



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: MAY 24, 2022**

**FROM: CITY ATTORNEY'S OFFICE      WARDS: ALL**

**SUBJECT: AUTHORIZE EXTENSIONS OF LEGAL SERVICES AGREEMENTS TO JUNE 30, 2023 WITH THE LAW FIRMS OF THOMPSON COBURN, SMITH LAW OFFICES AND BURKE, WILLIAMS & SORENSEN, LLP FOR THE RETENTION OF OUTSIDE LEGAL SERVICES**

## **ISSUE:**

Whether to approve extensions to Legal Services Agreements to June 30, 2023 with the law firms of Thompson Coburn, Smith Law Offices and Burke, Williams & Sorensen, LLP for the retention of outside legal services.

## **RECOMMENDATION:**

That the City Council:

1. Approve extensions to Legal Services Agreements to June 30, 2023 with the law firms of Thompson Coburn, Smith Law Offices and Burke, Williams & Sorensen, LLP for the retention of outside legal services; and
2. Authorize the City Attorney to execute such extensions to such Legal Services Agreements for the retention of outside legal services.

## **BACKGROUND**

City Charter section 702, "Eligibility, powers and duties of City Attorney," provides, in part, that "the City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein."

On February 4, 2015, the Governmental Affairs Committee first reviewed and considered a proposed policy for the retention of outside counsel by the City Attorney's Office. At that time, the Committee requested that the City Attorney's Office revise the policy to include a provision for recommended signature authority for the City Attorney on outside counsel contracts, how long the initial term of the contracts should be, and further refine the process. On April 1, 2015, the Committee met again to review and comment on the policy. The Committee unanimously recommended that the City Council approve the policy, limiting the City Attorney's signature

authority to \$25,000 without prior City Council approval.

On June 16, 2015, the City Council adopted the policy and authority of the City Attorney for retention of outside counsel, approved the proposed panel of attorneys, and instructed the City Attorney to return to the Governmental Affairs Committee in six months to review the policy implementation.

On March 26, 2019, the City Council approved certain First Amendments to Attorney Services Agreements for the panel attorneys, extending the terms of the agreements by an additional three years. Although some of the agreements were properly extended, there are many agreements that were not. This action will ensure the City has validly approved agreements for outside attorney engagements. The City Attorney's Office has been working on oversight and internal controls since January and has implemented internal controls related to all outside legal services contracts in an effort to prevent this situation from occurring in the future.

As of May 17, 2022, and pursuant to City Council authorization, the City Attorney currently had the following law firms on the approved Attorney Panel:

All Law Firms On The Existing Approved Panel			
1.	Alston & Bird	23.	Malcolm Cisneros
2.	Baker Hostetler	24.	Manning & Kass, Elrod, Ramirez, Trester, LLP
3.	Bell, Orrock & Watase, Inc.	25.	Meyers, Nave, Riback, Silver & Wilson
4.	Best Best & Krieger LLP	26.	Miller & Axline
5.	Buchalter	27.	Murphy & Evertz
6.	Burke, Williams & Sorensen, LLP	28.	Norton Rose Fulbright US LLP
7.	Chapman & Cutler	29.	Nossaman
8.	Colantuono, Highsmith & Whatley, PC	30.	Olson Hagel & Fishburn LLP
9.	Constantine Cannon LLP	31.	Orrick Herrington & Sutcliffe LLP
10.	Cotchett, Pitre & McCarthy	32.	Sabine & Morrison
11.	Dorsey & Whitney	33.	Sidley Austin
12.	Ellison Schneider Harris & Donlan LLP	34.	Silver & Wright LLP
13.	Gibbs Giden Locher Turner Senet & Wittbrout LLP	35.	<ul style="list-style-type: none"> <li>o SL Environmental Law Group PC</li> <li>o Kennedy &amp; Madonna LLP</li> <li>o Douglas &amp; London, P.C.</li> <li>o Kelley Drye &amp; Warren, LLP</li> <li>o Taft Stettinius &amp; Hollister, LLP</li> <li>o Levin Papantonio Thomas Mitchell Rafferty &amp; Proctor, P.A.</li> </ul>
14.	Greines, Martin, Stein & Richland LLP	36.	Slovak Baron Empey Murphey & Pinkney, LLP
15.	Hawkins Delafield & Wood	37.	Smith Law Offices
16.	Holland & Hart LLP	38.	Stradling Yocca Carlson & Rauth
17.	Jones Hall	39.	The Sohagi Law Group, PLC
18.	Law Offices of William R. Price	40.	Think Legal 360
19.	Leibold McClendon & Mann	41.	Thompson Coburn LLP
20.	Lewis Brisbois Bisgaard & Smith LLP	42.	Wood, Smith, Henning & Berman
21.	Liebert Cassidy Whitmore	43.	Woodruff, Spradlin & Smart, APC
22.	Lozano Smith		

