

Kawahara Law

A Professional Corporation

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July 8, 2015

JAMES K. KAWAHARA
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Todd Groves, Board President
West Contra Costa Unified School District
1108 Bissell Avenue
Richmond, CA 94801

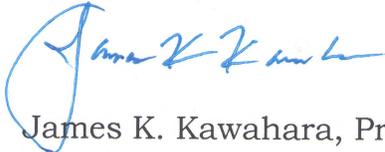
Re: Request for Qualification Board of Education Special Counsel

Dear Mr. Groves:

Please find enclosed three copies of my law firm's response to the District's June 22, 2015, Request for Qualifications for Board of Education Special Counsel. In addition to this transmittal letter, please find attached a detailed résumé, a description of relevant experience, a list of references, and a proposed time commitment and overall cost of services for the engagement.

I look forward to the opportunity to serve the Board in completing this high profile investigation concerning the District's bond program.

Regards,



James K. Kawahara, President

**Response of Kawahara Law, a Professional Corporation to the
West Contra Costa Unified School District’s
Request for Qualifications for Special Counsel to the Board of Education**

A. Background Information

A detailed résumé of the proposed attorney and background on the firm is enclosed as Attachment 1.

B. Relevant Experience

a. Experience in providing services to school districts and other governmental agencies:

- As referenced in my attached résumé, I served as special counsel to the Office of Inspector General, Los Angeles Unified School District, where I assisted the professional auditors in their investigation of contractor expenditures (especially change orders) within the Proposition BB bond program.¹
- I assisted an outside auditing firm in the financial review the Office of General Counsel at the Metropolitan Transportation Authority in Los Angeles.
- I also assisted an outside auditing firm in the financial review of the wholly-owned economic development corporation of the Winnebago Tribe of Nebraska.
- I serve as outside counsel to several elected councils of federally-recognized Indian tribal governments.

b. Describe recent experience in advising school districts in financial and bond program areas.

- The most direct experience is my service as special counsel to the Office of Inspector General, Los Angeles Unified School District, where I assisted in the auditing of spending within the Proposition BB bond program. My primary duties were related to assisting the professional auditing staff of the Office of Inspector General in interpreting legal requirements and in obtaining the cooperation of outside contractors in the District’s audit.

¹ On April 8, 1997, the voters in the Los Angeles area passed Proposition BB by the required two-thirds majority. Proposition BB authorized the Los Angeles Unified School District (“LAUSD”) to issue bonds for up to \$2.4 billion to finance repairs and renovations to school facilities. The Proposition BB Bond School Repair and Construction Program (“BB Bond Program”) involves a complex mix of approximately 10,800 repair and maintenance projects, as well as modernization of 641 schools throughout a 708 square mile area. These projects include deferred maintenance, installation of air conditioners, lunch shelters, installation or upgrade of technology infrastructures and alarm systems, school modernization, and new school construction.

c. Describe any experience in facilitating the work of auditing firms.

- In my work with the Metropolitan Transportation Authority in Los Angeles, and with the Winnebago Tribe of Nebraska, I worked directly with major auditing firms. I assisted them in developing their scope of work, interpreting legal requirements and in the drafting of the final report to the respective elected officials.

C. References

1. Don Mullinax, Regional Director
Defense Contract Audit Agency, Western Region
4 Centerpointe Drive, Suite 400
La Palma, CA 90623-1074
(714) 228-7001
Relationship: Former client who served as the LAUSD Inspector General

2. Austin Onwualu, Deputy Inspector General, Contract Audit
Office of Inspector General
Los Angeles Unified School District
333 South Beaudry Avenue, 12th Floor
Los Angeles, CA 90017
(213) 241-7700
Relationship: Former client contact with the LAUSD Office of Inspector General.

