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# CITY OF POMONA COUNCIL REPORT

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December 17, 2018

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Linda Matthews, Human Resources/Risk Management Director

Subject: **Modify Special Legal Counsel Panel by Adding the Law Office of Robert Gokoo at a Rate of \$200 per Hour and Increase the Rate of Lagerlof, Senecal, Gosnevy & Kruse LLP to \$450 per Hour**

## OVERVIEW

**Recommendations** - That the City Council:

- 1) Approve the proposed modification to the Special Legal Counsel Panel (Attachment 1) for use in selecting outside counsel to represent the City in certain types of litigation matters and specialized areas of law which includes the addition of the Law Office of Robert Gokoo.
- 2) Approve an hourly rate increase for the law firm of Lagerlof, Senecal, Gosney & Kruse LLP from \$400 to \$450 per hour.

**Fiscal Impact-** There is no fiscal impact associated with the recommended action. Legal bills for liability litigation and workers' compensation cases are paid through budget appropriations from the Self-Insurance Fund under Risk Management. The various departments that require outside counsel on legal matters pay for their respective legal services from funds appropriated in the budget.

### **Prior City Council Action**

- Nov. 21, 2005 - Approved Legal Referral Policy
- Sept. 22, 2006 - Approved outside counsel panel pursuant to the Legal Referral Policy
- Nov. 20, 2006 - Approved addition of Davis & Assoc. to the outside counsel panel
- Nov. 10, 2007 - Approved addition of the following law firms to the outside legal panel – Bryne & Nixon; Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg; Lightfood, Vandavelde, Sadowskt, Rouchley, Rutherford & Levine; Connor, Fletcher, & Williams; Jackson, DeMarco, Tidus & Peckenpaugh; Fullbright & Jawarski and Resolution Law Group
- Nov. 17, 2008 - Approved the addition of Lister, Martin & Thompson and also, Dorey & Horelly to the outside counsel panel

- Feb. 27, 2012 - Approved rate increase for Liebert Cassidy Whitmore (LCW) and Dapeer Rosenblit Litvak (DRL)
- July 21, 2014 - Approved addition of Lagerlof, Senecal, Gosney & Krust, LLP to the outside counsel panel and approved rate increases for McCune & Harber and LCW
- July 18, 2016 Approved revised listed removing certain firms no longer used and adding Pillsbury Winthrop Shaw Pittman LLP and Atkinson, Andelson, Loya, Rudd & Roma. Approved a rate increase for Liebert Cassidy Whitmore.
- March 5, 2018 Approved the revised attorney panel adding the law firms of Jones and Mayer; Cooksey, Toolen, Gage, Duffy & Woog; Colantuono, Highsmith & Whatley; Stradling, Yocca, Carlson & Ruth and the Law Office of Linda L. Daube. Additionally, approved rate increase for McCune & Harber.
- May 21, 2018 Approved the addition of Lozano Smith to the Special Legal Counsel Panel.

## **EXECUTIVE SUMMARY**

The Special Legal Counsel Panel is comprised of attorneys and/or law firms that have been selected for placement on the panel based on the attorney's or law firm's background and qualifications in a specialty area of law, such as police liability, dangerous condition of public property, environmental challenges, water rights, eminent domain, etc. The proposed update to the Special Legal Counsel Panel (the Panel) includes the immediate addition of the Law Office of Robert Gokoo, which specializes in premises liability litigation, at a rate of \$200 per hour; as well as, an increase in the hourly rates charged by Lagerlof, Senecal, Gosney & Kruse, LLP from \$400 to \$450 effective January 1, 2019.

## **DISCUSSION**

Pomona City Charter Section 703 provides that "...[t]he City Attorney shall serve as the chief legal advisor to the Council, the City Manager, and all City departments and appointed bodies, and shall have the authority to represent the City in all civil and criminal matters..." In addition, Section 2-977(e)(3) exempts specialized legal services as recommended by the city attorney relating to current or probable litigation from the formal bidding process for procuring such legal services.

On November 21, 2005, the City Council approved the Legal Counsel Referral Policy, which sets forth a procedure for utilizing outside counsel when expertise in specialized areas of law is required. The initial Panel approved by the City Council was comprised of special counsel currently retained and firms that submitted proposals to be included on the panel. The Panel has been updated and approved by the Council as necessary since the first panel was approved in 2006.

## Special Legal Counsel Panel Modifications

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The Panel (Attachment 1) proposed for Council approval includes all special counsel currently utilized by the City and the firms' hourly rates. The changes to the list have been shown in bold and underlined. The first change includes adding the Law Office of Robert Gokoo for premises liability and dangerous condition of public property litigation matters. The second change is increasing the hourly rates charged by the law office of Lagerlof, Senecal, Gosney & Kruse, LLP. The proposed new hourly rate for Thomas Bunn, the principle assigned attorney, will increase from \$400 to \$450 per hour effective January 1, 2019 which represents a \$50 per hour increase over the previous rate. This firm provides specialized legal expertise in the complicated field of water resources and has not increased its rates to the City since 2014.

Attachment 1 – Special Legal Counsel Panel as of December 17, 2018 with proposed rates.