The City Attorney has reviewed that list and has determined that 20 law firms should be removed from that approved panel as there is no current need for such law firms:

<b>All Law Firms To Be Dropped From The Approved Panel</b>			
1.	Baker Hostetler	11.	Norton Rose Fulbright US LLP
2.	Bell, Orrock & Watase, Inc.	12.	Nossaman
3.	Chapman & Cutler	13.	Orrick Herrington & Sutcliffe LLP
4.	Dorsey & Whitney	14.	Sabine & Morrison
5.	Ellison Schneider Harris & Donlan LLP	15.	Sidley Austin
6.	Hawkins Delafield & Wood	16.	Silver & Wright LLP
7.	Leibold McClendon & Mann	17.	The Sohagi Law Group, PLC
8.	Malcolm Cisneros	18.	Think Legal 360
9.	Lozano Smith	19.	Wood, Smith, Henning & Berman
10.	Murphy & Evertz	20.	Woodruff, Spradlin & Smart, APC

#### **DISCUSSION:**

Pursuant to City Council authorization, the City Attorney currently has the following law firms on the approved Attorney Panel:

<b>All Law Firms To Remain On The Approved Panel</b>			
<b>Law Firm</b>		<b>Specialty</b>	<b>Expiration Date of Existing Agreement</b>
1.	Alston & Bird	Environmental	When complete*
2.	Best Best & Krieger LLP	Municipal law, water law, bankruptcy	November 6, 2021
3.	Buchalter	CPUC advice	November 29, 2021
4.	Burke, Williams & Sorensen, LLP	Litigation (non-tort)	January 12, 2022
5.	Colantuono, Highsmith & Whatley, PC	*Existing litigation only	December 15, 2021
6.	Constantine Cannon LLP	Qui Tam pending lawsuit	When complete*
7.	Cotchett, Pitre & McCarthy	Bond litigation	When complete*
8.	Gibbs Giden Locher Turner Senet & Wittbroun LLP	Public Works, construction litigation	December 15, 2021
9.	Greines, Martin, Stein & Richland LLP	Appellate	August 5, 2021
10.	Holland & Hart LLP	Power purchase agreements	March 9, 2024
11.	Jones Hall	Municipal Bonds	September 30, 2022
12.	Law Offices of William R. Price	Tort litigation	September 16, 2024

13.	Lewis Brisbois Bisgaard & Smith LLP	Police, civil rights, tort litigation	November 20, 2021
14.	Liebert Cassidy Whitmore	HR, employment, RPD personnel	October 6, 2021
15.	Manning & Kass, Elrod, Ramirez, Trester, LLP	Police Litigation	February 4, 2019
16.	Meyers, Nave, Riback, Silver & Wilson	Municipal Law	May 6, 2022
17.	Miller & Axline	Water Contamination	When complete*
18.	Olson Hagel & Fishburn LLP	Financial Conflict of Interest, Ethics	September 26, 2021
19.	<ul style="list-style-type: none"> <li>○ SL Environmental Law Group PC</li> <li>○ Kennedy &amp; Madonna LLP</li> <li>○ Douglas &amp; London, P.C.</li> <li>○ Kelley Drye &amp; Warren, LLP</li> <li>○ Taft Stettinius &amp; Hollister, LLP</li> <li>Levin Papantonio Thomas Mitchell Rafferty &amp; Proctor, P.A.</li> </ul>	Water contamination	When complete*
20.	Slovak Baron Empey Murphey & Pinkney, LLP	Code of Ethics	September 14, 2024
21.	Smith Law Offices	Police, employment and tort litigation	June 15, 2021
22.	Stradling Yocca Carlson & Rauth	Municipal Bonds	March 31, 2022
23.	Thompson Coburn LLP	FERC, NERC, CPUC advice	February 9, 2019

