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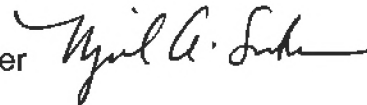
OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: November 24, 2015

CAO File No.
Council File No.
Council District:

To: Budget and Finance Committee

From: Miguel A. Santana, City Administrative Officer



Reference: Attorney Conflicts Panel

Subject: **REQUEST TO AMEND TEN LEGAL SERVICES CONTRACTS WITH EIGHT LAW FIRMS TO INCREASE THE MAXIMUM CONTRACTUAL COMPENSATION, REQUEST TO AMEND THE TERM FOR TEN LEGAL SERVICES CONTRACTS WITH EIGHT LAW FIRMS, AND REQUEST FOR CASE REASSIGNMENT AND FOR ENTERING INTO TWO CONTRACTS WITH RENNE SLOAN HOLTZMAN SAKAI, LLP**

SUMMARY

The Office of the City Administrative Officer (CAO) requests authority to: 1) Amend ten legal services contracts under the Attorney Conflicts Panel (ACP) program to increase the maximum compensation for each contract by a cumulative amount of \$1,605,000; 2) Amend the term for ten legal services contracts under the ACP program; and 3) Reassign two ACP cases from the law firm of Meyers Nave Riback Silver & Wilson (Meyers Nave) to the law firm of Renne Sloan Holtzman Sakai, LLP (Renne Sloan) and enter into two legal services agreement contracts with Renne Sloan for a total funding of \$100,000.

The ACP program is responsible for retaining outside counsel to handle conflict-of-interest matters which the City Attorney's Office is precluded from handling, and the retention of conflict counsel is made from an established list of pre-qualified law firms readily available based upon assignment needs and criteria. The ACP has ceiling authority to fund its legal service contracts up to \$100,000. Beyond this amount, City Council authority is required for further funding needs.

Request to Amend Contracts to Increase the Maximum Contractual Limit

The ten contracts that require amendments to increase the maximum compensation are for the following eight law firms: 1) Atkinson, Andelson, Loya, Ruud & Romo; 2) Burke, Williams & Sorensen, LLP; 3) Gutierrez, Preciado & House, LLP; 4) Haight, Brown & Bonesteel, LLP; 5) Klein Hornig, LLP; 6) Lewis, Brisbois, Bisgaard & Smith, LLP; 7) Liebert, Cassidy Whitmore; and 8) Lozano

Smith. The reason for the requested increases is due to the higher than anticipated expenses related to discovery and preparation of the cases for trial. Also, the matters regarding the former Community Redevelopment Agency properties and the U.S. Department of Housing and Urban Development audit and litigation related to the American with Disabilities Act is ongoing. Attachment A provides a brief case description, case status and funding summary of each contract assignment in this request.

The proposed cumulative increase for the ten contracts is \$1,605,000. This amount will cover both incurred and projected costs through the end of FY 2015-16. Due to the increase in the contract limit for these contracts and the anticipated increase in expenses for other current contract assignments, additional funding will be required for the ACP Fund No. 46T in FY 2015-16. This Office will submit a request for additional ACP funding as part of the Second Financial Status Report (FSR).

Request to Amend Contracts to Extend the Term

The ten contracts requiring amendments to extend the contract terms are for the following eight law firms: 1) Atkinson, Andelson, Loya, Ruud & Romo; 2) Ferguson, Praet & Sherman; 3) Gutierrez, Preciado & House, LLP; 4) Haight, Brown & Bonesteel, LLP; 5) Klein Homig, LLP; 6) Liebert Cassidy Whitmore; 7) Meyers Nave; and 8) Richards Watson & Gerson. Attachment B provides a brief case description of the contract assignment.

Request to Reassign Cases

The two cases requiring reassignment are the Retiree Health Benefits legal consultation and Jack Fry v. City of Los Angeles, Case No. BS140201. Both cases were assigned to the Meyers Nave law firm, and Arthur Hartinger was the lead attorney who worked on both matters. Mr. Hartinger has recently joined the law firm Renne Sloan Holtzman Sakai, LLP, and reassigning the cases to this firm would go outside the pre-established ACP Panel.

