



Board Agenda Item #:	III C- Action Item
Date:	July 12, 2018
To:	Magnolia Board of Directors
From:	Alfredo Rubalcava, CEO & Superintendent
Staff Lead:	Patrick Ontiveros, General Counsel & Director of Facilities
RE:	Motion to Approve the Engagement of the Law Firm of Liebert Cassidy Whitmore (“ <b>LCW</b> ”)

### Proposed Board Recommendation(s)

Staff recommends that the Board of Directors (the “**MPS Board**”) of Magnolia Educational & Research Foundation dba Magnolia Public Schools (“**MPS**”) approve the engagement of the law firm of Liebert Cassidy Whitmore (“**LCW**”).

#### I. Background

MPS Board policy requires that contracts that may amount to \$25,000 or more be approved by the Board. The law firm of LCW possesses expertise in certain areas of the law that MPS requires counsel that its current bench of law firms does not possess. Staff was tasked with finding and engaging a law firm to provide counsel to the MPS Board and to MPS staff on such areas of the law.

#### II. Liebert Cassidy Whitmore

The resume of the law firm of LCW and the resumes of the two attorneys who will be principally engaged on MPS matters are attached as Exhibit A.

#### III. Budget & Budget Implications

It is expected that the first matter that LCW undertakes for MPS should not exceed \$25,000. However, Staff wishes to have MPS Board Approval for the engagement in the event billings should prove to exceed such threshold amount. Staff will keep the MPS Board updated on costs related to LCW’s engagement. The cost of LCW’s engagement should fit into the legal budget for FY 2018-19.

#### Name of Staff Originator

Patrick Ontiveros, General Counsel & Director of Facilities

#### Exhibits

- A. LCW Resumes
- B. LCW Contract

Exhibit A  
Liebert Cassidy Whitmore Resumes

**LCW** LIEBERT CASSIDY WHITMORE

# Firm Resume

A PROFESSIONAL LAW CORPORATION

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EMPLOYMENT LAW | LABOR RELATIONS | EDUCATION LAW | MANAGEMENT TRAINING

[www.lcwlegal.com](http://www.lcwlegal.com)

*With offices in Los Angeles, San Francisco, Fresno, San Diego and Sacramento, Liebert Cassidy Whitmore provides services for a majority of cities, counties and community colleges as well as a substantial number of school districts in California. The Firm is a full service employment and labor relations law firm providing expert consultation, representation, litigation, negotiation and investigation services to public agency management. In addition, the Firm produces a wide-range of dynamic management training workshops and seminars in employment and labor relations issues to cities, counties, courts, special districts, schools, community college districts, and state universities.*

## **Negotiation Services**

Members of Liebert Cassidy Whitmore have successfully negotiated thousands of labor agreements for cities, counties, special districts and school and college districts. The agreements negotiated on behalf of these and other public employers, depending upon the particular philosophy and circumstances of a given agency, have run the gamut from brief understandings limited to benefit items to comprehensive labor agreements that define substantially all terms of employment. These comprehensive MOU's, through management rights, waivers and "zipper" type clauses, provide protection to management's ability to manage the agency. Members of the firm are experienced in collaborative/interest based bargaining techniques as well as the more traditional labor negotiations approach.

In addition to conducting negotiations for public employers, we continually work with public agencies that employ staff personnel to do their own negotiations. This arrangement has involved all aspects of consultation and related services, including writing initial bargaining proposals, reviewing counter-proposals, providing training and advice concerning negotiating strategies, and giving general advice when particular problems arise.

### ***Negotiating Impasses***

Services provided by members of the firm have included direct participation, as well as general consultation in hundreds of mediation, fact-finding and arbitration proceedings.

### ***Strikes***

We have worked with many public sector clients in contingency planning for job actions and in assisting them in strike-related activities. A firm partner co-authored the "Management Strike Handbook" published by the International Personnel Management Association.

### ***Contract Administration and Grievance Handling***

The firm has extensive experience in the area of grievance administration, ranging from giving advice at the administrative levels of the grievance process through litigating arbitration cases.

