

APPENDIX A

LOCAL GOVERNMENT LEGAL SERVICES SELECTED AGENCY SUMMARIES

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ST. BERNARD PARISH
8201 WEST JUDGE PEREZ DRIVE
CHALMETTE, LA 70043
(504) 273-4348

St. Bernard Parish operates under a home rule charter and has a president-council form of government. Its 2000 U.S. Census population was 67,229. The Parish operating budget for 1999 totaled approximately \$28 million.

In-house Counsel: Section 4-02 of the Parish Charter states that the District Attorney serving St. Bernard acts as legal advisor to the parish government "unless otherwise decided by the president and council". The D.A.'s office represents the parish in property and zoning matters, mandamus actions, etc.

The parish contracts with a full-time attorney (Legal Counsel), whose office is located in the parish government facility, to handle general liability, personnel and civil service cases. The D.A.'s office does not have sufficient staff to handle these matters. The Legal Counsel's contract prohibits outside law practice unless authorized by the Parish President.

Total Outside Legal Services Paid in 1999: \$36,386.

Contracts Active 7/1/99 - 6/30/00

(1) J. Wayne Mumphrey

Purpose: Specific class action litigation case.

Maximum amount: Unstated.

Compensation: \$120/hr. for attorneys with five or more years experience, \$90/hr. for attorneys with less than five years experience.

Amount paid (calendar year 1999): \$36,386.

Comments: The charter allows the retention of contract attorneys. The charter provides that contract counsel may be retained only by a written contract specifying the compensation to be paid and approved by ordinance of the Council. Contracts must be submitted to the Attorney General for approval.

An RFP procedure is not normally used in selecting outside counsel. The Parish President usually makes a recommendation on the selection of outside counsel (which may be based on a recommendation from the Legal Counsel) to the Council. However, the Legal Counsel position was advertised, and a committee that included the C.A.O. and Risk Manager reviewed the applications and made a recommendation to the Council.

The cost-effectiveness of using the in-house contract attorney for the parish government's general litigation is measured to some extent. St. Bernard Parish's risk manager annually prepares a comparison of the cost of the parish's self-insurance program (which includes the cost of in-house counsel) with the premium cost without a self-insurance program. For the past five years, the analysis has indicated cost savings to the parish through use of the self-insurance program.

The written contract used by St. Bernard to employ the outside lawyer listed above simply recites the case to be handled and specifies the hourly compensation to be paid. The contract does not address other issues such as case reporting or billing protocols (for example whether billing increments are in tenth of an hour or quarter of an hour increments). The in-house contract attorney does however pro-

vide outside counsel with detailed instructions covering reporting, visiting accident scenes, depositions, etc.

The in-house counsel monitors the work of outside counsel and may act as co-counsel. Sample bills were requested but not provided.

Contact person: David A. Paysse, Legal Counsel

**CITY OF GRETNA
200 HUEY P. LONG AVE.
GRETNA, LA 70053
(504) 363-1500**

The City of Gretna is a Lawrason Act municipality located within the Parish of Jefferson. Gretna's 2000 census population was 17,423. The city's operating budget for FY 2000 totaled about \$17,695,000. The Police Chief is elected, and the Police Department was surveyed separately.

In house counsel: Part-time City Attorney.

Total Outside Legal Services Paid in FY 4-1-99 to 3-31-00: \$98,342.

Contracts Active 7/1/99 - 6/30/00

W. J. LeBlanc

Purpose: City Attorney and Prosecutor Maximum amount: Unstated.

Compensation: Retainer at \$10,800 per year (prosecutor work.); other work at \$75/hr.

Amount paid (FY 2000): \$66,344.

(2) Olden Toups

Purpose: Court Magistrate

Maximum amount: \$11,100

Compensation: \$925/month.

Amount paid (FY 2000): \$11,100

(3) Molaison, Colvin, Loeb, and Greenberg

Purpose: Curator for blighted property program.

Maximum amount: Unstated.

Compensation: Averages \$600 per property.

Amount paid (FY 2000): \$10,098

Comments: The Mayor selects outside counsel subject to Council approval. Gretna uses a contract attorney to serve as City Attorney and City Prosecutor. An attorney is retained to serve as magistrate in the Gretna City Court.

Gretna's insurers provide defense counsel for liability cases; the Mayor may on occasion request that the City Attorney be assigned to a particular case.

Gretna does not use written contracts.

Sample bills were requested but not provided.

Contact person: Mayor Ronnie C. Harris

CITY OF GRETNA - POLICE DEPARTMENT
ADDRESS: 200 5TH ST.
GRETNA, LA
PHONE: 363-1718

The City of Gretna is a Lawrason Act municipality with a 2000 census population of 17,423 and an elected Police Chief. The Police Chief has certain independent administrative authority, and the Police Department was surveyed separately from the rest of the city government.

In house counsel: Gretna's City Attorney is available to the Police Department.

Total Outside Legal Services Paid in Fiscal Year (4-1-99 - 3-31-00): \$6000

Contracts Active 7/1/99 - 6/30/00

(1) Wayne Mancuso, Esq.
Purpose: General Counsel.
Maximum amount: Unstated.
Compensation: \$6000 retainer.
Amount paid: \$6000.

Comments: The Police Chief selects outside counsel for the department and negotiates compensation.

The agreement is verbal.

Sample bills were requested but not provided.

Contact person: Capt. Charles Whitmer

CITY OF NEW ORLEANS
DEPARTMENT OF LAW, FIFTH FLOOR
CITY HALL
NEW ORLEANS, LA 70112
PHONE: (504) 565-6200

The City of New Orleans is a home rule charter municipality, which had a 2000 census population of 484,574. The operating budget for 1999 was \$429,761,960.

The Council, Sewerage and Water Board, Public Belt Railroad, Aviation Board, and Board of Liquidation, City Debt were surveyed separately and are the subject of separate reports.

In house counsel: The Department of Law had 56 attorney positions budgeted in 1999, including the City Attorney. The department has city charter responsibility for direction and supervision of the legal affairs of the city (Home Rule Charter, Section 4-401).

Total Outside Legal Services Paid in 1999 (Partial): At least \$510,025. Section 4-404(2) of the charter requires that every contract to which the city is a party must be filed with and form a part of the archives of the Law Department. However, the Law Department was not able to provide detailed information on all legal services contracts.

Contracts Active 7/1/99 - 6/30/00

Andre Haydel.

Purpose: Specific litigation.

Maximum amount: \$15,000.00.

Compensation: Contractor \$50.00/hr.

Amount paid (calendar year 1999) \$15,000.00.

(2) Lamothe & Hamilton.

Purpose: Litigation matters as assigned by the City Attorney.

Maximum amount: \$35,000.00.

Compensation: Attorneys \$100.00/hr., Paralegals \$40.00/hr.

Amount paid (calendar year 1999): \$31,108.36.

(3) McCalla, Thompson, Pyburn.

Purpose: Labor relations matters.

Maximum amount. \$25,000.00.

Compensation: Partners \$175.00/hr., Paralegals \$65.00/hr., Legal Asst. \$25.00/hr.

Amount paid (calendar year 1999): \$22,584.21.

(4) Salvatore Panzeca.

Purpose: Litigation matters as assigned by the City Attorney.

Maximum amount: \$40,000.00.

Compensation: Attorneys \$100.00/hr., Paralegals \$40.00/hr.

Amount paid (calendar year 1999): \$22,312.25.

(5) Smith, Jones & Fawer, L.L.P.

Purpose: Litigation involving bond refinancing.

Maximum amount: \$10,000.00.

Compensation: Partners \$150.00/hr., Associates \$90.00/hr., Paralegals \$45.00/hr.

