



MEMORANDUM

AGENDA ITEM #III.E

DATE: SEPTEMBER 9, 2015
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: LEGAL COUNSEL REVIEW AND PROPOSED CONTRACT EXTENSION

Attached for your information is the Independent Contractor Professional Services Employment Contract between Legal Counsel and the South Florida Regional Planning Council. Paragraph 2.0 on page 1 stipulates that this contract shall commence on October 1, 2015 and terminate on September 30, 2016.

Recommendation

Assess the Legal Counsel's performance and extend contract with Legal Counsel to terminate on September 30, 2016.

AG Receipt Date: _____

Request for Attorney General Approval of Private Attorney Services

1. Agency Name: South Florida Regional Planning Council

Contact Person: James F. Murley, Executive Director; Phone No. 954-985-4416;

Facsimile: 954-985-4417

2. Proposed Agency SAMAS Contract Number: _____,

or Purchase Order # (if under \$5000): E or S _____

(This information is available from your agency fiscal/purchasing staff.)

3. Class/Group Number: 972-010 (This number identifies the area of legal specialization being provided for through contract. Please choose the most appropriate area from the list below.)

- | | | | |
|------------------------------|---------------------------------|---------------------------------------|---------------------------------|
| 010 Administrative Law | 240 Commercial Litigation | 400 Eminent Domain Law | 600 Labor Law |
| 020 Admiralty Law | 250 Communication Law | 410 Employment Practices Law | 605 Land Use Law |
| 030 Agricultural Law | 260 Constitutional Law | 420 Entertainment Arts and Sports Law | 610 Marital and Family Law |
| 040 Antitrust Law | 265 Construction Law | 430 Environmental Law | 630 Patent and Trademark Law |
| 060 Aviation Law | 270 Consumer Law | 440 Estate Planning and Probate | 700 Real Estate Law |
| 100 Bankruptcy Law | 280 Contract Law | 500 General Counsel | 710 Securities Law |
| 110 Bond Law | 285 Copyright Law | 510 Health Law | 720 Sunshine/Public Records Law |
| 200 Civil Appellate Practice | 290 Corporate Law | 530 Immigration Law | 800 Tax Law |
| 210 Civil Rights Law | 300 Corrections/Parole Law | 535 International Law | 850 Utilities Law |
| 220 Civil Trial Practice | 320 Criminal Appellate Practice | 540 Juvenile/Dependency Law | 900 Workers' Compensation Law |
| 230 Collections Law | 330 Criminal Trial Practice | | |

4. Type of Request (If this is an original request, please answer only through question #21; if this is a contract amendment, please answer all questions as appropriate):
Original Contract Contract Amendment _____

5. If this is an original request, please provide the estimated total contract amount:
Fees \$75,750.00 Costs \$ 1,000.00 Total \$76,750.00

6. If this is an original request, please provide the proposed contract period:
From 10/01/15 to 09/30/16

7. Please provide a brief description of the legal services to be provided.
Full range of legal services regarding all facets of South Florida Regional Planning Council Activities.

8. For trial and appellate litigation, please identify:
Style of Case: Please see attached list of cases currently pending.
Case Number:
Court:

9. Identify the reason outside counsel is needed as opposed to utilizing in-house attorney services:

- Necessary legal expertise not available on staff
- Time commitments exceed in-house staff resources
- Conflict of interest
- Local representation necessary
- Travel, lodging and other costs associated with in-house representation not cost effective
- Other, Identify:

10. Identify the proposed law firm/counsel:

Law Firm/Counsel Name Goren, Cherof, Doody & Ezrol, P.A.
 Address: 3099 E. Commercial Blvd., Suite 200
 City, State, Zip Fort Lauderdale, FL 33308

11. Identify by name which partners, associates, research associates or other personnel will be used to perform the contracted legal services; and a schedule of their current billing rates.

Name	Position Title	Billing Rate

Samuel S. Goren, James A. Cherof, Donald J. Doody, Kerry L. Ezrol, Michael D. Cirullo, Jr., Julie F. Klahr, David N. Tolces, and		
Jacob G. Horowitz	Partners	\$205.00
Stacey Weinger	Associate	\$205.00
Shana Bridgeman	Associate	\$205.00
Brian J. Sherman	Associate	\$205.00
Tracy A. DeCarlo	Associate	\$205.00

12. Proposed Hourly Rate: Partner \$205.00 Estimated Hours: _____
 Associate \$205.00 Estimated Hours: _____

13. If the method of payment is to be hourly fee, identify what services will be covered by this fee (e.g., attorney services, paralegal services, research expenditures, overhead including reproductions of materials, administrative support services, telephone charges including faxing of materials, etc.). See Rule 2-37.030, FAC.

