

# Pre-paid Legal Program

Presentation for

Tucson Unified School District

August 8, 2017

# Pre-paid Legal Program

- 2005 – 2006: 68 Members
- 2017 – 2018: 209 Members

Trust has 250 members.

# Pre-paid Legal Program

## Benefits to School Districts:

- ❑ Fixed cost to cover most school districts' legal needs (premiums based on usage)
- ❑ Best school law attorneys in Arizona
- ❑ Flexibility to provide rapid response (no procurement issues)
- ❑ Direct billing to the Trust
- ❑ Early intervention deters big problems

# Pre-paid Legal Program

## Participating Law Firms

- ❑ Brown & Brown Law Offices
- ❑ Cantelme & Brown
- ❑ Calderon Law Offices
- ❑ Deconcini McDonald Yetwin & Lacy
- ❑ Gallagher & Kennedy
- ❑ Gust Rosenfeld
- ❑ Hufford Horstman Mongini Parnell & Tucker
- ❑ Jones Skelton & Hochuli
- ❑ Law Office of Anne Carl
- ❑ Koeller Nebeker Carlson & Haluck
- ❑ The Ledbetter Law Firm
- ❑ Littler Mendelson
- ❑ Mangum Wall Stoops & Warden
- ❑ Peters Cannata & Moody
- ❑ Rusing Lopez & Lizardi
- ❑ Sims Murray
- ❑ Udall Shumway
- ❑ Wright Welker & Pauole

# Pre-paid Legal Program

## Coverages

- Coverage A: Basic Legal Services
- Coverage B: Special Legal Services

# Pre-paid Legal Program

## Basic Legal Services

- ❑ Legal services “required by the District in the normal day-to-day operation”
- ❑ 13 categories

# Pre-paid Legal Program

## Basic Legal Services (cont.)

- Employee contracts and other human resource issues that do not include the initiation of or response to formal hearings or other adversary Proceedings (e.g. employee discipline or termination Proceedings, grievances, etc.) involving an employee;
- Statutory and regulatory interpretation;
- Written contracts (other than construction contracts and healthcare services contracts);

# Pre-paid Legal Program

## Basic Legal Services (cont.)

- ❑ Equipment leases and lease purchase agreements;
- ❑ Facility use agreements;
- ❑ Procurement statutes, rules, regulations, and contracts;
- ❑ Intergovernmental agreements;
- ❑ Public meeting law and public record law issues;



# Pre-paid Legal Program

## Basic Legal Services (cont.)

- ❑ Attendance at Governing Board meetings, if at the request of the District;
- ❑ Landlord/tenant issues;
- ❑ Business document reviews, including District operating policies and procedures;
- ❑ School finance issues (other than tax, debt, and public financing issues).

# Pre-paid Legal Program

## Special Legal Services (cont.)

- ❑ Copyright, patent, trademark, and other intellectual property issues;
- ❑ The initiation of or response to formal employee discipline or termination Proceedings;
- ❑ Zoning and condemnation issues;

# Pre-paid Legal Program

## Special Legal Services (cont.)

- Special education issues;
- Construction contracts;
- Healthcare contracts;
- Real estate issues;
- Debt and public finance issues;

