

HARBOR DIVISION

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DATE: NOVEMBER 29, 2022

FROM: OFFICE OF THE CITY ATTORNEY

**SUBJECT: RESOLUTION NO. _____ - LEGAL SERVICES AGREEMENT
BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND
LIEBERT CASSIDY WHITMORE FOR EMPLOYMENT MATTERS**

SUMMARY:

The Office of the City Attorney (Office) requests approval of an Agreement between the City of Los Angeles Harbor Department (Harbor Department) and Liebert Cassidy Whitmore (Liebert) for legal services related to employment matters. The proposed Agreement is for a term of three years and maximum compensation of \$350,000. The Harbor Department is financially responsible for payment of expenses incurred under the proposed Agreement.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Find in accordance to Charter Section 1022 that the scope of work of the proposed Agreement can be more economically and feasibly provided by an independent contractor than by City employees;

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3. Approve a Legal Services Agreement with Liebert Cassidy Whitmore in the amount of \$350,000 for a three-year term;
4. Authorize the Executive Director and Board Secretary to execute and attest to the Agreement; and
5. Adopt Resolution No. _____.

DISCUSSION:

Background – In accordance with Charter Section 275, the Office has determined that it requires outside legal counsel to assist in the discharge of its duties to perform legal services in connection with employment matters regarding the rules, regulations and procedures of employment litigation and Fair Labor Standards Act (FLSA) matters. These matters require specialized expertise and resources that exceed staff resources in this specialized area of law.

Need for Services and Scope of Work – Previously, the Office contracted with Liebert for employment matters (AG19-3688). The three-year agreement for such services expired on October 6, 2022, and a replacement agreement is needed to meet the Harbor Department's legal needs. Outside counsel is necessary because the Harbor Department routinely receives employment claims. The Office has in-house attorney staff performing the majority of work without the use of outside counsel. However, the Office still has a need for assistance from outside counsel when specialized expertise is necessary for complex or new legal issues, and/or litigation exceeds the capacity of in-house resources.

Competitive Counsel Selection Process – The Office issued a Request for Proposals (RFP) on June 16, 2022. The Office sought firms with special expertise in employment matters. Based on a review of the two submitted proposals, the Office determined that Liebert was the most knowledgeable and experienced firm in the field with respect to employment matters. Liebert is solely focused on public sector labor and employment matters. The firm offered a team of attorneys with experience more in line with the Department's needs in handling individual claims of discrimination, hostile work environment and retaliation.

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PROPOSED AGREEMENT TERMS:

- **Term:** Three years from date of signature (approximately 2022-2025)
- **Contract Authority:** Maximum amount not to exceed \$350,000
- **Scope of Work:** Employment matters, regarding the rules, regulations and procedures of employment litigation and Fair Labor Standards Act (FLSA) matters.
- **Standard City and City Attorney Agreement provisions**

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of a legal services agreement with Liebert Cassidy Whitmore for ongoing legal services for employment matters, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

The proposed action is for the approval of an Agreement for legal services with Liebert for a three-year term and total maximum compensation of \$350,000. The Harbor Department is financially responsible for payment of expenses incurred under the proposed Agreement.

Funding in the amount of \$80,000 for Liebert has been included in the Fiscal Year 2022-23 Operating Budget within the Harbor Department City Attorney’s Office Account No. 54410 (Legal Fees & Services), Center No. 0120 and Program No. 000. Funding for future fiscal years, if necessary, will be requested to be budgeted as part of the annual budget adoption process, upon Board approval. A funding out clause is included in the Agreement. Spending under the proposed Agreement is detailed below:

Firm	FY 22/23	FY23/24	FY 24/25	FY 25/26	TOTAL
Liebert	\$80,000	\$100,000	\$90,000	\$80,000	\$350,000

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FOR EMPLOYMENT MATTERS

CITY ATTORNEY:

The Office of the City Attorney has prepared and approved the proposed Agreement as to form and legality.

TRANSMITTALS:


1. Legal Services Agreement with Liebert Cassidy Whitmore

FIS Approval: MB

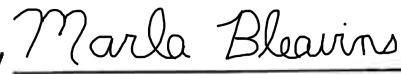
CA Approval: [Signature]



KENNETH MATTFELD
Assistant City Attorney

APPROVED:
By 

STEVEN OTERA
General Counsel, Harbor Department

APPROVED:
By 

EUGENE D. SEROKA
Executive Director