Amount paid (calendar year 1999): \$5,379.20.

(6) Smith, Jones & Fawer, L.L.P.

Purpose: Litigation involving bond refinancing.

Maximum amount: \$11,000.00.

Compensation: Partners \$150.00/hr., Associates \$90.00/hr., Paralegals \$45.00/hr.

Amount paid (calendar year 1999): \$10,056.90

(7) Spears & Spears.

Purpose: Litigation matters as assigned by the City Attorney.

Maximum amount: \$15,000.00.

Compensation: Attorneys \$125.00/hr., Paralegals \$50.00/hr.

Amount paid (calendar year 1999): \$14,848.80.

(8) Weiss & Eason.

Purpose: Litigation matters as assigned by the City Attorney.

Maximum amount: \$29,000.00.

Compensation: Attorneys \$125.00/hr., Paralegals \$50.00/hr.

Amount paid (calendar year 1999): \$13,923.40.

(9) James Babst

Purpose: Workers' compensation litigation.

Maximum amount: \$3,000.00.

Compensation: Attorney \$125.00/hr.
Amount paid (calendar year 1999): \$2,928.83.

(10) James Babst.
Purpose: Workers' compensation litigation.
Maximum amount: \$12,000.00
Compensation: Attorney \$125.00/hr.
Amount paid (calendar year 1999): \$8,955.19

(11) Harry Cantrell.
Purpose: Represent Veieux Carre and Historic District Landmarks Commissions.
Maximum amount: \$23,000.00.
Compensation: Attorneys \$100.00/hr., Paralegals \$40.00/hr.
Amount paid (calendar year 1999): \$22,877.50.

(12) Harry Cantrell.
Purpose: Litigation matters as assigned by the City Attorney.
Maximum amount: \$50,000.00.
Compensation: Attorneys - \$100.00/hr., Paralegals - \$40.00/hr.
Amount paid (calendar year 1999): \$49,062.50.

(13) Daria B. Diaz.
Purpose: Environmental matters.
Maximum amount: \$15,000.00.
Compensation: Attorney \$150.00/hr.
Amount paid (calendar year 1999): \$15,000.00.

(14) Daria B. Diaz.
Purpose: Environmental matters.
Maximum amount: \$27,000.00.
Compensation: Attorney - \$150.00/hr.
Amount paid (calendar year 1999): \$27,000.00.

(15) Chris Fontenot.
Purpose: Specific litigation.
Maximum amount: \$15,000.00.
Compensation: Attorney - \$50.00/hr.
Amount paid (calendar year 1999): \$15,000.00.

(16) Halpern, Danner & Faia
Purpose: Title examinations, abstracts, title insurance.
Maximum amount: \$10,000.00.
Compensation: Attorney \$150.00/hr.
Amount paid (calendar year 1999): \$8,950.32.

(17) Joseph Naccari
Purpose: Counsel to Finance Dept., Bureau of Revenue.
Maximum amount: \$36,000.
Compensation: Unavailable.
Amount paid (calendar year 1999): \$36,000

(18) Clarence Roby, Jr.
Purpose: Hearing officer for Dept. of Utilities.

Maximum amount: \$45,000.
Compensation: \$60/hr.
Amount paid (calendar year 1999): Unavailable

(19) Sher Garner Cahill Richter et al.
Purpose: Counsel to Canal St. Development Corp.
Maximum amount: \$135,000.
Compensation: \$175/hr.
Amount paid (calendar year 1999): Unavailable

(20) Roy J. Rodney, Jr.
Purpose: Counsel to Rivergate Development Corp.
Maximum amount: Unavailable
Compensation: \$125/hr., associates \$110/hr., paralegals \$50/hr.
Amount paid (calendar year 1999): Unavailable

(21) Kinney and Ellinghausen
Purpose: Counsel to Audubon Commission (Institute)
Maximum amount: Unavailable
Compensation: Unavailable
Amount paid (calendar year 1999): \$145,743.

(22) Henry Julien
Purpose: Counsel to French Market Corp. (FMC).
Maximum amount: Unavailable
Compensation: Attorney - \$125/hr., paralegals - \$50/hr.
Amount paid (calendar year 1999): \$36,503.

(23) David A. Marcello
Purpose: Counsel to FMC.
Maximum amount: Unavailable
Compensation: Unavailable
Amount paid (calendar year 1999): \$3,803.

(24) Marcello and Associates
Purpose: Counsel to FMC.
Maximum amount: Unavailable
Compensation: Unavailable
Amount paid (calendar year 1999): \$3,549.

(25) Fisher and Phillips
Purpose: Museum of Art pension plan work.
Maximum amount: \$3270.
Compensation: Unavailable
Amount paid (calendar year 1999): \$3270.

(26) Gilbert Buras
Purpose: Civil Service Commission Attorney
Maximum amount: Unavailable
Compensation: Unavailable
Amount paid (calendar year 1999): Unavailable

(27) Jay Ginsberg
Purpose: Civil Service Commission hearing officer.
Maximum amount: Unavailable
Compensation: Unavailable
Amount paid (calendar year 1999): Unavailable

(28) Harry Tervalon
Purpose: Civil Service Commission hearing officer.
Maximum amount: Unavailable
Compensation: Unavailable
Amount Paid (calendar year 1999): Unavailable

Public records indicate that the following also performed legal services for the City during the survey period:

(29) McGuire Woods Battle & Booth

(30) Julian Murray

(31) Marie Bookman

Comments: Pursuant to Section 6-308(5)(b) of the Charter, the Mayor issued Executive Order 96-020 providing for a competitive selection process for the award of professional services contracts, including contracts for legal services. (The Executive Order applies to contracts in excess of \$15,000.) The process generally requires advertising for proposals, review of proposals by city staff, and submission of evaluations to the Mayor for final selection of a contractor.

Section 4-403 of the charter generally requires a two-thirds vote of the Council to authorize the employment of special counsel by departments and boards. However, historically, this requirement has not been followed.

City Policy Memorandum No. 8 (R) covers professional services contracts in detail and requires written contracts. The memorandum includes a standard format for contracts covering the contractor's qualifications, assignability, conflict of interest, termination of the contract, and other issues.

Contact person: Michael Botnick, Esq.
Deputy City Attorney

**NEW ORLEANS CITY COUNCIL
CITY HALL, ROOM 1E06
NEW ORLEANS, LA 70112
PHONE: (504) 565-6363 (CHIEF OF STAFF).**

The City Council is the legislative branch of New Orleans city government. The Council has regulatory authority over Entergy Corporation (electric and gas utility) and various cable/telecommunications providers. The Council's total 1999 operating budget was \$7,102,880 (including annual city audit and official advertising).

In house counsel: The City Attorney's Office provides counsel and representation to the City Council.

Total Outside Legal Services Paid in 1999: \$1,973,895

Contracts Active 7/1/99 - 6/30/00:

(1) Lemle and Kelleher

Purpose: Special counsel in Council Utility Docket 99-2 involving Entergy's fuel adjustment charges.

Maximum amount: \$425,000

Compensation: Ranges from \$220/hr. for senior partners to \$65/hr. for paralegals.

Amount paid (calendar year 1999): \$43,739

(2) Carter and Cates (2 contracts in force during survey period for electric/gas regulation).

Purpose: Electric and gas utility regulation matters.

Maximum amount: \$600,000 (1-1-00 to 12-31-00 contract).

\$1,807,000 (previous contract as amended).

Compensation: Ranges from \$220/hr. for senior partners to \$65/hr. for other professionals.

Amount paid (calendar year 1999): \$497,503

(3) Wilkerson and Henry (2 contracts in force during survey period).

Purpose: Electric and gas utility regulation matters.

