

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

**SUBJECT: THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA ENTER INTO A CONTRACTUAL AGREEMENT AND APPROVE THE REVISED JOB TITLE FOR THE POSITION OF ASSISTANT SCHOOL BOARD ATTORNEY, WORKERS COMPENSATION/LITIGATION SUPERVISOR**

Revised

**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 a contractual agreement for the position of Assistant School Board Attorney, Workers Compensation/Litigation Supervisor. This position is being re-opened and re-titled to provide legal advice and to represent the School Board in the areas of workers compensation and other litigation matters, and will be funded by the Risk Management Division. The School Board Attorney is recommending Mr. Henry Suarez for appointment to this position. Mr. Suarez will work closely with Risk Management to provide all pertinent legal support, and any training necessary for risk avoidance. The proposed employment contract for Mr. Suarez 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 (30) days written notice at will. A copy of Mr. Suarez' resume and proposed contract are attached.

Revised

Revised

Added

This Board item also requests a reclassification in the position of Assistant School Board Attorney – Workers' Compensation/Litigation Supervisor. The Office of Risk and Benefits continues to seek to provide the School Board with significant costs savings resulting in the reduction of outside counsel legal fees, and by the increased management of outside counsel. The new position will, among other things, oversee the handling of threatened claims served on the District. Due to these increased responsibilities, an amended job title, job description, and 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.

Added

**Revised**

**G-1**

None of these changes will increase the overall budget of the School Board Attorney's Office as this position is funded through the Workers' Compensation Loss Fund.

Added

The position is projected to provide for a significant overall savings to the Board in that it should reduce overall legal costs and help facilitate settlements, and speedy resolution of legal disputes.

Deleted

Mr. Suarez received his juris doctorate in 1986, *cum laude* from the University of Miami School of Law and has been a member of the Florida Bar since that time. As a former senior partner at the law of office of Walton Lantaff, et. al., Mr. Suarez brings over twenty years of experience in the area of workers' compensation and law firm management and staff supervision. Mr. Suarez has represented clients such as Burger King, City of Hialeah and Vitas Healthcare.

Added

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

- (1) Approve the new employment contract for Henry Suarez, Esq. as Assistant School Board Attorney, Workers' Compensation/Litigation Supervisor;
- (2) Authorize the amendment of the Title, Job Description, and Contract for the Assistant School Board Attorney – Workers' Compensation/Litigation Supervisor.

Revised

## EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT ("Agreement") is made effective this 14th day of July, 2010, by and between THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA (the "Board"), and Henry Suarez ("Suarez").

### 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 legal services for the Board; and pursuant to said Agreement, each additional attorney is to be employed by the Board; and

**WHEREAS**, the Board Attorney desires that Henry Suarez be employed as Assistant School Board Attorney, Workers' Compensation/Litigation Supervisor, and Suarez 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 Suarez as Assistant School Board Attorney, Workers' Compensation/Litigation Supervisor at an annual salary for the amount of One Hundred Thirty Thousand and no/100 Dollars (\$130,000.00), payable in biweekly installments, for the period from July 26, 2010, to July 25, 2012, subject to increase as the Board, the Board Attorney, and Suarez 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, Suarez 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 Suarez as Assistant School Board Attorney, Workers' Compensation/Litigation Supervisor shall include the responsibilities as set forth in the Job Description for Assistant School Board Attorney, Workers' Compensation/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. Suarez agrees to devote his full time and efforts to the performance of his duties and responsibilities as Assistant School Board Attorney, Workers' Compensation/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, Workers' Compensation/Litigation Supervisor.

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

case may be, it being understood that except as so provided, Suarez' 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: \_\_\_\_\_  
Henry Suarez, Esq.  
Assistant School Board Attorney

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

\_\_\_\_\_  
Walter J. Harvey  
School Board Attorney

**HENRY SUAREZ, ESQ.**

13130 S.W. 107<sup>th</sup> Street

Miami, FL 33186

Tel. No. (305) 283-3239

suarezlaw@bellsouth.net

**EDUCATION:**

**University of Miami School of Law, Coral Gables, FL**  
Juris Doctor, January 1986  
Cum Laude

**Florida International University School of Business and  
Organizational Sciences, Miami, FL**  
Bachelor of Business Administration, August 1979

**EXPERIENCE:**

February 2007  
to Present

**The Suarez Law Office, Miami, FL**

*Attorney/Sole Practitioner*

Areas of practice include Workers' Compensation, General Liability, Property Damage Subrogation, and Business Law. Responsibilities include representation of corporate and individual clients in litigated claims, preparation of legal pleadings, and preparation and review of business contracts and other commercial documents. Representative clients include Burger King Corporation, Vitas Healthcare, City of Hialeah, Master Construction, and R2 Technologies.

