

**TITLE PAGE**

**RESPONSE TO:**

**SOLICITATION #:** RFP 19-002

**SOLICITATION NAME:** School Board Attorney Services

**ISSUED BY:** The School Board of Hamilton County, Florida  
as the governing body of  
The School District of Hamilton County, Florida  
5683 U. S. Highway 129 South, Suite 1  
Jasper, Florida 32052

**BY:**

**James Estes Willingham, Jr.**  
Attorney and Counselor at Law  
1235 NW U.S. Highway 129  
Jasper, Florida 32052-6284  
Phone: 386-792-7330  
email: [jay@jaywillingham.com](mailto:jay@jaywillingham.com)

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**James Estes Willingham, Jr.**

**RESPONSE TO**

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**ISSUED BY:** The School Board of Hamilton County, Florida

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Proposal:

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**James Estes Willingham, Jr.**  
**Attorney and Counselor at Law**  
**1235 NW U.S. Highway 129**  
**Jasper, Florida 32052-6284**  
**Phone: 386-792-7330**  
**email: [jay@jaywillingham.com](mailto:jay@jaywillingham.com)**

**TRANSMITTAL LETTER**

**SOLICITATION #RFP 19 002**

**SCHOOL BOARD ATTORNEY SERVICES**

July 16, 2018

Mr. Johnny Bullard, Chairman  
Mr. Gary Godwin, Vice Chairman  
Ms. Suezette Wiggins  
Ms. Cheryl McCall  
Mr. Saul Speights  
The School Board of Hamilton County, Florida  
as the Governing Body of The School  
District of Hamilton County, Florida  
5683 US Highway 129 South, Suite 1  
Jasper, FL 32052  
ATTN: FINANCE

By Hand Delivery

Re: Solicitation #RFP 19-002  
School Board Attorney Services

Dear School Board Members:

Thank you very much for the opportunity to continue to provide The School Board of Hamilton County, Florida, with School Board Attorney Services as you work to educate and nurture the students of Hamilton County for the benefit of their parents and families and all of the citizens of Hamilton County.

To that end, I am enclosing my Proposal responding to your Solicitation #RFP 19-002, for School Board Attorney Services.

Responses to 3. Proposal Requirements, c. Letter of Transmittal:

**(1) Briefly state the proposer's understanding of the work to be done and demonstrate a positive commitment to perform the work.**

The work to be done by the proposer as I understand it would be to represent and advise the School Board in of all its legal matters as its General Counsel.

I have had the honor of being the attorney for The Hamilton County School Board since November 1, 2007. I believe that I have always demonstrated a positive commitment to perform the School Board's legal work and advise the School Board to the very best of my abilities.

**(2) Give names of the persons who will be authorized to make representations for the proposer, their titles and telephone numbers.**

James Estes Willingham, Jr., Attorney and Counselor at Law

Office: 386-792-7330

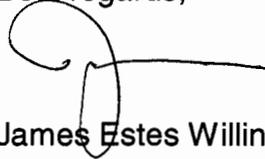
Cell: 386-792-4072

**(3) Give the attorney's Florida Bar Number. If the Proposer is a firm, the Bar Number for each individual attorney must be listed.**

My Bar Number is 263801. I am a sole practitioner.

Thank you again for the honor of representing The School Board of Hamilton County, Florida, since 2007.

Best regards,



James Estes Willingham, Jr., Esquire

Enclosure

**PROPOSAL  
IN RESPONSE TO SOLICITATION # RFP 19-002,  
SCHOOL BOARD ATTORNEY SERVICES**

**SUBMITTED BY:**

**James Estes Willingham, Jr.  
Attorney and Counselor at Law  
1235 NW U.S. Highway 129  
Jasper, FL 32052  
Florida Bar No. 263801**

**2. Eligibility:**

**a. Minimum Qualifications:**

**(1) A law degree from an accredited law school.**

Received Juris Doctor degree with honors from the University of Florida Levin College of Law on June 10, 1978. While in law school I received the American Jurisprudence Award for the highest grades in class in Contract Law, Conflict of Laws and Criminal Law.