Maximum amount: \$570,000 (1-1-00 to 12-31-00 contract).

\$1,807,000 (previous contract as amended).

Compensation: Ranges from \$220/hr. for senior partners to \$65/hr. for other professionals.

Amount paid (calendar year 1999): \$490,810

(4) Verner, Liipfert, Bernhard, McPherson and Hand (2 contracts in force during survey period).

Purpose: Electric and gas utility regulation matters.

Maximum amount: \$995,000 (1-1-00 to 12-31-00 contract).

\$3,294,000 (previous contract as amended).

Compensation: Ranges from \$280/hr. for shareholders (senior partners) to \$110/hr. for other professionals.

Amount paid (calendar year 1999): \$722,399.

(5) Carter and Cates (telecommunications).

Purpose: Cable/telecommunications matters.

Maximum amount: \$130,000.

Compensation: Ranges from \$185/hr. for partners to \$65/hr. for other professionals.

Amount paid (calendar year 1999): \$8,094

(6) Goins Aaron P.L.C. (Previous contract with Phelps Dunbar, same principal attorney).

Purpose: Cable/telecommunications matters.

Maximum amount: \$190,000 (1-1-00 to 12-31-00 contract).

Compensation: \$195/hr. for senior attorneys, \$150/hr. for associates, \$60/hr. for non-attorneys.

Amount paid (calendar year 1999): \$102,604

(7) M. David Gelfand and Gelfand Consulting.

Purpose: Open access and economic development projects.

Maximum amount: \$150,000 (1-1-97 to 10-2-00).

Compensation: \$265/hr. for principal attorney, \$50 to \$195/hr. for other professionals, \$15 to \$25/hr. for clerical.

Amount paid (calendar year 1999): \$72,922

(8) Bernhard and Leslie.

Purpose: Matters related to Harrah's Casino and its lease with the City of New Orleans/Rivergate Development Corporation.

Maximum amount: \$900,000 (5-20-96 to 10-2-00). Includes subcontracts with Gelfand Consulting and Hoffman Sutterfield).

Compensation: \$175/hr. for partners, \$100/hr. for associates or sub-contractor, to \$45/hr. for paralegals.

Amount paid (calendar year 1999): \$35,824

Comments: The Council was surveyed separately from the executive branch of city government because of its independent City Charter authority to contract for professional services. The charter authorizes the Council President to execute professional services contracts with Council approval.

Council Rule 45 provides a competitive selection process required by the Charter for professional services contracts (Home Rule Charter, Section 6-308(5)). The process applies to contracts for an amount more than \$15,000 and includes public advertisement, council staff review, and submission of written evaluations to the Council committee overseeing the contract, i.e. the Utility Committee oversees electric and gas matters. The Council selects a contractor after receipt of the staff evaluations and a recommendation from the committee.

All contracts are formal, written agreements. The Council does not have written billing procedures. (This results, for example, in some firms billing in tenth of an hour increments and others in quarter hour increments.)

Entergy Corporation reimburses the Council for the cost of legal services for electric and gas regulatory matters. Similarly, developers reimbursed the Council for Harrah's Casino and economic development project legal services.

Contact person: Ronald J. Pursell, Chief of Staff

NEW ORLEANS AVIATION BOARD (NOAB)
P.O. BOX 20007
NEW ORLEANS, LA 70141
PHONE (504) 464-2652

The New Orleans Aviation Board is responsible for operation and development of the Louis Armstrong International Airport and related facilities in Kenner and St. Charles Parish, Louisiana. The board's total 1999 budget for operations and debt service was \$51,742,951. The Mayor of New Orleans appoints the nine-member board subject to City Council approval.

In house counsel: The board retains one in-house attorney who provides general legal services to the Aviation Board.

Total Outside Legal Services Paid in 1999: \$1,379,352.

Contracts Active 7/1/99 - 6/30/00:

(1) Middleberg, Riddle & Gianna.

Purpose: General counsel, litigation and other legal matters.

Maximum amount: None.

Compensation: A.G. rate schedule. *

Amount paid (calendar year 1999) \$909,864.

- (2) Bencomo & Associates.
Purpose: Specific litigation.
Maximum amount: None.
Compensation: A.G. rate schedule.
Amount paid (calendar year 1999): \$72,352. **
- (3) Phelps Dunbar, L.L.P.
Purpose: Specific litigation.
Maximum amount: None.
Compensation: A.G. rate schedule.
Amount paid (calendar year 1999): \$19,818. **
- (4) William H. Hall, Esq.
Purpose: Specific litigation.
Maximum amount: None.
Compensation: A.G. rate schedule.
Amount paid (calendar year 1999): \$5,385.
- (5) DeMartini, D'Aquila & Volk
Purpose: Specific litigation.
Maximum amount: None.
Compensation: A.G. rate schedule.
Amount paid (calendar year 1999): \$69,352.
- (6) Rosen & Slome, L.L.P.
Purpose: Specific litigation.
Maximum amount: None.
Compensation: A.G. rate schedule.
Amount paid (calendar year 1999): \$7,552.
- (7) Clinton Smith, Jr., APLC
Purpose: Hearing Officer in taxicab matters.
Maximum amount: None.
Compensation: A.G. rate schedule.
Amount paid (calendar year 1999): \$7,455.
- (8) Thomas A. Early, Jr., Esq.
Purpose: Hearing Officer in taxicab matters.
Maximum amount: None.
Compensation: A.G. rate schedule.
Amount paid (calendar year 1999): \$975.
- (9) Danatus N. King, Esq.
Purpose: Specific litigation.
Maximum amount: None.
Compensation: A.G. rate schedule.
Amount paid (calendar year 1999): \$28,080. **
- (10) Harry E. Cantrell, Jr., Esq.
Purpose: Bond Counsel.
Maximum amount: None.

Compensation: A.G. rate schedule.
Amount paid (calendar year 1999): \$29,036. ***

(11) The Godfrey Firm.
Purpose: Bond Counsel
Maximum amount: None.
Compensation: A.G. rate schedule.
Amount paid (calendar year 1999): \$164,707. ***

(12) McGlinchey Stafford & Lang
Purpose: Co-underwriters bond counsel.
Maximum amount: None.
Compensation: A.G. rate schedule.
Amount paid (calendar year 1999): \$10,000. ***

(13) Elie, Jones & Associates
Purpose: Specific litigation.
Maximum amount: None.
Compensation: A.G. rate schedule.
Amount paid (calendar year 1999): \$54,779.

*A.G. Rate schedule is as follows:

Experience	Hourly Rate
10 or more years	\$150.00
5 or more years	\$135.00
3 to 5 years	\$120.00
< 3 years	\$100.00
Paralegal services	\$45.00
Law clerk services	\$25.00

** Paid through NOAB's insurance company.

*** Paid through bond proceeds.

Comments: The Aviation Board selects outside counsel and approves their retention by resolution.

The NOAB is subject to the jurisdiction of the New Orleans Civil Service Commission. The Commission has a rule requiring its approval of professional services contracts. However, the NOAB does not submit proposed agreements for legal services to the City Civil Service Commission for review.

The NOAB does not use formal written contracts. The board issues detailed policies and procedures outside counsel that cover case reporting, budgeting, hourly rates and staffing, billing increments, travel time, etc. These "outside counsel rules" are deemed by the NOAB to constitute the terms of the agreement.

The NOAB's Legal Committee reviews bills and attorney performance.

Contact person: Courtney C. Thornton, Esq.
Legal Counsel

**NEW ORLEANS SEWERAGE AND WATER BOARD
625 ST. JOSEPH ST.
NEW ORLEANS, LA 70112
PHONE: 504-585-2236**

The Sewerage and Water Board (S&WB) is a thirteen member board responsible for providing sewerage, water, and drainage services for New Orleans. The Board's 1999 operating expenditures were approximately \$99 million.

