

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

632



FROM: Human Resources Dept. SUBMITTAL DATE: July 3, 2003

SUBJECT: Contract for Outside Defense Attorney for Workers' Compensation

RECOMMENDED MOTION: 1) Approve the attached contract (1), Agreement for Legal Services and Professional Services, effective July 1, 2003; 2) authorize the chairperson to sign three (3) copies of the contracts; 3) retain one (1) copy and return two (2) copies of the executed Agreement to Human Resources for distribution; and 4) ratify previous payments to said contractor.

BACKGROUND: The Defense Panel working under the direction of Human Resources/Workers' Compensation, has assisted the County of Riverside in defending PERS industrial retirement issues resulting from the filing of workers' compensation cases. We have taken an aggressive defense position resulting a 100 % win ratio, six out of six cases, where the validity of retirement benefits were in question and presented before an Administrative Law Tribunal and appealed before Superior Court.

(continued on page 2)

Ronald W. Komers
Assistant County Executive Officer/
Human Resources Director

FINANCIAL DATA:

CURRENT YEAR COST: \$16,000 **ANNUAL COST:** \$60,000.00 ESTIMATE
NET COUNTY COST: \$0 **IN CURRENT YEAR BUDGET:** YES
BUDGET ADJUSTMENT: NO **FOR FY:** 2003/2004
SOURCE OF FUNDS: Dept. ID: 1130800000 – Workers' Compensation Division

C.E.O. RECOMMENDATION:

APPROVE

COUNTY EXECUTIVE OFFICER SIGNATURE

Consent
 Policy
 Consent
 Policy

Department Recommendation:
Per Executive Office:

Prev. Agn. Ref.

Dist. ALL

AGENDA NO.

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.38

BACKGROUND (continued)

Attorney Robert Heywood has been highly successful in defending public agencies in PERS retirement issues. Our office assigned cases to Mr. Heywood while he was of counsel with the approved contract vendor, Hanna, Brophy, McLeer and Jensen. Mr. Heywood has since retired from the law firm and is working on a consultative basis. He established himself when he accepted two high profile retirement cases that became critical after the approved contracted attorney suddenly left the firm. Mr. Heywood promptly prepared critical Trial Briefs and Motions to defend appeals. There are few attorneys specializing in this area of the law. Given the focus and litigation in this area over the last few years, this kind of expertise will be valuable to the County of Riverside. Therefore, we recommend approval of the \$195.00 hourly rate for Mr. Heywood. In addition, we seek ratification of \$16,000.00 in payments made to Mr. Heywood during the period of June 1, 2002 through June 30, 2003, during which time Mr. Heywood substituted for previously assigned counsel.

County Counsel has approved the contract as to form.