



Agenda Item #: V D: Action Item
Date: September 9, 2021
To: Magnolia Educational & Research Foundation dba Magnolia Public Schools
("MPS") Board of Directors
From: Alfredo Rubalcava, CEO & Superintendent
Staff Lead: Patrick Ontiveros, General Counsel & Director of Facilities
RE: Approval of Procopio as a Legal Services Provider

I. Proposed Recommendation(s)

Staff recommends and moves that the Board of Directors approve Procopio, a national law firm with offices in Los Angeles and with a charter school practice, to provide services to MPS and its schools as the need may arise.

II. Background

MPS and its schools work with several legal services providers. Procopio is a leading law firm with offices in Los Angeles. It also has an education practice headed by John Lemmo. MPS and its schools work with several different law firms. Staff believes it would be in the best interests of MPS and its schools to have another law firm with an educational focus to turn to when the need shall arise. Information about Procopio is attached as Exhibit A.

III. Budget Impact

MPS and each of its schools has established a legal budget for matters that may arise. Staff believes that such budgets will cover any Procopio invoices and the addition of Procopio as a legal services provider.



Exhibit A

Procopio Information



LABOR AND EMPLOYMENT HIGHLIGHTS

Procopio Labor and Employment Law attorneys work with you to strengthen and protect your business with legal strategies that fit the vision, mission and values of your organization.

THE WORLD DOESN'T NEED JUST ANOTHER LAW FIRM

WHY PROCOPIO

Procopio's Labor and Employment Law attorneys work with you to strengthen and protect your business with legal strategies that fit the vision, mission and values of your organization. We help employers develop strategies, assess risks and make wise workplace decisions. We understand that a "one-size-fits-all" service model does not meet the best interests of our clients. Instead, we provide customized counseling and strategic employment litigation services to address the short and long-term business objectives of our clients – an approach we've demonstrated time and again to be infinitely more successful and cost-effective than other options.

PREVENTIVE COUNSELING AND TRAINING

Our employment law counseling team can help you navigate difficult workplace situations and develop strategies to avoid liability, create effective defenses to litigation and strengthen your business. These include, but are not limited to:

- Pre-employment screening procedures and hiring documentation
- Employment contracts, arbitration and commission agreements
- Executive compensation
- Trade secret protection and prevention of unfair competition
- Electronic communications and social media policies
- Accommodating medical and religious issues in the workplace
- Preventing harassment, discrimination and retaliation including workplace training.
- Workplace violence and substance abuse
- Office romance and love contracts
- Workplace investigations
- "Right-sizing" and reductions in workforce
- Performance management and "rightful" terminations
- Employment and wage and hour audits
- Strategic counseling on mergers and acquisitions
- Pre-litigation resolution
- Mediation

EMPLOYMENT LITIGATION

Our approach to litigation focuses on customized strategies that deliver winning outcomes to our clients through favorable settlements, summary dismissals and victory at trial or arbitration.

CLASS AND REPRESENTATIVE ACTION LITIGATION

Our class action team tailors its defense strategies to achieve the best litigation and business outcomes for our clients. Whether defeating class certification or leveraging early settlement from a position of strength, we achieve excellent, complex litigation results.

EMPLOYEE POLICIES AND HANDBOOKS

Procopio stays up to date with constantly changing employment laws and offers well drafted employee handbooks and personnel policies to help protect employers from potential liability.

COMPENSATION REVIEW

We work with our clients in designing and drafting compensation agreements, including incentive pay, commissions, bonuses and other arrangements designed to incentivize and retain employees. Procopio also offers the following:

- Wage and hour compliance reviews
- Exempt or contractor misclassification audits
- Regular rate of pay assessments
- Wage statement evaluations
- Meal period and rest period liability reviews

Procopio provides comprehensive compliance solutions that are tailored to the unique needs of its clients.

GOVERNMENT AGENCY CLAIMS

Our team also represents clients in administrative proceedings before most state and federal employment agencies including the California Department of Fair Employment and Housing, the California Labor Commissioner, the Equal Employment Opportunity Commission, the National Labor Relations Board (NLRB) and the U.S. Department of Labor.

EMPLOYMENT LAW SEMINARS

Procopio Labor and Employment lawyers host a variety of seminars throughout the year. Of note, our annual Labor and Employment Seminar is usually sold out and covers the most important topics for in-house counsel and Human Resource personnel. We also host “Breakfast Bytes” seminars, smaller in nature, which address specific “Hot Topics” that keep our clients up to date.

We offer a full range of workplace training programs including, among others, preventing harassment and discrimination, improving performance management and documentation, managing medical issues in the workplace, fostering wage and hour compliance and navigating through employee privacy and electronic device issues. Procopio offers fixed cost workplace training sessions that are tailor-made to meet the needs of any employer and budget friendly.



