

Response to Request for Proposal

Letter of Interest

The letter should include a brief discussion of the investigator's background, experience, and ability to perform this contract.

Robinson+Cole is pleased to submit this response to The Town of Bethany's (Town) request for proposal for independent investigations and review related to the Town's response to an alleged sexual abuse of children by a counselor at the Town's Parks and Rec. Robinson+Cole is an Am Law 200 law firm with a deeply-rooted culture of collaboration, civility, and inclusion. Our firm is Mansfield Rule Certified and has more than 270 lawyers serving regional, national, and international clients.

Our team would be led by Kathleen E. Dion. Kate focuses her practice on providing counseling and dispute resolution advice to organizations serving children and youths, childcare centers, independent schools, and institutions of higher education. A significant portion of her practice consists of conducting workplace investigations and counseling clients through investigations performed by others. She has received the highest level of certification from ATIXA in conducting sensitive, trauma-informed investigations and has trained others in how to conduct investigations while adeptly navigating the challenges of speaking with individuals who have experienced trauma, reluctant witnesses, and hostile parties and their counsel.

In addition to her counseling and investigation experience, Kate also has litigated over 20 cases in which claims were asserted against institutions for sexual misconduct involving staff and minors, and thus has significant experience with laws and regulations concerning the protection of minors. As part of those cases, Kate has worked with many experts who specialize in developing policies and procedures to protect minors in schools and youth organizations and would bring this experience to her evaluation of whether Bethany's policies and procedures should be revised. Kate has also drafted policies to address the protection of minors and served as a decision-maker in Title IX and other cases in which there were allegations of sexual misconduct.

Finally, Kate has represented Defendants in criminal cases in many geographic areas in Connecticut.

Project Understanding and Approach

Please provide a written summary in sufficient detail to demonstrate an understanding of the project, and the investigator's anticipated approach to the investigation.

We understand that the Town is seeking an independent investigation and review of the Town's response after a December 2022 report of an alleged sexual abuse of several children by a counselor in the Parks and Recreation Department's after-school program. This investigation will not only encompass an investigation into the Town's handling of the notification but should uncover facts and provide recommendations relating to the breach of any applicable policies, laws, or regulations.

We also understand the dynamics at play in this investigation, including that the First Selectman has recused herself from the investigation due to a conflict of interest and that Town residents learned of these allegations through news reports in late June of 2024, a year and a half after the complaint was filed. Recognizing that this is an investigation into the Town's response to the December 2022 reports, our investigation would focus on gathering all the interviews, documents, and evidence needed to conduct a thorough analysis of the Town's response – including, but not limited to, who was aware of the allegations and/or report and what was done by whom.

From initial interviews through to the collection of evidence and drafting preliminary and final reports, Robinson+Cole will ensure that this investigation and those involved are treated with diligence, discretion, and civility. We appreciate that there are also several concerns by Town Residents at play in this investigation, including why it took 18 months for the public to become aware of these allegations and why parents of children in the school were not initially notified. We will aim to get to the bottom of these concerns, along with those relating to the relevant policies, procedures, training, and practices in place before, during, and after December of 2022.

Firm Experience

Please provide a detailed written summary of the investigator's relevant background, education, qualifications, experience, and capability to perform the anticipated scope of work.

Kate focuses her practice on providing counseling and dispute resolution advice to colleges, universities, independent schools, childcare centers, and organizations serving children and youths. In addition, she has a nationwide practice litigating complex civil cases and defending individuals and companies in white-collar criminal matters. Kate chairs our firm's interdisciplinary Education Industry team and is a member of our firm's Business Litigation group and Internal Investigations and Corporate Compliance team.

Education Law

Kate has a deep understanding of the present and future challenges facing educational entities and youth organizations, and thus is able to uniquely represent and counsel her clients on a variety of complex legal issues while also maintaining a focus on the institution's larger, longer-term objectives. Because of her extensive experience serving as outside general counsel to universities and independent schools, she is well positioned to offer expert technical counsel to clients in a personable manner reflecting her appreciation of the complex and sensitive subject matters facing her clients. She works closely with an institution's leadership team to solve problems in unique and creative ways to the maximum benefit of the institution.

Kate counsels education clients in a broad range of areas, including crisis management, protection of minors, sexual misconduct allegations and Title IX compliance, student discipline matters, disability accommodations, Clery Act compliance and campus security issues, Family Education Rights and Privacy Act compliance, reviewing, revising and implementing handbooks and necessary policies, contracts, NCAA compliance, and governance matters. She also serves as a Title IX investigator, advisor, and decision-maker.

Kate assists childcare centers and organizations serving youth and children in responding to government investigations, conducting internal investigations, regulatory compliance, protection of minors, crisis counseling, and the development of policies and handbooks.

When it is not possible to avoid litigation, Kate is a skilled advocate representing clients in high-stakes, highly sensitive lawsuits in state and federal courts.

Complex Civil Litigation

Kate represents clients across the country in a variety of business disputes. Her courtroom experience ranges from federal and state jury trials to arbitrations and administrative hearings. She has represented financial services companies, health care organizations and defense contractors, among other clients. Kate's successes include obtaining a favorable mid-trial settlement for a defense contractor in a dispute involving allegations of breach of contract and breach of the covenant of good faith and fair dealing. She has successfully argued appeals before the U.S. Court of Appeals for the Second Circuit, the Connecticut Supreme Court, and the Connecticut Appellate Court.