3. Adam Geisler, Tribal Secretary
La Jolla Tribal Council
La Jolla Band of Luiseño Indians
22000 Highway 76
Pauma Valley, CA 92061
(760) 525-6194
Relationship: Current client, who serves as an elected official for a governmental body.

D. Proposed Time Commitment and Overall Cost of Services

Based on the initial description of duties in the RFQ, I propose the following amount of time and compensation with a rationale to explain the compensation requested.

Duties and time commitment:

- A. Compile a list of competent audit firms with a history and capacity to perform a forensic investigation of school district financial, operations and management issues;
Estimated Time: 5 hours
- B. Gather appropriate background information on those firms;
Estimated Time: 5 hours
- C. Work with a subcommittee of the Board to narrow the list of qualified audit firms to identify a group of three to five firms that could be interviewed either by a subcommittee of Board members or the full Board in a public meeting;
Estimated Time: 10 hours
- D. Review the employee complaint from a legal perspective to determine if government statute, regulation or Board Policy had been violated;
Estimated Time: 10 hours
- E. Assist the audit firm in combining the findings from the forensic audit with a report of legal findings to the Board of Education.
Estimated Time: 10 hours

Proposed Compensation:

My estimate assumes several conditions. First, I anticipate that the subcommittee of the Board will actively participate and weigh the pros and cons of the selection. Second, the subcommittee will conduct the interviews. Third, the facts of the employee complaint will not require the use of litigation to obtain information from third parties (i.e. contractors). Based upon my lowest hourly billing rate of \$220/hour, computer assisted research, and two possible (post-selection) trips to Richmond from Los Angeles, I propose a not to exceed amount of \$12,000. I can begin work immediately upon selection.

Kawahara Law

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(Attachment 1)

James K Kawahara, Esq.

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Los Angeles, CA 90045

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James K. Kawahara has over twenty years of legal experience in the areas of federal Indian law, litigation, education and environmental law. After gaining ten years of experience with the two national law firms of K&L Gates LLP and Holland & Knight LLP James opened his own firm in 2007.

James has a broad range of experience in state and federal commercial litigation matters, including appellate matters. He has represented tribal governments in important sovereignty cases and major corporations in multi-party complex litigation under state environmental laws.

James also served as special counsel to the Los Angeles Unified School District's Office of Inspector General in providing advice and counsel in the area of investigations and audits. He provided counsel on important investigations such as the Belmont High School Investigation and on reviews of the General Counsel's Office. Specially, on the review of the General Counsel's Office, James analyzed the case management system; risk management; compliance with policies, procedures, and practices; use of outside counsel; and cost of legal services, including billing guidelines and approval process. In addition, He compared the General Counsel Office's operations with industry best practices.

Prior to returning to private practice in California, James served as the managing attorney in the Washington, D.C. office of the Native American Rights Fund, where he represented Indian tribes in complex federal litigation and legislative affairs. James's litigation at the Native American Rights Fund included a complex class action trust accounting claim (*Cobell v. Babbitt*), oil and gas, and real estate matters.

James is admitted to practice before the California Supreme Court, District of Columbia Court of Appeals, U.S. District Court for the District of Columbia, U.S. District Court for the Central District of California, The U.S. Court of Appeals, Ninth Circuit and the U.S. Court of Federal Claims.

In the community, James served as [Adjunct Professor in Practice at the UCLA School of Law](#) where he taught the Tribal Legal Development Clinic from 2007 to 2013.

James received his bachelor's degree in history in 1986 from University of California at Los Angeles and earned his law degree in 1991 from UCLA School of Law School, where he was a member of the *UCLA Pacific Basin Law Journal*.

Practice Areas:

[Federal Indian Law](#)
[Commercial Litigation](#)
[Education Law](#)
[Environmental](#)

Education:

Bachelors Degree
[UCLA](#)
Law School
[UCLA School of Law](#)

Bar Admissions:

California
District of Columbia
United States District Court Central District California
United States Court of Federal Claims
Intertribal Court of Southern California