The CAO has verified the reassignments with Meyers Nave, and the firm is amenable to the transfer. The CAO believes it is in the best interest to the City that both cases be reassigned on the basis that it would be more efficient and cost effective for continued representation by Mr. Hartinger. Mr. Hartinger was originally assigned the Retiree Health Benefits legal consultant matter on January 2011 and the Jack Fry v. City case on November 2012. By doing so, this action would entail entering into two legal service contracts with Renne Sloan for the initial funding of \$50,000 for the Retiree Health Benefits legal consultation and for the initial funding of \$50,000 for the Fry case. The contracts shall be identical in all respects, including the terms and conditions and the attorney billing rates, as currently in place with Meyers Nave. Renne Sloan would also be subject to the City's compliance policies and procedures, and the proposed contracts would be subject to review by the City Attorney's Office as to form.

The proposed contracts and contract amendments are in compliance with City Financial Policies and the CAO has complied with all applicable City procedures in awarding the contracts. The ACP Fund No. 46T was provided an adopted budget of \$4.125 million for FY 2015-16 for contract related expenditures.

RECOMMENDATIONS

That the Council, subject to the approval of the Mayor:

1. Authorize the City Administrative Officer to execute amendments and encumber funds totaling \$1,605,000 within the Attorney Conflicts Panel Fund No. 46T, Department 10, for the following Attorney Conflicts Panel law firms:
 - a. \$350,000 for Amendment No. 4 to Contract No. C-123123 for the law firm of Atkinson, Andelson, Loya, Ruud & Romo for the matter of Zna Houston, et al. v. City of Los Angeles, et al.
 - b. \$400,000 for Amendment No. 4 to Contract No. C-123298 for the law firm of Burke, Williams & Sorensen, LLP for the matter of Reggie D. Cole v. City of Los Angeles, et al.
 - c. \$60,000 for Amendment No. 6 to Contract No. C-119636 for the law firm of Haight, Brown & Bonesteel, LLP for the matter of Rukhsana Chaudhry v. City of Los Angeles, et al.
 - d. \$20,000 for Amendment No. 4 to Contract No. C-119492 for the law firm of Gutierrez, Preciado & House, LLP for the matter of Guillermo Alarcon v. City of Los Angeles, et al.
 - e. \$100,000 for Amendment No. 4 to Contract No. C-123671 for the law firm of Haight, Brown & Bonesteel, LLP for the matter of Michael Brown v. City of Los Angeles, et al.
 - f. \$150,000 for Amendment No. 3 to Contract No. C-122802 for the law firm of Klein Hornig, LLP for legal services and support relating to Housing and Urban Development (HUD) Section 504 and Americans with Disabilities Act (ADA) compliance and enforcement matters.
 - g. \$50,000 for Amendment No. 7 to Contract No. C-108921 for the law firm of Lewis, Brisbois, Bisgaard & Smith, LLP for the matter Harold Hall v. City of Los Angeles, et al.
 - h. \$200,000 for Amendment No. 4 to Contract No. C-123166 for the law firm of Liebert Cassidy Whitmore for the matter of Stephen Miller v. City of Los Angeles, et al.
 - i. \$75,000 for Amendment No. 2 to Contract No. C-125519 for the law firm of Lozano Smith for the matter of Kim Nguyen v. City of Los Angeles, et al.
 - j. \$200,000 for Amendment No. 3 to Contract No. C-123932 for the law firm of Lozano Smith for the matter of Loren Farell v. City of Los Angeles, et al.
2. Authorize the City Administrative Officer to execute amendments to amend the term of the

following contracts with the following Attorney Conflicts Panel law firms:

