



# ***Agenda Report***

## ***Fullerton City Council***

**MEETING DATE:** OCTOBER 5, 2021

**TO:** CITY COUNCIL / SUCCESSOR AGENCY

**SUBMITTED BY:** STEVE DANLEY, ACTING CITY MANAGER

**PREPARED BY:** LAURA GIANNETTI-MERCER, HUMAN RESOURCES  
MANAGER II

**SUBJECT:** LEGAL SERVICES AGREEMENTS WITH LIEBERT  
CASSIDY WHITMORE AND ACUMEN LAW, LLP

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### **SUMMARY**

Consideration of legal services agreements with the Liebert Cassidy Whitmore law firm to provide labor and employment law services and with Acumen Law, LLP to provide workers' compensation litigation services.

### **RECOMMENDATION**

Authorize Acting City Manager, or designee, to execute and administer agreements with Liebert Cassidy Whitmore and Acumen Law, LLP, in a form approved by the City Attorney.

### **PRIORITY POLICY STATEMENT**

This item matches the following Priority Policy Statement:

- Fiscal and Organizational Stability.

### **FISCAL IMPACT**

No additional funding required as staff projects fees to remain within the approved budgets for legal services.

### **DISCUSSION**

Liebert Cassidy Whitmore (LCW)

The LCW law firm has significant expertise in labor and employment law with a focus on the public sector and education. Scott Tiedemann, the firm's managing partner and lead attorney on City of Fullerton matters, has significant experience working with public

agency employers on labor and employment issues including those related to public safety. This firm has provided labor and employment law services to the City since 2012.

The firm has requested an increase in hourly rates for partners from \$350 per hour to \$370 per hour and hourly rates for paraprofessionals and litigation support staff to increase from \$125 per hour to \$130 per hour. The previously negotiated agreement included a one-year deferral to increase fees until July 2018 and locked them in until June of 2020. Due to financial issues caused by the pandemic, LCW postponed an additional year, until July 2021, to implement an increase. After discussions, LCW agreed to defer the increase an additional three months (effective October 1, 2021), with the newly proposed rates locked in until June 30, 2023. These rates fall within industry standard for such specialized services.

#### Acumen Law, LLP

The Acumen Law, LLP firm has specialized expertise in the defense of workers' compensation claims. Sean Taliaferro will serve as lead attorney on City of Fullerton matters. Mr. Taliaferro has knowledge and previous experience serving the City that is highly beneficial for a current matter. The firm has set attorney rates at \$175 per hour and paralegal rates at \$135 per hour. These rates fall within the industry standard for such specialized services.

The City has agreements with other law firms that specialize in both areas of employment and labor law and workers' compensation litigation and assigns matters to firms based on the relevant experience of the attorneys and complexity of the cases.

#### Attachments:

- Attachment 1 – Agreement for Provision of Legal Services – LCW
- Attachment 2 – Agreement for Provision of Legal Services – Acumen Law, LLP