



# UNDERWOOD

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## **UNDERWOOD LAW FIRM, P.C.**

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## **REQUEST FOR PROPOSAL**

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Association of Community Library Districts

Mary Jo Finch

April 20, 2020

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## **Section 1: Scope of Representation**

The Underwood Law Firm, P.C. (“Underwood” or the “Firm”) represents a variety of clients in the sphere of governmental relations. During the legislative session, this involves a wide variety of activities focused on insuring that the interests of our clients are protected, and furthered, in any legislative action.

Specifically, Underwood tracks all filed bills and provides timely notice and analysis to clients of the potential impact of any proposed legislation. Furthermore, Underwood works with legislators and staff to ensure positive public policy for our clients and works to establish relationships that benefit their needs. We also consult on regulatory matters, provide public relations solutions, and assist in crisis management. Underwood’s breadth of experience assists clients and navigates successful outcomes for them.

Based on the needs expressed by the Association of Community Library Districts (“ACLD”), Underwood proposes to provide tracking and analysis of bills of potential impact during the legislative session. Underwood will provide routine (weekly or more frequent) correspondence informing ACLD of proposed legislation, and soon to be proposed legislation, with a potential impact to Texas Library Districts. With respect to direct lobbying of lawmakers, Underwood would propose a “defensive” approach, only engaging in direct lobbying when necessary to protect the interests of ACLD. Should direct lobbying become necessary, Underwood will work with ACLD leadership to develop an appropriate lobby strategy.

The primary attorneys who will be assigned to ACLD include Colby Nichols, Andrew Tatgenhorst, and Mitchell Moses. The resumes for these individuals can be found in Tab 1. Colby

Nichols is an active member of the Legislative and Campaign Law section of the State Bar and has an extensive network of legislators and staff which he maintains and uses to influence legislation on behalf of his clients. Colby regularly updates and analyzes legislation on behalf of clients both during and after the legislative session. Andrew Tatgenhorst regularly analyzes bills and provides timely impact analysis and consulting to Underwood clients but does not engage in direct lobby activities.

## **Section 2: Background of Firm**

On the foundation of excellence and integrity laid in 1912, Underwood has established a state-wide presence with its demonstrated ability to provide exceptional, responsive, and cost-effective service to our clients. Underwood is a full-service law firm, with numerous diverse and nuanced practice areas. In addition to Underwood's robust government relations practice in the area of healthcare and education, Underwood serves as general and special counsel to numerous government entities including, but not limited to library districts, school districts, cities, counties, and special purpose districts.

Underwood provides state-wide legal and governmental affairs representation through its five offices across the state of Texas, opening its newest branch in downtown Austin in 2017. The downtown Austin office is anchored by attorneys Colby Nichols and Andrew Tatgenhorst and is steps away from the Texas State Capitol, making building relationships with legislators and other advocacy organizations incredibly accessible. By opening its Austin office, Underwood underscored its commitment to its governmental affairs branch. This move also provided the bandwidth for Underwood to serve clients wanting better representation at the Capitol.

### **Section 3: Client List**

2019

- Austin Independent School District
- Fast Growth School Coalition
- Instructional Materials Coordinators' Association of Texas
- Leander Independent School District
- Raise Your Hand Texas
- Texas Association of Community Schools
- Texas Association of School Administrators

## Section 4: List of References

Amy Beneski

Deputy Director, Government Relations

Texas Association of School Administrators

Office: 512-477-6361

abeneski@tasanet.org

Guy Sconzo

Executive Director

Fast Growth School Coalition

Cell: 281-352-8525

guy@fastgrowthtexas.org

Michelle Smith

Vice President for Policy and Advocacy

Raise Your Hand Texas

Office: 512-617-2121

msmith@ryht.org

## **Section 5: Proposed Fee**

Based upon the needs expressed in the request for proposal, we would estimate a fee of \$5,000 per month during the 2021 legislative session only. This amount would not include expenses which would require preauthorization by ACLD prior to incurrence by the Firm.



# UNDERWOOD



## Tab 1: Resumes

Association of Community Library Districts  
Mary Jo Finch

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## Mitchell Moses

### Shareholder

Mitchell Moses' practice is focused on business transactions and school law. His real estate practice consists of advising clients on acquiring, financing, developing, managing, constructing, and leasing and selling commercial property as well as issues related to easements, property taxes and title matters.

With his background in business, Mitchell is frequently called on by clients to advise in matters related to mergers, acquisitions, restructurings, shareholder agreements and the purchase and sale of business assets.

Mitchell represents a number of Texas school districts in contract issues related to procurement and real estate. Additionally, he has represented districts in matters related to student discipline, including revisions to student code of conduct, and employment, where he has advised districts in matters related to grievances, terminations and nonrenewals.

Mitchell is uniquely qualified in his practice, as he received both his J.D. from Pepperdine University School of Law in 2009 as well as an M.B.A. from the Acton School of Business in 2006, following his B.B.A. in Finance from Texas Tech University the prior year.