Government Enforcement and White-Collar Criminal Defense

Kate assists public and private companies with internal investigations on a variety of matters, including financial wrongdoing and regulatory non-compliance. While investigating the embezzlement of hundreds of thousands of dollars from a health care organization, she obtained a full confession from the former chief financial officer and helped coordinate with federal agencies, which led to the CFO's criminal conviction. She has assisted with multiple corporate embezzlement investigations, helping to catch those responsible and recover stolen funds.

Kate has tried serious felony criminal cases in state and federal court and is active in the criminal defense bar. She is regularly court appointed to defend clients in criminal matters and has been recognized by the Federal District Court for the District of Connecticut for making substantial contributions in this area.

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Staff Plan & Qualifications

Please identify the personnel who will work on the investigation and review, and their roles and responsibilities. Provide information about the background, education, qualifications, and experience relevant to this project, and provide resumes of all personnel.

In addition to Kate Dion, additional team members will include associates, Sabrina M. Galli and Theresa E. Lane.

Sabrina M. Galli helps counsel education clients on a range of areas, including misconduct investigations, issues involving student affairs policies and procedures, and Title IX. Her passion for education law began in the classroom, when Sabrina taught high school in Eastern North Carolina through Teach for America.

Theresa E. Lane focuses her practice on college and university disciplinary actions, internal and governmental investigations, complex business litigation matters, and white-collar defense.

References

Please provide at least three (3) references, ideally from similar investigation and review projects. Please include names, titles, addresses, telephone numbers, and email addresses so the town may contact these references. Please provide sufficient details to indicate the type of services performed and the deliverables provided. References should be for projects similar to the scope of services for this investigation and should be recent.

Reference 1	Reference 2	Reference 3
Lynn McCormick Vice President and General Counsel Wentworth Institute of Technology 617-989-5349 mccormickl@wit.edu Provided advice as to compliance with policies concerning sexual misconduct and investigations concerning employee misconduct.	Cynthia Ford, MS.Ed Superintendent/Director of Pupil Services/Title IX Coordinator Ashford School 860-429-6419 ext. 363 cford@ashfordct.org Served as an Investigator in Title IX matters.	George Fox Former Board Chair for the Boys & Girls Club of Greenwich, Inc. 203-327-8600 gfox@titanadvisors.com Served as counsel in several cases alleging employee misconduct against minors in the Boys & Girls Club program.

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Schedule

Please provide an anticipated schedule for the investigation and review.

Task	Estimated Timeframe
<p><u>Preparation:</u> Review initial reports and documents. Develop an investigation plan outlining key steps, timelines, and resources needed.</p>	One week
<p><u>Documents and Evidence:</u> Collect and review all relevant documents, emails, communications, and records. Examine any physical evidence, including locations, objects, and other tangible items. Analyze digital evidence such as electronic communications, logs, and recordings.</p>	Two weeks
<p><u>Interviews:</u> Identify and interview all relevant parties, including witnesses, complainants, and subjects of the investigation.</p>	One month (this timeframe could be extended by circumstances outside of the investigators control such as accommodating schedules if witnesses have engaged attorneys to accompany them during the interview)
<p><u>Analysis:</u> Cross-check interview responses with documentary and physical evidence to identify consistencies and discrepancies. Assess the credibility and reliability of the information collected. Determine whether any policies, procedures, laws or regulations were violated. Evaluate the context and circumstances surrounding the town's response.</p>	Two weeks
<p><u>Reporting:</u> Prepare a preliminary report summarizing initial findings and any immediate concerns. Present the preliminary report to Selectman Robert Brinton and Gina Teixeira to communicate the progress of the allegation.</p>	One week
<p><u>Final Report:</u> Draft a comprehensive final report detailing the investigation process, findings, conclusions, and recommendations.</p>	One week

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Fee Proposal

Please submit the hourly rate or rates for personnel that will be involved in the investigation and review. If any other charges are proposed, please list the rates.

Typically, we determine legal fees for our services by the amount of time spent by our attorneys and paralegals multiplied by an hourly rate based upon the experience of the lawyer or staff member.

Name	Title	2024 Standard Rate
Kathleen E. Dion	Partner	\$530
Sabrina M. Galli	Associate	\$370
Theresa E. Lane	Associate	\$300

We do not bill for routine expenses that we consider our cost of doing business. These non-billable expenses include the cost of routine telephone charges, faxing, postage, word processing, secretarial overtime, and travel costs of our lawyers to other firm offices.

While we understand that The Town of Bethany will seek specific information about proposed billing and fee structures from firms selected for further consideration, we emphasize that Robinson+Cole seeks long-term relationships with clients strengthened by mutually satisfactory fee agreements. Our firm recognizes that we may not be considered a low-cost legal services provider, but our rates not only reflect the scope of the project but also the outstanding client services that we will provide to The Town. Our attorneys are more than capable of handling the current needs of the Town, and while there are many firms that potentially can handle these issues as well, our team's collective experience and our firm's resources will enable us to provide rapid response solutions and collaborative strategies regardless of what type of matter arises. Pricing and rates are considered an immediate cost of doing business but having Robinson+Cole as a trusted partner with a vested interest in The Town's success is a value that will extend well into the future.