

19. Pete Smith v. Zapata County Indep. Sch. Dist., Docket No. 083-R3-398.
20. Pete Smith v. Zapata County Indep. Sch. Dist., Docket No. 088-R2-498.
21. Ruben Ortiz v. Dallas Indep. Sch. Dist., Docket No. 113-R10-187.
22. Suzanne Young v. Lipan Indep. Sch. Dist., Docket No. 102-R1-496.
23. Vesta Hubbard v. Dallas Indep. Sch. Dist., Docket No. 168-R3-292.
24. Wilfred Bates v. Dallas Indep. Sch. Dist., Docket No. 058-R3-1289.

Professional Development

We believe a district with a well-trained staff is less likely to be sued. That's why we focus on trainings that prepare staff and trustees to confront frequent legal problems and avoid lawsuits.

All of our on-site trainings are conducted by attorneys who are skilled practitioners and presenters. Participants receive practical and easy to understand reference materials to use throughout the year. Our trainers and materials consistently receive the highest possible ratings.

As a testimony to our firm's dedication to bringing quality legal training to our clients in the most efficient way possible, Schwartz & Eichelbaum also offers our training sessions via video conference and webinar sessions.

Schwartz & Eichelbaum is a certified provider of Continuing Professional Education (CPE) requirements through the State Board for Educator Certification (SBEC). The firm is also a registered provider of Continuing Education credits for School Board Members through the Texas Education Agency (TEA) and the Office of the Attorney General, and business officers through the Texas Association of School Business Officials (TASBO).

Attorney Biographies

Schwartz & Eichelbaum has been recognized for high professional legal standards and ethics in the 2009 Bar Register of Preeminent Lawyers 95th Edition of Martindale-Hubbell and has been awarded an AV rating, and has been so recognized since 1998. The A signifies the highest level of legal ability, while the V denotes very high adherence to the professional standards of conduct, ethics, reliability and diligence. Schwartz & Eichelbaum is also listed in the *Best Directory of Recommended Insurance Attorneys and Adjusters*.

Our legal staff includes seasoned counsel who focuses on every aspect of school law. Likewise, the firm's paralegals and legal secretaries have a wide range of school law experience.

Our practice is comprised of generalists and specialists. Specific matters are spread amongst our entire team. Clients, however, may choose to work with specific attorneys for all matters. That attorney will consult with other members of the firm, but the district and its officials will have direct contact only with the attorney of their choice.

All of our attorneys are licensed to practice in the State of Texas and are members of the School Law Section of the Texas Bar Association. Our attorneys are also members of the Texas Association of School Boards Council of School Attorneys. We've included, for your review, the biographies of the attorneys that will be assigned to the district. Each of the attorneys listed comply with paragraph 7.4. In addition, we are supplying biographies of our other attorneys that may perform work for the district should the district expressly permit.

Shareholders



S.Ct. 2702 (1989.)

Dennis J. Eichelbaum is among the most successful school law litigators in Texas and can be found in our Metroplex office, that is, when he's not in court, at a board meeting or training educators. As a founding Shareholder and Managing Director, Dennis specializes in personnel, student, and board issues and has more than forty cases published, achieving major school law victories at every level but most notable the United States Supreme Court, *Jett v. Dallas Independent School Dist.*, 491 U.S. 701, 109

Dennis' legal record and reputation as a leader in the school law community has been recognized with an award of an AV rating in Martindale Hubbell's Legal Directory, the highest rating given to attorneys.

Since 1986, when he began practicing school law, Dennis has worked to help establish much of the case law in the Fifth Circuit on sexual harassment in schools. Dennis was at the forefront in training administrators nationally on preventing sexual harassment in the educational workplace. His "Preventing Sexual Harassment in the Schools" instructional video and accompanying materials have been used in hundreds of Texas schools.

Dennis is the author of numerous school law articles and has been a frequent presenter at national and state conferences as well as regional seminars and local trainings. Dennis is also the author of numerous Preventive Law Corner articles on TexasISD.com. Dennis has been an Associate Adjunct Professor of School Law at Texas Women's University teaching school law since 1993.

Graduating in 1986 with a J.D. degree from Northern Illinois University College of Law, he received an award as an Outstanding Young Alumnus. He is admitted to practice in the following courts: U.S. District Court, Northern, Eastern, Southern and Western Districts of Texas; U.S. Court of Appeals, Fifth Circuit; and the U.S. Supreme Court. He is a member of the School Law Section of the Texas Bar, the Texas and National Council of School Attorneys and the College of the State Bar of Texas.