Invited to and submitted a case comment to the Florida Law Review on a new Constitutional Law decision in the United States Supreme Court.

Submitted a proposal and was granted senior year credit for an independent study course in Entertainment Law on the Sound Recording Contracts.

**(2) Admitted to The Florida Bar.**

Admitted to The Florida Bar on November 9, 1978. Florida Bar No. 263801.

**(3) Five (5) years of experience in the practice of law.**

Practiced law continuously for 40 years by November of 2018.

(Note: I was employed as law clerk with the law firm of Meldon and Laird in Gainesville, Florida while attending law school full time.)

**b. Preferred Qualifications:**

- (1) **Admitted to, or eligible for admission to, the trial bar of the United States District Court for the Middle District of Florida and the Eleventh Circuit Court of Appeals.**

Member in good standing with the trial bar of the United States District Court, Middle District of Florida, and eligible for admission to the Eleventh Circuit Court of Appeals

- (2) **Experience in and knowledge of laws applicable to the primary practice area for which these services are being retained and laws applicable to K-12 school districts.**

Please see responses under 3.d. below.

**c. Preferred Performance Criteria: Demonstrated ability with the following:**

- (1) **General knowledge of school board policies; state, federal, and administrative laws relating to the area of School Board Attorney.**

Please see responses under 3.d. below.

- (2) **General Knowledge of judicial proceedings, rules of evidence and methods of legal research.**

Please see responses under 3.d. below.

- (3) **General knowledge of local government law.**

Please see responses under 3.d. below.

- (4) **Skills in conducting research on complex legal matters and preparing sound legal opinions.**

Please see responses under 3.d. below.

- (5) **Ability to interpret and apply legal principles and precedents in resolving complex legal problems.**

Please see responses under 3.d. below.

- (6) **Ability to communicate clearly and concisely, orally and in writing.**

Please see responses under 3.d. below.

- (7) **Ability to participate in the preparation and presentation of civil litigation matters before County, State and Federal Courts.**

Please see responses under 3.d. below.

- (8) **Ability to participate in the preparation and presentation of civil litigation matters before the Division of Administrative Hearings.**

Please see responses under 3.d. below.

- (9) **Ability to establish and maintain effective working relationships with public officials, management, staff, subordinates and the general public.**

Please see responses under 3.d. below.

- (10) **Proven record of excellence in legal counseling and advising senior management or Boards.**

Please see responses under 3.d. below.

- (11) **Proven experience in structuring, negotiating and drafting documentation for complex transactions.**

Please see responses under 3.d. below.

- (12) **Knowledge of institutional/corporate governance issues and concerns.**

Please see responses under 3.d. below.

- (13) **Experience with Florida School Laws, including general knowledge of Florida Department of Education requirements and practices.**

Please see responses under 3.d. below.

- (14) **Experience in, and familiarity with, a highly regulated industry/agency.**

Please see responses under **3.d.** below.

**(15) Strong management, legal analysis and writing skills.**

Please see responses under **3.d.** below.

**(16) Ability to work with professional employees and lawyers.**

Please see responses under **3.d.** below.

**(17) Understanding of the need for appropriate risk assessment and management on behalf of the Board.**

Please see responses under **3.d.** below.

**(18) Broad breadth of legal experience and/or ability to surround oneself with counsel to handle complex cases in such areas as:**

» **Florida school laws**

Please see responses under **3.d.** below.

» **Contract law**

Please see responses under **3.d.** below.

» **Constitutional law**

Motions in criminal law.

» **Civil rights law**

Please see responses under **3.d.** below.

» **Local government agency laws**

Please see responses under **3.d.** below.

» **Administrative procedures act**

Please see responses under **3.d.** below.

» **Government contracts procurement process**

Please see responses under **3.d.** below.

