

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

SUBJECT: APPROVAL TO RETAIN ADDITIONAL OUTSIDE LEGAL COUNSEL TO REPRESENT THE BOARD IN ITS TELECOMMUNICATIONS MATTERS

COMMITTEE: INNOVATION, EFFICIENCY, AND GOVERNMENTAL RELATIONS

LINK TO STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY

The School Board Attorney requests that the School Board authorize the Board Attorney to enter into contracts for telecommunications services with (1) The Law Offices of Evan D. Carb, LLC ("Carb"); and (2) The Higgs Law Group ("Higgs"). These contracts received unanimous approval from the Professional Services Contracts Committee on May 27, 2010.

REVISED

The Board has several major telecommunications-related issues that require specific expertise concerning, among other things, Educational Broadband Spectrum (EBS) Frequencies filings, long-term lease negotiations, analog to digital radio conversions, ownership and operation of its broadcast and broadband facilities, direct access to Federal Communications Commission, and the government private-public partnership issues. The School Board typically contracts with local telecommunications counsel at an hourly rate of \$425/hour (senior attorney rate) for such projects. If the Board were to contract with the two telecommunications firms listed above for these and other discrete projects as directed by the School Board attorney, the hourly rate for those projects will be substantially decreased to \$250/hour (Carb) and \$275/hour (Higgs), which will ultimately present a significant overall savings to the Board. There will be no duplication of work assigned.

REVISED

Although current telecommunications counsel may have pending local projects that staff are presently overseeing, the use of Carb and Higgs on designated major projects at lower rates will drive down the overall legal costs on telecommunications matters. Moreover, it is a better practice to have more than one law firm available to provide services in case an unavoidable conflict arises or certain expertise in a telecommunications subspecialty is needed.

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

Authorize the retention of the firms of The Higgs Law Group and The Law Offices of Evan D. Carb, LLC to represent the School Board in telecommunications matters not to exceed \$50,000 for each firm. Shareholders from the firm of The Law Offices of Evan D. Carb, LLC will be compensated a rate of \$250.00 per hour; and Partners from the firm of The Higgs Law Group will be compensated at a rate of \$275.00 per hour; associates will be compensated at \$225.00 per hour.

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