

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

MEETING DATE: 5/10/2023

Staff Report No. 20-349c

TO: AC Transit Board of Directors  
FROM: Jill A. Sprague, General Counsel/Chief Legal Officer  
SUBJECT: Outside Legal Services Contract

### ACTION ITEM

**AGENDA PLANNING REQUEST:**

#### **RECOMMENDED ACTION(S):**

Consider authorizing the General Manager to exercise Option 2 (Year 4) to extend the District's Contract Nos. 2021-1514 (A-X), Outside Legal Services, with various law firms for the period beginning October 1, 2023 through September 30, 2024.

Staff Contact:  
Jill A. Sprague, General Counsel/Chief Legal Officer

#### **STRATEGIC IMPORTANCE:**

This report is not relevant to the strategic plan.

#### **BUDGETARY/FISCAL IMPACT:**

The current fiscal year outside counsel legal budget, excluding Workers Compensation, is currently \$828,000. Actual expenditures vary depending on the number and complexity of pending cases against the District, as well as transactional legal work related to finance and/or legislation.

#### **BACKGROUND/RATIONALE:**

The Board approved the award of contracts for outside legal Services on September 23, 2020. Twenty-four (24) law firms were selected for the outside legal services panel. The District's current Outside Legal Services contracts will expire on September 30, 2023. This contract term is for a two (2) year base period with three (3) one (1) year options. The General Counsel would like to exercise the second one (1) year option.

**Firms Providing Legal Services Other than Workers' Compensation:** Apperson Crump; Atkinson, Anderson, Loya, Ruud & Romo, Bergman Dacey Goldsmith, Bertrand Fox Elliot Osman & Wenzel, Hanson Bridgett, Jackson Lewis, Lafayette & Kumagai, Nixon Peabody LLP, Ogletree Deakins Nash Smoak & Steward, Olson Remcho, Renne Public Law Group, Wendel Rosen.

**Firms Providing Workers' Compensation Legal Services:** Coleman Chavez & Associates, Hanna Brophy, Laughlin Falbo Levy & Baroumian, Law Office of Janet A. Zamecki, Law Offices of Stacey L. Tokunaga, Michael

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Sullivan & Associates LLP, Testan law; Valencia Wilberding & Romero, Wintersteen/Casarez, Witkop Law Group.

**ADVANTAGES/DISADVANTAGES:**

The advantage of having a panel of outside counsel is that it provides stand-by legal expertise for a variety of issues that in-house lawyers are unable to handle. It is often not feasible due to time constraints to do a new procurement each time outside legal counsel is needed. There is no disadvantage to having such a panel.

**ALTERNATIVES ANALYSIS:**

The alternative is to have in-house counsel handle all matters, which is not recommended as issues arise that are outside the normal scope of work and expertise of in-house counsel.

**PRIOR RELEVANT BOARD ACTION/POLICIES:**

Staff Report 19-335 - Consider authorizing the District to issue a Request for Proposals (RFP) for on-call outside legal services.

Staff Report 20-349 - Authorize Solicitation for Outside legal Services

Staff Report 20-349a - Consider approving the award of contracts for outside legal services to the firms recommended in this staff report.

Staff Report 20-349b - Consider authorizing the General Manager to exercise Option 1 (Year 3) to extend the District's Contract Nos. 2021-1514 (A-X), Outside Legal Services, with various law firms for the period beginning October 1, 2022 through September 30, 2023.

Board Policy 465 - Procurement Policy

**ATTACHMENTS:**

None

**Prepared by:**

Jill A. Sprague, General Counsel

**In Collaboration with:**

**Approved/Reviewed by:**

Chris Andrichak, Chief Financial Officer

Jill A. Sprague, General Counsel/Chief Legal Officer