

The Attorneys' Fees Just Keep on Going Up...

How bad is the NCAA investigation going? The continually increasing costs suggest it isn't going well.

The February 18, 2015 Mississippi Board of Trustees of State Institutions of Higher Learning DRAFT BOARD BOOK offers a telltale sign that the NCAA investigation is going worse than expected.

3. USM - APPROVAL TO MODIFY CONTRACT WITH LIGHTFOOT, FRANKLIN & WHITE, PLLC, AS OUTSIDE COUNSEL

The University of Southern Mississippi requests approval to modify its contract with Lightfoot, Franklin & White, PLLC as outside counsel. The Board previously approved the employment of Lightfoot, Franklin & White, PLLC to assist the University by rendering legal advice and representation in the practice areas of NCAA compliance, investigation, appearances, and related matters. The approval was for a term beginning

October 29, 2014, and ending June 30, 2015, with a total amount payable under the arrangement not to exceed \$50,000 for attorneys' fees. The firm is currently representing the University in an investigation initiated by the NCAA related to the Men's Basketball Program. The firm has been actively engaged in representing the University in this matter since October. Legal activity of the attorneys has been driven by the swiftness and scope of the NCAA investigation, as well as specific directives of the enforcement staff. As a result, attorneys' fees are expected to exceed the original cap of \$50,000. The University requests Board approval to increase the total amount payable under the previously approved contract to \$75,000. The Attorney General has approved this request.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

And up...

[IHL Gives Miscreant USM Sports Program More Legal Financing](#)

As previously reported by usmnews.net, former head basketball coach Donnie [Tyndall was under investigation](#) for potential rules violations related to improper financial aid to two academically ineligible Southern Miss players. According to Tennessee athletic director Dave Hart, it is "highly likely" that the NCAA will determine that Tyndall committed Level 1, 2, 3 and 4 violations, justifying terminating Tyndall's contract for cause.

Sources report that it is likely Tyndall will be disciplined under the NCAA coach control provisions of the rules, regardless of whether he was personally responsible for the violations. However, while accepting responsibility for any such misconduct, Tyndall's public statement appears to shift the burden for non-compliance to Southern Miss. "During my time at Southern Miss, I believed that our program followed NCAA rules and worked well with the university's administration to maintain an atmosphere of rules compliance," Tyndall said.

For its part in this disaster, in mid-November, 2014 Southern Miss announced it had hired Lightfoot, Franklin & White to defend it against the claims at a maximum cost of \$50,000. (Lightfoot is a Birmingham, AL based firm that Texas A&M hired to keep Heisman Trophy winner Johnny Manziel eligible. It is the same firm that Auburn hired to keep Cam Newton eligible a couple of years before that. According to some published reports Auburn's bills totaled \$170,000.00.) By February, the cost of keeping Lightfoot on the payroll had increased to \$75,000. By May the [IHL announced](#) yet another increase in approved fees to be paid to defend Southern Miss' scandal plagued, losing basketball team:

USM - Approved the request to modify its contract with Lightfoot, Franklin & White, PLLC as outside counsel to increase the total amount payable under the previously approved contract to \$100,000. The Board previously approved the employment of Lightfoot, Franklin & White, PLLC to assist the university by rendering legal advice and representation in the practice areas of NCAA compliance, investigation, appearances, and related matters. The approval was for a term beginning October 29, 2014, and ending June 30, 2015, with a total amount payable under the arrangement not to exceed \$50,000 for attorneys' fees. The agreement was later modified to increase the cap on attorneys' fees to \$75,000. The firm is currently representing the university in an investigation initiated by the NCAA related to the Men's Basketball Program and has been actively engaged in representing the university in this matter since October 2014. Legal activity of the attorneys continues to be driven by the swiftness and scope of the NCAA investigation, as well as specific directives of the enforcement staff. As a result, attorneys' fees are expected to exceed the amended cap of \$75,000. The Attorney General has approved this request.



Sources tell usmnews.net that the question is not whether the cap on legal fees will be amended upwards again, but how many more times the cap will increase. Among the sports faithful these ever increasing legal costs are a clear signal that the wrongdoing at Southern Miss athletics is much worse than anticipated.

Of course, no one at Southern Miss or the IHL will tell us anything but what they are required by law to report. We only know the magnitude of tuition and tax dollars wasted on this failed program. And, even then, that amount will be buried in the IHL Board Books.

And up...

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA

LEGAL

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9. USM - APPROVAL TO MODIFY CONTRACT WITH LIGHTFOOT, FRANKLIN & WHITE, PLLC AS OUTSIDE COUNSEL

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NCAA, the firm continues to be actively engaged in this matter on behalf of the University. Legal activity of the attorneys continues to be driven by the scope of the NCAA investigation, as well as specific directives of the enforcement staff. As a result, attorneys' fees, which are expected to be billed, will exceed the amended cap of \$100,000. The University requests Board approval to increase the total amount payable under the previously approved contract to \$150,000. The Attorney General has approved this request.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

10. USM - APPROVAL TO CONTRACT WITH LIGHTFOOT, FRANKLIN & WHITE, LLC AS OUTSIDE COUNSEL

The University of Southern Mississippi requests Board approval to enter into an employment contract with the firm of Lightfoot, Franklin & White, LLC, as outside counsel to perform services as necessary and render legal advice and representation in the practice area of NCAA compliance, investigations and related matters. The request includes the use of any and all attorneys employed by the firm, at the discretion of William King, whose experience and expertise is required to assist in the representation of the University pursuant to the agreement. The hourly rate to be charged varies from attorney to attorney. Time expended by William King will be charged at the rate of \$325 per hour and other experienced attorneys in the firm will be billed at the rate of \$300 or \$225. Paralegal time will be charged at the rate of \$115 per hour. In addition to attorneys' fees, the firm will be entitled to reimbursement for out of pocket expenses, including long distance charges, delivery charges, photocopy and drawing costs, computer search charges, filing fees, travel expenses, and the like incurred in connection with the engagement. The approval will be for a period of one year beginning July 1, 2015, subject to the approval of the Board, and will terminate on June 30, 2016. Either party may terminate the agreement on thirty (30) days' notice. The maximum amount budget for payment of attorneys' fees under the agreement is \$100,000. The Attorney General has approved this request.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

<http://www.mississippi.edu/board/downloads/boardbooks/1506.pdf>

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BOARD OF TRUSTEES
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FINAL BOARD BOOK June 18, 2015