

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: 3/21/07

Division: County Attorney

Bulk Item: Yes x No

Staff Contact /Phone #: Bob Shillinger 3470

AGENDA ITEM WORDING:

Authorization for County Attorney's office to execute letter dated February 23, 2007 clarifying past billing rates and setting billing rates for period beginning February 1, 2007 through January 31, 2008 with with Paul, Hasting, Janofsky & Walker for work performed on *Emmert v. Monroe County*, CA P 02-520; *Collins v. Monroe County*, CA M 04-379; and *Galleon Bay v. Monroe County*, CA K 02-595.

ITEM BACKGROUND:

Legal staff has been negotiating a reduction of outstanding bills owed to Paul, Hastings in the Galleon Bay matter. As a result of those negotiations, a new rate structure has been reached. Staff seeks approval of that rate structure and authorization to execute a letter clarifying same.

PREVIOUS RELEVANT BOCC ACTION:

Board approved retaining Paul, Hastings to represent County in the three referenced matters.

CONTRACT/AGREEMENT CHANGES: None.

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: _____

BUDGETED: Yes xx No

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes No

AMOUNT PER MONTH _____ **YEAR** _____

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

DOCUMENTATION: Included xx Not Required _____

DISPOSITION: _____

AGENDA ITEM # _____

Atlanta
Beijing
Brussels
Chicago
Hong Kong
London
Los Angeles
Milan
New York
Orange County
Palo Alto
Paris
San Diego
San Francisco
Shanghai
Stamford
Tokyo
Washington, DC

(213) 683-6314
robertfreilich@paulhastings.com

February 23, 2007

58551.00003

Robert Shillinger, Esq.
Assistant County Attorney
502 Whitehead Street, 3rd Floor Rear
Key West, FL 33041-1026

Re: Monroe County/Galleon Bay

Dear Bob:

I am delighted that the Collins and Emmert matters were placed on the BOCC agenda. Please advise me as to the amount the BOCC authorized for payment so I can reconcile it to our records.

With regard to Galleon Bay, I have reconciled all of the past invoices to comport with the agreed upon rate of Derek Howard of \$265/hour. Our agreement retroactive to February 1, 2006 for the period February 1, 2006 to January 31, 2007 for Galleon Bay is as follows:

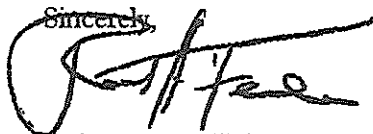
1. For all work performed from November 1, 2005 to January 31, 2007, the rates have been adjusted to show Derek at \$265/hour (his agreed-upon reduced rate) and my rate of \$635/hour and Elisa Paster's rate of \$300/hour. As you know, Derek did most of the work. The \$350/hour blended rate will not apply. I am attaching the balance sheet for that period. The amount due has been changed from \$400,948.50 to \$355,683.50.
2. For all work performed after February 1, 2007, the rates will be \$315/hour for Derek as agreed to by the County (reduced from \$365/hour) and \$685/hour for me. There will be no blended rate.
3. We agree that Derek will perform at least 80% or more of the Galleon Bay work, so the invoices will reflect that division for billing purposes.

With regard to Collins and Emmert after February 1, 2007, the same rate structure will apply as in paragraph 2 above. Derek will perform at least 80% of the work on both cases and the invoices will reflect that division for billing purposes. The only exception to the 80% rule will be for my time for the three days of the Collins liability trial in June where Derek's and my time will be split 50-50 for days actually spent in trial.

Robert Shillinger, Esq.
February 23, 2007
Page 2

This Agreement will be applicable to January 31, 2008. A new rate structure will be negotiated for Fiscal Year 2008 commencing February 1, 2008. All invoices will actually be paid within 60 days of their receipt by the County.

If this Agreement is acceptable to the County, please execute the Agreement below and return one fully executed duplicate original Agreement to me by mail and pdf/fax, retaining one for the County's files. Derek and I look forward to continuing working with you.

Sincerely,


Robert H. Freilich
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

RHF:df
Enclosure


Agreed to by:

Monroe County, Florida

Robert B. Shillinger, Jr.
Assistant County Attorney

Agreed to by:

Paul, Hastings, Janofsky & Walker


Robert H. Freilich, Esq.