In house counsel: The S&WB's in-house legal staff is composed of the Special Counsel (an unclassified civil service employee) and seven full time attorneys who are members of the classified city civil service. The in-house legal staff provides general legal services to the Board including litigation, contracts, and administrative and personnel matters.

R.S. 33:4077 provides that the New Orleans city attorney shall be the legal advisor to the Board. However, the city attorney is required to appoint a special counsel with the advice and consent of the Board. The city attorney may remove special counsel only with the advice and consent of the Board and shall remove special counsel if requested by resolution of two-thirds of the board members. The City Attorney provides advice to the Board on occasion.

Total Outside Legal Services Paid in 1999: \$1,195,327 *

Contracts Active 7/1/99 - 6/30/00:

(1) Barham & Arceneaux

Purpose: Representation in appellate matter.

Maximum amount: "Not expected to exceed \$14,500".

Compensation: Attorneys range from \$200/hr. to \$120/hr. Paralegals - \$60/hr.

Amount paid (calendar year 1999): \$1,057.

(2) Barry & Piccione

Purpose: Specific litigation case.

Maximum amount: Unstated.

Compensation: \$75/hr.

Amount paid (calendar year 1999): \$971

(3) Beveridge & Diamond (Washington, D.C. firm).

Purpose: Federal litigation and consent decree re sewerage system.

Maximum amount: Unstated.

Compensation: \$255/hr. to \$212.50/hr.

Amount paid (calendar year 1999): \$192,417.

(4) Gelfand & Associates

Purpose: Appeal hearings re disadvantaged business enterprise program.

Maximum amount: Unstated.

Compensation: \$265/hr., \$195/hr. to \$150/hr.

Amount paid (calendar year 1999): \$3,150.

(5) Uddo & Milazzo

Purpose: Natural gas rate cases before New Orleans City Council and litigation with gas supplier.

Maximum amount: Unstated.

Compensation: \$200/hr.
Amount paid (calendar year 1999): \$682,972.

(6) Mark S. Goldstein
Purpose: Bankruptcy matters.
Maximum amount: Unstated.
Compensation: \$175/hr. to \$145/hr.
Amount paid (calendar year 1999): -0-

(7) Jones, Walker et al.
Purpose: Specific litigation.
Maximum amount: Unstated.
Compensation: \$125/hr. for attorneys, \$40/hr. for non-attorneys.
Amount paid (calendar year 1999): \$1,160.

(8) John Krentel
Purpose: Specific appellate matters.
Maximum amount: Unstated.
Compensation: \$100/hr.
Amount paid (calendar year 1999): \$7,269.

(9) The Kullman Firm
Purpose: Personnel/labor matters.
Maximum amount: Unstated.
Compensation: \$150/hr. to \$100/hr.
Total amount paid (calendar year 1999): \$34,336.

(10) Eric Oliver Person
Purpose: Real estate matters.
Maximum amount: Unstated.
Compensation: \$150/hr.
Amount paid (calendar year 1999): \$19,743

(11) Rodney, Bordenave et al.
Purpose: Contract litigation.
Maximum amount: Unstated.
Compensation: \$170/hr.
Amount paid (calendar year 1999): \$37,130.

(12) Chris Edwards
Purpose: Hearing officer re customer bill complaints.
Maximum amount: Unstated.
Compensation: \$30 per hearing.
Amount paid (calendar year 1999): \$10,230.

(13) Smith Martin
Purpose: Specific litigation re Broad St. pumping station.
Maximum amount: Unstated.
Compensation: \$135/hr.
Amount paid: (calendar year 1999): \$76,665.

(14) Bencomo & Associates
Purpose: Specific litigation cases.

Maximum amount: Unstated.
Compensation: Attorneys - \$140/hr. to \$115/hr.; paralegals - \$45/hr.
Amount paid (calendar year 1999): \$113,197.

(15) Cantrell Law Firm
Purpose: Bond counsel. Work on drainage fee proposal.
Maximum amount: Unstated.
Compensation: \$150/hr.
Amount paid (calendar year 1999): \$4,575.

(16) Foley & Judell
Purpose: Bond counsel. Work on drainage fee proposal.
Maximum amount: Unstated.
Compensation: \$150/hr. to \$100/hr.
Amount paid (calendar year 1999): \$3,688.

(17) Godfrey Firm
Purpose: Bond counsel. Work on drainage fee proposal.
Maximum amount: Unstated.
Compensation: \$150/hr. to \$135/hr.
Amount paid (calendar year 1999): \$6,767.

* The total does not include payments to one law firm. During 1999, the S&WB retained a Financial Advisor team in connection with the proposed privatization of water and sewer operations. The team included the Washington, D.C. law firm of Verner, Liipfert, Bernhard, Mcpherson and Hand. Special Counsel to the S&WB stated that the work being performed by the firm "is not deemed to be a contract for legal services". The firm's total fees and expenses for 1999 were \$272,302 and the firm was paid \$105,440 in 1999.

Comments: The S&WB's Policy Statement Number 95 requires an RFP or RFQ procedure for professional services contracts in excess of \$15,000. A staff committee reviews applications and provides a recommended short list to a S&WB committee. The committee makes a recommendation to the S&WB which makes the final selection of outside attorneys.

The S&WB is subject to the jurisdiction of the New Orleans Civil Service Commission. The Commission has a rule requiring its approval of professional services contracts. However, the S&WB does not submit proposed agreements for legal services to the City Civil Service Commission for review.

Agreements with outside counsel are verbal or in the form of letter agreements. The board has no standard billing requirements. Some firms bill in quarter hour increments and others in tenth of an hour increments.

In-house counsel reviews bills and monitors the contract attorneys. In-house counsel does not prepare evaluations of outside counsel.

Contact persons: John D. Lambert, Jr. Special Counsel
Gerard Victor, Staff Attorney
Margaret Tyler, Law Office Manager

**NEW ORLEANS PUBLIC BELT RAILROAD COMMISSION
4822 TCHOUPITOULAS
ST. NEW ORLEANS, LA 70115
PHONE: (504) 896-7410**

The Public Belt Railroad Commission (PBR) operates terminal switching facilities, locomotives, and a fleet of boxcars and gondola cars that serve the Port of New Orleans. PBR operates in Orleans and Jefferson Parishes and maintains the Huey P. Long Mississippi River Bridge (owned by the City of New Orleans). A board composed of the Mayor and sixteen taxpayers of New Orleans governs the PBR. PBR's 1999 operating expenditures totaled \$12,303,573.

In house counsel: None.

Total Outside Legal Services Paid in 1999: \$441,056.

Contracts Active 7/1/99 - 6/30/00:

(1) Jones Walker Waechter Poitevent Carrere & Denegre

Purpose: General legal matters; litigation.

Maximum amount: Unstated.

Compensation: Attorneys and partners over ten years experience, \$150/hr.; partners \$135/hr.; associates, \$110/hr.; paralegals, \$50/hr.

Amount paid (calendar year 1999): \$436,888.

(2) Christovich & Kearney

Purpose: Litigation.

Maximum amount: Unstated.

Compensation: \$120/hr.

Amount paid (calendar year 1999): \$4168.

Comments: The Jones, Walker firm served exclusively as the PBR's legal counsel by verbal agreement from 1958 through 1998. In 1999, the firm noted a conflict on a particular case and recommended another firm to handle that case.

In early 2000, PBR began development of a policy regarding retention of legal services. PBR's legal committee now sends letters of inquiry to selected firms requesting rates, etc. if legal services are needed for a particular matter. The committee makes a selection of counsel and advises the full board of its decision.

