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REPORT NO. R 1 6 - 0 0 6 6
FEB 2 9 2016

REPORT RE:

ATTORNEY CONFLICTS PANEL

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Honorable Members:

This Office has prepared and now transmits for your consideration a request for approval of the Attorney Conflicts Panel for the period of 2015-2020.

In June 1993, the Council approved the establishment of the Attorney Conflicts Panel (ACP) (Council File 93-0921). Law firms on the ACP provide legal representation to current and/or former City officers and employees named as defendants in tort, employment, civil rights and other types of actions where actual or potential conflicts of interest preclude their representation by the City Attorney. In some cases, the City Attorney's Office may be involved in the litigation as counsel for the City and, possibly, other officers or employees and, in others, may be completely conflicted out. For this reason, and pursuant to Council File 93-0921, the City Administrative Officer (CAO) is charged with the administration of the ACP. Panel law firms are pre-selected through a Request for Proposals (RFP) process conducted by the City Attorney in cooperation with the CAO. Selected law firms serve on the panel for a period of what historically has been three years, but now for a proposed five years. The longer panel term is recommended by both the CAO and the City Attorney, as such a term both allows for more impaneled firms to be assigned cases and reduces the frequency of conducting the RFP process, which is a lengthy and resource heavy process. It is also contemplated that annual reviews of the panel, and the latitude to add uniquely qualified

but previously unseated law firms, will provide much needed flexibility to ensure that the needs of the City's conflicts representation are completely and competently met.

Administrative Code Section 10.5 requires that a replacement contract or contract amendment must be approved by the Council if annual payments to or by the City exceed \$100,000. The above code section further provides the \$100,000 exemption limit amount shall be adjusted annually in accordance with the Consumer Price Index (CPI). The annually adjusted exemption limit for City contracts will be applicable to each ACP executed agreement entered into between the CAO and selected conflict law firm with respect to an assigned case.

On May 8, 2015, the City Attorney's Office released an RFP soliciting proposals for the expiring 2012-2015 ACP. The RFP sought firms with expertise in the following areas: police tort, tort negligence, complex police, police employment, employment, labor, general business, appellate, pension/fiduciary, complex case management, Americans with Disabilities Act (ADA), redevelopment, public law, and intellectual property/cyber law. Current members of the ACP were required to compete to be considered for inclusion on the new panel. Forty-seven responses were received on May 29, 2015. Representatives from the City Attorney's Office, the CAO's Office, the Los Angeles Police Department Risk Management Group, and the Mayor's Office reviewed and evaluated the proposals and participated in interviews of the firms that responded.

As a result of that process, the City Attorney and the CAO now recommend the following 39 firms for inclusion in the 2015-2020 ACP, funded by the City through the ACP Special Fund 46T in the Office of the CAO, at the hourly rates proposed below:

Recommended Panel

Americans with Disabilities Act:

Alvarez-Glasman & Colvin; Atkinson Andelson Loya Rudd & Romo; Kessel & Associates; Lewis Brisbois Bisgaard & Smith; Lozano Smith; Reddock Law Group

Appellate Litigation:

Acker & Whipple; Ballard Rosenberg Golper & Savitt; Cole Pedrosa; Gutierrez, Preciado & House; Hurrell Cantrall; Lewis Brisbois Bisgaard & Smith; Lex Opus [Schiffer & Buus]; Liebert Cassidy Whitmore; Manning & Kass Elrod, Ramirez & Trester; McKenna Long & Aldridge; Remcho Johansen & Purcell; Richards Watson & Gershon; Zappia Law Firm

Complex Case Management:

Atkinson, Andelson, Loya, Ruud & Romo; Cohen & Lord; Hurrell Cantrall; Lewis Brisbois Bisgaard & Smith; Liebert Cassidy Whitmore; Lozano Smith; Meyers Nave; Squire Patton Boggs

Complex Police Litigation:

Burke Williams & Sorensen; Collinson Law; Ferguson Praet & Sherman; Gutierrez Preciado & House; Hurrell Cantrall; Jones & Mayer; Lozano Smith; Manning & Kass Ellrod Ramirez Trester; Stone Busailah

Employment Litigation:

Alvarado Smith; Atkinson Andelson Loya Rudd & Romo; Ballard Rosenberg Golper & Savitt; Burke Williams & Sorensen; Carlson & Messer; Ellis Buehler Makus; Gutierrez Preciado & House; Hurrell Cantrall; Kessel & Associates; Lewis Brisbois Bisgaard & Smith; Liebert Cassidy & Whitmore; Lozano Smith; Manning & Kass Ellrod Ramirez & Trester; Martin & Martin; Reddock Law Group; Walsworth; Zappia Law Firm

General Business Litigation:

