

Mendonca, et al v. City of Riverside

City Attorney's Office

City Council
February 6, 2024

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BACKGROUND

- The City Attorney's Office has an **in-house Litigation Division** that handles all civil cases filed against the City or any City employee acting in the course and scope of their employment.
- Per the City Council's direction, the City Attorney's Office has been working diligently to keep litigated cases in-house to reduce the cost of outside counsel.

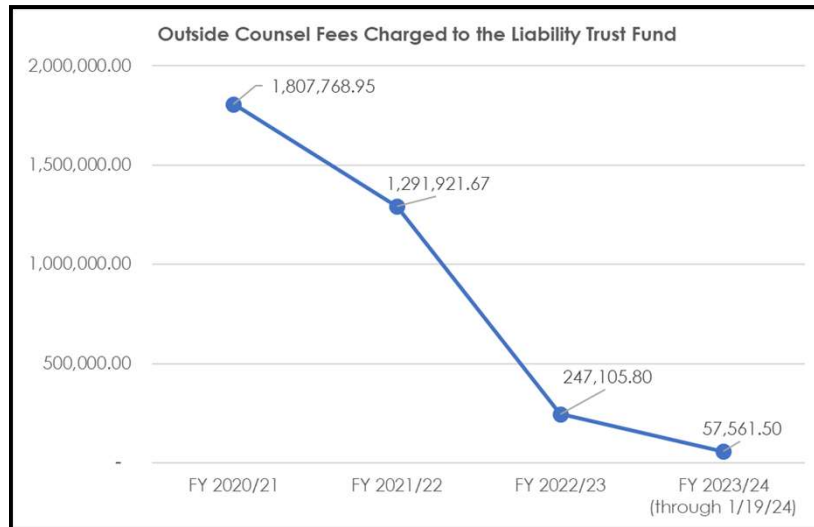


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REDUCTION IN OUTSIDE COUNSEL



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CURRENT LITIGATION CASELOAD BREAKDOWN

- 74 Civil Litigation Cases
- Including **32 high exposure/complex cases**. Each with a potential exposure in excess of \$3M.

No. of Cases	Type of Cases
32	Alleged dangerous conditions of public property
10	Traffic collisions involving City employees
9	Police/civil rights
8	Employment
5	Property damage/trespass
4	Breach of contract
3	Subrogation
2	Injunction
1	Consumer protection



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MENDONCA ET AL. V. CITY OF RIVERSIDE

The case of Mendonca et al. v. City of Riverside ("Mendonca") was filed by five (5) City employees who claim:

1. Harassment
2. Discrimination
3. FEHA Retaliation
4. Disability Discrimination
5. Failure to Provide Reasonable Accommodations
6. Failure to Take Corrective Action.

This case will be complex as each Plaintiff worked in a separate work group, which will require dozens of percipient witness depositions.



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DISCUSSION

The City Attorney's Office Litigation Division has reached their maximum capacity due to existing caseload.

Requesting approval to move forward with either:

- 1) retaining outside counsel to handle this matter or
- 2) hiring five full time equivalent employees for the CAO to handle this and other matters in-house.



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OPTION #1: RETAIN OUTSIDE COUNSEL

- Jennifer Rosner is a partner at Liberty Cassidy Whitmore and is already on the City's pre-approved panel of outside counsel. Ms. Rosner is an experienced litigator, labor negotiator, and trial attorney representing public and private entities in labor and employment matters.
- Ms. Rosner submitted a **total proposed budget of \$1,078,205**, which includes \$971,105.00 for attorneys' fees and \$107,100.00 for costs such as court reporters, experts, jury consultants, etc.



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OPTION #2: HIRING IN-HOUSE COUNSEL

- **Reallocate existing funds** from the Liability Trust Fund Budget, Outside Legal Services Account to increase 5.0 Full Time Equivalent (FTE) positions to hire two additional Senior Deputy City Attorneys, one Paralegal, and two Legal Secretaries.
- If option 2 is approved, the total fiscal impact for Fiscal Year 2023/24 is approximately \$220,855 and for Fiscal Year 2024/25 \$662,564.
- Approving re-allocation of funds for additional staffing for the City Attorney's Office would **save over \$2,000,000 in outside counsel costs** (Tonkovich \$550K, Griffith \$450K, Mendonca \$1M)



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RECOMMENDATIONS

That the City Council:

1. Approve the \$1,078,205 budget to retain Jennifer Rosner Partner at Liberty Cassidy Whitmore, who is already on the City's panel of approved outside counsel; and authorize the City Attorney to execute the Outside Counsel Engagement Letter for their proposed budget; or
2. With at least five affirmative votes, authorize an increase in 5.0 Full Time Equivalent (FTE) positions in the Liability Trust Fund, City Attorney's Office, and approve re-allocation of \$220,855 from the Liability Trust Fund, Outside Legal Services account to the Liability Trust Fund, Salary and Benefits accounts to hire 2 additional Sr. Deputy City Attorneys, 1 Paralegal, and 2 Legal Secretaries to handle this matter and other matters currently being handled by outside counsel.

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CONCLUSION



**Discussion, Questions,
& Answers**



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