

WALSH, ANDERSON,  
BROWN, SCHULZE  
& ALDRIDGE, P.C.  
ATTORNEYS AT LAW



February 1, 2008

**VIA REGULAR MAIL**

Ms. Paula Renken  
Superintendent of Schools  
Brackett Independent School District  
P.O. Box 586  
Brackettville, Texas 78832-0586

RE: Renewal of Membership in Independent Retainer Program

Dear Ms. Renken:

In addition to the monthly billing statement, enclosed please find the annual billing statement for membership in our Independent Retainer Program. The Walsh Anderson retainer program provides a valuable service to the District, and we look forward to the District's continued membership in the program. The cost of the program is \$1,000 per year. Benefits of the program include:

**1. FREE TELEPHONE CONSULTATION:** The law firm provides unlimited telephone consultation at no charge to the District's Board President, Superintendent, Special Education Director or designee pertaining to questions arising out of the general operation of the District. Last year, our member clients received an average of 9.4 free hours of telephone consultation. That is a \$2,000 value in telephone calls alone! Call us whenever the District has a question or concern about general school law matters or special education law. As a retainer client, the District has exclusive access to the statewide toll-free telephone numbers for calls to the law firm. Before making decisions with legal consequences, call any of our offices toll-free at the following numbers to speak with a Walsh Anderson attorney:

- Austin – (800) 252-3405
- Brownsville – (877) 541-6555
- Irving – (800) 231-4207
- McAllen – (866) 770-6864
- San Antonio – (800) 232-9169
- Albuquerque – (800) 771-6864

**2. REDUCED RATES FOR ADDITIONAL LEGAL WORK:** The District receives reduced hourly rates for additional work that goes beyond the general telephone consultations. Under the Retainer Program, the District receives reduced rates for additional work such as performing

legal research, drafting opinion letters, and representing the District in adversarial matters. Though the hourly rates are reduced for retainer clients, any expenses incurred by the law firm in providing such additional work are charged.

**3. FREE SUBSCRIPTIONS TO FIRM PUBLICATIONS:** As a member of the Retainer Program, the District receives free subscriptions to both of the firm's newsletters: (1) the informative bi-monthly newsletter "*Time Out with Walsh Anderson*" that provides timely reminders and practical suggestions about general education law issues arising throughout the school year; and (2) the monthly publication "*This Just In*" which addresses legal issues specific to the special needs of students with disabilities.

**4. E-MAIL UPDATES:** As another benefit of the Retainer Program, Walsh Anderson sends periodic e-mail updates to you (and to any other District personnel or trustees you designate) to help keep the District abreast of the latest developments in school law. These updates, averaging more than one per month, address a broad range of timely topics and are designed to keep you informed and better prepared in your work for the District. In 2007 we sent updates regarding Federal rules concerning the preservation and disclosure of electronically stored information; information regarding providing school counseling services to special education students; the impact on school districts of an Attorney General opinion concerning joint election requirements; legislation regarding the rights of students receiving special education services to walk the graduation stage based on academic achievement; information regarding the proposed Commissioner's Rules pertaining to special education services; further clarification regarding election requirements and changes in trustee terms of office; a Supreme court decision concerning students' freedom of speech at school events; legislative changes to Teacher Retirement System of Texas surcharges; legislation that requires Texas school districts adopt a policy on student expression at school events before the start of the 2007 school year; several e-mails regarding preclearance requirements for tax rollback and bond elections; a ruling by the Commissioner of Education regarding exemptions to school uniform policies; responsibilities of school Districts in dealing with outbreaks of staph infections; information on how to respond to a request from the Texas Comptroller's office regarding contingent fee legal services agreements; and creating a newly required policy concerning campus visitors who are registered sex offenders. Don't let your District personnel miss our next update! Please review the attached list of e-mail addresses you previously provided to us and update the list if necessary.

**5. REDUCED RATES ON ALL WALSH ANDERSON INSERVICES:** Our Retainer Program members also receive reduced rates on all inservices and legal training programs. Our up-to-date training programs are presented by attorneys with firsthand experience and knowledge about the current legal issues confronting Texas school districts. Our retainer clients also receive priority scheduling for inservice training.

I am pleased that the District has been a member of our Independent Retainer Program. I hope the District will continue with its membership. We look forward to receiving your updated e-mail list and signed contract. Please note that the enclosed Legal Services Retainer Agreement

must be signed by an authorized trustee or employee. Consult your local policies to see if they specify who is authorized to approve and sign an agreement retaining legal counsel for the District. Many Districts have adopted the Texas Association of School Boards' proposed Policy BDD (local) which requires approval of the agreement by the Board of Trustees. In the case of a special education cooperative or shared services arrangement, we suggest approval of this agreement by the Board of Trustees for the fiscal agent.

