Office of Superintendent of Schools
Board Meeting of April 13, 2011

April 7, 2011

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

SUBJECT: **QUARTERLY REPORT TO THE BOARD**

COMMITTEE: **SCHOOL SUPPORT ACCOUNTABILITY**

LINK TO STRATEGIC FRAMEWORK: **FINANCIAL EFFICIENCY/STABILITY**

The School Board, at its meeting of October 14, 2009, approved the restructuring of the School Board Attorney's office to be more adequately aligned to the District's present and projected long term legal needs. The Board at its meeting of December 2010 accepted its 2010 yearly report. This quarterly report is being provided to keep the Board informed of some of the highlights, the progress, and activities in the Board Attorney's office.

HIGHLIGHTS

PILLARS

SCHOOL/DISTRICT LEADERSHIP

We are pleased to report that the comprehensive Rules Revision Project (the first such project since rules were first drafted in 1974) was approved for first reading by the Board at its meeting of March 30, 2011 and is scheduled to be completed in record time. The new set of policies are scheduled to be repealed and adopted at the May 2011, Board meeting and will become effective July 1, 2011.

The School Board Attorney's office continues to provide quality legal services and reduce costs overall. We have commenced the process of further reducing costs in-house as well as with outside counsel and have drastically increased the number of cases that are competently handled in-house in the areas of general liability, workers' compensation, employment discrimination, and construction.

The School Board Attorney's Office has further established itself as an in-house, on-call operation for the District.

REVISED 2

G-8

The in-house attorneys have been actively involved in School Police's new metal detector initiative. After analyzing legal opinions from courts across the country and reviewing metal detector policies from other school districts, the in-house attorneys created a policy with School Police that protects the District from liability as much as possible while advancing the paramount goal of student safety.

Similarly, the in-house attorneys worked directly with the Department of Transportation and other District offices to develop a comprehensive plan and procedure addressing the recent explosion of red light cameras at traffic intersections. Without an effective plan in place, these red light cameras pose a significant threat of liability and expense to the District in attorney time going to court and fines of $277.00 per infraction. With this new law, the in-house attorneys and District offices have developed a plan and procedure which puts the School Board in a position to shield itself entirely from most citations issued on School Board vehicles.

In addition, the Board Attorney's office initiated a lawsuit involving Transportation to recover $140,000 related to a transportation vendor.

The School Board Attorney's Office continues to be in a state of proactive adjustments to meet the demands for legal services and to efficiently and effectively provide legal services.

The students of Miami-Dade County Public Schools participated in the 1st Annual Black History Month Program sponsored by the Southern District of Florida. Students competed in an oratorical contest and an essay contest discussing how the contributions of Florida's African American Legal Trailblazers inspired them to improve the justice system. The top 20 students were invited to attend a Legal Legends Luncheon on February 10 at the Wilkie D. Ferguson Federal Courthouse. There, the students met and discussed important legal issues with Legal Legends from around South Florida. A Board member was also in attendance. Additionally, the top 4 students were awarded prizes for their essay and oratorical submissions. Federal District Judge Marcia Cooke chaired the committee. Chief Judge Fredrico Moreno recognized our District's contributions to the event, and asked us to participate and assist with an upcoming event that the District intends to host concerning Hispanic Heritage. ADDED

The Board Attorney's office is also diverse, and also emphasizes diversity when hiring and contracting with attorneys employed by outside law firms. The attorney's reflect the diversity of this community. See Chart 1 and Diversity Article attached.

FINANCIAL EFFICIENCY AND STABILITY

Personnel and Labor:

In the area of personnel and employment law and labor relations, the School Board Attorney's office continues to make great strides. The time expended for legal reviews

of disciplinary and civil rights compliance files has dropped dramatically over the last year. The District has prevailed in its last seven (7) consecutive disciplinary action cases before the Division of Administrative Hearings and has posted several other victories in State, Appellate and Federal courts. The Board Attorneys' recent accomplishments in the employment/personnel division and labor relations can be summarized as follows:

Disciplinary Cases before DOAH – four (4) terminations and three (3) suspensions upheld:

SB v. Mariella Brenlla – teacher engaged in sexual relationship with minor student – employee terminated;

SB v. Eric Cohen – teacher engaged in threatening behavior and was grossly insubordinate – employee terminated;

SB v. Henry Stephens – custodian failed to adhere to schedule and was grossly insubordinate – employee terminated;

SB v. Steven Montgomery – plumber failed to maintain necessary certifications – dismissed;

SB v. Jamillah Peters – teacher was grossly insubordinate – employee suspended for thirty (30) workdays;

SB v. Ana Garcia – teacher disciplined third graders by making them walk laps while wearing back packs – employee suspended for thirty (30) workdays; and

SBMDC v. Judith Grey – teacher permitted second grade student to strike another and failed to report incident to administration – employee suspended for thirty (30) workdays.

