

# **Notice of a Public Meeting & Notice of Proposed Contract for Legal Services**

Notice is hereby given that a meeting of the Board of Trustees of Marlin Independent School District will be held on September 17, 2020, for the purpose of considering and taking action on all matters on the agenda for the meeting, including approval of agreements with the law firm of Pearson Legal, P.C. as special counsel to perform all legal services necessary to recover damages, court costs, and penalties as provided in the Texas Insurance Code, the Texas Civil Practice and Remedies Code, and other Texas statutory and common law for breaches of contract, tort claims (including negligence, misrepresentations, and/or fraud), violations of the Texas Insurance Code, and common law bad faith.

The purpose is to pursue recovery of unpaid property damages and losses sustained by the District as a result of a storm event occurring on or about May 27, 2020. By way of these agreements, the District seeks to recover damages, court costs, penalties, and other relief under Texas statutory and common law.

Pearson Legal, P.C., a San Antonio law firm specializing in construction defects and insurance recovery, is fully qualified to represent Marlin Independent School District in this matter. Pearson Legal, P.C. regularly represents public school districts and other governmental entities, as well commercial and private property owners, in matters of this type. Matthew R. Pearson founded Pearson Legal, P.C. in 2019 and has practiced law for over twenty-five years. As founder and lead trial lawyer of Pearson Legal, P.C., Mr. Pearson is Board Certified in Civil Trial Law and Personal Injury Trial Law by the Texas Board of Legal Specialization. Collectively, the firm's attorneys have more than 75 years of experience handling construction and insurance matters, beginning with pre litigation analysis and advice, continuing through mediation and litigation or arbitration, and ending with final appellate resolution as may be necessary. Pearson Legal, P.C. possesses the competence, specialized experience, technology, and infrastructure to represent Marlin Independent School District in this matter.

Pearson Legal, P.C. has not previously represented Marlin Independent School District but regularly represents public school districts and municipalities in matters of this type. Pearson Legal P.C. has, and continues to represent, Texas public school districts with competence and professionalism for recovery of damages provided for under Texas statutory and common law.

The specialized legal services required by these agreements cannot be adequately performed by the attorneys and supporting personnel of Marlin Independent School District because the District does not employ attorneys who have specialized knowledge and experience regarding insurance recovery issues legal remedies under Texas law and regarding property insurance

coverage analysis and legal remedies under Texas law. In addition, the District does not have the financial resources necessary to hire competent and experienced attorneys and staff regarding property insurance law as District employees. The District also does not have the financial resources required to pay the additional, significant costs of implementing appropriate infrastructure and technology necessary to fully and properly perform the needed legal services.

The District also does not have the financial resources required to properly pursue its claims and causes of action, including to retain independent experts as testifying witnesses and to finance all costs of litigation through final resolution of the matter. The legal services cannot be reasonably obtained from attorneys charging hourly fees because a contract to pay attorneys on an hourly basis would represent an additional and significant cost to Marlin Independent School District.

Furthermore, the District would be responsible for payment of all costs and expenses of the litigation through appeals, including to retain independent experts as testifying witnesses and to finance all discovery expenses and other costs of litigation through final resolution of the matter. The District does not have the financial resources necessary to pay for these additional and significant expenses necessitated by the specialized insurance recovery matter. Pearson Legal, P.C. will be compensated on a contingent fee basis.

Entering into the proposed agreement is in the best interests of the residents of Marlin Independent School District. The District has sustained significant damages to property fully insured with taxpayer monies and for which there exists a potential recovery from those insuring the damages. Pearson Legal, P.C. possesses the specialized skills, knowledge, experience, financial, and technological resources needed to competently and fully pursue maximum potential recovery of the District's damages.

Furthermore, the proposed agreement enables the District to pursue its legal remedies without diverting essential monies and resources from the ongoing needs and operations of its students, staff, and community at large. In addition, the proposed agreements shift the financial risk and burden of litigation costs and expenses to Pearson Legal, P.C., with the District owing no such monies to the law firm unless and until it recovers monies. Moreover, Texas statutory and common law provide for penalty damages and for recovery of court costs, and for recovery of attorneys' fees for certain of the District's claims, including for breaches of contract and violations of the Texas Insurance Code.