

Office of the Superintendent of Schools  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
Rockville, Maryland

July 17, 2012

MEMORANDUM

To: Members of the Board of Education

From: Joshua P. Starr, Superintendent of Schools



Subject: Legal Fees Report for April 2012

This report covers expenditures for legal fees to outside counsel for Fiscal Year (FY) 2012 through the month of April 2012. A complete set of bills submitted and paid to each firm is available for your review in the Board office. The charts in Attachment A compare current expenses with those from the same period last year and provide information on the following:

- Non-special education legal expenses by firm
- Special education expenses for outside counsel, parent attorney fees, and other miscellaneous charges
- Special education expenses by firm

Attachment B is a list of the categories that better reflects the type of legal advice and litigation services being provided to Montgomery County Public Schools by outside law firms for non-special education matters. The categories in Attachment B are defined as follows:

- Personnel: Equal Employment Opportunity (EEO) complaints, appeals by personnel
- Facilities: construction, capital projects, use of facilities
- Procurement: contracts, bids
- Student: appeals
- Policy: development, implementation, interpretation (includes regulations), subpoenas
- Financial: expenditures, state aid
- Collective bargaining: negotiations, arbitration hearings, grievances
- Miscellaneous: many categories grouped together under one charge

**Non-special Education Legal Expenses**

The total charges for non-special education legal expenses in April 2012 were \$48,442. The cumulative total for the first ten months of FY 2012 was \$816,911. This is one percent higher than the amount for the same period in FY 2011.

The Carney Kelehan bill for April 2012 totaled \$43,364. The largest amount (\$12,351) was for policy matters, the largest parts of which related to subpoenas and requests for student records (\$3,341) and policies (\$2,516). The next largest amount was for personnel matters (\$10,403), the largest part of which related to a teacher dismissal appeal (\$3,574). Facilities matters totaled (\$10,744), the largest part of which related to the lease agreement for 45 Gude Drive (\$3,638). The next largest amount was for student matters (\$2,550), the largest part of which related to the Office of Civil Rights complaint (\$714). Procurement matters totaled (\$2,074), the largest part of which related to a vending contract (\$782). The next largest amount was for financial matters (\$1,884), the largest part of which related to an estate matter (\$1,544). Collective bargaining matters totaled (\$1,020) and miscellaneous matters totaled (\$2,339), most of which related to general counsel duties.

The Venable bill for April 2012 totaled \$5,078. The largest amount (\$2,744) was for student matters, the largest part of which related to a student disciplinary appeal (\$1,654). The next largest amount was for policy matters (\$1,203), all of which related to general counsel duties. Collective bargaining matters totaled (\$1,131), all of which related to the labor relations matters.

**Special Education Legal Expenses**

Special education legal fees for outside counsel for April 2012 totaled \$38,279. The year-to-date total of \$305,051 is \$14,848 (4.6 percent) lower than the same period in the previous fiscal year.

The Jeffrey A. Krew bill for April 2012 totaled \$38,279. The bill included work on four cases, one of which involved an administrative hearing (\$23,400), two of which involved appeals to federal or state court (\$14,019), and one of which involved an Individualized Education Program matter (\$860).

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Attachments

### FY 2012 NON-SPECIAL EDUCATION LEGAL EXPENSES

Outside Counsel	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	FY 2012 YTD	FY 2011 YTD	% Inc/(Dec)
<b>GENERAL LEGAL EXPENSES</b>													
Carney Kelehan	\$ 66,602	\$ 63,910	\$ 67,999	\$ 44,706	\$ 34,696	\$ 36,702	\$ 35,341	\$ 47,597	\$ 74,465	\$ 32,620	\$ 504,638	\$ 564,809	-10.65%
Hogan Lovells US LLP	-	2,990	1,707	2,296	1,976	1,442	-	-	214	-	10,624	22,742	-53.28%
Venable	15,133	26,314	29,117	22,454	34,016	65,295	8,701	5,639	14,648	5,078	226,395	118,808	90.56%
Other	-	-	2,210	2,637	5,971	605	-	1,008	3,549	-	15,980	37,176	-57.02%
<b>SUBTOTAL</b>	<b>\$ 81,735</b>	<b>\$ 93,214</b>	<b>\$ 101,033</b>	<b>\$ 72,093</b>	<b>\$ 76,659</b>	<b>\$ 104,044</b>	<b>\$ 44,042</b>	<b>\$ 54,245</b>	<b>\$ 92,875</b>	<b>\$ 37,698</b>	<b>\$ 757,637</b>	<b>\$ 743,535</b>	<b>1.90%</b>
Capital Budget	816	748	-	68	12,686	5,629	11,912	6,154	10,517	10,744	59,273	65,266	-9.18%
<b>TOTAL</b>	<b>\$ 82,551</b>	<b>\$ 93,962</b>	<b>\$ 101,033</b>	<b>\$ 72,161</b>	<b>\$ 89,344</b>	<b>\$ 109,672</b>	<b>\$ 55,954</b>	<b>\$ 60,399</b>	<b>\$ 103,392</b>	<b>\$ 48,442</b>	<b>\$ 816,911</b>	<b>\$ 808,801</b>	<b>1.00%</b>