State Court – two (2) favorable dismissals

Anthony Brooks v. SB –employee sued alleging breach of contract and fraud – case dismissed with prejudice; and

Maria del Carmen Calzon v. SB – attorney sued alleging failure to timely respond to public records request – case dismissed with prejudice.

In all, the Personnel/Employment division of the School Board Attorney's Office has posted twelve (12) recent victories. All of these matters were handled in house, with zero outside counsel costs to the District.

In the area of employee relations, a notable case is the case of *AFSCME v. The School Board* – Case No. 08-74780. This victory for the District stopped AFSCME's attempt for a back-pay claim for employees amounting to over $8 million.

Third District Court of Appeal

MONIQUE WOODS V. SB – appeal by employee of disciplinary case – appellate court upheld School Board's final agency action.

Federal Court

JANETTE PACHECO V. SB – employee sued for alleged violations of First Amendment rights and retaliation – case dismissed with prejudice.

Federal Appellate Court

RALPH IRWIN V. SBMDC – appeal by employee of District Court's ruling in favor of School Board on Motion for Summary Final Judgment – ruling in favor of School Board affirmed.

***Worker's Compensation*:**

In worker's compensation, the Board Attorney's office has assumed the defense of 39 workers' compensation litigated claims. For the year ending June 30, 2010 attorney's fees incurred was $2,812,399. Following the hiring of Assistant Board Attorney specializing in workers' compensation, there was a reduction of $209,804 for a six month period from July 2010 thru December 2010 with the litigation of these cases done by our in-house worker's compensation attorney. See Chart 2 attached.

***Tort Litigation*:**

In the area of tort litigation, as a result of an audit of the Attorney's office, we are pleased to inform you on the implementation of an internal legal services control system that allows the tracking of legal expenditures on matters handled by outside counsel. A more robust system is being implemented. Periodic evaluations with outside counsel continue to be conducted on cases to ensure continued compliance with the scope and purpose of the representation.

The School Board Attorney's Office has continued to reduce its reliance on outside counsel and has drastically increased the number of cases that are handled in-house in the area of torts. All tort cases filed against the School Board this year have been handled and litigated by in-house counsel. As a result, there have been no outside counsel fees incurred in any of these tort cases.

***Construction*:**

In the area of construction, many outstanding cases and claims are continuing to be closed, and legal matters (pre-suits) are being handled by in-house counsel which continues to reduce outside counsel fees. Since 2009 attorneys' fees in construction have been under $1 million in well over a decade. In addition, with current expenditures to date of approximately $530,673, we anticipate additional reductions in construction for this fiscal year.

The A/E contract provisions were revised to eliminate the threshold or forgiveness for A/E errors and omissions. The Board Attorney's office in collaboration with District staff has also settled lawsuits and filed claims over $1 million since December 2010. See Chart 3 attached.

STUDENT, PARENT AND COMMUNITY ENGAGEMENT

In February 2011, the Board Attorney's office testified in a panel investigation of the Department of Children and Families

EDUCATION

The Board Attorney's office continues to inform and advise District staff on changes in the law which includes federal and state regulations. The Board attorneys have worked to review the aviation contracts for the donation and transfer of a second airplane at the Baker Aviation School. In addition, the Board attorney's office updated several other form agreements, including those impacting Charter Schools and professional services. In this quarter, an appeal of a denial of a charter school application was denied. The applicant withdrew its appeal after the School Board filed its response.