### ***Public Employment Relations Board Representation***

Members of the firm have had many years of experience representing our clients in all phases of PERB proceedings, from consultation and responses to Unfair Labor Practice claims through PERB hearings and court appeals. A firm partner served as counsel to the PERB Board's first Chairperson as well as serving as a PERB Administrative Law Judge. Another firm partner served as a representative of the League of California Cities and the California Association of Counties in the legislative and administrative proceedings in connection with the PERB assuming jurisdiction over local agency employment relations.

## **Our Approach to Negotiations**

- We work with and for the chief administrative official and his/her designated staff, and through him/her with the Governing Body. We provide professional advice to assist the agency in determining its policy goals and objectives, which then become our goals and objectives; we see our job as applying our best efforts and skills to achieving them.
- We believe in carefully organizing for negotiations, with goals and objectives kept well in mind. The negotiating process, we believe, consists of definable stages, from preparatory activities to the preliminary bargaining phases, "hard bargaining," and finally to agreement, impasse procedure, or work action. Each stage of the process requires an organized approach in order to maximize the chances of attaining bargaining objectives.
- Our philosophy is not one of "union busting," but rather one of using a professional approach that seeks to achieve and maintain professional relationships, notwithstanding the adversarial aspects of the process.
- We call to the attention of our clients that in return for agreeing to competitive benefit adjustments, it is reasonable for them to seek to contractually protect and maximize their management discretion to set standards of service and retain the prerogative to direct, assign, and stimulate employees to meet them.
- We see the conclusion of negotiations as the beginning for establishing a constructive employer-employee organization-employee relations structure, which

requires management training and ongoing involvement with agency management on our part.

- While one member of the firm handles a particular negotiating unit, at least one other designated attorney will be kept advised so that at all times the client has access to an attorney who is familiar with the status of the situation in each bargaining unit.

## **Local Agency Employment Law Services**

We have worked closely with city attorneys, county counsels and general counsels, and have directly handled the representation for our local agency clients in literally hundreds of legal proceedings before civil service and personnel boards, arbitrators, the Public Employment Relations Board (PERB), state and federal EEO and other administrative agencies and the courts. These proceedings have covered the full spectrum of employer-employee relations matters, including such matters as civil service appeals, recognition and unit representation matters, unfair labor practice charges and related negotiating issues, employment discrimination matters, pension and disability issues, wrongful termination and Fair Labor Standards Act claims.

## **Investigations Practice Group**

The firm's Investigation Practice Group specializes in investigating allegations of discrimination, harassment and other misconduct. Our investigative practice primarily serves private sector employers and public sector agencies that are not already firm clients. However, we also represent current clients on a case-by-case basis depending upon the specific facts and allegations at issue.

Because of confidentiality issues, we do not identify those employers for whom we have conducted outside investigations. We have conducted investigations for organizations in the hospitality, legal and trade industries as well as public sector agencies.

We continue to publish articles and present workshops on the topic of investigations. Our workshops identify the key components of a successful investigation including how and when to begin an investigation, who should conduct the investigation, how to maintain confidentiality, how to organize and execute an effective investigation, and how to evaluate the facts and take corrective action once the investigation is completed.

## **Audit Services**

By virtue of the public agency background of members of the firm, we have extensive experience in developing local agency Employer-Employee Relations Resolutions/Ordinances and personnel policies and procedures. A firm partner developed the League of California Cities Sample Employer-Employee Relations and Personnel Policies and Procedures Ordinances. The firm does extensive work in reviewing agency civil service/personnel policies and rules to assure continuing consistency with the ever-changing dictates of EEO and affirmative action, labor relations and other laws and administrative regulations.

Members of the firm conduct comprehensive audits regarding agency's compliance with the Fair Labor Standards Act (FLSA). Additionally, the firm publishes a comprehensive guide, "Fair Labor Standards Act: A Public Sector Compliance Guide," that serves as a reference to agencies across the country.

To learn more about the FLSA Audits, visit [www.lcwlegal.com/flsa-audit](http://www.lcwlegal.com/flsa-audit) where you can find detailed information about what an FLSA audit entails.

