

HARBOR DIVISION

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HELEN J. SOK
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DATE: DECEMBER 28, 2022

FROM: OFFICE OF THE CITY ATTORNEY

**SUBJECT: RESOLUTION NO. _____ - LEGAL SERVICES AGREEMENT
BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND
EVERETT DOREY LLP FOR LIABILITY LITIGATION DEFENSE
COUNSEL**

SUMMARY:

The Office of the City Attorney (Office) requests approval of an Agreement between the City of Los Angeles Harbor Department (Harbor Department) and Everett Dorey LLP (Everett) for legal services related to liability litigation defense counsel. 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 with 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;
3. Approve a Legal Services Agreement with Everett Dorey LLP in the amount of \$350,000 for a three-year term;

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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 claims and litigation arising out of auto accidents and other personal injuries and tort claims. These matters require specialized expertise and resources that exceed staff resources in this specialized area of law.

The Office's current three-year agreement with AlvaradoSmith (AG19-3675) for such services expired on September 17, 2022. The Office requested and received Board approval (June 16, 2022) for a three-year term extension until September 17, 2025 for the limited scope of work for the matter of *Juan Solorio v. City of Los Angeles*. The fiscal authority for the Agreement is \$300,000. Actual spending for the Solorio matter is expected to be \$132,500.

Need for Services and Scope of Work – Outside counsel is necessary because the Office anticipates litigation arising out of auto accidents and other personal injuries and tort claims. While the Office has in-house attorney staff experienced in civil litigation that handle certain matters, each of these attorneys also practice areas unrelated to litigation that are critical to the Office's ability to fully meet the Department's need for legal services. Defense of auto liability matters is a niche legal practice in which the best results are obtained by attorneys familiar with the issues, practitioners, medical providers, and judges that routinely appear in such matters. Additionally, the volume of auto liability cases the Department may face from year to year is unpredictable. For these reasons, it is prudent for the Department to have the assistance of outside counsel when specialized expertise is necessary, and/or litigation exceeds the capacity of in-house resources.

Competitive Counsel Selection Process – The Office issued a Request for Proposals (RFP) on July 27, 2022. The Office sought firms with special expertise in liability litigation and defense counsel. The City of Los Angeles Regional Alliance Marketplace for Procurement reported notifications were sent to 802 registered firms, 34 firms viewed the RFP and 29 firms downloaded the opportunity. Five firms submitted applications.

The Office convened a Selection Committee comprised of two Assistant City Attorneys and one Deputy City Attorney. Based on a review of the written proposals, the Selection Committee interviewed the firms that submitted the top-rated written applications and the

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Office determined that Everett best fit the Department's needs. Everett specializes in personal injury cases and has previously represented the City in numerous cases. The firm offered all 25 of its attorneys to represent the City with Seymour Everett and Samantha Dorey, the founding partners, as the primary contacts. This team of attorneys had the most experience in line with the Department's projected needs.

Among the other applicant firms, there were mostly firms specializing in insurance defense. The smaller applicant firms had experience representing other municipalities but no history of representing the City of Los Angeles. The larger firms had more experience representing the City of Los Angeles, however, the rates were less competitive.

Everett is a spin-off of a larger litigation defense firm whose lawyers found they could maintain the same quality of practice with more professional satisfaction in a smaller environment. The attorneys that Everett would assign to Harbor Department matters possess significant jury and bench trial experience in all manner of tort claims. In the interview, attorneys Everett and Dorey identified and discussed intake; assessment and management protocols that align with efficient and effective case handling with an appropriate level of involvement of senior attorneys who would manage strategic decisions and ultimately try the case if necessary; and more junior attorneys who will prepare the cases for mediation and potential trial.

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:** Legal services in connection with claims and litigation arising out of auto accidents and other personal injuries and tort claims
- **Standard City and City Attorney Agreement provisions**

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of a legal services agreement with Everett Dorey LLP for liability litigation defense counsel, 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.

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FINANCIAL IMPACT:

The proposed action is for the approval of an Agreement for legal services with Everett 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 \$50,000 for Everett is available 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
Everett Dorey LLP	\$50,000	\$80,000	\$170,000	\$50,000	\$350,000

CITY ATTORNEY:

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

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TRANSMITTALS:

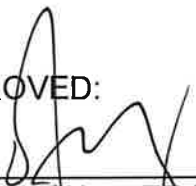
1. Legal Services Agreement with Everett Dorey LLP

FIS Approval: MB

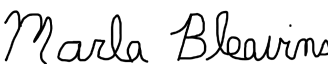
CA Approval: h



JANET KARKANEN
Deputy City Attorney

APPROVED:
By 

STEVEN OTERA
General Counsel, Harbor Department

APPROVED:
By 

EUGENE D. SEROKA
Executive Director

Board Meeting: January 26, 2022