» **Public records and Sunshine laws**

Please see responses under **3.d.** below.

» **Labor/employment/collective bargaining**

Please see responses under **3.d.** below.

» **Commercial**

Please see responses under **3.d.** below.

» **Real estate/construction law**

Please see responses under **3.d.** below.

» **Experience with regulatory compliance**

Please see responses under **3.d.** below.

**3. Proposal Requirements**

**d. Past Record and Experience: This section should be designed to demonstrate the proposer meets or exceeds the qualifications and criteria listed in the eligibility section above. Ensure the following items are addressed in this section:**

**(1) State whether the attorney or firm is local, regional or national.**

Local.

**(2) Give the location of the office from which the work is to be done and the number of partners, managers, supervisors, seniors and other professional staff employed at that office.**

1235 NW U. S. Highway 129, Jasper, Florida 32052

James Estes Willingham, Jr., Attorney

Phyllis Marvin, Legal Assistant

Linda Willingham, Assistant

**(3) Describe the attorney's or firm's experience in Florida School Board attorney or similar law.**

I have ten and one-half (10 ½) years experience representing The School Board of Hamilton County, Florida. I have extensive knowledge of the laws directly impacting School Boards and K-12 education.

These diverse State and Federal Laws and regulations go beyond The Florida School Code and include but are not limited to laws of Local Government, Ethics of Government Officials, Taxation, Government in the Sunshine and Public Records, Constitutions, Contracts, The Florida Administrative Procedures Act, Labor and Public Employee Collective Bargaining, Elections, Civil Rights, Government Finance, Ad valorem tax, sales tax, Real Property law, Land Use, Health, Domestic Relations, Disability, Personal Injury and other Torts, Intellectual Property, Sovereign Immunity, Criminal, and Guardianship,

Since becoming the attorney for the School Board, I have attended quarterly meetings of the Florida School Board Attorneys Association (FSBAA) where seminars are conducted by attorneys expert in the laws impacting School Boards and other Local Government entities. For the period of 2008 though June of 2016, The Florida Bar has approved and awarded me Continuing Legal Education credit hours totaling 283 hours (with 40 or more hours pending).

For 10 ½ years I have been reviewing the large number of emails exchanged daily among Florida School Board Attorneys on the FSBAA email group which deal with legal questions asked based upon real world issues across the vast spectrum of Florida, Federal and local laws affecting K - 12 public education in the state of Florida.

Legal services I have provided for The School Board of Hamilton County, Florida, include but are not limited to:

Preparation for and attendance at all Regular Business and Special Meetings, Public Hearings, and Student Discipline Hearings of The School Board of Hamilton County, Florida;

Board Attorney over watch of lawsuit to recover losses due to insurance coverage issues;

Negotiation of Construction Management Agreement for Hamilton County Elementary School;

Purchase and Sale Agreements, environmental survey and closing for real property and granting of timber removal easement;

SW 55<sup>th</sup> Drive right of way and improvements;

House Bill 7069 implementation of turnaround plans for HCHS and HCES;

Consulting and external operator contracts with MGT Consulting Group, LLC;

Master School Identification Number (MSID) school number issues for HCES;

Minimum Fund Balance and deduction from Special Facilities Construction distribution issues: Worked with and provided legal opinions to Financial consultant, Bond Counsel and Lender on Revenue Anticipation Loans and Capital Improvement Revenue Certificate and Tax Anticipation Revenue Notes;

Issues with the Department of Juvenile Justice and Cooperative Agreements and agreement with private education services provider;

Concurrency ramifications of applications to amend the Hamilton County Comprehensive Plan and Land Development Regulations: Bienville; Roaring Creek/Glawson; Bienville; Black Diamond. City of Jasper;

Review and drafting of various contracts such as Early Learning Coalition; insurance riders; lease of JRE Lee to First Central Baptist; leases of parts of NHE to City of Jennings, Hamilton Humane Society, Jennings United Methodist Church; Meridian Behavioral Healthcare; NEFEC; North Florida Pediatrics; Suwannee Valley Nursing Center; East Coast Migrant Headstart;

