

Council Meeting of
June 26, 2012

Honorable Mayor and Members
of the Torrance City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: City Attorney – Approve Agreement Amendment to provide legal services.

Expenditure: \$50,000

RECOMMENDATION

Recommendation of the City Attorney that City Council:

1. Approve a second amendment to the fee agreement with Rutan & Tucker (C2010-244) to provide legal services in the case of Crockett v. City of Torrance for an additional \$50,000, for a total amount not to exceed \$110,000.
2. Appropriate \$50,000 from the Self-Insurance Reserve Fund.

Funding

Funding is available from the Self-Insurance Reserve Fund.

BACKGROUND AND ANALYSIS

On December 6, 2010, the City Manager entered into Fee Agreement (Contract No. C2010-244) in an amount not to exceed \$30,000 with the law firm of Rutan & Tucker, to provide legal representation to the City in the lawsuit of Michael Crockett v. City of Torrance, et al., USDC Case No. CV10 05857 DOC (SP).

On April 19, 2011, the City Council approved a First Amendment to the Fee Agreement for an additional \$30,000 for a total not to exceed the amount of \$60,000.

Although there are no outstanding invoices, we do anticipate receiving May and June invoices from the law firm. The firm has advised that an additional \$50,000 is required to continue with this litigation.

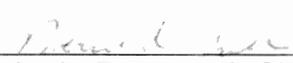
The City Attorney recommends that City Council approve the Second Amendment to Fee Agreement (Attachment A) with the law firm of Rutan & Tucker for an additional \$50,000, for a total amount not to exceed \$110,000.

Respectfully submitted,

John L. Fellows III
City Attorney

By 
Alice Rusa
Law Office Administrator

CONCUR:


John L. Fellows III, City Attorney

NOTED:


LeRoy J. Jackson, City Manager

Attachment A) Second Amendment to Fee Agreement

**SECOND AMENDMENT TO FEE AGREEMENT FOR
LEGAL SERVICES (C2010-244)**

This Second Amendment to Fee Agreement for legal services ("Amendment") is made and entered into as of May 1, 2012, by and between the CITY OF TORRANCE, a municipal corporation ("CITY"), and RUTAN & TUCKER, a limited liability partnership ("FIRM").

RECITALS:

- A. CITY and FIRM entered into a Fee Agreement for Legal Services ("Fee Agreement") on December 6, 2010, in the amount of \$30,000. A copy of that Fee Agreement for Legal Services relating to Michael Crockett v. City of Torrance, et al., USDC Case No. CV10 05857 DOC (SP) is attached as Exhibit A (Contract No. C2010-244.)
- B. On April 19, 2011, the City Council approved a First Amendment to the Fee Agreement in the additional amount of \$30,000 for a total not to exceed the amount of \$60,000.
- C. The CITY is satisfied with the level of service provided by FIRM.
- D. Both parties wish to amend the contract to add an additional \$50,000 to the contract for an amount not to exceed the sum of \$110,000.

AGREEMENT:

- 1. Services to be Performed by FIRM.
FIRM will continue to provide the services set forth in the Fee Agreement attached as Exhibit A and incorporated into this Second Amendment by this reference. FIRM warrants that all services set forth in the Fee Agreement and this Amendment will be performed in a competent, professional and satisfactory manner.
- 2. FIRM's Fee.
For services rendered, FIRM will be paid in accordance with the Fee Agreement; provided, however, that in no event will the total amount of money paid the FIRM, for services contemplated by the Fee Agreement, as amended, exceed the sum of **\$110,000** unless otherwise first approved in writing by CITY.

3. In all other respects, the Fee Agreement and the First Amendment dated April 19, 2011 are ratified and reaffirmed and remains in full force and effect.

CITY OF TORRANCE,
a municipal corporation

RUTAN & TUCKER,
a limited liability partnership

Frank Scotto, Mayor

By: _____
M. Katherine Jenson,
Partner

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____

Exhibit A) Fee Agreement

December 6, 2010

John L. Fellows, City Attorney
City of Torrance
3031 Torrance Boulevard
Torrance, CA 90503

Re: Fee Agreement for Legal Services -- Crockett Section 1983 Lawsuit

Dear John:

This letter will serve as Rutan & Tucker, LLP's fee agreement for legal representation rendered to the City with regard to the Section 1983 lawsuit filed by Michael David Crockett.

Pursuant to our discussion, Mark Austin will be the lead working attorney on this matter, and I will assist Mark as needed. Our time will be billed at \$300 per hour. Other attorneys and paralegals may assist on an as-needed basis. The hourly rate Rutan & Tucker would charge the City for legal services provided by attorneys other than myself is the standard hourly rates of attorneys in our office which begin at \$225 per hour, with a cap of \$300 per hour. Paralegals would be billed at an hourly rate of \$135 per hour, and documents clerks would be billed at \$45 per hour. Under this proposal, the City would be charged either the attorney's standard hourly rate, or the agreed rate, whichever is less.

Rutan & Tucker also requires reimbursement for various costs incurred in performing legal services, including long distance telephone charges for calls outside the Los Angeles/Orange County area, postage, parking, out-of-town travel expenses (not mileage), duplication (@ 19¢ per page), telecopying, messengers, computer-assisted research (e.g. LEXIS), and other out-of-pocket expenses.

Detailed monthly invoices will be sent directly to you.

If this proposal is acceptable to the City, please execute and return a copy of this letter to me.

C 2 0 1 0 - 2 4 4

COPY

ise

RUTAN
ATTORNEYS AT LAW

John L. Fellows, City Attorney
December 6, 2010
Page 2

If you have any questions regarding this proposal, please call me at 1-800-76RUTAN.

Very truly yours,

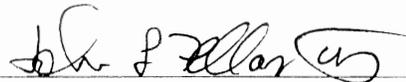
RUTAN & TUCKER, LLP


M. Katherine Jenson

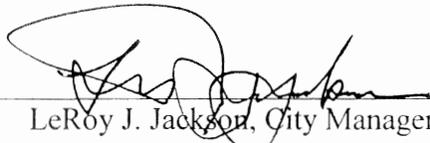
MKJ:lr

The City of Torrance accepts the above proposal.

Dated: 12/20/2010

By: 
John L. Fellows, City Attorney
City of Torrance

Dated: 21 Dec 2010

By: 
LeRoy J. Jackson, City Manager
City of Torrance