The Board Attorney's office continues to defend the Board in special education and student disability discrimination cases, as well as perform its advisory role in the areas of Academic compliance and Exceptional Student Education (ESE). We continue to advise District staff on responses to federal and state complaints and changes to federal and state laws and regulations. We recommended necessary policy updates, as well as provide various trainings on changes in Academic requirements. Among other highlights, we provided critical information to a local agency partner in a fact-finding investigation for the purpose of improving agency practices for the betterment of children. See Chart 4 attached. REVISED

RECOMMENDED: That The School Board of Miami-Dade County, Florida accept the 2011 Quarterly Report of the School Board Attorney.

DIVERSITY OF C SIDE COUNSEL
(Primary Attorney is a minority/woman)

	FIRM NAME	CONTACT ATTORNEY	WOMAN	HISPANIC	BLACK	CERT. M/WBE
1	Akerman Senterfitt	Jose A. Villalobos		X		
2	Angones McClure & Garcia, P.A.	John McClure	X	X		
3	Becker & Poliakoff, P.A.	Yolanda C. Jackson	X		X	
4	Blaxberg, Grayson & Kukoff, P.A.	Moises T. Grayson		X		
5	Charlie Martinez, P.A.	Carlos M. Martinez		X		
6	Clyne & Associates, P.A.	Reginald J. Clyne			X	X
7	Cole,Scott & Kissane, P.A.	Richard P. Cole				
8	Edwards & Edwards, P.A.	Jeanette G. Edwards	X		X	X
9	Espinosa Trueba, PL	Jorge Espinosa		X		
10	Evan D. Carb, PLLC	Evan D. Carb				
11	Gordon Murray, P.A.	Gordon C. Murray			X	
12	Gray Robinson, P.A.	Steven W. Zelkowitz	X	X		
13	H.T. Smith, P.A.	H.T. Smith			X	
14	Higgs Law Group, LLC	Michael L. Higgs				
15	Holland & Knight, LLP	Judith G. Korchin	X	X	X	
16	Hunton & Williams, LP	Thomas R. Julin				
17	K & L Gates LLP	Richard L. Winston	X			
18	Kelley Kronenberg Gilmartin Fichtel, Wander Bamdas Eskalyo & Dunbrack, P.A.	Steven P. Kronenberg		X		
19	Lance R. Stelzer, P.A.	Lance R. Stelzer				
20	Law Offices of Isabel S. Martinez	Isabel S. Martinez	X	X		X
21	Lieberman Danz & Kronengold, P.L.	Alan D. Danz				
22	Litchfield Cavo, LLP	John R. Parsons				
23	Lydecker Diaz, LLC	Richard J. Lydecker		X		
24	Michael J. Ring, LLC	Michael J. Ring				
25	Miller, Kagan, Rodriguez & Silver, P.L.	Robert J. Rodriguez		X		
26	Peterson & Espino, P.A.	Alejandro Espino		X		
27	Pyszka, Blackmon, Levy, Mowers & Kelley	Jeffrey A. Mowers		X		

CHART 1

DIVERSITY OF OUTSIDE COUNSEL
(Primary Attorney is a minority/woman)

	FIRM NAME	CONTACT ATTORNEY	WOMAN	HISPANIC	BLACK	CERT. M/WBE
28	Rivero Mestre LLP	Andres Rivero		X		
29	Ruden McClosky, P.A.	Thomas R. Bolf				
30	Sanchez-Medina, Gonzalez, Quesada, Lage, Crespo, Gomez & Machado, LLP	Gustavo Lage		X		
31	Smith Currie & Hancock, LLP	Lisa C. Heron	X	X	X	
32	Soto Law Group, P.A.	Oscar E. Soto		X		
33	Stearns Weaver Miller Alhadeff & Sitterson, P.A.	Robert T. Kofman				
34	Tew Cardenas, LLP	Joseph A. DeMaria		X		
35	Wasserman & Thomas, P.A.	Damian E. Thomas			X	
36	Vernis & Bowling of Miami, P.A.	Robert C. Bowling				
37	Vezina, Lawrence & Piscitelli, P.A.			X		
38	Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.	Susan L. Trevarthen	X			
	TOTALS		9	19	8	3
	PERCENTAGES		23.6%	50%	21%	7.8%

DIVERSITY WITHIN THE SCHOOL BOARD ATTORNEY'S OFFICE

TOTAL NUMBER OF ATTORNEYS:	12
TOTAL NUMBER/PERCENTAGE OF **HISPANIC** ATTORNEYS:	5 / 41.6%
TOTAL NUMBER/PERCENTAGE OF **BLACK** ATTORNEYS:	3 / 25%
TOTAL NUMBER/PERCENTAGE OF **WOMEN** ATTORNEYS:	5 / 41.6%

CHART 1

DIVERSITY ARTICLE

OUTSIDE COUNSEL Walter Harvey made it a main goal

School board outside counsel's diversity a priority

by Julie Kay
jkay@alm.com

One of Walter Harvey's main goals after being appointed general counsel to the Miami-Dade School Board was to increase the diversity of its outside counsel, ensuring minorities receive a good chunk of the $6 million to $10 million in annual work.

