



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

7-13

August 30, 1993

To: Board of Directors (Land Committee--Information)
(Legal and Claims Committee--Action)
(Organization and Personnel Committee--
Action)

From: General Counsel

Subject: Authority to Retain Counsel for Representation in Eminent
Domain and Related Proceedings for the Inland Feeder Pipeline
Project

Report

At its meeting of April 13, 1993, your Board authorized an increase in Appropriation 559 to finance all costs in advance of award of construction contracts for the Inland Feeder Project. These costs include the acquisition of the property required for the project. There will be approximately 150 parcels of property which need to be acquired, including fee interests for tunnel portal sites, permanent pipeline easements, and temporary construction easements. Of these 150 parcels, it is anticipated that as many as half will result in the filing of eminent domain actions. There will also be a number of cases in which the property owner is expected to dispute the right of Metropolitan to acquire the property.

Based on the experience in retaining counsel for the Domenigoni Reservoir Project, it is expected that four or five law firms will be required to efficiently handle the cases which will be filed. The Domenigoni Project involves a total of 174 parcels, of which 82 have resulted in the filing of actions. Four outside firms were retained to handle these cases: Avila & Putnam; Best, Best & Krieger; Hill, Farrer & Burrill; and McCormick, Kidman, Behrens & Holzwarth. To avoid overburdening any of these firms, a new request for proposals was issued to different firms for the Inland Feeder Project.

The request for proposals was sent to eleven firms in San Bernardino, Riverside, Orange and Los Angeles counties. Responses were received from five firms:

Laskin & Graham, Glendale, with the responsible attorney being Arnold Graham;

Singer & Silvergleid, Riverside, with the responsible attorney being Neal Singer;

Fulbright & Jaworski with Ramsey & Price, Los Angeles, with the responsible attorneys being Thomas Freiberg and Cornell Price;

Cox, Castle & Nicholson, Los Angeles, with the responsible attorneys being Kenneth Bley and Edward Dygert; and

Parker, Milliken, Clark, O'Hara & Samuelian, Los Angeles, with the responsible attorney being Richard Franck.

The firm of Ramsey & Price is minority owned, and a woman is one-half owner of the firm of Singer & Silvergleid. All of the firms have expressed their commitment to affirmative action in their hiring and promotion practices.

Each of these firms was interviewed to determine their experience and qualifications to perform the services required. They all have excellent credentials in eminent domain and land use litigation. The variations in their size and expertise, as well as their billing rates, will allow Metropolitan to make the best use of each firm by assigning cases based on their complexity and potential liability. Therefore, it is recommended that the General Counsel be authorized to retain each of the firms to establish a panel to which eminent domain or related cases may be assigned as the need for their services arises.

The agreement for services entered with each firm will be negotiated with the General Counsel at a rate not to exceed the firms' standard rates shown on Attachment A to this letter.

The proposed action is exempt from the provisions of the California Environmental Quality Act.

Board Committee Assignment

This letter is referred for information to the Land Committee because of its authority to study, advise and make recommendations with regard to the conduct of condemnation and other proceedings relating to the purchase and sale of land under Administrative Code section 2451(g);

This letter is referred for action to:

The Legal and Claims Committee because of its authority to study, advise, and make recommendations with regard to the selection of special counsel and the scope of their assignments under Administrative Code section 2461(f); and

The Organization and Personnel Committee because of its authority to study, advise, and make recommendations with regard to the terms and conditions of employment of special counsel under Administrative Code section 2471(g).

Recommendation

LEGAL AND CLAIMS AND ORGANIZATION AND PERSONNEL COMMITTEES FOR ACTION.

It is recommended that the Board of Directors authorize the General Counsel to contract for the services of the law firms identified in this letter to represent Metropolitan in eminent domain and related litigation for the Inland Feeder Pipeline Project for a four year period commencing on September 1, 1993, at the rates agreed upon between the firms and the General Counsel, but not to exceed the rates stated in Attachment A.


N. Gregory Taylor

ATTACHMENT A

1. The rates for Singer & Silvergleid shall not exceed \$150 per hour for attorneys and \$55 per hour for paralegals.

2. The rates for Laskin & Graham shall not exceed \$285 per hour for senior partners, \$175 per hour for associate attorneys, and \$85 per hour for paralegals.

3. The rates for Parker, Millikan, Clark, O'Hara & Samuelian shall not exceed \$195 per hour for attorneys and \$95 per hour for paralegals.

4. The rates for Fulbright & Jaworski and Ramsey & Price shall not exceed \$225 per hour for Thomas Freiberg and Cornell Price, \$150 per hour for associate attorneys, and \$95 per hour for paralegals.

5. The rates for Cox, Castle & Nicholson shall not exceed \$295 per hour for Kenneth Bley and Edward Dygert, \$185 per hour for associate attorneys, and \$130 per hour for paralegals.