

Office of Superintendent of Schools
Board Meeting of February 10, 2010

February 8, 2010

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

**SUBJECT: REQUEST FOR AUTHORIZATION TO FILL VACANT
POSITION OF ASSISTANT SCHOOL BOARD ATTORNEY,
PERSONNEL/LITIGATION, AND AMEND JOB DESCRIPTION
AND CONTRACTUAL AGREEMENT OF ASSISTANT
SCHOOL BOARD ATTORNEY**

COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY

The School Board Attorney's office was restructured in October, 2009. Since that time, the Attorney's office continues to adjust its staffing to meet the unique requirements of the actual demands for legal services and expertise and abilities of the current attorneys and support staff to maximize efficiencies within the department.

On January 25, 2010, the position of Assistant School Board Attorney, Personnel/Litigation became vacant when the attorney's employment ended. This position provides legal advice and represents the School Board in the areas of personnel, disciplinary matters, employee relations, school police, and worker's compensation, and works closely with assigned departments to effectively implement all pertinent policies. The School Board Attorney is recommending Mr. Christopher La Piano for appointment to the aforementioned vacant contracted position.

Mr. La Piano received his juris doctorate in 2008 *cum laude* from the University of Miami School of Law, and his bachelor of arts *magna cum laude* from Boston University. Mr. La Piano has been a member of the Florida Bar since 2008. The employment contract for Mr. La Piano may be terminated by the Board Attorney and it being understood that except as so provided therein, the contracted employee or the Board Attorney may terminate this employment contract with thirty (30) days written notice at will. A copy of Mr. La Piano's contract and resume is attached.

This Board item also requests a reclassification in the position of Assistant School Board Attorney – Risk Management/Litigation. The area of Risk Management/Litigation continues to provide the School Board with significant costs savings by the handling of litigation cases in-house resulting in the reduction of outside counsel legal fees, and by the increased management of outside counsel. The Assistant School Board Attorney-

**Replacement
G-4**

Risk Management/Litigation has assumed many additional duties and responsibilities previously associated with the former position of Chief of Litigation, and is therefore being changed to Assistant School Board Attorney – Risk Management/Litigation Supervisor. In addition to the continuation of existing duties and responsibilities, the new position will, among other things, oversee the handling of threatened lawsuits served on the District and will encompass an increased management of outside counsel in tort liability cases. Due to these increased responsibilities, an amended job title, job description, and a compensation adjustment are being proposed to be commensurate with the new job responsibilities. A copy of the amended job description and contract amendment is attached.

None of these changes will increase the overall budget of the office. Instead, these proposed changes will result in a net annualized savings in salary of over \$50,000.

RECOMMENDED: That The School Board of Miami-Dade County, Florida:

- (1) Approve the new employment contract for Christopher La Piano as Assistant School Board Attorney, Personnel/Litigation;
- (2) Authorize the amendment of the Title, Job Description, and Contract for the Assistant School Board Attorney - Risk Management/Litigation.

CHRISTOPHER JAMES LA PIANO

EDUCATION

UNIVERSITY OF MIAMI SCHOOL OF LAW, Coral Gables, FL

Juris Doctor, *cum laude*, May 2008

GPA: 3.305

- Honors:* Dean's Merit Scholar
Awarded *Honors* in NITA Litigation Skills Program, Pre-Trial and Trial, Spring 2008
Dean's Certificate of Achievement in Commercial Law, Spring 2007
Dean's Certificate of Achievement in Torts, Fall 2005
1L Moot Court Competition Finalist, Spring 2006
- Activities:* Member of the Entertainment and Sports Law Society
- Study Abroad:* University of Miami Mediterranean Experience Program
Greece, Italy and Spain (Summer 2006)

BOSTON UNIVERSITY SCHOOL OF HOSPITALITY, Boston, MA

Bachelor of Science in Hospitality Administration, *magna cum laude*, January 2004

GPA: 3.37

- Honors:* Boston University Merit Scholarship
Member of Eta Sigma Delta, International Hospitality Managers Society
- Activities:* Member and Secretary of the Boston University Rugby Football Club (2000-2003)

EXPERIENCE

JASON A. SETCHEN, P.A., Miami, FL

Associate Attorney, August 19, 2008 – present

- Managed individual litigation caseload, drafting pleadings, motions and discovery related to commercial, tort and family law cases
- Argued motions at hearings in both circuit and county court including motions to dismiss, motions related to discovery, contempt and other matters
- Attended mediations and conducted negotiations with opposing counsel regarding settlements, discovery disputes and various case management matters
- Daily communication with clients, advising them regarding relevancy of legal issues, case strategy and cause and effect of their actions on individual cases

RICHARD R. ROBLES, P.A., Miami, FL

Law Clerk, May 12, 2007 – May 8, 2008

- Conducted research and analysis of complex real estate and commercial litigation issues and drafted memoranda regarding same
- Drafting pleadings, discovery and motions at all stages of litigation
- Aiding partner in taking depositions and trial preparation
- Frequent face to face and telephonic interaction with both clients and opposing counsel

ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, Miami, FL

Judicial Intern, The Honorable Lawrence Schwartz, September 2006 – November 2006

- Assisted judge with criminal arraignments and other proceedings
- Interacted with state prosecutors and defenders
- Conferred with judge regarding adjudications, criminal procedure and due process analysis

BAR ADMISSIONS

Florida (2008)

SKILLS AND INTERESTS

- Westlaw, Lexis-Nexis, Excel, Powerpoint
- International Travel (Rugby Tour to New Zealand, 9 weeks backpacking South America), Weightlifting, Running

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT ("Agreement") is made effective this 10th day of February, 2010, by and between THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA (the "Board"), and CHRISTOPHER LA PIANO ("La Piano").