PBR is now beginning to use engagement letters for retention of counsel in some cases.

Contact person: Gerald H. Hutchison, General Manager

**BOARD OF LIQUIDATION, CITY DEBT
1300 PERDIDO ST., ROOM 8E17
NEW ORLEANS, LA 70112
(504) 565-6280**

The Board of Liquidation, City Debt is a nine-member board responsible for the payment of principal and interest on bonds issued by the City of New Orleans, the Sewerage and Water Board, and the

Audubon Commission. The Board approves the issuance of bonds and sells bonds on behalf of the City and the boards mentioned above.

In house counsel: none.

Total Outside Legal Services Paid in 1999: \$164,943

Contracts Active 7/1/99 - 6/30/00

(1) Lemle & Kelleher.

Purpose: General Counsel. Handles general legal work and specific cases as needed. Maximum amount: Unstated.

Compensation: Retainer @ \$11,250 per year. Bills reflect an hourly rate of \$200 for work on special cases.

Amount paid (calendar year 1999): \$37,804.

(2) Foley & Judell.

Purpose: Bond Counsel.

Maximum amount: Unstated.

Compensation: In accordance with Attorney General's guidelines.

Amount paid (calendar year 1999): \$35,954.

(3) The Cantrell Law Firm.

Purpose: Bond Counsel.

Maximum amount: Unstated.

Compensation: In accordance with Attorney General's guidelines.

Amount paid (calendar year 1999): \$50,325

(4) The Godfrey Law Firm.

Purpose: Bond Counsel.

Maximum amount: Unstated.

Compensation: In accordance with Attorney General's guidelines.

Amount paid (calendar year 1999): \$40,860.

Comments: The Board selects outside counsel at its discretion.

The Board retained four law firms during the survey period. One firm has served as general counsel for many years; the others are long time bond counsel to the Board employed by resolution of the Board in 1985, according to the general counsel.

All four firms have verbal arrangements.

Contact persons: David W. Gernhauser

Acting Secretary

William R. Forrester, Jr.

Lemle and Kelleher

**JEFFERSON PARISH SHERIFF'S OFFICE
1233 WEST BANK EXPRESSWAY
HARVEY, LA 70058
(504) 363-5725**

The Jefferson Parish Sheriff is the chief law enforcement officer of Jefferson Parish. In addition to providing police protection, his office (JPSO) operates the parish prison and other correctional facilities, serves and executes orders and processes of the parish courts, and collects parish sales, property, occupational, and license taxes. The JPSO's 1999 operating budget totaled approximately \$82 million.

In house counsel: The JPSO employs two in-house attorneys for general legal work and to address two specific areas: tax sales and search and arrest warrants issues.

Total Outside Legal Services Paid in 1999: \$582,669.

Contracts Active 7/1/99 - 6/30/0:

(1) Martiny & Caracci
Purpose: General civil litigation.
Maximum amount: Unstated.
Compensation: \$85/hr.
Amount paid (calendar year 1999): \$232,539.

(2) Golden & Fonte
Purpose: General civil litigation.
Maximum amount: Unstated.
Compensation: \$80/hr.
Amount paid (calendar year 1999): \$184,663.

(3) Brad Theard
Purpose: General civil litigation.
Maximum amount: Unstated.
Compensation: \$80/hr.
Amount paid (calendar year 1999): \$143,558.

(4) Burke & Meyer
Purpose: Sales tax, property tax, and IRS law.
Maximum amount: Unstated.
Compensation: \$115/hr.
Amount paid (calendar year 1999): \$21,909.

Comments: The Sheriff selects outside counsel based on his professional judgement. Outside attorneys currently retained have performed legal work for the JPSO for the past fifteen to twenty years.

Outside counsel are retained through verbal agreements.

The JPSO's chief deputy (an attorney) meets personally with outside counsel on a quarterly basis to evaluate and review case status.

The chief deputy and the sheriff's insurance department review bills. The JPSO requires a separate bill for each case being handled by outside counsel.

Contact person: Newell D. Normand, Chief Deputy, JPSO

**LOUISIANA STADIUM AND EXPOSITION DISTRICT
SUGAR BOWL DRIVE
NEW ORLEANS, LA 70112
PHONE: 504- 587-3913**

The Louisiana Stadium and Exposition District (LSED) is a seven-member board appointed by the Governor with responsibility for maintenance and operation of the Louisiana Superdome, the New Orleans Arena, the Alario Center, Zephyr Stadium and other facilities. The LSED also disburses some income from operations and a local hotel tax to various government and nonprofit agencies in accordance with state law.

In house counsel: None. The LSED may refer matters to the Attorney General.

Total Outside Legal Services Paid in 1999: \$241,395

Contracts Active 7/1/99 - 6/30/00

(1) Capella Law Firm. (Two separate contracts.)

Purpose: (a) General Legal Advisor. (b) Legal services re Economic Development Fund projects.

Maximum amount: (a) \$145,000 * (b) \$15,000 *.

Compensation: (a) \$150/hr. for principal to \$45/hr. for paralegals.

(b) \$125/hr., principal

Amount paid (fiscal year 7-1-99 to 6-30-00): \$94,528.

(2) Taylor, Porter, Brooks, & Phillips.

Purpose: Special counsel re Zephyr/Alario construction litigation.

Maximum amount: \$125,000 *.

Compensation: \$150/hr. for principals to \$45/hr. for paralegals.

Amount paid (fiscal year 7-1-99 to 6-30-00): \$146,867

* Contract maximums are for 7/1/00 - 6/30/01 contracts.

Comments: The chairman of the LSED board makes a recommendation on selection of outside counsel to the board of commissioners. The board must approve the selection. The Attorney General and the Office of Contractual Review do not review LSED's contracts for legal counsel.

LSED uses written contracts to retain counsel. The contracts are detailed and cover issues including use of sub-contractors, billing protocols, travel, review of the attorney's records by the Attorney General and Legislative Auditor, and contract cancellation.

LSED staff and the LSED chairman review bills from outside counsel.

A contractor (SMG) manages the Superdome and New Orleans Arena on behalf of the LSED. The contractor selects its own counsel for its corporate purposes. The State through the Division of Administration (Risk Management) and third party insurers handles tort cases involving injuries at the facilities.

Contact person: Mr. Greg Davis, Manager

PORT OF SOUTH LOUISIANA
171 BELLE TERRE BLVD.
P.O. BOX 909
LAPLACE, LA 70069
(504) 652-9278

The Port of South Louisiana owns and leases port related facilities in St. Charles, St. James, and St. John Parishes. The Port also owns and operates the Globalplex Intermodal Terminal. A seven-member board governs the Port. (R.S. 34:2471, et seq.)

In house counsel: None.

Total Outside Legal Services Paid 7-1-99 to 6-30-00: \$272,843.

Contracts Active 7/1/99 - 6/30/00:

(1) Liskow & Lewis. (Two letter agreements.)

Purpose: Represent Port in class action litigation and related matters involving wastewater treatment system.

Maximum amount: Unstated.

Compensation: Ranges from \$175 per hour for senior attorneys to Attorney General's rate schedule for junior firm lawyers and legal assistants.

Amount paid (7-1-99 to 6-30-00): \$189,500.

(2) Lloyd J. LeBlanc, Jr.

Purpose: General legal advice, attendance at meetings, contract negotiation, litigation (except torts and worker's compensation).

Maximum amount: \$100,000.

Compensation: \$150/hr. for principal attorney. Fees specified for others range from \$135/hr. for attorneys with more than ten years experience to \$25/hr. for law clerks.

