

Office of School Board Attorney
Walter J. Harvey, Board Attorney

**SUBJECT: REQUEST FOR AUTHORIZATION TO ENTER INTO A
 CONTRACTUAL AGREEMENT FOR THE POSITION OF
 ASSISTANT SCHOOL BOARD ATTORNEY,
 CONSTRUCTION/LITIGATION**

COMMITTEE: SCHOOL FACILITIES

The School Board, at its meeting of October 14, 2009, approved Agenda Item G-1, which provided for the restructuring of the School Board Attorney's office. As part of this restructuring, Agenda Item G-1 specified that the vacant construction attorney position would be advertised and a qualified candidate would be presented for the Board's approval. The position of Assistant School Board Attorney, Construction/Litigation, was established to provide legal advice and to represent the School Board in the areas of construction and other litigation matters. The attorney retained for this position will work closely with School Facilities, including the offices of Capital Construction Compliance, Capital Improvement Projects and Governmental Affairs and Land Use, to provide all pertinent legal support, and any training necessary for risk avoidance.

All applicants were interviewed by the Board Attorney and attorneys from his staff as well as staff from School Facilities. Having completed this screening process, we are now requesting authorization to enter into a contractual agreement with Mr. Brian Williams, Esq., for the position of Assistant School Board Attorney, Construction/Litigation. (Contract, Resume and Job Description attached.)

Mr. Williams received his Juris Doctorate in May, 2002 from George Washington University Law School. Mr. Williams has been a member of the Florida Bar since 2002, and was formerly an associate with the law firm of Cohen & Grigsby, P.A. in Naples, Florida. Mr. Williams has extensive knowledge and experience in the field of construction litigation.

**Replacement
G-2**

The terms of Mr. Williams' employment contract provide for an initial employment term from February 1, 2010 to February 1, 2012, with compensation at an annual salary of \$135,000.00 (with a salary increase of \$3,000.00 when the Florida Bar approves his certification in construction law). Mr. Williams may be eligible to an increase subject to Board approval. The contract also provides for Mr. Williams to be granted vacation and sick leave, along with other fringe benefits as provided to managerial exempt personnel.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve the employment contract for Mr. Brian A. Williams, Esquire to the position of Assistant School Board Attorney, Construction/Litigation, upon completion of the background check, effective February 1, 2010 through February 1, 2012, at an annual salary of \$135,000.00 (with an increase of \$3,000.00 when certified in construction law).

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT ("Agreement") is made effective this 1st day of February, 2010, by and between THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, (the "Board"), and BRIAN A. WILLIAMS ("WILLIAMS").

WITNESSETH:

WHEREAS, pursuant to a written Agreement between the Board and Walter J. Harvey (the "Board Attorney"), the "Board Attorney" is responsible for the selection, hiring and supervision of additional attorneys as may be necessary for the proper handling of the work of the Board; and pursuant to said Agreement, each additional attorney is to be employed by the Board; and

WHEREAS, the Board Attorney desires that Williams be employed as Assistant School Board Attorney –Construction /Litigation, and Williams desires to accept such employment subject to all of the provisions of the Agreement between the Board and the Board Attorney.

NOW, THEREFORE, the parties hereto agree as follows:

1. The Board agrees to employ Williams as Assistant School Board Attorney – Construction/Litigation at an annual salary for the amount of One Hundred Thirty-Five Thousand and no/100 Dollars (\$135,000.00), payable in biweekly installments, for the period from February 1, 2010, to February 1, 2012 subject to increase as the Board, the Board Attorney, and Williams may agree. If Williams applies for board-certification in construction law with the Florida Bar within the first six (6) months of his employment and thereafter is certified in construction law, Williams will be entitled to an increase in annual salary of Three Thousand and no/100 Dollars (\$3,000.00). If the

managerial exempt employees receive a salary increment, then the same salary increment will be applied to my salary.

2. The Board will pay the basic annual dues for the attorney's membership in the Florida Bar during the term of this Agreement.

3. In addition to the compensation herein above provided, Williams 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.

4. The duties and assignments of Williams as Assistant School Board Attorney – Construction/Litigation shall include the responsibilities as set forth in the Job Description for Assistant School Board Attorney - Construction/Litigation, 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.

5. Williams agrees to devote his full time and efforts to the performance of his duties and responsibilities as Assistant School Board Attorney - Construction/Litigation 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 Assistant School Board Attorney – Construction/Litigation.

