athlete

SKILLS/ PERSONAL BACKGROUND

Fluent in Spanish. Enjoy participating in competitive sports and performing community service.

References Available Upon Request

AGREEMENT

THIS AGREEMENT dated this 13th day of December, 2006, by and between THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, hereinafter referred to as the "BOARD," and JORGE A. LÓPEZ, hereinafter referred to as " LÓPEZ,"

WITNESSETH

WHEREAS, pursuant to a written Agreement between the BOARD and JULIEANN RICO, hereafter referred to as the BOARD ATTORNEY, the "BOARD ATTORNEY" is responsible for the selection, hiring and supervision of such additional attorneys as may be necessary for the proper handling of the work of the BOARD; and pursuant to said Agreement each such additional attorney is to be employed by the BOARD; and

WHEREAS, the said BOARD ATTORNEY desires that LÓPEZ be employed as SENIOR ASSOCIATE ATTORNEY – LITIGATION/RISK MANAGEMENT, and LÓPEZ desires to accept such employment subject to all the provisions of the said Agreement between the BOARD and the BOARD ATTORNEY;

NOW, THEREFORE, the parties hereto agree as follows:

1. The BOARD agrees to employ LÓPEZ as SENIOR ASSOCIATE ATTORNEY – LITIGATION/RISK MANAGEMENT at an annual salary of ONE HUNDRED FIFTY THOUSAND and 00/100 (\$150,000.00) Dollars, payable in biweekly installments, for the period from January 8, 2007 to January 7, 2009, subject to increase as the BOARD, the BOARD ATTORNEY, and LÓPEZ may agree.

1A. The parties acknowledge and agree that LÓPEZ 's employment hereunder shall be subject to a 60-day initial probationary period, during which this Employment Agreement may be terminated at the sole discretion of the BOARD ATTORNEY upon written notice to LÓPEZ.

2. In addition to the compensation herein above provided, LÓPEZ shall be entitled to participate in such insurance and retirement plans and other fringe benefits as may be available from time to time to the managerial exempt employees of the BOARD, and shall be entitled to reimbursement for travel and related expenses according to applicable law and BOARD Rules and regulations.

3. The duties and assignments of LÓPEZ as SENIOR ASSOCIATE ATTORNEY – LITIGATION/RISK MANAGEMENT shall include the responsibilities as set forth in the Job Description for SENIOR ASSOCIATE ATTORNEY – LITIGATION/RISK MANAGEMENT, as amended from time to time, and the performance of such other duties and assignments as the BOARD ATTORNEY shall direct. In the conduct of his duties, he shall be fully and solely responsible and accountable to the BOARD ATTORNEY.

4. LÓPEZ agrees to devote his full time and efforts to the performance of his duties and responsibilities as SENIOR ASSOCIATE ATTORNEY – LITIGATION/RISK MANAGEMENT and further agrees not to accept or perform any legal services for any client other than the BOARD which may in any way conflict with the legal business of the BOARD or with his duties and responsibilities as such SENIOR ASSOCIATE ATTORNEY – LITIGATION/RISK MANAGEMENT.

5. This Contract may be terminated at the option of the BOARD ATTORNEY or LÓPEZ on thirty (30) days' written notice to the BOARD and to the BOARD ATTORNEY, or to LÓPEZ, as the case may be, it being understood that except as so provided, the said LÓPEZ 's right to employment shall be subject to the BOARD ATTORNEY'S absolute right to terminate this Agreement at will.

IN WITNESS WHEREOF the parties hereto have hereunto signed their names and affixed their seals at Miami-Dade County, Florida, this _____ day of December 2006.

ATTEST:

THE SCHOOL BOARD OF MIAMI-DADE
COUNTY, FLORIDA

Rudolph F. Crew, Ed.D., Secretary

By: _____
Agustin J. Barrera, Chairman

By: _____
Jorge A. López

Approved as to Form:

JulieAnn Rico Allison
School Board Attorney