## **Retirement Practice**

The firm provides advice and counsel to public agencies regarding the laws and regulations of public employee retirement plans, including PERS, the County 1937 Retirement Act, and local agency retirement laws, as well as on retiree health insurance issues. The firm defends public agencies that are sued regarding retirement issues, defends public agencies and their employees and retired employees in retirement in cases where PERS acts to reduce benefits, and represents public agencies in disability and industrial disability retirement appeals. The firm helps agencies defend against PERS and other retirement board audits and, where necessary, files administrative appeals to challenge any negative audit findings.

Members of the firm advise on all issues related to PERS, 1937 Act and STRS benefits. For example, we provide advice and counsel to clients regarding retirement formulas, the rules on reportable compensation, PERS and 37 Act contract amendments, disability retirement procedures and obligations, service credit, GASB issues, unfunded liabilities, retiree health benefits, vested rights and elected official benefits.

Retirement issues have major impacts on agency labor relations. The firm provides strategy and guidance during negotiations in regards to retirement benefits, including acting as chief negotiator. We review agency policies and collective bargaining agreements/memoranda of understanding to ensure that they comply with applicable law.

We represent agencies in retirement related administrative appeals and litigation, and have assisted agencies defend claims of underfunding as well as fiduciary obligations.

## **Litigation Services**

Liebert Cassidy Whitmore attorneys strive to prevent employment disputes before they arise through education, training, audits, advice, planning, and cooperative employer-employee relations. When employment disputes do arise, our defense efforts are designed to meet each client's particular needs, goals, and budget.

We specialize in representing public agencies in the defense of legal actions and enjoy the reputation of a results-oriented, successful litigation firm. We are experts in all phases of litigation in both federal and state courts: pleading, discovery, motion practice, alternative dispute resolution, settlement and trial.

Our particular expertise is the defense of public agencies in actions brought by employees, former employees, applicants or other individuals alleging employment related claims such as violations of the California Fair Employment and Housing Act; Federal Civil Rights Acts (*e.g.*, section 1981 and 1983 claims); Americans with Disabilities Act; Age Discrimination in Employment Act; Fair Labor Standards Act; Meyers-Milius-Brown Act; Family and Medical Care Leave Acts; wrongful termination; and violation of state and/or federal constitutional rights such as due process, First Amendment and privacy rights.

The firm's attorneys have handled a number of cases that have culminated in jury trials resulting in defense verdicts. These cases included claims for violation of constitutional rights; violation of the Age Discrimination in Employment Act; violation of the disability provisions contained in the Fair Employment and Housing Act; reverse discrimination; sex discrimination; sexual harassment; national origin discrimination; age discrimination; intentional infliction of emotional distress and retaliation claims under both state and federal laws.

## **Consulting and Training Services**

One of the firm's greatest sources of accomplishment comes from its record of success in counseling and advising its clients on the best ways to avoid becoming a party to adversary proceedings. We were "pioneers" in the training field by creating "consortiums" of agencies. The thirty-three Employment Relations Consortia (ERCs) are comprised of over 500 cities, counties, schools, community college districts,



and state universities as well as other public sector agencies.

As part of our ERC services, we provide ongoing training on current developments in labor relations and personnel law on subjects including negotiation strategies; performance evaluations; disciplinary actions; employment discrimination, including harassment and ADA issues; Family and Medical Care Leave Acts; violence in the workplace; effective supervision; grievance administration; law enforcement issues and special workshops for governing board members. Experience over the years confirms that not only have the member agencies found the consulting and training services helpful, but an invaluable opportunity for the exchange of ideas and information between agency management.

The firm provides individual training services to public agencies on a half-day or full-day basis. We customize these training programs to the precise needs of the client. For example, we have provided on-site training programs to employees and/or supervisors and managers of over one hundred agencies last year.

Members of the firm make presentations on employment relations law issues to a variety of professional organizations including:

*American Arbitration Association*  
*American Bar Association*  
*Association of California Community College Administrators*  
*Association of California School Administrators*  
*Association of California Water Agencies*  
*Association of Chief Business Officials*  
*Association of Chief Human Resources Officers for Community College Districts*  
*Association of Legal Administrators*  
*California Association of Joint Powers Authorities*  
*California Association of Independent Schools*  
*California Association of Public Retirement Systems*  
*California Charter Schools Association*  
*California Community College Internal Auditors*  
*California Community College Student Affairs Association*  
*California Council of School Attorneys*  
*California County Counsels Association*  
*California Fire District Association*  
*California Law Enforcement Association of Records Supervisors*  
*California Municipal Finance Officers*  
*California Peace Officers Standards and Training (POST) Academy*  
*California Police Chiefs Association*  
*California Public Employer Labor Relations Association*