Holly Boyd Wardell is a Shareholder in our Austin office. Holly graduated Cum Laude from Texas Wesleyan University in 1992 and earned her Juris Doctorate from The University of Texas School of Law in 1996.

Holly has an impressive litigation background in whistleblower cases and civil rights cases including gender, race, and national origin, and disability discrimination claims. Her work on position statements, motions, and briefs has resulted in numerous victories for school districts at every level conceivable. Additionally, she regularly attends ARD and Section 504 Committee meetings and represents clients at due process hearings.

Holly's outgoing personality, enthusiasm, and thoroughness combine to make her a popular lecturer. She is a frequent guest speaker for school districts, regional education service centers, special education shared service arrangements, state organizations, and universities on a variety of topics related

to school law, including special education, Section 504, education records, sexual harassment, student discipline, and search and seizure. Holly has published numerous articles for state and firm publications on special education and other issues.

Holly is licensed to practice law in all Texas state courts; the United States District Courts for the Western, Northern and Southern Districts of Texas; the United States Court of Appeals for the Fifth Circuit; and the United States Supreme Court.

She is a member of the National School Boards Association Council of School Attorneys, School Law, Administrative, and Labor and Employment Law Sections of the Texas Bar, Texas Council of School Attorneys, and the Texas Association of Defense Counsel. Holly has also served on the State Bar's Disabilities Issues Committee and the Texas Education Agency's State Supervision Committee & Complaints Management System.



Cheryl T. Mehl, a Shareholder in our Austin office, has an encyclopedic mind when it comes to school law. Her extensive knowledge stems from more than sixteen years with the Texas Association of School Boards before attending law school, coupled with a career-long practice at Schwartz & Eichelbaum Wardell Mehl and Hansen, P.C. that began as a law clerk while attending law school at The University of Texas School of Law. She now is the firm's expert in drafting and reviewing briefs for state and federal courts, local policies, and employment contracts.

We rely on Cheryl's expertise in student, governance, and personnel issues, specifically Chapter 21 contract analysis and in both authoring and editing the firm's training materials in all areas of law. As primary author of the firm's Model Student Code of Conduct, Model Student Handbook, and Model Employee Handbook, she provides the distinctive "voice" of Schwartz & Eichelbaum Wardell Mehl and Hansen, P.C. materials.

Cheryl's experience also serves clients in her representation before the Commissioner of Education in appeals of grievances, nonrenewals, and detachment/annexation controversies and her successful defense of a taxpayer lawsuit challenging a board's decision on an expenditure. Cheryl is a frequent drafter of "friend of the court" briefs for the TASB Legal Assistance Fund and speaks on various employment issues at conferences of the School Law Section of

the State Bar of Texas, The University of Texas Law School's School Law Conference, TASA/TASB Convention, and other education law conferences.

Cheryl graduated with a J.D. from The University of Texas School of Law in 1997. In addition to admission to all Texas courts, she is admitted to practice in the following federal courts: U.S. District Court, Northern, Southern, and Western Districts of Texas; U.S. Court of Appeals, Fifth Circuit. Cheryl is a member of the School Law Section of the State Bar of Texas, the National Council of School Attorneys, and currently serves as the 2009-2010 Chair of the Texas Council of School Attorneys.



David P. Hansen, a Shareholder in our Austin Office, is one of our key attorneys in the area of construction law. He has successfully advocated for school districts in numerous construction defect cases sometimes defending the district against the claims of contractors or architects and other times seeking to recover on behalf of school districts against contractors and architects. Additionally, David has trained superintendents, school boards, business managers, and others involved in school facility construction, in the area of construction procurement and construction administration.

In addition to his experience in the field of construction law, David has successfully handled numerous employment discrimination and other personnel related cases at both the state and federal levels.

Prior to attending college, David was a soldier in the United States Army and is a veteran of Operation Just Cause in Panama and Operation Desert Storm in the Persian Gulf.

David graduated with a J.D. from The University of Texas School of Law in 2000. While in law school, he earned a place on the Legal Research Board and the Texas International Law Journal. He is also a member of Phi Beta Kappa and Phi Kappa Phi, achieving affiliation in these honor societies while earning his undergraduate degree with Highest Honors from the University of Texas at Austin.

David is a member of the American Institute of Architects, the Texas Association of School Business Officers, the Texas and National Council of School Attorneys and the Litigation, Appellate, Construction, and School Law Sections of the Texas Bar. David is also admitted to practice law before the Federal Courts in the

Northern, Western, and Southern Districts of Texas, as well as the 5th Circuit Court of Appeals.

