

Mr. Agustin J. Barrera, Chair

**SUBJECT: SELECTION OF SPECIAL COUNSEL TO PROVIDE LEGAL  
OPINION ON SCHOOL BOARD ATTORNEY'S AND  
SUPERINTENDENT'S CONTRACT OF EMPLOYMENT**

**LINK TO DISTRICT  
STRATEGIC PLAN: IMPROVE STAKEHOLDER SATISFACTION**

Pursuant to the School Board's approval of Agenda Item H-5, presented by Ms. Perla Tabares Hantman, Vice-Chair, at its meeting of August 4, 2008, an advertisement was placed in the *Miami Daily Business Review* seeking the services of Special Counsel to assist the Board in determining its legal responsibilities and any possible exposure or liability with respect to the School Board Attorney's and the Superintendent of School's contract of employment.

The advertisement (attached) required that all interested persons submit their resumes and accompanying documentation (the application) to the office of the School Board Chair by August 27, 2008. By said date, four (4) attorneys had submitted an application in response to the advertisement. The following four attorneys submitted a response:

- Murray A. Greenberg
- Barbara J. Riesberg
- Catherine M. Rodriguez
- Robert W. Tischenkel

The resumes for each of the above-listed attorneys are attached.

This item does not appear in the published Agenda. There is good cause to vary from the Agenda as the selection of the Special Counsel should be accomplished as expeditiously as possible in order for the Board to take any action that may be appropriate.

**ACTION PROPOSED BY**

**MR. AGUSTIN J. BARRERA, CHAIR:** That The School Board of Miami-Dade County, Florida:

1. Receive the names of the attorneys who submitted their resumes and documentation;
2. Discuss and review the resumes from the four attorneys that applied and select the one that will provide the specific legal opinion, establish the hourly rate and contract amount; or
3. Establish a timetable for the selection of the attorney that shall provide a legal opinion.

**SP-2  
GOOD CAUSE**

**Employment**  
Attorneys

**Employment**  
Attorneys

**Employment**  
Attorneys

**SPECIAL COUNSEL TO THE SCHOOL BOARD OF  
MIAMI-DADE COUNTY**

**(FOR A CONTRACT/EMPLOYMENT MATTER)**

**STATEMENT OF QUALIFICATIONS  
AND  
INVITATION FOR LETTERS OF INTEREST**

The School Board of Miami-Dade County is seeking the services of special counsel for a specific contract/employment matter. The primary responsibility of special counsel will be to provide the Board with a legal opinion and advice regarding the Board's legal responsibilities and any possible exposure or liability with respect to the School Board Attorney's and the Superintendent of Schools' contract of employment. The Special Counsel would be employed solely for this limited purpose.

An attorney responding to this advertisement must be a member of the Florida Bar in good standing and who has actively practiced for at least seven (7) consecutive years in Florida at the time of appointment. The attorney must have special expertise or experience in local government law, labor and employment, and contract law.

Attorneys interested in serving as special counsel for this limited purpose shall submit a letter of interest along with a resume and three (3) letters of professional reference ("application") to Mr. Agustin Barrera, Chairman, School Board of Miami-Dade County, Florida, 1450 N.E. Second Avenue, Suite 706, Miami, Florida 33132. **The application must be received in the Chair's office by 4:00 PM, on Wednesday, August 27, 2008.**

*The application must set forth the applicant's fee/cost structure and hourly rate(s). If an applicant intends to utilize the assistance of another attorney in a firm, he or she must also identify the other attorney in the application and set forth their qualifications in it as well. Applicants must also disclose whether they have in the past or currently provide legal services to the School Board, or to an adverse party.*

Applications will be reviewed by the Chair of the School Board and transmitted to the School Board. The School Board will select one (1) attorney or firm from a list of no less than three (3) candidates, who will be subject to an interview by members of the Board. The successful candidate will be asked to sign an agreement for services. The agreement does not create an employer/employee relationship with the applicant. The applicant shall be an independent contractor and said appointment will be terminable by either party at any time with or without cause. Applicants are further advised that appointment as special counsel in no way guarantees an applicant to a minimum number of billable hours during the period of this limited engagement.

The Miami-Dade County School Board reserves the right to reject any and all applications and pursue alternative methods for the appointment of special counsel for this limited purpose.