*California Sanitation Risk Management Authority*  
*California School Boards Association*  
*California Society of Municipal Finance Officers*  
*California Special Districts Association*  
*California State Association of Counties*  
*California State Bar Labor and Employment Law Section*  
*California State Sheriffs Association*  
*Center for Collaborative Solutions*  
*Chief Instructional Officers and Chief Student Services Officers*  
*City Attorneys Association of Los Angeles County*  
*College and University Personnel Association*  
*Community College League of California*  
*County Personnel Administrators Association of California*  
*Fire Districts Association of California*  
*International Personnel Management Association*  
*League of California Cities*  
*Los Angeles County Bar Association Labor and Employment Law Symposium*  
*National Employment Law Institute*  
*National Higher Education Law and Policy Institute*  
*National Institute of Municipal Law Officers*  
*National Public Employer Labor Relations Association*  
*Public Agency Risk Management Association*  
*Public Risk Management Association*  
*Professionals in Human Resources Association*  
*Southern California Labor Relations Council*  
*Southern California Personnel Management Association*

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7th Floor  
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5250 N. Palm Avenue  
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Fresno, CA 93704  
tel: 559.256.7800

550 West "C" Street  
Suite 620  
San Diego, CA 92101  
tel: 619.481.5900

400 Capitol Mall  
Suite 1260  
Sacramento, CA 95814  
tel: 916.584.7000



## T. Oliver Yee

Partner | Los Angeles

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### EXPERIENCE

Oliver provides representation and legal counsel to Liebert Cassidy Whitmore's city, county, special district, school and community college district, and public safety clients. His practice involves representing and advising clients on a variety of labor and employment issues including labor negotiations, personnel rules and policies, the Fair Labor Standards Act, laws and regulations of public employment retirement plans, the Brown Act and Public Records Act, unfair labor practices, employee grievances, leave and disability issues, and disciplinary actions.

Oliver is an experienced labor negotiator, having represented public agency clients as their chief negotiator in all aspects of the negotiations process, from the pre-negotiations planning phase up to and including impasse and fact finding. He has also successfully represented clients before the Public Employment Relations Board, and regularly provides advice and counsel on negotiations and labor relations strategy. In addition, Oliver regularly provides advice and counsel on retirement issues, and has successfully represented clients on appeals involving CalPERS and disability retirement determinations.

Oliver also specializes in providing audit services. He relies on his vast experience in labor relations and litigation to bring thoughtful and innovative review and analysis to the audit process. He is an author of the Liebert Model Personnel Policy Portal (LMP3), a set of model personnel policies for public agencies, and regularly audits personnel rules, administrative policies, and employee handbooks. In addition, Oliver's successful representation of clients in FLSA litigation enables him to be an effective auditor on FLSA-related issues.

Oliver has successfully represented clients in class action matters involving the FLSA, and single plaintiff litigation employment matters in both state and federal court from inception through discovery, pre-trial proceedings, and settlement or trial. He has also successfully defended agencies in disciplinary actions, and regularly advises clients on disciplinary matters.

Oliver is a prolific and dynamic presenter in Liebert Cassidy Whitmore's training program. He regularly trains governing bodies, managers, supervisors and human resources personnel. He also frequently presents at public sector conferences on relevant labor and employment topics. Oliver relies on his extensive training experience to provide proactive and preventative advice and counsel to clients.

In 2013, 2014 and 2015, Oliver was named a Southern California *Super Lawyers Rising Star* - Labor and Employment Law.

