



Roll Call Number

18-1842

Agenda Item Number

26

Date November 5, 2018

**RETENTION OF OUTSIDE COUNSEL TO ACT AS A
GUARDIAN AD LITEM**

WHEREAS, the City of Des Moines has been sued by the Estate of Jason Hunt related to a pursuit of Darnell Browder; and

WHEREAS, in defense of the case, the City has cross-claimed against Mr. Browder who was the driver of the vehicle that killed Mr. Hunt; and

WHEREAS, Mr. Browder was convicted of and currently incarcerated for vehicular manslaughter arising out of this case; and

WHEREAS, the Iowa Rules of Civil Procedure require that an incarcerated person facing personal liability 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 GAL to explain the legal process; and

WHEREAS, in practice, a GAL is compensated by the party who brings the action against the incarcerated person, which in this case is the City; and

WHEREAS, it would be in the best interest of the City to obtain outside counsel to act in the capacity of a guardian ad litem; and

WHEREAS, Attorney Lora McCollom, who has prior experience as a GAL, has agreed to act in such capacity in this matter.

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

That Lora McCollom, McCollom Law, 4401 Westown Pkwy., Suite 208, West Des Moines, Iowa 50266, be and is retained by the City of Des Moines for the purpose of acting as a guardian ad litem for Darnell Browder who is incarcerated. Such retention is at the rate of \$125.00 per hour plus reasonable expenses. The guardian ad litem/attorney is to



Roll Call Number

18-1842

Agenda Item Number

26

Date November 5, 2018

provide detailed billing for such services and payment for such services may be periodic.

Moved by Gatto to adopt.

Approved as to Form:

[Signature]

Carol J. Meser, Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

CERTIFICATE

I, DIANE RAUH, 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.

J. M. Frankin Cownie Mayor

Diane Rauh City Clerk