

MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 21 - 0363
NOV 30 2021

REPORT RE:

PROPOSED ADDITION TO ATTORNEY CONFLICTS PANEL

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Council File No. 21-1188

Honorable Members:

The City Attorney's Office, in consultation with the Chief Administrative Officer (CAO), recommends adding six law firms to the existing Attorney Conflicts Panel: Arent Fox; Bienert Katzman Littrell Williams LLP; Kaplan Marino; Mortenson Taggart LLP; Norton Rose Fulbright; and Willenken LLP. The firms are needed because the existing firms on the panel do not have the required legal expertise to represent a number of City employees being interviewed as part of the federal government's investigation into the July 11, 2021, sewage discharge incident at Hyperion Water Reclamation Plant. None of these employees are accused of acting outside the course and scope of their City employment, but, similar to peace officers who require conflicts representation under the Panel's existing Police Tort category, this Office cannot represent these employees due to the potential for a conflict of interest.

The law firms recommended to be included in this new category were selected after considering a number of firms with experience in this area of the law. The respective hourly rates are: Arent Fox (partners/counsel at \$450/hour; associates at \$350/hour; paralegals at \$125/hour); Kaplan Marino (partners/counsel at \$450/hour;

associates at \$325/hour; paralegals at \$125/hour); Bienert Katzman (partners/counsel at \$450/hour; associates at \$300/hour; paralegals at \$200/hour); Mortenson Taggart (partners/counsel at \$450/hour; associates at \$350/hour; paralegals at \$125/hour); Norton Rose Fulbright (partners/counsel at \$450/hour; associates at \$350/hour; paralegals at \$125/hour); and Willenken (partners/counsel at \$450/hour; associates at \$350/hour; paralegals at \$115/hour). The Bureau of Sanitation will pay for the cost incurred in these representations.

The employees will also be required to sign the customary engagement of conflicts counsel letter, which will allow the City to recoup its costs from any employee who is determined to have acted outside the course and scope of his or her employment and not in the best interests of the City.

Recommendation:


That the City Council:

1. Approve the selection of the following law firms: Arent Fox; Bienert Katzman; Kaplan Marino; Mortenson Taggart; Norton Rose Fulbright; and Willenken, at the rates described above.
2. Authorize the City Administrative Officer, or designee, to enter into contracts with the foregoing, on an as-needed basis, for retention of outside counsel to represent City officers and/or employees in conflict-of-interest matters relating to the Hyperion Water Reclamation Plant incident in July 2021.

If you have any questions regarding this matter, please contact Deputy City Attorney Adena Hopensland at (213) 978-8100. She or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 
ANNE HALEY
Assistant City Attorney

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