

ACTION MEMORANDUM

To: Board of Education

From: Eric Bush, Chief Financial Officer

Subject: FY 2025 Attorney Fees

Summary:

It is recommended that the Letter of Engagement dated July 18, 2024, between Jones Cork, LLP and the Bibb County School District in the annual amount of \$220,000 for non-extraordinary legal services be approved for Dr. Sims' signature. It is also recommended that a second purchase order for Jones Cork, LLP for \$500,000 be authorized to cover all extraordinary legal services required for the FY 2025 school year.

Background:

At the October 21, 2021, Board Meeting, the Board of Education approved a September 3, 2021 Letter of Engagement with Jones Cork, LLP in the amount of \$200,000 for non-extraordinary legal services and \$500,000 for extraordinary legal services for FY 2022. This same agreement was approved by the Board for FY 23 and FY 24.

There is a slight increase of ten percent to legal fees this year. As stated in the Engagement Letter, it occasionally becomes necessary for Jones Cork to adjust its rates so that its rates align with the market rates and the complexity of the work performed in education law. The fees proposed by Jones Cork, LLP to BCSD will not exceed \$220,000 annually for non-extraordinary legal services.

Extraordinary legal services are billed separately at a rate of \$215 per hour for partners, senior attorneys, and of-counsel attorneys. Associate rates are \$175 an hour. Extraordinary legal services and expenses to be billed outside of the \$220,000 non-extraordinary fees are associated with:

- Lawsuits in the courts;
- Bond issues, excess levies, lease or purchase transactions, and similar financings;
- Complaints, investigations, and proceedings involving the federal Office for Civil Rights or any other office of the United States Department of Education;

- Special education due process proceedings, formal complaints filed with the Georgia Department of Education, and special education matters for which the BCSD requests representation;
- Termination, suspension or non-renewal hearings under the Fair Dismissal Act including investigations related to the same;
- Student discipline hearings involving an attorney for the student, all student discipline appeals, and all student discipline matters for which the BCSD requests representation;
- Complaints, investigations and proceedings involving the EEOC;
- Out of pocket expenses such as mileage reimbursement outside of Bibb County, filing fees, and other similar expenses and, where overnight stays are necessary, meals and lodging.
- Extraordinary expenses such as deposition costs, printing costs, expert witness fees, reports, and other similar expenses;
- Administrative expenses such as charges for photocopies, document scanning, faxes, postage, computerized research services, messengers, and express delivery services; and
- Other extraordinary matters. In this regard, both Jones Cork, LLP and BCSD recognize that there may be other unique "extraordinary" matters which do not fall neatly within any of the above categories. In this event, Jones Cork, LLP will notify the Superintendent and negotiate mutually agreeable terms which will be reduced to writing and agreed to by the parties.

In FY 2024, legal fees for non-extraordinary services were the agreed upon amount of \$200,000 while the extraordinary items and expenses totaled approximately \$225,305.28.

Based on the level of total legal fees incurred in FY 2024, the recommendation for FY 2025 is to approve \$220,000 for non-extraordinary legal services and \$500,000 to cover extraordinary items handled by Jones Cork, LLP. A total of \$720,000 of estimated legal services and expenses will be paid from the General Fund. The BCSD will be invoiced at a monthly rate of \$18,333.33 (\$220,000 divided by 12 months) for the non-extraordinary services. BCSD will be invoiced for the extraordinary services as actual services and expenses are incurred.

Recommendation:

It is recommended that the Board of Education authorize the Superintendent to sign the attached Letter of Engagement dated July 18, 2024 with Jones Cork, LLP for non-extraordinary legal services and expenses of \$220,000 and issue a FY 2025 purchase order for this amount.

It is also recommended that the Board of Education authorize the Superintendent to issue a second blanket purchase order to Jones Cork, LLP in the amount of \$500,000 to cover any extraordinary legal services and expenses that may occur in FY 2025.

The recommendation in its entirety is for the Board of Education to authorize the Superintendent to issue purchase orders to Jones Cork, LLP for legal services and expenses for fiscal year 2025 for a combined total of \$720,000 and to sign the Letter of Engagement.



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Superintendent's Comments and Approval:

Superintendent's Comments	Approved/ Not Approved
Dr. Dan A. Sims	Approved