



# Board Agenda Item 49

DATE: December 17, 2024

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Attorney Firm Agreements for General Liability, Auto Liability, Employment Law and Medical Malpractice Legal Services

RECOMMENDED ACTION(S):

1. **Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for obtaining the services of special counsel to assist the County as the firms are the only vendors that provide specialized expertise and availability to effectively defend the County in high-profile general liability litigated claims;**
2. **Approve and authorize the Chairman to execute an Agreement with the firm Weakley & Arendt, PC to represent the County and its employees in General Liability, Auto Liability, Employment Law, and Medical Malpractice legal services cases, effective January 13, 2025, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$7,500,000;**
3. **Approve and authorize the Chairman to execute an Agreement with the firm McCormick Barstow, LLP to represent the County and its employees in General Liability, Auto Liability, Employment Law, and Medical Malpractice legal services cases, effective January 13, 2025, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$7,500,000;**
4. **Approve and authorize the Chairman to execute an Agreement with the firm Liebert Cassidy Whitmore to represent the County and its employees in General Liability, Auto Liability, Employment Law, and Medical Malpractice legal services cases, effective January 13, 2025, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$7,500,000; and**
5. **Approve and authorize the Chairman to execute an Agreement with the firm Litigation Engineered to represent the County and its employees in General Liability, Auto Liability, Employment Law, and Medical Malpractice legal services cases, effective January 1, 2025, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$7,500,000.**

There is no increase in Net County Cost associated with the recommended actions. Approval of the recommended actions will allow the County to maintain Employment Law, General Liability, Auto Liability and Medical Malpractice defense legal services at a maximum annual cost of \$6,000,000 (\$1,500,000 maximum per agreement). The firms are actively handling litigated cases for the County and their continued knowledge of County cases will facilitate timely resolution of lawsuits. Their services will be funded with annual budgetary contributions based on actuarial projections, with no additional Net County Cost. This item is countywide.

ALTERNATIVE ACTION(S):

The Board can reject the recommended firms; however, this would result in increased expense to the County as they have historical knowledge on litigated cases they are currently handling. If Agreements with the recommended firms were to terminate, the services provided by the recommended firms would terminate and litigation would halt while they are transferred to new firms.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to suspend the competitive bidding process is consistent with Administrative Policy No. 34. as the appointed firms are the only vendors that provide specialized expertise and availability to effectively defend the County in high-profile general liability litigated claims. In addition, the appointed firms are currently representing the County in litigated cases. Based on this, a letter of interest was not necessary. The Internal Services Department Purchasing division concurs with the Department's request to suspend the competitive bidding process.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. The costs associated with these attorney services are a part of the Risk Management Internal Service Fund (ISF), Org 8925, General Liability and Medical Malpractice Rates which are determined actuarially. Sufficient appropriations and estimated revenues for the agreements are included in the Risk Management Org 8925 FY 2024-25 Adopted Budget and will be requested in future budgets for the duration of the term.

DISCUSSION:

On January 7, 2020, your Board approved Agreements No. 20-016 with Liebert, Cassidy and Whitmore, No. 20-017 with McCormick Barstow, LLP, No. 20-018 with Overstreet and Associates, No. 20-020 with Weakley & Arendt, and No. 20-021 with Stammer, McKnight, Barnum & Bailey. On August 24, 2021, your Board approved Agreement No. 21-239 with Ferguson, Praet & Sherman, and Agreement No. 21-330 with Aleshire & Wynder, LLP. On May 17, 2022, your Board approved Agreement No. 22-211 with Prentice Long. On June 14, 2022, your Board approved Agreement No. 22-243 with Litigation Engineered; and on December 12, 2023, your Board approved Agreement No. 23-660 with Porter Scott to provide General Liability and Employment Law legal services for the County's General Liability and Employment Law Programs and malpractice legal services for the County's General Liability and Medical Malpractice Programs.

Since those Agreements were executed, three of the approved firms are no longer on the Risk Management General Liability Program's legal panel due to dissolution of the firm or lack of availability to take County cases. Renewing the Agreements with the four previously approved firms: Weakly & Arendt, McCormick Barstow, Liebert, Cassidy and Whitmore, and Litigation Engineered, will allow them to continue their representation on litigated cases they are currently assigned. Each of the four firms has extensive knowledge of assigned litigated cases for the County and are actively working on resolving the cases. The firms have been previously identified as having the required experience in public entity tort claims and were selected based on their prior experience with cases that involved jail deaths, officer-involved shootings, serious injuries, dangerous conditions, and employment matters.

Your Board's approval of the recommended action will allow the County to continue to receive essential General Liability, Auto Liability, Employment Law, and Medical Malpractice defense services for the County's Self-Insured General Liability Program.

REFERENCE MATERIAL:

BAI #33, December 12, 2023

BAI #45, May 17, 2022  
BAI #33, August 24, 2021  
BAI #26, January 7, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request Forms (4)  
On file with Clerk - Agreement with Weakley & Arendt, PC  
On file with Clerk - Agreement with McCormick Barstow, LLP  
On file with Clerk - Agreement with Liebert Cassidy Whitmore  
On file with Clerk - Agreement with Litigation Engineered

CAO ANALYST:

Ron Alexander