

Board Update on General Counsel Litigation
February 5, 2020

Trial of the remaining claims in the General Counsel litigation regarding the Board's retention of separate counsel during the pendency of this dispute and Superintendent Mijares' refusal to allow payments to be processed for Mr. Rolen's Board-approved invoices for services rendered to the Board is scheduled for March 9, 2020. The court will hear pre-trial motions on February 18, 2020, and the parties are preparing for trial.

As noted in the previous update, in an effort to reduce the cost and delay of litigation, the Executive Committee of the Board made a compromise proposal to Dr. Mijares on January 3, 2020. The proposal would facilitate efficiency in getting the parties to a final determination of the General Counsel issue on appeal while preserving their rights and obviating the need for a trial on the remaining undecided claims. In a response given that same day, Dr. Mijares' counsel advised that "Dr. Mijares rejects the Board's offer to compromise; there is no counter offer."

Board Vice President Williams made a further reach out to Dr. Mijares in pursuit of compromise both in public session at the January 8, 2020, Board meeting, and in a subsequent email communication sent the next day. Dr. Mijares responded on January 15, 2020, with a resolution proposal that would dismiss the General Counsel litigation and the pending budget litigation between the parties and provide no compromise or recognition regarding the Board's rights to co-appoint the shared legal officer for the Board and the Superintendent or to approve and adopt the annual budget. The Board responded with a further compromise proposal on January 21, 2020, re-offering its January 3 proposal, and also offering, as an alternative, to agree to the terms of an earlier settlement proposal made by Dr. Mijares in June 2019. Dr. Mijares responded to the Board's additional proposal on February 3, 2020, reiterating his January 21 position without further compromise.

The Board continues to believe and desire that this serious matter involving issues of shared power and collaborative governance can be resolved through equitable and reasonable compromise by both sides, and it has offered to continue discussions with Dr. Mijares and his counsel in that regard.