Of Counsel



Jennifer A. Powell's practice in our Austin office focuses on a wide range of labor and employment, constitutional, and civil rights issues, including cases under: Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act; the Americans with Disabilities Act; the Texas Labor Code; the Fair Labor Standards Act; the Family Medical Leave Act; and Title IX of the Education Amendments of 1972. Jennifer has expertise in handling such matters from the administrative level through the appellate process.

Jennifer is board certified in Labor and Employment Law, earning this special accreditation from the Texas Board of Legal Specialization in 2001.

In addition to her litigation practice, Jennifer is designated as one of the firm's compliance attorneys. As such, she is available to review documents, policies, and practices to ensure compliance with relevant laws, as well to answer specific compliance-related questions. Jennifer also has significant experience in conducting investigations into workplace and other misconduct.

An experienced presenter, Jennifer has spoken on several employment and school law-related topics, including the Family & Medical Leave Act of 1993 and Title IX.

Jennifer received a Bachelor of Business Administration degree with Honors from Baylor University in 1988 and earned her Juris Doctorate with Honors from the University of Texas School of Law in 1992. She is admitted to practice in the Supreme Court of Texas, the United States Fifth Circuit Court of Appeals and the United States District Courts for the Northern, Western, Eastern and Southern Districts of Texas. She is a member of the State Bar of Texas Labor and Employment and School Law Sections, the Austin Bar Association Labor and Employment Section, the Council of School Attorneys.

Senior Associates



Mark R. Benavides, a Senior Associate in our Austin office, is a skilled litigator with extensive experience in construction, contracts, land use and restrictive covenant, workers' compensation and employment law along with other areas of law such as product liability, personal injury and medical and legal malpractice.

Mark's well rounded career brings expertise in areas that are instrumental to school districts. As a former Assistant City Attorney for the City of Dallas, Mark represented the Code Enforcement Division and the Urban Rehabilitation Standards Board in state and federal litigation and in an advisory capacity. His experience with the City of Dallas provided him with invaluable experience and understanding of governmental law. Mark also has substantial experience in other types of litigation, including civil rights claims, insurance defense, and construction claims.

A native of Dallas, Mark received a Bachelor of Arts majoring in Marketing and Advertising from the Southern Methodist University. He completed his Juris Doctorate from the University Of Texas School Of Law. He is admitted to practice in the United States District Court, Northern and Western Districts of Texas and the United States Fifth Circuit Court of Appeals. He has been a member of the School Law Section of the State Bar of Texas and the Williamson County and Austin Bar Associations.



Raquel V. Perry, a Senior Litigation Associate in our Metroplex office, is an accomplished labor and employment law attorney who has represented various government agencies. Her previous experience practicing on behalf of the United States Postal Service, the City of Fort Worth and the Texas Workforce Commission provides her with an excellent background to blend into representing Texas schools.

As a Special Assistant United States Attorney (SAUSA), and an employment litigation attorney for the United States Postal Service, Raquel has represented the government in matters involving discrimination before the federal courts, the Equal Employment Opportunity Commission and the Merit Systems Protection Board. She is also an experienced trainer who provided numerous sexual harassment and reasonable accommodation training

sessions. Additionally, she is a Uniform Services Employment and Reemployment Rights Act (USERRA) advisor and trainer.

Prior to her involvement with the United States Postal Service, Raquel was a Prosecuting Attorney for the City of Fort Worth and a Hearing Officer for the Texas Workforce Commission.

A Weatherford resident, Raquel is originally from Springtown Texas. She is a graduate of the University of Texas at Arlington and earned her Juris Doctorate at St. Mary's University School of Law in San Antonio. She is a member of the School Law Section of the State Bar of Texas.

Associates



Rights Clinic.

Eric E. Muñoz is an Associate in our Austin office. He earned both his law and undergraduate degrees from the University of Texas at Austin. A 2003 Luna Scholar, Eric worked as a legislative intern in the Texas Senate and returned to work there during law school. While in law school, Eric also served as an associate editor of the *Texas Hispanic Journal of Law and Policy* and worked on employment matters as part of the Transnational Workers'

Eric is a member of the Construction Law and School Law sections of the Texas Bar, as well as National School Board Association's Council of School Attorneys, the Texas Council of School Attorneys, the Austin Bar Association, and the Austin Young Lawyers Association. Eric is also a former Schwartz & Eichelbaum law clerk, having worked with the firm during his last year of law school.



Bradley J. Domangue, an Associate in our Austin office, received his Juris Doctor from the University of Texas School of Law. He received his Bachelor of Arts degree from the University of Texas at San Antonio.