Sale of unused School Board properties;

Donations of unused school board properties to the Town of White Springs;

Review and drafting of interlocal and intergovernmental agreements including The Hamilton County Board of County Commissioners, Hamilton County Sheriff's Office, The City of Jasper, the Town of Jennings and the Town of White Springs; Challenger Learning Center; Department of Health agreements; and DOC/HCI;

Review and evaluation of two Charter School Applications by the Town of White Springs;

Employee discipline matters;

Chief Labor Negotiator for the Superintendent and for The School Board of Hamilton County: 2012 - 2016;

Participated in Public Employees' Relations Commission (PERC) Special Magistrate hearing in Collective Bargaining Impasse;

School Board collective bargaining impasse hearings;

General education student discipline matters and hearings;

ESE student discipline, parent, and IEP issues;

Preparation and presentation of civil litigation matters before the Division of Administrative Hearings in Special Education.

Public Records Requests;

Parent complaints;

Enrollment issues;

FHSAA youth sports issues;

Garnishments;

Board Attorney over watch of Coalition of School Boards lawsuit and appeal to overturn HB-7069;

Board Attorney over watch of various claims such as discrimination claims, personal injury claims, bullying and harassment claims and other risk management matters;

Responding to all school board staff and board member inquiries;

Providing the School Board with information;

Review of and recommendations regarding School Board Policies.

Prepared numerous legal research and analysis opinions for the Superintendent and School Board over the past 10 ½ years.

**(4) Describe any disciplinary action taken against the attorney, firm or individual associated with the firm by The Florida Bar.**

None

**(5) Give the names and addresses of at least three (3) school boards or other agencies for whom similar services have been performed within the last five (5) years and the date and the specific service rendered in each case.**

Represented The School Board of Hamilton County, Florida, from November 2007 through the present 2018

Represented the Hamilton County Sheriff's Office in forfeiture cases from 2004 through 2014

Address: Hamilton County Sheriff's Office  
Post Office Drawer A  
Jasper, Florida 32052

Represented the Hamilton County Board of County Commissioners in Project Bark and PCS real property Purchase and Sale Agreement and closing with PCS for Project Bark 2016-2017

Address: Hamilton County Board of County Commissioners  
207 N.E. 1<sup>st</sup> Street  
Jasper, Florida 32052

From time to time asked to sit with the Hamilton County Board of County Commissioners, its Hamilton County Tourist Development Council, when the Hamilton County Attorney cannot be present

Address: Hamilton County Tourist Development Council  
Hamilton County Courthouse Annex  
1153 N.W. U.S. Highway 41  
Jasper, Florida 32052

Address: Clifford L. Adams, Esq., Hamilton County Attorney  
1153 U. S. Highway 41, NW, Suite 17  
Jasper, FL 32052

**(6) Professional resume of lead attorney to be assigned to the School Board including past employment history.**

Please see Page 19

**(7) Provide any additional information which demonstrates the firm and/or attorney meets or exceeds the qualifications and criteria under the eligibility section above.**

I have ample resources to bring in highly qualified outside counsel as needed. I have done this for the School Board in several instances, such as for the various Bridge Loan financing. Having lived in Florida since 1967, gone to high school, college and law school in Florida and practiced law in Florida for 40 years this November, I have professional associations and friendships with attorneys all over Florida, and indeed all over the United States of America. I have hired outside tax counsel for clients marketing tax advantaged investments.

I can and have called upon these attorneys to assist the School Board directly or to obtain competent trustworthy counsel across a broad spectrum of the law in many venues.

The vast knowledge and experience of the School Board attorneys in the FSBA is invaluable and quickly and readily accessible to me. I have developed friendships and in some cases close friendships with some of these attorneys.