He issued a request for proposals and appointed a committee to make recommendations, with diversity being a key criteria just behind pricing and quality. Harvey, who is black, appointed Miami lawyer Manny Kadre, general counsel of Eagle Brands, to chair the committee.

For the most part, firms with a minority relationship partner or key minority partners were chosen from among the 42 applicants, and firms lacking them got the boot.

In were Angones McClure & Garcia, Clyne & Associates, Peterson & Espino, Ruden McClosky, Smith Currie & Hancock, Vezina Lawrence & Piscitelli and Vernis & Bowling, among others.

Out were some big-name firms: Carlton Fields, Holland & Knight, Shutts & Bowen and Tew Cardenas, among others.

"When I came in, I thought our outside counsel was pretty diverse, but I made some changes to make it more diverse," said Harvey, a former president of the Wilkie D. Ferguson Jr. Bar Association, Miami's black voluntary bar group, who left GrayRobinson for the school post in 2009. "One of the things we looked at was diversity, not just of the firm itself but the partners."

Kadre said his committee considered both quality and diversity.

"Both of those factors played a very strong role," he said. "I think diversity plays an important role in any selection process. We're a diverse community, and diversity plays an important role in choosing attorneys."

Tew Cardenas, which has a Hispanic founding partner, was lead construction counsel for the school board since 1994. It lost out not due to diversity but timing.

Tew turned in its bid 20 minutes late, making it ineligible under state rules. "They probably would have been renewed," Harvey said.

Joe DeMaria, the relationship partner at Tew, blamed the delay on a courier who got stuck behind a raised drawbridge on Brickell Avenue.

ontheweb
See a list of Miami-Dade School Board's outside counsel on DailyBusinessReview.com

OUTSIDE COUNSEL Walter Harvey made it a main goal

School board outside counsel's diversity a priority

FIRMS WITH THE MOST BLACK ATTORNEYS

'10	'09	Firm	Black attorneys	Black partners	Black associates	Other black attorneys	Retention rate*	Black attorneys no longer with firm†	Attorneys in South Florida
1	1	Greenberg Traurig	10	7	3	0	90%	0	278
2	5	Carlton Fields	7	1	6	0	43%	0	122
3	1	Akerman Senterfitt	6	3	3	0	100%	3	219
—	3	Holland & Knight	6	4	2	0	83%	0	142
5	5	Liebler Gonzalez	5	0	5	0	0%	2	33
—	3	Yoss	5	2	3	0	20%	1	109
7	9	Berger Singerman	4	2	1	1	75%	0	63
8	9	Bilzin Sumberg	3	1	2	0	67%	0	98
—	NR	Genovese Joblove	3	0	3	0	67%	0	41
—	9	Glantz & Glantz	3	0	3	0	67%	0	32
—	NR	Hinshaw & Culbertson	3	1	2	0	33%	0	55
—	NR	Hunton & Williams	3	0	3	0	67%	0	48
—	9	Jackson Lewis	3	1	2	0	0%	1	18
—	NR	Littler Mendelson	3	1	2	0	67%	0	18
—	NR	Shutts & Bowen	3	1	2	0	67%	0	134

* Percentage of black attorneys with the firm for three full years or more
† Number of black attorneys no longer employed by the firm in the last year NR Not ranked

