

County of Santa Clara County Counsel




CC01 011309

Prepared by: Kristin Wong Baker
Deputy County Counsel

Reviewed by: Miguel Marquez
Assistant County Counsel

DATE: January 13, 2009

TO: Board of Supervisors

FROM: 
Ann Miller Ravel
County Counsel

SUBJECT: First Amendment to Legal Services Agreement with Sheuerman, Martini & Tabari, APC

RECOMMENDED ACTION

Approve First Amendment to Agreement with Sheuerman, Martini & Tabari, APC relating to providing legal services and increasing the maximum compensation to \$450,000 for the period July 1, 2008 through June 30, 2010.

FISCAL IMPLICATIONS

There is no General Fund impact as the funding for the Amendment is already included in the budgeted amount for the Liability Insurance Program in the Employee Services Agency, Risk Management Department. The First Amendment maintains the same fee schedule as the original Agreement.

CONTRACT HISTORY

Sheuerman, Martini & Tabari, APC has provided outside legal services to the County since July 2008. The firm was originally selected for its reputation of providing quality legal services and its experience in medical malpractice law, health care law, and civil rights. The firm currently handles large cases requiring specialized legal expertise on behalf of the County.

The original Agreement, effective July 1, 2008, was approved by County Counsel pursuant to a delegation of authority granted by the Board of Supervisors on February 28, 2006 (agenda item 42). This Agreement will expire on June 30, 2010. The maximum compensation under the original Agreement is \$200,000 for the period July 1, 2008 to June 30, 2010.

The attached Agreement is a Type I service agreement subject to the Resolution of Contracting Principles adopted by the Board of Supervisors on October 28, 1997.

REASONS FOR RECOMMENDATION

The Office of the County Counsel assigns matters to outside law firms to represent the County in cases presenting a conflict of interest, where special expertise would benefit the County, or when the existing workload of the County's attorneys renders it impracticable to assign County staff to undertake a particular matter. This firm is currently handling matters for the County requiring special expertise in medical malpractice law, health care law, and civil rights. The pending cases are complex and require extensive work.

Under a delegation granted by the Board of Supervisors on February 28, 2006 (agenda item 42), County Counsel has the ability to execute, amend, and terminate agreements with outside counsel in an amount not to exceed \$200,000 per fiscal year. Because trial preparation and discovery is time-intensive, the firm's bills will exceed the current maximum compensation amount of \$200,000 by February of this year. Board approval is therefore requested to increase the maximum compensation amount of the current agreement by \$250,000, to a total of \$450,000 for the period ending June 30, 2010.

CONSEQUENCES OF NEGATIVE ACTION

The County will not have the benefit of the continued expertise and handling by the law firm of the pending legal matters.

STEPS FOLLOWING APPROVAL

The Clerk of the Board will return one fully executed original of the approved Amendment to Kristin Baker, Deputy County Counsel, to forward to Sheuerman, Martini & Tabari, APC.

ATTACHMENTS

- Fully Executed Agreement for Legal Services - Sheuerman, Martini & Tabari, APC
- First Amendment to Agreement - Scheuerman, Martini & Tabari