### EDUCATION

BA, Washington University, St. Louis

MA, Washington University, St. Louis

JD, Washington University School of Law, St. Louis

## LEGAL EXPERTISE

Public Education  
Public Safety  
Retirement, Health & Disability  
Wage & Hour  
Employment Law  
Audit Services  
Labor Relations & Collective Bargaining  
Litigation Services

## REPRESENTATIVE MATTERS

### LITIGATION

***Association for Los Angeles Deputy Sheriffs, et al. v. County of Los Angeles, et al. (2012)*** - Handled a Fair Labor Standards Act collective/class action case where the U.S. District Court granted a County law enforcement employer's summary judgment motion. The lawsuit involved the "donning and doffing" claims of approximately 3,000 deputy sheriffs in two different, yet consolidated, collective action lawsuits filed against the County and its Sheriff (collectively "the County"). The district court also granted the County's motion to decertify the remaining "off-the-clock" work claims. The district court's rulings effectively ended two large collective/class action lawsuits after several years of litigation.

***Rosales v. County of Los Angeles (2011)*** - This FLSA collective action sought compensation for unreported overtime and certification of a class of 700 IHSS social workers who evaluated IHSS recipients' needs and made recommendations regarding the services to be performed by IHSS providers. We successfully defeated plaintiffs' attempt to certify the class and limited the case to just one social worker. The case then settled for nuisance value.

***Petersen Law Firm v. City of Los Angeles (2009 and 2013)*** - Represented City and individual defendants in an action in which they prevailed on an Anti-SLAPP motion in a case challenging investigation of police officers. After the matter was appealed and remanded, the trial court reconsidered the City's motion for attorney's fees and ruled that the City was entitled to recover the entire amount of attorney's fees and costs it requested.

***Bentley v. County of Los Angeles, et al (2009)*** - In a federal lawsuit a County client defeated a motion for conditional certification of a collective action filed by a potential lead plaintiff in a Fair Labor Standards Act ("FLSA") wage and hour action.

### NEGOTIATIONS

***Orange County Cemetery District*** - Oliver served as chief negotiator during MOU negotiations, and successfully negotiated a labor agreement between the District and its miscellaneous employee unit.

***City of Whittier*** - Oliver served as chief negotiator during MOU negotiations with the City's miscellaneous employee unit.

***City of Cudahy*** - Oliver served as chief negotiator during MOU negotiations with the City's miscellaneous employee unit.

**The Accelerated School** - Oliver is currently serving as chief negotiator during collective bargaining negotiations with the school's miscellaneous and teacher employee units.

**City of Redlands** - Oliver served as chief negotiator during MOU negotiations, and successfully negotiated labor agreements between the City and its safety employee groups.

**City of La Verne** - Oliver served as chief negotiator during MOU negotiations. He also represented the City in factfinding and impasse proceedings, which resulted in the implementation of terms and conditions of employment for a safety employee group.

**City of Sierra Madre** - Oliver has provided advice and counsel over the years during the City's MOU negotiations and in its labor relations with its employee groups.

#### **AWARDS**

Selected for inclusion in Southern California *Super Lawyers Rising Stars* in the field of Labor and Employment, 2013-2015

#### **PUBLICATIONS**

**Negotiating Modifications and Coalition Bargaining**, Sep 19, 2017

**Independent Contractor = No CalPERS Membership, Right? Not so Fast!**, May 24, 2016

**Prevention, Prevention, Prevention! It's Time to Audit Your Agency's Personnel Rules**, Apr 14, 2016

**Top 5 Questions for Conducting MOU Review**, Apr 13, 2016

**Achieving Brown Act Success: What Are The Top Five "Dos And Don'ts" For Closed Session?**, Jul 24, 2015

**Drafting MOU Language Following a Tentative Agreement**, May 6, 2015

#### **PRESENTATIONS**

**The Rules of Engagement: Issues, Impacts & Impasse**, Fullerton Community Center, Oct 11, 2018

**Closing the Wage Gap: California and Federal Equal and Fair Pay Laws**, Jul 24, 2018

**Equal Pay Act/Fair Pay Act**, Webinar, Jul 24, 2018

**FLSA Fundamentals for Community Colleges**, Central CA CCD ERC, Santa Barbara, Jun 1, 2018

**Managing the Marginal Employee**, Ventura/Santa Barbara ERC, Camarillo, May 16, 2018

**Navigating the Crossroads of Discipline and Disability Accommodation**, Ventura/Santa Barbara ERC, Camarillo, May 16, 2018