March 1986  
to February 2007

**Walton Lantaff Schroder & Carson, Miami, FL**

*Attorney/Senior Partner*

Areas of practice included Workers' Compensation, Property Damage Subrogation, Construction Litigation, Premises Liability, and Professional Malpractice Defense. Responsibilities included attorney and staff supervision, participation in Management and Compensation Committees, supervision of multi-office computer network, preparation of legal and insurance educational seminars and course materials.

September 1979            **Miami-Dade County Government, Miami, FL**  
to March 1986

- General Services Administration Division of Telecommunications  
*Administrative Officer*
- Department of Environmental Resources Management  
*Administrative Officer*
- Department of Housing and Urban Development  
*Public Housing Manager*

Responsibilities included budget preparation and financial management, staff supervision, personnel/human resources management, and special events and projects management.

**BAR MEMBERSHIP:**

May 1986                    **The Florida Bar**  
to Present

**PROFESSIONAL ACTIVITIES:**

- Past Chairperson of the Dade County Bar Association Workers' Compensation Committee.
- Former Producer and Host of the Dade County Bar Association television program "Workers' Compensation Today" on WLRN.
- Approved Florida Department of Insurance instructor for Workers' Compensation Adjuster continuing education credits.

**AFFILIATIONS:**

Dade County Bar Association  
Cuban American Bar Association  
South Miami Kendall Bar Association  
West Kendall Business Association  
Florida International University Alumni Association (Life Member)  
University of Miami Alumni Association

# MIAMI-DADE COUNTY PUBLIC SCHOOLS

## JOB DESCRIPTION

### IDENTIFICATION INFORMATION

- |                           |  |
|---------------------------|--|
| 1. JOB TITLE:             | Assistant School Board Attorney/ Workers' Compensation/Litigation Supervisor |
| 2. DEPARTMENT:            | Board Attorney's Office  |
| 3. IMMEDIATE SUPERVISOR:  | School Board Attorney  |
| 4. PAY GRADE:             | (Contract)   |
| 5. JOB CODE:              | 8102   |
| 6. BARGAINING UNIT:       | 6  |
| 7. DATE OF LAST REVISION: | July 14, 2010  |
| 8. POSITION AUTHORIZED:   | Board Item G-1, August 2, 2006   |
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### OCCUPATIONAL SUMMARY

Senior level position; manages and oversees litigation cases in workers' compensation and other venues, including litigation legal support staff as directed by the School Board Attorney. Provides legal advice and represents the School Board in all areas of litigation matters; works closely with Risk Management and all other departments to provide all necessary legal support and training for risk avoidance.

### EXAMPLE OF DUTIES

1. Provides legal advice and represents the School Board in the areas of workers compensation, 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. Creates and manages all workers compensation cases and claims; creates and manages system of case management, and assists in development of review and monitoring of litigation budget.
5. Represents the School Board in litigation filed by or against the School Board, including but not limited to, administrative proceedings, workers compensation proceedings, court proceedings, civil matters, and other civil suits.



6. Acts as liaison and coordinates and monitors work performed and services billed by outside counsel in preparing, planning, and representing the School Board in workers compensation litigation.
7. In conjunction with School Board Attorney, gives authorization for settlement of legal claims handled by outside counsel, adjusters, and Assistant School Board Attorneys in accordance with applicable laws and Board Rules relating to workers compensation matters.
8. Recommends authorization of settlement of legal claims claims handled by outside counsel to School Board Attorney related to workers compensation matters.
9. Assignment of outside counsel for workers' compensation claims and lawsuits as delegated by School Board Attorney.
10. Recommends changes in policies and procedures to ensure compliance with applicable federal and state laws and Department of Education regulations regarding assigned areas.
11. 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.
12. Provides legal advice to School District officials with regard to legal issues.
13. Represents District in workers compensation litigation matters as assigned by Board Attorney.
14. Follows adopted policies and procedures in accordance with School Board priorities.
15. 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.
16. Must be willing to cross train and provide legal support in other practice areas as assigned by the School Board Attorney.

## **PHYSICAL REQUIREMENTS**

This is light work which requires the following physical activities: bending, stooping, kneeling, twisting, reaching, sitting, standing, mobility, lifting up to 30 pounds occasionally, 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 experience in workers' compensation courts, trial court and/or administrative proceedings or arbitration in the area of workers' compensation, civil litigation, and/or Risk Management.
5. Demonstrated ability to successfully manage and supervise employees, manage cases and litigation teams.