FIRMS WITH THE MOST WOMEN ATTORNEYS

'10	'09	Firm Name	Women attorneys	Women partners	Women associates	Other women attorneys	Retention rate*	Women attorneys no longer with firm†	Attorneys in South Florida
1	2	Akerman Senterfitt	85	39	30	16	78%	10	219
—	1	Greenberg Traurig	85	48	33	4	75%	10	278
3	3	Holland & Knight	54	24	27	3	83%	7	142
4	4	Carlton Fields	45	18	24	3	56%	1	122
5	7	Bilzin Sumberg	32	8	19	5	53%	1	98
—	6	Shutts & Bowen	32	11	15	6	63%	7	134
7	8	Broad and Cassel	31	7	13	11	61%	2	78
8	5	Yoss	25	12	12	1	52%	9	109
9	9	Becker & Poliakoff	23	6	17	0	61%	2	76
10	NR	Hinshaw & Culbertson	19	7	12	0	68%	2	55

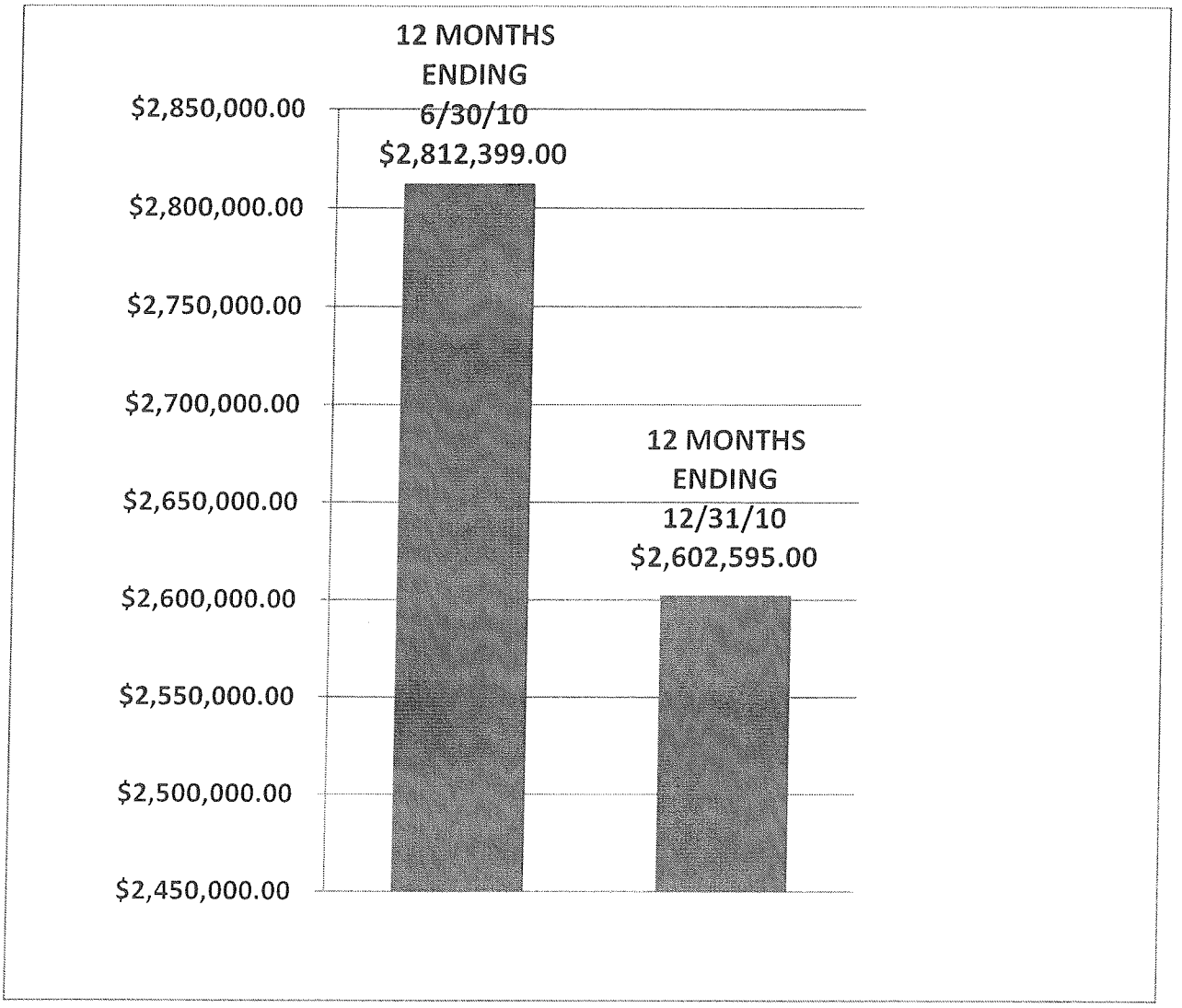
* Percentage of women attorneys with the firm for three full years or more
† Number of women attorneys no longer employed with the firm in the last year NR Not ranked