**12 Steps to Avoiding Liability**, East Inland Empire ERC, Fontana, May 10, 2018

**Moving Into the Future**, East Inland Empire ERC, Fontana, May 10, 2018

**Moving Into The Future**, Los Angeles County Human Resources Consortium, Los Angeles, May 3, 2018

**A Supervisor's Guide to Labor Relations**, San Gabriel Valley ERC, Alhambra, Apr 11, 2018

**Moving Into The Future**, San Gabriel Valley ERC, Alhambra, Apr 11, 2018

**Preventing Workplace Harassment, Discrimination and Retaliation**, West Basin Municipal Water District, Carson, Apr 9, 2018

**Negotiations**, Vallecitos Water District, San Marcos, Mar 30, 2018

**A Guide to Implementing Public Employee Discipline**, Sanitation Districts of Los Angeles County, Whittier, Mar 20, 2018

**The FLSA and Equal Pay Laws: What Community Colleges Need to Know**, SCCCD ERC, Anaheim, Mar 16, 2018

**Iron Fists or Kid Gloves: Retaliation in the Workplace**, East Inland Empire ERC, Fontana, Mar 8, 2018

**Navigating the Crossroads of Discipline and Disability Accommodation**, East Inland Empire ERC, Fontana, Mar 8, 2018

**A Guide to Implementing Public Employee Discipline**, Sanitation Districts of Los Angeles County, Whittier, Mar 6, 2018

**Closing the Wage Gap: California and Federal Equal and Fair Pay Laws**, LCW Annual Conference, San Francisco, Feb 27, 2018

**We've Come a Long Way, and the Best is Yet to Come**, LCW Annual Conference, San Francisco, Feb 26, 2018

**Hot Topics in Negotiations for 2018**, Feb 22, 2018

**Preventing Workplace Harassment, Discrimination and Retaliation**, West Basin Municipal Water District, Carson, Feb 21, 2018

**The Art of Writing the Performance Evaluation**, Gateway Public ERC, Commerce, Feb 1, 2018

**A Guide to Implementing Public Employee Discipline**, Los Angeles County Department of Public Social Services, Norwalk, Jan 29, 2018

**A Supervisor's Guide to Labor Relations**, North San Diego County ERC, Carlsbad, Jan 18, 2018

**Moving Into The Future**, North San Diego County ERC, Carlsbad, Jan 18, 2018

**A Guide to Implementing Public Employee Discipline**, Los Angeles County Department of Public Social Services, Norwalk, Jan 9, 2018



## Alysha Stein-Manes

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### EXPERIENCE

Alysha Stein-Manes provides representation and counsel to LCW clients in all matters pertaining to labor, employment, and education law.

Prior to joining Liebert Cassidy Whitmore, Alysha served as a policy analyst in former Los Angeles Mayor Antonio R. Villaraigosa's Office of Education where she wrote briefings and memoranda and devised communications strategies for the Mayor regarding Los Angeles Unified School Districts proposals, state and federal policy, and other education-related initiatives. In addition, while at the Office of Education, Alysha tracked and advocated for federal grants and legislation at local, state and federal levels and oversaw collaboration with mayoral and school district staff, labor, business and other stakeholders to improve educational outcomes for the children of Los Angeles.

While in law school, Alysha participated in the Boston University School of Law Civil Litigation Clinic where she represented indigent clients in housing, employment, and consumer rights matters. She also interned for the Children's Law Center in Washington, D.C., where she researched mental health, special education and child welfare issues, conducted investigations, and successfully argued a motion in a neglect proceeding. Alysha also served as an editor for the Boston University School of Law Public Interest Law Journal, where her article about the state constitutionality of seniority-based teacher layoff policies was published.

Alysha received her BA in Political Economy from the University of California, Berkeley where she graduated with highest honors, and her JD from Boston University School of Law, where she graduated *cum laude*.

