

**LEGAL SERVICES AGREEMENT  
2011-2012 SCHOOL YEAR**

This Agreement is between Highland Joint School District No. 305 (hereinafter "School District") and Eberharter-Maki & Tappen, PA (hereinafter "Law Office") for legal services for the 2011-2012 school year beginning July 1, 2011, and ending June 30, 2012. It is mutually agreed as follows:

**1. School District Responsibilities:**

1.1 School District agrees to pay the retainer selected below:

**OPTION A – Monthly Retainer:** School District agrees to pay a nonrefundable monthly retainer of \$70.00 for each month of the duration of this agreement. School District agrees that it will be billed the monthly retainer even if it does not receive legal services during any given month. School District agrees that Law Office will bill School District for legal services at the hourly rate of \$140.00 per hour and for costs incurred at the applicable rates set forth in paragraph 1.2. In addition to the \$70.00 paid each month, School District agrees to pay Law Office at the same rates for any additional legal services and costs billed by Law Office.

*(Note: This option is only available if School District signs on or before September 30, 2011.)*

**OPTION B – Annual Retainer:** School District agrees to pay a nonrefundable annual retainer of \$350.00 for the duration of this agreement. School District agrees that Law Office will bill School District for legal services at the hourly rate of \$150.00 per hour and for costs incurred at the applicable rates set forth in paragraph 1.2. School District agrees that Law Office will apply any bills for legal services and costs against the annual retainer until it is exhausted, and School District agrees to pay Law Office at the same rates for any additional bills received from Law Office.

1.2 School District agrees to pay Law Office for legal services at the applicable hourly rate; the hourly rate will be calculated in 10-minute increments. School District agrees to pay for paralegal services and travel time at 50% of the applicable hourly rate. School District further agrees to pay Law Office for costs incurred, including postage, long-distance telephone calls, and contract services, in the actual amount incurred, and fax transmissions and photocopies at the rate of 30¢ per page. In addition, School District agrees to pay for Law Office's publications at the applicable price.

1.3 School District authorizes Law Office to provide legal services to district administrators, the board clerk, and board members who contact Law Office unless School District chooses to limit the authority to the following individuals (i.e., superintendent, special education director, principals, supervisors, board clerk, local school district counsel, etc.):

Name	Position
<u>Cindy Orr</u>	<u>Superintendent</u>
<u>Don Johnston</u>	<u>Chairman</u>
<u>Nathan Weeks</u>	<u>Business Manager</u>

EBERHARTER-MAKI & TAPPEN, PA  
EXPERIENCED IN EDUCATION LAW

818 La Cassia Drive  
Boise Idaho 83705  
Tel: (208) 336-8858  
Fax: (208) 367-1560

Elaine Eberharter-Maki  
eemaki@emtedlaw.com

Diane M. Tappen  
dtappen@emtedlaw.com

May 27, 2011

Mr. Clair R. Garrick, Superintendent  
Highland Joint School District No. 305  
P.O. Box 130  
Craigmont, Idaho 83523

**RE: Legal Services Agreement for 2011-2012 School Year**

Dear Mr. Garrick:

We want to thank you for the opportunity to have worked with you, your staff, and the board during the 2010-2011 school year. It has been a pleasure to assist the administrative staff to resolve the legal issues your district faced this past year. Additionally, we hope you will continue to call on Eberharter-Maki & Tappen, PA for your district's legal services and invite you to sign the enclosed Legal Services Agreement for the 2011-2012 school year.

As you know, our office routinely handles issues related to special education and regular education, including student discipline, as well as personnel, contracts, district liability, charter schools, policy development, and other areas of concern. Our goal is to provide a range of legal services and products that enable Idaho school districts to (1) be proactive regarding legal issues confronting the district and (2) meet the district's legal obligations in an efficient and professional manner.

Signing a Legal Services Agreement with Eberharter-Maki & Tappen, PA enables your district to access legal services from a law firm experienced in education law at a competitive rate. Because districts have differing needs, the Legal Services Agreement offers two price options:

**Option A – Monthly Retainer:** A nonrefundable retainer of \$70 due each month enables the district to receive legal services at the hourly rate of \$140. *This option best meets the needs of the district that requires 6 hours or more of legal assistance and/or spends more than \$840 each year for legal services, excluding costs advanced.*

**Option B – Annual Retainer:** A nonrefundable retainer of \$350 due once a year enables the district to receive legal services at the hourly rate of \$150. *This option best meets the needs of the district that requires 2 hours or more of legal assistance and/or spends more than \$350 each year for legal services, including publications and costs advanced.*

Highland Joint School District No. 305

May 27, 2011

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Selecting either option of the Legal Services Agreement provides the district with a substantial discount from the firm's hourly rate of \$200.

We believe that our clients benefit from having continuity of services, regardless of the legal issue. However, as in past years, signing a Legal Services Agreement with Eberharter-Maki & Tappen, PA does not preclude a district from also using local counsel. Our office is prepared to work with all members of the district's team, including local counsel.

Again, I want to thank you and the board for your business during the past year, and encourage you to sign and return the enclosed 2011-2012 Legal Services Agreement. As always, our office welcomes questions and suggestions from you and the board regarding the Legal Services Agreement, as well as our services and products.

Sincerely,

A handwritten signature in cursive script that reads "Elaine Eberharter-Maki".

Elaine Eberharter-Maki  
Attorney at Law

Enclosure