FIRMS WITH THE MOST HISPANIC ATTORNEYS

'10	'09	Firm	Hispanic attorneys	Hispanic partners	Hispanic associates	Other Hispanic attorneys	Retention rate*	Hispanic attorney no longer with firm†	Attorneys in South Florida
1	1	Greenberg Traurig	52	30	20	2	71%	8	278
2	2	Holland & Knight	42	25	16	1	76%	6	142
3	3	Akerman Senterfitt	29	9	15	5	76%	5	219
4	4	Shutts & Bowen	21	13	7	1	86%	2	134
5	7	Carlton Fields	20	8	10	2	55%	0	122
6	NR	Avila Rodriguez	17	8	9	0	59%	0	17
7	6	Hunton & Williams	17	5	10	2	76%	3	48
8	NR	Bilzin Sumberg	16	5	8	3	44%	0	98
9	NR	Becker & Poliakoff	14	2	12	0	36%	2	76
—	NR	Liebler Gonzalez	14	4	10	0	36%	2	33
—	NR	Weiss Serota	14	6	8	0	64%	0	54
—	5	Yoss	14	5	6	3	57%	5	109

WORKERS' COMPENSATION ATTORNEYS' FEE COMPARISON
12 MONTHS ENDING 6/30/10 AND 12 MONTHS ENDING 12/31/10

CHART 2



YEAR ENDING 6/30/10 ATTORNEYS' FEES INCURRED $2,812,399
YEAR ENDING 12/31/10 ATTORNEYS' FEES INCURRED $2,602,595
REDUCTION OF $209,804 (7%)

NOTES: A. SINCE AUGUST 2010 THE SCHOOL BOARD ATTORNEY'S OFFICE HAS ASSUMED THE DEFENSE OF 39 WORKERS' COMPENSATION LITIGATED CLAIMS.

B. SCHOOL BOARD ATTORNEY'S OFFICE STAFF ALSO PARTICIPATES WITH OUTSIDE COUNSEL AND GALLAGHER BASSETT (CLAIMS ADMINISTRATORS) ON SELECT COMPLICATED WORKERS' COMPENSATION CLAIMS TO MINIMIZE OUTSIDE COUNSEL FEES AND FINANCIAL LIABILITY TO MDCPS.

Construction

FISCAL YEAR	# CASES/CLAIMS FILED	TOTAL EXPENDITURE PER FISCAL YEAR
2004/2005	9	$ 3,383,189.51
2005/2006	6	$ 3,145,609.25
2006/2007	3	$ 3,087,140.64
2007/2008	4	$ 2,537,426.45
2008/2009	3	$ 2,184,488.07
2009/2010	12*	$ 929,323.91
2010/2011	7	**$530, 673**

*2 Cases Re-Opened

Notes:
The Total Expenditure Per Fiscal Year includes attorney, mediation fees, consultants, testifying experts, testing and remediation and out-of-pocket expenses.

Strategic Framework –
Financial Efficiency/Stability

CHART 3

AMOUNTS RECOVERED THROUGH CONSTRUCTION LITIGATION

2010-11 Fiscal Year (July 1, 2010 to April 4, 2011)

CASE	FACILITY / PROJECT	ISSUE	BOARD APPROVAL DATE	AMOUNTS RECOVERED	NOTES
SBMDC V Sklar	Ethel Koger Beckham Elementary, Project A0288	A/E Errors and Omissions	12/15/2010	65,000$	(1)
SBMDC v ACT/AIG	Caribbean Elementary Project A0551	Water Intrusion	2/11/2011	800,000$	
SBMDC v Map, Gili-McGraw, Spillis	Southwest Miami Senior Project A0433	Latent Defects	3/9/2011	25,000$	
SBMDC v HADP	Carlos Finlay Elementary Project A0358	A/E Errors and Omissions	3/9/2011	200,654$	(2)

TOTAL $ 1,090,654

Key to Notes:

(1) Amount shown does not reflect that the A/E was paid the amount of $60,000 for its additional services claims as a part of this settlement.