6. This Agreement may be terminated at the option of the Board Attorney or Williams on thirty (30) days' written notice to the Board and to the Board Attorney, or to Williams, as the case

) may be, it being understood that except as so provided, William'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 executed this Agreement on the ___ day of _____, 2010.

ATTEST:

**THE SCHOOL BOARD OF MIAMI-DADE
COUNTY, FLORIDA**

Alberto M. Carvalho
Superintendent of Schools

By: _____
Dr. Solomon Stinson, Chair

By: _____
Brian A. Williams
Assistant School Board Attorney

) **Approved as to Form and Legal Sufficiency:**

Walter J. Harvey
School Board Attorney

Brian A. Williams

BAR/COURT ADMISSIONS

- The Florida Bar, admitted 2002
- U.S. Southern District of Florida, admitted 2004
- U.S. Middle District of Florida, admitted 2005
- U.S. Tax Court, admitted 2007
- U.S. Court of Appeals 11th Circuit, admitted 2007
- U.S. Northern District of Florida, admitted 2008

PROFESSIONAL EXPERIENCE

Cohen & Grigsby, P.C.

Associate

Bonita Springs/Naples, Florida

September 2007- present

- Practice areas include: Corporate and Commercial Litigation, Construction Litigation, and Real Estate Litigation.
- Assist clients in a variety of litigation matters including: contract disputes, intellectual property and trademark disputes, non-compete agreements, commercial lease disputes, construction defect claims, and real estate disputes.
- Represented clients in State and Federal Court actions.

Becker & Poliakoff, P.A.

Associate

Fort Myers/Naples, Florida

August 2005- August 2007

- Practice areas include: Commercial Litigation, Construction Law, and Community Association Law.
- Assist clients, including developers, lenders, government entities, insurers, manufacturers, contractors, and community associations in a variety of litigation matters relating to contracts, real estate disputes, construction defects, covenant enforcement, and other civil actions.
- Supervised Collection and Foreclosure Department.

Cole, Scott, & Kissane, P.A.

Associate

Miami, Florida

March 2004- July 2005

- Practice areas included: General Civil Litigation, Personal Injury, Condominium Law, and Legal Malpractice.
- Conducted and defended numerous depositions of witnesses involved in pending litigation.
- Drafted various discovery pleadings, legal motions, and memorandums.

Office of the State Attorney (11th Judicial Circuit)

Assistant State Attorney

Miami, Florida

August 2002- March 2004

- Assigned to the Domestic Violence Unit (Prosecuted both misdemeanor and felony cases).
- Supervised and trained incoming attorneys including assistance in case management, trial skills, and complex legal issues.
- Prepared and argued various legal motions and memorandums.
- Conducted pre-trial investigations (interviewed witnesses and victims)
- Developed a training video used by the Office of the State Attorney and the Miami-Dade Police Department.

U.S. Department of Labor

Pension Law Specialist

Washington, D.C.

September 2001- March 2002

- Assigned to the Office of Exemption Determinations in the Pension Welfare and Benefits Administration.
- Granted exemptions under ERISA for individuals seeking to enter into prohibited transactions under the code.
- Held conferences to discuss relief from civil penalties administered under the code.

United States Attorney's Office

Law Clerk

Greenbelt, Maryland

Spring 2001

- Participated in judicial proceedings and drafted various legal documents including memorandums, motions, and briefs.
- Researched various criminal law issues utilizing the Federal Rules of Evidence and Federal Rules of Criminal Procedure. Shadowed Assistant United States Attorney.

EDUCATION

The George Washington University Law School
Juris Doctor, May 2002

Washington, D.C.

- Black Law Student Association, Treasurer
- Hispanic Law Student Association, Member
- Student Bar Association, Chair of the Student Recruitment Committee
- Corporate & Business Law Journal
- Consumer Mediation Clinic
- Domestic Violence Litigation Clinic

Honors & Awards

- Alternative Dispute Resolution Board (Top 25% of Negotiation Competition)
- Trial Court Board (Top 20% of Mock Trial Competition)
- Phi Delta Phi International Legal Honor Fraternity (John Marshall Inn)

The University of Oxford, New College
International Human Rights Law Programme, Summer 2000

Oxford, England

- Courses taken: International Human Rights Law; Human Rights Advocacy and Dissemination
- Participated in an International Human Rights Mock Trial

Emory University, Goizueta Business School
Bachelor of Business Administration, May 1999

