

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

December 19, 2023

**FROM**

**VICTOR TORDESILLAS, Director, Department of Risk Management  
TOM BUNTON, County Counsel**

**SUBJECT**

Contract for Public Liability Attorney Services with Fujii Law Group LLP

**RECOMMENDATION(S)**

Approve the **Contract No. 23-1386** with Fujii Law Group LLP to provide Public Liability Attorney Services, in accordance with the fee schedule, for the contract period of January 1, 2024, through April 14, 2026.

(Presenter: Victor Tordesillas, Director, 386-8623)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

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

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost) as sufficient appropriation related to the existing services contract for Public Liability Attorney Services has been included in the San Bernardino County Department of Risk Management (DRM) 2023-24 budget and will be included in future recommended budgets.

**BACKGROUND INFORMATION**

Pursuant to Section 12.3402 of the County Code, DRM protects the County's assets by managing the County self-insurance program and obtaining insurance on those risks that are too great to assume. While County Counsel defends the County in the majority of lawsuits filed against the County, DRM maintains contracts with law firms to provide supplemental services as needed. These contracts allow the County to control expenses with a fixed rate schedule, lowering defense costs and ensuring representation by attorneys with expertise in the relevant areas of law when needed.

On January 5, 2021 (Item No. 39), the Board of Supervisors (Board) approved contracts with 33 law firms to defend lawsuits handled through DRM. The law firms were selected through a competitive bidding process. The contracts do not require cases be assigned to any law firm. All assignments are made by DRM and/or County Counsel. The term for these contracts ends on April 14, 2026.

Silver & Wright, LLP (S&W) was one of the law firms that received a contract. John Fujii (Mr. Fujii) is an attorney at S&W and specializes in dangerous conditions and civil rights litigation. He is currently defending the County in 19 lawsuits. Mr. Fujii is separating from S&W anticipated to

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be effective January 1, 2024, and establishing his own law firm, Fujii Law Group LLP (Fujii Law Group).

Approval of the contract will allow the County to assign new and existing cases to Fujii Law Group, as needed, and maintain continuous services for cases currently managed by Mr. Fujii. DRM recommends approval of this Contract to ensure the uninterrupted progress of litigation for cases currently under Mr. Fujii's management. Retaining John Fujii through Fujii Law Group is also the most cost-effective option as the reassignment of his existing caseload would incur additional costs to familiarize the newly assigned attorney with the current status and development of existing litigation and potentially disrupt County operations.

Fujii Law Group has agreed to continue providing services to the County on the same terms as the existing contract with S&W. These terms mandate the law firm charge \$265 per hour for work done by partners, \$245 per hour for associate attorney work, and \$115 per hour for work done by law clerks or paralegals.

**PROCUREMENT**

County Purchasing supports the non-competitive justification for this contract based on Mr. Fujii's specialized knowledge, the existing services he is providing, and the need to maintain continuity during litigation.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Laura Feingold, Principal Assistant County Counsel, 387-5455) on November 20, 2023; Purchasing (Leo Gomez, Purchasing Manager, 387-2063) on November 21, 2023; Human Resources (Diane Rundles, Assistant Executive Officer, 387-5572) on November 27, 2023; Finance (Ivan Ramirez, Administrative Analyst, 387-4020) on December 4, 2023; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on December 4, 2023.

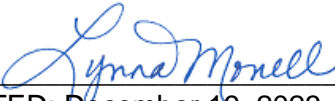
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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: December 19, 2023



cc: Risk - Tordesillas w/agree  
Contractor - c/o Risk w/agree  
File - w/agree  
CCM 01/8/2024