**MURRAY A. GREENBERG, P.A.**  
Attorney at Law  
11755 SW 68<sup>th</sup> Court  
Miami, FL 33156

(305) 542-1606

*greenberg\_m@bellsouth.net*

August 22, 2008

Honorable Agustin Barrera  
Chairman, School Board of Miami-Dade County  
1450 N.E. Second Avenue  
Suite 706  
Miami, FL 33132

Letter of Interest for Special Counsel

Dear Chairman Barrera:

Please accept this letter of interest to serve as Special Counsel to the School Board for the purpose of providing a legal opinion and advice with respect to the contracts of the Superintendent and Attorney.

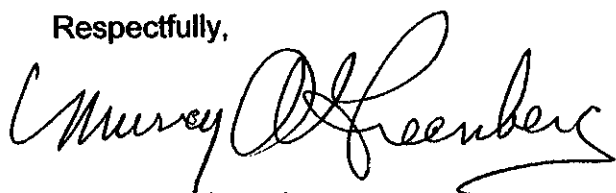
I can sum up my local government experience by stating that I am the recently retired Miami-Dade County Attorney, having been in that office for 35 years. From 2005-2007 I served as the County Attorney and for the 25 years prior to being appointed to that position I was the First Assistant County Attorney. With regard to the specific qualifications for the Special Counsel position, I was intimately involved in the discussions and negotiations concerning the legal issues relating to the hiring, resignation, and removal of every County Manager and County Attorney since 1980.

I have been a member of the Florida Bar since 1968 and am also a Supreme Court certified civil mediator. Additionally, I am an adjunct professor teaching State and Local Government, State and Local Taxation, and Election Law at the law schools at the University of Miami, FIU, and St. Thomas.

In view of the deadline for submission, I am taking the liberty of attaching copies of three letters of professional reference which were recently provided on my behalf. My current hourly rate is \$400; however, I am willing to negotiate that rate for governmental entities.

I look forward to being able to assist to the School Board.

Respectfully,

A handwritten signature in black ink, reading "Murray A. Greenberg". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Murray A. Greenberg

**BARBARA J. RIESBERG**  
1000 Brickell Ave., Suite 200  
Miami, FL 33131  
(305) 371-9617

**EXPERIENCE:**

**BARBARA J. RIESBERG, P.A.**, June 2002 – August 2005; April 2007 - present

- Conduct all aspects of commercial and municipal litigation in state and federal trial and appellate courts
- Provide daily advice on multitude of issues to municipality
- Assist in negotiation and drafting of municipal Development Agreements and other infrastructure-related agreements
- Draft complex ordinances for municipality

**ROTH ROUSSO & KATSMAN, LLP**, August 2005 – April 2007

- Head of Firm's litigation department
- Conducted commercial and municipal litigation

**SHOOK, HARDY & BACON L.L.P.**, April 1999 – June 2002

- \$16 million commercial litigation involving simultaneous multi-party Florida and New York actions
- Multimillion dollar complex commercial litigation in state and federal trial and appellate courts, including related Louisiana state court action as well as significant settlement negotiations at national level
- Post-trial litigation of sanctions for improper jury contact after \$37 million verdict
- Multimillion dollar commercial litigation on behalf of national chemical products manufacturer involving claims of fraudulent inducement of settlement agreement with primary responsibility for drafting and filing various motions

**TEW CARDENAS REBAK KELLOGG LEHMAN DEMARIA & TAGUE, L.L.P.**, March 1997 - March 1999

- Drafted and argued successful appeal of indemnity issue to appellate court resulting in award of attorneys' fees
- Second-chaired complex construction contract trial resulting in judgment for Miami-Dade County School Board
- Drafted pleadings and motions in multimillion dollar Section 1983 land use litigation for largest developer in Sarasota County resulting in favorable settlement
- Drafted and argued administrative appeal of impact fee credit issues on behalf of major national hotel chain
- Non-compete litigation including depositions, written discovery, drafting and arguing motions, and successful mediation

**AKERMAN, SENTERFITT & EIDSON, P.A.**, July 1996 - February 1997

- Conducted evidentiary hearings on behalf of South Florida Impact Task Force
- Section 1983 litigation on behalf of the City of Coral Gables, including depositions, written discovery, research and drafting of motions