\* The termination dates for these law firms are dependent upon the particular legal matter being completed.

The current Legal Services Agreements with 15 of the 23 law firms that will remain on the panel have expired or are set to expire soon. Although not legally required, the City Attorney's Office is beginning the process of preparing a Request for Proposal for Legal Services and expects to issue such RFP in 2023. Accordingly, the City Attorney's Office requests that all current agreements be extended only until June 30, 2023, pending completion of the Request for Proposal process and award of new agreements.

The City Attorney's Office has requested that all law firms on the approved panel execute amendments to their legal services agreements to properly extend the term. To date, executed agreements have been received by 12 of the 15 law firms with expired agreements or agreements which are set to expire soon. Each amendment sets forth the expiration date of the current agreement and the new expiration date of June 30, 2023. On May 17, 2022, the City Attorney's Office presented 9 extensions to Legal Services Agreements, with the following law firms:

1. Best Best & Krieger LLP
2. Buchalter
3. Colantuono, Highsmith & Whatley, PC
4. Gibbs Giden Locher Turner Senet & Wittbrodt LLP
5. Greines, Martin, Stein & Richland LLP
6. Jones Hall
7. Liebert Cassidy Whitmore

8. Meyers, Nave, Riback, Silver & Wilson
9. Stradling Yocca Carlson & Rauth

The current three extensions to Legal Services Agreements, with the law firms of Thompson Coburn LLP, Smith Law Offices and Burke, Williams & Sorensen, LLP, are now being presented for Council approval. All other amendments for approval will be presented to the City Council by June 30, 2022, or those law firms will be dropped from the approved panel.

There are three other legal services agreements that have expired:

1. Lewis Brisbois Bisgaard & Smith LLP
2. Manning & Kass, Elrod, Ramirez, Trester, LLP
3. Olson Hagel & Fishburn LLP

All other amendments will be presented for approval to the City Council by June 30, 2022, or the above five law firms will be dropped from the approved panel.

**STRATEGIC PLAN ALIGNMENT:** The retention of experienced outside counsel to provide legal advice and supports all priorities of the City of Riverside's Envision Riverside 2025 Strategic Plan, as such advice is provided to all departments of the City, the City Council, Boards and Commissions.

This item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – Riverside is transparent and makes decisions based on sound policy, inclusive community engagement, involvement of City Boards & Commissions, and timely and reliable information. Use of outside counsel that specialize in specific areas of the law supports and aids the making of such decisions.
2. **Equity** – Use of outside counsel that specialize in specific areas of the law benefits the entire community by ensuring that such efforts comply with all aspects of the law.
3. **Fiscal Responsibility** – The City Attorney's Office is expending funds in a careful and judicious manner balanced against the need for specialized legal counsel when the circumstances warrant.
4. **Innovation** – The retention of specialized legal counsel to provide specialized legal advice supports City innovation efforts by ensuring that such efforts comply with all aspects of the law.
5. **Sustainability & Resiliency** – The retention of specialized legal counsel to provide specialized legal advice supports City goals of sustainability and resiliency by ensuring that such efforts comply with all aspects of the law.

**FISCAL IMPACT:**

There is no fiscal impact associated with the extension of legal service agreements. Any impact will occur when an individual firm/attorney is retained for a particular engagement.

Prepared by: Phaedra A. Norton, City Attorney  
Certified as to  
availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer

Attachments:  
First and Second Amendments to extend term of agreements to June 30, 2023