

WALSH, ANDERSON,
GALLEGOS, GREEN
and TREVIÑO, P.C.

ATTORNEYS AT LAW

December 3, 2012

VIA FIRST CLASS MAIL

Mr. Hector Mendez
Superintendent
Ector County ISD
P.O. Box 3912
Odessa, Texas 79760

RE: Renewal of Membership in Walsh Anderson's Retainer Program

Dear Mr. Mendez:

It's hard to believe another year has gone by but once again it is time to renew Ector County Independent School District's membership in the Walsh Anderson Retainer Program. To that end, enclosed with your monthly statement, you will find our Legal Services Retainer Agreement and our invoice for membership in our Retainer Program. As you know, this valuable program includes the following benefits for just \$1,000.00 per year:

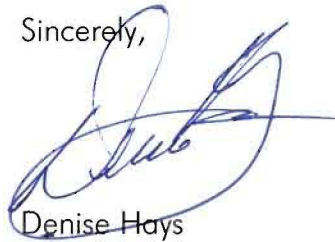
- Unlimited free telephone consultation with attorneys in any of our offices,
- Reduced rates for legal work,
- Reduced fees for inservices,
- Reduced rates for practical Walsh Anderson products such as The Legal Guide to DAEP & Expulsion, Extracurricular Code of Conduct, and A Campus Guide to Response to Intervention,
- A free subscription to our bi-monthly general education newsletter *"Time Out with Walsh Anderson,"*
- A free subscription to our monthly special education newsletter *"This Just In,"* and
- Email updates about the latest developments in education law.

More information about these services and other advantages of the retainer program are included in the attached description.

We enjoy working with Ector County Independent School District and hope the district will continue its membership in our retainer program. Many districts have adopted the Texas Association of School Boards' policy BDD (local) which requires approval of the agreement by the Board of Trustees; check your policy to see who is authorized to approve and sign the Agreement.

We look forward to receiving your signed contract. In the meantime, please remember that you can call any of our offices and speak with the attorney of your choice to get the advice you need, when you need it. Should you have any questions about the Retainer Agreement or wish to reach me directly, please feel free to contact me at (800) 252-3405.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denise Hays", is written over a circular blue ink stamp. The signature is fluid and cursive.

DH/mk

Enclosures

cc: Mr. Ray Beaty, Board President
Ms. Elaine Smith, Director of Special Education
(not including billing statement
or email update form)

WALSH, ANDERSON,
GALLEGOS, GREEN
and TREVIÑO, P.C.

ATTORNEYS AT LAW

**SPECIAL EDUCATION
LEGAL SERVICES RETAINER AGREEMENT
FOR
ECTOR COUNTY
INDEPENDENT SCHOOL DISTRICT**

The Ector County 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, Gallegos, Green & Treviño, 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 _____, 2012.

ECTOR COUNTY INDEPENDENT SCHOOL DISTRICT

By: _____
(Signature)

(Print Name)

(Title)

WALSH, ANDERSON, GALLEGOS, GREEN & TREVIÑO, P.C.

By: _____
Oscar G. Treviño
Managing Shareholder

WALSH, ANDERSON,
GALLEGOS, GREEN
and TREVIÑO, P.C.

ATTORNEYS AT LAW

BENEFITS OF THE WALSH ANDERSON RETAINER PROGRAM

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 any designee pertaining to questions arising out of the general operation of the District. Last year, our member clients received an average of 8 free hours of telephone consultation. That is a \$1,800 value in telephone calls alone!

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, use our exclusive toll-free number to reach any Walsh Anderson attorney:

▪ Austin	(800) 252-3405
▪ San Antonio	(800) 232-9169
▪ Irving	(800) 231-4207
▪ Houston	(888) 565-6864
▪ McAllen	(866) 770-6864
▪ Albuquerque	(800) 771-6864

2. **REDUCED RATES FOR ADDITIONAL LEGAL WORK:** The District receives reduced hourly rates for additional work that goes beyond general telephone consultations, such as analyzing documents, writing opinion letters, or attending school board meetings. Though the hourly rates are reduced for retainer clients, any actual expenses (copy costs or mileage, for example) incurred by the law firm in providing such additional work are charged.
3. **FREE SUBSCRIPTIONS TO FIRM PUBLICATIONS:** Membership in the Walsh Anderson Retainer Program also entitles the District to receive 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 2011 we sent over 12 updates, including:

