

CLEVELAND PUBLIC LIBRARY

Finance Committee  
January 17, 2012

RESOLUTION TO ENTER INTO AGREEMENTS FOR LEGAL SERVICES WITH  
OGLETREE DEAKINS

- WHEREAS, For several years, the Cleveland Public Library ("Library") has obtained legal advice and services from the law firm of Ogletree Deakins ("Ogletree") for a variety of labor and employment matters on an as-needed basis; and
- WHEREAS, The Library is very satisfied with the quality of legal advice and services it receives from Ogletree and wishes to continue its attorney-client relationship with Ogletree; and
- WHEREAS, Ogletree has been charging the Library for legal advice and services based upon a discounted hourly rate of \$275 for partners, \$195 for Of Counsel, and \$150 for Associates; and
- WHEREAS, Between November 2010 and November 2011, the Ogletree billed the Library approximately \$19,000 for legal advice and services provided by telephone and electronic mail communications alone; and
- WHEREAS, Ogletree has agreed to bill the Library at fixed not-to-exceed amount of \$825 per month for telephone and electronic mail communications in lieu of billing the Library at an hourly rate, for a trial period commencing on January 1, 2012 and ending on July 1, 2012; and
- WHEREAS, The Library believes that this will result in a savings to the Library of an average of approximately \$760 per month or approximately \$9,100 per year; and
- WHEREAS, The Library and certain current and former Library employees have been named as defendants in the case of Mary Colston v. Cleveland Public Library, et al, Case No. 772326 filed in the Court of Common Pleas on December 28, 2011. Ogletree has offered to defend the Library and some or all of the individual defendants at its reduced hourly rate, and the Library's insurance company has approved the selection of Ogletree. The Library is required under its insurance policy retainage to pay the first \$50,000 in legal fees in employment litigation matters, after which the insurance company will pay all legal fees; now therefore be it

RESOLVED, That the Board of Library Trustees authorizes the Director or the Legal Counsel to enter into agreements with Ogletree to 1) provide labor and employment legal advice and services by phone or email in the amount of \$825 for a period a six months in a total amount not-to-exceed \$5,000, which expenditure shall be charged to Professional Services Fund Account 11020053-53710, and 2) to enter into an agreement with Ogletree for representation of the Library and certain individual defendants in the matter of Mary Colston v. Cleveland Public Library, et al, Case No. 772326, in an amount not-to-exceed \$50,000, which expenditure shall be charged to Professional Services Fund Account No. 11400053-53710, and to execute such other instruments or documents as may be necessary or appropriate to effectuate the terms of this Resolution, subject to the approval of the Chief Legal Officer.