

Council Meeting of
December 12, 2006

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

Members of the Council:

**SUBJECT: City Attorney - Approve Second Amendment to Fee Agreement for legal services in the Shotland v. City of Torrance matter.
Expenditure: \$20,000**

RECOMMENDATION

The City Attorney recommends that the City Council approve the Second Amendment to the Fee Agreement with the law firm of Stephen, Oringher, Richman, Theodora & Miller to provide legal services in the case of Shotland v. City of Torrance in the additional amount of \$20,000 to Contract No. C2004-074 for a not to exceed amount of \$59,000.

Funding

Funding of \$11,000 is available from the Police Department operating budget and \$9,000 from the Self Insurance Fund.

BACKGROUND AND ANALYSIS

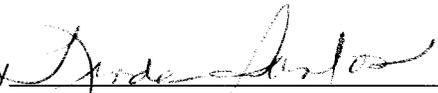
On April 23, 2004, the City Manager entered into a Fee Agreement in the amount of \$24,000 for legal services with the law firm of Stephen, Oringher, Richman, Theodora & Miller to represent the City with regard to the appeal proceedings in the case of Shotland v. City of Torrance.

On April 11, 2006, Council approved an additional \$15,000. The law firm has advised that an additional \$20,000 is needed with regard to the appeal proceeding. Therefore, the City Attorney recommends that the City Council approve the Second Amendment

to the Fee Agreement with the law firm of Stephen, Oringer, Richman, Theodora & Miller in the additional amount of \$20,000 for a total contract amount not to exceed \$59,000.

Respectfully submitted,

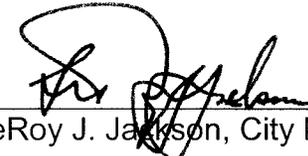
John L. Fellows III
City Attorney

By 
Linda Amorocchi Santos
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

This Second Amendment to Fee Agreement for legal services ("Amendment") is made and entered into as of November 1, 2006, by and between the **CITY OF TORRANCE**, a municipal corporation ("CITY"), and **STEPHAN, ORINGHER, RICHMAN, THEODORA & MILLER**, a professional corporation ("FIRM").

RECITALS:

- A. CITY and FIRM entered into a Fee Agreement for Legal Services ("Fee Agreement") on April 23, 2004 in the amount of \$24,000.
- B. CITY COUNCIL approved an additional \$15,000 for a not to exceed amount of \$39,000 on April 11, 2006. A copy of the Amendment to the Fee Agreement is attached as Exhibit B (Contract No. C2004-074)
- C. CITY is satisfied with the services of FIRM and desires to continue to use this firm by increasing the available funding to FIRM by \$20,000 for a not to exceed amount of \$59,000.

AGREEMENT:

- 1. The Fee Agreement for Legal Services Contract No. C2004-074 is ratified and extended to completion of the legal services through the applea in an amount not to exceed the sum of \$59,000 unless otherwise first approved in writing by the CITY.

- 2. In all other respects the Agreement dated April 23, 2004 between CITY& and FIRM is ratified and reaffirmed and is in full force and effect.

CITY OF TORRANCE,
a municipal corporation

STEPHAN, ORINGHER, RICHMAN,
THEODORA & MILLER
a professional corporation

By: _____
Frank Scotto, Mayor

By: _____
Robert M. Dato, Associate

APPROVED AS TO FORM:

ATTEST;

JOHN L. FELLOWS III
City Attorney

Sue Herbers, City Clerk

By: _____
City Attorney

Attachments:

- Exhibit A) Fee Agreement
- Exhibit B) First Amendment to Fee Agreement

STEPHAN, ORINGHER, RICHMAN & THEODORA

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

www.sortlaw.com

LOS ANGELES OFFICE

2029 CENTURY PARK EAST
SIXTH FLOOR
LOS ANGELES, CA 90067-2907
(310) 557-2009
FAX (310) 551-0283

Direct Dial: (714) 885-7020
E-mail: rdato@sortlaw.com

Reply to
Orange County

Robert M. Dato
Certified Specialist - Appellate Law
Cal. State Bar Bd. of Legal Specialization