Atlanta, Georgia

- Concentration in Marketing, Communications, and Human Resource Management

Honors & Awards

- Order of Omega Honor Society
- Dean's List

PROFESSIONAL RECOGNITION/SPEAKING ENGAGEMENTS

- Gulfshore Business Magazine- Top 40 Under 40 List 2009
- Florida Super Lawyers- Rising Stars List 2009-Winners, selected by their peers represent 5 percent of the total lawyers in the state.
- Special Recognition-Collier County Legal Aid 2009
- Florida Trend's Florida Legal Elite Top Up & Comers List 2008- Winners, selected by their peers, are part of a prestigious roster representing 1.9 percent of approximately 61,500 active members of the Florida Bar.
- Foreclosure Help Seminar (Panelist) November 17, 2008-Event sponsored by the The Steering Committee for a Coordinated Community Response on Foreclosed and Abandoned Homes.
- Save Your Home Workshop (Panelist) May 22, 2008- Event sponsored by Legal Aid of Collier County.

PROFESSIONAL AFFILIATIONS AND ASSOCIATIONS

- Calusa Chapter of the American Inns of Court
- Collier County Bar Association
- Lee County Bar Association (Member-at-Large 2010-2011)
- Isaac Anderson Bar Association (President 2009-2010)
- National Bar Association
- Alpha Phi Alpha Fraternity, Inc. (Xi Omicron Lambda Chapter-Historian 2009-2010)

COMMUNITY SERVICE

- Collier County Foreclosure Task Force 2008, 2009
- Susan G. Komen Race For Cure- 2007, 2008, 2009
- March of Dimes- March for Babies- 2009
- Lee County Mock Trial Competition- 2008, 2009
- Collier Lawyer's Care Program 2009

REFERENCES

- Available upon request.

MIAMI-DADE COUNTY PUBLIC SCHOOLS

JOB DESCRIPTION

IDENTIFICATION INFORMATION

1. JOB TITLE: Senior Associate Assistant School Board Attorney, Business Operations/Construction/Litigation
2. DEPARTMENT: Board Attorney's Office
3. IMMEDIATE SUPERVISOR: School Board Attorney
4. PAY GRADE: 60
5. JOB CODE: 8100
6. BARGAINING UNIT: 6
7. DATE OF LAST REVISION: October 14, 2009
8. POSITION AUTHORIZED: Board Item G-2, November 16, 2005

OCCUPATIONAL SUMMARY

Works at the direction of the School Board Attorney. Provides legal advice and represents the School Board in the areas of construction, claims and contract management, purchasing contracts, public bid process/protests, transportation, food services litigation and risk management. Works closely with Purchasing, Construction, Transportation, Finance and Risk Management departments to provide all pertinent necessary legal support.

EXAMPLE OF DUTIES

1. Provides legal advice and represents the School Board in the areas of construction, claims and contract management, purchasing contracts, public bid process/protests, transportation, food services litigation and risk management.
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 Purchasing, Construction, Transportation, Finance and Risk Management Departments to provide all pertinent necessary legal support.

5. Represents the School Board in litigation filed by or against the School Board, including but not limited to administrative proceedings, bid protests, court proceedings, civil matters, and enforcement of contracts.
6. Coordinates and monitors work performed and services billed by outside counsel in preparing, planning, and representing the School Board in litigation.
7. Recommends changes in policies and procedures to ensure compliance with applicable federal and state laws and Department of Education regulations regarding assigned areas.
8. Coordinates in-service training on legal matters which pertain to areas of assignment and to federal and state laws, and School Board rules which impact these areas.
9. Provides legal advice to school District officials with regard to legal issues.
10. Reviews, supervises, and approves the work of Associate Attorney for Business Operations/Contract Specialist and outside counsel in the provision of legal services to the school District.
11. May represent District in litigation matters as assigned.
12. Follows adopted policies and procedures in accordance with School Board priorities.
13. Conducts oneself in the best interest of students, in accordance with the highest traditions of public education and in support of the District's Mission Statement.
14. Must be willing to cross train and provide legal support in other practice areas as assigned by the School Board Attorney.
15. Performs other duties related to the general administrative responsibilities of the position.

PHYSICAL REQUIREMENTS

This work requires the following physical activities: sitting, mobility, lifting, finger dexterity, grasping, repetitive motions, talking, hearing and visual acuity. The work is performed primarily indoors.

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 five (5) years litigation experience in either trial court or administrative proceedings or arbitration in the area of construction, complex civil litigation, and/or Risk Management; and/or five (5) years of drafting and/or negotiating complex contracts including experience in construction/architectural or engineering agreements, other governmental procurement, finance, or other complex drafting and negotiating.
5. Demonstrated ability to successfully manage and supervise employees.