

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 20, 2008 - KL Division County Attorney

Bulk Item: Yes No Staff Contact Person: Bob Shillinger, #3470

AGENDA ITEM WORDING: Approval of amendment to legal services agreement with the firm of Paul, Hastings, Janofsky & Walker to reflect new hourly rates and additional time keepers and authorization for staff to execute.

ITEM BACKGROUND: The County retained Paul Hastings in 2005 to represent it in the matter of *Collins v. Monroe County*. By mutual agreement, Paul Hastings later took on representation of the County in *Galleon Bay Corp. v. Monroe County* and *Emmert v. Monroe County*. The proposed amendment reflects Paul, Hastings' annual rate increases. The primary attorney assigned to work on the County's cases is Derek Howard whose rate will increase to \$400 per hour effective February 1, 2008. The amendment also adds various personnel as additional time keepers. The additional partners are needed because of Bob Freilich's departure from the firm. Since the posture of each case differs from year to year, it is impossible to base a projected cost upon the experience in prior years.

PREVIOUS RELEVANT BOCC ACTION: Board approved contract with firm in January 2007. On 12/19/2007, the BOCC tabled this item (Q-8) so staff could negotiate a better rate.

CONTRACT/AGREEMENT CHANGES: Increased hourly rates.

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: to be determined **BUDGETED:** Yes No

COST TO COUNTY: TBD **SOURCE OF FUNDS:** non ad valorem

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty OMB/Purchasing _____ Risk Management _____

DOCUMENTATION: Included Not Required _____

DISPOSITION: _____ **AGENDA ITEM #** _____

**MONROE COUNTY, FLORIDA
STANDARD LEGAL SERVICES AGREEMENT
(LITIGATION)**

AGREEMENT NUMBER:

EXHIBIT A

Litigation Identification:

Collins, et al. v. Monroe County, CAM-04-379
Helen & Gregor Emmert v. Monroe County, 2002-CA-520-p
Galleon Bay v. Monroe County, CAK-02-595

References:

3.2: Limitations to Scope of Representation: County Attorney's office shall serve as co-counsel.

3.3: Term of Agreement and Representation: Paul Hastings shall represent the County in these matters as long as the County shall desire and consistent with the firm's ethical obligations.

3.4: County's Expectations and Goals: Prompt, efficient, competent representation as lead counsel in *Galleon Bay* and *Emmert*, and co-counsel in *Collins*.

4.: Attorneys' Hourly Fee Rate: The table below shows hourly fee rates in effect through December 31, 2008, with the understanding that the parties shall negotiate mutually acceptable rates for the period thereafter should the County's engagement of the firm continue.

Professional	Status, Office	Rate
Derek Howard	Associate, Washington D.C.	
	<i>Through January 31, 2008</i>	\$315
	<i>February 1, 2008, - December 31, 2008</i>	\$420
Jeff Haber	Partner, Los Angeles	\$675
Bob McMurry	Partner, Los Angeles	\$695
Mitch Menzer	Partner, Los Angeles	\$735
Noah Perch-Ahern	Junior Associate, Washington D.C.	\$375
Jeff Allmon	Junior Associate, Washington D.C.	\$375
Litigation Paralegal	Paralegal, Washington, D.C.	\$260
Myhoa Polk	Case Assistant, Washington, D.C.	\$150

\$400 RAS

4.3. Discounts to Other Clients: The County expressly acknowledges that, with the exception of Derek Howard, who the firm represents is charged at no less hourly rate, other personnel identified above may have lower hourly billing rates for other clients of the firm. Those rates are due to those other clients assigning a greater volume of work to the firm.

4.4: Approved Additional Time Keepers; 8.1: Time-keeper Changes:

With respect to the Los Angeles-resident partners identified in the table in item 4.3, one or more (depending on availability and circumstances) will supervise Derek Howard’s work on an as needed basis and consistent with the firm’s professional obligation to supervise associate work. Should such supervision require greater than five (5) hours of services in any given calendar month, Mr. Howard shall telephonically notify Mr. Schillinger of such need during the month it is needed.

Provided their hourly rates are no greater than the rates shown for the unnamed “Litigation Paralegal” and for Ms. Polk on the table provided in item 4.3, above, the County expressly authorizes Derek Howard to call upon the services of paralegals or case assistants in the firm’s Washington office whose names do not appear on the table provided in item 4.3, and no further approval shall be needed for his use of such time keepers.

8.4: County Point of Contact:

Robert B. Shillinger
Assistant County Attorney
P.O. Box 1026
Key West, FL 33041-1026
(305) 292-3470
(305) 292-3516 (fax)
shillinger-bob@monroecounty-fl.gov

Attorney
Date: _____

County Representative
Date: _____

Shillinger-Bob

From: Howard, Derek V. [derekhoward@paulhastings.com]
Sent: Monday, January 14, 2008 5:01 PM
To: Shillinger-Bob
Subject: Confirmation of Rate Change

Bob,

This message confirms that Paul Hastings LLP has agreed to amend the proposed legal services agreement with the County by changing my hourly rate from \$420 to \$400.

Derek

Derek V. Howard, Associate Attorney | Paul, Hastings, Janofsky & Walker LLP | 875 15th Street, N.W., Washington, D.C. 20005 | direct: 202 551 1842 | main: 202 551 1700 | direct fax: 202 551 0242
| derekhoward@paulhastings.com | www.paulhastings.com

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For additional information, please visit our website at www.paulhastings.com.

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