ORANGE COUNTY OFFICE

535 ANTON BOULEVARD
SUITE 800
COSTA MESA, CA 92626-1962
(714) 241-0420
FAX (714) 241-0622

File No. 20766.01001

April 1, 2004

Robert Acciani
Senior Deputy City Attorney
CITY OF TORRANCE
3031 Torrance Boulevard
Torrance, California 90503-5059

Re: *Shotland v. City of Torrance*

Dear Robert:

Attorney client privilege and attorney work product material redacted.

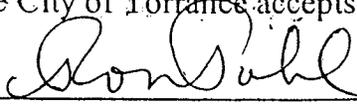
This will confirm rates for this case: \$275 per hour for my time and \$225 per hour for Brian Barrow, who is also a certified appellate specialist.

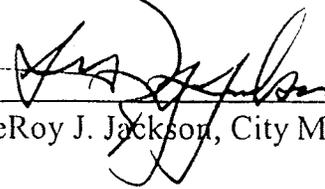
Enclosed is an association of attorneys form and a self-addressed stamped envelope. Please send that back to me, at which point I will file the notice of appeal and get the appellate process started.

Sincerely,


Robert M. Dato

The City of Torrance accepts the above proposal.


John L. Fellows III, City Attorney


LeRoy J. Jackson, City Manager

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ORIGINAL COPY

AMENDMENT TO FEE AGREEMENT FOR LEGAL SERVICES

This Amendment to Fee Agreement for legal services ("Amendment") is made and entered into as of February 1, 2006, by and between the CITY OF TORRANCE, a municipal corporation ("CITY"), and STEPHAN, ORINGHER, RICHMAN, THEODORA & MILLER, a professional corporation ("FIRM").

RECITALS:

- A. CITY and FIRM entered into a Fee Agreement for Legal Services ("Fee Agreement") on April 23, 2004 in the amount of \$24,000.
- B. FIRM has advised CITY that an additional \$15,000 is required to fund the matter through completion of the appeal proceedings in the case of Shotland v. City of Torrance.

C2004-074

AGREEMENT:

- 1. Services to be Performed by FIRM.
FIRM will provide the services set forth in the Fee Agreement attached as Exhibit A and incorporated into this Amendment by this reference. FIRM warrants that all services set forth in the Fee Agreement and Amendment will be performed in a competent, professional and satisfactory manner.
- 2. FIRM's Fee.
For services rendered pursuant to this Amendment, 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 this Amendment, exceed the sum of **\$39,000.00** unless otherwise first approved in writing by CITY.
- 3. Conflict of Interest.
FIRM warrants that all necessary conflict clearances have been obtained.
- 4. Insurance.

COPY

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FIRM must maintain at its sole expense professional liability coverage with combined single limits of at least \$1,000,000 per occurrence.

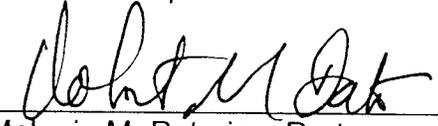
5. Business License.

FIRM will not be required to obtain a City business license.

CITY OF TORRANCE,
a municipal corporation

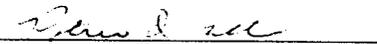
By: 
Dan Walker, Mayor

~~STEPHAN, ORINGHER, RICHMAN, TETROCK & MILLER, P.C.~~
~~LIEBERT CASSIDY WHITMORE~~
a professional corporation

By: 
~~Melanie M. Poturica, Partner~~
Robert M. Dato

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: 

ATTEST:

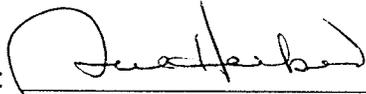
By: 
Sue Herbers, CMC
City Clerk

Exhibit A) Fee Agreement