I have established and maintained effective working relationships with public officials, management, staff, subordinates and the general public; i.e. Hamilton County Board of County Commissioners, Hamilton County Clerk of the Circuit Court's office; Hamilton County Sheriff's Office, City of Jasper, Town of Jennings, Town of White Springs.

I began vacationing in Hamilton County in 1969 and eventually moved our residence and my law office here in April of 2004.

**e. Documents to be returned:**

**(1) Assurances and Attestation**

Please see Page 22

**(2) Non-Collusion Affidavit**

Please see Page 23

**f. Fee Structure: The fee structure should include a retainer for basic services such as contract review; Board meeting prep and attendance; standard provision of legal advice to the Board, Superintendent, and management; cursory reviews of common Board litigation and legal matters; inter alia. Other rates may be provided for work outside the scope of basic services.**

**In addition, reimbursement of fees for required trainings and certifications specific to Florida school boards is common to these engagements.**

The Office of Internal Auditing of The School Board of Escambia County, Florida, conducted a detailed survey of the legal fees of all 67 Florida school boards and in March of 2015 produced their *Analysis of Legal Fees and Comparison to Other Florida Districts*. Escambia's auditor determined that FTE did not work as a comparative measure on the 33 smaller districts because they lack the economies of scale of the larger districts. Escambia's auditor found that the amount of legal fees incurred by FTE varied widely even within their comparison of 34 larger districts based on the frequency, complexity and difficulty of the events.

Based upon my experience and observations made by other experienced School Board Attorneys, The School Board of Hamilton County, Florida, has come under almost unprecedented and increasing pressure over the past five or six years. Much of this is common to all school boards, but a very significant portion has been unique to Hamilton County.

The Supreme Court of Florida in the Rules of Professional Conduct for Florida lawyers states,

“As a representative of clients, a lawyer performs various functions. As an adviser, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As an

advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As a negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealing with others. As an evaluator, a lawyer acts by examining a client's legal affairs and reporting about them to the client or to others."

"Some important legal skills, such as the analysis of precedent, the evaluation of evidence and legal drafting, are required in all legal problems."

"Perhaps the most fundamental legal skill consists of determining what kind of legal problems a situation may involve, a skill that necessarily transcends any particular specialized knowledge."

"Ill-considered action under emergency conditions can jeopardize the client's interest."

Based on the forgoing, I would respectfully propose the following beginning for negotiation of a fee structure:

1. During the term of this Agreement, it is agreed that the Attorney shall represent and advise the School Board in all its legal matters which the School Board deems may require the services of the Attorney. In those matters where the Attorney may have an unavoidable conflict of interest or where the Superintendent or the School Board desires alternate counsel, the Attorney shall assist the School Board and the Superintendent in securing competent legal counsel for any such matter.

2. The Attorney agrees to devote a sufficient amount of time to adequately, properly and promptly represent and advise the School Board in connection with all of these legal matters during the term of this Agreement. The Attorney will be available to assist in or conduct negotiations or meetings on those matters of the School Board's business as designated by the School Board, the Superintendent, the Assistant Superintendent, the Director of Business Services or their Designees. The School Board and its staff will provide the Attorney with such matters they want the Attorney to review (including but not limited to contracts and policies for review) a reasonable period of time under the circumstances before the deadline for the Attorney's work to be completed.

3. The Attorney shall attend all regular and special meetings of the School Board. Workshops and round-table

discussions of the School Board will be attended by Attorney as requested by either the School Board or Superintendent or their Designees.

4. Attorney shall participate in communications with members of the School Board, the Superintendent, Assistant Superintendent, the Director of Business Services and their Designees to discuss legal matters, review policy, discuss changes in the law, and reduce the risk of lawsuits and claims. Attorney shall attend meetings as requested by the School Board, the Superintendent, the Director of Business Services or their Designees. The Attorney shall timely respond to questions posed by the members of the School Board, Superintendent, the Assistant Superintendent, the Director of Business Services or their Designees to the Attorney within 24 hours to 48 hours of the initial contact.

