

July 1, 2015

GADSDEN IND. SCH. DIST.

JUL - 6 2015

SUPERINTENDENT'S OFFICE

VIA REGULAR MAIL

Mr. Efren Yturralde
Superintendent
Gadsden ISD
4950 McNutt Road
Sunland Park, NM 88063

RE: Renewal of Membership in New Mexico Legal Services Retainer Program

Dear Mr. Yturralde:

It is our privilege to serve Gadsden Independent School District through the Walsh Gallegos Retainer Program. It is time to renew your membership and so enclosed with your monthly statement you will find our Legal Services Retainer Agreement and our invoice for \$1,000 per year plus applicable gross receipts tax. This program includes the following benefits:

- Unlimited telephone consultation with any of our attorneys,
- A free subscription to our bi-monthly newsletter "School Law with Walsh Gallegos New Mexico", 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. Also enclosed is information about our EFT/ACH payment program that provides a convenient, efficient, secure, and less costly method of payment than paper checks.

It is an honor to be of service to Gadsden Independent School District. Please note that the enclosed New Mexico Legal Services Retainer Agreement must be signed by an authorized Council Member 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.

We look forward to receiving your signed contract and updated email alert list. In the meantime, please remember that you can call our office toll-free to speak with a Walsh Gallegos attorney to get the guidance you need, when you need it. As always, please call me with any questions, comments, or suggestions about how we can better serve the district. Our toll-free number is (800) 771-6864.

Sincerely,



Evelyn Howard-Hand

EHH/lc
Enclosures

cc: Ms. Maria Saenz, Board President
Mr. Randall Rapanut, Special Education Director
(w/o billing statement or E-mail Update Form)

NEW MEXICO
LEGAL SERVICES RETAINER AGREEMENT
FOR GADSDEN INDEPENDENT SCHOOL DISTRICT

The Gadsden 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 Gallegos Treviño Russo & Kyle 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 billed for additional legal work over and above initial telephone consultations. Hourly rates are subject to change with 30 days advanced written notice. Examples of such additional legal work are follow-up telephone calls, legal research, opinion letters, document or policy reviews, consultation with other attorneys in the firm, office visits, participation in board meetings, attendance at IEP meetings, representation in discharge or termination hearings, special education due process hearings and litigation. Expenses incurred by the Law Firm in providing such additional legal work shall also be charged.
3. Publications: The Law Firm shall provide at no charge six issues per year of the publication *School Law with Walsh Gallegos New Mexico*, 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 plus applicable gross receipts taxes 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 _____, 2015.

GADSDEN INDEPENDENT SCHOOL DISTRICT

By: _____

(Signature)

(Print Name)

(Title)

WALSH GALLEGOS TREVIÑO RUSSO & KYLE P.C.

By: _____

Joe A. De Los Santos
Managing Shareholder



NEW MEXICO PUBLIC SCHOOLS LEGAL SERVICES FEE SCHEDULE

For retainer program clients

An annual retainer fee of \$1,000 plus applicable gross receipts tax is billed each year on the anniversary of the Client joining the program.

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

An hourly rate of \$200 for attorneys 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 rates shown above, plus expenses and applicable gross receipts taxes. A new file is set up so that the billings show legal fees attributable to that particular matter.

For non-retainer program clients

No annual fee is required.

An hourly rate of \$200 for attorneys 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.



BENEFITS OF THE RETAINER PROGRAM FOR NEW MEXICO SCHOOLS

1. Free Telephone Consultation: The law firm provides 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 \$1,551 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 Gallegos attorney:

- Albuquerque (800) 771-6864
- Austin (800) 252-3405

2. Free Subscriptions to Firm Publications: Membership in the Walsh Gallegos Retainer Program also entitles the District to receive a free subscription to our firm newsletter:

- (1) the informative bi-monthly newsletter *"School Law with Walsh Gallegos New Mexico"* that provides timely reminders and practical suggestions about both general education law issues and special education issues arising throughout the school year

3. E-mail Updates: As another benefit of the Retainer Program, Walsh Gallegos 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.

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