

# Staff Summary Report



Council Meeting Date: November 6, 2008

Agenda Item Number \_\_\_\_\_

**SUBJECT:** Request authorization to engage the law firm Renaud, Cook, Drury, Mesaros for legal representation in Barker v. City of Tempe.

**DOCUMENT NAME:** 20081106casv01 **LEGAL AND LEGISLATIVE SERVICES (0500)**

**SUPPORTING DOCS:** No.

**COMMENTS:** N/A

**PREPARED BY:** Andrew B. Ching, City Attorney (Ext. 8575)

**REVIEWED BY:** N/A

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** Legal fees will be paid out of the City's self insured retention managed by the Risk Management division of the Financial Services Department, which has sufficient funds to cover all fees incurred. The precise amount of fees incurred in this engagement is difficult to predict in advance and will depend on numerous factors, including additional discovery, participation in any subsequent mediations and the potential for resolution of this case before trial versus preparing for and trying the case. Risk Management and the City Attorney's office will work with outside counsel to develop a budget and closely monitor all costs and expenses.

**RECOMMENDATION:** Staff recommends approval of this item.

**ADDITIONAL INFO:** The need to retain outside counsel was necessitated by the unexpected departure from the City Attorney's Office of the lead attorney on the case. The Renaud, Cook, Drury, Mesaros firm was highly recommended by American Insurance Group (AIG), the City's excess insurance carrier, and the City will be billed at the same rate the firm charges AIG for all work. The firm has particular expertise in defending municipalities in wrongful death cases of this nature.