5. The Attorney shall be familiar with applicable laws, statutes, regulations and administrative procedures as is required for the effective discharge of duties.

6. In addition, the Attorney shall take such action as in his discretion is required to provide the School Board with responses to legal questions which arise in the normal course of School Board meetings and in communications with members of the School Board, the Superintendent, the Assistant Superintendent, the Director of Business Services, and their Designees.

7. For all legal services rendered as described above, the Attorney shall be compensated for legal services by a retainer amount of \$10,000.00 per month, due and payable on or before the first business day of each month during the term of this Contract, with the first month payment being due on or before October 1, 2018.

8. As in the past, the Attorney shall keep contemporaneous, detailed, actual and accurate time records with respect to all legal services rendered. These bills will be provided to School Board for informational purposes only, so that the parties may from time to time re-evaluate the amount of the retainer paid for the Attorney's services.

9. Hourly Rate Billing Outside the Retainer for Litigation and Claims: For all litigation and claims assigned by the Superintendent and handled by the Attorney (including all work related to the handling or preparation of such matters), whether

judicial, quasi-judicial, state/federal investigatory, administrative, grievances, arbitration, mediation, or other alternate dispute resolution procedures, the Attorney shall be compensated at the rate of \$125.00 per hour for attorney services and \$25.00 per hour for legal assistant services, and the invoices shall be paid by the School Board on a monthly basis.

10. Out-of-pocket expenses incurred by the Attorney on behalf of the School Board shall be reimbursed by the School Board. Travel outside Hamilton County shall be reimbursed at the rate allowed by law.

11. Notwithstanding the provisions of paragraph 7 concerning a fixed monthly retainer, the services discussed in paragraph 9 will be in addition to the monthly retainer. Additionally, if a court awards attorney's fees, the amount charged by the Attorney for which a third party is responsible may exceed the hourly rates set out in paragraph 9, and shall be such reasonable rate as the court may set.

12. Notwithstanding the provisions of paragraph 7 concerning a fixed monthly retainer, for services rendered in connection with any bond or debt issue, including but not limited to referendum or refunding, the charges will be those generally charged for such services by independent counsel in the North Florida area, and shall be discussed with the School Board's Bond Counsel, Financial Advisor, and the Superintendent, and agreed upon prior to the rendering of services in this regard.

13 The School Board shall fund the membership dues for The School Board of Hamilton County, Florida, General Counsel in the Florida School Board Attorneys Association and the National School Board Association Council of School Attorneys and pay the Attorney's costs for attending the meetings of these organizations.

14. The cost of standard books, periodicals and other research or educational materials necessary or desirable to the proper representation of the School Board shall be reimbursed to Attorney.

15. The Attorney shall submit an itemized statement to the School Board each month showing the services rendered for which compensation beyond the retainer is requested and for all cost items of reimbursement.

## **James Estes Willingham, Jr., Attorney and Counselor at Law**

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1235 U.S. Highway 129 NW, Jasper, Florida 32052

Office (386) 792-7330 | Cell (386)792-4072 | Email jay@jaywillingham.com

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### **BAR MEMBERSHIP**

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Admitted to Florida Bar in 1978

Florida Bar No. 263801

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### **EDUCATION**

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*UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW*, Gainesville, FL

- Juris Doctorate, graduated 1978
- Graduated with honors
- Law Review Candidate, Case Comment submitted Stone v. Powell, 428 U.S. 465 (1976), Constitutional Law
- American Jurisprudence Award Book Awards for Best in Class in Contract Law, Criminal Law, and Conflicts of Law
- Designed and obtained approval of Law School Curriculum Committee for senior class Independent Study Course on the Recording Contract for credit. Course was used by students in later classes.

