



**Roll Call Number**

20-1329

**Agenda Item Number**

27

**Date** August 17, 2020

**RETENTION OF OUTSIDE COUNSEL**

WHEREAS, seven Des Moines Firefighters who responded to a medical emergency call in 2018, have been sued along with the City of Des Moines in Iowa District Court; and

WHEREAS, the City is obligated under Iowa Code Section 670.8 to defend its employees; and

WHEREAS, the petition includes allegations of medical negligence, an area of legal defense which requires the expertise of outside counsel; and

WHEREAS, Attorney Janice M. Thomas of the law firm Bradshaw, Fowler, Proctor and Fairgrave, 801 Grand Ave., Ste. 3700, Des Moines, has experience in medical negligence cases and she has agreed to represent the City and its employees in this matter.

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

1. That Attorney Janice M. Thomas of the law firm Bradshaw, Fowler, Proctor and Fairgrave, 801 Grand Ave., Ste. 3700, Des Moines, Iowa 50309 be and is retained by the City of Des Moines for the purpose of representing Des Moines Firefighters and the City of Des Moines in Case No. LACL148364. Such retention is at the rate of \$200.00 per hour for Attorney Thomas, Associate work at \$175.00 per hour, and Legal Assistant work at \$85.00 per hour, plus reasonable expenses; and

2. That Attorney Thomas is to provide detailed billing for such services and payment for such services may be periodic; and

3. That the City Attorney is authorized and directed to pay all future invoices from the Bradshaw, Fowler, Proctor and Fairgrave Law Firm as they become due and report such payments to the City Council on a quarterly basis.

Moved by Gatto to adopt.

Form Approved:

Carol J. Moser  
Deputy City Attorney

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

MOTION CARRIED APPROVED  
  
Mayor

**CERTIFICATE**

I, P. Kay Cmelik, 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.

City Clerk