In addition to his internship with our firm, Brad has held internships in the political and journalism fields. He was a legislative aide for State Representatives Jim McReynolds and Scott Hochberg. In these capacities, Brad assisted

drafting legislation and writing press releases. Brad has also held fascinating internships for CBS in New York and KXAN, Austin's NBC affiliate where he produced shows, edited segments and interviewed individuals.



Kelly J. Shook, an Associate in our Austin office, received her Juris Doctor from the University of Texas School of Law. She graduated *cum laude* with a Bachelor of Business Administration in Finance also from The University of Texas at Austin.

Kelly interned as a law clerk researching and writing legal memoranda on various aspects of school law for the Texas Association of School Boards. She also interned for the Texas Supreme Court with Justice Nathan Hecht before joining our firm, first as a law clerk and now as an associate. While in law school, Kelly was a member of "Street Law", an organization for which she created lesson plans and taught high school students about legal rights and issues. She also served as Managing Editor and Recruitment Coordinator for the Texas Journal of Women and the Law.



Dr. Carol Simpson, Dr. Carol Simpson, an associate in our Frisco office, received her Juris Doctor from the Dedman School of Law at the Southern Methodist University after a prestigious career in public education. Dr. Simpson holds a Doctorate in Curriculum and Instruction (Educational Technology) from the East Texas State University, Masters in both Library Science and Curriculum and Instruction from the University of Texas at Austin and a Bachelor of Science in Art Education and French from Southwestern University in Georgetown, Texas.

She began her teaching career as an Art and French teacher at Round Rock High School in Round Rock, Texas and from there found a niche as a Librarian and library administrator in the Mesquite Independent School District. Dr. Simpson has also taught at the graduate level at the University of North Texas and Texas Women's University.

Dr. Simpson has devoted a vast portion of her efforts on Library and Media Services. An accomplished author of ten publications, Dr. Simpson is a highly sought lecturer on all aspects of copyright issues and library technology. She has

presented for school districts, curriculum organizations, and library associations across the country.

Dr. Simpson's article, *Intellectual Property: Mining Gold in Your Backyard*, has been published in *The School Administrator*, a publication of the American Association of School Administrators

We invite you to peruse Dr. Simpson's publications, including her latest book, "Copyright for Administrators."

Copyright Catechism

Copyright for Administrators

Copyright for Schools: A Practical Guide, Fourth Edition

Copyright Responsibilities for Educators (Tri-fold Brochure)

Ethics in School Librarianship

Internet for Schools

Fee Structure

Schwartz & Eichelbaum offers one, easy, "pay as you go" method of fees.

Our retainer provides initial calls on a single matter not exceeding 15 minutes without charge. Calls are limited to answering questions based upon the attorneys' personal knowledge of school law and do not require Schwartz & Eichelbaum to do any review of documents, legal research, or drafting of any kind.

Fees will be charged to the district for time expended beyond the initial telephone call. Our attorneys' extensive school law experience means we can often answer your questions without research. This program also includes client updates, our "Board Minutes" publication and reduced fees:

Shareholders and Of Counsel	\$225 per hour
Senior Associates and Associates	\$195 per hour
Attorneys Pending Licensure and Law Clerks	\$150 per hour
Paralegals	\$85 per hour

Schwartz and Eichelbaum's statements will include the amount of attorney, paralegal, law clerk, or other authorized time, in increments of .10 hours, spent on the District's legal work multiplied by the appropriate hourly rate for the firm member who worked on the matter that is the subject of representation.

The cost for our retainer is \$750 for a one-year contract.

However, due to the district's membership with The Equity Center this yearly fee is reduced to \$500.

Our Retainer at a Glance

TYPE OF SERVICE	
Phone Advice	First call on any single matter is without charge if the attorney can answer without doing research. Research and all subsequent calls on the same matter are billed at the tiered rate for the attorney doing the work.
Representation Including Litigation, Training and Travel Time	Fee is the tiered rate for the attorney doing the work.
Board Meeting Attendance	Fee is the tiered rate for the attorney doing the work. If the district's preferred attorney is unable to attend, Shareholders or Senior Associates will attend the board meeting.

Out of pocket expenses are billed as outlined below.

Copying	\$.20 per page
Delivery charges, Long Distance Charges, Long Distance Cellular, Postage, Electronic Research and Travel	Actual cost
Fax (local)	\$.50 per page
Fax (long distance)	\$1.00 per page to send, no charge to receive
Mileage	IRS standard rate
Court Reporters and other Outside Vendor Fees	Actual cost <i>Invoices for such services will be sent to the District for direct payment by the district to the vendor involved.</i>

Telephone Consultation Agreement Between
Brackett Independent School District
and Schwartz & Eichelbaum
Wardell Mehl and Hansen, P.C.