*UNIVERSITY OF FLORIDA*, Gainesville, FL

- Bachelor of Arts in English, graduated 1975

*DUKE UNIVERSITY*, Durham, NC,

- 1970-1971 and 1972-1973
- 

### **LEGAL EMPLOYEMENT HISTORY**

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*Law Offices of Meldon and Laird*, Gainesville, Florida

- Law Clerk
- June 1976 - September 1978
- Conducted legal research and investigations for entertainment law and criminal law clients of firm. Met with clients to gather facts

*Giles Hedrick and Robinson, PA*, Orlando, Florida

- Associate Attorney
- November 1978-November 1979
- Worked with senior partner David Hedrick on various matters for the Greater Orlando Aviation Authority; First Federal Savings & Loan Association of Orlando, analysis of Abstracts of Title and rendered Land Title Opinions and conducted loan closings; began Entertainment Law department for the firm, represented recording artists in contract negotiations and litigation

*Law Office of James Estes Willingham, Jr.*, Winter Park, Orlando, Altamonte Springs, Maitland, and Jasper Florida

- Owner Attorney
- 1979-present:
- Broad general practice background
- Complex and other litigation in Florida County and Circuit Trial Courts, United States District Courts Middle District of Florida; NASD arbitration; appeals before The Florida Fifth District Court of Appeals and The Supreme Court of Florida; defending and prosecuting matters in many areas including disputes regarding contracts, real property, intellectual property including copyrights and trademarks and patents, construction, entertainment, plaintiff's personal injury, mortgages, real property boundary, survey and title

disputes, defending securities issuers, bankruptcy, domestic relations, immigration and naturalization and criminal felony and misdemeanor cases

- Represented entities in a wide variety of businesses, creating of business entities; drafting and negotiating contracts; closing sales of real and personal property and businesses; issuing real property title insurance for Attorneys Title Insurance Fund; preparing offering memoranda for private investment fund raising; representing individuals and businesses in bankruptcy; representation of estates, trusts and guardianships
- Represented Registered Investment Advisory firm and National Association of Securities Dealers
  - for regulatory compliance before the United States Securities and Exchange Commission, the Florida Division of Securities, the National Association of Securities Dealers, and Securities Regulators of other States
  - prepared private placement offering memoranda and represented multiple limited partnerships and corporations managed by the Advisory firm
  - supervision of operations and 27 employees at all the registered entities and the management of limited partnerships in agriculture, real property, health products, and other businesses
- Represented Federally Chartered Bank start up for licensing, contracts, loan closings
- Special focus on music law and the contracts and technology surrounding the music business: advised, negotiated agreements for, and appeared in court for musical and vocal performing artists, songwriters, personal managers, theatrical employment agencies, recording studios, independent producers, and live concert and festival promoters
- 2007-present: Representation of The School Board of Hamilton County, Florida, as General Counsel in the broad areas of the law impacting K-12 Education
- Handled Department of Administrative Hearings matters for The School Board of Hamilton County, Florida
- Participated in Public Employees' Relations Commission (PERC) Special Magistrate hearing in Collective Bargaining Impasse
- Local counsel in complex real property option agreement negotiations drafting and performance for Adage a bio-power joint venture of Duke Energy and the French Energy entity then known as Areva, as well as complex Hamilton County Comprehensive Plan and Line Development Regulations Amendments before the Hamilton County Board of County Commissioners, the North Central Florida Regional Planning Council, and the Suwannee River Water Management District and other state agencies
- Represented the Hamilton County Sheriff's Office in forfeiture cases from 2004 through 2014
- Represented the Hamilton County Board of County Commissioners in Project Bark and PCS real property Purchase and Sale Agreement and closing with PCS for Project Bark 2016-2017
- From time to time asked to sit with the Hamilton County Board of County Commissioners when the Hamilton County Attorney cannot be present

