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Staff Report for a Legal Services Agreement with Bertrand, Fox, and Elliot for Legal Representation Associated with General Liability Claims and Claims Litigation

SUMMARY AND RECOMMENDATIONS

Staff requests that the City Council consider and approve a Legal Services Agreement with Bertrand, Fox, and Elliot to provide legal representation services associated with general liability claims and claims litigation for the City from July 1, 2014 through June 30, 2016.

BACKGROUND

The City of San Leandro originally entered into a Legal Services Agreement with Bertrand, Fox, and Elliot on June 25, 2013, to provide contract legal representation services to the City for the *Mengel et al. v. City of San Leandro* litigation. The original agreement was for a not to exceed amount of \$49,999.00.

Analysis

The City contracted with the law firm of Bertrand, Fox, and Elliot for their proven success rate experience in defending agencies with public safety civil rights litigation. The *Mengel and Woody* litigation budget for defense costs was originally estimated to be less than \$50,000.00, and the actual defense costs totaled \$42,000.

Since the successful outcome of the *Mengel and Woody* litigation, City staff has requested, with the City Attorney’s approval, the use of Bertrand, Fox, and Elliot legal services for a variety of risk management issues and claims. Therefore, staff requests approval of a new legal services agreement with Bertrand, Fox, and Elliot to be more generic in nature to utilize the firm’s legal

expertise on as needed bases when approved by the City Attorney. The proposed new legal services agreement is for a total amount not to exceed \$100,000.

Fiscal Impacts

For 2014-15, the Self-Insurance Fund General Liability division legal fees adjusted budget is \$336,000. Staff will transfer \$50,000.00 from Settlements and Judgments to Legal Services to support the increased costs.

ATTACHMENTS

Attachment to Staff Report

- Current Legal Services Agreement

Attachment to Resolution

- New Legal Services Agreement for general liability claims and claims litigation

PREPARED BY: David Baum, Director of Finance, Finance Department