

**LOS ANGELES COMMUNITY COLLEGES
OFFICE OF THE CHANCELLOR
ADMINISTRATIVE REGULATIONS**

INDEX NUMBER C-9

REFERENCE: Board Rule 4006	TOPIC: Fees and Costs for Outside Counsel
ISSUE DATE: January 10, 2002	INITIATED BY: Chancellor
CHANGES: Revised Billing and proposal requirements	DATE OF CHANGES: June 1, 2009
Revised to add process for assigning counsel on stop notice cases	January 19, 2010
Revised to comply with Board Rule changes adopted on November 7, 2012	November 9, 2012
Revised to establish procedure for creating case files for insurance review	September 19, 2013

I. Definitions

- A. "Advance Approval" shall mean authorization from the Supervising Office before Costs or Hourly Fees are incurred in excess of \$250.
- B. "Advisory Services" shall mean professional advice involving a transaction or other matter not filed as a charge or complaint with a court or administrative agency.
- C. "Amended Hourly Fees" shall mean the original Hourly Fees plus additional Fees which may be charged based on Advance Approval.
- D. "Approved Vendors" shall mean legal support service providers for whom there has been Advance Approval by the General Counsel or his/her Designee.
- E. "BSD" shall mean the Business Services Division.
- F. "Case" shall mean a matter filed as a charge or complaint with a court or administrative agency, including claims filed with the District pursuant to the Government Tort Claims Act, and may include multiple, related charges or complaints if so designated by the Supervising Office. "Case" does not include Worker's Compensation or Unemployment Insurance matters.
- G. "Costs" shall mean reimbursable expenses in accordance with the Counsel's contract with the District.
- H. "Counsel" shall mean the law firm, attorneys and their staff under contract with the District.
- I. "District" shall mean the Los Angeles Community College District, acting by and through its Board of Trustees.
- J. "Estimated Fees" shall mean the total of the Hourly Fees plus the Unit-Based Fees.
- K. "Fees" shall mean professional-level or para-professional services to be performed by Counsel, but "Fees" shall not include Costs or clerical work.

- L. "Hourly Fees" shall mean the Fees for professional services not included in Unit-Based Fees.
- M. "OGC" shall mean the Office of General Counsel.
- N. "Supervising Office" shall mean the manager of the office or unit supervising outside counsel, as determined by the Chancellor in this regulation, or the manager's designee.
- O. "Unit-Based Fees" shall mean those Fees based on each task as a whole unit. The Fees for such a task shall include research, drafting, review and editing by supervising attorneys, travel and waiting time, and the report (if applicable) to the Supervising Office on the task. Fees do not include Costs. The following tasks are included:
 - 1. Taking depositions, including preparation time and reporting to the Supervising Office;
 - 2. Defending depositions, including preparation time and reporting to the Supervising Office;
 - 3. Propounding form interrogatories, including preparation, review of responses, and reporting to the Supervising Office;
 - 4. Responding to form interrogatories, including preparation, review of responses, and reporting to the Supervising Office;
 - 5. Propounding special interrogatories, including preparation, review of responses and reporting to the Supervising Office;
 - 6. Responding to special interrogatories, including preparation, review of responses, and reporting to the Supervising Office;
 - 7. Propounding requests for admissions, including preparation, review of responses and reporting to the Supervising Office;
 - 8. Responding to requests for admissions, including preparation, review of responses and reporting to the Supervising Office;
 - 9. Propounding inspection demands, including preparation, review of responses and reporting to the Supervising Office;
 - 10. Responding to inspection demands, including preparation, review of responses and reporting to the Supervising Office;
 - 11. Propounding requests for employee/consumer/student records, including preparation, review of responses and reporting to the Supervising Office;
 - 12. Review of employee/consumer/student records requested by the adverse party, including reporting to the Supervising Office;
 - 13. Status and pretrial conferences, including preparation of questionnaires and reporting to the Supervising Office;
 - 14. Attendance at mediations, settlement conferences, or other alternative dispute resolution proceeding;
 - 15. Pre-trial motions, per motion;
 - 16. Pre-arbitration or pre-trial briefs;
 - 17. Post-arbitration or post-trial briefs, per day of hearing;
 - 18. Hearings, arbitrations, or trials, per day;
 - 19. Meet-and-confer sessions required by state or federal rules of court or law, ;
 - 20. Preparation of and response to initial meet-and-confer letters regarding discovery, but not continuing correspondence.

