

Council Meeting of  
May 15, 2007

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

**Members of the Council:**

**SUBJECT: City Attorney - Approve Third Amendment to Fee Agreement with  
Theodora Oringher Miller & Richman  
Expenditure: \$50,000**

**RECOMMENDATION**

The City Attorney recommends that the City Council approve the Third Amendment to the Fee Agreement with the law firm of Theodora Oringher Miller & Richman to provide legal services in the case of Shotland v. City of Torrance in the additional amount of \$50,000 to Contract No. C2004-074 for a not to exceed amount of \$109,000.

Funding

Funding is available 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 Theodora Oringher Miller & Richman with regard to an appeal in the case of Shotland v. City of Torrance.

On April 11, 2006, Council approved an additional \$15,000 and on December 12, 2006 Council approved an additional \$20,000 for a total not to exceed amount of \$59,000, in order for the law firm to assist with any further record on appeal, as the case was scheduled to go to trial in April of 2007.

Although the police officers and City have prevailed at trial with a defense verdict, the City Attorney's Office anticipates plaintiffs' motion for a new trial and subsequent appeal on the verdict. There currently remains \$20,000 in unbilled expenses. Therefore, the City Attorney is requesting an additional \$50,000 to fund the contract and recommends

that the City Council approve the Third Amendment to the Fee Agreement with the law firm of Theodora Oringher Miller & Richman in an additional amount of \$50,000 for a total contract amount not to exceed \$109,000.

Respectfully submitted,

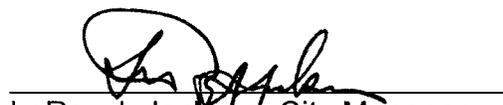
John L. Fellows III  
City Attorney

By   
Linda Amorocchi Santos  
Law Office Administrator

CONCUR:

  
John L. Fellows III, City Attorney

NOTED:

  
LeRoy J. Jackson, City Manager

Attachment: A) Third Amendment to Fee Agreement

**THIRD AMENDMENT TO FEE AGREEMENT FOR LEGAL SERVICES**

This Third Amendment to Fee Agreement (Contract No. C2004-074) for legal services ("Amendment") is made and entered into as of March 1, 2007, by and between the **CITY OF TORRANCE**, a municipal corporation ("CITY"), and **THEODORA ORINGHER MILLER & RICHMAN** 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 amount of \$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.
- C. CITY COUNCIL approved an additional amount of \$20,000 for a not to exceed amount of \$59,000 on December 12, 2006. A copy of the Second Amendment to the Fee Agreement is attached as Exhibit C.
- D. CITY is satisfied with the services of FIRM and desires to continue to use this firm by increasing the available funding to FIRM by \$50,000 for a not to exceed amount of \$109,000.

**AGREEMENT:**

- 1. The Fee Agreement for Legal Services Contract No. C2004-074 is ratified and extended to completion of the legal services in an amount not to exceed the sum of \$109,000 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

THEODORA ORINGHER MILLER &  
RICHMAN  
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) Amendment to Fee Agreement
- Exhibit C) Second Amendment to Fee Agreement

# STEPHAN, ORINGHER, RICHMAN & THEODORA

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

www.sortlaw.com

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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

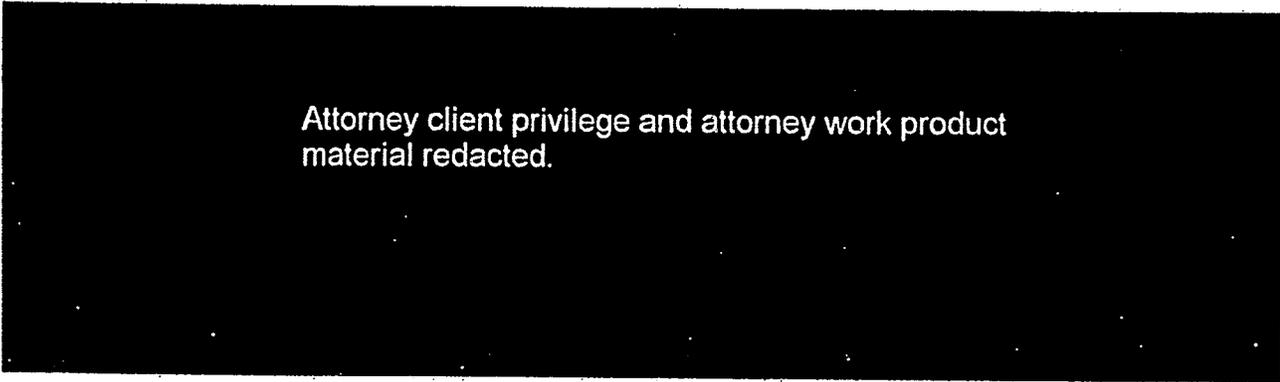
535 ANTON BOULEVARD  
SUITE 800  
COSTA MESA, CA 92626-1962  
(714) 241-0420  
FAX (714) 241-0622  
File No. 20766.01001

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:



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

C2004-074

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.

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

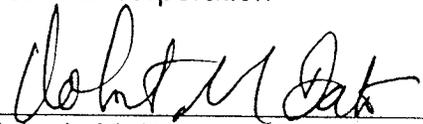
5. Business License.

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

CITY OF TORRANCE,  
a municipal corporation

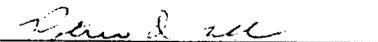
By:   
Dan Walker, Mayor

~~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:

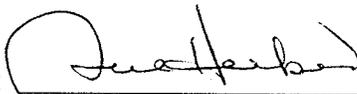
By:   
Sue Herbers, CMC  
City Clerk

Exhibit A) Fee Agreement

## 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.

C2004-074

### AGREEMENT:

1. The Fee Agreement for Legal Services Contract No. C2004-074 is ratified and extended to completion of the legal services through the appeal 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,

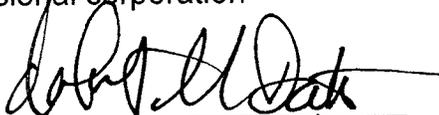
a municipal corporation

By:   
 Frank Scotto, Mayor

STEPHAN, ORINGHER, RICHMAN,

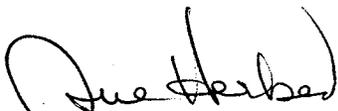
THEODORA & MILLER

a professional corporation

By:   
 Robert M. Dato, Associate

APPROVED AS TO FORM:

ATTEST;

  
 Sue Herbers, City Clerk

JOHN L. FELLOWS III

City Attorney

By:   
 City Attorney

Attachments:

Exhibit A) Fee Agreement

Exhibit B) First Amendment to Fee Agreement