Amount paid (7-1-99 to 6-30-00): \$1,425.

(3) Joel T. Chaisson, APLC

Purpose: General legal advice, attendance at meetings, contract negotiation, litigation (except torts and worker's compensation).

Maximum amount: \$100,000.

Compensation: \$150/hr. for principal. Fees for others range from \$135/hr. for attorneys with more than ten years experience to \$25/hr. for law clerks.

Amount paid (7-1-99 to 6-30-00): \$12,858.

(4) Peter J. Butler, Jr.

Purpose: Legal services to the Port regarding the auditing of its records.

Maximum amount: \$100,000.

Compensation: \$150/hr. for the principal attorney. Fees specified for others range from \$135/hr. for attorneys with more than ten years experience to \$25/hr. for law clerks.

Amount paid (7-1-99 to 6-30-00): \$1,068.

(5) Adams and Reese LLP

Purpose: Lobbying and governmental relations for the Port with Congress and Federal agencies.

Maximum amount: \$50,000/yr. retainer plus expenses.

Compensation: \$4167 per month plus expenses.

Amount paid (7-1-99 to 6-30-00): \$67,992.

Comments: RFQ's are issued if fees for legal services are expected to exceed \$100,000 (required by R.S. 34:2473 which governs the Port's operations). The Executive Director (an attorney) selects outside counsel with the Board's approval for contracts over \$10,000. The Attorney General reviews and must approve legal services contracts

The Port uses formal contracts and letter agreements to retain outside counsel.

The Port's Executive Director monitors cases. The Executive Director, the Port's General Counsel and the Port's finance office review bills. Billing increments are in tenth of an hour or quarter hour increments.

Contact person: Mr. Joseph Accardo
Executive Director

**EAST JEFFERSON GENERAL HOSPITAL
4200 HOUMA BLVD.
METAIRIE, LA 70006
(504) 454-5558**

East Jefferson General Hospital (EJGH) is a 482-bed hospital facility established and owned by the Parish of Jefferson. The hospital also provides ambulance service to the east bank of the parish. EJGH is officially designated as "Jefferson Parish Hospital Service District No. 2" and was created by the parish pursuant to its home rule charter and R.S. 46:1051 et seq. (See Parish Code, Sections 17-17 and 2-841.) EJGH's 1999 operating budget totaled approximately \$263 million. The Jefferson Parish Council appoints a ten member hospital board.

In house counsel: EJGH has two attorneys on staff. They provide advice to hospital personnel, review and assist in negotiation of contracts, handle medical malpractice cases through the Medical Review Panel level, and coordinate with and assist outside counsel.

Total Outside Legal Services Paid in 1999: \$1,076,280

Contracts Active 7/1/99 - 6/30/00:

(1) Law Office of Salvador Anzelmo

Purpose: Special Counsel - general responsibility for EJGH's legal affairs.

Maximum amount: * (see note)

Compensation: Jefferson Parish approved rates.**

Amount paid (calendar year 1999): \$459,820.

(2) Campbell, McCranie, Sistrunk, Anzelmo & Hardy

Purpose: Special Counsel - Jefferson Parish Affiliate

Maximum amount: *(see note)

Compensation: Jefferson Parish approved rates.

Amount paid (calendar year 1999): \$269,449.

(3) Stone, Pigman, et al. (Retained pursuant to Council resolution.)

Purpose: Specific litigation.

Maximum amount: Unstated.

Compensation: Jefferson Parish approved rates.

Amount paid (calendar year 1999): \$334,013.

(4) Ober, Kaler, Grimes, & Shriver
Purpose: Medicare advice.
Maximum amount: Unstated.
Compensation: Jefferson Parish approved rates.
Amount paid (calendar year 1999): \$10,518.

(5) Rodney, Bordenave, et al.
Purpose: Malpractice defense.
Maximum amount: Unstated.
Compensation: Jefferson Parish approved rates.
Amount paid (calendar year 1999): \$651.

(6) Griffith, Battard & Johnson, L.L.C.
Purpose: Malpractice defense.
Maximum amount: Unstated.
Compensation: Jefferson Parish approved rates.
Amount paid (calendar year 1999): \$1,829.

*: EJGH's contract with the Special Counsel and its Jefferson Parish affiliate contains a limit of \$390,000 per year plus expenses for general legal advice provided by the two firms. The cap does not include representation of the hospital by Special Counsel or its affiliate in litigation or administrative proceedings.

** Jefferson Parish approved rates are as follows:

- Attorneys
- 20 years or more experience - \$175/hr.
- 15 to 20 years experience - \$150/hr.
- 10 to 15 years experience - \$125/hr.
- 5 to 10 years experience - \$100/hr.
- Less than 5 years experience - \$90/hr
- Paralegals - \$45/hr.
- Law clerks - \$25/hr.

Comments: The Jefferson Parish Code (Sections 2-927 through 2-935.1) provides a detailed procedure for the selection of professional services contractors, including attorneys. The procedure includes public advertisement and evaluation of submittals and qualifications in accordance with stated criteria. A council committee performs the evaluation.

The Jefferson Parish Council selected outside general counsel (referred to as Special Counsel) for the hospital in accordance with the above procedure. Special Counsel includes two firms, one of which is referred to as the "Jefferson Parish Affiliate".

The Special Counsel is authorized by Section 2.03 of the contract to select or discharge other outside counsel in connection with hospital legal matters. These attorneys selected by the Special Counsel must be listed on Jefferson Parish's Approved Attorney List (developed from a request for qualifications process).

Contracts are written and are subject to Council approval.

The contracts state that bills from outside counsel must be submitted to the Jefferson Parish Attorney for approval.

Contact person: Lucas Giordano, Esq.
In house Legal Counsel

**WEST JEFFERSON MEDICAL CENTER
1101 MEDICAL CENTER BLVD.
MARRERO, LA 70072
(504) 584-5454 (SPECIAL COUNSEL)**

West Jefferson Medical Center (WJMC) is a 462-bed hospital facility established and owned by the Parish of Jefferson. WJMC also operates the 911 ambulance service in unincorporated areas of the west bank of Jefferson Parish. WJMC is officially designated as "Jefferson Parish Hospital District No. 1" and was created by the parish pursuant to its home rule charter and R.S. 46:1051 et seq. (See Parish Code, Sections 17-16 and 2-851.) The Jefferson Parish Council appoints a ten member board.

In house counsel: None.

Total Outside Legal Services Paid in 1999: \$488,657

Contracts Active 7/1/99 - 6/30/00:

(1) Peter Butler, Sr., Peter Butler, Jr. (Breazeale, Sachse & Wilson, L.L.P.).
Purpose: Special Counsel - general responsibility for WJMC's legal affairs.
Maximum amount: * (see note)
Compensation: Jefferson Parish approved rates. **
Amount paid (calendar year 1999): \$487,805

(2) Hand, Arendall, LLC (Alabama firm).
Purpose: Legal services.
Maximum amount: Unstated.
Compensation: Unstated.
Amount paid (calendar year 1999): \$700.

(3) Stephen Windhorst, Esq.
Purpose: Legal services.
Maximum amount: Unstated.
Compensation: Unstated.
Amount paid (calendar year 1999): \$152.

* Through March, 2000, the agreement contained a maximum annual amount of \$490,000. An amendment approved by the Parish Council effective April, 2000 changed the cap to \$300,000 per year for non-litigation legal services. There is no cap for litigation services.

** Jefferson Parish approved rates are as follows:

Attorneys
20 years or more experience - \$175/hr.
15 to 20 years experience - \$150/hr.
10 to 15 years experience - \$125/hr.
5 to 10 years experience - \$100/hr.
Less than 5 years experience - \$90/hr
Paralegals - \$45/hr.
Law clerks - \$25/hr.