II. Assignment of Counsel for Cases

- A. The OGC is the specified location for the acceptance of service of claims, charges and lawsuits against the District. Claims, charges and lawsuits will be submitted to Board Correspondence and promptly referred to the Supervising Office, which will be responsible for ensuring that timely responses are filed on behalf of the District.
- B. The OGC is the Supervising Office for Cases and Advisory Matters except as directed by the Chancellor below and from time to time as he or she deems appropriate.
 - 1. Effective August 1, 2012, the Office of the Deputy Chancellor became the Supervising Office for the Van de Kamp Innovation Center counsel.
 - 2. Effective December 1, 2012, the Office of the Chancellor shall be the Supervising Office for matters involving the Office of the Inspector General and the District Citizens' Oversight Committee.
 - 3. Effective December 1, 2012, the Facilities Planning and Development Department will be the Supervising Office for construction defects Cases; for real property acquisitions; and for real property dispositions involving sale, construction of or alteration to facilities, or leases longer than three years, but not for the responsibilities in Section II (C) through (G).
 - 4. Effective January 1, 2013, the Facilities Planning and Development Department will be the Supervising Office for all purposes for construction defects Cases; for real property acquisitions; and for real property dispositions involving sale, construction of or alteration to facilities or leases longer than three years.
- C. The Supervising Office shall be responsible for administering the Case, and if the Case requires the appearance of a licensed attorney, for obtaining appropriate Counsel (or obtaining the assignment of in-house counsel).
- D. The Supervising Office shall obtain Estimated Fees from three Counsels for each Case, then select the Counsel to best address the needs of the District. The Supervising Office shall estimate the total number of Unit-Based Billing tasks required for each Case, shall complete the "Estimated Number" column on the "Unit Based Fees" table (below), and shall provide a copy of the partially completed "Unit Based Fee" table to Counsel with the bid request. Counsel shall calculate its Estimated Fees for Unit-Based Billing by using the number of tasks estimated by the Supervising Office.
- E. The Supervising Office shall notify all Counsel from whom Estimated Fees were solicited regarding the decision.
- F. In Cases involving the enforcement of stop notices, the Supervising Office will not solicit proposals from Counsel, but shall directly assign Counsel to each Case. The Supervising Office will assign Counsel to best address the needs of the District.
- G. The Supervising Office shall have the responsibility to notify the District of the assignment of all Cases to Counsel at the first meeting of the Board of Trustees following the selection. To the extent this notification or other communications involve a discussion of legal strategies or other confidential matters regarding the District's interests, the Supervising Office shall take appropriate measures to ensure that appropriate privileges are maintained for communications with the Board of Trustees.

III. Maximum Fees

- A. Limited jurisdiction civil cases shall be paid at a flat rate of \$7,500.00, exclusive of costs, through trial or arbitration.
- B. The Estimated Fees shall be the maximum Fees to be paid on any Case.
- C. In the event that unforeseeable circumstances arise, the Supervising Office shall have the authority to approve Amended Hourly Fees. The Amended Hourly Fees shall be added to the Estimated Fees.
- D. In the event that additional Unit Based tasks need to be performed, the Supervising Office shall have the authority to approve additional Unit Based task and Unit Based Fees. The Unit Based Fees will be determined by multiplying the number of additional Unit Based task by the Counsel's Unit Price. The additional Unit Based Fees shall be added to the Estimated Fees.
- E. The Supervising Office shall have the responsibility to report the approval of all Amended Hourly Fees and additional Unit Based Fees to the District promptly.

