



CITY ATTORNEY'S OFFICE OUTSIDE COUNSEL RETENTION POLICY

Policy

Outside counsel may be retained by the City Attorney when necessary to provide legal services for assistance with specialized areas of law, when a conflict of interest may exist, and on rare occasions, due to City Attorney's Office (CAO) workload issues. The City Attorney must approve the retention of all outside counsel.

No outside counsel will be retained or paid for by the City and its enterprises without a retention agreement on file specifying the scope of services, the hourly billing rates for all counsel employed on the matter, and the coordination of work through an assigned CAO staff attorney. In addition, all bills must be reviewed by the assigned staff attorney, the Legal Administrator, and the Deputy City Attorney or City Attorney. If legal services are to be paid by a City department or enterprise, the invoices must be reviewed and approved by the appropriate department or enterprise personnel.

Procedure

1. The City Attorney will review the request or recommendation for retention of outside counsel and determine whether a Request for Proposal (RFP) should be issued for outside counsel legal services.
2. The decision on whether an RFP should be issued will be based upon consideration of the following factors: 1) whether the City has already retained outside counsel with the expertise to represent the City on the matter; 2) whether a previously retained firm represents the City and/or other enterprises on substantially similar matters; 3) whether any previously retained firm has a conflict related to the matter or parties involved in the issue; and 4) does sufficient time exist with respect to the matter such that

outside counsel must be retained immediately, or whether there is sufficient time to engage in an RFP process.

3. If a determination is made to retain outside counsel through an RFP Process, the City's Procurement RFP process will be followed. All outside counsel selected through an RFP process will enter into retention agreements drafted and executed by the City Attorney.
4. In the event it is necessary to retain new outside counsel with respect to a matter and insufficient time exists for the formal RFP process, the City Attorney may permit an informal selection process where proposals are requested from a limited number of qualified firms and a selection decision made in an expedited manner. In such event, the City Attorney, Deputy City Attorney and appropriate Division Chiefs shall determine whether firms are qualified and how the selection shall be made. Selection of outside counsel shall be made upon a determination by the City Attorney that the selection is in the best interests of the City, after due consideration of the information submitted by counsel indicating experience and qualification in similar matters, other reliable information known by the City Attorney, Deputy City Attorney and appropriate Division Chiefs about the qualifications and skill of counsel, proposed fees, whether counsel has local offices, and other considerations as may be appropriate to the selection.