### EDUCATION

JD, Boston University School of Law  
BA, University of California, Berkeley

### LEGAL EXPERTISE

Affordable Care Act  
Employment Law  
Litigation Services  
Private Education  
Public Education

### PUBLICATIONS

**U.S. Department of Justice Sues the State of California Over Newly Enacted Immigration Laws,**

Apr 12, 2018

**Navigating the Hazy World of Recreational Marijuana Use Following Proposition 64's Passage,** Dec 28, 2017

**Governor Brown Vetoes Bill To Codify Into State Law Federal Regulations And Repealed Federal Guidance On Student Sexual Assault,** Oct 24, 2017

**Employers Must Now Provide Notice to Employees Pursuant to AB 2337 / Labor Code Section 230.1 Regarding the Rights of Victims of Domestic Violence, Sexual Assault or Stalking in the Workplace,** Jul 27, 2017

**California Legislation Seeks to Limit Public Agency Activities Surrounding Immigration Enforcement and Religious Freedom,** May 23, 2017

**CalPERS School and Local Agency Members May Now Recover Service Credit and Compensation Earnable Upon Administrative, Arbitral or Judicial Reversals of Terminations,** Mar 7, 2017

**Employers' Continuing Affordable Care Act Obligations Under the Trump Administration,** Jan 24, 2017

**Governor Signs SB 1379,** Oct 5, 2016

**Righting Wrongs Before It Costs Serious Dough - How Affordable Care Act Audits Can Help Employers Avoid Steep Reporting Penalties,** Jun 16, 2016

**Governor Brown Signs New Vaccination Bill, SB 277, Into Law - What Public Schools Need to Know,** Jun 1, 2016

**Governor Brown Signs New Vaccination Bill, SB 277, Into Law - What Private Schools Need to Know,** Jun 1, 2016

**Senate Bill 272 Expands a Local Agency's Obligations Under the California Public Records Act, Business & Facilities** Apr 21, 2016

**The Broad Scope of the California Public Records Act: *Caldecott v. Superior Court* Affirms that Courts Interpret the Act to Favor Disclosure,** Jan 13, 2016

**President Obama Signs the Every Student Succeeds Act into Law, Replacing No Child Left Behind's One-Size-Fits-All Model with State-Centric Authority Over Education,** Dec 14, 2015

**Title IX Compliance and OCR Investigations: What The University of Virginia Example Can Teach Us,** Nov 10, 2015

**The Supreme Court Has Ruled That States With Federally-Run Health Care Exchanges May Provide Subsidies To Qualifying Individuals,** Nov 10, 2015

**Do Union Compulsory "Agency Shop" Fees Violate the First Amendment?,** Nov 10, 2015

**U.S. Supreme Court Agrees to Hear Case Regarding the Constitutionality of Compulsory Union Fees,** Jul 1, 2015

**The Supreme Court Has Spoken: Federal Health Care Subsidies Are Available to Qualifying Individuals Nationwide,** Jun 26, 2015



**PRESENTATIONS**

**Moving Into The Future**, South Bay ERC, Redondo Beach, May 24, 2018

**12 Steps to Avoiding Liability**, East Inland Empire ERC, Fontana, May 10, 2018

**Moving Into the Future**, East Inland Empire ERC, Fontana, May 10, 2018

**Moving Into The Future**, Los Angeles County Human Resources Consortium, Los Angeles, May 3, 2018

**Moving Into The Future**, San Gabriel Valley ERC, Alhambra, Apr 11, 2018

Exhibit B  
LCW Contract

## AGREEMENT FOR SPECIAL SERVICES

This Agreement is entered into between the law firm of Liebert Cassidy Whitmore, A Professional Corporation (“Attorney”), and the Magnolia Educational & Research Foundation dba Magnolia Public Schools, A California Non-Profit Public Benefit Corporation (“MPS”).

### **1. Conditions**

This Agreement will not take effect, and Attorney will have no obligation to provide services, until MPS returns a properly signed and executed copy of this Agreement.

### **2. Attorney’s Services**

Attorney agrees to provide MPS with consulting, representational and legal services pertaining to employment relations matters, which may include but shall not be limited to advice and counsel, representation in negotiations and in administrative and court proceedings, as may be requested by MPS or otherwise required by law.

### **3. Fees, Costs, Expenses**

MPS agrees to pay Attorney the sums billed monthly for time spent by Attorney in providing the services, including reasonable travel time, not to exceed \$25,000.00 unless approved by the MPS Board of Directors.

