

MEMORANDUM

DATE: April 4, 2004
TO: Client
FROM: Howard J. Fulfrost, Esq.
RE: Estimated Costs Associated With Due Process Hearings

This memorandum responds to your request for information regarding the estimated costs associated with handling due process matters. At your request, we have developed a sample budget for representing a school district in a due process proceeding.

As you know, each due process case is unique. The actual cost of legal representation will depend on a variety of factors, including, but not necessarily limited to:

- the nature and scope of the issues to be heard and decided;
- the number of witnesses to be called at the hearing;
- who represents the student (i.e., attorney, advocate, parent); and
- who the assigned mediator and/or hearing officer is.

Therefore, the District should exercise caution when relying on the below-specified figures as they are estimates only. In addition, we note that the figures are presented as ranges to reflect the estimated cost for the simplest (e.g., a one-day hearing involving one issue) to the most complex cases (e.g., hearings running many days involving multiple complex issues spanning multiple school years). Further, the figures do not include the costs associated with legal representation (e.g., expert witness fees, copying and faxing).

Task	Estimated Cost	
	Simplest	Most Complex
Initial File/Records Review (including Evidence Binder & Witness List)	\$2,500.00	\$5,000.00
Case Review & Analysis	\$2,500.00	\$10,000.00
Prepare for & Attend Mediation	\$2,500.00	\$5,000.00
Pre-Hearing Motions	\$0.00	\$10,000.00
Pre-Hearing Preparation (including Legal Research & Analysis, Case Analysis, Witness Interviews, and Preparation for Witness Examination)	\$2,500.00 This is a per day estimate. We estimate at least one day of pre-hearing preparation for each day of hearing (with a minimum total of two days of pre-hearing preparation).	\$2,500.00 This is a per day estimate. We estimate at least one day of pre-hearing preparation for each day of hearing (with a minimum total of two days of pre-hearing preparation).
Hearing Representation (including Hearing Attendance & Morning/ Evening Hearing Preparation)	\$2,500.00 This is a per day estimate.	\$3,000.00 This is a per day estimate.
Post-Hearing Matters (including Closing Brief)	\$2,500.00	\$20,000.00
	One-Day Hearing	Ten-Day Hearing
Estimated Total	\$15,000.00	\$105,000.00

Part III. The Financial Cost of Due Process

MEMORANDUM

DATE: April 26, 2005
TO: Client
FROM: Howard Fulfrost, Esq.
RE: Student v. School District

This memo is to summarize the estimated costs associated with the above-referenced due process matter. This memorandum is based upon an April 19, 2005, settlement proposal provided by opposing counsel. As you know, Student's parents are claiming that School District ("District") failed to offer and/or provide Student with a free appropriate public education during the 2002-2003, 2003-2004, and 2004-2005 school years. They are seeking: (1) District reimbursement for private educational services; (2) prospective services by Lindamood Bell Learning Processes ("Lindamood Bell"); (3) and attorney fees and costs.

Cost	Settlement (Agreeing to All Student's Demands)	Hearing (District Prevails)	Hearing (Split Decision)	Hearing (Student Prevails)
Reimbursement	\$39,654	\$0	\$19,827	\$39,654
Prospective Lindamood Bell	\$16,200	\$0	\$8,100	\$16,200
District's attorney fees	\$10,000	\$80,000	\$80,000	\$80,000
Parents' attorney fees	\$13,275	\$0	>\$60,000	>\$120,000
Totals	\$79,129	\$80,000	\$167,927	\$255,854

This summary of estimated costs is for purposes of facilitating discussion regarding proceeding to hearing or attempting settlement discussions. This summary is *not* intended to address the merits of either party's case or the other possible consequences (e.g., setting precedents, what either party believes to be appropriate, etc.) or costs (e.g., people hours in preparation for hearing) associated with settlement and/or proceeding to hearing. If you have any questions or need further information, please do not hesitate to contact us.