### FY 2012 SPECIAL EDUCATION LEGAL EXPENSES

Type of Cost	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	FY 2012 YTD	FY 2011 YTD	% Inc/(Dec)
<b>SPECIAL EDUCATION LEGAL COSTS</b>													
Special Education Outside Counsel	\$ 47,404	\$ 9,994	\$ 20,581	\$ 75,533	\$ 37,500	\$ 26,594	\$ 17,594	\$ 26,397	\$ 5,176	\$ 38,279	\$ 305,051	\$ 319,899	-4.64%
Hearing Officers, Court Reporters, Misc.	(5,431)	157	158	43	141	-	77	429	-	-	(4,426)	1,549	-385.74%
Parent Attorney Fees	3,000	-	-	356	-	-	-	-	1,875	-	5,231	60,768	-91.39%
Other Settlement Costs	-	-	-	-	-	19,762	-	-	310	-	20,072	61,900	N/A
<b>TOTAL</b>	<b>\$ 44,973</b>	<b>\$ 10,151</b>	<b>\$ 20,739</b>	<b>\$ 75,932</b>	<b>\$ 37,641</b>	<b>\$ 46,356</b>	<b>\$ 17,670</b>	<b>\$ 26,827</b>	<b>\$ 7,360</b>	<b>\$ 38,279</b>	<b>\$ 325,927</b>	<b>\$ 444,116</b>	<b>-26.61%</b>

Outside Counsel	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	FY 2012 YTD	FY 2011 YTD	% Inc/(Dec)
<b>ATTORNEYS</b>													
Carney Kelehan	\$ -	\$ 2,814	\$ -	\$ 1,970	\$ 340	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,124	\$ 3,844	33.31%
Hogan Lovells US LLP	-	-	-	-	-	-	-	-	-	-	-	-	N/A
Jeffrey Krew	47,404	7,180	20,581	73,563	37,160	26,594	17,594	26,397	5,176	38,279	299,927	316,055	-5.10%
Night, Manzi, Nussbaum and Laplaca	-	-	-	-	-	-	-	-	-	-	-	-	N/A
<b>TOTAL</b>	<b>\$ 47,404</b>	<b>\$ 9,994</b>	<b>\$ 20,581</b>	<b>\$ 75,533</b>	<b>\$ 37,500</b>	<b>\$ 26,594</b>	<b>\$ 17,594</b>	<b>\$ 26,397</b>	<b>\$ 5,176</b>	<b>\$ 38,279</b>	<b>\$ 305,051</b>	<b>\$ 319,899</b>	<b>-4.64%</b>

**STATISTICS FOR April 2012 LEGAL FEES  
EXCLUDING SPECIAL EDUCATION**

<u>Category</u>	<u>Total Charge</u>	<u>Firm</u>	<u>Charges by Firm</u>
Personnel	\$10,403	Carney Kelehan	\$10,403
Facilities	10,744	Carney Kelehan	10,744
		Other	0
Procurement	2,074	Carney Kelehan	2,074
Student	5,294	Carney Kelehan	2,550
		Venable	2,744
		Other	0
Policy	13,554	Carney Kelehan	12,351
		Hogan Lovells US LLP	0
		Venable	1,203
Financial	1,884	Carney Kelehan	1,884
		Venable	0
Collective Bargaining	2,151	Carney Kelehan	1,020
		Venable	1,131
Miscellaneous	<u>2,339</u>	Carney Kelehan	<u>2,339</u>
TOTAL	\$48,442	Carney Kelehan	43,364
		Venable	5,078
		Other	<u>0</u>
		TOTAL	\$48,442

Note: Totals may differ due to rounding.