**WEISS SEROTA & HELFMAN, P.A., February 1994 - June 1996**

- Second-chaired land use §120.57 administrative hearing on behalf of the Village of Key Biscayne in opposition to attempted expansion of the Seaquarium
- Fair Labor Standards Act class action litigation, including depositions, written discovery, extensive legal and factual research, extensive drafting of motions and memoranda, preparation of successful dispositive motion and successful appellate brief to the Eleventh Circuit
- Drafted and argued zoning appeal to the Appellate Division of the Circuit Court of Dade County
- Lead counsel on various labor and employment cases
- Drafted opinion letters for municipal clients on a variety of issues, including occupational licensing, labor and employment issues and resort taxes

**DADE COUNTY PUBLIC DEFENDER'S OFFICE, September 1992 - February 1994**

- Conducted 10 bench trials and 6 jury trials

**REPORTED OPINIONS:**

*General Star Indemnity v. Cheminova America Corp.*, 218 F.3d 748 (11th Cir. 2000)  
*Davis v. City of Hollywood*, 120 F.3d 1178 (11th Cir. 1997)  
*Catsimatidis v. Fleming Supermarkets of Florida, Inc.*, 706 So.2d 16 (Fla. 3d DCA 1997)  
*Liberty Mut. Ins. Co. v. Magnetic Imaging Systems I Ltd.*, 696 So.2d 1302 (Fla. 3d DCA 1997)  
*Dade County Police Benev. Ass'n v. City of Homestead*, 642 So.2d 24 (Fla. 3d DCA 1994)

**EDUCATION:**

**CORNELL LAW SCHOOL**

*Juris Doctor, May 1992*  
Moot Court Finalist

**UNIVERSITY OF PITTSBURGH**

*Bachelor of Arts in Business/Political Science, June 1989*  
Magna Cum Laude; Dean's List 1987, 1988, 1989  
Golden Key National Honor Society

**CLEMSON UNIVERSITY**

August 1985 to May 1987  
Dean's List 1986; President's List 1987

**COMMUNITY SERVICE:**

Board of Directors, Women's Chamber of Commerce of Miami-Dade County, 2007-2009  
Board of Directors, Dade County Bar Association Young Lawyers Section, 1996-1997  
Producer "Teens and the Law" - Cable Television Series, WLRN

**ADMITTED:**

The Florida Bar  
The United States District Court for the Southern District of Florida  
The United States Court of Appeals for the Eleventh Circuit

**CATHERINE M. RODRIGUEZ**  
555 N.E. 15<sup>th</sup> Street, Suite 104  
Miami, Florida 33132

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**EXPERIENCE:**

**Levey, Filler, Rodriguez, Kelso & DeBianchi, LLP, Miami, FL**

*Partner* July 2007 to present; *Of counsel* February, 2005 to June 2007 to predecessor firm

Employment Law:

- Represent employers and employees in a variety of matters including Title VII sexual and racial discrimination; American with Disabilities Act, Title I, II and III; 42 U.S.C. Section 1983 litigation; FLSA, Federal and Florida Whistleblower actions; FMLA; ADEA; FCRA; unpaid wage claims for employers and employees; negotiated severance agreements, non-competes.

Contract Law

- Represent companies and individuals in drafting and negotiating contracts. Also litigate numerous types of contract disputes.

Personal Injury Law

- Represent victims of negligence and civil rights violations.

Family Law

- Handle international family disputes including cases involving child abduction under the Hague Convention. Handle divorces with complexity involving business valuations and division of assets including securities in closely held corporations.

**Conrad & Scherer L.L.P., Fort Lauderdale, FL**

*Partner*, January, 2002 to present; *Associate*, March 1998 to January 2002

Employment and Labor Law:

- Handled causes of action for public and private sector employers including Title VII sexual and racial discrimination; American with Disabilities Act, Title I, II and III; 42 U.S.C. Section 1983 litigation; Federal and Florida Whistleblower actions; FMLA; ADEA; FCRA; unpaid wage claims for employers and employees; negotiated severance agreements and represented management and unions in labor negotiations.

Local Government Law:

- Outside Counsel to North Broward Hospital District. Handled a variety of legal matters including employment, labor, contract and commercial litigation. Also represented local government entities on a variety of issues including eminent domain.

Commercial Litigation:

- Responsible for all aspects of civil litigation for the following causes of action: civil theft, contract disputes, partnership disputes, class actions, unfair and deceptive trade practices, declaratory judgments, eminent domain actions and land use including Bert Harris claims.