Comments: The Jefferson Parish Code (Sections 2-927 through 2-935.1) provides a detailed procedure for the selection of professional services contractors, including attorneys. The procedure includes public advertisement and evaluation of submittals and qualifications in accordance with stated criteria. Special Counsel's contract and amendments thereto are written and are subject to Council approval.

The Jefferson Parish Council selected outside Special Counsel for the hospital in accordance with the above procedure. A council committee performs the evaluation.

Originally, the Special Counsel was retained through a formal written contract. The contract was subsequently replaced with an engagement letter. This arrangement was approved by resolution of the Parish Council.

The engagement letter provides that fees and expenses in excess of \$5000 must be approved by the WJMC Board of Directors.

Contact person: Peter J. Butler, Esq.
Special Counsel

**ORLEANS LEVEE DISTRICT
6001 STARS & STRIPES BLVD.
NEW ORLEANS, LA 70126
PHONE: (504) 243-4040**

The Orleans Levee District (OLD) provides levee and flood protection for New Orleans and provides and maintains recreational areas and other facilities. OLD also operates a police force and the New Orleans Lakefront Airport, and leases some of its property for commercial purposes including a riverboat casino operation on Lake Pontchartrain. An eight-member board governs the levee district. OLD's FY '00 operating budget was over \$21.5 million.

In house counsel: OLD employs a Senior Counsel who is in the State classified civil service. Prior to 1996, OLD had retained a private attorney under contract to serve as general counsel. The Senior Counsel provides general legal advice and representation to OLD and monitors work performed by outside counsel.

Total Outside Legal Services Paid FY 7-1-99 to 6-30-00: \$1,290,676.

Contracts Active 7/1/99 - 6/30/00:

(1) Bryan & Jupiter

Purpose: Police litigation and outstanding marina rental payments.

Maximum amount: Unstated.

Compensation: A.G. rate schedule*.

Amount paid (7-1-99 to 6-30-00 - FY '00): \$16,322.

Cangelosi & Robin

Purpose: Tort litigation, legislative session work.

Maximum amount: Unstated.

Compensation: A.G. rate schedule.

Amount paid (FY '00): \$38,724.

(3) Carmouche, George
Purpose: Legislative session and Bohemia Spillway matters.
Maximum amount: Unstated.
Compensation: A.G. rate schedule.
Amount paid (FY '00): \$108,168

(4) Degan, Blanchard, and Nash
Purpose: Contract litigation.
Maximum amount: Unstated.
Compensation: A.G. rate schedule.
Amount paid (FY '00): \$4,551

Deutsch, Kerrigan & Stiles
Purpose: Lange/Williams case.
Maximum amount: Unstated.
Compensation: A.G. rate schedule.
Amount paid (FY '00): \$79,905

(6) Robert P. Early, Sr.
Purpose: Civil service appeals.
Maximum amount: Unstated.
Compensation: A.G. rate schedule.
Amount paid (FY "00): \$22,895

(7) Godfrey Firm
Purpose: Bond Counsel
Maximum amount: Unstated.
Compensation: A.G. rate schedule.
Amount paid (FY '00): \$2,160

(8) Gray & Gray
Purpose: Lange/Williams case.
Maximum amount: Unstated.
Compensation: A.G. rate schedule.
Amount paid (FY '00): \$2,269

(9) Frank Milanese
Purpose: Lange/Williams case; police matters.
Maximum amount: Unstated.
Compensation: A.G. rate schedule.
Amount paid (FY '00): \$211,188

(10) Gerald Metzger
Purpose: Construction litigation, leases, airport privatization.
Total amount: Unstated.
Compensation: A.G. rate schedule.
Amount paid (FY '00): \$236,907

(11) Middleberg, Riddle & Gianna
Purpose: Extraordinary litigation; construction litigation.
Total amount: Unstated.
Compensation: A.G. rate schedule.
Amount paid (FY '00): \$185,636

(12) Rodney, Bordenave et al.

Purpose: Litigation.

Total amount: Unstated.

Compensation: A.G. rate schedule.

Amount paid (FY '00): \$19,743

(13) Smith, Martin

Purpose: Extraordinary contract litigation.

Total amount: Unstated.

Compensation: A.G. rate schedule.

Amount paid (FY '00): \$23,371

(14) Taylor, Porter et al.

Purpose: Board liability issues.

Total amount: Unstated.

Compensation: A.G. rate schedule.

Amount paid (FY '00): \$2,257

(15) Uddo and Milazzo

Purpose: Bohemia Spillway litigation

Maximum amount: Unstated.

Compensation: A.G. rate schedule.

Amount paid (FY '00): \$336,581

* Compensation paid to attorneys for trial work or extraordinary matters is in accordance with the Attorney General's rate schedule. In August 1999, OLD adopted a rate schedule for non-litigation matters lower than the A.G.'s maximum rates, and in February 2000 adopted a lower rate schedule for litigation matters prior to the pre-trial phase of the case.

Comments: The OLD board has authority to select outside counsel. In general, however, the board president makes a selection and advises the board; the board retains the authority to reject the president's selection. The president's selections are based on his knowledge of OLD's existing pool of outside attorneys or recommendations from the Senior Counsel.

OLD retains outside counsel by engagement letters incorporating OLD's fee schedules and billing requirements. OLD issues detailed billing guidelines that address issues such as billing increments (OLD specifies one-tenth of an hour increments), travel and other expense items, payments for legal research, and billing by multiple attorneys in a firm. A separate bill must be submitted for each case.

The OLD's in-house counsel reviews bills and monitors attorney performance. Formal termination letters are issued in cases where OLD determines that an attorney should be removed from a case. Contact person: Gary G. Benoit, Senior Counsel

ST. TAMMANY PARISH
P.O. BOX 628
COVINGTON, LA 70434
(504) 898-2362

St. Tammany Parish operates with a president-council form of government under a home rule charter. Its 2000 census Bureau population was 191,268. The parish government's budget totaled about \$93 million in 1999.

In house counsel: The District Attorney for St. Tammany and Washington Parishes assigns two full time Assistant District Attorneys (ADA's) who are physically located at the Parish Government Complex to serve as in house counsel. Two other ADA's are also assigned to parish business.

Total Outside Legal Services Paid in 1999: The District Attorney's office did not supply this information.

Contracts Active 7/1/99 - 6/30/00: The District Attorney's office did not supply this information.

Comments: Section 4-03 of the parish charter provides that the District Attorney serves as legal advisor and attorney for all agencies of parish government.

The charter also allows the parish government to retain special counsel for a specific purpose with council approval. Such approval must specify the compensation to be paid.

The District Attorney's Office may select outside counsel to represent the parish in tort or other cases. In those instances, the parish pays the outside counsel. The parish's insurers may provide representation in cases where liability and case expenses may exceed the deductible (\$100,000). The insurance companies coordinate with the D.A. in such cases.

The District Attorney issues a detailed case assignment letter to outside counsel selected to handle a case for the parish. The D.A. requires outside counsel to enter into a detailed written contract. The assignment letter, contract, and related materials spell out case reporting, billing, monitoring and tracking, etc.

Contact persons: Greg Gorden, C.A.O.
Houston C. Gaston, III, Esq.
Lane Carson, Esq., ADA

ORLEANS PARISH SCHOOL BOARD (OPSB)
3510 GENERAL DE GAULLE DR.
NEW ORLEANS, LA 70114
PHONE: (504) 365-8992

The Orleans Parish School Board is composed of seven members elected from districts. The OPSB selects a Superintendent. OPSB's 1999-2000 operating budget was approximately \$405 million. Public school enrollment for the 1999-00 school year was 80,531.