(2) Amount includes $13,654 balance on A/E's contract retained by Board as part of settlement. Amount shown does not reflect that A/E waived its claim for additional services in the amount of $75,000 as a part of the settlement.

CHART 3

ACTIVE CONSTRUCTION LITIGATION AND CLAIMS

CHART 3

ACTIVE LITIGATION ASSIGNED TO IN-HOUSE LEGAL COUNSEL - SCHOOL BOARD ATTORNEY

Facility, Project Number	ISSUE	Plaintiff v. Defendant or Claimant & Opposing Party	Case Number	Date Filed
GEORGE T. BAKER AVIATION, Project A0793	Excessive A/E Errors	SBMDC adv. HADP Architecture Inc.	11-07574 CA 23	3/10/2011
SOUTHWEST MIAMI SENIOR, Project A0433 (1)	Defective Design/Const.	SBMDC v. MA. Constr., Gili-McGraw, AECOM	07-33018 CA 11	10/5/2007
BROADMOOR ELEMENTARY, Project A0026250	Defective Design	SBMDC adv. Johnson, Avedano, et. al.	(2)	(2)
FILER MIDDLE, Project 00339900	Defective Design	SBMDC v. Laura Perez	(2)	(2)
MIAMI BEACH SENIOR, Project A0795	CM at-Risk Construction Claims	Suffolk Construction Co. adv. SBMDC	(3)	(3)

ACTIVE LITIGATION ASSIGNED TO OUTSIDE LEGAL COUNSEL - SMITH CURRIE & HANCOCK

Facility, Project Number	ISSUE	Plaintiff v. Defendant or Claimant & Opposing Party	Case Number	Date Filed
CARLOS FINLAY ELEMENTARY, Project A0358 (1)	Excessive A/E Errors	SBMDC v. HADP Architecture Inc.	06-16583 CA 22	8/18/2006

ACTIVE LITIGATION ASSIGNED TO OUTSIDE LEGAL COUNSEL - TEW CARDENAS

Facility, Project Number	ISSUE	Plaintiff v. Defendant or Claimant & Opposing Party	Case Number	Date Filed
HIALEAH ELEMENTARY, Project A0534 (4)	Contractor Termination	Jessla Construction v. SBMDC	01-28264 CA 21	11/28/2001
WLRN, Project A0786 (5)	Various Design/Builder Claims	Tarafa Construction v. SBMDC	04-00836 CA 06	1/13/2004

KEY TO NOTATIONS ON PAGE 1:

(1) Settlement approved by Board on March 9, 2011; Settlement payments and exchanges of releases pending.
(2) Authority to file suit approved by Board on December 15, 2010; Lawsuit not yet formally filed.
(3) No lawsuits filed; Formal claims being pursued.
(4) Trial court granted final judgment in favor of the Board on January 16, 2009; 3rd District Court of Appeal affirmed trial court's decision on December 2, 2009; 3rd District Court of Appeal denied Appellant's motion for rehearing en banc on January 19, 2010; On June 8, 2010, the Florida Supreme Court denied Plaintiff's appeal of final judgment in favor of the Board; Action for recovery of Board's attorney fees pending.
(5) This case has been partially settled as to the antenna manufacturer, a third party sub-subcontractor in the litigation.