Procopio's Labor and Employment Law Practice Group holds a Tier 1 ranking for Employment Law by the U.S. News & World Report

ABOUT US

Procopio is an AmLaw 200 full-service business and litigation law firm committed to providing Intelligent Legal Solutions.® With more than 175 attorneys based in San Diego, Silicon Valley, Orange County, Las Vegas and Phoenix—we're passionate about knowing your business and helping you grow and protect it for the long term. Procopio has the flexible infrastructure to support both small to mid-sized companies and large multinationals at every stage of the business life cycle. Our global reach across Asia and Latin America further expands our international partnerships and cross border capabilities.

At Procopio, we are focused on what is important to you—providing smart, innovative and practical solutions in a cost-effective manner to help your business thrive.

SAN DIEGO

525 B Street, Suite 2200
San Diego, CA 92101
619.238.1900

DEL MAR HEIGHTS

12544 High Bluff Drive, Suite 400
San Diego, CA 92130
858.720.6300

SILICON VALLEY

1117 S California Ave, Suite 200
Palo Alto, CA 94304
650.645.9000

ORANGE COUNTY

100 Spectrum Center Drive, Suite 520
Irvine, CA 92618
949.383.2997

LAS VEGAS

3960 Howard Hughes Parkway, Suite 500
Las Vegas, NV 89169
702.216.2687

PHOENIX

8355 East Hartford Drive, Suite 202
Scottsdale, AZ 85255
480.388.3357

OUR TEAM

MARIE BURKE KENNY

Law and Employment Practice Group Leader
619.525.3876
marie.kenny@procopio.com

PHILLIP L. KOSSY

619.525.3870
phillip.kossy@procopio.com

ROBERT A. LEVY

619.515.3243
robert.levy@procopio.com

TYLER M. PAETKAU

650.645.9027
tyler.paetkau@procopio.com

WENDY L. TUCKER

619.525.3845
wendy.tucker@procopio.com

STEPHENIE M. ALEXANDER

619.515.3204
stephenie.alexander@procopio.com

BROOK TAYLOR BARNES

619.525.3810
brook.barnes@procopio.com

CUPCAKE BROWN

619.906.5636
cupcake.brown@procopio.com

CLINT S. ENGLESON

619.906.5684
clint.engleson@procopio.com

OLGA SAVAGE

650.645.9033
olga.savage@procopio.com

TRACIE E. STENDER

619.525.3821
tracie.stender@procopio.com

FOR MORE INFORMATION

procopio.com



Education

Black Lives Matter. We are proud to support school leaders on the front lines of social justice and change.

Growing out of extensive work for public schools, including school districts and universities, we have developed a deep understanding of charter and private schools and other innovations in education. We understand that charter schools are not only part of the fastest-growing component of our public education system, but are also businesses that must achieve their operational and educational objectives in a cost-effective manner.

If you view charter or private schools as opportunities to improve public education, we are aligned with you. We want to help you make a positive difference. Our attorneys have a genuine passion for charter and private schools and their approach to education - flexible, tailored, dynamic, often inspiring. We actively participate in charter school legal advocacy organizations, both at the state and national levels, and we stay ahead of the curve by constantly monitoring the broader policy areas that impact charter school and other non-public school legislation. We are on top of emerging trends and work to positively influence policy and regulatory matters.

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Our Services

Our experience in charter school, public education and nonprofit corporation law is unrivaled. We offer all the benefits of a full-service law firm with knowledge of the particular needs and nuances of charter schools, including:

- Facilities Development and Public Financing
- Petitions, Renewals and Appeals
- Entity Formation and Tax Exemption
- Governance
- Litigation





- Legislative Advocacy
- Labor and Employment
- Special Education Organizations

Client Testimonial

Procopio's education attorneys are our go-to for charter policy and legal questions. They understand how charter schools work, are on top of changing policies and regulations, despite how frequently they change, and are incredibly responsive. They are always mindful that our top priority is to serve our scholars and communities and are empathetic to the tensions that we are navigating and values we are holding on any given day. They treat us as partners, work with us to consider various options, and communicate with clarity and humanity.

-- Mala Batra, CEO, Aspire Public Schools

2021 Presentations:

"Charter Schools Credentials 101," By Rahul Reddy, April 29, 2021.

"New COVID-19 Leave Laws - What's A Charter School To Do?" By Wendy Tucker, April 13, 2021.

"Demystifying the School Facility Location and Approval Process," By John Lemmo of Procopio, Richard Berliner of Berliner Architects, and Nicolas Watson of CCSA, CCSA 2021 Virtual Conference, March 19, 2021.

"Creating Anti-Racist Workplaces While Avoiding Employment Liability," By Adriana Ochoa & Tracie Stender of Procopio, and Laura McGowan-Robinson of Diversity in Leadership Institute, CCSA 2021 Virtual Conference, March 19, 2021.

