

Office of the Superintendent of Schools  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
Rockville, Maryland

December 5, 2023

MEMORANDUM

To: Members of the Board of Education

From: Monifa B. McKnight, Superintendent of Schools

Subject: Legal Fees Report

This report details expenditures for outside counsel legal fees for Fiscal Year 2024 through the month of August 2023. A complete set of bills submitted and paid to each firm is available for your review in the Office of the General Counsel. The charts in Attachment A compare current expenses with those from the same period last year and provide information by month on the following:

- Non-special education legal expenses by firm
- Special education expenses for outside counsel, parent attorney fees, and other miscellaneous charges
- Special education expenses by firm

Attachment B provides a list of the categories that reflect the type of legal advice and litigation services being provided to Montgomery County Public Schools by outside law firms for non-special education matters. The categories in Attachment B are defined as follows:

- Personnel: Equal Employment Opportunity complaints, appeals by personnel
- Facilities: construction, capital projects, use of facilities
- Procurement: contracts, bids
- Student: appeals
- Policy: development, implementation, interpretation (includes regulations), subpoenas
- Financial: expenditures, state aid
- Collective bargaining: negotiations, arbitration hearings, grievances
- Miscellaneous: many categories grouped under one charge
- Pension and Benefits: pension and benefit plans

**Non-special Education Legal Expenses**

The total charges for non-special education legal expenses in August 2023 were \$260,946. The year-to-date total of \$487,735 is \$412,544 more (548.66 percent) than the same period in the previous year due to substantial litigation on two separate matters pending in Federal Court. The non-Capital Improvements and non-Pension Trust year-to-date portion totals \$459,224. This is \$394,259 more (606.88 percent) than the same period in the previous year.

The Carney Kelehan bill for August 2023 totaled \$6,228; the largest amount of which related to general counsel matters totaled \$4,454, Board appeals totaled \$1,594, and personnel matters totaled \$180.

The Hogan Lovells bill for August 2023 totaled \$440. The entire amount was for the Association for Education Fairness v. MCBOE et al. (Middle School Magnet) litigation.

The Venable bill for August 2023 totaled \$11,515. The entire amount was for Board appeals.

The Jackson Lewis bill for August 2023 totaled \$170,724. The largest amount of which related to personnel matters (Investigation) totaled \$166,066, financial matters totaled \$3,650, and general counsel matters totaled \$1,008.

The Morgan Lewis bill for August 2023 totaled \$1,456. The largest amount of which related to financial matters totaled \$1,176, and the amount for the pension trust totaled \$280.

The Wilmer Hale bill for August 2023 totaled \$58,399. The entire amount was for the T. Mahmoud and E. Barakat et al. v. Dr. McKnight et al. (Opt-Out) litigation.

Charges in August 2023 for other legal services totaled \$12,184. The largest amount which related to general counsel matters totaled \$6,600, Board appeals totaled \$5,540, and the amount for personnel matters totaled \$44.

The amount for facilities matters in August 2023 totaled \$0.00.

**Special Education Legal Expenses**

Special education legal expenses for August 2023 totaled \$34,691. The year-to-date total of \$76,323 is \$23,068 more (43.32 percent) than the same period in the previous year.

The Carney Kelehan bill for August 2023 totaled \$34,691.

MBM:SPW:km

Attachments

**FY 2024 NON-SPECIAL EDUCATION LEGAL EXPENSES**

<i>Outside Counsel</i>	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	FY 2024 YTD	FY 2023 YTD	% Inc/(Dec)
<b>GENERAL LEGAL EXPENSES</b>															
Carney Kelehan	\$ 900	\$ 6,228											\$ 7,128	\$ 12,274	-41.93%
Hogan Lovells	2,802	440											3,242	2,668	100.00%
Venable	6,811	11,515											18,326	31,137	-41.14%
Morgan Lewis	17,949	1,176											19,125	-	100.00%
Wilmer Hale	136,785	58,399											195,184	-	100.00%
Jackson Lewis	24,902	170,724											195,626	-	100.00%
Anchin	-	-											-	-	0.00%
Other	8,409	12,184											20,593	18,886	9.04%
<b>SUBTOTAL</b>	<b>\$ 198,558</b>	<b>\$ 260,666</b>											<b>\$ 459,224</b>	<b>\$ 64,965</b>	<b>606.88%</b>
Capital Budget	9,919	-											9,919	10,226	100.00%
Pension Trust	18,312	280											18,592	-	100.00%
<b>TOTAL</b>	<b>\$ 226,789</b>	<b>\$ 260,946</b>											<b>\$ 487,735</b>	<b>\$ 75,191</b>	<b>548.66%</b>

\*Beginning in July 2018 (FY 2019), the legal report includes legal expenditures related to benefits and pension matters. MCPS is reimbursed for these expenditures through these benefit accounts.

**FY 2024 SPECIAL EDUCATION LEGAL EXPENSES**

<i>Type of Cost</i>	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	FY 2024 YTD	FY 2023 YTD	% Inc/(Dec)
<b>SPECIAL EDUCATION LEGAL COSTS</b>															
Special Education Outside Counsel	\$ 41,632	\$ 34,691											\$ 76,323	\$ 53,255	43.32%
<b>TOTAL</b>	<b>\$ 41,632</b>	<b>\$ 34,691</b>											<b>\$ 76,323</b>	<b>\$ 53,255</b>	<b>43.32%</b>

<i>Outside Counsel</i>	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	FY 2024 YTD	FY 2023 YTD	% Inc/(Dec)
<b>ATTORNEYS</b>															
Carney Kelehan	\$ 39,896	\$ 34,691											\$ 74,587	\$ 49,747	49.93%
Miles & Stockbridge													\$ -	200	-100.00%
CRC	1,736	-											\$ 1,736	-	100.00%
PK Law													\$ -	3,308	-100.00%
Lex Group													\$ -	-	0.00%
<b>TOTAL</b>	<b>\$ 41,632</b>	<b>\$ 34,691</b>											<b>\$ 76,323</b>	<b>\$ 53,255</b>	<b>43.32%</b>

Note: Totals may differ due to rounding.

**FY 2024**  
**STATISTICS FOR AUGUST 2023 LEGAL FEES**  
**EXCLUDING SPECIAL EDUCATION**

<u>Category</u>	<u>Total Charge</u>	<u>Firm</u>	<u>Charges by Firm</u>	
<b>Policy</b>	18,649	Carney Kelehan	1,594	
		Nussbaum	5,540	
		Venable	11,515	
<b>General</b>	70,901	Wilmer Hale	58,399	
		Hogan	440	
		Jackson Lewis P.C	1,008	
		Carney Kelehan	4,454	
		Education Lawyer	6,600	
<b>Employment</b>	166,290	Jackson Lewis P.C.	166,067	
		Carney	180	
		Trustpoint	43	
<b>Financial</b>	4,826	Morgan Lewis	1,176	
		Jackson Lewis P.C.	3,650	
<b>Pension &amp; Benefits</b>	280	Morgan Lewis	280	
<b>Facilities</b>		Carney Kelehan	-	
		Miles & Stockbridge	-	
		Carney Kelehan	6,228	
		Hogan Lovells	440	
		Venable	11,515	
		Wilmer Hale	58,399	
		Trustpoint	43	
		Jackson Lewis P.C	170,725	
		Morgan Lewis	1,456	
		Education Lawyer	6,600	
		Nussbaum	5,540	
	<b>TOTAL</b>	260,946	<b>TOTAL</b>	260,946

Note: Totals may differ due to rounding.