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## Law Related

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- 2008-present, Appointed by Governor Crist and re-appointed by Governor Scott to serve on the Judicial Nominating Commission for the Third Judicial Circuit of Florida. Participated in applicant evaluation and selection process in 2013 to recommend to the Governor candidates for appointment to fill vacancy on the Lafayette County Court bench
- "Privacy and Name/Gender Changes in Student/School Records" presentation for the 2015 Joint Florida School Board Attorneys Association and Florida Association of District School Superintendents Conference, and for the subsequent Florida School Board Attorneys Association Spring 2016 Quarterly Meeting

- 1978-2004 Volunteer Court Appointed Attorney and Guardian Ad Litem for abused, abandoned and neglected children in dependency matters in the Orange County, Florida, Juvenile Court
  - Martindale-Hubbell Attorney Rating of BV, Distinguished, High Professional Achievement
  - Member of The Florida Bar Entertainment, Arts, and Sports Law (EASL) Committee
  - Member of The EASL Copyright Law Revision Committee
  - Panelist at University of Florida Law School Music Law Conferences and Midyear Florida Bar Convention
  - Invited speaker on Entertainment Law, music conference – Nashville, TN
  - Invited speaker on Entertainment Law at the Southern Music Conference – Orlando, FL
  - Invited speaker on Entertainment Law North Miami Beach Recording Conference
  - Invited speaker at Entertainment law seminar at Florida Coastal School of Law
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## **PERSONAL**

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- Born June 4, 1952, Durham, NC
- Married August 11, 1973 to Linda Hoover, live and recording singer/songwriter
- Son James, Computer Animation graduate of Ringling College of Art and Design, Previsualization Artist, screenwriter, Los Angeles, CA
- Son Toft, Contemporary Music and Production and Music Production and Engineering graduate of Berklee College of Music in Boston; singer/songwriter; sound recording and video producer; founder, lead singer and guitarist with touring original musical and vocal performing group; Los Angeles, CA
- Christian, twenty years in First Baptist Orlando's music and drama ministries, choir, Singing Christmas Trees, The Light, ensembles, duos, mission trips abroad with choir and drama
- Hobbies: music, hunting, fishing, dog training, gardening, cooking

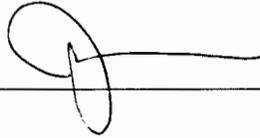
**HAMILTON COUNTY SCHOOL BOARD**  
**RFP 19-002**

**ASSURANCES AND ATTESTATION**

I, the undersigned, as the proposer or legally authorized representative of the proposer, do hereby agree that:

- I have read and understood all instructions and stipulations contained in this RFP; AND
- All information included in this proposal, to the best of my knowledge, is accurate and meets the requirements set forth in this RFP; AND
- If selected, I will negotiate a contract for services with the District in good faith and in conformity to this RFP; AND
- I will comply with all applicable laws and regulations pertaining to the provision of legal services for Florida school board attorneys; AND
- I will maintain and provide verification upon request of the insurance requirements as set forth in this RFP.

Signature:



Date:

07/16/18

Print Name:

**James Estes Willingham, Jr.**

Title:

**Attorney**

NON-COLLUSION AFFIDAVIT

State of Florida

County of Hamilton

James Estes Willingham, Jr. being first duly sworn, deposes and says that:

(1) He/she is the Owner, Partner, Officer, Representative, or Agent

of the Proposer that has submitted the attached Proposal;

(2) He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;

(3) Such Proposal is genuine and is not a collusive or sham Proposal;

(4) Neither the said Proposer nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Proposer, firm, or person to submit a collusive or sham Proposal in connection with the Work for which the attached Proposal has been submitted; or to refrain from proposing in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Proposer, firm or person to fix any overhead, profit, or cost elements of the Proposal price or the Proposal price of any other Proposer, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposed Work;

(5) The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Proposer or any other of its agents' representatives, owners, employees or parties in interest, including this affiant.

Signed, sealed, and delivered in the presence of:

Phyllis B. Marvier  
[Signature]

BY: [Signature] 07-16-18

Printed Name: James Estes Willingham, Jr.

Title: Attorney