All services listed above, excluding reproduction of materials, telephone charges, and faxing of materials.

14. What items, if any, will be subject to additional charges not considered in the hourly fee. See Rule 2-37.030, FAC.

Annual Retainer for all legal services except litigation and administrative matters for Fiscal Year 2015-16 = \$76,750.00

15. If a cap is to be placed on the amount of non-attorney fee expenditures the agency can reimburse over and above the hourly fee, please identify the amount. \$76,750.00

16. Is a waiver to the established fee schedule required? ___ Yes X No
If yes, please complete Attachment 1, Statement of Waiver.

17. If an alternate to the hourly billing method is proposed, please describe.
Fixed fee per case
Flat fee per service(s)
Contingency fee
Retainer
Other Hourly billed for litigation and administrative matters

18. Services to be Performed in: Broward County, Florida
(County)

19. Please identify the criteria used by your agency to select the proposed legal counsel and explain.
Magnitude/complexity of case requires firm's resources
Ratings and certifications (e.g., Martindale and Hubbell)
Firm experience
Minority counsel
Firm's physical proximity to case, agency
Firm's prior experience with agency
Firm's prior experience with similar case or issue
Billing methodology proposed/rate
Other

20. Indicate the names of those attorney(s)/firm(s) contacted in addition to the one proposed and their quoted fees.

Firm Name	Quoted Fee

None	

21. Will agency staff be serving as co-counsel or participating with the outside counsel beyond oversight or coordination? _____ If yes, identify the participation?
 Fact finding, including document review, witness interview _____
 Legal research _____ Formal Discovery _____ Drafting documents _____
 Pleading/motion practice _____
 Negotiations _____ Appeals _____ Trial preparation _____ Trial _____
 Co-Counsel _____ Lead counsel _____
 Other _____, describe _____

22. If this request is a contract amendment, please identify the reason for the amendment, describe the change(s) from the last approval and provide justification for change(s) below.
 _____ Increase in total contract amount (including fees & costs): From \$ _____ to _____
 _____ Increase in hourly rate: From \$ _____ hourly to \$ _____ hourly
 _____ Increase in allowance for expenditures over and above hourly rate: From \$ _____ to \$ _____
 _____ Extension of contract period: From _____ through _____, to _____ through _____
 _____ Revision/change in services to be provided
 _____ Other – Please explain
 Justification for amendment:

23. If this request is an amendment to extend the contract period, please provide for the immediate prior fiscal year only:
 \$ expended for fees: \$ _____ \$ expended for costs: \$ _____
 Total \$ expended: \$ _____

James M. Mulg 4-28-15
 Signature of Requesting Officer Date
EXECUTIVE DIRECTOR
 Title of Requesting Officer

Statement of Waiver

Pursuant to Rule 2-37.040, F.A.C., the following rationale exists for waiver of the fee schedule for legal services to be rendered by Goren, Cherof, Doody & Ezrol, P.A.

- _____ 1. The Agency is unable to obtain adequate legal representation within the confines of the standard fee schedule.
- _____ 2. The Agency is unable to obtain legal services with the special expertise necessary to perform the particular function of the practice of law which the agency requires.
- _____ 3. The waiver is necessary to provide legal services as a result of an emergency, an immediate danger to the public health, safety and welfare, or an opportunity for the state to preserve or enhance the public fisc and that failure to contract immediately for legal services in excess of the standard fee schedule will work to the detriment of the state.

Please provide below the rationale for the justification selected.

Samuel S. Goren, as General Counsel to the South Florida Regional Planning Council, possesses the skill, expertise, experience, and a long-term relationship which mandates a continuation of services on an annual and reviewable basis. Mr. Goren possesses certain qualities and capabilities that are singularly applicable to this Agency and for which is retention is expressly necessary. Mr. Goren and his law firm are evaluated each year during the budget process.



Agency Head Signature

4-28-15

Date