The law firm's retainer programs are designed to provide the District with excellent service and prompt responses to all questions. When considering decisions with legal consequences, call *any* Walsh Anderson attorney with questions and concerns regarding school law issues. As always, please call me with any questions, comments, or suggestions about how we can better serve the District. My toll-free number is (800) 252-3405.

Sincerely,



John S. Aldridge

JSA/mkm  
Enclosures

cc: (with contract and fee schedule only)  
Mr. Henry Lutz  
Board President  
Brackett Independent School District  
P.O. Box 586  
Brackettville, Texas 78832-0586

Paula- We are very honored to have worked w/ you in Brackett these last few years. Joe Harston tells me good stories of his visits and his esteem for your handling of District administrative matters. If I can ever help, please let me know - Jh.A.

WALSH, ANDERSON,  
BROWN, SCHULZE  
& ALDRIDGE, P.C.

ATTORNEYS AT LAW

**LEGAL SERVICES RETAINER AGREEMENT  
FOR  
BRACKETT  
INDEPENDENT SCHOOL DISTRICT**

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The Brackett Independent School District (hereinafter "District"), acting by and through the authorized Trustee or Employee whose signature appears below, hereby retains the law firm of Walsh, Anderson, Brown, Schulze & Aldridge, P.C. (hereinafter "Law Firm"), to provide the services to the District set forth below.

1. Telephone Consultation: The Law Firm shall provide telephone consultation at no charge to the District's Board President, Superintendent, Special Education Director, or designee pertaining to questions arising out of the general operation of the District. The District shall have access to a statewide toll-free telephone number for calls to the Law Firm.
2. Additional Legal Work: The District shall be entitled to reduced hourly rates for additional legal work over and above general telephone consultation. Examples of such additional legal work are research, opinion letters, and legal advice or representation in adversarial matters. Expenses incurred by the Law Firm in providing such additional legal work shall be charged.
3. Publications: The Law Firm shall provide at no charge the monthly publication *This Just In*, dealing with special education law issues, and the bi-monthly general school law publication *Time Out with Walsh Anderson*, both published by the Law Firm.
4. E-mail Updates: The Law Firm shall send periodic e-mail updates to designated District personnel and trustees relating to developments in school law. The content and publication schedule of such updates shall be determined solely by the Law Firm.
5. Retainer Term and Cost: There shall be a fee of \$1,000.00 for this Retainer Agreement due upon execution and annually thereafter on the anniversary of the execution date below. This Retainer Agreement shall remain in effect until notice of cancellation is received.
6. Scope of Attorney-Client Relationship: This Retainer Agreement establishes a limited attorney-client relationship only between the Law Firm and the District. The relationship exists only as to the consultations and additional legal work that are initiated by the District and accepted by the Law Firm pursuant to this Agreement. The Retainer Agreement does not impose any duty upon the Law Firm to provide advice or

work to the District regarding legal matters absent a request by the District's Board President, Superintendent, Special Education Director, or designee for such advice or work on a matter. The Law Firm and the District acknowledge and represent that this Agreement does not establish an attorney-client relationship between the Law Firm and any individual Trustees or Employees of the District. If a lawsuit or other adversarial matter is brought against the District and/or any Trustee or Employee of the District, the Law Firm may require the execution of one or more separate Letters of Engagement prior to undertaking an attorney-client relationship in the matter.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

BRACKETT INDEPENDENT SCHOOL DISTRICT

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title)

WALSH, ANDERSON, BROWN, SCHULZE & ALDRIDGE, P.C.

By: \_\_\_\_\_  
Ms. Chris G. Elizalde  
Managing Shareholder

WALSH, ANDERSON,  
BROWN, SCHULZE  
& ALDRIDGE, P.C.

ATTORNEYS AT LAW

**FEE SCHEDULE AS OF JULY 1, 2007  
LEGAL SERVICES RETAINER AGREEMENT**

**For retainer program clients**

Annual retainer fee is \$1,000 billed each year on the anniversary of the client joining the program.

Telephone consultation with school officials in this program regarding general routine legal matters is free of charge. The firm has toll-free telephone numbers that are made available to these clients

An hourly rate of \$170/hour for associates licensed less than one year, \$180/hour for associates licensed one to two years, \$215/hour for associates licensed over two years, or \$235/hour for shareholders is charged for time spent on research, opinion letters, office visits, board meetings, and other work of a general nature.

For matters requiring more in-depth work, such as document review, negotiation of a contract, grievance, nonrenewal, review of constructions documents, litigation, administrative appeals, and the like, all time, including telephone calls, is charged at the current hourly retainer rates shown above, plus expenses. A new file is set up so that the billings show legal fees attributable to that particular matter.

**For non-retainer program clients**

An hourly rate of \$170/hour for associates licensed less than one year, \$180/hour for associates licensed one to two years, \$235/hour for associates licensed over two years, or \$255/hour for shareholders is charged for time spent on any work, including all telephone calls, office visits, litigation, research, opinion letters, hearings, and the like.

**The above rates are subject to change at any time.**