- a. Amend the term of Contract No. C-123123 (Zna Houston matter) with Atkinson, Andelson, Loya, Ruud & Romo to February 3, 2019.
 - b. Amend the term of Contract No. C-122009 (Rohayent Eriza matter) with Ferguson, Praet & Sherman to December 21, 2016.
 - c. Amend the term of Contract No. C-116291 (Rukhsana Chaudhry matter) with Ferguson, Praet & Sherman to June 27, 2016.
 - d. Amend the term of Contract No. C-119492 (Guillermo Alarcon matter) with Gutierrez, Preciado & House to August 11, 2018.
 - e. Amend the term of Contract No. C-119636 (Rukhsana Chaudhry matter) with Haight, Brown & Bonesteel, LLP to June 9, 2016.
 - f. Amend the term of Contract No. C-122802 (HUD and ADA matters) with Klein Hornig, LLP to December 14, 2018.
 - g. Amend the term of Contract No. C-123166 with Liebert Cassidy Whitmore (Stephen Miller matter) to January 14, 2019.
 - h. Amend the term of Contract No. C-118589 (Paul Blumberg matter) with Meyers Nave Riback Silver & Wilson to January 17, 2017.
 - i. Amend the term of Contract No. C-120550 (Retiree Health Benefits matter) with Meyers Nave Riback Silver & Wilson to May 29, 2016.
 - j. Amend the term of Contract No. C-121371 (Community Redevelopment Agency dissolution matter) with Richards Watson & Gershon to June 26, 2018.
3. Authorize the City Administrative Officer to reassign two case matters, Retiree Health Benefits legal consultation and Jack Fry v. City of Los Angeles, Case No. BS140201 to Renne Sloan Holtzman Sakai, LLP, and execute two legal services contracts commencing on a date to be determined, in the Retiree Health Benefits case matter in the amount of \$50,000, and in the Jack Fry case matter in the amount of \$50,000, with the funds to be encumbered within the Attorney Conflicts Panel Fund No. 46T, Department 10.
 4. Authorize the City Administrative Officer to prepare Controller instructions and to make any technical adjustments needed to implement the intent of the Mayor and Council action, and authorize the Controller to implement these instructions.

FISCAL IMPACT STATEMENT

The proposed contract amendments are in compliance with City Financial Policies. The recommendations in this report will not have an impact upon the General Fund.

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Attachments

**Office of the City Administrative Officer
Attorney Conflicts Panel (ACP) - Proposed Amendment Funding**

Attachment A

Law Firm	Case Name	Case No.	Case Type	Case Status & Purpose for Funding Request	Contract No.	Current Contract Amount	Proposed Amendment Amount	Revised Contract Total
Atkinson, Andelson, Loya, Ruud & Romo	Zna Houston, et al. v. City*, et al;	BC510949	Employment - Discrimination and Harassment	Additional funds for discovery, pre-trial motions and trial prep through trial in March 2016.	C-123123	\$ 500,000	\$ 350,000	\$ 850,000
Burke, Williams & Sorensen, LLP	Reggie D. Cole v. City*, et al.	CV11-03241	Police Litigation - Wrongful Incarceration	Additional funds for expert discovery, motions and trial prep; Status Conference set for January 26, 2016..	C-123298	\$ 600,000	\$ 400,000	\$ 1,000,000
Gutierrez, Preciado & House, LLP	Guillermo Alarcon v. City*, et al.	CV09-4120	Police Litigation - Wrongful Incarceration	Additional funds for discovery and motions	C-119492	\$ 100,000	\$ 20,000	\$ 120,000
Haight Brown & Bonesteel, LLP	Rukhsana Chaudhry v. City*, et al.	CV09-1592	Complex Police Litigation - Wrongful Death	Additional funds for pending invoices for case close-out.	C-119636	\$ 220,000	\$ 60,000	\$ 280,000
Haight Brown & Bonesteel, LLP	Michael Brown v. City*, et al.	BC510295/ CV13-06455	Tort Litigation - Civil Rights Discrimination	Additional funds for pending invoices for case close-out.	C-123671	\$ 190,000	\$ 100,000	\$ 290,000
Klein Hornig, LLP	Legal services and representation to the City relating to ADA non-compliance matters with HUD and CRA/LAI	N/A	CRA/LA - ADA Noncompliance	Additional funds for continued HUD and DOJ settlement negotiations.	C-122802	\$ 632,000	\$ 150,000	\$ 782,000
Lewis Brisbois Bisgaard & Smith, LLP	Harold Hall v. City*, et al.	CV05-1977	Police Litigation - Wrongful Incarceration	Additional funds for pending invoices for case close-out.	C-108921	\$ 218,100	\$ 50,000	\$ 268,100
Liebert Cassidy Whitmore	Stephen Miller v. City*, et al.	CV13-05148	Employment - Discrimination and Harassment	Additional funds for summary judgment motions and potential appeal of motions	C-123166	\$ 700,000	\$ 200,000	\$ 900,000
Lozano Smith	Kim Nguyen v. City*	BC513892	Complex Police Tort Litigation - Personal Injury	Additional funds for discovery, motions and up through trial in January 2016	C-125519	\$ 100,000	\$ 75,000	\$ 175,000
Lozano Smith	Loren Farrell, et al. v. City*	BC491484	Police Employment - Retaliation	Additional funds for pending invoices for case close-out.	C-123932	\$ 325,000	\$ 200,000	\$ 525,000
Total							\$ 1,605,000	