- A summary of HB 2380 regarding new options for contracts when promoting employees
- Highlights of the 82nd Legislative Session
- Detailed summaries of new election laws
- Changes in the law regarding charity and fundraiser efforts
- Information on student and employee issues brought on by the summer and fall wildfires across the state
- Changes in the law regarding truancy and measures districts need to take
- How to avoid an automatic exemption of goods in transit within a district
- How to retain the authority of eminent domain
- Board Policies regarding the new STAAR exam
- Impact of health care reform on health benefits for Superintendents and other administrators
- Mandatory Open Government Training for New Board Members
- Requirements for posting board meeting information on-line

Don't let your District personnel miss our next update!

5. **REDUCED RATES ON ALL WALSH ANDERSON INSERVICES:** Our Retainer Program members also receive reduced rates on all inservices presented at the District. 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.
6. **REDUCED RATES ON ALL WALSH ANDERSON PRODUCTS:** To assist clients in their day-to-day operations, we have developed several practical products to save you time and head off potential problems during the school year. These products are easy to navigate, written in plain language, and are full of useful suggestions. As a member of the Retainer Program, clients receive reduced rates on these helpful tools, including:
 - Interactive Student Code of Conduct
 - Discipline Guide for DAEP & Expulsion
 - Student Dress Code
 - Student Activities Guide
 - A School District's Guide to Section 504 and the ADA
 - A Campus Guide to Response to Intervention
 - Extracurricular Code of Conduct
 - School District Bond Elections: The Roles & Responsibilities of Board Members & Employees
 - Tax Ratification Elections: The Roles & Responsibilities of Board Members & Employees
7. **ONE FREE AUDIO CONFERENCE DURING THE 2012-2013 SCHOOL YEAR:** In recognition of the tough economic times facing school districts, this year we are also offering our retainer clients one free audio conference of the District's choice, to be selected from the calendar for the 2012-2013 school year. Our audio conferences provide excellent training for school administrators without having to leave the district.

WALSH, ANDERSON,
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CURRENT FEE SCHEDULE – SEPTEMBER 2011
(RATES LAST CHANGED JULY 16, 2010)
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 \$190/hour for associates licensed less than one year, \$200/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 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 \$190/hour for associates licensed less than one year, \$200/hour for associates licensed one to two years, \$255/hour for associates licensed over two years, or \$275/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.

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WALSH ANDERSON E-MAIL UPDATE FORM

Ector County ISD

The Walsh Anderson E-mail Update program is designed to keep our clients informed of the latest developments in school law. These updates address a broad range of topics related to legal issues confronting school districts. In addition, e-mail update recipients will also be notified of upcoming audio/video conferences and specialty publications produced by Walsh Anderson.

Below is the list of personnel and/or Board of Trustees you previously provided us. Please review carefully and make any necessary changes or additions. Also note that there may be some names without an e-mail address or position. Please provide a current e-mail address, indicate whether the individual should remain one of our e-mail update recipients, and provide the named position of the individual. If you are having difficulty receiving our e-mail updates, please ask your technology department to add mypinpointe.com to the list of accepted domains.

<u>Name</u>	<u>Title</u>	<u>E-mail</u>
Ms. Elaine Smith	Director of Special Education	elaine.smith@ectorcountyisd.org
Mr. Hector Mendez	Superintendent	hector.mendez@ectorcountyisd.org
Mr. Ray Beaty	Board President	rayb@ectorcountyisd.org
Ms. Tonya Tillman	Assistant Superintendent for Business Operations	tillmatk@ector-county.k12.tx.us
Mr. Albert Valencia	Budget Management Specialist	valencaj@ector-county.k12.tx.us

Attach additional sheets if necessary. Please return this form to Diana Stangl. If you have any questions or need additional information, please contact Diana at (800) 252-3405.

VIA FAX
(512) 467-9318

VIA MAIL
Diana Stangl
Walsh Anderson
P.O. Box 2156
Austin, TX 78768

VIA E-MAIL
info@wabsa.com