# Pre-paid Legal Program

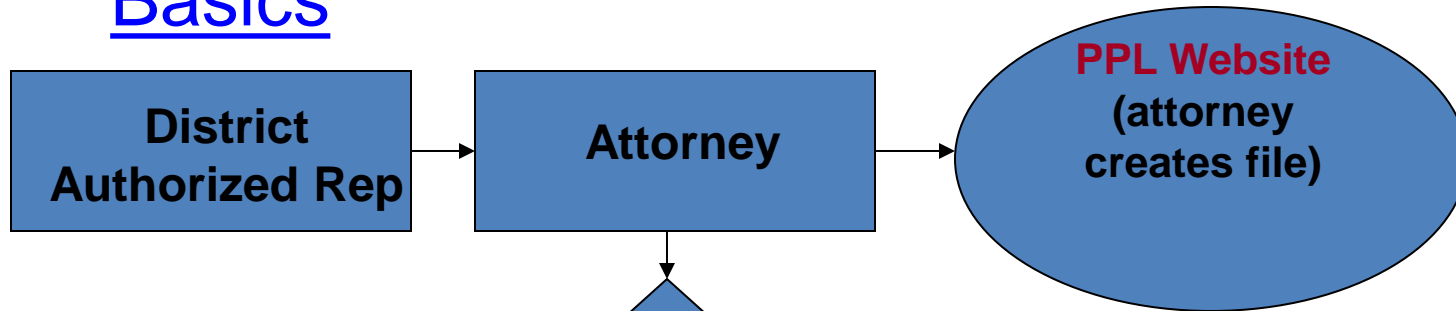
## Special Legal Services (cont.)

- ❑ Student suspension and expulsion issues;
- ❑ Legislative lobbying, legislative analysis, and legislative interpretation;
- ❑ Insurance and self-insurance coverage review and consultation; and
- ❑ Election law consultation.

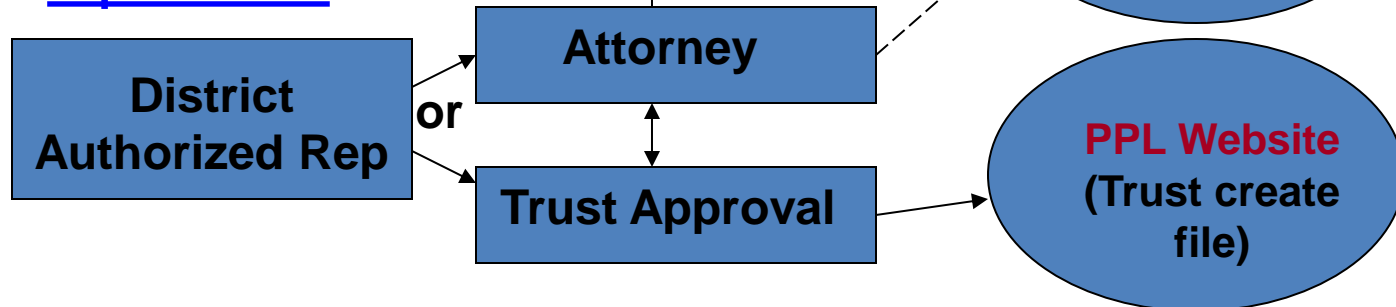
# Pre-paid Legal Program

## How does it work?

### Basics



### Specials



# Pre-paid Legal Program

## Exclusions to Coverage

- ❑ Criminal proceedings;
- ❑ Gain, profit or advantage to which the District was not legally entitled;
- ❑ Legal services instituted prior to coverage purchase date;
- ❑ Allegations of bodily injury, property damage, personal injury, or a wrongful act as defined in Appendix A.1;

# Pre-paid Legal Program

## Exclusions to Coverage (cont.)

- ❑ Claims or loss as defined in Appendix A.1 Endorsement 6A (ADPL claims);
- ❑ Acts or omissions whose results were intended or should have been expected—including dishonest, criminal, unlawful, or malicious act or omission and violation of Arizona or federal statutory requirements;
- ❑ Claim or lawsuit alleging negligence, breach of contract, condemnation, or other wrong;

# Pre-paid Legal Program

## Exclusions to Coverage (cont.)

- ❑ Sale of bonds and/or capital-raising activities;
- ❑ Any proceeding not expressly and unequivocally included in the itemized services;
- ❑ Actual or alleged insolvency or gross management, as defined under A.R.S. Section 15-103.



# Pre-paid Legal Program

## Ways to Control Costs

- ❑ Prioritize service requests.
- ❑ Define scope of service requests with the attorney at the beginning (discuss budget).
- ❑ Use an attorney who specializes for special services.
- ❑ Review service requests hours on PPL Web site.
- ❑ Collaborate with other school districts and use one attorney, if possible, when facing the same issue or legal need.