"Essential Charter School Policies," By Greta Proctor & Merrick Wadsworth, CCSA 2021 Virtual Conference, March 18, 2021.

"Best Board Meeting Ever: 2021 Virtual Edition," By Greta Proctor, Greg Moser, Merrick Wadsworth, Kevin Davis & Stephenie Alexander of Procopio, Julie Umansky of CCSA, and Andrew Crowe of Scholarship Prep, CCSA 2021 Virtual Conference, March 18, 2021.

"Conflicts of Interest: Beyond the Basics," By Adriana Ochoa, Tracie Stender & Merrick





Wadsworth, CCSA 2021 Virtual Conference, March 18, 2021.

"Be Ready For Financial Reviews, Audits, and Investigations: 2021 Edition," By Greta Proctor of Procopio, Kurt Feddersen of Feddersen & Company, and Tom Nichols of CSMC, CCSA 2021 Virtual Conference, March 17, 2021.

"A Conversation About LAUSD Chartering: Substance and Process," By John Lemmo & Greta Proctor of Procopio, Cassy Horton of CCSA, and Tammy Stanton of Camino Nuevo Charter Academy, CCSA 2021 Virtual Conference, March 16, 2021.

"Charter Petitions: Content and Process after AB 1505 and 1507," By John Lemmo of Procopio, Maggie Ford of Equitas Academy Charter Schools, Mackenzie Wagner of KIPP Public Schools Northern California, and Tiffany Wilson of Alliance College-Ready Public Schools, CCSA 2021 Virtual Conference, March 16, 2021.

"Top 10 Best Practices in Wage and Hour to Limit Your School's Liability," By Wendy Tucker & Stephenie Alexander, CCSA 2021 Virtual Conference, March 16, 2021.

"Protecting Student Privacy in the Virtual Classroom," By John Lemmo & Rahul Reddy, CCSA 2021 Virtual Conference, March 15, 2021.

"Rising to the Challenge: Serving Pupils with Disabilities During a Disaster," By Greta Proctor & Maryam Rastegar of Procopio, and Gina Plate of CCSA, CCSA 2021 Virtual Conference, March 15, 2021.

"Form 700 Workshop and Q&A," By Merrick Wadsworth, February 2, 2021.

2020 Presentations:

"Charters' Adverse Fiscal Impact – Folly, Fact, Neither, Both?" By Greta Proctor of Procopio and Jim Liebman, Founder, Center of Public Research and Leadership and Simon H. Rifkind Professor of Law at Columbia Law School, APCSA Virtual Conference, December 3, 2020.

"Facilities: Place, Space, and COVID-19," By John Lemmo, California Charter Schools Leadership Update, October 27, 2020.

"Operating Your School During the Pandemic," By Wendy Tucker, California Charter Schools Leadership Update, October 27, 2020.

"Student Privacy in the Virtual World," By John Lemmo and Rahul Reddy, California Charter Schools Leadership Update, October 29, 2020.





CCSA Governance Academy, Part I By: John Lemmo

CCSA Governance Academy, Part II By: John Lemmo

AB 1505 in Full Effect: What does the first 4 months mean for the future?: By Greta Proctor of Procopio, Janelle Ruley of Young, Minney and Corr, and Miles Durfee of CCSA

2019 CCSA Presentations:

Navigate the Charter Renewal Process – Legal Considerations By: Greta Proctor

Critical Tips to Avoid Wage Claims Every Charter School Needs to Know By: Wendy Tucker

The Best (and Toughest) Board Meeting Ever: 2019 Edition Cast: Greg Moser, Greta Proctor and Stephenie Alexander

Facilities Basics: A How-To Guide (Non Prop 39) By: John Lemmo

HR Master Class: Advanced Employment Practices By: Wendy Tucker & Tracie Stender

Resource Sharing Among Affiliated Schools: Best Practices Roundtable By: Greg Moser, John Lemmo, Greta Proctor & Aiko Yamakawa

Navigating the Rough Waters of Charter Renewals, Appeals, and Revocations By: Greta Proctor, Aiko Yamakawa & Merrick Wadsworth

Pupil Fees and Appropriate Use of School Funds By: John Lemmo & Greta Proctor

5 Steps to Raising Your Bond Rating and Lowering Your Facilities Costs By: John Lemmo

Conflicts of Interest: Beyond the Basics By: Greg Moser & Tracie Stender

Essential Charter School Policies By: Greta Proctor & Merrick Wadsworth

A Conversation about LAUSD Chartering: Substance and Process By: John Lemmo & Greta Proctor

School Health and Safety Practicum – Every Day Advice By: Aiko Yamakawa & Tracie Stender

Be Ready for Financial Reviews: A Cautionary Tale of Escalated Scrutiny By: Greta Proctor

