

The Subcommittee for the Purpose of Soliciting and Reviewing RFPs from potential Consulting Legal Firms met on Wednesday, December 6, 2023, in the School Conference Room in the School Administration Building. Present were Mike Judge, Kathy Bent, Sara Ahern, Amber Patterson, and Jen Kruczek.

Mr. Judge called the meeting to order at 2:30PM.

**Stoneman, Chandler & Miller LLP Interview (Joan Stein, Thomas Delmar)**

- The group introduced themselves to each other.
- Ms. Stein stated she was happy to be here. Her firm has had an ongoing relationship with Barnstable as primary counsel and supplemental counsel when an in-house counsel was brought on. She discussed the firm and district's history together. She discussed the firm's personnel and gave an opening statement.
- Mr. Delmar stated they have a great team at Stoneman, Chandler & Miller. He received a call today about coverage at an IEP meeting and they were able to cover it on short term notice. He works in investigations and personnel issues.
- Ms. Bent asked question #1 (the questions are attached at the end of these Minutes).
  - Ms. Stein stated the district should call them early and often. If a situation triggers a concern, the earlier they are contacted the better. The firm can provide professional development that will let the administrators know when to call them. They suggest districts work together to solve their problems.
  - Mr. Delmar stated relationships with the MTA union and locals have been strained recently. He believes in having a collaborative approach with the union.
  - Ms. Stein believes in a proactive approach. The people in administration in the district are charged with the various areas and sometimes delegating that work to the experts makes the most sense.
- Mr. Judge asked question #2.
  - Mr. Delmar stated the firm has an account with West Law which gives them a lot of cases in the state, federally, and across the country. The firm's administrative team creates files on various topics.
- Dr. Ahern asked question #3.
  - Ms. Stein stated she advises clients on litigation in the Special Education world while keeping in mind the need to support students. They provide case assessment, procedural, and substantive matters. They will look at the history of the situation and what has worked and what has not worked.
- Ms. Bent asked question #4.
  - Ms. Stein stated lawyers are the advisors and not the decision makers. They look at the implications and advise the client. She gave an example of a student discipline case at the elementary level that is disruptive for the teacher and other students. The district is looking at the options for keeping the students in school and what the options would be.
- Mr. Judge asked question #5.
  - Ms. Stein stated they have answered that question previously.
- Dr. Ahern asked question #6.
  - Ms. Stein stated the 37H ¾ statute that deals with procedures for handbook violations. Firms and districts had to scramble to understand the new law and get out advisories and presentations to the clients.
- Ms. Bent asked question #7.
  - Mr. Delmar stated this answer goes back to question 2 and the West Law software. For Special Education, there is SPED Connect software to access cases across the country.
  - Ms. Stein stated the firm will attend and present seminars on the topics as well.
- Mr. Judge asked question #8.
  - Mr. Delmar stated districts should make the decision based on the totality of factors. They look at what the foreseeability of litigation is for an issue.
  - Ms. Stein stated the firm does provide support and guidance to the administrators on investigations. They will hold professional development and seminars on this topic. The appearance of conflict is a big concern.
- Dr. Ahern asked question #9.
  - Ms. Stein stated this scenario is not that unusual and they are used to it. She has a cooperative relationship with the Town.
- Ms. Bent asked question #10.
  - Ms. Stein stated they do not deal with building projects. It is a very specialized area and they can work with the district to get a referral to engage with another firm.
- Mr. Judge asked question #11.

- Ms. Stein stated they handle everything in house. She would be the primary contact for all the matters. They might need to seek out expert advice from time to time.
- Ms. Stein stated the firm works for the School Committee and the day to day work is with the Superintendent. They do give advice on the open meeting law to the School Committee to make sure they are compliant with the law. Public Records Request is on the uptick and they work with school districts on how to handle those requests. They will work with the district on writing contracts and handling dismissal cases.
- Ms. Patterson stated they have one more interview on Monday. This group will convene after that interview and make a recommendation to the School Committee.
- Ms. Stein stated she would like the firm to continue the relationship with the district.

Motion by Ms. Bent, seconded by Dr. Ahern, and the Committee voted, unanimously, to adjourn the meeting.

Meeting adjourned at 3:24PM.

Respectfully Submitted,

Jen Kruczek  
Executive Assistant

#### Interview Questions

1. Discuss the strategies that are implemented in the effort to prevent legal issues from arising within a school district?
  - a. What is your philosophy/approach in providing legal counsel to the Superintendent and School Committee in their work and relationship with the local union?
  - b. What is your philosophy/approach in providing legal counsel to the Superintendent and school leaders in their work related to student services, including special education, Civil Rights/Title IX/Bullying investigations, and student discipline?
2. What is your approach to case management, including timelines, documentation, and follow-up with a School District?
3. Provide an example of how you advised school personnel on an issue that minimized legal risks while supporting the educational mission in the best interests of students?
4. Provide an example where you had to make a tough decision that upheld both legal requirements and ethical considerations?
5. How do you plan to work with our school district to ensure legal compliance and address legal concerns?
6. Discuss a situation where you had to quickly learn and apply new legal concepts or statutes to a case?
7. What resources do you utilize when presented with a particularly complicated legal case or to learn about an emerging field that has legal implications, for example, new technologies, like AI?
8. What criteria would you apply in making a recommendation to the District that it should engage with an independent legal firm to conduct an independent investigation?
9. The Town of Barnstable has a Finance Department and a Human Resources Department it shares with Barnstable Public Schools. The Town also has its own legal team - including multiple in-house counselors as well as consulting attorneys

in specific fields. How do you foresee supporting the schools with legal guidance given this governance structure? Do you foresee any challenges or tensions and how would you work to navigate those?

10. Can you elaborate about your experience in supporting Districts with school building projects? Are there particular challenges you helped District's navigate successfully that you can share with this team?

11. Discuss your firms' relationships with subconsultant firms.

- a. Who would be the Towns point of contact?
- b. What is your philosophy if there is a difference of opinion between firms?
- c. If there is a falling out between the subconsultant, how is that dealt with?