IV. Assignment of Counsel for Advisory Services

- A. The Supervising Office shall be responsible for the assignment of Counsel for Advisory Services in accordance with Section II (B).
- B. Where possible, Advisory Services should be based on Hourly Fees. When Hourly Fees are established for Advisory Services, the Hourly Fees shall be the maximum payable for a particular matter unless Amended Hourly Fees are obtained through Advance Approval of the Supervising Office.

V. Invoices

- A. Both the Hourly Fees and the Fees charged for Unit-Based tasks shall be billed on an hourly basis. Costs shall be identified separately.
- B. Separate invoices will be submitted to the Supervising Office for each Case or separate Advisory Services.
- C. Invoices for Cases or Advisory Services shall include a separate summary invoice for purposes of processing the invoice through Accounts Payable or, through the Program Manager for bond program matters, without jeopardizing attorney-client privilege.
- D. Costs for services from others shall only be from Approved Vendors.
- E. Invoices for shall be submitted, reviewed and processed by the Supervising Office.
- F. Each Counsel shall be paid for up to two (2) hours as compensation for time spent preparing and submitting its bid on the Case. Invoices for bid preparation time shall be submitted to the Supervising Office.

VI. Files Available for Insurance Review

- A. In order to provide the insurance carrier ready access to files related to ongoing litigation, the BSD shall be the custodian of confidential insurance files for matters under the supervision of the OGC or the BSD. Upon receipt of a new lawsuit, the OGC shall provide a copy of the Summons and Complaint to the BSD. In addition to other files maintained regarding the new lawsuit, the BSD shall also create and maintain an insurance file on each case. The BSD shall notify the carrier about each

new case.

- B. The OGC shall assign the new case to outside counsel and notify BSD of the assignment. After the case has advanced beyond the pleading stage, and discovery has commenced, the OGC shall obtain an initial report on the case from outside counsel and shall thereafter obtain written updates on the case. Copies of the initial report and all updates shall be forwarded to the BSD for placement in the insurance files. These reports shall be considered privileged and confidential.
- C. Communications between the District and outside counsel regarding coverage issues will not be forwarded to the BSD, nor will other attorney-client communications related to the case, such as emails or memos from the OGC to the Board of Trustees.
- D. The OGC will provide quarterly updates on fees and costs expended in each case. These cost updates shall also be placed in the insurance file and provided to a third party administrator, if necessary.
- E. The BSD shall make the insurance file available to the carrier upon the carrier's request.

**LITIGATION PLAN FOR
LOS ANGELES COMMUNITY COLLEGE DISTRICT**

Case Name: _____

Firm: _____

Attorney(s) to
be assigned: _____

I. HOURLY FEES BUDGET

Investigation _____

Motions _____

(identify by type and amount of time) _____

Summary judgment _____

Other _____

Miscellaneous _____

Identify other recommended work not
listed above and the time to perform _____

Total _____ X _____ = _____
(Hours) (Hourly rate)

II. QUALIFICATIONS OF COUNSEL

Identify the experience of the attorney(s) to be assigned to this matter, including years in practice and representative cases, as well as any comments regarding case management and handling.

III. LEGAL ANALYSIS AND DEFENSE STRATEGY

IV. UNIT-BASED FEES

Task	Unit Price	Estimated Number	Total for Task
Taking depositions			
Defending depositions			
Propounding form rogs			
Responding to form rogs			
Propounding special rogs			
Responding to special rogs			
Propounding RFA's			
Responding to RFA's			
Propounding inspection demands			
Responding to inspection demands			
Propounding requests for employee/consumer/student records			
Review of employee/consumer/student records requested by the adverse party			
Status and pretrial conferences			
Mediations and ADR			
Pre-trial motions			
Pre-hearing briefs			
Post-hearing briefs, per day of hearing			
Hearings, trials and arbitrations, per day			
Meet-and-confer sessions			
Initial meet-and-confer letters regarding discovery			
TOTAL ESTIMATED UNIT-BASED FEES			
HOURLY FEES BUDGET (from above)			
TOTAL ESTIMATED UNIT-BASED AND HOURLY FEES			
DISCOUNT			
CONTINGENCY RESERVE			
TOTAL ESTIMATED FEES			