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Subject: Reconsider your stance on retaining the services of Ropes & Gray

To the members of the Concord and Concord Carlisle School Committees (SC)

In justifying the \$835 and \$995 per hour charged by Ropes & Gray, SC members and school administrators have stated that the going rate is high because their legal representation has specialized expertise in educational areas. This was stated at the last Town Meeting (TM) and in prior public statements. However, this statement is not entirely accurate. Ropes & Gray doesn't specialize in public school education, and the legal firms with this experience charge much less than \$835 and \$995 per hour.

I ask that you review the points outlined in this letter and consider researching other legal representation that is better suited to meet the legal needs of our public schools. I would also appreciate a timely answer to this email.

Ropes & Gray doesn't specialize in public education or in athletic fields. Their Educational Institutions practice is focused on universities and large research institutions. Based on your statement at Town Meeting, it is not appropriate to pay them a premium for their services.

While Ropes & Gray in Boston has a practice titled "Educational Institutions" their focus is on large universities, colleges and research institutions including academic & teaching hospitals, post-secondary institutions, a range of scientific, technical, biotechnology & medical research organizations and the foundations that help fund these enterprises. While their work in higher education is impressive, it is not appropriate for Concord and certainly doesn't warrant the premium we pay for their services. Refer to the link for a description of their Educational Institutions practice. <http://www.ropesgray.com/industries/Educational-institutions.aspx>

Firms that specialize in public education and school committees do not charge a premium for their services. Their rates are within the \$200/hour range. Switching to one of these firms would better meet our legal needs and save Concord taxpayers a significant amount of money.

Each of the firms listed on the next page have dedicated Public Education practices (geared toward public and private school districts and school committees) that handle all areas of labor and employment matters including labor relations, collective bargaining, grievance arbitration and unfair labor practices (to name a few). These firms also handle SPED, school construction, student rights and general counsel matters including Open Meeting Law and Public Records law.

MHTL is currently employed by Concord Schools for SPED related matters and charges \$225/hour¹. Acton schools just switched from Ropes & Gray to Mirick O'Connell². According to the Concord Journal, Mirick charges \$200/hour. Stoneman, Chandler & Miller (SCM) represents more than 50 public school districts³. Historically, they charge between \$160 to \$220 per hour.

¹ \$225/hour is the fee charged to Concord Schools

² Lead attorney for Ropes & Gray representing Concord Schools was also an attorney for Action prior to the change

³ As an employee of Lexington Public Schools, the current head of HR (Kelly McCausland) hired SCM on a \$104,000/year retainer to handle routine matters. The arrangement was praised as a cost-effective way to obtain legal services (last year Ropes & Gray charged the Concord school district \$270,000).

Please review the Public Education practices of these firms by clicking on the links below. I urge you to compare their profiles to Ropes & Gray's Educational Institutions practice. You will see that these firms have far more relevant public school experience than Ropes & Gray.

* Murphy, Hesse, Toomey & Lehane (MHTL) -- <http://www.mhtl.com/practice-areas/education/>

* Mirick O'Connell -- <http://www.mirickoconnell.com/?t=38&I=623&format=xml&p=6057>

* Stoneman, Chandler & Miller -- <http://www.scmlp.com/areas-of-practice/school-education-law>

Ropes & Gray attorney Walter McCabe III is a real estate attorney for hedge funds and private equity firms. Concord schools hired him to handle the bus depot and the athletic fields. He charges \$995 per hour. Is an attorney with his credentials really required to handle bus depot matters and athletic fields?

Ropes & Gray attorney Walter McCabe III is a real estate investment and transaction lawyer who represents hedge funds, private equity firms and Fortune 500 corporations in very complex financing transactions. Attorney McCabe's clients include The Baupost Group, TPG Capital, Landmark Partners and Siguler Guff & Company. He has no education experience (public or otherwise) and no experience with athletic fields. He charges Concord \$995 per hour for his services. Using him on bus depot issues and athletic fields is not appropriate and definitely not worth the premium we pay Ropes & Gray for his services.

After Article 10 failed to pass, and cuts were made to student accounts, attorney McCabe attended Town Meeting with the Superintendent of our schools. Based on his four-hour attendance and his travel time, it's feasible he could charge Concord schools upward of \$6,000 for attending TM. That money could have been used to retain student related programs such as field trips and lends to a growing perception that this administration values its attorneys over our kids. Refer to the link for attorney McCabe's profile. <http://www.ropesgray.com/waltermccabe/>

Ropes & Gray attorney Peter Ebb is primarily focused on hospitals, private companies and investment firms. His past clients include Mitt Romney. He charges \$835/hour. Is he really the best fit for our legal needs?

Ropes & Gray attorney Peter Ebb is the lead attorney for our school district. Mr. Ebb is a labor and employment lawyer whose principal clients include hospitals, private companies and investment firms. In prior years he headed up the firm's Labor and Employment department. His resume includes representing then-candidate for governor Mitt Romney. He's able to charge \$835 per hour because large hospitals and for-profit corporations are willing to pay him for advice in matters such as collective bargaining negotiations with unions, contract administration and responses to union organizing (in other words, preventing employees from forming unions). While attorney Ebb's is an impressive lawyer, he does not specialize in public schools. There are other (more experienced) attorneys that can better serve our needs and for a much more reasonable cost. Refer to the link for attorney Ebb's profile.

<http://www.ropesgray.com/biographies/e/peter-l-ebb.aspx>

Based on FY13 legal services spending, switching from Ropes & Gray could feasibly save the district approximately \$200,000 (or to rephrase that) the same amount requested by Article 10.

In FY13, Ropes & Gray billed approximately \$270,000 to the school district. If Concord were to switch to a firm like MHTL (which charges \$225/hour) that would save the district approximately \$198,000 or roughly the same amount requested by Article 10. This is a rough estimate. However, Committee members may request all the FY13 timesheets for Ropes & Gray and run this calculation themselves.

As described below, Concord residents do not want their tax dollars spent on \$835 and \$995 per hour attorneys. This Committee should defer to the will of Concord taxpayers and switch its legal representation away from Ropes & Gray.

During the 2013 TM, Concord residents voted to amend a motion under Article 10 to reduce Concord's appropriation by \$35,000 (the amount requested by the school district to increase its legal services budget). During the 2014 TM, Article 10 (to request a supplemental \$200,000 appropriation) failed to pass due largely to citizen concerns over the fees paid to School attorneys.

These votes alone make it clear that Concord residents do not want their tax dollars spent on \$835 and \$995 per hour attorneys (especially when town officials and peer schools pay their attorneys within the \$200/hour range). Rather than blindly supporting the Superintendent, the SC should heed the concerns of Concord residents who (a) voted them into office and (b) who are responsible for paying the bills. The SC should use its authority to switch legal counsel to a firm that can (c) better represent our interests and (d) will charge reasonable fees. Savings from this switch may help avoid future requests for supplemental appropriations and hopefully avoid future cuts to student and teacher programs.

On a final note, I would like to respectfully submit to this Committee that if their only employee (the Superintendent) is unable to perform her duties, for which she is handsomely compensated⁴, without the aid these attorneys, than perhaps she is not be a good match for our schools and our town. Please take that under advisement.

In conclusion, I request that you answer the following questions. Please note that these questions are for the School Committee only. It is my hope that your response to this letter is not prepared (and/or written) by either Ropes & Gray or the Superintendent.

- (1) Will you switch legal services away from Ropes & Gray?
 - (a) If not, please explain why not. Specifically, address why this Committee believes Ropes & Gray is a better fit than the three firms mentioned in this letter⁵.
 - (b) If not, please explain why you think it's more important to support the Superintendent (your employee) in this matter rather than heed the will of your constituents (who have been clear in their dissatisfaction with the \$835 and \$995 per hour attorney fees)?
- (2) Please explain why, in light of the cuts made to student programs, the Superintendent required a \$995/hour attorney to accompany her at TM⁶. And explain how his complex hedge-fund real estate expertise was pertinent to TM that day. For that matter, how is it pertinent to any business before this school district?

Sincerely,

Miguel Echavarri

⁴ Between CPS and CCRSD the Superintendent's salary is \$222,272

⁵ Murphy, Hesse, Toomey & Lehane -- Mirick O'Connell -- Stoneman, Chandler & Miller

⁶ The attorney was present for at least four hours.