

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

June 25, 2024

FROM

**VICTOR TORDESILLAS, Deputy Executive Officer, Department of Risk Management
TOM BUNTON, County Counsel**

SUBJECT

Contracts for Legal Defense of Workers' Compensation Claims

RECOMMENDATION(S)

Approve contracts with the following workers' compensation attorney firms at the established hourly rates, with an aggregate not-to-exceed amount of \$18,000,000, for the provision of legal defense services to the County's self-insurance workers' compensation program for the period of July 1, 2024 through June 30, 2029 (Four votes required):

1. Black and Rose, LLP (**Agreement No. 24-600**)
2. Bradford & Barthel, LLP (**Agreement No. 24-601**)
3. Bredfeldt Odukoya & Han, LLP (**Agreement No. 24-602**)
4. Defense Advocacy Law Firm (**Agreement No. 24-603**)
5. Goldman, Magdalin & Straatsma, LLP (**Agreement No. 24-604**)
6. Hanna, Brophy, MacLean, McAleer & Jensen, LLP (**Agreement No. 24-605**)
7. Laughlin, Falbo, Levy & Moresi, LLP (**Agreement No. 24-606**)
8. Matian Law Group, Inc. (**Agreement No. 24-607**)
9. Michael Sullivan & Associates, LLP (**Agreement No. 24-608**)
10. Morgan & Leahy, LLP (**Agreement No. 24-609**)
11. Parker & Irwin, APC (**Agreement No. 24-610**)
12. The Wheatly Firm (**Agreement No. 24-611**)
13. Tobin Lucks, LLP (**Agreement No. 24-612**)

(Presenter: Victor Tordesillas, Deputy Executive Officer, 387-8621)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The estimated combined five-year cost for these contracts is \$18,000,000. These services will be paid on a fee-for-service basis in accordance with the following contracted hourly rates:

Legal Defense Service	Hourly Rate
Partners and Senior Associates	\$215
Hearing Representatives	\$140
Paralegals and Law Clerks	\$140

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The annual cost for these services is estimated to be approximately \$3,600,000 and will be paid from the Department of Risk Management (Risk Management) Workers' Compensation (4082) and JPA Workers' Compensation (4104) insurance funds. These costs are recovered through Board-approved rates, charged to departments and Board-Governed Special Districts based on actual payroll. The estimated annual cost will be included in Risk Management's 2024-25 budget.

BACKGROUND INFORMATION

Risk Management has managed the County's self-insured workers' compensation program since 1972. During that time, Risk Management has contracted with outside law firms to provide legal defense of workers' compensation claims for the County, its Board Governed Special Districts, and County Service Areas. Currently, three full-time Deputy County Counsel are assigned to manage workers' compensation claims in-house. However, due to a large number of cases, claims must also be assigned to outside specialized workers' compensation defense firms based on the expertise of the firm and on a rotational basis, which are under contract with Risk Management. These legal firms manage continuing, companion or reopened older cases, as well as new cases and any other claims where a conflict would exist if they were assigned to County Counsel.

PROCUREMENT

On January 31, 2024, request for proposal (RFP) No. RMG124-RMADM-5244 for Workers' Compensation Legal Defense Attorney Services was released and posted to the County's Electronic Procurement Network (ePro). A total of 13 law firms submitted proposals.

Staff from County Counsel and Risk Management evaluated the proposals based on compliance with the RFP requirements, experience, and expertise in defending public entities. The evaluation committee recommends contracts with all 13 law firms. No appeals were received.

The recommended contracts will allow Risk Management to maintain some of the existing firms who are currently providing legal services to Risk Management and provide the County with an opportunity to utilize new firms in this field. Contracts shall be effective from July 1, 2024 through June 30, 2029, with either party able to terminate with 30 days' written notice. The Purchasing Department supports this competitive procurement based on the RFP above. Pursuant to Government Code section 25203, which mandates a two-third vote of all Board members to employ counsel to assist counties in legal matters, four votes are required to approve these contracts.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Laura Feingold, Chief Assistant County Counsel, 387-5449) on May 29, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on May 30, 2024, County Administrative Office (Diane Rundles, Assistant Executive Officer, 387-5575) on May 31, 2024; Finance (Ivan Ramirez, Administrative Analyst, 387-4020) on May 31, 2024; County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on June 7, 2024 .

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 25, 2024



cc: Risk Management - Tordesillas w/ agrees
Contractor c/o Risk Management w/ agree
File w/ agree
JLL 07/11/2024