Albright Yee & Schmit; Burke Williams & Sorensen; Lewis Brisbois Bisgaard & Smith; Lex Opus APC; Lozano Smith; Manning & Kass Ellrod Ramirez & Trester; Martin & Martin; Squire Patton Boggs

Intellectual Property/Cyber Law:

Lewis Brisbois Bisgaard & Smith

Labor/HIPAA:

Albright Yee & Schmit; Alvarado Smith; Atkinson Andelson Loya Rudd & Romo; Burke Williams & Sorensen; Ellis Buehler Makus; Kessel & Associates; Liebert Cassidy & Whitmore; Lozano Smith; Reddock Law Group; Zappia Law Firm

Pension/Fiduciary:

Kutak Rock; Liebert Cassidy Whitmore; Shah & Associates

Police Employment Litigation:

Alvarado Smith; Atkinson Andelson Loya Rudd & Romo; Ballard Rosenberg Golper & Savitt; Burke Williams & Sorensen; Ellis Buehler Makus; Gutierrez Preciado & House; Hurrell Cantrall; Kessel & Associates; Lewis Brisbois Bisgaard & Smith; Liebert Cassidy & Whitmore; Lozano Smith; Manning & Kass Ellrod Ramirez & Trester; Martin & Martin; Reddock Law Group; Zappia Law Firm

Police Tort Litigation:

Burke Williams & Sorensen; Carpenter Rothans & Dumont; Collinson Law; Ferguson Praet & Sherman; Gutierrez Preciado & House; Hurrell Cantrall; Jones & Mayer; Lozano Smith; Manning & Kass Ellrod Ramirez Trester; Reily & Jeffery; Stone Busailah; Thomas J Feeley

Public Law:

Alvarado Smith; Alvarez-Glasman & Colvin; Atkinson, Andelson, Loya, Ruud & Romo; Liebert Cassidy Whitmore; Lozano Smith; Meyers Nave; Richards Watson & Gershon

Redevelopment Law:

Alvarez-Glasman & Colvin; Atkinson, Andelson, Loya, Ruud & Romo; Lewis Brisbois Bisgaard & Smith; Richards Watson & Gershon; Squire Patton Boggs

Tort Negligence:

Albright Yee & Schmit; Alvarez-Glasman & Colvin; Bradley Curley Asiano Barrabee Abel & Kowalski; Burke Williams & Sorensen; Carlson & Messer; Carpenter Rothans & Dumont; Collinson Law; Gutierrez Preciado & House; Hurrell Cantrall; Jones & Mayer; Kutak Rock; Lozano Smith; Reily & Jeffery; Richards Watson & Gershon; Walsworth

Recommended Fee Schedule

Category	Proposed Rates			
	Non-Complex		Complex	
	Partner	Associate	Partner	Associate
American with Disabilities Act	\$ 265	\$ 225	\$ 280	\$ 240
Appellate Litigation	\$ 270	\$ 230	\$ 300	\$ 260
Complex Case Management	\$ 270	\$ 200	\$ 300	\$ 230
Complex Police Litigation	\$ 250	\$ 210	\$ 270	\$ 230
Employment Litigation	\$ 280	\$ 220	\$ 300	\$ 260
General Business Litigation	\$ 285	\$ 215	\$ 325	\$ 255
Intellectual Property/Cyber	\$ 300	\$ 250	\$ 325	\$ 275
Labor/HIPAA	\$ 285	\$ 215	\$ 325	\$ 255
Pension/Fiduciary	\$ 275	\$ 185	\$ 300	\$ 200
Police Employment Litigation	\$ 295	\$ 215	\$ 325	\$ 245
Police Tort Litigation	\$ 245	\$ 195	\$ 275	\$ 225
Public Law	\$ 275	\$ 215	\$ 300	\$ 230
Redevelopment	\$ 280	\$ 220	\$ 300	\$ 250
Tort and Negligence	\$ 235	\$ 175	\$ 275	\$ 215

Proposed Paralegal Rate: \$100

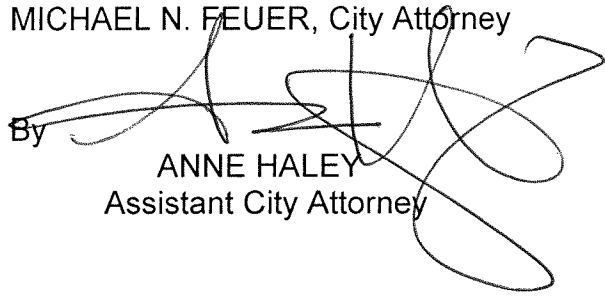
It is recommended that Council approve the Attorney Conflict Panel and the applicable hourly rates as set forth in this report.

If you have any questions regarding this matter, please contact the undersigned at (213) 978-7009. A member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By


ANNE HALEY
Assistant City Attorney

AH:pj