

Personnel Management and Services
Nelson E. Diaz, Deputy Superintendent

**SUBJECT: REQUEST FOR AUTHORIZATION TO CONTRACT WITH NEWLY ESTABLISHED
LAW FIRMS FOR WORKERS' COMPENSATION DEFENSE**

The law firm of Daniels, Kashtan & Fornaris, P.A. has been under contract with the School Board to provide workers' compensation defense since 1991. Effective November 1, 2000, changes within the firm occurred whereby a partner of the firm has begun practicing only workers' compensation defense by developing a separate firm, and a previous firm associate working on Board files has left and started his own firm. Both attorneys, while with Daniels, Kashtan, & Fornaris, P.A., provided credible service to the Board, and it is recommended that each be allowed to continue to provide workers' compensation defense coverage under the new firm's names.

Since the change became effective November 1, 2000, with little advance notification, School Board files which had been assigned to Daniels, Kashtan & Fornaris, P.A., were reassigned to other defense firms under contract to the Board, until authorization could be obtained to contract with the two resultant firms. As such, staff is recommending that the Board cancel its existing contract with the firm of Daniels, Kashtan & Fornaris, P.A., effective November 1, 2000, which no longer provides workers' compensation defense services, and enter into two new contracts with Martha Fornaris & Associates, P.A. and Michael A. Bryant, P.A., respectively. Both Ms. Fornaris and Mr. Bryant have applications pending before the Division of Business Development and Assistance, with Ms. Fornis applying for certification as a woman-owned firm, and Mr. Bryant as a black-owned firm.

This recommendation has been discussed with the Board Attorney's Office, and has been approved by the Board's excess workers' compensation insurance carrier, Continental Casualty Company.

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

1. cancel its present contract with the law firm of Daniels, Kashtan & Fornaris, P.A., effective November 1, 2000; and
2. contract with the law firms of Martha Fornaris & Associates, P.A., and Michael A. Bryant, P.A., respectively, to provide workers' compensation defense, pursuant to the provisions incorporated in the Board's standard defense contract, subject to the fee structure approved at the Board meeting of February 9, 2000, whereby legal defense is provided at a rate of \$90/hour, with all other fees for workers' compensation defense, including paraprofessionals and law clerks, to be paid at a rate of \$50/hour, effective December 14, 2000.

NED:sc

REPLACEMENT

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