*City represents the City of Los Angeles

Office of the City Administrative Officer

Attachment B

Attorney Conflicts Panel (ACP) - Proposed Amendment for Extension of Contract Term

Law Firm	Case Name	Case No.	Case Type	Case Status	Contract No.	Contract Expiration Date	Revised Contract Term
Atkinson, Andelson, Loya, Ruud & Romo	Zna Houston, et al. v. City, et al;	BC510949	Employment - Discrimination and Harassment	Discovery, pre-trial motions and trial prep through trial in March 2016.	C-123123	2/3/2016	2/3/2019
Ferguson, Prael & Sherman	Rohayent Eriza v. City, et al.	BC453870	Complex Police Litigation - Officer Involved Shooting	Case close-out	C-122009	12/21/2015	12/21/2016
Ferguson, Prael & Sherman	Rukhsana Chaudhry v. City, et al.	CV09-1592	Complex Police Litigation - Wrongful Death	Case close-out	C-116291	6/27/2015	6/27/2016
Gutierrez, Preciado & House, LLP	Guillermo Alarcon v. City, et al.	CV09-4120	Police Litigation - Wrongful Incarceration	Case was on hold while criminal matter was pending; continued discovery and motions.	C-119492	8/11/2015	8/11/2018
Haight Brown & Bonesteel, LLP	Rukhsana Chaudhry v. City, et al.	CV09-1592	Complex Police Litigation - Wrongful Death	Case close-out	C-119636	6/9/2014	6/9/2016
Klein Hornig, LLP	Legal services and representation to the City relating to ADA non-compliance matters with HUD and CRA/LA	N/A	CRA/LA - ADA Noncompliance	Continued HUD and DOJ settlement negotiations.	C-122802	12/14/2015	12/14/2018
Liebert Cassidy Whitmore	Stephen Miller v. City, et al.	CV13-05148	Employment - Discrimination and harassment	Plaintiff has filed appeal	C-123166	1/14/2016	1/14/2019
Meyers Nave Riback Silver & Wilson	Paul Blumberg v. City, et al.	CV10-5072	Police Litigation - Wrongful Incarceration	Case is on appeal	C-118589	1/5/2014	1/17/2017
Meyers Nave Riback Silver & Wilson	Legal consultation relating to Retiree Health Benefits	N/A	Employment	Case close-out	C-120550	5/19/2014	5/19/2016
Richards Watson & Gershon	Community Redevelopment Agency dissolution matter	N/A	Complex Business Litigation	Continued CRA/LA matters	C-121371	6/26/2015	6/26/2018