It is agreed that Brackett Independent School District (hereinafter called "District") and Schwartz & Eichelbaum Wardell Mehl and Hansen, P.C. (hereinafter called "S&E"), or its successor firm or assignee, do hereby agree to have S&E represent the District as its attorneys beginning February 1, 2010.

The District is a member of the Equity Center. As long as the District maintains its membership with the Equity Center, this membership entitles authorized district representatives to contact S&E attorneys for telephone consultation at a reduced yearly fee. The District will pay the one flat fee per year (September 1 through August 31) that entitles authorized district representatives to contact S&E attorneys for telephone consultation. Representatives may call as often as they want and the district is not billed additional fees unless work is required beyond the initial telephone call. This agreement also entitles the District to client alerts and "Board Minutes" publications (sent via email) and reduced hourly rates on legal work beyond the initial telephone call. If the District engages S&E for legal matters in the future, the current agreed upon billing rates and costs for out of pocket expenses will apply to those matters, unless engaged under a separate agreement for those matters. S&E fees, rates and cost information are outlined in the attached Exhibit A. S&E will inform the District of any changes to Exhibit A in writing. Continued use of S&E services by the district constitutes an agreement by the District to any change in rates. The District will be invoiced the annual flat fee each future September 1st while this agreement remains in effect. If the District drops its membership with the Equity Center, S&E's standard fee will then be applied.

By virtue of execution of this agreement, an attorney-client relationship exists between S&E and the District. The privilege extends to the board of trustees as a whole and those authorized representatives as designated by the District. Under the terms of this agreement, S&E attorneys will communicate with the authorized representatives of the District. In so doing, the expectation is that the attorney-client privilege remains intact absent action by the board of trustees to waive the privilege.

This Telephone Consultation Agreement binds the District, their administrators, trustees, successors, assigns and legal representative to S&E and to the partners, successors, assigns and legal representatives of S&E with respect to all covenants stated above or attached to as an exhibit. The District agrees that S&E may relieve itself from the responsibility of performing further work and, therefore, may withdraw as counsel should the District fail to timely pay S&E for any fees or expenses incurred in representation of the District in any matter.

If this letter correctly reflects the terms and conditions of our representation of the District, please indicate the Board's approval by your signature below, and return it to us.

Approval by the Board on this the ____ day of _____ 200__.

Board President
Brackett Independent School District

Managing Shareholder
Schwartz & Eichelbaum
Wardell Mehl and Hansen, P.C.

EXHIBIT A

SCHWARTZ & EICHELBAUM WARDELL MEHL AND HANSEN, P.C. TELEPHONE CONSULTATION AGREEMENT FEES, RATES, AND EXPENSES AS OF SEPTEMBER 1, 2009

FEES

The District will be billed one flat fee of \$500, which entitles authorized District representatives to unlimited telephone advice on an initial call related to a matter.

RATES

For any work conducted on a matter beyond the initial telephone call or travel, the District will be charged the following reduced hourly rates:

\$225 for shareholders;
\$195 for all other non shareholder attorneys;
\$150 for attorneys pending licensure; and
\$85 for law clerks and/or paralegals.

EXPENSES

In addition to fees for legal services, S&E's statement will include other charges for expenses and services incurred in relation to providing legal services.

OUT OF POCKET COSTS

Copying	\$.20 per page
Delivery charges, Long Distance Charges, Long Distance Cellular, Postage, Electronic Research and Travel	Actual cost
Fax (local)	\$.50 per page
Fax (long distance)	\$1.00 per page to send, no charge to receive
Mileage	IRS standard rate
Court Reporters and other Outside Vendor Fees	Actual cost <i>Invoices for such services will be sent to the District for direct payment by the District to the vendor involved.</i>

Conflict of Interest Statement



Schwartz & Eichelbaum Wardell Mehl and Hansen, P.C., if selected, agrees not to undertake future representation of any person or entity in a manner adverse to the District's legal interests during the term of the contract and for a period of two years after termination of the contract.

Schwartz & Eichelbaum pledges to provide the highest quality of legal services for the Brackett Independent School District. We guarantee satisfaction, confidentiality, prompt and timely response, and personal service. We have been known for years by our motto "we treat every client like our only client" and we continue to live by this creed.

We hope we've been able to provide valuable information about our firm, attorneys and our way of doing business. We'd love to include your district as a client. Our attorneys are standing at the ready.

Please do not hesitate to contact us through our web site, www.edlaw.com, e-mail at information@edlaw.com, or just give us a call at (800) 488-9045. Our firm is prepared to visit with the district about this proposal at any time or provide additional information upon request.