

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

572



**FROM:** Human Resources Department

**SUBMITTAL DATE:**  
August 3, 2005

**SUBJECT:** Outside Defense Attorneys and Investigators for Risk Management

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the nine (9) renewal contracts entitled Agreement for Professional Services - Legal Services (Defense Attorneys), and two (2) Agreement for Professional Services (Investigator), effective July 1, 2005 through June 30, 2007;
2. Authorize the chairperson to sign four (4) copies of each agreement; and
3. Retain one (1) copy and return three (3) copies of the executed agreements to Human Resources for distribution.

**BACKGROUND:** Since the inception of our self insured program for General Liability and Medical Malpractice, the County has utilized outside Defense Attorneys and Investigators on our Panel (Attachment "A"). The attorneys that currently make up our Defense Panel have demonstrated their ability to defend against the unique and complex claims to which the County is subject. The attached contracts will renew the agreements that expired on June 30, 2005, at 2003-2004 billing rates.

(continued on page 2.)

FORM APPROVED  
COUNTY COUNSEL

AUG 09 2005

BY *[Signature]*

*[Signature]*

Ronald W. Komers  
Asst. County Executive Officer/Human Resources Dir.

**FINANCIAL DATA**

Current F.Y. Total Cost:	\$ 2,900,000	In Current Year Budget:	YES
Current F.Y. Net County Cost:	\$ 638,000	Budget Adjustment:	NO
Annual Net County Cost:	\$ 638,000	For Fiscal Year:	2005-06

**SOURCE OF FUNDS:** Internal Service Funds - General Liability, Medical Malpractice

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**APPROVE**

*[Signature]*

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

Dept't Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.: \_\_\_\_\_ District: \_\_\_\_\_ Agenda Number: \_\_\_\_\_

**ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD**

3.56

**Background (continued):**

Over the past five years the County's legal expenses have remained relatively constant. Our indemnity payments paid during the same time have fluctuated and have declined over the last three of five years and our claim expenses have dropped. These results have occurred during the same five years that the median jury award in California has increased 15% per year and the County has enjoyed strong growth in both our population and the service demands.

The nine firms currently on the defense panel are assigned cases on a rotational basis in accordance with the specialization held by specific attorneys in the firm.

The County requires defense attorneys with expertise in several areas including road design, law enforcement, DPSS issues, employment cases, discrimination allegations and other civil rights cases brought in either Federal or State court. In addition, four of the nine firms also provide the County with attorneys who specialize in medical malpractice claims.

DEFENSE PANEL RATES FOR RISK MANAGEMENT 2005-07

HOURLY RATES

July 1, 2005 - June 30, 2007

PANEL FIRMS

NON PANEL FIRMS

Current Panel Members	Expiring Rate	Renewal Rate	Non Panel Firms	Rate
<u>General Liability</u>				
Kinkle Rodiger & Spriggs	\$125.00	\$125.00	Ferguson Praet & Sherman	\$145.00 no increase
Thompson & Colegate	\$125.00	\$125.00	GL Single Case Assignment -DA	\$160.00 no increase
Bell Orrock & Watase	\$125.00	\$125.00	Strong & Hanni	
Lewis Brisbois Bisgaard & Smith, LLP	\$125.00	\$125.00	GL Single Case Assignment -Salt Lake City	
Middlebrook, Kaiser & Popka	\$125.00	\$125.00		
Rinos & Martin	\$125.00	\$125.00		
Ferguson, Praet & Sherman	\$125.00	\$125.00		
Lubrani & Smith LLP	\$125.00	\$125.00		
<u>Medical Malpractice</u>				
Thompson & Colegate	\$125.00	\$125.00	<u>Investigators</u>	
Middlebrook, Kaiser & Popka	\$125.00	\$125.00	Amer Investigative Services	\$45.00 plus expenses
Rinos & Martin	\$125.00	\$125.00	Claim Investigation & Support	\$45.00 plus expenses
Lubrani & Smith LLP	\$125.00	\$125.00		
<u>Appellate</u>				
Arias Aaen A Professional Law Corporation	\$135.00	\$135.00		
<u>Coverage Counsel</u>				
Lewis Brisbois Bisgaard & Smith, LLP	\$125.00	\$125.00		