

**AUTHORIZE THE RETENTION OF THE LAW FIRMS ROCK, FUSCO & GARVEY, LTD.,
BRACEWELL & PATTERSON, L.L.P. AND FLEMING & ASSOCIATES, L.L.P.**

THE GENERAL COUNSEL RECOMMENDS THE FOLLOWING:

That the Chicago Board of Education authorize the General Counsel to retain the law firms of Rock, Fusco & Garvey, Ltd., Bracewell & Patterson, L.L.P, and Fleming & Associates, L.L.P., for the purpose of representing the Board in litigation against various companies and manufacturers who are, or have been, involved in the sale and/or the production of lead paint that has been used in Chicago Public School buildings. The purpose of the litigation is to recover the costs that have been paid, or will be paid to abate lead paint in CPS buildings. The proposed retention agreement is a contingency arrangement, whereby the Board is not responsible for any costs or attorney's fees arising from the litigation.

DESCRIPTION:

Bracewell & Patterson, L.L.P, and Fleming & Associates, L.L.P. are Houston, Texas law firms that have successfully represented plaintiffs in tobacco litigation, and are currently involved in lead paint litigation in Texas. Rock, Fusco & Garvey, a Chicago law firm, will work with the Texas firms and will act as local counsel. The Texas law firms will rely on the extensive technical research performed for the Texas lead paint litigation, which will serve to minimize the litigation costs for this lawsuit. The Texas research has demonstrated that it is possible to identify the lead paint manufacturers, even if the paint was used decades earlier. Also, because this is an action for remediation costs, it will not be necessary to demonstrate personal injury to individuals. The existence of the lead paint alone will be sufficient for recovery.

Out-of-pocket litigation costs incurred by the law firms will be paid out of the first funds recovered. The law firms will receive 25% of all amounts recovered after repayment of the out-of-pocket costs. The Board will receive 75% of all amounts recovered after the said repayment. In the event that there is no recovery, or the recovery is less than the out-of-pocket costs expended, the Board will not be responsible for any costs or fees.

LSC REVIEW: LSC approval is not applicable to this report.

AFFIRMATIVE

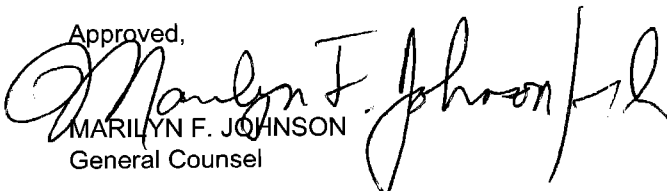
ACTION STATUS: Affirmative action review is not applicable to this report.

FINANCIAL: This retention does not require the expenditure of Board funds.


PERSONNEL

IMPLICATIONS: None.

Approved,


MARILYN F. JOHNSON
General Counsel

Within Appropriation:


KENNETH C. GOTSCH
Chief Fiscal Officer