

SLT gets rid of firm that handled Poland, Mittelstadt

By Kathryn Reed



The law firm that handled the Johnny Poland and Jacqueline Mittelstadt cases for South Lake Tahoe no longer has a contract with the city.

Normally items on the consent agenda are a slam dunk for approval. Not so in this particular case.

On Tuesday, the South Lake Tahoe City Council voted 5-0 to deny City Attorney Patrick Enright's recommendation to "authorize city manager to execute agreement for special services" with Liebert Cassidy & Whitmore.

The issue was supposed to come to the council last summer, but that was just after Enright and Mittelstadt were hired and in the early discussions of the expense of outside counsel. The president and managing partner for Liebert Cassidy & Whitmore signed the agreement July 3, 2009.

The city and law firm had been operating under an agreement from 2007. The firm, which has offices in San Francisco, Fresno and Los Angeles, had been brought in to handle labor negotiations. In the past, city personnel led by the city manager was responsible for negotiating with the various bargaining units.

Councilman Jerry Birdwell was the first to speak against retaining the group that specializes in employment labor law.

He called the firm's representation "detrimental" and expensive for the city.

An attorney for the firm unsuccessfully argued in court for Poland to not be reinstated to the South Lake Tahoe Police Department. The veteran officer returned to work this year. More than \$120,000 was paid to the firm to handle the Poland matter.

Councilman Bill Crawford accused one of the partners in the law firm of not being prepared when he tried to convince the council why Mittelstadt should be bounced from her job as city attorney.

The council in closed session reversed course and kept Mittelstadt employed, but demoted her to assistant city attorney.

"I would never employ them again," Crawford said of the firm.

Attorney fees for Liebert Cassidy & Whitmore ranged from \$160-\$290 an hour, with paraprofessional staff commanding \$110-\$130 per hour.

Although the firm has not raised its rates since 2007, Birdwell commented that in this economy fees should be coming down.

The law group also charges 15 cents per copy – which can add up in a business that is wordy and redundant in its writing.

"I don't want to re-up on an agency I was not happy with," Councilman Hal Cole said.

He was the first to suggest the city go out for request for proposals to allow other firms to compete for the city's business.

Gene Harter, representing Public Employees Union Local 1, said it was time the city brought some of the work in-house.

Hiring two city attorneys last June was supposed to reduce the expense of outside counsel.

With the 5-0 vote by the council, it was included that an RFP would be sought; with the realization the two city attorneys can't do all the work this law firm specializes in.

Also at the meeting, but with no discussion, the council approved the annual litigation report. Click on report for the details.