The current range of hourly rates for Attorney time is from Two Hundred Ten to Three Hundred Seventy Dollars (\$210.00 - \$370.00), One Hundred Ninety-Five to Two Hundred Thirty Dollars (\$195.00 - \$230.00) for time of Labor Relations/HR Consultant and from Eighty-Five to One Hundred Seventy Dollars (\$80.00 - \$170.00) for time of paraprofessional and litigation support staff. Attorney reviews its hourly rates on an

annual basis and, if appropriate, adjusts them effective July 1. Attorney will provide the MPS with written notification of any adjustment in the range of rates. Attorneys, paraprofessional and litigation support staff bill their time in minimum units of one-tenth of an hour.

MPS agrees to reimburse Attorney for necessary costs and expenses incurred by Attorney on behalf of MPS. Attorney bills photocopying charges at Fifteen Cents (\$0.15) per page and facsimile charges at Twenty-Five Cents (\$0.25) per page. A Fee Schedule is attached to this Agreement.

Payment by MPS against monthly billings is due upon receipt of statements, and is considered delinquent if payment is not received within thirty (30) days of the date of the invoice.

The California Business & Professions Code requires Attorney to inform MPS whether we maintain errors and omissions insurance coverage applicable to the services to be rendered to MPS. Attorney hereby confirms that it does maintain such insurance coverage.

**4. Arbitration of Professional Liability or Other Claims**

Disputes. If a dispute between MPS and Attorney arises over fees charged for services, the controversy will be submitted to binding arbitration in accordance with the rules of the California State Bar Fee Arbitration Program, set forth in California Business and Professions Code, sections 6200 through 6206. The arbitrator or arbitration panel shall have the authority to award to the prevailing party attorneys' fees, costs and interest incurred. Any arbitration award may be served by mail upon either side and personal service shall not be required.

If a dispute arises between MPS and Attorney over any other aspect of the attorney-client relationship, including, without limitation, a claim for breach of professional duty, that dispute will also be resolved by arbitration. It is understood that any dispute as to any alleged breach of professional duty (that is, as to whether any legal services rendered under this agreement were allegedly unnecessary, unauthorized, omitted entirely, or were improperly, negligently or incompetently rendered) will be determined by submission to arbitration as provided by California law, and not by a lawsuit or resort to court process except as California law provides for judicial review of arbitration proceedings. **Both parties to this agreement, by entering into it, are giving up their constitutional right to have any such dispute decided in a court of law before a jury, and instead are accepting the use of arbitration.** Each party is to bear its own attorney's fees and costs.

**5. File Retention**

After Attorney's services conclude, Attorney will, upon MPS's request, deliver the file for the matter to MPS, along with any funds or property of MPS's in our possession. If MPS requests the file for the matter, Attorney will retain a copy of the file at the MPS's expense. If MPS does not request the file for this matter, Attorney will retain it for a period of seven (7) years after this matter is closed. If MPS does not request delivery of the file for this matter before the end of the seven (7) year period, Attorney will have no further obligation to retain the file and may, at Attorney's discretion, destroy it without further notice to MPS. At any point during the seven (7) year period, MPS may request delivery of the file.

6. **Assignment**

This Agreement is not assignable without the written consent of MPS.

7. **Independent Contractor**

It is understood and agreed that Attorney, while engaged in performing the terms of this Agreement, is an independent contractor and not an employee of MPS.

8. **Authority**

The signators to this Agreement represent that they hold the positions set forth below their signatures, and that they are authorized to execute this Agreement on behalf of their respective parties and to bind their respective parties hereto.

9. **Term**

This Agreement is effective June 28, 2018, ongoing and may be modified by mutual agreement of the parties. This agreement shall be terminable by either party upon thirty (30) days written notice.

LIEBERT CASSIDY WHITMORE,  
A Professional Corporation

MAGNOLIA EDUCATIONAL &  
RESEARCH FOUNDATION

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

I. FEE SCHEDULE

Hourly Rates (As of Agreement Effective Date)

Partners	\$370.00
Senior Counsel	\$320.00
Associates	\$210.00 - \$300.00
Labor Relations/HR Consultant	\$195.00 - \$230.00
Paraprofessionals & Litigation Support	\$80.00 - \$170.00

II. COST SCHEDULE

1. Photocopies	\$0.15 per copy
2. Facsimile Transmittal	\$0.25 per page