

Luis M. Garcia, Interim School Board Attorney

SUBJECT: AUTHORIZATION TO CONTINUE RETENTION OF OUTSIDE LEGAL COUNSEL IN THE CASE OF JULIEANN RICO v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY PUBLIC SCHOOLS and MARTA PÉREZ, CIRCUIT COURT CASE NO. 09-51104 CA31

At the School Board meeting of July 15, 2009, the Board approved Agenda Item G-7 (*Authorization to Retain Outside Legal Counsel in the Case of JulieAnn Rico v. The School Board of Miami-Dade County Public Schools and Marta Pérez, Circuit Court Case No. 09-51104 CA31*). On July 13, 2009, the School Board was served with the Complaint in the above-referenced case, which was filed by its former School Board Attorney. On July 20, 2009, the Complaint was served on Dr. Marta Pérez, Vice Chair.

Agenda Item G-7, pursuant to School Board Rule 6Gx13- 1C-1.021, *Defense and Indemnification of Board Members and Superintendent*, and the authority granted under § 1012.26, Fla. Stat. (2008), sought the authorization for the retention of Mr. Thomas R. Julin, a partner with the law firm of Hunton & Williams LLP to represent Dr. Pérez in this case. In accordance with Board Rule 1C-1.021, Dr. Pérez selected Mr. Julin to represent her in this matter. At that time, Mr. Julin agreed to initially represent Dr. Pérez on a *pro bono* basis. However, as explained in item G-7, if the case, with respect to Dr. Pérez, was not resolved within a few months, future ratification would be sought from the Board with regard to an established hourly fee for the continued retention of Mr. Julin.

Attempts to amicably resolve the case with respect to Dr. Pérez (prior to litigation), have now been exhausted, and it is necessary to continue the legal representation of the Board member at this time. As such, on July 29, 2009, Mr. Julin advised that he is willing to continue to represent Dr. Pérez in this matter at a blended rate of \$450 per hour. The blended rate constitutes a substantial discount of Mr. Julin's regular rate. Dr. Pérez has accepted Mr. Julin's offer to continue to represent her in this case. This item seeks approval of said representation at the established rate of \$450 per hour for Mr. Julin and his associates. The costs of this litigation will be funded through the District's Risk Management Loss Fund.

This item does not appear in the published Agenda. There is good cause to vary from the Agenda because responsive pleadings and/or motions to this lawsuit must be filed prior to the next School Board meeting.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the continued retention of Mr. Thomas R. Julin, Esquire, a partner with the law firm of Hunton & Williams, LLP, to represent Dr. Marta Pérez, Board member in the case of JulieAnn Rico v. The School Board of Miami-Dade County Public Schools and Marta Pérez, Circuit Court Case No. 09-51104 CA31, at the blended rate of \$450 per hour for Mr. Julin and his associates.

**GOOD CAUSE
G-5**