ACTIVE CONSTRUCTION LITIGATION AND CLAIMS

ACTIVE LITIGATION ASSIGNED TO OUTSIDE LEGAL COUNSEL - VEZINA LAWRENCE & PISCITELLI

Facility, Project Number	ISSUE	Plaintiff v. Defendant or Claimant & Opposing Party	Case Number	Date Filed
HOLMES ELEMENTARY, Project A00223400	CM at-Risk Construction Claims	Skanska USA Bldg Inc. v. SBMDC	09-43426 CA 24	6/8/2009
MIAMI CENTRAL SENIOR (Phase I), Project A01013	CM at-Risk Construction Claims	Skanska USA Bldg Inc. v. SBMDC	09-69567 CA 15	9/21/2009
MIAMI CENTRAL SENIOR (Phase II), Project A0101301	CM at-Risk Construction Claims	Skanska USA Bldg Inc. v. SBMDC	09-83110 CA 15	11/13/2009
MIAMI CENTRAL SENIOR (Phase III), Project A0101302	CM at-Risk Construction Claims	Skanska USA Bldg Inc. v. SBMDC	10-18691 CA 03	3/25/2010
MIAMI CENTRAL SENIOR (Phase IV), Project A0101303	CM Pre-Construction Claims	Skanska USA Bldg Inc. adv. SBMDC	10-59510 CA 11	11/12/2010
MIAMI CENTRAL SENIOR (Phase III), Project A0101302	Third-Party Subcontractor Claims	Laforce Inc. v. Skanska USA Bldg Inc.	10-36078 CA 23	6/30/2010
MIAMI CENTRAL SENIOR (Phase II), Project A0101301	Third-Party Subcontractor Claims	Litecrete v. Skanska USA Bldg Inc.	10-52612 CA 08	9/28/2010
MIAMI CENTRAL SENIOR (Phase III) Project A0101302	Third-Party Subcontractor Claims	Litecrete v. Skanska USA Bldg Inc.	10-52616 CA 02	9/28/2010
MIAMI CENTRAL SENIOR (Phase I), Project A01013	Third-Party Subcontractor Claims	Acme Organization Inc. v. Skanska USA Bldg Inc.	09-45001 CA 15	6/12/2009
MIAMI CENTRAL SENIOR (Phase I), Project A01013	Third-Party Subcontractor Claims	Woodland v. Skanska USA Bldg Inc.	10-00665 CA 15	1/7/2010

DIVISION OF SPECIAL EDUCATION & PSYCHOLOGICAL SERVICES

ADVISORY ROLE

- Continuous advice on changes in the law, including federal and state regulations
- Updating Board Rules
- Trainings for district and school staff
- Advice on new electronic IEP system
- Legal review of responses to OCR Complaints
- Legal review of responses to state complaints
- Paradigm shift – advice on Response To Intervention
- Day-to-day advice and troubleshooting of various issues brought by special education lawyers and advocates
- Testified in Panel Investigation of Department of Children and Families (February 2011)

Strategic Framework – Financial Efficiency/Stability

II. LITIGATION

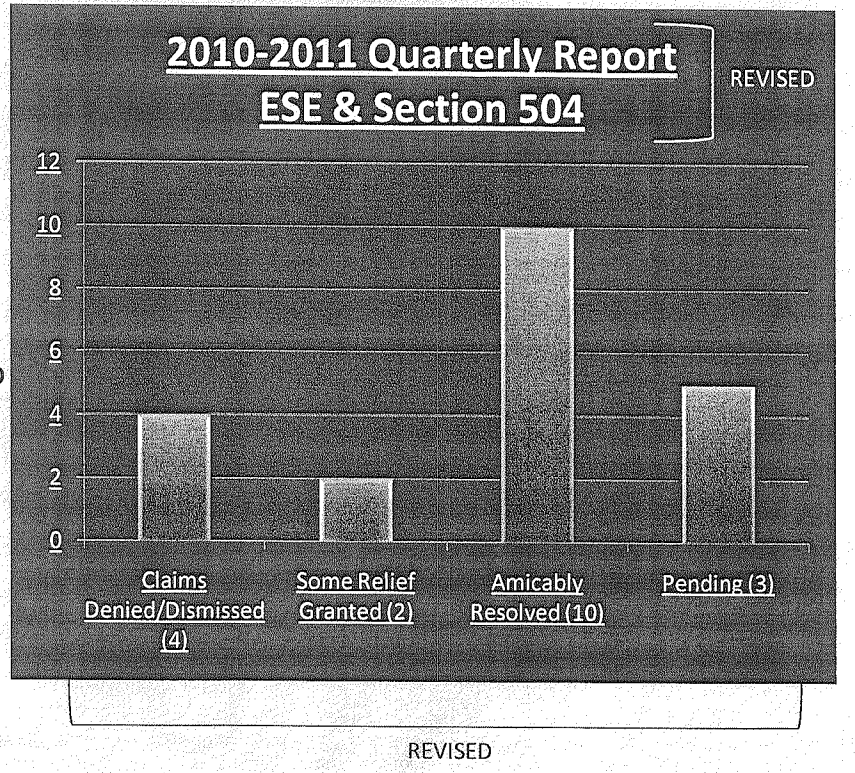


CHART 4