**Broward County Attorney's Office, Fort Lauderdale, FL**

*Assistant County Attorney*, October 1993 to February 1998

Litigation:

- Lead counsel on all aspects of litigation including trying several jury trials to successful verdicts. Causes of actions tried include: land use, First Amendment, tax, contract disputes, wrongful death and personal injury.

Transactional:

- Responsible for reviewing and executing contracts between Broward County and developers as well as contracts between Broward County and municipalities. Drafting ordinances and serving as counsel to licensing and code enforcement boards.

**Broward County State Attorney, Fort Lauderdale, FL**  
*Assistant State Attorney, February 1993 to September 1993.*

**Hillsborough County State Attorney, Tampa, FL**  
*Assistant State Attorney, August 1991 to January 1993.*

**EDUCATION:**

**University of Florida College of Law, Gainesville, Florida, JD 1991 (Honors 1991)**  
University of Florida Moot Court Team  
National Moot Court competition and J. Braxton Craven Moot Court Competition  
Book award criminal law

**Tufts University, Medford, Mass,**  
BA, *cum laude*, Political Science & Spanish Literature, 1988  
International Studies in Madrid, Spain

**PROFESSIONAL MEMBERSHIPS:**

- AV rating Martindale-Hubbell; Florida Bar Member, 1991 to present
- United States District Court, Southern District of Florida, 1994 to present
- Florida Bar Public and Member Information Committee, 1996 to 1998
- Broward County Hispanic Bar Association Board Member, 1994 to 1997, 1999 to 2000
- Broward Lawyers Care Pro Bono Program 1991-2004
- Inns of Court, 2000 to 2003
- Boys and Girl's Club Advisory Board, 2001 to 2002
- Florida Bar Grievance Committee, Chair 2001 to 2003
- United Way Board, 2003
- Unlicensed Practice of Law Committee, 2004-2005

**LANGUAGE:**

Fluent in Spanish

**HOBBIES:**

Scuba diving, running and snow skiing



**ROBERT TISCHENKEL**

201 Front Street, Suite 331

Key West, FL 33040

(305) 987-7057

BT429@bellsouth.net

**Robert Tischengel, Esq.**

Attorney in private practice; Certified Mediator.

Counsel, Monroe County Value Adjustment Board; Special Magistrate, Monroe County Value Adjustment Board (property tax exemptions, 2006-7); Member, Florida Keys Community College Presidential Search Committee; member, Monroe County Land Authority Advisory Committee; director, Reef Relief, a non-profit corporation.

**City Attorney, City of Key West, Florida (1996 – 2007)**

Attorney for Key West City Commission, City Manager and departments, ten administrative boards and two community redevelopment agencies. Oversaw two assistant city attorneys, two support staff, and four outside counsel (litigation, labor, bonds). Managed litigation caseload that ranged from 20-35 cases. Advised on legislative and quasi-judicial matters. Drafted Ordinances and Resolutions, contracts and leases. Developed agendas of the City Commission and other boards. Advised on laws applicable to the conduct of public officials. Prosecuted ordinance violations. Represented City in arbitrations. Advised on compliance with federal and state regulations. Prepared and managed annual office budget of approximately \$500,000 (and supplemental insurance fund budget).

**Work Experience**

Associate Attorney, Burns Jackson Summit, Rovins & Feldesman (1979-81), Washington office of a New York City law firm (no longer operating). Assistant City Attorney, City of Hollywood, Florida (1989-1992). Attorney for PCS, Inc., a Miami-based computer software start-up (1983-90). Ballot access attorney, John Anderson's Presidential Campaign (1980). Freelance writer, Miami Herald Sunday Magazine, Tropic (1988-98). Columnist, Key West Citizen editorial page (2007-8).

## **Academic Experience**

Instructor/Adjunct Professor, University of Miami School of Law (1978-79, 1984-89). Bar exam lecturer, Florida Constitutional Law, BARBRI of Florida, Inc. (1987-Present).

## **Bar Memberships**

Member: Florida and District of Columbia Bars.

## **Education**

Syracuse University, A.B. English (1974).  
University of Miami School of Law, J.D. (1979) (Law Review).

## **Personal**

Born and raised in New York City. Family has lived in Florida for 37 years.  
Married with two children.