



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

Date: November 30, 2009  
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, 2010, through December 31, 2012, 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.

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Approved by: \_\_\_\_\_  
Susan L. Segal  
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.  
 Other financial impact (Explain): Appropriations to be included in 2010 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, 2003 and 2006 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, 2009. Therefore, a new RFP was prepared, approved by the PRC and the City Council, and published.

In response to the RFP, thirteen 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, 2010 – December 31, 2012:

Bankruptcy Law: Moss & Barnett, P.A.; Gray Plant Mooty; McGrann Shea Anderson Carnival Straughn & Lamb, Chartered.

Civil Rights: Kennedy & Graven, Chartered; Lockridge Grindal Nauen PLLP; Halleland Lewis Niland & Johnson, P.A.; Pustorino, Tilton, Parrington & Lindquist, PLLC; Rice, Michels, & Walther LLP; James C. Selmer & Associates, P.A.; Ed Backstrom; McGrann Shea Anderson Carnival Straughn & Lamb, Chartered.

Construction Law: Jardine, Logan & O'Brien; Halleland Lewis Niland & Johnson, P.A.; McGrann Shea Anderson Carnival Straughn & Lamb; Gray Plant Mooty; Moss & Barnett, P.A.; Kennedy & Graven, Chartered.

Environmental Law: Kennedy & Graven Chartered; Lockridge Grindal Nauen PLLP; McGrann Shea Anderson Carnival Straughn & Lamb; Gray Plant Mooty; Moss & Barnett, P.A.; Jardine, Logan & O'Brien

General Municipal: Bradley & Guzzeta, LLC; Gray Plant Mooty; Halleland Lewis Niland & Johnson; P.A.; Jardine, Logan & O'Brien; Kennedy & Graven Chartered; Barret W.S. Lane; Lockridge Grindal Nauen PLLP; McGrann Shea Anderson Carnival Straughn & Lamb; Ed Backstrom; Moss & Barnett, P.A.

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

Labor/Employment Law Issues: Halleland Lewis Niland and Johnson, P.A.; Hitesman & Associates, P.A.; Jardine, Logan & O'Brien; Lockridge Grindal Nauen PLLP; McGrann Shea Anderson Carnival Straughn & Lamb; Kennedy & Graven, Chartered; Moss & Barnett, P.A.; Rice, Michels, & Walther LLP; James C. Selmer & Associates, P.A.; Pustorino, Tilton, Parrington & Lindquist, PLLC.; Gray Plant Mooty

Planning and land Use: Lockridge Grindal Nauen PLLP; Gray Plant Mooty; Kennedy & Graven, Chartered.

Police Related Litigation: Jardine, Logan & O'Brien; Rice, Michels & Walther, LLP; Pustorino, Tilton, Parrington & Lindquist, PLLC.

Public Contract Matters Including Litigation: Gray Plant Mooty; Rice Michels & Walther, LLP; Jardine, Logan & O'Brien; Kennedy & Graven Chartered; Barret W.S. Lane; Lockridge Grindal Nauen PLLP; McGrann Shea Anderson Carnival Straughn & Lamb; Moss & Barnett; Bradley & Guzzetta, LLC; Pustorino, Tilton, Parrington & Lindquist, PLLC.

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

Title Clearance & Eminent Domain: Kennedy & Graven, Chartered; Moss & Barnett, P.A.; McGrann Shea Anderson Carnival Straughn & Lamb; James Selmer & Associates, P.A.; Gray Plant Mooty

Workers Compensation: Pustorino, Tilton, Parrington & Lindquist, PLLC; Jardine, Logan & O'Brien; James Selmer & Associates, P.A.

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 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.

