

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

September 10, 2024

FROM

JASON ANDERSON, District Attorney

SUBJECT

Agreement with LexisNexis for CaseMap Cloud Services

RECOMMENDATION(S)

1. Approve CaseMap Sanction **Agreement No. 24-815** and CaseMap Cloud and Sanction Terms and Conditions with LexisNexis, including non-standard terms, for the terms and conditions of the purchase of 15 license subscriptions to CaseMap Cloud Services in an amount not to exceed \$20,000.
2. Authorize the Purchasing Agent to issue a purchase order to LexisNexis, in the amount not to exceed \$20,000, for subscriptions to CaseMap Cloud Services for software used to organize and analyze case information to prepare for prosecution, for a term of September 11, 2024, through September 10, 2026.

(Presenter: Michael Fermin, Chief Assistant District Attorney, 382-3662)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Provide for the Safety, Health, and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The cost of the purchase order will not exceed \$10,000 annually. Sufficient appropriation is available in the District Attorney's (Department) existing 2024-25 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

The Department is the public prosecutor and has the mandated responsibility to prosecute crimes committed within the county, pursuant to Government Code Section 26500. The Department receives over 50,000 cases annually for review, which include misdemeanors, felonies, and juvenile cases.

With the exponential increase in volume and complexity of cases assigned to each Deputy District Attorney, the Department seeks to utilize tools like LexisNexis CaseMap Cloud Services (CaseMap) to help lawyers become more efficient and detailed in their case preparation process. The CaseMap suite of products, developed by CaseSoft, helps lawyers and their teams organize and analyze case facts, issues, and evidence more efficiently. The software became popular in the legal industry for its ability to manage complex litigation cases. The following tools within the suite are helpful for trial preparation:

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1. CaseMap – The namesake application for organizing and analyzing case facts, issues, and legal research. Users can link facts, documents, and witnesses to create a comprehensive case overview.
2. TimeMap – A timeline tool for creating visual timelines of case events. It helps legal teams and juries understand the sequence of events in a case by providing a clear, graphical representation of key dates and events.
3. TextMap – A transcript management tool that allows users to manage and analyze deposition transcripts. It provides features for searching, annotating, and linking transcript excerpts to relevant case facts in CaseMap.

LexisNexis CaseMap's Sanction Agreement (Agreement) and CaseMap Cloud and Sanction Terms and Conditions (Terms and Conditions) consist of terms and conditions that are not standard to County contracts and omits certain County standard contract terms, which require approval from the Board of Supervisors (Board). While the parties negotiated certain contract terms to County standards, LexisNexis would not agree to all County standard terms. The non-standard terms include the following:

1. The County will pay late charges to the maximum legal rate under the applicable State Prompt Act. Interest on any past-due, unpaid balance(s) will begin to be invoiced by LexisNexis to the County within 90 days of an invoice being past-due.
 - County standard payment terms include no interest or late payment penalties.
 - Potential Impact: Failing to pay charges may result in a late payment charge to the County, which could exceed the Agreement amount.
2. LexisNexis' maximum liability to the County is limited to the aggregate fees the County has paid under the Agreement during the twelve-month period immediately preceding the date on which the claim arose.
 - The County standard contract does not include a limitation of liability.
 - Potential Impact: Claims could exceed the liability cap and the Agreement amount leaving the County financially liable for the excess.

Approval of the Recommendations will allow the Department to obtain up to 15 licenses for CaseMap, and to test and evaluate whether the tool can be helpful for certain types of cases. The Department recommends approval of the Agreement and Terms and Conditions with LexisNexis, including non-standard terms.

PROCUREMENT

County Policy 11-05 requires departments to obtain approval from the Board for agreements with non-standard terms and conditions. The Department would like to procure up to 15 licenses to use CaseMap for a two-year period to evaluate how well it organizes case details and maps prosecution strategies. Some complex cases can take a significant amount of time to prosecute, and a two-year evaluation period should be sufficient to assess the utility of the CaseMap tools.

If the Department determines that CaseMap provides efficient and helpful tools, the Department will request for the Purchasing Department's (Purchasing) approval to procure additional licenses for Department-wide use, and a longer-term agreement with LexisNexis, up to the term allowed by County policy. Purchasing concurs with the request for a non-competitive purchase order to be issued to LexisNexis.

REVIEW BY OTHERS

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This item has been reviewed by County Counsel (Daniella Hernandez, Deputy County Counsel, 387-5455) on August 19, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst, 386-9008) on August 22, 2024; Purchasing (Jessica Barajas, Supervising Buyer, 387-2065) on August 20, 2024; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on August 23, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on August 23, 2024.

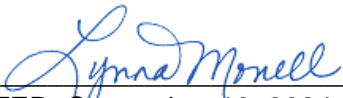
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Record of Action of the Board of Supervisors
San Bernardino County

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: September 10, 2024



cc: DA - Walker w/agree
 Contractor c/o DA w/agree
 File – w/agree
MBA 09/11/2024