### Affiliations

- Cotton Bowl Council
- Fort Worth Stock Syndicate
- Key School, Board Member
- Council of School Law Attorneys
- Tarrant County Bar Association
- Tarrant County Young Lawyers Association
- Tarrant County Real Estate Council

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101  
Fort Worth, Texas 76102

#### Practice Areas

Business and Corporate  
Public Education  
Real Estate  
Banking

#### Bar/Court Admissions

State Bar of Texas  
U.S. District Court, Northern  
District of Texas



# Colby Nichols

## Associate

Colby Nichols grew up in rural east Texas as a son and grandson of Texas school superintendents. He began his career as an aide to former House member Representative Jimmie Don Aycock. After leaving the Capitol, Mr. Nichols joined the Region VI Education Service Center where he assisted school districts in grant writing, school improvement, and data analysis. Colby's practice is focused on general school law including, but not limited to: elections, real estate, purchasing, construction, student issues, and employment. As a registered lobbyist, Colby also focuses on the representation of various education related clients during the legislative process. His passion for advocacy for public school children and the political network he has established enables him to successfully navigate the legislative process on behalf of his clients.

Colby graduated from the University of Mary Hardin-Baylor where he was a 4-year letter winner on the Men's Tennis Team and a co-Captain his senior year. Colby received his Doctorate of Jurisprudence in May of 2013 from South Texas College of Law in Houston. Colby's greatest accomplishments are his two children: Lydia Rose Nichols and Quinn Kennedy Nichols. Colby, his wife Kallie, Lydia, and Quinn live in beautiful Lake Travis.

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[Colby.Nichols@UWLaw.com](mailto:Colby.Nichols@UWLaw.com)

### Phone

512-813-9743

### Fax

806-379-0319

### Address

PO Box 164327  
Austin, TX 78746

### Practice Areas

Public Education  
Public Finance

### Bar/Court Admissions

State Bar of Texas, 2013

## Experience

- 1<sup>st</sup> Chair for hearing before the Commissioner of Education regarding student discipline matter.
- Eminent Domain Special Commissioner's Hearing as 2nd Chair.
- Chapter 21 Contract non-renewal hearing, 2<sup>nd</sup> Chair.
- Legislative Update – TASA Midwinter 2019
- School Finance Commission Panel – TASA/TASB Conference 2018
- Building Success Stories: Effectively Managing the Bond Process – TASA Midwinter Conference, 2016
- "Instructional Materials Update" – Texas Association of School Business Officials Conference, 2016
- "Legislative Update" - Northeast Texas School Boards Association Conference, 2016

## Publications

- Legislative Gear-Up – Texas Association of Community Schools Magazine
- Consultant Colby Nichols to Support TASA Governmental Relations Staff
- Bullying and David's Law Presentation
- "House Bill 1295 Update" Published in the State Firefighters' & Fire Marshal's Association of Texas *InfoFire* Magazine, Spring 2016



# Andrew Tatgenhorst

## Associate

Andrew Tatgenhorst focuses his practice on the representation of school districts, and other educational entities, in all aspects of school law with particular emphasis on special education and disability law. He regularly attends Admission, Review, and Dismissal meetings and represents schools in special education mediations, due process hearings, agency complaints, and court proceedings.

Prior to representing school districts, Andrew was a legal editor with LRP Publications; the leading national resource for special education conferences, trainings, and publications. In that role he was tasked with monitoring trends in special education law and developing educational content for school administrators and lawyers.

### Education

B.A., Washington and Jefferson College, 2007  
J.D., University of Pittsburgh School of Law, 2010

### Experience

Andrew has more than 5 years' experience representing Texas School Districts in special education matters; representing Districts in numerous due process complaints (approx. 20), state agency complaints (approx. 20), Office for Civil Rights complaints (approx. 20), and federal appeals. He was recently first chair in a due process complaint and second chair in the federal appeal, in which the District won on all issues and sought recovery of District attorney's fees.

Andrew recently drafted an Amicus Curiae brief on behalf of the Texas Association of School Boards Legal Assistance Fund in *Doe v. Dallas Independent School District*, No. 18-10720, in the Fifth Circuit Court of Appeals.

### Representative Publications & Presentations

- *What Do I Do When... The Answer Book on Special Education Law* (480-page book, 2014)
- *Discipline Scenarios: Navigating the IDEA Procedural Framework* (60-page book, 2019)
- *Prior Written Notice Under the IDEA: Who, When and How?* (40-page book, 2017)  
(continued on next page)

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Austin, Texas 78701

#### Practice Areas

Public Education

#### Bar/Court Admissions

Fifth Circuit Court of Appeals

U.S. District Court, Western District of Texas

U.S. District Court, Eastern District of Texas

U.S. District Court, Southern District of Texas

State Bar of Texas, 2015  
U.S. District Court, Southern District of Florida

State Bar of Florida, 2010

## Publications & Presentations, Continued

- *School Districts' Guide to Postsecondary Transition for Students with Disabilities* (40-page book, 2016)
- *Building a Case for the Recovery of Attorneys Fees*, LRP School Attorney's Conference 2018.
- *David's Law and Bullying*, TASA Mid-Winter 2018.
- *What School Boards Need to Know About Special Education Law*, Co-Presenter with Lake Travis ISD staff and board members, TASA/TASB 2018.
- *Who, What, Where, and How of Compensatory Education Awards*, TCASE Great Ideas 2019.