W I T N E S S E T H:

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 La Piano be employed as Assistant School Board Attorney – Personnel/Litigation, and La Piano 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 La Piano as Assistant School Board Attorney – Personnel/Litigation at an annual salary for the amount of Sixty-Five Thousand and no/100 Dollars (\$65,000.00), payable in biweekly installments, for the period from February 16, 2010, to November 30, 2011, subject to increase as the Board, the Board Attorney, and La Piano may agree. 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, La Piano 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 La Piano as Assistant School Board Attorney – Personnel/Litigation shall include the responsibilities as set forth in the Job Description for Assistant School Board Attorney - Personnel/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. La Piano agrees to devote his full time and efforts to the performance of his duties and responsibilities as Assistant School Board Attorney - Personnel/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 – Personnel/Litigation.

6. This Agreement may be terminated at the option of the Board Attorney or La Piano on thirty (30) days' written notice to the Board and to the Board Attorney, or to La Piano, as the case may be, it being understood that except as so provided, La Piano'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: _____
Christopher La Piano
Assistant School Board Attorney

Approved as to Form and Legal Sufficiency:

Walter J. Harvey
School Board Attorney

MIAMI-DADE COUNTY PUBLIC SCHOOLS

JOB DESCRIPTION

IDENTIFICATION INFORMATION

- | | | |
|----|------------------------|---|
| 1. | JOB TITLE: | Assistant School Board Attorney,
Risk Management/Litigation Supervisor |
| 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: | February 1, 2010 |
| 8. | POSITION AUTHORIZED: | Board Item G-2, November 16, 2005 |
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OCCUPATIONAL SUMMARY

Works at the direction of the School Board Attorney. Manages cases, assistant attorneys, 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.
6. Processes threatened lawsuits served on the District and coordinates with adjusters for the handling of same.
7. In conjunction with School Board Attorney, gives authorization for resolution of threatened lawsuits handled by outside counsel and adjusters in accordance with applicable laws and Board Rules.
8. In conjunction with School Board Attorney, gives authorization of resolution of tort lawsuits handled by outside counsel and adjusters in accordance with applicable laws and Board Rules.
9. In conjunction with School Board Attorney, assigns tort lawsuits to outside counsel.
10. Receives service of process for summons and complaints served on the School Board Attorney's Office.
11. Recommends changes in policies and procedures to ensure compliance with applicable federal and state laws and Department of Education regulations regarding assigned areas.
12. 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.
13. Provides legal advice to school District officials with regard to legal issues.
14. Reviews, supervises, and approves the work of Associate Attorney for Litigation in the provision of legal services to the school District.
15. Represents District in litigation matters as assigned by Board Attorney.
16. Follows adopted policies and procedures in accordance with School Board priorities.
17. 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.

18. Must be willing to cross train and provide legal support in other practice areas as assigned by the School Board Attorney.

PHYSICAL REQUIREMENTS

This work requires the following physical activities: climbing, bending, stooping, kneeling, twisting, reaching, sitting, standing, walking, 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 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.

AMENDED EMPLOYMENT AGREEMENT

THIS AMENDED EMPLOYMENT AGREEMENT ("Agreement") is made effective this 10th day of February, 2010, by and between THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, (the "Board") and JORGE A. LÓPEZ ("López").

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 López be employed as Assistant School Board Attorney – Risk Management/Litigation Supervisor, and López 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 López as Assistant School Board Attorney – Risk Management/Litigation Supervisor with the additional responsibilities and duties set forth in the new job description at an annual salary for the amount of One Hundred Fifty Eight Thousand and no/100 Dollars (\$158,000), payable in biweekly installments, for the period from February 19, 2010, to November 30, 2011, subject to increase as the Board, the Board Attorney, and López may agree. If the managerial exempt employees receive a salary increment, then the same salary increment will be applied to Lopez's 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, 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.

4. The duties and assignments of López as Assistant School Board Attorney – Risk Management/Litigation Supervisor shall include the responsibilities as set forth in the Job Description for Assistant School Board Attorney - Risk Management/Litigation Supervisor, 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. López agrees to devote his full time and efforts to the performance of his duties and responsibilities as Assistant School Board Attorney - Risk Management/Litigation Supervisor, 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 – Risk Management/Litigation Supervisor.

6. This Agreement 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, López' 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: _____
Jorge A. López
Assistant School Board Attorney

Approved as to Form and Legal Sufficiency:

Walter J. Harvey
School Board Attorney