

Office of Superintendent of Schools
Board Meeting of May 16, 2007

May 14, 2007

Office of School Board Attorney
JulieAnn Rico, Board Attorney

**SUBJECT: MODIFICATION OF EXISTING CONTRACT WITH OUTSIDE
 COUNSEL**

On March 1, 2000, the School Board renewed its contract for legal services with Reginald Clyne, Esquire, principal with the Firm of Clyne & Associates. Mr. Clyne has represented the Board, as one of the Board's outside counsels in numerous cases, specifically handling tort (negligence claims) and workers' compensation cases for the District.

When Mr. Clyne's firm was first retained by the Board, over ten (10) years ago, the hourly rate for the provision of legal services was \$90.00 per hour. Recently, Mr. Clyne has been assigned, and he has agreed to accept, a number of cases involving complex litigation. Due to their complexity and difficulty, these matters--which are typically litigated in Federal court--generally merit and command a higher hourly rate than other legal matters. Accordingly, we are recommending that Mr. Clyne's current contract be amended to reflect an hourly rate of \$250.00 per hour for cases involving complex civil rights, constitutional claims (including First Amendment claims), and other complex litigation. Fees for traditional tort cases handled by Mr. Clyne's firm will remain at the rate of \$90.00 an hour. Mr. Clyne's amended contract for legal services will conform to the requirements specified in School Board Rule 6Gx13-3F-1.01. *Approval by School Board Attorney.*

This item does not appear in the published Agenda. There exists good cause to vary from the published agenda as the proposed modification of Mr. Clyne's contract will affect litigation that is currently pending in federal and state courts. In addition, failing to amend said contract, may adversely impact on pending litigation as the legal services that are being rendered are ongoing.

RECOMMENDED: That The School Board of Miami-Dade County, Florida authorize the School Board Attorney to modify the existing contract for legal services with Reginald Clyne, Esquire and the firm of Clyne & Associates, of which Mr. Clyne is the founding member, to provide payment of a \$250.00 hourly fee for cases involving complex civil rights, constitutional claims (including First Amendment claims), and other complex litigation.

**GOOD CAUSE
G-11**