



**Request for City Council Committee Action
From the City Attorney's Office**

Date: November 21, 2006
To: Ways & Means/Budget Committee
Referral to:

Subject: Establishment of Legal Services Panels

Recommendation: That the City Council adopt the City Attorney's recommendation for placing attorneys and law firms on the City's Legal Services Panel; that the City Attorney be authorized to negotiate and enter into "Master Agreements" for the period January 1, 2007, through December 31, 2009, with the cost for each agreement not to exceed \$300,000 for the three-year period; and that the City Council waive the request for proposals process for conflicts covered by the collective bargaining agreement with the Minneapolis Police Officers Federation.

Prepared by: Jay Heffern Phone: (612) 673-3272

Approved by: _____
Jay M. Heffern
City Attorney

Presenter in Committee: Peter W. Ginder, Deputy City Attorney

Financial Impact (Check those that apply)

No financial impact (If checked, go directly to Background/Supporting Information).

Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.

Action provides increased revenue for appropriation increase.

Action requires use of contingency or reserves.

Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.

X Other financial impact (Explain): Appropriations to be included in 2007 adopted budget.

Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

City Goal(s): Build community.

Background/Supporting Information

In 1998, the City instituted a process for the City Attorney's Office to retain outside counsel. The need for outside counsel usually arises when there is a conflict of interest, the office lacks specialized expertise, or the office is involved in very complex litigation. The process includes development of a Request for Proposals (RFP), approval of the RFP by the City's Procurement Review Committee (PRC), and review and approval of the RFP by the Ways & Means/Budget Committee and the City Council. This process was repeated in 2000 and 2003 and for each period, new legal services panels were created for the respective three-year period. The current "Master Legal Services Agreements" expire on December 31, 2006. Therefore, a new RFP was prepared, approved by the PRC and the City Council, and published.

In response to the RFP, seventeen individual attorneys and firms submitted proposals. An in-house review committee, consisting of Peter W. Ginder and Gary Winter, evaluated the proposals based on the criteria in the RFP. Those criteria include the following: 1) cost, 2) experience and expertise, 3) ability to perform within public policy, 4) resources of the attorney or firm, 5) the ability to respond in a timely manner, 6) diversity in the workplace, 7) responsiveness to the RFP, and 8) ability to represent the City.

Based upon the Committee's evaluation of the proposals, the following attorneys or law firms are recommended to be placed on the City's legal services panel for the period January 1, 2007 – December 31, 2009:

Bankruptcy Law: McGrann Shea Anderson Carnival Straughn & Lamb.

Civil Rights: Burstein Law Firm; Lockridge Grindal Nauen PLLP; Parker-Rosen; Peterson & Hektner, Ltd.; Pustorino, Tilton, Parrington & Lindquist, PLLC; Rice, Michels, & Walther LLP; James C. Selmer & Associates, P.A.

Construction Law: Jardine, Logan & O'Brien; Kennedy & Graven Chartered; McGrann Shea Anderson Carnival Straughn & Lamb.

Environmental Law: Kennedy & Graven Chartered; Lockridge Grindal Nauen PLLP; McGrann Shea Anderson Carnival Straughn & Lamb.

General Municipal: Jeffrey R. Brauchle, P.A.; Burstein Law Firm; Larry F. Cooperman; Jardine, Logan & O'Brien; Kennedy & Graven Chartered; Barret W.S. Lane; Lockridge Grindal Nauen PLLP; McGrann Shea Anderson Carnival Straughn & Lamb.

Intellectual Property: Lockridge Grindal Nauen PLLP; Moss and Barnett.

Labor/Employment Law Issues: Dejuongsa, Myers & Associates; Hitesman & Associates, P.A.; Jardine, Logan & O'Brien; Lockridge Grindal Nauen PLLP; McGrann Shea Anderson Carnival Straughn & Lamb; Parker-Rosen; Peterson & Hektner, Ltd.; Rice, Michels, & Walther LLP; James C. Selmer & Associates, P.A.

Police Related Litigation: Jardine, Logan & O'Brien; Parker-Rosen; Peterson & Hektner, Ltd.; Pustorino, Tilton, Parrington & Lindquist, PLLC.

Prosecution: Burstein Law Firm; McGrann Shea Anderson Carnival Straughn & Lamb; Peterson & Hektner, Ltd.

Public Contract Matters Including Litigation: Jeffrey R. Brauchle, P.A.; Burstein Law Firm; Larry F. Cooperman; Jardine, Logan & O'Brien; Kennedy & Graven Chartered; Barret W.S. Lane; Lockridge Grindal Nauen PLLP; McGrann Shea Anderson Carnival Straughn & Lamb; Moss & Barnett; Parker-Rosen; Pustorino, Tilton, Parrington & Lindquist, PLLC.

Telecommunications: Bradley & Guzetta, LLC; Jardine, Logan & O'Brien; Kennedy & Graven Chartered; Lockridge Grindal Nauen PLLP; McGrann Shea Anderson Carnival Straughn & Lamb; Moss & Barnett.

Workers Compensation: Bradley & Guzetta, LLC; Pustorino, Tilton, Parrington & Lindquist, PLLC.

There are other law firms with particular legal specialties which are not represented on the proposed panel. The City Attorney retains the flexibility to employ firms with extremely narrow specialties, or to hire newly formed law firms in order to address the City's legal services needs. Further, the City/Minneapolis Police Officers Federation collective bargaining agreement provides that the City establish a conflicts panel for the defense of police officers in civil actions. That panel is negotiated separately with the Federation. The collective bargaining agreement provides the legal basis for the payment of fees in conflicts cases, with the result that normal City procurement policies are not applicable. Consequently, the City needs to waive its procurement process for that conflicts panel.