In house counsel: From May, 2000 through September, 2001, the school board employed a Staff General Counsel for Administration at an annual salary of \$75,000. The school board no longer employs in house counsel.

Total Outside Legal Services Paid in Fiscal Year 2000: \$2,473,801

Contracts Active 7/1/99 - 6/30/00:

(1) Polack, Rosenberg, Endom, & Riess
Purpose: General Counsel.
Maximum amount: Unstated.
Compensation: See note (1).

Amount paid (fiscal year 2000): \$516,714

(2) Bernard Charbonnet
Purpose: Capital projects contract work.
Maximum amount: Unstated.
Compensation: \$150/hr.
Amount paid (fiscal year 2000): \$147,728

(3) Feingerts & Kelly
Purpose: Litigation.
Maximum amount: Unstated.
Compensation: \$140 to \$150/hr for attorneys; \$45/hr. for paralegals.
Amount paid (fiscal year 2000): \$404,402

(4) Adams & Reese
Purpose: Litigation.
Maximum amount: Unstated.
Compensation: \$150/hr.
Amount paid (fiscal year 2000): \$252,201

(5) Rodney, Bordenave, Boykin
Purpose: Litigation.
Maximum amount: Unstated.
Compensation: \$100/hr. for attorneys; \$45/hr. for paralegals.
Amount paid (fiscal year 2000): \$36,589

(6) Milling, Benson, Woodward
Purpose: Litigation.
Maximum amount: Unstated.
Compensation: \$100/hr. for attorneys; \$45/hr. for paralegals.
Amount paid (fiscal year 2000): \$25,884

(7) Bryan & Jupiter
Purpose: Personal injury and workers compensation.
Maximum amount: Unstated.
Compensation: See note (2).
Amount paid (fiscal year 2000): \$943,631

(8) Taylor, Wellons, Politz & Duhe
Purpose: Workers' compensation matters.
Maximum amount: Unstated.
Compensation: \$90/hr. for attorneys; \$50/hr. for paralegals.
Amount paid (fiscal year 2000): \$140,569

(9) Brustein & Mansevit
Purpose: Risk management audit.
Maximum amount: Unstated.
Compensation: \$150/hr. for attorneys.
Amount paid (fiscal year 2000): \$6,083

Contact person: Clare Jupiter, Esq.

Comments: The OPSB selects outside counsel for the school system. The selections are approved by

resolutions adopted at board meetings. The resolutions are submitted to the Attorney General for approval. Rates are negotiated within the parameters of the Attorney General's approved fee schedule.

From 1989 through 2001, two firms served as primary counsel to the OPSB – one as general counsel and the other for tort and workers' compensation cases. In 1989, the OPSB entered into written one-year contracts with the two firms. (Only one of the written contracts can be located.) The contracts were subsequently continued by verbal agreement. Other law firms have also been retained from time to time pursuant to board resolutions and verbal agreements. The general counsel is responsible for reviewing the board's resolutions.

General counsel monitored the work of two of the other outside law firms. The OPSB risk manager is responsible for reviewing the bills submitted by outside counsel.

During the survey period, in house counsel was also responsible for monitoring outside counsel. (The in house counsel position was eliminated in 2001.) The in house counsel issued very detailed written guidelines to outside counsel covering issues such as billing, allowable expenses, case preparation, and reporting. A 1989 by-law adopted by the OPSB also describes the general responsibilities of outside counsel.

In house counsel was initially assigned to provide information to BGR in connection with this report. However, despite repeated requests and two meetings, requested information was not supplied. Subsequently, the OPSB superintendent assigned outside counsel to provide the requested information, and the data was thus obtained.

In June 2001, the OPSB issued a request for qualifications (RFQ) for legal services. The Bryan and Jupiter law firm was selected as the new general counsel in October 2001. That firm indicates that it will be responsible for monitoring other outside counsel in the future and that written contracts will be used in all cases.

Notes: (1) Polack, Rosenberg, Endom & Riess was paid for services as General Counsel as follows:

Retainer. Covers all work except litigation and out of office meetings:
Prior to March 13, 2000: \$95,000 per year.
Effective March 13, 2000, the annual retainer was increased to \$150,000 per year.

Hourly rates for litigation and out of office meetings:

Prior to March 13, 2000:
\$100/hr. - Attorneys with more than 10 years experience.
\$90/hr. - Attorneys with more than 5 years experience.
\$80/hr. - Attorneys with 5 or fewer years of experience.
\$40/hr. - Paralegals.

Effective March 13, 2000:
\$135/hr. - Attorneys with more than 10 years experience.
\$100/hr. - Attorneys with more than 5 years experience.
\$90/hr. - Attorneys with 5 or fewer years of experience.
\$45/hr. - Paralegals.

Bryan & Jupiter was compensated under different schedules for tort litigation and workers' compensation cases:

Tort Litigation.

Prior to March 13, 2000:

\$100/hr. - Attorneys with more than 10 years experience.

\$90/hr. - Attorneys with more than 5 years experience.

\$80/hr. - Attorneys with 5 or fewer years of experience.

\$40/hr. - Paralegals.

Effective March 13, 2000:

\$135/hr. - Attorneys with more than 10 years experience.

\$100/hr. - Attorneys with more than 5 years experience.

\$90/hr. - Attorneys with 5 or fewer years of experience.

\$45/hr. - Paralegals.

Workers' Compensation.

Prior to March 13, 2000:

\$70/hr. - Attorneys.

\$30/hr. - Paralegals.

Effective March 13, 2000:

\$80/hr. - Attorneys.

\$40/hr. - Paralegals.

**REGIONAL TRANSIT AUTHORITY
6700 PLAZA DRIVE
NEW ORLEANS, LA 70127
PHONE: (504) 242-2600**

The Regional Transit Authority (RTA) provides bus, streetcar, and para-transit service to New Orleans and, by contract, also operates in the city of Kenner. RTA ridership averaged about 60 million trips per year from 1996 through 1999. The RTA is governed by a board composed of eight members, five appointed by the Mayor of New Orleans and three by the Jefferson Parish President (See R.S. 48:1655).

The board selects a management firm (now Metro Transit) to operate the transit system. As part of its management contract, Metro was allowed to purchase for a nominal sum the capital stock of Transit Management of Southeast Louisiana (TMSEL) which provides the RTA workforce.

In house counsel: TMSEL has seven salaried attorneys on staff including a general counsel.

Total Outside Legal Services Paid in 1999: Budgeted - \$1.3 million.

Contracts Active 7/1/99 - 6/30/00:

The RTA did not provide specific information for legal services contracts. RTA provided the following list of firms or individuals that provide legal services to the RTA or TMSEL:

(1) Rodney Bordenave Boykin Bennette & Boyle

(2) Stanley & Flanagan

- (3) Milling Benson Woodward L.L.P.
- (4) Evans & Clesi
- (5) Berrigan, Litchfield et al.
- (6) Wilkerson & Henry
- (7) Kiefer & Kiefer
- (8) Philip A. Costa
- (9) Weigand & Levenson
- (10) Murray, Darnell & Willard, L.L.C.
- (11) Molaison & LeBlanc
- (12) Bonnie Schultz
- (13) McGlinchey Stafford
- (14) Salvador Anzelmo
- (15) Richard Goins

Comments: The RTA board has an unwritten policy to use RFP's for outside attorneys to be retained by the board itself. The legal committee makes a recommendation to the board, and the board makes a selection. The board uses formal written contracts for legal services.

TMSEL does not have a written policy for procurement of outside counsel. Verbal contracts are used.

Contact person: Marsha Hopper, Esq.
TMSEL General Counsel