

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

January 5, 2021

FROM

**LEANNA WILLIAMS, Director, Department of Risk Management
MICHELLE D. BLAKEMORE, County Counsel**

SUBJECT

Contracts for Public Liability Attorney Services

RECOMMENDATION(S)

Approve contracts with the following public liability attorney firms in the aggregate estimated cost of \$61,200,000, at the established hourly rates, for the provision of legal defense services to the County's self-insured Public Liability Program for the period of April 15, 2021 to April 14, 2026. (Four votes required).

1. Alvarez-Glasman & Colvin, **Contract No. 21-13.**
2. Arias & Lockwood, APLC, **Contract No. 21-14**
3. Bergman, Dacey, Goldsmith, PLC, **Contract No. 21-15.**
4. Berman, Berman, Berman, Schneider & Lowary, LLP, **Contract No. 21-16.**
5. Burke, Williams & Sorensen, LLP, **Contract No. 21-17.**
6. Cole Huber, LLP, **Contract No. 21-18.**
7. Collins, Collins, Muir & Stewart, LLP, **Contract No. 21-19.**
8. Cummings, McClorey, Davis, & Acho, PLC, **Contract No. 21-20.**
9. Jeffery W. Grass, PC dba Davis, Grass, Goldenstein & Finlay, **Contract No. 21-21**
10. Dolen, Tucker, Tierney & Abraham, PLC, **Contract No. 21-22.**
11. Dummit, Buchholz & Trapp, **Contract No. 21-23.**
12. Elizabeth M. Kessel, Inc. dba Kessel & Megrabyan, **Contract No. 21-24.**
13. Fagen, Friedman & Fulfroost, LLP, **Contract No. 21-25.**
14. Graves & King, LLP, **Contract No. 21-26.**
15. Gutierrez, Preciado & House, LLP, **Contract No. 21-27.**
16. LaFollette Johnson De Hass Fesler & Ames, APC, **Contract No. 21-28.**
17. Law Office of Pelayes & Yu, APC, **Contract No. 21-29.**
18. Lawrence Beach, Allen & Choi, PC, **Contract No. 21-30.**
19. Lewis, Brisbois, Bisgaard & Smith, LLP, **Contract No. 21-31.**
20. Lynberg, Watkins, PC, **Contract No. 21-32.**
21. Manning & Kass, Ellrod, Ramirez, Trester, LLP, **Contract No. 21-33.**
22. Premier Law PC, **Contract No. 21-34.**
23. Richard D. Jones, PLC DBA Jones & Mayer Attorneys at Law, **Contract No. 21-35.**
24. Rinos & Martin, LLP, **Contract No. 21-36.**
25. Silver & Wright, LLP, **Contract No. 21-37.**
26. Skane Wilcox, LLP, **Contract No. 21-38.**
27. Sloan, Sakai, Yeung & Wong, LLP, **Contract No. 21-39.**
28. Slovak, Baron, Empey, Murphy & Pinkney, LLP, **Contract No. 21-40.**
29. Smith Law Offices, LLP, **Contract No. 21-41.**

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- 30. Thompson and Colegate, LLP, **Contract No. 21-42.**
- 31. Wagner, Zemming, Christensen, LLP, **Contract No. 21-43.**
- 32. Walker & Mann, LLP, **Contract No. 21-44.**
- 33. Wesierski & Zurek, LLP, **Contract No. 21-45**
(Presenter: LeAnna Williams, Director, 386-8621)

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). The estimated combined five-year cost for these contracts is \$61,200,000. These services will be paid on a fee for service basis in accordance with the following contracted hourly rates:

All cases	Hourly rate
Partners	\$ 265
Associates	\$ 245
Law Clerks / Paralegals	\$ 115

The cost for the remainder of 2020-21 is estimated at \$2.55 million, and will be paid from various Risk Management funds; sufficient appropriation has been included in Risk Management's 2020-21 budget. Beginning in 2021-22, annual ongoing public liability attorney costs are anticipated to be approximately \$12.24 million and will be included in Risk Management's future recommended budgets. Costs are charged back to County departments via premiums billed through the annual budget process

BACKGROUND INFORMATION

The Department of Risk Management (DRM) self-administers the County's Public Liability insurance program. Legal defense for insured claims is provided primarily by the Office of County Counsel, with supplemental services provided by outside attorney firms with specialized knowledge. In today's litigious climate against public agencies, recent legislative changes, and high-dollar jury verdicts, it is critical that experienced law firms be available to the County when additional services are needed. Contracting with attorney firms allows the County to control expenses with a fixed rate schedule, thereby lowering defense expenses while ensuring representation with legal expertise. The recommended action will establish a list of 33 Public Liability Attorney Firms that have specialized public entity experience and have agreed to specific terms that ensure optimal service to the County.

PROCUREMENT

On July 24, 2020, request for proposal (RFP) No. RMG120-RMADM-3863 for Public Liability Attorney Services was released and posted to the County's Electronic Procurement Network (ePro). Thirty-four law firms submitted proposals: one proposal from Stanzler Law Group was incomplete and was rejected, the other 33 proposals are listed in the recommendation.

Staff from the DRM, County Counsel, Children and Family Services, Public Works, Sheriff/Coroner/Public Administrator, and Arrowhead Regional Medical Center (the evaluation committee) evaluated the proposals based upon compliance with RFP requirements, experience, expertise in defending public entities, and strength in specialties needed to serve the County. The evaluation committee recommends contracts with all 33 law firms. No appeals were received.

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The recommended contracts will allow the County to create a list of well-qualified and diverse firms and provide the County with the opportunity to utilize new promising firms. Contracts shall be effective from April 15, 2021 through April 14, 2025, with either party able to terminate with 30 days written notice.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Cynthia O'Neill, Principal Assistant County Counsel, 387-5397) on December 3, 2020; Purchasing Department (Bruce Cole, Supervising Buyer, 387-2148) on November 23, 2020; Finance (Monique Amis, Administrative Analyst, 387-4883) on December 9, 2020; County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-4376) on December 9, 2020; and Human Resources Department (Diane Rundles, Director, 387-5570) on December 23, 2020.

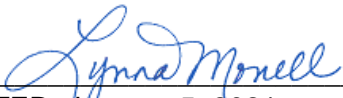
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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: January 5, 2021



cc: Risk - Williams w/agrees
Contractor - C/O Risk w/agree
File - w/agree

CCM 01/11/2021