



San Bernardino County

Legislation Text

File #: 3443, Agenda Item #: 39

**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
2. Arias & Lockwood, APLC
3. Bergman, Dacey, Goldsmith, PLC
4. Berman, Berman, Berman, Schneider & Lowary, LLP
5. Burke, Williams & Sorensen, LLP
6. Cole Huber, LLP
7. Collins, Collins, Muir & Stewart, LLP
8. Cummings, McClorey, Davis, & Acho, PLC
9. Jeffery W. Grass, PC dba Davis, Grass, Goldenstein & Finlay
10. Dolen, Tucker, Tierney & Abraham, PLC
11. Dummit, Buchholz & Trapp
12. Elizabeth M. Kessel, Inc. dba Kessel & Megrabyan
13. Fagen, Friedman & Fulfroost, LLP
14. Graves & King, LLP
15. Gutierrez, Preciado & House, LLP
16. LaFollette Johnson De Hass Fesler & Ames, APC
17. Law Office of Pelayes & Yu, APC
18. Lawrence Beach, Allen & Choi, PC
19. Lewis, Brisbois, Bisgaard & Smith, LLP
20. Lynberg, Watkins, PC
21. Manning & Kass, Ellrod, Ramirez, Trester, LLP
22. Premier Law PC
23. Richard D. Jones, PLC DBA Jones & Mayer Attorneys at Law
24. Rinos & Martin, LLP
25. Silver & Wright, LLP
26. Skane Wilcox, LLP

- 27. Sloan, Sakai, Yeung & Wong, LLP
 - 28. Slovak, Baron, Empey, Murphy & Pinkney, LLP
 - 29. Smith Law Offices, LLP
 - 30. Thompson and Colegate, LLP
 - 31. Wagner, Zemming, Christensen, LLP
 - 32. Walker & Mann, LLP
 - 33. Wesierski & Zurek, LLP
- (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.

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.