



Roll Call Number

Agenda Item Number

36

June 30, 2025

Date

**RETENTION OF OUTSIDE COUNSEL TO ACT AS GUARDIAN AD LITEM AT AN
UPDATED HOURLY RATE**

WHEREAS, certain enforcement actions and defense of civil actions occasionally involve individuals who are incarcerated; and

WHEREAS, the Iowa Rules of Civil Procedure require that an incarcerated person facing a default judgment must be provided with a guardian ad litem ("GAL") to allow an active voice in the civil process; and

WHEREAS, a GAL does not act as an attorney, although an attorney generally acts in the capacity of the GAL to explain the legal process to the incarcerated individual; and

WHEREAS, a GAL generally is compensated by the party who brings the action against the incarcerated person, which in the aforementioned cases is the City of Des Moines; and

WHEREAS, previously the City Council approved a list of available attorneys to draw from to act as a GAL at a rate of \$125.00 per hour; and

WHEREAS, Attorney Susan A. Low, 311 42nd Street, Des Moines, Iowa 50312 is the only name left on the list of qualified people willing to serve as a GAL; and

WHEREAS, Attorney Low is not always available, so Attorney Lora McCollom, McCollom Law PLLC, 4201 Westown Pkwy., West Des Moines, Iowa 50266, who has experience in serving as a GAL has agreed to serve as a GAL for the City but at the rate of \$150.00 per hour; and

WHEREAS, it is desired to pay Attorney Low at the same rate of pay as Attorney McCollom for similar services; and

WHEREAS, it is in the best interest of the City to have a list available of outside counsel to act in the capacity of a guardian ad litem in enforcement matters when the subject of the enforcement is incarcerated.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

That the City Attorney hereby is authorized and directed to hire additional outside counsel at a rate of \$150.00 per hour plus reasonable expenses as a guardian ad litem as the need arises, provided that such authority and direction is limited to similarly experienced attorneys at similar hourly rates to that provided herein with such counsel submitting detailed billing for such services and payment for such services may be periodic.



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Moved by _____ to adopt;

Second by _____.

Approved as to Form:

Carol J. Moser
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED	APPROVED			

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk