



Legal Services Committee Meeting
December 8, 2009; 10:00 a.m.
ELC Executive Conference Room

Committee Attendees: Gerald K. Schwartz, Esq.; Alan Eckstein, Esq.; Lucy C. Piñeiro, Esq.

Staff Attendees: Evelio Torres (President/CEO); Leeana Pena; Tabatha Cullen; Angelo Parrino; Melody Thelwell

Other Attendees: Marc Douthit, Douthit Law Firm; Bernadette Norris Weeks, Bernadette Norris Weeks Law Firm; Santiago D. Echemendia, Tew Cardenas, LLP; Alexander L. Palenzuela-Mauri, Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.; Mitchell A. Bierman, Weiss Serota Helfman Pastoriza Cole & Boniske, P.L., Nina L Boniske, Weiss Serota Helfman Pastoriza Cole & Boniske, P.L

- M. Thelwell welcomed Douthit Law Firm.
- M. Douthit stated he has been practicing law since 1991. He has an office up in Massachusetts and in South Florida. He started out as bankruptcy litigator but decided early on that it was not the legal career-path for him. He wasn't planning on going on his own, however things fell into place. He has been practicing effectively on his own since that time.
- M. Douthit stated that he specializes in corporate work, small business development, non-profit work for churches and community organizations. He has worked closely with Movers Inc. providing services to HIV and AIDS organizations. He stated he's originally from NY but came to South Florida for law school. The firm has gone from 8 attorneys to 3 attorneys.
- M. Douthit stated that the legal firm Klein and Associates works closely with them.
- M. Douthit stated he would be the primary attorney for the ELC.
- A. Eckstein asked if the firm could provide a blended rate of \$200 an hour or possibly a flat annual rate that can be negotiated.
- M. Douthit stated there are some things that can't be negotiated, but for the most part yes.
- G. Schwartz asked what the present payment arrangement was.
- E. Torres stated that with Gray Robinson, there is an hourly rate. All types of work are provided in this fee with no limitations.
- M. Douthit stated he could provide a \$200 blended rate no matter what work is provided. Should the ELC get into litigation, the rate is also \$200 hourly.



- M. Douthit stated he is familiar with Florida statutes. He also has attorneys who can give guidance in areas of procurement, contracts, and labor issues.
- M. Douthit stated he has educated himself on the ELC in the last 2-3 weeks, using the ELC website. He stated the site is unbelievable and offers an outstanding amount of information.
- L. Pineiro stated for the record that she has known M. Douthit for long time. She was speaking to him regarding another case. He mentioned he had an interview with the ELC for the legal services position. She said she was under the cone of silence and told him she couldn't discuss it.
- M. Thelwell welcomed Bernadette Norris Weeks Law Firm.
- B. Weeks stated she is an attorney practicing in Broward and Miami-Dade County since 1996. She has practiced exclusively for governmental and quasi-governmental entities. She has represented the ELC of Broward for over 9 years. She was pleased to see the RFQ went out. She knew previous Board Attorney W. Harvey.
- B. Weeks stated she is not a sole practitioner. She has 4 attorneys working with her in the office. The ELC would have her serving as primary contact, and 3 backup attorneys assigned as well. She stated she is intimately familiar with state policies, VPK, early learning, contracts, ARRA, and works with outside counsel for anything she's not that familiar with.
- B. Weeks stated she does not anticipate conflicts in working with both coalitions. She would simply be representing two separate entities that happen to provide the same services.
- E. Torres stated he's had many conversations with the State about shared services for coalitions including accounting, I.T., monitoring, etc.
- B. Weeks stated while working for the Broward ELC there have been no lawsuits against the Coalition.
- B. Weeks stated she can offer a blended rate of \$185, which is the lowest governmental rate.
- L. Pineiro stated that the ELC was very pleased with the previous lawyer. He was conscientious of budget and needs, and the ELC wasn't charged for every phone call, memo to file, etc. She asked the firm's philosophy on this.
- B. Weeks stated with the Broward ELC there is a budget annually that she never meets. She does have a business to run, small firm, but understands the nature of this kind of work. Governmental entities at this point, don't want to see legal bills. Broward's budget was \$70,000 and she billed less than that.
- B. Weeks stated she has followed the ELC over the past years. She would be available to attend all Board meetings and Committee meetings.
- G. Schwartz stated he can think of a number of ways to work together with Broward.



- E. Torres stated that sharing an attorney with the Broward ELC would be a benefit.
- A. Eckstein stated that they are offering the best rate and they are familiar with the ELC.
- M. Thelwell welcomed S. Echemendia.
- S. Echemendia stated he's been doing work for the ELC for the past 2 months. He stated he assisted with an insurance issue that was resolved without litigation. Currently, he is involved in RFPs for inclusion. He has years experience working with bid protests and is very involved in the competitive process. He is very familiar with governmental work and board counsel. He's also familiar with the private sector.
- S. Echemendia stated he would be the primary board counsel. Has a very precocious attorney, Amanda, who has been his right-hand person. She would handle litigation, and has a stellar reputation in the community.
- S. Echemendia stated he could provide a blended rate of \$225 an hour.
- L. Piñeiro stated that the ELC is on a very strict budget. The previous lawyer was available for quick phone calls, and the ELC wasn't charged for every single phone call, every single day, etc. She noticed Tew Cardenas, LLP had very detailed billing. She stated that the ELC would need to know what to expect in the future.
- S. Echemendia stated that for many long-standing relationships he sometimes won't charge for even an hour-long call. He stated that Tew Cardenas, LLP did a lot of work that they didn't bill for before they engaged with them. He stated they have been very generous and will continue to be.
- S. Echemendia stated that on the side he owns 4 billboard companies. He is limited to not-for-profit billboards and offered the ELC space to advertise.
- S. Echemendia stated he enjoyed working with E. Torres, A. Parrino, T. Cullen and M. Thelwell over the past 2 months. He stated he has a pet peeve with public records. He stated that he understands the perception is that requests are somewhat intrusive.
- M. Thelwell introduced Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
- M. Bierman stated a great place to start learning about the firm was on the website. He stated it's a 20-year-old firm with about 50 attorneys. He stated his expertise ranges from governmental, to nonprofit, and experience with foundations. The ELC fits the needs of the organization. He stated he has experience with board counsel, drafting resolutions, etc.
- A. Palenzuela stated that the firm has changed their proposal since the last interview, in addition to changing the team. He stated he would be present for Board meetings but M. Bierman and N. Boniske would be available as well.
- N. Boniske stated that the perception might be that they are too large of a firm for the ELC. However, having a close relationship is what's important to her. She understands clients want to see the same person who has knowledge of their company. She stated she has been working for Islamorada council meetings since their initiation.



- L. Piñeiro stated the ELC was very pleased with the prior counsel. She asked what the firm's policy was on billing, as the ELC is on a budget and can't afford to be billed for every call, fax, memo to file, etc.
- N. Boniske stated that billing was negotiable. She stated that litigation was the only piece that is impossible to determine.
- L. Piñeiro asked A. Palenzuela what the mission statement of the ELC is.
- A. Palenzuela stated that it's serving children with early education to become productive outcomes in society.
- N. Boniske stated she has a side passion for her vegan restaurant. The goal of this organization is to bring awareness of organics to children. She stated she works with public school systems and adults to teach the importance of children learning healthy eating at a younger age. She stated this passion would combine nicely with the ELC.
- G. Schwartz stated the Committee had a very difficult decision to make.