

Agustin J. Barrera, Chairman

SUBJECT: APPROVAL AND CONFIRMATION OF OUTSIDE LEGAL COUNSEL IN THE CASE OF MARTA PÉREZ v. RUDOLPH F. CREW, and THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA. Circuit Court Case No. 07-156-CA-02

On March 1, 2007, the School Board was served with the Complaint filed by Dr. Marta Pérez, as an individual and as a School Board member, in the above-referenced case. As you will recall, on January 3, 2007, Dr. Pérez filed suit against the Superintendent regarding issues dealing with the content of the Agenda and Public Records requests. The Board has now been joined in the lawsuit as co-Defendant.

Due to the immediate need for the retention of defense counsel for the Board, the Board Attorney, after reviewing the lawsuit, selected Mr. Michael Olenick of the Carlton Fields law firm as outside legal counsel in this matter. Mr. Olenick is an attorney with twenty (20) years of experience in administrative and government law. Mr. Olenick also served as General Counsel to the Florida Department of Education and as a Board member and Chairman of the Martin County School Board, and thus brings specific knowledge and an added perspective to the matters involved in this case. A copy of Mr. Olenick's resume is attached.

For the foregoing reasons, the School Board Attorney recommends that Mr. Olenick serve as outside legal counsel for the Board in this case and that the Board confirm his selection as outside counsel. In order to protect the Board's interests, Mr. Olenick has been engaged, pursuant to Board Rules, under a \$25,000 consultant contract. It is anticipated that the latter contract will be insufficient to provide for Mr. Olenick's representation for a significant period of time. Accordingly, approval is sought for the continued retention of Mr. Olenick as outside counsel, under a new contract, for the duration of the litigation of this matter. The costs of this lawsuit will be funded through the district's Risk Management Loss Fund.

ACTION PROPOSED BY

CHAIRMAN AGUSTIN J. BARRERA: That The School Board of Miami-Dade County, Florida authorize and confirm the retention of Michael H. Olenick, Esquire and his firm, Carlton Fields, Attorneys at Law, as counsel for the Board in the case known as Marta Pérez v. Rudolph F. Crew, and The School Board of Miami-Dade County, Florida, Circuit Court Case No. 07-156-CA-02, subject to the supervision of the School Board Attorney. Mr. Olenick, a shareholder with the Carlton Fields law firm, will be compensated at the rate of \$320.00 per hour; his associates will be compensated at \$ 230.00 to \$ 290.00 per hour; and fees for attorneys in the Miami office of Carlton Fields will not exceed \$495.00 per hour. A report of the costs associated with this litigation will be provided to the Board on a regular basis.

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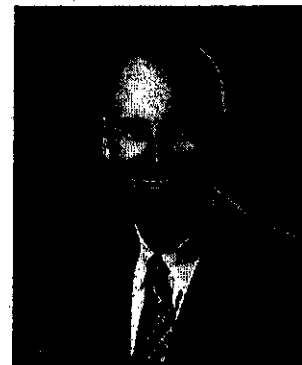
Attorney Bio

MICHAEL H. OLENICK

E-mail: molenick@carltonfields.com

Position

Carlton Fields Shareholder
Tallahassee Office



Practice Experience

- Michael Olenick is a member of the Firm's Government Law and Consulting, Land Use and Environmental Law, and Energy Practice Groups.
- Mr. Olenick practices in the area of administrative, government, legislative, real property, land use and mediation.

Representative Pro Bono Matters

- Clemency-matter involving working with the Florida Coalition Against Domestic Violence Prison Project (FCADV) in the representation of a client convicted of killing her batterer.

Professional and Civic Activities

- The Florida Bar
- American Bar Association
- Certified Mediator
Florida Association of Professional Mediators
- Easter Seals Society of North Florida
Board Member
- Florida Association of Professional Lobbyists
- Tallahassee Chamber of Commerce

- WorldClass Schools of Leon County Inc.
2006 Board of Directors, Chairman
- Volunteer Florida Foundation Counsel and Board Member
- American Coalition for Ethanol

Professional Recognition

- Appointed by Governor Bush to the Legal Team in Defense of the "A+" Education Plan
- Appointed by Commissioner of Education to Chair Task Force on Holocaust Education
- Appointed by Chief Financial Officer Gallagher to represent Department of Financial Services before International Commission on Holocaust Era Insurance
- Florida Coalition Against Domestic Violence (FCADV) Advocate of the Year (2006)
- AV Rated by Martindale-Hubbell

Court Admissions

- Florida
- District of Columbia
- U.S. District Court for the Southern District of Florida,
including the Trial Bar
- U.S. District Court for the Northern District of Florida
- U.S. District Court for the Middle District of Florida
- U.S. Court of Appeals for the Eleventh Circuit

Background

- General Counsel of the Florida Department of Education, State Board of Education,
and the Florida Distance Learning Network
- Chief Lobbyist for the Department of Education
- Elected member and chairman of the Martin County School Board
- County Attorney and Assistant County Attorney for the Martin County Board of
Commissioners
- Board Member and Attorney for the Florida Education Foundation

- Attorney for the Florida Endowment Foundation for Florida's Graduates, Inc.
- Member of the City of Stuart Community Redevelopment Authority
- Attorney for the Martin County Children's Services Council
- Assistant State Attorney, 17th Judicial Circuit, Broward County and 19th Judicial Circuit, St. Lucie County
- More than ten years experience in land use law while in private practice.

Education

- Nova Southeastern University Law School (J.D., 1977)
- Lafayette College (B.A., 1974)