

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

March 10, 2026

FROM

LAURA FEINGOLD, County Counsel

SUBJECT

Agreement with Miller Barondess, LLP for Specialized Legal Services

RECOMMENDATION(S)

1. Approve **Agreement No. 26-151** with Miller Barondess, LLP for specialized legal services to continue legal representation of the County defending litigation in federal court titled *Gary G., et. al. v. Gavin Newsom, et al.*, in an estimated amount of \$1,450,000, for the period of March 10, 2026 until terminated by either party, but no later than March 10, 2031 (Four votes required).
2. Authorize the County Counsel or Chief Assistant County Counsel to amend Exhibit A to the agreement referenced in Recommendation No. 1, to change or add attorneys, paralegals, or other staff as needed, and to adjust hourly rates no more than 2% per fiscal year, up to a total of 10% for the duration of the agreement.
3. Direct County Counsel to transmit all subsequent amendments to Exhibit A to the Clerk of the Board of Supervisors within 30 days of execution.
(Presenter: Laura Feingold, County Counsel, 387-5449)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

Legal services for this Agreement will be paid at hourly rates of \$625 for attorneys and \$225 for paralegals. Expenses will be paid at actual cost as provided. Total cost of this Agreement is not anticipated to exceed \$700,000 for the remainder of 2025-26 and \$750,000 for 2026-27. Although litigation is by its nature uncertain, it is anticipated that this case will resolve within 2027-28. The Agreement will end no later than March 10, 2031.

Approval of this item will not result in the use of additional Discretionary General Fund (Net County Cost). Sufficient appropriation has been included in the 2025-26 HS Administrative Claim Budget (5011001000) and will be included in future recommended budgets.

BACKGROUND INFORMATION

On May 30, 2023, the County was served with the lawsuit titled *Gary G., et al v. Gavin Newsom, et al* (*Gary G.* lawsuit). The *Gary G.* lawsuit is a proposed class action lawsuit challenging certain California and San Bernardino County policies and procedures controlling the care of foster children.

After soliciting informal proposals from several firms, the Office of County Counsel selected the firm of Miller Barondess, LLP as the most qualified to defend the County and its employees in

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the Gary G. lawsuit based on the experience of key personnel and amount of time in practice in this specific area of law. Miller Barondess, LLP has expertise in similar cases and has provided a discounted public agency rate for experienced practitioners in this area of the law. The Gary G. lawsuit is a unique and complex litigation matter that requires defense of significant technical policies and procedures used to provide foster care services throughout the County.

On June 9, 2023, the Purchasing Department approved Purchase Order No. (PO) 4100304179 in the amount of \$120,000 to retain Miller Barondess, LLP to provide specialized legal services. Purchase Order No. 4100304179 was fully expended as of September 26, 2023.

On August 22, 2023, the Purchasing Department approved PO 4100313693 in the amount of \$200,000. On December 5, 2023, (Item No. 30) the Board approved an increase to PO 4100313693 by \$750,000, from \$200,000 to \$950,000. PO 4100313693 was fully expended as of December 18, 2025.

On November 7, 2025, the Purchasing Department approved PO 4100442554 in the amount of \$200,000. There is approximately \$49,000 remaining on PO 4100442554, which will be exhausted following approval of this Agreement to ensure that the engagement continues. An Agreement is necessary now because the amount requested to continue the engagement exceeds delegated authority.

Additional delegated authority is requested for two purposes: (1) Private law firms often change assigned attorneys, paralegals, and other staff due to attrition, workload demands, and other factors; delegated authority to revise the Agreement allows County Counsel to make administrative changes; and (2) because of the expected longer duration of this engagement, standard industry practice for private law firms is to discuss rate adjustments to address inflation and other cost centers at a regular interval; the included delegation caps upward adjustment at 2% per year (the target inflation rate) and not more than 10% total over the life of the contract.

Approval of the item will allow the County to continue using Miller Barondess, LLP for these specialized legal services in this ongoing case for its anticipated duration.

PROCUREMENT

Pursuant to Title 1, Division 2, Chapter 19, section 12.1908 of the County Code and County Policy 11-04, County Counsel is authorized to select and retain, through a purchase order, specialized legal counsel for a particular matter not-to-exceed \$200,000 per fiscal year.

Contracts for specialized legal services in excess of \$200,000 per fiscal year require Board of Supervisors (Board) approval.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Ross Trindle, Chief Assistant County Counsel, 387-5451) on February 6, 2026; Children and Family Services (Douglas Caballero, Staff Analyst) on February 11, 2026; Risk Management (Stephanie Pacheco, Staff Analyst, 386-9039) on February 13, 2026; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on February 13, 2026; Human Services Administration (John Hallen, Principal Administrative Analyst, 388-0208) on March 2, 2026; and County Finance and Administration (Penelope Chang, Principal Administrative Analyst, 387-4886) on March 2, 2026.

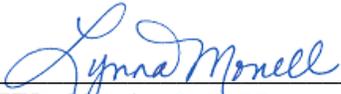
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: March 10, 2026



cc: Counsel - Magana w/agree
Contractor - c/o Counsel w/agree
File - w/agree
CCM 03/16/2026